

REVIEW



Recidivism

Aboriginal Recidivists

Recidivism Among Female Offenders

Are Mentally Disordered Offenders More Likely to Reoffend?

Recidivism Among Male Offenders: What Do We Know?

Recidivism and Dynamic Factors

How Do Inmates View Recidivism?

Does Intensive Supervision Work?



FORUM ON CORRECTIONS RESEARCH is published three times a year in both English and French for the staff and management of the Correctional Service of Canada.

FORUM reviews applied research related to corrections policy, programming and management issues. It also features original articles contributed by staff of the Correctional Service of Canada and other correctional researchers and practitioners.

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Editors: Frank J. Porporino
Tanya M. Nouwens
Production Manager: Tanya M. Nouwens
Distribution Manager: Jean-Marc Plouffe
Text Editors: PMF Editorial Services Inc.
Design Concept: 246 Fifth Design Associates
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For further information regarding the content of the magazine, please contact:

Research and Statistics Branch
Correctional Service of Canada
340 Laurier Avenue West
Ottawa, Ontario
K1A 0P9

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Correctional Service of Canada
340 Laurier Avenue West
Ottawa, Ontario
K1A 0P9

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Service correctionnel du Canada
340, avenue Laurier ouest
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Forum on Corrections Research

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Guide for Prospective Authors

Submissions

To submit an article to FORUM, send two copies of the article in addition to a diskette copy (in WordPerfect) to:

Frank J. Porporino, Ph.D.
Director General, Research and
Statistics Branch
Correctional Service of Canada
4 B - 340 Laurier Avenue West
Ottawa, Ontario
K1A 0P9
Fax: (613) 941-8477

Articles may be submitted in English or French.

Deadlines

In general, articles must be received at least four months in advance. FORUM is published three times a year: in January, May and September. For an article to be considered for the May issue of FORUM, for example, it must be submitted by January 15.

Style

Articles should be written in plain language. Complicated research and statistical terms should be avoided; however, if they are unavoidable, a clear explanation of the meaning of the term should be provided. FORUM reaches about 5,000 individuals in more than 35 countries, including academics, the public, journalists, corrections staff (from front-line staff to senior managers) and members of the judiciary. Our goal is to present quality research to a **lay audience**.

Length

Ideally, articles should be 1,500 words in length (six double-spaced pages). Feature articles should be no longer than 3,000 words.

Figures and Tables

Figures and tables should be on separate pages at the end of the article. When articles have more than one figure or table, they should be numbered consecutively. Graphs, if possible, are preferred over tables.

References

References will appear as footnotes in published articles, but when submitting an article, use endnotes. All that should appear in the article is the superscript number of the endnote. The actual notes should be listed numerically at the end of the article. Please note that references should **not** appear within the text (author-date citations), e.g., Andrews, 1989. All references must include the following items.

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Editing Procedure

All articles are edited in two stages. First, articles are edited for content and style, then they are checked for grammar and readability.

Edited articles are sent to authors for final approval before printing.

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Research is often communicated in academic publications in a specialized language, making it inaccessible to practitioners who must put research findings into action. In this section of FORUM, we hope to overcome the rift between researcher and practitioner by providing brief, plainly written descriptions of findings from recent studies.

This issue of FORUM focuses on recidivism. The first article in this section discusses some of the issues to keep in mind when reading correctional research. Next, we examine a British study's findings on the life span of criminal behaviour, or criminal careers. The rest of the articles in this section, all Canadian, present information on recidivism by focusing on particular types of offenders: aboriginal, female, male, mentally disordered and those who walk away from minimum-security institutions.

More information about the research reported here is available from the Research and Statistics Branch of the Correctional Service of Canada or by consulting the references provided.

We welcome contributions from researchers in the field who wish to have their findings profiled in this section.

Buyer Beware: A Consumer's Guide to Reading and Understanding Correctional Research

by Travis Gee¹
Research and Statistics Branch, Correctional Service of Canada

A good consumer asks certain questions before buying something, and we should treat the products of research no differently than we would treat a VCR, a television or an investors' group. After all, we may well end up investing time and money in projects on the basis of what we read.

This article briefly reviews some important, but often neglected, questions that we should ask of correctional research in general, with some specific examples related to recidivism.

Selecting Study Samples: How Does Who We Pick Affect What We Find?

Consider a hypothetical study with two groups of sex offenders in which each group completed one of two different treatment programs. Offenders were admitted to the programs on the basis of a risk assessment; moderate-risk offenders were placed in program A and high-risk offenders in program B.

If we observe lower recidivism among Group A subjects, is it because the program was more effective? Or is it because Group A subjects were a lower risk to begin with?

When we observe a significantly lower recidivism rate for one group of offenders, the question is: how much of this can be explained by pre-existing differences between the groups?

To offset this problem, we try to assemble sample groups that reflect the population being studied as much as possible, particularly with regard to important characteristics such as criminal history. An important part of this process has to do with random assignment. Where possible, we try to assign people to groups randomly to offset systematic bias. Sometimes we can't – for example, when we want to look at male-female differences. But even when we cannot control

membership in a particular group (such as male/female), we still try to select study subjects in a random manner. While random selection offsets some sources of bias, the analysis of results remains open to interpretation.

Even when using random samples, we can still run into thorns when we try to make decisions such as should the sample be arranged using proportions that reflect the general population or the prison population? Consider the case of aboriginal people, for example, who represent 2% of the general population but 17% of the prison population. Should we arrange our study sample so that aboriginal offenders comprise 2% or 17% of the sample? Our decision depends on what we want to say about which population, so the breakdown we choose must be defined by our research questions. Naturally, the choice we make could affect our results.

This scenario raises the question how far can we generalize our results? If we find, for example, that aboriginal offenders with serious substance abuse problems are generally younger than non-aboriginal offenders with similar problems, does this mean that all aboriginal people with serious substance abuse problems are probably younger than non-aboriginal people with similar problems? Or can we only apply these results to the offender population?

To evaluate research we must ask some questions. How was the sampling done? Were the subjects randomly selected? To what population do the study results apply?

Of course, in the real world we rarely can have perfect sampling.

Let's look at some more questions related to this problem.

Who's In and Who's Out: Problems of Participation and Non-participation

The types of information we gather in our studies, and how we gather that information, can skew our results.

¹ Travis Gee, Research and Statistics Branch, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario K1A 0P9.

For example, if we are examining whether resistance to authority predicts recidivism and our sample is made up only of offenders who volunteered to participate, we are probably shooting ourselves in the proverbial foot by allowing the ones who truly resist authority to express that resistance by refusing to participate!

Similarly, we may have trouble getting at the information we consider important for a particular study. Again, let's pretend we are doing a study on recidivism. Some variables, such as the level of community and family support, though important to our study, cannot be tracked after offenders' sentences expire. We are thus limited to police reports about future criminal activity and to offenders' explanations for their recidivism. The challenge is to come up with creative study designs that accurately evaluate such postrelease risk factors.

The problem of postrelease follow-up can also make gathering statistics difficult. For example, the fact that some offenders spend only weeks on parole while others may spend many months can be a problem. How do we define success? Suppose we define it as no readmission within one year of release. Since our offenders are not released all at once, they may have been out for anywhere from a few weeks to a few years by the time we gather the data. They have not, therefore, all had the same number of chances to reoffend. If there is any connection between time outside and our treatment program (or other variables of interest), there may be a profound error in our results.

Further, some of our subjects may reoffend on the day we analyze the data, others may reoffend the day after we gather the data, while others may take 6, 60 or 600 weeks before reoffending. Others will never come back. The only ones we really know about are the ones who reoffend and were caught by the time we gathered the data, because they are back within range of our data-gathering machinery.

Birds of a Feather: The Restricted Range Problem

If we compare two groups of offenders and the offenders share a number of common characteristics, then it will be harder to find differences between them. We may therefore be unable to get valuable results simply because the two groups are too similar.

Let's consider another hypothetical example. We wish to examine the relationship between two variables – one variable is the severity of crimes committed by offenders who reoffend and the other variable is antisocial attitudes. We have data on several hundred offenders who reoffended with serious crimes, but none on offenders with relatively minor offences.

We plot the data, calculate some kind of statistic and decide that no relationship exists between the severity of crimes committed by offenders who reoffend and antisocial attitudes. Years later, somebody does the same study using **all** recidivists and discovers there **is** a relationship. Why?

The important point here is that if we limit ourselves to a group with a common background, there will be a lot of shared characteristics (such as

antisocial attitudes). The offenders in our study who reoffended with serious crimes may only differ slightly among themselves, so this difference may be harder to detect. This may be familiar to some readers as the "restricted range problem" from Stats 100, which is illustrated in Figure 1.

Figure 1 shows a plot of points reflecting the strong, "real-life" relationship between the severity of the new offence and some variable Y. Pretend for now that Y is a score on a measure of antisocial attitudes. If we were able to sample **everybody** and plot the scores for the severity of the new offence versus their antisocial attitudes, we would see that as antisocial attitude scores increased, so did the severity of the new offence. This would suggest that recidivists committing more serious offences are more likely to have antisocial attitudes.

The points in the square at the top of Figure 1 are those of recidivists committing serious new offences. Figure 2 is a close-up of the data on these offenders. This is what the researcher who was restricted to only serious recidivists would have seen. Based on what is contained in the

Figure 1
Correlation of X and Y - Full Range of Values

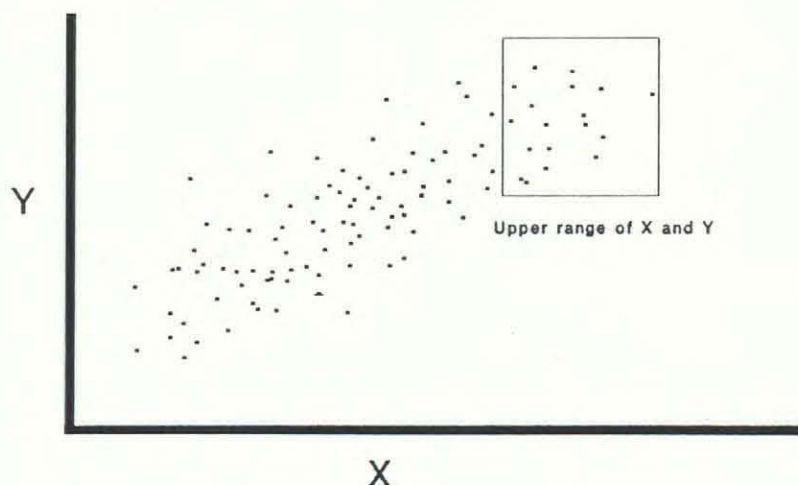
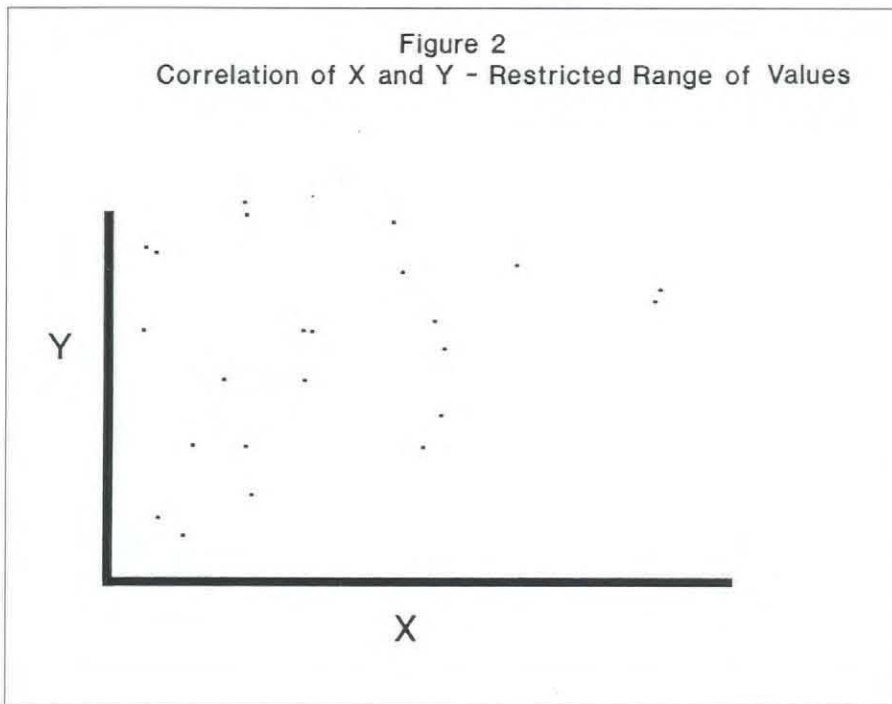


Figure 2
Correlation of X and Y - Restricted Range of Values



square, there is no strong evidence of a relationship between the severity of the new offence and Y, despite the strong relationship shown in Figure 1. There was a lack of evidence because the sample was too homogeneous.

Statistical Power: Hunting Rabbits with a Tank

The statistics we use in research are just ways of deciding whether or not a difference is big enough to warrant discussion.

Continuing with the above example, if the severity of the new offence is related to antisocial attitudes, then by sampling a range of individuals (to avoid the restricted range problem) we should get a plot that looks like Figure 1, with X representing scores for severity of the offence and Y representing antisocial attitude scores. The shape of that plot tells us the relationship: a high score for offence severity equals a high score for antisocial attitudes.

We can then calculate a statistic called "R" which tells us how strong that relationship is. If $R=0$, there is no relationship, and we would only see a cloud of points similar to Figure 2. However, if $R=1$, then the points in

Figure 1 would fall in a straight line, and we could perfectly predict the severity of the new offence from the antisocial attitude score (and vice versa). However, the world is not perfect, so for Figure 1, R probably equals about .85, which is considered to be a strong correlation.

One thing to keep in mind, though, is sample size. Sometimes there is no meaningful relationship between two variables, but statistics tell us there is. The fuzzy cloud in Figure 2 appears to have about 50 points in it. That represents 50 subjects, 50 offenders on whom we have data. That is a fairly large sample, and it is possible that our statistics would tell us that even though $R=.25$ (generally viewed as a small relationship), it is worth looking into further.

This is the point at which statisticians and theoreticians differ. Theoreticians like statistics that say "it's worth discussing." Statisticians,

on the other hand, protest "but, it's so small!" This argument comes from one simple fact: the statistics we commonly use become more and more sensitive to smaller and smaller differences as our sample size increases.

Without going into the gory technical details, this is the implication for correctional research: because we have access to huge samples, we can apply our statistics and find tiny differences that a computer program will tell us are worth discussing. Used uncritically, these computer programs can be hazardous, permitting one huge leap for theoretician-kind on the basis of one very small step (difference) in a large sample.

Using a large data base to hunt down trivial differences is like hunting rabbits with a tank – it's overkill. We must decide what size of difference is meaningful and then proceed.

To the reader, the relationship between the numbers and the size of a difference is not always clear. However, we should expect researchers to be able to say, in terms that anyone can understand, whether a difference is big, medium or small. The reporting of this relationship is often ignored in write-ups, an omission that can distort the **meaning** of the results.²

So we have another question for which we should expect an answer. What do these results mean? The answer will not always be given, but when it is not, we should ask "why not?" Armed with these questions, we may now look at some of the instruments commonly used in corrections.

Instrumentation: Blessings and Curses

With the amount of information routinely collected on all sorts of offenders, it is easy to rely on what is at hand and assume that it measures what it claims to measure. We forget

² See R.P. Carver, "The Case Against Statistical Significance Testing," *Harvard Educational Review*, 48 (1978): 378-399. See also J. Cohen, *Statistical Power Analysis for the Behavioral Sciences* (Revised edition) (New York: Academic Press, 1977). And see A.W. MacRae, "Measurement Scales and Statistics: What Can Significance Tests Tell Us About the World?" *British Journal of Psychology*, 79 (1988): 161-171.

that data can be thrown off by any number of factors, including the instrument not doing what it is supposed to be doing. Therefore, the validity of an instrument must be questioned. Do different psychopathy measures classify the same people as psychopaths? If two different measures of the same thing give us different answers, then which (if either) is correct? Or, is there something wrong with what is being measured (that is, the construct)? Does "psychopathy" even exist, and if so, can it be measured?

We may also ask if the instrument is reliable. Would we get the same score if we gave the test to the same person a little while later (assuming nothing has been done to affect how he or she would respond)? And if it is reliable, to what extent is this because the same file information has been used twice?

Of course, some tests are so well documented that we assume they are valid and reliable. But, if a study uses a new test or instrument without answering these questions for us (for example, by citing reliability and validity studies), then we can rightly be suspicious of the results.

"Statistics Are Always Right"

The assumption that statistics are always right is probably the reason why many of the questions people have about research remain unasked.

One of my favourite quotes (from the old sage Anonymous) reads: "Recent figures indicate that 43% of all statistics are utterly worthless." A statistic is just a number which, if calculated correctly, tells us something about a group of numbers.

But there is error in every single measurement. Sometimes it's small, sometimes it isn't. It would be a crowning achievement to predict recidivism with 90% accuracy, but there is always that 10% we don't anticipate. Unfortunately, we hear more about the exceptions (because of some heinous crime committed by one) than the rule. While the importance of an exception is probably greater in the field of corrections than in many other social sciences, there is little we can do about it.

For now, we must be content with imperfect instruments that make our ability to predict better than just guessing. We can learn from experience and try not to make the same mistakes again. While we cannot

deny the consequences of inaccuracy, we may be less disheartened if we remember that – based in part on our assessments and instruments – hundreds of people did **not** become victims because parole was denied to offenders who would have committed a crime. Alas, we have no statistics on crimes that never were.

Summary

We have suggested that the consumer of research papers ask certain questions about the research methods and the results of studies. Not all research will answer the questions equally well, and of course, some answers will be referrals to other materials.

However, in social science research in general, and correctional research in particular, much ado can easily be made of nothing. Mountains may spring up from statistical molehills, and therefore, both the producers and the consumers of research should be aware of the need for clear communication. Leaving questions unanswered or unasked is not the way to achieve valid research. ■

The Life Span of Criminal Behaviour: What Do We Know?

In the study of recidivism, research on criminal careers is now considered the way of the future. A career can be defined as a course or progress through life or as a way of making a living. Research on criminal careers typically uses the first definition, meaning that a criminal career is a sequence of offences during some portion of an individual's life. Criminal career research frames criminal behaviour as something that develops during offenders' lives, not as an isolated incident in a person's life at one point in time.

Rather than merely looking at whether a known offender commits another crime or not, criminal career

research uses a much broader concept of recidivism. It examines what proportion of a population gets involved in criminal behaviour (prevalence), at what age the criminal behaviour begins (onset), at what age it stops (desistance), how long the criminal career lasts (duration) and the number of offences typically committed during the course of the career (frequency).

The study of criminal careers requires longitudinal data on offending. Most studies on criminal careers focus on convictions until offenders reach their early 30s, which is the time period when most convictions occur.

A recent article summarized three large-scale studies in the United Kingdom on criminal careers. This article focuses on the results of one of the three: a prospective follow-up of 411 males from age 8 to 32.

The subjects were from London, England, and most were born in 1953.

Prevalence

Of the 411 males in this study, about one in three (or 153) was convicted of a criminal offence at some point before their early 30s. Adjusting this figure for the number of males at risk (that is, not already incarcerated), the prevalence of convictions was 36.8%.

Breaches of conditional release, most motoring offences and many other minor non-indictable offences (such as drunkenness or common

assault) were not included in these results.

Vehicle theft (14.6%), burglary (14.1%) and assault (10.9%) were the most common offences committed.

The study also found that the peak age for the prevalence of convictions was 17, when about 11% of the males in the sample committed an offence and were subsequently convicted.

Individual Offending Frequency

The number of offences committed per year peaked at age 17, with 16.8 offences per 100 males. These results were based on offences, not convictions, because sometimes two offences lead to only one conviction.

As well, in order to study separate offending incidents, only one offence (the most serious) was counted on each day of offending. For example, sometimes a wounding incident results in convictions for the wounding and for possessing a weapon. For this study, only the wounding offence (the most serious) would have been counted. While this approach could lead to the underrecording of separate incidents committed on the same day, it was the best approach under the circumstances.

Some researchers¹ have proposed that there are two categories of offenders, frequent and occasional, and that members of both categories incur convictions at a constant (yet different) rate during their criminal careers.

Using data from the London study, it was calculated that frequent offenders incurred convictions at a rate of 1.14 per year (when not incarcerated) and occasional offenders at a rate of 0.41 per year. The average time interval between convictions was 10.5 months for frequent offenders and 29.3 months for occasional offenders. Nearly half (43%) the recidivists in the study – that is, those with two or more convictions – were estimated to be frequent offenders.

Onset

The peak age of onset (the beginning)

We say...

It is noteworthy that during 1991-1992, the National Parole Board granted 2,252 full parole releases to federal inmates, an 11% increase from the previous year. Increased efforts need to be undertaken in 1993-1994 to prepare mentally disordered offenders for release on day parole and full parole to designated psychiatric care facilities in all regions.

Dr. Carson Smiley
Director of Psychology
Regional Psychiatric Centre
(Pacific)

of a criminal career was 14 (4.6% of first convictions), with a second peak at 17 (4.4%). The average age at first conviction for the 153 convicted males was 17.5 years old.

Rather than presenting the onset rate, which was based on all males in the sample who were still alive, it might be better to present a hazard rate. This relates the number of first-time offenders to the number of males without a criminal conviction. The hazard rate showed a clearer peak at age 17 because of the smaller number of men with no convictions at that age (compared with age 14).

Figure 1 shows the relationship between the age of onset of offending and the average number of offences committed up to age 32. The average number of offences decreased as the age of onset increased, from just over eight offences committed by those who started their criminal careers between the ages of 10 and 13 to less than two offences by those first

convicted between the ages of 21 and 32.

Desistance

The age of desistance can only be determined with certainty when people die. Nevertheless, it was calculated that at age 32, the males in this study had committed their last offence at an average age of about 23.

Some researchers² examined the data in this study and investigated predictors of persistence or desistance of offending after age 21. The best predictors of persistence were: rarely spending leisure time with a father, heavy drinking and frequent unemployment during the teenage years.

It seems that teenage offenders who were heavy drinkers and frequently unemployed were likely to reoffend, since 17 of the 19 with these characteristics were convicted of a further offence.

Career Duration

Figure 2 shows the average length of criminal career (that is, the time interval between first and last convictions) for the participants in this study. As shown, those who were first convicted at the earliest age (10 to 13) were the most persistent offenders, with an average career length of about 10 years.

The average duration of criminal careers dropped sharply from those first convicted between the ages of 14 and 16 (8.2 years) to those first convicted between 17 and 20 (2.7 years). This finding suggests that males first convicted as juveniles were much more persistent offenders than those first convicted as adults.

Overall, the criminal career (up to age 32) of the 153 convicted males lasted 5.8 years on average, from age 17-and-a-half to about 23, and included 4.5 offences. More than a quarter (27.5%) of the convicted

¹ A. Barnett, A. Blumstein and D.P. Farrington, "Probabilistic Models of Youthful Criminal Careers," *Criminology*, 25 (1987): 83-107.

² D.P. Farrington and J.D. Hawkins, "Predicting Participation, Early Onset and Later Persistence in Officially Recorded Offending," *Criminal Behaviour and Mental Health*, 1 (1991): 1-33.

males had a criminal career lasting more than 10 years, and more than a third (40.5%) had a criminal career exceeding 5 years.

Continuity

In general, offending in one age group continued into another. For example, of the 35 males convicted between the ages 10 and 13, almost three quarters (71.4%) were convicted between the ages of 14 and 16, compared with more than 13% of those not convicted between 10 and 13.

Nearly three quarters (73.5%) of those convicted as juveniles (age 10 to 16) were also convicted between the ages of 17 and 24, as opposed to less than a fifth (16%) of those not convicted as juveniles. Overall, more than three quarters (78.3%) of those convicted as juveniles were also convicted as adults, compared with less than a quarter (21%) of those not convicted as juveniles. These figures show the considerable continuity in offending from juvenile to adult years.

Research on criminal careers also focuses on recidivism probabilities, which are often very high. For example, of the 153 participants who committed one offence, more than two thirds (68%) went on to commit another offence by age 32. Of 104 men who committed a second offence, almost three quarters (71.2%) went on to commit a third. From the third offence on, the probability of recidivism was almost always between 80% and 90%.

Specialization

About one third of the offenders (50 of 153) were convicted of violent offences (assault, robbery or threatening behaviour). They committed an average of 1.7 violent offences each, but interestingly, they also averaged 5.3 non-violent offences each. In fact, only 7 of the 50 violent offenders had no convictions for non-violent offences.

A model was tested that assumed that violent offences occur at random in criminal careers. The study data were applied to this model, and it

was concluded that offenders in this study did not specialize in violence. Furthermore, violent offenders and non-violent but persistent offenders were virtually identical in their childhood, adolescent and adult backgrounds. Given this, violent offenders could essentially be considered as simply frequent offenders, and efforts

to reduce future violence should perhaps be targeted at all frequent offenders rather than only at violent offenders.

Discussion

Research on criminal careers has many policy implications. For example, the distinction between prevalence

Figure 1
Relationship Between Number of Offences
and Age at First Offence

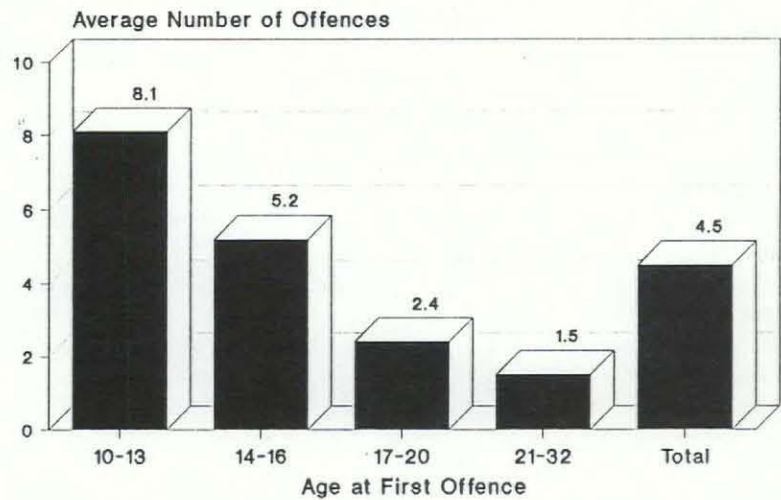
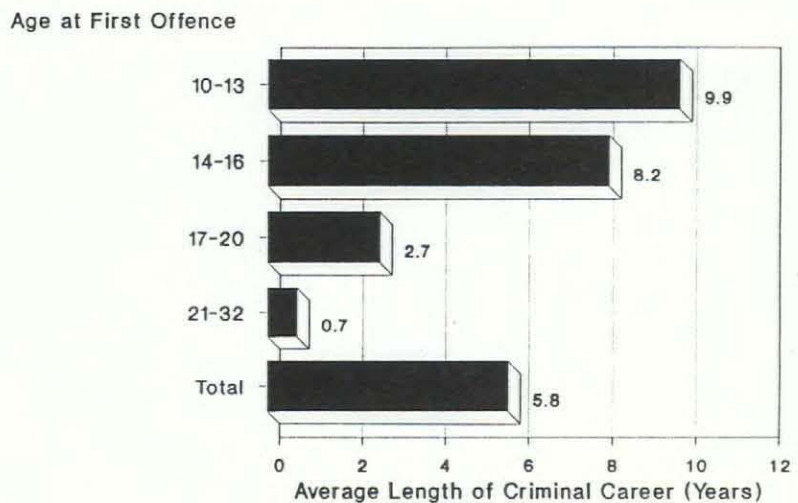


Figure 2
Relationship Between Length of Criminal
Career and Age at First Offence



and frequency directs attention to different strategies for reducing crime.

If prevalence is high and offending is thinly spread over the population, then strategies for reducing prevalence should be directed at the whole community (education or welfare programs). But, if prevalence is low and offending is narrowly concentrated, then the emphasis should be on policies targeting known offenders (rehabilitation or incapacitation).

It would also be very useful for correctional workers to know the likely course of criminal careers for different categories of offenders. Special attention could then be paid to offenders who are likely to reoffend quickly or who are likely to commit serious offences.

Similarly, although few studies have looked at this, it would be useful for judges to know the effects of different sentences on the future criminal careers of offenders. For example, the average length of prison sentence increases between age 17 and the mid-20s, but it may be that the rate of offending and the remaining length of criminal career decline during these years. Therefore, time served may eventually exceed the remaining criminal career length, meaning offenders are kept in prison beyond the point when they would have stopped offending anyway, which does the offender and society little good and wastes valuable prison space. Sentences could instead be tailored to the length of criminal career remaining.

Clearly, the criminal career approach is fundamental to much criminological research, theory and policy. ■

D.P. Farrington, "Criminal Career Research in the United Kingdom," *British Journal of Criminology*, 32, 4 (Autumn 1992): 521-536.

Aboriginal Recidivists

A Canadian study published recently compared aboriginal offenders who reoffended with those who did not. Aboriginal recidivists were significantly more likely to have been incarcerated earlier in their lives and to have been serving a sentence for break and enter at the time of their release. As well, these recidivists had been convicted of their first offence at a significantly younger age than the aboriginal offenders who did not reoffend.

Socio-demographic and criminal history information for more than 3,000 federal inmates released in 1983-1984 was drawn from a federal government data base. Information on recidivism (defined as a further conviction for an indictable offence for which the offender received a custodial sentence) was available for a period of three years following the offender's release.

Information on 282 male aboriginal offenders was available. Their average age at the time of federal incarceration was 26.7 years. Only 8% were first-time offenders, and just 16% were first-time inmates. Most of the offenders were status and non-status aboriginal people, 28.4% were Métis and 4.6% were Inuit.

Before their release on mandatory supervision or full parole, most of these offenders had been serving sentences for property-related offences, almost one third (31.6%) for break and enter, and about one quarter (26.2%) for other property-related offences.

Results

Two thirds (66%) of the sample committed a further offence.

Although the study examined about 30 variables and their relationship to recidivism, only five showed significant value as predictors: offence type (specifically break and enter), previous convictions, previous incarcerations, age at first conviction and length of sentence.

When studied more closely, sentence length appears to be much less important than the analysis originally

showed. First, length of sentence was closely related to offence type (in this case, break and enter). Second, although the average sentence length for the overall sample was 41.8 months, each offender's individual sentence length varied considerably (with a standard deviation of 39.7 months). Third, the study sample may have included some individuals who had been released but then reincarcerated for technical violations of their release conditions. When these individuals were reincarcerated, a new sentence length would not have been recorded, skewing the calculation of an average sentence length for the overall sample.

For the recidivists, the average age at first conviction was 17.8 years; for non-recidivists it was 19.5. This difference was statistically significant.

The figure shows the percentage of aboriginal recidivists who had been serving time for an offence of break and enter, and who had previous convictions or incarcerations.

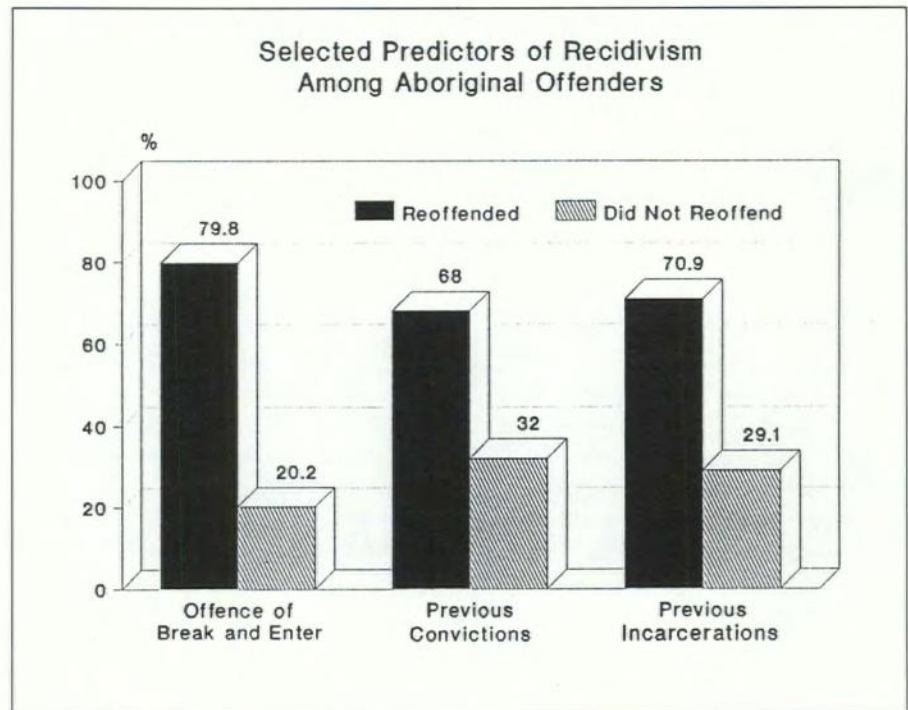
Further analysis narrowed the strongest predictors of recidivism down to three variables. They were, in order of strength of predictive ability: previous incarcerations, an offence of break and enter, and age at first conviction. However, these variables are not predictive enough to be used in making release decisions.

These findings are generally consistent with previous studies on recidivism among non-aboriginal inmates, as were the findings related to recidivism and different types of release. Three quarters (74.9%) of the aboriginal offenders released on mandatory supervision reoffended, compared with one third (32.8%) of those released on full parole.

The similarities between the results of this study and studies that looked at non-aboriginal offenders do not reduce the importance of factors specific to aboriginal inmates; they merely indicate we should not ignore research findings from non-aboriginal offender populations.

Almost all the variables found in the data base used in this study are historical, or static. Studies that focus on criminal history provide information which has limited practical use. If the three or four variables found predictive in this study were used in making release decisions, the error rate would be too high. To improve accuracy, dynamic risk factors such as information on employment or personal addictions must be identified. As well, since most offenders are released under some form of supervision, if supervisors knew which dynamic characteristics predicted risk, interventions could be introduced that would greatly decrease the likelihood of recidivism. ■

J. Bonta, S. Lipinski and M. Martin, "The Characteristics of Aboriginal Recidivists," *Canadian Journal of Criminology*, July-October (1992): 517-521.



Examining the Unexamined: Recidivism Among Female Offenders

by Ray Belcourt, Tanya Nouwens and Linda Lefebvre¹
Research and Statistics Branch, Correctional Service of Canada

This article makes a first attempt at examining recidivism among federal female offenders. Female offenders make up a much smaller proportion of the inmate population than male offenders. Because of this, research on female offenders is not as common as that on male offenders. In this article, we hope to make a small contribution toward understanding recidivism among female offenders.

In Canada, persons sentenced to terms of two years or more serve their sentence in a federal institution; sentences of less than two years are served in provincial institutions. In this study, we included all women serving their first sentence in a federal institution who were released in the 10-year period between 1 January 1978 and 31 December 1988. We followed up these 968 offenders until

30 June 1993 to find out whether they were readmitted to federal custody at any time following their release.

Of the 968 released female offenders, 213 were returned to federal custody during the follow-up period for an overall recidivism rate of about 22%.

The Sample

Most (81.4%) of the 968 female offenders in the sample were non-native; 13.7% were native. Information was missing or not known for 4.9% of the sample.

When first admitted to federal institutions, these offenders were between 17 and 71 years old; the

average age was 30. About 40% of the offenders were between the ages of 18 and 25, another quarter (25%) were between 26 and 30, and about 28% were between 31 and 45.

The most common major admitting offences (the one for which they received the longest sentence) were drug-related (29.1%), homicide-related (17.7%), robbery (16.5%) and property-related (11.9%). (Please note that homicide-related offences include manslaughter, first- and second-degree murder, and capital and non-capital murder.) Only 1.2% were sex offences.

About two thirds (66%) of these offenders were serving sentences of two to five years. Another fifth (20%) were serving from more than 5 to up to 10 years. About 3.7% were serving sentences of more than 10 years, and 8% were serving life sentences.

Release

Almost two thirds (64.3%) of the sample were released on full parole

¹ The authors of this article may be reached at the following address: Research and Statistics Branch, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario K1A 0P9.

and about one quarter (23.9%) on mandatory supervision (now called statutory release). The rest were released at the end of their sentence (0.7%) or by other means (8.3%), such as transfer to a provincial institution.

Generally, an offender who is considered a safe release risk will be released on full parole. If not, the correctional authorities and the Parole Board will stipulate that the offender remain in the institution until the date arrives for release on mandatory supervision.

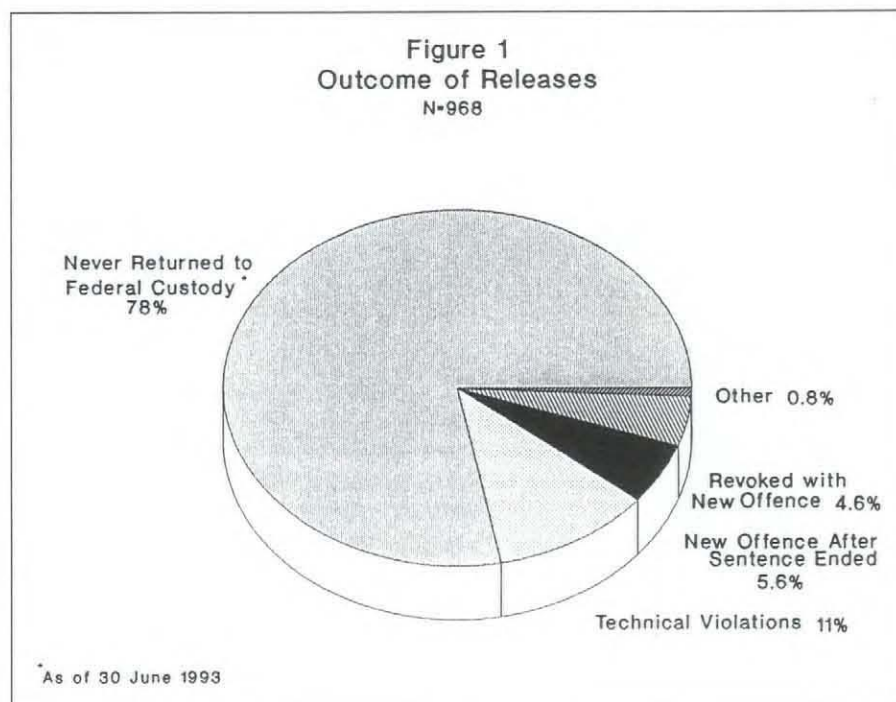
In this study, we found non-native offenders were more likely than native offenders to be released on full parole (about two thirds versus only about half). Conversely, non-native offenders were less likely than native offenders to be released on mandatory supervision (22.7% versus 37.2%).

Readmission or Recidivism

Our definition of recidivism was broad: anyone who was released into the community and subsequently readmitted to a federal institution. This includes, for example, not only those who were readmitted for new offences but also those who were readmitted for technical violations of their release conditions (with no new offences). Please keep in mind the broad nature of this definition when considering the following results.

Of the 968 female offenders released into the community, 213 (or 22%) were readmitted. Figure 1 shows the percentage of offenders who never returned to federal custody (as of 30 June 1993) and the percentage of those who were readmitted for various reasons. As shown, 78% of the women in the sample never returned to federal custody. In addition, 5.6% were only readmitted **after** their sentence had ended and they were no longer under correctional supervision. This bodes well for our ability to manage female offenders.

Of the 213 women who were readmitted to federal custody during



the time period under study, half (49.8%) were readmitted for technical violations of their release conditions² (i.e., release revoked without a new offence). Another quarter (25.4%) were readmitted with a new warrant of committal; that is, their previous sentence had ended and they were no longer on conditional release, then they committed a new offence and received a new federal sentence. About one fifth (21.1%) had their release revoked for a new offence. Lastly, about 3.8% were readmitted for other reasons.

Race and Recidivism

Native female offenders in this study were overrepresented in the group of women who were readmitted. While native women made up only about 14% of the study sample, they made up about 27% of the recidivists. And while non-native women comprised about 81% of

the sample, they comprised 71% of the recidivists.

Put another way, about 44% of native female offenders in the sample were readmitted, compared with about 19% of non-native female offenders.

Age and Recidivism

We found that younger offenders were more likely to be readmitted than older ones. We calculated the offenders' age at the time of release and found that as the age category increased, the percentage of recidivists decreased. For example, 29% of those between the ages of 18 and 25 were readmitted, compared with 22% of those between 26 and 30, 20% of those between 31 and 45, 16% of those between 46 and 60, and 11% of those over 60.

Those who were readmitted were, on average, 32 years old when they were readmitted.

² Some offenders in this category could have been readmitted for a technical violation of their release conditions and then, after they were already readmitted, been convicted for an offence they had committed while on release. These offenders would still be grouped with offenders readmitted for a technical violation, even though they more accurately belong with offenders readmitted for a new offence.

Original Admitting Offence and Recidivism

What types of female offenders are recidivists? Our data base allowed us to look at the original major admitting offence for the female offenders who were readmitted.

Of the 213 women who were readmitted, about 22.5% had originally been incarcerated for homicide-related offences (manslaughter, first- and second-degree murder, and capital and non-capital murder). Another 22.5% had been incarcerated for robbery, about 16% for property-related offences, 8% for drug-related offences and the rest for other offences.

Comparing these results with the major admitting offences for the original sample, we found that women with drug-related offences were underrepresented in the sample of readmitted women, while those with robbery and property-related offences were overrepresented.

Women with homicide-related offences were also overrepresented. Although they made up only 17.7% of the original release sample, they accounted for 22.5% of those readmitted.

We thought this latter finding was interesting, so we investigated the homicide-related offence group further. We found that while the murder offenders in this group were actually underrepresented in the sample of readmitted women, the same was not true for manslaughter offenders. Although they accounted for only 13.5% of the original sample, manslaughter offenders accounted for more than one fifth (21.1%) of those readmitted. In fact, just over one third (34.3%) of the released manslaughter offenders were readmitted to federal custody. This was the highest readmission rate for any offence group.

Release Type and Recidivism

We also examined whether the type of release was related to subsequent readmission to a federal institution. As expected, we found that offenders released on full parole fared much better than those released on

mandatory supervision. Offenders released on full parole made up almost two thirds (64.3%) of the total sample, but they comprised less than half (46.5%) of those readmitted. On the other hand, offenders released on mandatory supervision comprised about 24% of the sample, but they made up about 44% of recidivists.

Looked at another way, of all the offenders released on full parole (622), only about 16% were readmitted. This compares with about 41% of the 231 offenders released on mandatory supervision.

We can also examine the prognosis for offenders on different types of release by studying the reasons for their readmission to federal custody. We looked at readmissions for technical violations of release conditions, new warrants of committal and revocations for a new offence. Figure 2 shows the results of this analysis.

Overall, recidivists who were released on full parole or mandatory supervision were most likely to be readmitted for a technical violation rather than for a new offence (a new warrant of committal) or for a release revocation because of a new offence.

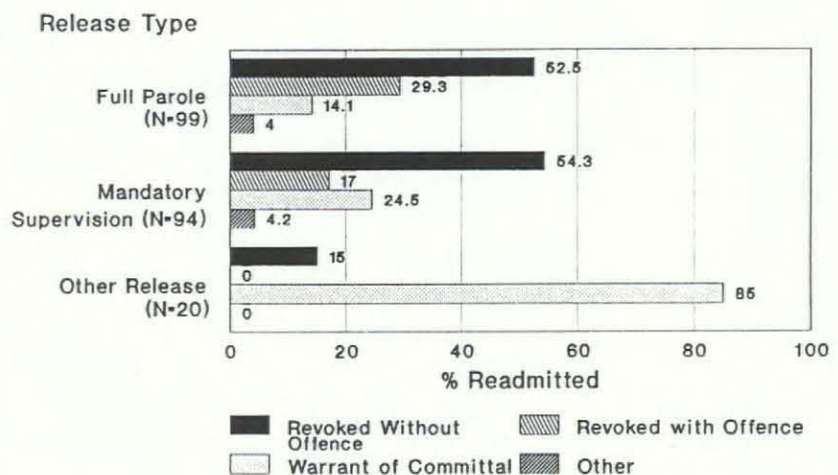
If you look at Figure 2 closely, you will see that recidivists released on mandatory supervision were more likely than those released on full parole to be readmitted with a new warrant of committal (24.5% versus 14.1%) but less likely to have their release revoked with a new offence (17% versus 29.3%).

This finding makes sense because release on mandatory supervision occurs later in an offender's sentence than release on full parole. An offender who has been released is only on "conditional" release (and under the supervision of correctional authorities) until the sentence has ended. After that, we have no jurisdiction to revoke release.

Given this, if an individual who was originally released on mandatory supervision committed a new offence, it is more likely (than for an offender originally released on full parole) that the original sentence will have ended by the time the new offence is committed, and thus, the offender would be readmitted on a new warrant of committal rather than for a release revocation with a new offence.

We found some interesting results when we looked at recidivists

Figure 2
Reason for Readmission
by Release Type



in the "other" release category. This group included offenders released from federal custody because they were transferred to another jurisdiction or because they were freed by a court order. In fact, 18 of the 20 recidivists in the other category fell into the latter group. The vast majority (85%) of recidivists in the other group came back with new warrants of committal.

When Do They Come Back?

We calculated how long the recidivists had been released before being readmitted. Figure 3 shows the breakdown by time periods.

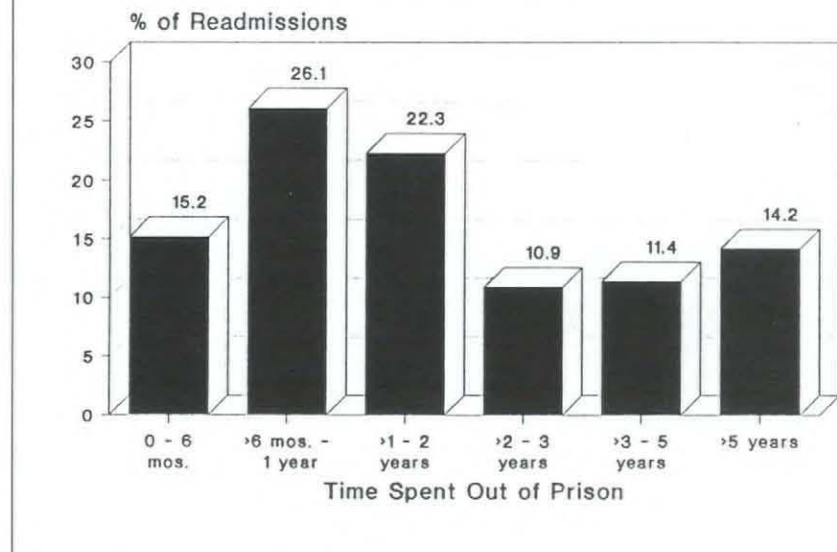
Almost two thirds (63.6%) were readmitted within two years of release, but about 14% were readmitted more than five years after release. While these findings underscore the need for close monitoring of offenders during the first couple of years after release, it also suggests that long follow-up studies are necessary to track recidivism among female offenders.

We also looked at how many women were readmitted after their original sentence had ended (i.e., after the warrant expiry date of their first sentence). Of the 193 women on whom information was available,³ 83 (43%) were readmitted after their warrant expiry date.

At first, this figure of 43% appears to be incorrect since only 25.4% of the sample were readmitted with a new warrant of committal and most of the rest were readmitted because their release had been revoked.

This apparent discrepancy can be explained. If an offender commits an offence while on conditional release, their release will be revoked with a new offence. But, sometimes these offenders will spend time in a local jail waiting for their new offence to be heard, so by the time they finally enter the doors of the federal institution, their original sentence has ended (because the clock keeps ticking regardless of where they spend their time). Even though these women don't enter a federal institution until

Figure 3
Length of Time Spent in the Community
Before Readmission



after their original sentence ends, they are still counted as having had their release revoked with a new offence.

What Types of New Offences Do They Commit?

We studied those who were readmitted with new offences – that is, those who had their release revoked with a new offence or were admitted with a new warrant of committal – to see what types of offences they committed while on release.

Of the 99 women in this subsample of recidivists, about one quarter (24.2%) committed property-related offences, almost one fifth committed homicide-related offences⁴ (18.2%) or robbery (17.2%), 7.1% committed drug-related offences and the rest committed other offences.

Multiple Recidivism

We also very briefly looked at how many of the released offenders were readmitted more than once. That is, how many were released then readmitted, released then readmitted, etc., during the time period under study?

Again, of the 968 female offenders released, 22% (or 213) were readmitted at least once. In fact, 14.5% (140) were readmitted only once, 5.2% (50) were readmitted twice, 1.1% (11) were readmitted three times and 1.2% (12) were readmitted four times or more.

We can look at this another way. If an offender has been readmitted once and then been released again, what are the chances of further recidivism? Of the 213 women who were readmitted at least once and then released, about one third (34.2% or 73) came back. Of these 73 who were readmitted twice and then again released, almost one third (31.5% or 23) came back yet again. And of these 23 women who were readmitted three times and then released, about half (52.1% or 12) came back at least one more time.

Looking only at those who were readmitted more than once (73 offenders), native offenders were again overrepresented, comprising 28.8% of the multiple recidivists but only about 14% of the whole sample.

³ Information was missing on 20 cases.

⁴ Most (13 of 18) of these homicide-related offences were manslaughter.

We also found that offenders whose original offence was robbery were overrepresented in the group of multiple recidivists and drug offenders were highly underrepresented. Although robbery offenders comprised 26% of multiple recidivists, they only comprised 16.5% of the original sample. Conversely, drug offenders comprised only 8.2% of multiple recidivists but made up 29.1% of the original sample.

Summary

Overall, the readmission rate for federal female offenders released between 1978 and 1988 was 22%. About half of these readmissions were for technical violations of release conditions and most occurred within two years of release.

Female offenders who were native, younger, on mandatory supervision or had committed robbery or manslaughter were overrepresented in

the readmission group. Those who were non-native, older, on full parole or had committed drug-related offences were underrepresented.

Offenders who committed offences while on release were most likely to commit property-related offences and were less likely to commit drug-related offences. ■

Recidivists Tend to Be...

In an attempt to come to grips with the concept of the "repeat offender," research on recidivism has identified numerous characteristics associated with an offender's likelihood of committing further offences. For example, marital status, age at first conviction and criminal history are among the variables associated with recidivism. As well, the nature of an individual's criminal history seems to be connected with varying rates of recidivism and with the inclination to commit certain offences.

The Corrections Branch of the Solicitor General Secretariat, together with the Correctional Service of Canada, created extensive data bases on more than 50,000 inmates who were admitted and/or released from federal institutions between 1971 and 1985.¹

This article summarizes a report on 3,348 male, female and aboriginal inmates released from federal institutions in 1983-1984. The group was followed up for three years.

Definition of Recidivists

A recidivist was defined as any released federal offender who was convicted within the three-year period following release of a new indictable offence that led to a custodial sentence.

A non-recidivist was defined as any released federal offender who was **not** subsequently convicted of, and incarcerated for, an indictable offence.

It has been estimated that a three-year follow-up period would

capture 90% of those offenders who ultimately reoffend.

Recidivists included both federal inmates who returned to federal custody **and** federal inmates who received provincial sentences of incarceration. Non-custodial sentences (such as probation) were not included.

Sample

In 1983-1984, 3,556 offenders were released from federal institutions. Sufficient data were available on 3,348 of them. Of the 3,348 released inmates, 2,985 were non-aboriginal men, 282 were aboriginal men and 81 were women.

The small number of female and aboriginal offenders restricted detailed analysis, preventing direct comparisons with the larger "male offender" or "non-aboriginal male offender" sample. Female and aboriginal offenders have thus been dealt with separately.

Recidivism Among Female Offenders

Complete data were available on 81 female offenders released from federal custody in 1983-1984.

Approximately one third (36%) committed a further offence within three years of release. Of those who reoffended, more than three quarters (79%) had more than one conviction

for an indictable offence, compared with slightly more than half (54%) of non-recidivists. This result is statistically significant.

Of the 39 female offenders who had served a period of incarceration before their current term, slightly more than half (55%) committed further offences and just less than half (44%) did not. This result is not significant.

As well, female offenders who reoffended were, on average, younger at the time of their first adult conviction (age 20) than were those who did not reoffend (age 24).

Most releases from incarceration were either on parole (54%) or on mandatory supervision (32%). Female offenders who reoffended were significantly more likely to have been on mandatory supervision (48%) than on full parole (31%) when they reoffended.

Recidivism Among Aboriginal Offenders

In total, 282 male aboriginal offenders were included in this study, and almost all of them (92%) had a previous conviction for an indictable offence. Two thirds (66%) of the aboriginal offenders committed a further offence within three years of release, and a significantly high proportion of both recidivists (95%) and non-recidivists (87%) had a previous indictable offence.

¹ R.G. Hann and W.G. Harman, *Predicting General Release Risk for Penitentiary Inmates, User Report (Ottawa: Solicitor General Canada, 1992).*

More than three quarters (84%) of the aboriginal offenders had been incarcerated previously. The number of offenders with previous incarcerations was significantly higher among recidivists (90%) than among non-recidivists (72%).

A comparison of types of conditional release produced results similar to those found for female recidivists. While only one third of aboriginal offenders (33%) released on parole reoffended, three quarters (75%) of those released on mandatory supervision did.

The recidivism rate for single offenders (71%) and for those in common-law relationships (68%) was significantly higher than that for aboriginal offenders who were married (44%).

Recidivism Among Male Offenders

The male study group consisted of both aboriginal and non-aboriginal inmates released from federal institutions in 1983-1984. Of these 3,267 inmates, nearly half (49%) reoffended in the three-year follow-up period. For those inmates who reoffended, more than half (58%) did so within the first year, almost one tenth (9%) did so during the second year and one third (33%) reoffended in the third year following release.

The Age Factor

Recidivists were younger than non-recidivists at the time of their first conviction for an indictable offence. More than three quarters (85%) of the recidivists were less than 21 years old (average age 18), compared with less than two thirds (63%) of non-recidivists (average age 22).

Other studies have also found that offenders who reoffend tend to be younger than those who do not. In this study, recidivists were, on average, three years younger (26) than non-recidivists (29) at the time of the current conviction (that is, the sentence from which they were released).

The Marital Status Factor

Married inmates reoffended less frequently than those who were single, divorced or in a common-law relationship. While single offenders and those in common-law relationships had comparable recidivism rates (53% and 54% respectively), recidivism rates of married offenders were substantially lower (29%).

The Criminal History Factor

As in other studies, previous criminal history was strongly related to recidivism. Inmates who reoffended also had more-extensive criminal records than non-recidivists, having approximately twice as many previous incarcerations and indictable convictions.

One quarter (25%) of non-recidivists had no previous indictable convictions, compared with less than one tenth (8%) of recidivists. Further, more than a third (40%) of recidivists had more than 10 indictable convictions compared with less than one fifth (18%) of non-recidivists.

The relationship between previous incarcerations and recidivism was similar to that between previous indictable convictions and recidivism. More than a third (38%) of non-recidivists

had no previous incarcerations and only one tenth (10%) had more than four incarcerations, while less than a fifth (15%) of recidivists had no previous incarcerations and almost a quarter (22%) had more than four incarcerations.

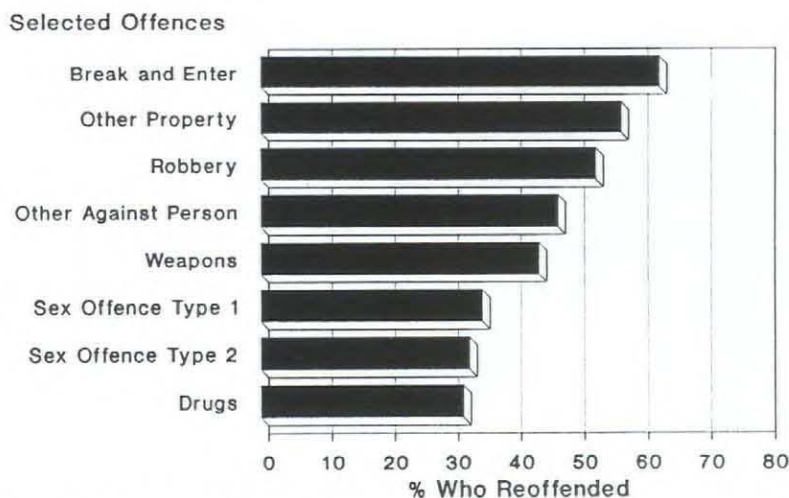
Offence Type

Eight offence type categories (such as break and enter, robbery, weapons, drugs) were examined to assess the relationship between the type of offence and recidivism.

Offenders whose current offence fell into more than one category were counted in each category. For example, an offender with only robbery charges was recorded in only the robbery category, but if the offender's current term included both robbery and weapons convictions, he was recorded in both categories.

As shown in Figure 1, more than half the offenders whose current term was for property-related offences (break and enter, other property and robbery) reoffended (63%, 57% and 53% respectively). Offenders whose current sentence was included in other offence types reoffended or had their release revoked less frequently.

Figure 1
Recidivism Rates for Male Offenders
by Selected Current-Term Offences*



* One offender can be reported in several offence categories.

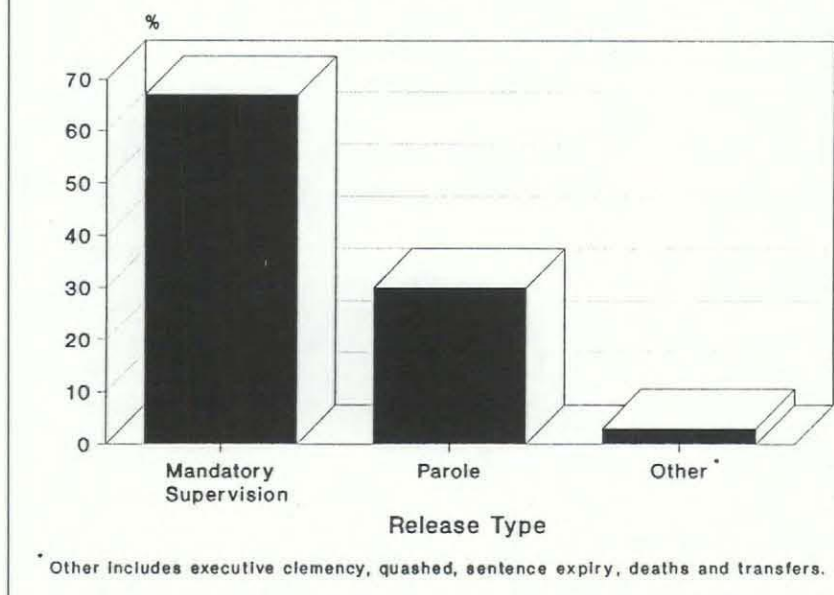
Further analysis showed that the offences committed by inmates after release more often differed from their current-term offence. Therefore, the current offence does not necessarily predict subsequent offence patterns. That is, recidivists did not tend to "specialize" in the types of offences they subsequently committed.

Even though more than a quarter (28%) of recidivists with current terms for break and enter reoffended with another break and enter – compared with less than one fifth (18%) of recidivists in other offence categories – almost three quarters (72%) reoffended with a different type of offence.

Conditional Release and Recidivism

As was found with the female recidivists and aboriginal recidivists, type of conditional release was strongly associated with recidivism. The type of release for male offenders was split almost equally between mandatory supervision (50%) and full parole (46%). As shown in Figure 2, of those who reoffended, two thirds (67%) did so while on mandatory supervision, while only 30% did so while on full parole. Thus, recidivists were twice as likely to have been released on mandatory supervision as on full parole. This is most likely a reflection of the fact that offenders who are at lower risk are more likely to be released, at the Parole Board's discretion, on full parole, while higher-risk offenders generally must wait for release on mandatory supervision.

Figure 2
Release Status of Recidivists



Despite the higher recidivism rate of offenders on mandatory supervision, there was no difference in the types of offences subsequently committed by offenders on parole and those on mandatory supervision.

Summary

Overall, about one half of male offenders released from federal institutions in 1983-1984 committed further offences, as did two thirds of aboriginal male offenders and roughly one third of female offenders.

Recidivists tended to be younger at the time of their first adult conviction, to have more extensive criminal histories and, generally, to be unmarried. Further, recidivists were significantly more likely to have been released on mandatory supervision. These findings are generally consistent with previous research. ■

J. Bonta, S. Lipinski and M. Martin, *Characteristics of Federal Inmates Who Recidivate* (Ottawa: Statistics Canada, 1992).

We say...

My experience shows me that a good number of private citizens seem to feel that recidivism is high, that the vast majority of offenders reoffend. This can lead to the speculation that what we do in corrections is ineffective. The facts indicate that, between 1975 and 1985, 72% of parole releases were successfully completed, 57% of mandatory supervision releases were successfully completed and that, generally, about 60% of our male offenders are serving their first federal term of incarceration.

Judy Croft, Acting Warden, Management Services
Kent Institution (Pacific)

Source: Solicitor General of Canada, *Basic Facts About Corrections in Canada* (Ottawa: Minister of Supply and Services, 1992), pp. 38 and 69.

Conditional Release and Offenders with Mental Disorders

A recent Correctional Service of Canada study indicates that when it comes to conditional release, mentally disordered offenders are treated more restrictively than offenders without mental disorders. Is this because they are more likely to reoffend?

Conditional release is perhaps the most important issue in examining the correctional system's response to mentally disordered offenders. It has not been clearly demonstrated that mental disorder is, in and of itself, a prominent and reliable predictor of recidivism. Without such a connection, the question remains: are offenders with mental illnesses given equal opportunities for release under community supervision?

This study contrasted a sample of 36 male federal offenders who were diagnosed as having experienced a serious mental disorder¹ with a matched group of 36 similarly situated offenders without mental disorders. Offenders were diagnosed using an interviewing instrument called the Diagnostic Interview Schedule;² it was part of a national study on mental health problems within the Canadian federal correctional system.³

Apart from factors controlled in the matching process (such as age, nature of current offence and sentence length), the two groups also had similar criminal histories and levels of involvement in institutional incidents.

Follow-up information on the offenders was gathered over a period of approximately four years.

Release

In Canada, offenders are conditionally released from federal institutions on either parole (about 40% of offenders) or mandatory supervision (about 60%). Parole is dependent on eligibility requirements and is granted at the **discretion** of the National Parole Board, whereas mandatory supervision typically occurs after two thirds of the sentence is served. Figure 1

shows the patterns of release from federal custody for both the non-disordered group and the group of offenders with mental disorders.

During the four-year follow-up, almost as many of the mentally disordered offenders (67%) were released as those without mental disorders (75%). But, as a group, offenders with mental disorders were much more likely to be released on mandatory supervision, while the offenders without mental disorders were released more often on parole.

Although the differences are

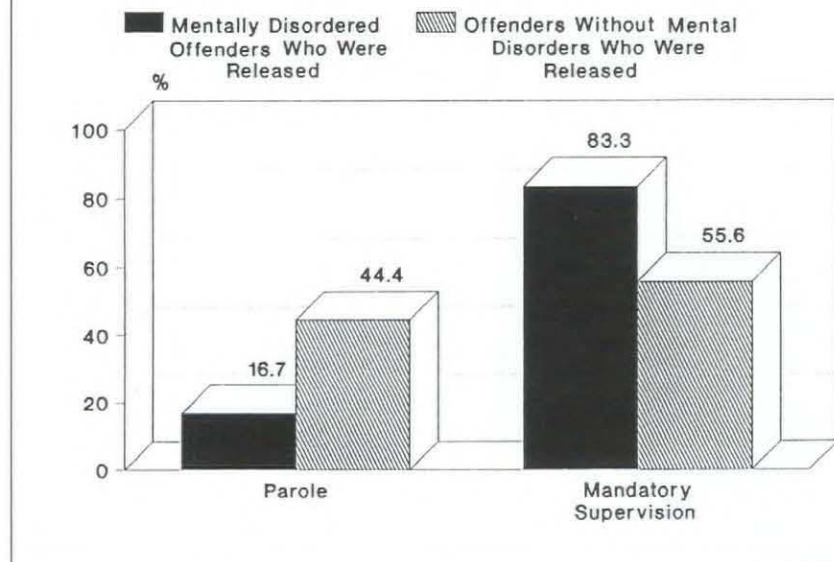
not significant, there was also a tendency for mentally disordered offenders to serve more time before release and a greater proportion of their sentence.

Postrelease Outcome

Four outcome measures were used to conduct a postrelease follow-up of the two groups: suspension warrant executed, readmission to federal custody, readmission with a new offence and readmission with a violent new offence. Two follow-up periods (6 and 24 months) were used to examine both early and later postrelease performance.

As shown in Figure 2a, there were no significant differences

Figure 1
Type of Release by Offender Group



¹ Three serious mental disorders were included in this study: a manic episode, schizophrenia and schizophreniform disorder. Only those offenders meeting stringent diagnostic criteria for at least one of these disorders were included in the mentally disordered group.

² This instrument, developed by the National Institute of Mental Health (Robins and Helzer, 1985), adopts objective diagnostic criteria described in the Diagnostic and Statistical Manual (DSM III) of the American Psychiatric Association (1980).

³ See L.L. Motiuk and F.J. Porporino, The Prevalence, Nature and Severity of Mental Health Problems Among Federal Male Inmates in Canadian Penitentiaries, Report No. 24 (Ottawa: Research and Statistics Branch, Correctional Service of Canada, 1991).

between the two groups during the first six months of conditional release. There was a trend, however, for more of the offenders without mental disorders to be returned to custody for a new offence or a new violent offence.

Twenty-four months after release, the mentally disordered offenders were now significantly more likely to have their conditional release suspended, and the offenders without mental disorders were more likely to be returned to federal custody for a new offence (see Figure 2b).

Upon closer examination, the largest proportion of the mentally disordered offenders (85.7%) were readmitted for revocations without a new offence, while the largest proportion of the offenders without mental disorders (54.5%) were readmitted for new offences.

Predictive Factors

Next, the study looked at factors that could possibly predict postrelease outcome (such as age, conviction history and other mental disorders) and at whether the same factors would apply to both groups. The table lists the factors that were considered.

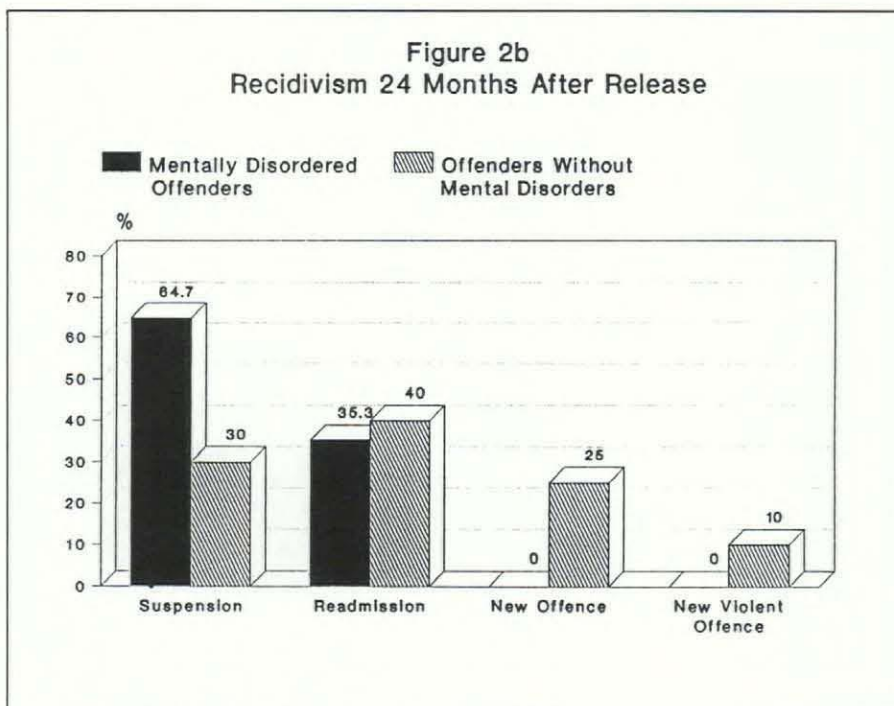
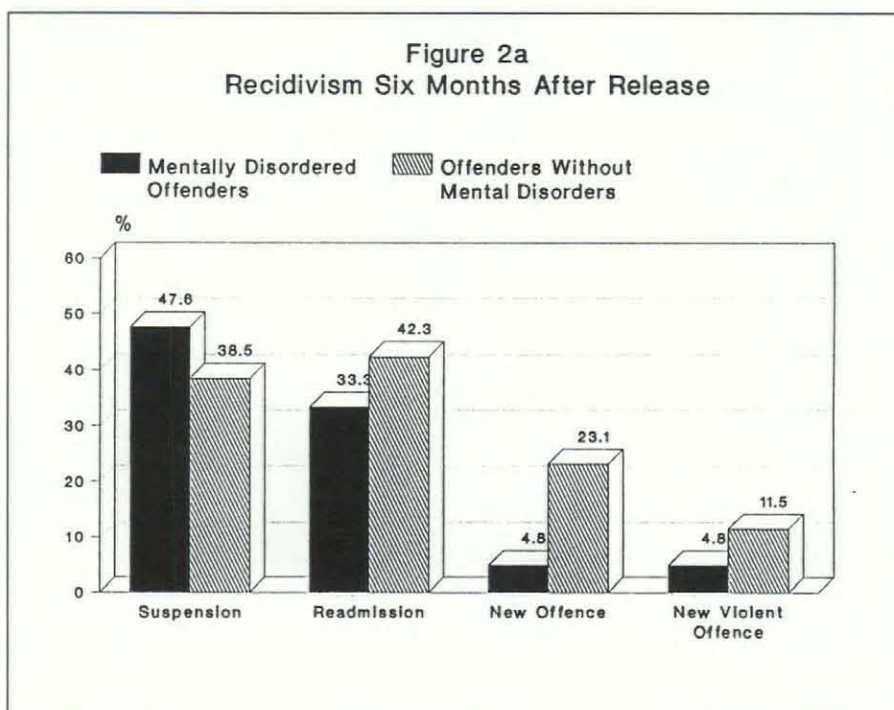
The only factor significantly related to readmission to custody for the mentally disordered offenders was the number of previous convictions. No factor was significantly related to readmission for the offenders without mental disorders.

Combined with the finding that offenders with mental disorders were readmitted disproportionately without a new offence, this suggests that when an offender has a long criminal history and there is evidence of mental disorder, conditional release may be more readily revoked.

Other Disorders

The presence of other disorders assessed in the mental health survey, including antisocial personality disorder (APD), was generally not found to be related to postrelease outcomes.

This was explored further using a set of analyses to examine offenders



in both groups who were diagnosed with APD and alcohol and/or drug dependence. About 36% of the offenders without mental disorders and 58% of the mentally disordered offenders had both these conditions.

If only release is examined, the pattern was similar within the two groups. Offenders showing evidence

of APD with alcohol and/or drug dependence were as likely to be released into the community as those who did not.

But when readmissions were examined, different patterns emerged. APD, with or without alcohol and/or drug dependence, clearly distinguished the offenders without mental

Factors Examined in Relation to Recidivism

Age at admission to custody
 Age at time of survey
 Number of previous convictions*
 Total number of convictions*
 Number of previous violent offences
 Total number of violence offences
 Major depression
 Anxiety
 Psychosexual dysfunction
 Antisocial personality
 Alcohol use/dependence
 Drug use/dependence

*Significantly related to readmission for mentally disordered offenders.

disorders as a higher risk for readmission to custody.

The pattern was unclear for the mentally disordered offenders. This may be because the offenders with mental disorders were being returned to custody for violations of supervision conditions, not because of new offences. Their likelihood of being reincarcerated was more highly correlated with criminal history than with evidence of APD, which is generally predictive of risk.

Discussion

Despite the similarities of age, nature of offence and criminal history between the two groups of offenders in this study, the mentally disordered offenders were given fewer opportunities for early release on full parole. (Instead, they were more often released on mandatory supervision.)

Once released, they were also significantly more likely to receive suspension warrants or have their release revoked without committing a new offence. (The revocations were issued for failing to abide by supervision conditions.)

This cautious management of mentally disordered offenders becomes even more noteworthy when release outcomes are examined; offenders **without** mental disorders were more likely to commit a new

offence while on conditional release.

One possible explanation is that there may be a biased presumption of greater risk for mentally disordered offenders, particularly for those who also have a long criminal record. Some support for this is found in the significant relationship between the number of previous convictions and the likelihood of readmission to custody for mentally disordered offenders. Such a correlation does not exist for offenders without mental disorders.

The combination of a mental disorder and a long criminal record seems to be interpreted by parole supervisors as warranting special attention and revocation of conditional release at the earliest sign of breakdown.

A biased presumption of greater risk would also explain the National Parole Board's hesitancy to release mentally disordered offenders on full parole.

Another explanation is that specialized mental health services, which may give correctional staff more confidence in managing mentally disordered offenders, are often simply unavailable. With few alternatives available for support and ongoing monitoring, correctional staff are more cautious. Similarly, the National Parole Board would demand evidence of availability of mental health services. Offenders with mental disorders may be deemed unsafe for release without such services.

To become better equipped to deal with mentally disordered offenders, the criminal justice system must work toward co-ordinating a network of specialized services which target the needs of these offenders. The use of incarceration as a cautious, but more restrictive, option might then be minimized. ■

F.J. Porporino and L.L. Motiuk, "The Prison Careers of Mentally Disordered Offenders," *International Journal of Law and Psychiatry*, in press.

We say...

Recidivism is viewed cynically by correctional staff, but I believe wholeheartedly that we [the Correctional Service of Canada] want to make a difference in offenders' lives. Let's remember, it takes a lot of differences to really change someone's life.

Nelson Hildebrand
 Group Therapist
 Regional Psychiatric Centre (Pacific)

Recidivism Among Walkaways While at Large

by Robert Sturrock¹

Security Statistics Officer, Institutional Operations Division
Correctional Service of Canada

Escapes from correctional institutions are rare, except from minimum-security institutions.² These institutions have no fences, walls or armed control posts around their perimeters. Because of this, an escape from a minimum-security institution is referred to as a "walkaway," not as an escape in the common sense of the word.

Minimum-security institutions focus on the rehabilitation and social reintegration of offenders, so inmates have access to the community through temporary absences and day parole. Offenders classified to serve their sentences in minimum-security institutions are not considered likely to walk away, or if they do, are not considered a serious risk to the community.

There is little empirical research on escape behaviour in general, so not much is known about the risk of escaped offenders reoffending while at large. The Correctional Service of Canada's Institutional Operations Division recently examined the number of walkaways recaptured and charged with serious offences in the 1992-1993 fiscal year.³

Walkaway Profile

During this period, there were 189 walkaways. Of the 174 who were recaptured as of 13 April 1993, 12 (6.8%) were charged with serious offences (see the figure). These offences included: robbery (7), assault causing bodily harm (2), attempted murder (2) and sexual assault (1). The following is a descriptive profile of the 12 offenders:

- nine were single (unmarried);
- the average age of the offenders was 32 years old;
- eight had a history of both parole failure and escape behaviour;

- six had served previous federal terms;
- 11 had been involved in at least three previous institutional security incidents;
- on average, the offender had 34 criminal convictions (convictions ranged from 1 to 70);
- the major offence committed by nine of these offenders was robbery, two were serving life sentences for murder; and
- excluding the offenders serving life terms, the average length of sentence was 11.4 years.

Thus, the majority of these walkaways were repeat offenders and could have been considered institutional troublemakers and habitual escapees.

1991 Walkaway Report

A previous report⁴ analyzed walkaway incidents and the rates of walkaways per 1,000 inmates from federal

minimum-security institutions between 1 April and 30 September 1991. The report focused on 79 walkaway incidents involving 95 offenders⁵ and the offences committed by the escapees while at large in the community.

As of 12 December 1991, 84 of the 95 inmates (88.4%) who walked away between 1 April and 30 September 1991 were recaptured. Of the 84 recaptured inmates, about half (48.8%) were re-apprehended within one week, and three quarters (75%) of them had not committed a new offence while at large.

However, one quarter (21) of the inmates who walked away were charged with new criminal offences when recaptured. Fifteen were charged with minor offences (e.g., theft, fraud, break and enter), while the remaining six were charged with serious offences (two with assault with a weapon and four with armed robbery). In other words, only 6 of the 84 recaptured inmates (7.1%) were charged with a serious offence.

Previous research from other jurisdictions also found that most walkaways do not commit new offences while at large and only a few commit serious offences.⁶ However,

¹ Robert Sturrock, Security Statistics Officer, Institutional Operations Division, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario K1A 0P9.

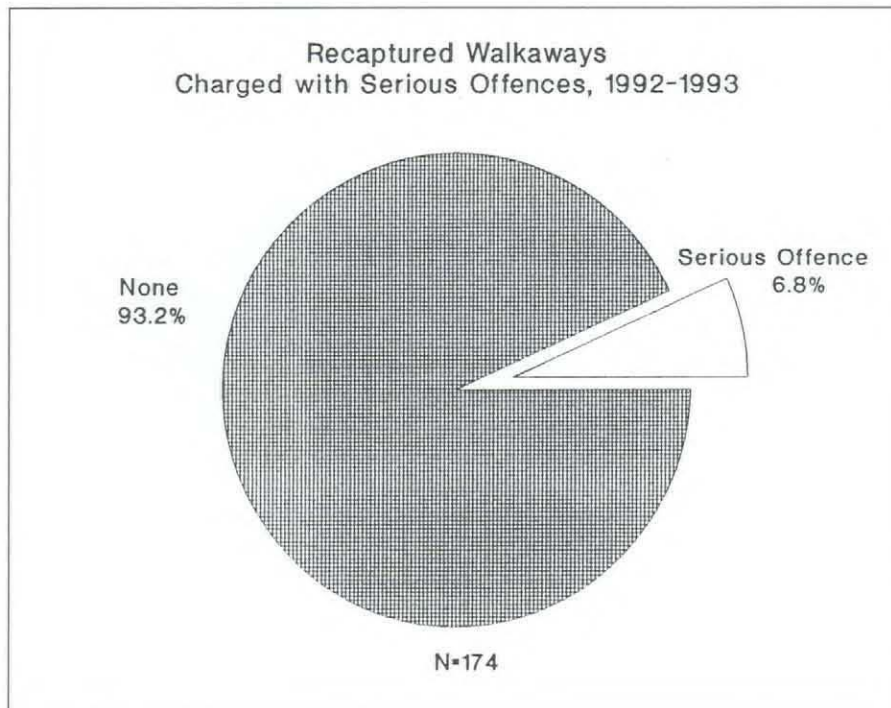
² S.P. Davis, "Survey: Inmate Populations Up - But Escapes Down," Corrections Compendium, XIV, 5 (May 1991): 8-12.

³ Data on offender profiles and on new charges (offences) were provided by CPIC (Canadian Police Information Centre) and SPS (Security Profile System) data bases.

⁴ R. Sturrock, Mid-Year Report on Walkaways from Minimum Security Institutions (1991-04-01 to 1991-09-30) (Ottawa: Institutional Operations Division, Correctional Service of Canada, May 1992).

⁵ Ibid., p. 3.

⁶ See A. Gorta and T. Sillavan, "Escapes from New South Wales Gaols: Placing the Risk In Perspective," Australian and New Zealand Journal of Criminology, 24 (1991): 204-218. See also L.K. Holt, Statistical Bulletin on Escapees for 1986: A Profile of Escapees and Returns From Escape during 1986 and Individuals on Escape Status on December 31, 1986 (Boston, Mass.: Massachusetts Department of Correction, 1987). And see T.H. Murphy, Prediction of Minimum Security Walkaways (Lansing, Mich.: Michigan Department of Corrections, 1984). And see D. Porritt, "The Threat From Escapes: Some Facts About Prison Escapes," Research Bulletin, No. 6 (Sydney, New South Wales: New South Wales Department of Corrective Services, March 1982).



comparisons of results must be made cautiously because of differences in definitions of escape and new offence, and of differences in inmate populations, criminal justice systems and research methods.

Conclusions

It is easy to conclude that escapes occur because offenders do not want to be confined. But, even though most incarcerated offenders would like to be free, the majority do not attempt to escape, even from minimum-security institutions. Therefore, to further reduce escapes, correctional authorities must develop a clearer understanding of the other factors that cause inmates to attempt to escape.⁷ Appropriate intervention programs could then be introduced to prevent escapes to an even greater degree, further reducing the threat posed by

potential escapees to institutional staff and the community.

A sensational incident involving an escapee can cause the public to overlook effective operations in the correctional system. One must also examine the success stories,⁸ such as the number of inmates who do not escape and who are reintegrated into society as law-abiding citizens.

Finally, it is suggested that further research be conducted on the crimes committed by walkaways and escapees while at large. ■

⁷ See J. Johnston and L. Motiuk, *Factors Related to Unlawful Walkaways from Minimum Security Institutions* (Ottawa: Research and Statistics Branch, Correctional Service of Canada, 1992). See also R. Sturrock, F. Porporino and J. Johnston, *Literature Review on the Factors Related to Escape from Correctional Institutions* (Ottawa: Research and Statistics Branch, Correctional Service of Canada, 1990).

⁸ See "Beaver Creek Institution: What About Success Stories," *The Banner*, September 23, 1992, p. A2.

Coming up in *Forum on Corrections Research...*

The theme of the January issue of FORUM is

"Women and Crime."

We say...

Since our correctional mandate, simply stated, is to enhance an offender's ability to resist relapse into criminal behaviour, it follows that reduced recidivism rates are important in achieving our goal. As resources become increasingly scarce, however, there may be a temptation to limit our broad range of research and focus on recidivism rates as the exclusive measure of success.

Nowhere is this approach more imprudent than in evaluating the effectiveness of correctional programs solely by collecting and comparing recidivism rates. Without a more comprehensive examination of the circumstances and severity of the events that comprised the return to crime, or an analysis of the offender's attempt to use what he or she had learned in the program, recidivism rates alone are not necessarily indicative of program success.

Joanne Reynolds
Program Development
and Implementation,
Correctional Programs
National Headquarters

So You Want to Know the Recidivism Rate

by Tanya Nouwens, Larry Motiuk and Roger Boe¹
Research and Statistics Branch, Correctional Service of Canada

What's the overall recidivism rate in Canada? It's a common question, but one that's difficult to answer. In this article, we try to explain why this question is so tough to answer and try to answer it as best we can.

What Is Failure?

What constitutes recidivism? Is it a new offence? Is it any return to the criminal justice system or to correctional custody? Does it include any breach of release conditions or does it only include breaches of the most serious conditions?

...Returns to Custody

If we define recidivism as any return to correctional custody, our recidivism group will include a broad range of individuals and circumstances. For example, an individual released on day parole to take part in a three-week work project could fall into this group because, at the end of the three weeks, he or she would be returned to federal custody. Is this person a recidivist? (Actually, this would be a "positive" return to custody because the offender successfully completed the work program – something that doesn't always happen.)

Okay, so what if we say we will include only those cases where conditional release is revoked for technical violations of release conditions or for new offences, or where someone is reincarcerated for a new offence committed after the original sentence has ended.

...Technical Violations

Even with the above modifications to our definition, it may still be too broad. For example, a fraud offender who was told to abstain from alcohol and drugs while on release decides to celebrate the new-found freedom by getting drunk at a party. The police

are called by angry neighbours and find out that the offender is on parole. Is this recidivism?

Okay, okay, you say, let's focus on the most serious technical violations. Consider the case of a sex offender whose conditional release conditions stipulate that he or she stay away from schoolyards where he or she was known to scout for potential victims. If we find out that this sex offender is in fact loitering in schoolyards, is this recidivism? It is serious, but is it recidivism?

Enough nit-picking, you say, let's focus on other, more serious types of recidivism – new offences for example.

*Length of follow-up
will be a compromise, and
it won't satisfy everyone.*

...New Offences

How do we define and measure new offences? Should we use officially reported offences, such as arrests or convictions? Well, we know we can't say an individual committed an offence just because he or she was arrested for it. More important, perhaps, we also can't say that an individual did not commit an offence just because he or she was not arrested for it.

But if we only look at convictions, we run into the problem of

underreporting. We know, for example, that people who commit an offence are not always convicted of that offence. In addition, plea bargaining in court – whereby some charges are dropped in return for a guilty plea to another charge – often occurs. Thus, while someone may have committed four separate offences, only one or two convictions will be registered.

Furthermore, charges may be reduced in exchange for a guilty plea. So, while someone may have committed second-degree murder, he or she will only be convicted of manslaughter. This causes problems when we try to evaluate the seriousness of new offences committed by offenders, because the seriousness of the convictions may not reflect the seriousness of the offences actually committed.

Instead of looking at "officially reported" recidivism, we could ask offenders whether they committed a new offence and when. But what if they don't tell us everything, because they either don't want to or can't remember? What if they can't remember exactly when they committed a particular offence? Finding out when recidivism occurs is important so we know whether offenders were under correctional supervision when they committed new offences.

How long should we track offenders to see if they reoffend? Some people prefer shorter follow-up periods because the findings are more current. That is, if you keep track of offenders for three years and then calculate a recidivism rate, some may argue that the findings are not relevant because "we do things a lot differently now than we did three years ago." But, if we only track offenders for six months, our findings may be incomplete because many people commit a new offence years after release. Only when an individual dies do we know for certain that he or she has stopped reoffending. Should we and can we, with our limited research budgets,

¹ Authors may be contacted at: Research and Statistics Branch, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario K1A 0P9.

Recidivism: Where Did the Word Originate?

Derived from the latin *recidere*, which means to fall back, the word recidivism was first used in a German publication called *Pall Mall* in 1886: "Recidivism is largely represented by the low foreheads, the scowling brows and cunning eyes."

A forerunner of the word recidivism was used as far back as 1609. A form of the (now obsolete) word *recide*, which meant to fall back, appeared in a 1609 version of the Bible: "Recidivation into sin maketh the former repentance frustrate."

It seems quite logical that the word progressed from describing relapse into sin to referring relapse into crime. After all, crime has long been equated with sin by many people and cultures.

Source: *The Oxford English Dictionary, Second Edition*, Vol. 13 (Oxford: Clarendon Press, 1989).

Even if we know the recidivism rate, we still can't be sure what it means and what accounts for it.

correctional system was successful? Maybe, but we still wouldn't know **what** in the system was successful. Was it every aspect of the system? Was it that each offender had a case management officer who made a real difference in his or her life? Was it because broader social systems, such as the economy or social programs, had a positive impact on offenders' lives? Was it that the food in our institutions was so poor that offenders never wanted to come back?

The point is, even if we know the recidivism rate, we still can't be sure what it means and what accounts for it.

An Analogy

To illustrate some of the difficulties we have been examining, let's use a university as an analogy. People go to university for about three or four years (which, incidentally, is the average length of sentence served by federal offenders). We want to look at how successful a particular university is. How would we define success? How do you define success in your own life?

Success could be defined as the number of students who graduate from the university, but then again some programs within the university (such as psychology or sociology) might have fewer graduates than other programs for various reasons (for example, stricter selection criteria or more rigorous examinations), so an overall graduation rate for the university might not tell us much about particular programs.

Success could be defined as the number of graduates who find employment in their career of choice, but what if their career of choice has

track people for a lifetime? Either way, length of follow-up will be a compromise, and it won't satisfy everyone.

The Problems of "Overall" Recidivism Rates

Let's pretend we agree on what we mean by recidivism and how we're going to measure it. Do we also agree that the possibility of someone reoffending is affected by such things as their age and criminal history?

If so, then we should also recognize that asking for an all-encompassing recidivism rate for the entire offender population is not so simple. While the recidivism rate for one group of offenders may be 20%, it may be 60% for another group, and combining the two rates would reflect neither group accurately.

We run into this problem even when looking at just one group of offenders. Suppose, for example, we want to know the recidivism rate for sex offenders. Well, past research (see, for example, Vol. 3, No. 4 of FORUM) has shown that the recidivism rate for incest offenders is substantially lower than for pedophiles. While we could calculate a recidivism rate for all sex offenders as a group, it would probably not be very accurate nor useful.

What Is Success?

We run into more problems when we try to evaluate the success of particular correctional programs or correctional systems as a whole.

Is a program successful if offenders who participated in it no longer commit offences related to the problem addressed by the program? Or should correctional programs be evaluated in terms of their ability to discourage offenders from all types of criminal behaviour?

Suppose we are evaluating a program for sex offenders. The program focuses on attitudes and behaviours related to sexual offending. If none of the program participants commit further sex offences, can we say that the program was successful? What if 50% of the program participants commit other offences instead? Do we then say that the program was unsuccessful? Or do we say that the program was successful in what it set out to do, but other factors and needs came into play which were left untreated?

The same holds true for evaluations of correctional systems. If we lived in a perfect world and none of the offenders who went through the system ever committed another offence, could we say that this

nothing to do with the education they received at university? What if they graduated in economics and then decided that graphic design offered them better opportunities or made them happier? What if the economy was so poor that they could not get a job, but this had nothing to do with their education? What if the follow-up period in our study was only three years, but many people found a job **four** years after graduation? What if a lot of graduates from one university quickly found a job in their field, but many of them developed substance abuse problems while at university: could we still say that the university was successful?

Enough Stalling Already

So far this article has been a rather lengthy attempt to show that although "What is the recidivism rate?" is a popular and valid question, it really is a difficult one to answer, and to emphasize that an answer can be misleading if we don't recognize its limitations.

Keeping this in mind, we are now going to look at some recidivism rates and at an overview of how a sample of 1,000 federal offenders did while on release.

Short-term Recidivism

We defined the recidivism rate as the percentage of released offenders readmitted to federal custody during a particular period of study. Readmission was defined as violations of release conditions (i.e., technical violations) and convictions for new offences.

To see how well we have been managing offenders over a certain period of time, we compared the recidivism rates for a number of consecutive short-term (three-month) periods.

We looked at the recidivism rates for each quarter during the last three years, from 1 April 1990 to 31 March 1993. We found that the average recidivism rate for each of the 12 quarters studied has remained fairly constant

at 4.8%. This is impressive, given that the number of offenders on conditional release has increased by nearly 10% during the same period, from 8,937 in April 1990 to 9,793 by March 1993.

Looking at the recidivism rates for offenders on different types of release, we found that offenders on full parole did much better than those on mandatory supervision (now called statutory release). The average quarterly recidivism rate for offenders released on full parole was 1.9%; it was 10.8% for those released on mandatory supervision. In other words, there was approximately one parole failure for every five mandatory supervision failures. This ratio remained fairly stable over the 12 quarters.

The proportion of the supervised population readmitted for technical violations during each quarter averaged about 2.8%. This percentage decreased slightly (by less than a percentage point) during the last half of the study period, except for the last quarter.

On the other hand, the proportion of the supervised population readmitted with a new offence increased slightly during the first part of the study, from about 1.6% in the first quarter of 1990-1991 to a high of about 2.9% in the last quarter of

1991-1992. It then stabilized during the last year. On average, 2% of offenders in the community were readmitted for new offences over the last 12 quarters.

Both trends suggest that changes have been modest. We have not gained much ground in the struggle for improved reintegration, but we haven't lost ground either.

Finally, for those who were readmitted, we calculated how much was left of their sentence at the time of release and examined how much of this "potential release time" they spent in the community before being readmitted. If offenders spend more time in the community, we can say we are having some success in keeping offenders in the community longer, even if they ultimately fail.

Unfortunately there is no clear trend regarding time spent in the community. In the middle quarters, offenders spent less time in the community, then more, then less again. The long-term average shows that recidivists were serving half (50%) their potential time in the community on the outside. This average dipped as low as 45% and climbed as high as 53%. This at least supports the view that it can be influenced.

Long-term Recidivism

We also followed up more than 42,000 offenders who were released between 1 April 1975 and 31 March 1985. All offenders were followed up from their date of release until 31 March 1992, for a minimum follow-up period of seven years.

During the 10-year period, 15,418 offenders were released on full parole. Figure 1 shows their outcomes.

Of those released on full parole, almost three quarters (72%) completed their sentence without being returned to federal custody. In addition, 3% had been under supervision for at least seven years without being readmitted, a period long enough to be considered successful.

Of the one quarter (25%) who were unsuccessful, half had their

We say...

Recidivism is a coping strategy which one falls back on when other options fail. In this light, punishment and social reprobation have limited effects. Our responsibility, as supervisors, then becomes clear: it is up to us to provide useful alternatives to a coping strategy which sooner or later becomes detrimental.
[translation]

Mario Lévesque
Project Manager, Regional
Headquarters (Quebec)

release revoked for technical violations of release conditions and the other half were readmitted for a new offence.

During the release and follow-up period, 11,704 offenders successfully completed their parole; that is, their sentence expired while they were still in the community. After their sentence ended, these offenders no longer had to abide by release conditions or meet with parole authorities – they were free. About 1 in 10 (11%) of these offenders committed a new offence after their sentence had expired and were returned to the federal correctional system.

During the same period, 27,124 offenders were released on mandatory supervision. Figure 2 shows their outcomes.

Of those released on mandatory supervision, 57% completed their sentence without returning to federal custody. Almost one quarter (24%) had their release revoked for technical violations of release conditions, and about one fifth (19%) were readmitted for a new offence.

We also looked at those released on mandatory supervision who finished their sentence while on release in the community. During the time period under study, about one in three (34%) committed a new offence and were returned to the federal prison system after their sentence had ended.

Tracking Offenders Through the System

Recidivism can also be measured according to the type of conditional release an offender is first released on. In this study, recidivism was defined as any return to federal custody. (This, of course, may understate the actual number of offenders re-entering the criminal justice system because some offenders may receive provincial sentences.)

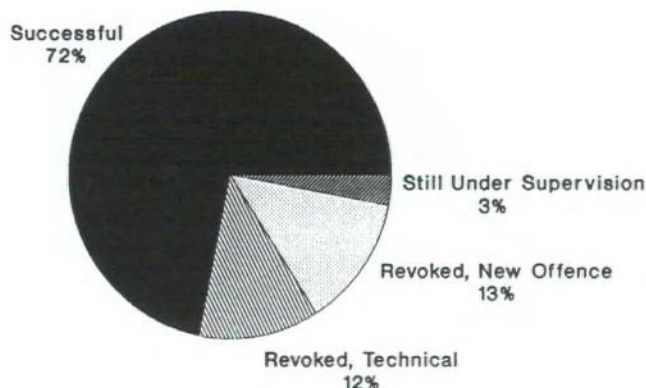
Offenders are often released on day parole before they are released on mandatory supervision or full parole to test their ability to cope on the

outside. If offenders on day parole were returned to custody before receiving other forms of conditional release, looking only at offenders released on mandatory supervision and full parole would not reflect the true numbers of those returning to custody.

Thus, when calculating recidivism rates based on conditional release, we must take day parole into consideration. But this is easier said than done.

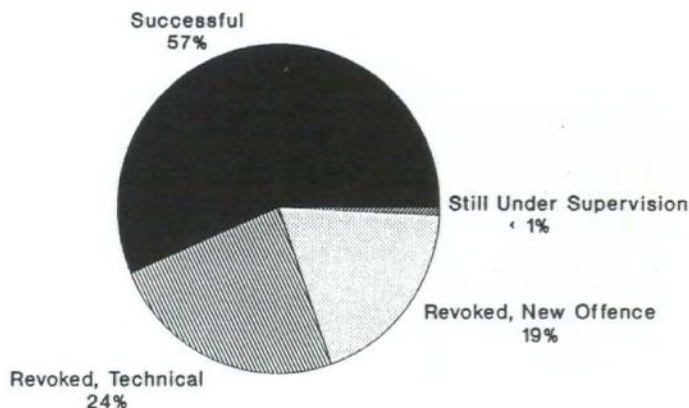
Because the automated data systems of the Correctional Service of Canada are limited in their ability to track this type of release, studies often

Figure 1
Outcome of Offenders Released on Full Parole (N=15,418)



Offenders released between 1 April 1975 and 31 March 1985; data as of 31 March 1992.

Figure 2
Outcome of Offenders Released on Mandatory Supervision (N=27,124)



Offenders released between 1 April 1975 and 31 March 1985; data as of 31 March 1992.

have to leave offenders on day parole out of recidivism calculations. For our study we were fortunate to have access to a recent national review of the day parole program for information on offenders on day parole.

We followed up a random sample of 1,000 offenders admitted to federal custody for a new offence between 1 April 1988 and 31 March 1989. Since then, almost 92% of the offenders were released on some form of conditional release. We followed up these offenders until 30 June 1993 to see what type of conditional release they received and how well they did.

We wanted to present a kind of "flow" of conditional release. So, we divided the sample into the following groups: day parole only (received no other type of release), full parole and mandatory supervision.

Note that the full parole and mandatory supervision groups could include offenders who had previously been on day parole and were not returned to custody; that is, they had successfully moved from day parole on to other forms of release. (In fact, for the 406 day parolees on which information was available, more than one third (36.4%) went on to full

We say...

A perspective on recidivism from the front lines:

If you keep on doing what you are doing, you are going to keep on getting what you are getting.

Mike Treloar
Co-ordinator, Case Management
Mission Institution (Pacific)

parole and about 1 in 10 (9.6%) went on to mandatory supervision.)

All in all, we found that about half (47.8%) of the offenders were released on day parole, a little more than a quarter (28.3%) were released on mandatory supervision and 1 in 10 were released on full parole (10.3%).

As shown in Figure 3, the overall readmission rate was 37.1%. The readmission rate for offenders released on mandatory supervision was almost twice the rate for those released on full parole (46.6% versus 25.1%), while the rate for those released on day parole was somewhere in between (41.6%).

Almost one quarter of those who went from day parole to full parole or mandatory supervision were returned to federal custody.

We also looked at whether offenders were readmitted before or after their sentence had ended. The vast majority (95%) were readmitted before their sentence had ended.

Recidivism is a critical issue in corrections, but it is also one of the most difficult issues to address in an easy-to-understand manner.

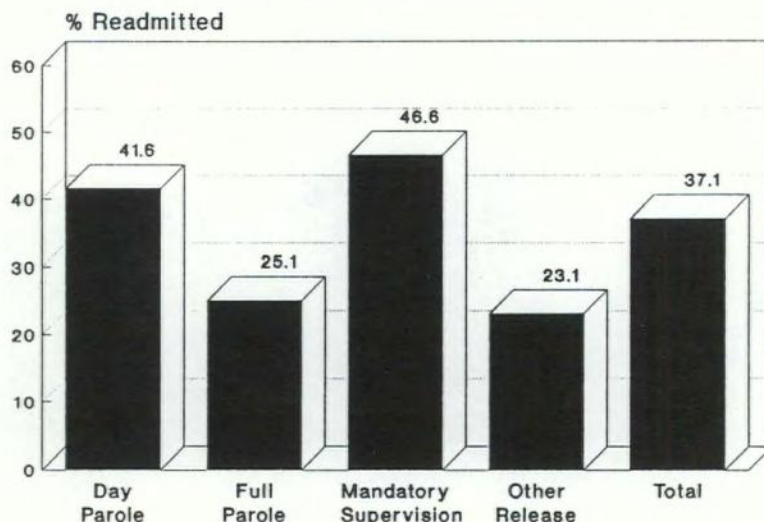
Conclusion

We have presented many reasons why it is difficult to come up with one all-encompassing recidivism rate that pleases everyone. Recidivism is a critical issue in corrections, but it is also one of the most difficult issues to address in an easy-to-understand manner.

We hope this article has answered some questions, although it has probably raised more questions than it has answered. If this is the case, please send us your questions and we will do our best to answer them in future issues of FORUM or by direct correspondence. Send your letters to:

Frank J. Porporino, Ph.D.
Director General
Research and Statistics Branch
Correctional Service of Canada
340 Laurier Avenue West
Ottawa, Ontario K1A 0P9
Fax: (613) 941-8477. ■

Figure 3
Readmission Rate by Type of Release



Expanding the Recidivism Inquiry: A Look at Dynamic Factors¹

by Edward Zamble
Department of Psychology, Queen's University

Everyone knows that the difference between the public service and private enterprise is that when you're working for the government, there's no bottom line to worry about. I don't know who first said this, and although it may originally have been an accurate observation, by now it's a cliché. In the case of corrections, it's also wrong. In corrections there is a bottom line, one that must never be forgotten or ignored: recidivism.

The ideas in this paper follow from the recognition that the prevention of recidivism is the primary mission of any correctional system. The first part will deal with some questions on the prediction of recidivism generally – what we know, and what we don't. This leads to a discussion of some ongoing research that aims to reduce our ignorance and perhaps provide some information that can be used when making decisions both for general policies and in individual cases.

The results reported here are the first from a continuing project, which is being conducted jointly with Vern Quinsey of Queen's University. Because the data are incomplete, I would like to caution that this report does not represent our bottom line. I reserve the right to disclaim any results included here, should they not be supportable in the future when we have more information. Our perspective on the truth is evolving, and it is subject to change.

Static Predictors of Recidivism

It is well known that a variety of historical measures can be used to predict recidivism. For example, individuals with a long criminal history or those who have had serious substance abuse problems are more likely to return to prison than others. While none of these measures is an especially strong predictor on its own, they can be combined statistically into scales that yield much better results.

Canadian studies have contributed substantially in this area. One of the better predictive scales, the Statistical Information on Recidivism (SIR) scale,² is likely familiar to most FORUM readers as it is routinely used by the Correctional Service of Canada in material to support parole decisions.

The available scales are unquestionably useful because they can predict recidivism in the aggregate. That is, given a large number of offenders with a certain set of characteristics, we can reliably predict what percentage

will return to prison for a new offence within a few years. As a rough generalization, we can say that the accuracy of the scales falls about halfway between chance and perfect prediction.

This is pretty good for people like myself who enjoy playing with numbers, but it's thin gruel for the front-line workers in corrections who need to make decisions about individuals. When we focus on individuals rather than aggregates, some serious errors can be made, even when using the best available scales. Clearly, we need to improve our techniques in this area.

Following the Path to Recidivism

I believe there are some major limitations, however, that will make it difficult or impossible to improve

A better approach to improving prediction is to consider what happens when an offender's behaviour changes from lawful to criminal. Psychological causation is not statistical; for individuals it is always personal.

significantly on the performance of current prediction instruments. One reason is that the scales are simply collections of measures that correlate with recidivism, without considering the psychological or social processes that actually cause the resumption of criminal behaviour. As a result, one can't very easily build on past work to make gradual improvements. The only way to improve prediction using these scales is to re-create the entire scale and hope that the new version will be better than the previous one.

A better approach to improving prediction is to consider what happens when an offender's behaviour changes from lawful to criminal. Psychological causation is not statistical; for individuals it is always personal.³

To construct a theoretical model of what causes recidivism, one must include more than just the historical factors that appear in current predictive scales. Not only have past attempts ignored the need for theoretical integration, but they have also used a restricted range of information – usually whatever was readily

¹ This article is based on a talk given at the Correctional Service of Canada's Third Annual Research Forum at Whistler, British Columbia, in June 1991.

² J. Nuffield, Parole Decision-Making in Canada: Research Towards Decision Guidelines (Ottawa: Supply and Services Canada, 1982).

³ J. Monahan, Predicting Violent Behavior: An Assessment of Clinical Techniques (Beverly Hills: Sage, 1981), p. 99.

If we ignore current behaviour, then we assume that offenders' fates are sealed by their past and deny the possibility of rehabilitation.

available in institutional files.⁴ Thus, researchers have predicted future behaviour exclusively on the basis of a selected range of historical information. Data on more dynamic and current functioning (attitudes, thoughts, behaviour in prison or coping patterns) have not yet appeared in the scales, largely because the data are not universally or easily available in offender files.

This restriction of sources of information has some undesirable consequences. Not only does it limit the predictive usefulness of the scales, but some of the variables used are also tied to social and economic inequities. An unpublished study comparing the predictive ability of several scales⁵ found that the total scale scores were significantly related to such things as social class or amount of education. To base decisions about an offender's future treatment on such measures may therefore be unfair.

Further, to base decisions solely on historical factors denies the possibility of change. Some offenders do change, because of the influence of the system, changed circumstances or something that happens within themselves. If we ignore current behaviour, then we assume that offenders' fates are sealed by their past and deny the possibility of rehabilitation.

These observations on the limitations of previous research lead to the conclusion that we must work toward creating a theoretical model that identifies the psychological events and processes that precede recidivism. In addition to historical predispositions, it must include current behaviour and cognitions, and explain why some

individuals reoffend and others do not. In short, we need an explanation of the **process** of recidivism, not just its predictors, and of how an individual's experiences, cognitions and capacities interact to lead to the reversion to criminal acts.

The Unified Recidivism Model (Mark I)

We chose two models to guide our investigation. The first came from our previous study of how offenders interact with their environment, and especially how they cope with their problems.⁶ Although it was primarily designed to study behaviour in prison, this study also looked at how inmates had coped with problems they experienced before imprisonment. Not only was the general level of coping disastrously poor, but there was also evidence that inability to cope was linked to criminal behaviour.

These and other similar results led to the formulation of a "coping-criminality" hypothesis, which states that new criminal offences result from inadequate or destructive ways of dealing with ordinary life problems (there are some additional stipulations, but we can ignore them for now). The data support this hypothesis in several ways. For example, we found that high scores on measures of coping ability were significantly related to less-extensive criminal histories (retrospective) and vice versa. As well, measures of coping ability and associated behaviour from the original study predicted recidivism (prospective) with the same accuracy as commonly used predictive scales.

If we consider that recidivistic

behaviour represents a breakdown of the self-control mechanisms that maintain lawful behaviour, then it is comparable to what happens when a substance abuser returns to drug use. The second model we adopted was developed to explain relapses into addictive behaviours, and sees them as largely triggered by negative emotional states, interpersonal conflict and particular thought patterns, along with such things as social pressure.⁷

Although formulated quite independently and in different contexts, these two theoretical statements are clearly compatible. When the models are considered together, it becomes apparent that each emphasizes a different part of the same process and that the two can be joined at the "risk point." If coping difficulties lead to criminal actions, it is likely that the inability to cope produces emotional distress and certain thoughts, which in turn trigger violent or irrational behaviour or reduce self-monitoring and self-control. Conversely, for relapse theory, poor coping efforts probably lead to the critical sequence of emotional responses and cognitions preceding criminal recidivism. Inadequate coping results in stress, and relapse theory describes what happens then.

The Study

On the basis of this reasoning, we decided to investigate the process of recidivism. The principal study was begun with support from the Research and Statistics Branch of the Correctional Service of Canada, and the research is now being enlarged

⁴ V.L. Quinsey, "Deinstitutionalization Policy and the Identification of Dangerous Individuals: A Literature Review," *Criminologie*, 17, 2 (1984): 53-78.

⁵ F. Porporino, E. Zamble and S. Higginbottom, "Assessing Models for Predicting Risk of Criminal Recidivism." Unpublished manuscript, Queen's University, 1988.

⁶ E. Zamble and F. Porporino, *Coping, Behaviour and Adaptation in Prison Inmates* (New York: Springer-Verlag, 1988).

⁷ G.A. Marlatt and J.R. Gordon, *Relapse Prevention: Maintenance Strategies in the Treatment of Addictive Behaviours* (New York: Guilford Press, 1985). And see H.M. Annis and C.S. Davis, "Relapse Prevention Training: A Cognitive-Behavioral Approach Based on Self-Efficacy Theory," *Journal of Chemical Dependency Treatment*, 2 (1989): 81-103.

and extended under a grant from the Social Sciences and Humanities Research Council.

The subjects were federal recidivists in the Ontario region. They were randomly selected and recruited as soon as possible after their return to prison, most of them in the Reception Centre at Millhaven Institution. The results included here are limited to the initial sample, which consisted of 100 men whose new offence was violent. This sample is now being enlarged. For controls and comparisons, we are including a group of offenders reincarcerated for property offences, as well as a group of released inmates who have not reoffended.

We included a variety of measures, focusing on problems, emotions and behaviour in the period immediately preceding the new offence. In an attempt to plot the relapse process, there were a series of questions about critical events in the sequence, from the first passing thought of committing a new offence to the point of inevitability. We also gathered some detailed information on other behaviours, such as coping responses, time use and substance abuse. Finally, we included several measures of personal and criminal history. The various measures were obtained through a structured interview, a series of standardized questionnaires and a file search.

Offence Precursors

Historical data on the first 100 subjects indicated that we had recruited a population of serious offenders. More than one third had a current offence of robbery, another third had been convicted of assault and the rest had committed other types of violent crimes. Their previous criminal histories were extensive, varied and violent, with an average of more than 24 previous convictions. They had been in the community an average of about five months since being released from prison, with a range from 15 months to about 15 minutes before rearrest.

Their lifestyles outside prison conformed, in most respects, to what had been described in previous studies.

For example, "hanging out" with friends was the largest single category of time use, and family activities occupied much less time on average. Other measures indicated much instability in their lives, with frequent changes in residences, jobs and living partners.

Their emotional state at the time of the interview was even more unstable than we had seen before in offenders starting a prison term. Many subjects showed substantial evidence of depression. About half the sample had scores above 15, the level usually used to indicate a strong possibility of symptoms at a clinical level on the Beck Depression Inventory, the most widely used index of depression. Measures of other states, such as anxiety, also showed that the subjects were having substantial emotional problems.

One would certainly expect emotional distress in reaction to being back in prison, but questions about life on the outside showed very similar patterns, indicating that the problems preceded incarceration and probably preceded the new offences. Two areas stood out as indicators of difficulties in adjustment and as possible predictors of future trouble. The first was substance abuse, the second was emotional stress.

Concerning the first indicator, our figures are similar to previous findings. For example, the level of alcohol consumption averaged more than eight drinks daily for all subjects. (This average included abstainers.)

We also gathered information on the resumption of drinking after release, which shows the ineffectiveness of current control tactics. While more than three quarters of the sample had been released with the condition that they would abstain from alcohol or other drugs, the majority admitted to violating this condition in the first week after release. Indeed, 44% said they had taken a drink of alcohol on their first day in the community.

Substance abuse was also clearly linked to new offences. Two thirds of the sample said they had been drinking in the 24 hours preceding the

We then asked them to describe their mood on the day preceding the new offence. Unstable emotions again predominated, although anger was now the most frequent emotion.

(first) new offence, and the average amount was over 11 drinks (even higher than the overall daily average for drinkers). Also, measures of substance abuse seemed to differ according to offence type. For example, robbers consumed less alcohol than other offenders but more of other drugs.

More important for our theoretical model are findings about emotional states in the period before the offence. We asked subjects to name their predominant emotional state during the final month; for the great majority, it was an unstable state (or dysphoria). Just less than one quarter of the subjects indicated depression, with anger and anxiety next in frequency.

Given their unstable state at the time of the interview, there may be some retrospective bias colouring the offenders' descriptions of their emotional states before the offence, but the results are very strong and internally consistent.

We then asked them to describe their mood on the day preceding the new offence. Unstable emotions again predominated, although anger was now the most frequent emotion.

We also asked what they thought had driven them to committing the offence. Although one quarter named financial gain as their primary motive, roughly another quarter pointed to anger or frustration.

Our model asserts that emotional disturbances largely result from difficulties coping with problems outside prison. Other results indicate that most subjects were severely limited in their ability to choose and implement

effective solutions to common problems. Using a measure of "coping efficacy," none of the present sample had scores as high as the average score for a random sample of non-offenders (correctional workers).⁸

All of this is consistent with the position that both emotional problems and substance abuse are precursors to the resumption of criminal actions, and the results also support the claim that they follow from poor coping ability. Of course, it is impossible to draw any firm conclusions at this time, in the absence of comparable information from other populations. However, since the results from the first of the non-recidivist control groups show what appear to be considerable differences, it may be tentatively concluded that a number of dynamic factors can lead to recidivism.

Offence Sequence

One other result bears mentioning, even at this early stage in the project. In addition to looking at the precursors to offences, we wanted to describe the progression of events in the offence process itself. This is important for several reasons, among them to determine whether we can intervene before a new offence is committed. Much of the interview concentrated on offenders' actions and thoughts about a possible offence before it occurred.

To determine offence sequence, the subject was given a time line. Points were marked along the line, from several months before the offence until its occurrence. Subjects were asked to mark a series of "offence milestones" on the line, from their first passing thought of possibly committing an offence to the point of inevitability when they had already begun the series of actions leading to the offence. The results can be seen in the table.

Whichever milestone one considers, the lack of anticipation is striking. For almost half the subjects, the entire process – from first passing thought to committing the offence – was collapsed into an hour or so. Only about one quarter reported any real planning

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more than an hour before they committed the offence.

While the impulsive nature of many criminal offences, and criminal offenders, has been known for some time, these data put it into quantitative terms. Not only was there a lack of forethought, other data indicate that previous sanctions failed. For example, only 7 of the 100 said they had thought about the possible negative consequences before committing their new offence, and even fewer considered the victim, despite their histories of previous imprisonment. The implications for models of rational, considered decision

making, on which most criminal law is based, appear to be profound.

Conclusion

Clearly, there are some interesting things to be seen when one examines the recidivism process of individuals. Although we do not yet have the conclusive evidence that would convince any properly sceptical person, there are indications that emotions and habits play critical roles in the chain of events leading to a relapse into criminal behaviour.

It also appears that the offence process works something like a ballistic missile. Once it is set off, it runs quickly and inevitably on its course. At the same time, the triggering of the chain of events is affected by certain behavioural and emotional events, and it may be predictable and preventable. Obviously, much remains to be done in this area.

In the meantime, data gathering is ongoing, and we may branch out into further studies of the process. Once one begins looking at something, there's no telling what one will find. ■

Milestones in the Offence Process
(Percentage of Subjects)

| Time Interval Before Offence | First | Longer | Consd | Plan 1 | Plan 2 | NoRet |
|----------------------------------|-------|--------|-------|--------|--------|-------|
| One month or more | 26 | 14 | 7 | 4 | 3 | 0 |
| One week or more (but < 1 month) | 11 | 11 | 9 | 5 | 3 | 0 |
| One day or more (but < 1 week) | 10 | 12 | 13 | 10 | 11 | 6 |
| Hours (but < 1 day) | 8 | 11 | 13 | 11 | 9 | 11 |
| Within an hour of the offence | 6 | 10 | 8 | 12 | 12 | 7 |
| At the time of the offence | 38 | 44 | 50 | 59 | 62 | 76 |

First - First passing thought of offence
 Longer - First longer thought of offence (more than one minute)
 Consd - First time considered might actually commit offence
 Plan 1 - First thoughts of planning offence
 Plan 2 - First definite or concrete plans
 NoRet - Point of no return

⁸ G.V. Hughes, Personal Disposition, Coping, and Adaptation in Correctional Workers. Ph.D. thesis, Queen's University, 1990.

Does "Punishing Smarter" Work? An Assessment of the New Generation of Alternative Sanctions in Probation

by Paul Gendreau¹

Department of Psychology, University of New Brunswick,

Mario Paparozzi

Bureau of Parole, Trenton, New Jersey

and Tracy Little and Murray Goddard

Department of Psychology, University of New Brunswick

We have witnessed a major revolution in criminal justice practices since Martinson's² famous proclamation of "nothing works" in the mid-1970s. That statement praised the death of rehabilitation and rejoiced in the dawning of the new epoch of punishment. In this paper, we summarize the latest results of this new era. We ask ourselves whether intensive probation or parole – the new alternative sanctions – reduce recidivism, improve sentencing options, lessen prison overcrowding and lower the costs of corrections as they are purported to do. And we find our answers in the research evidence.

The Past

First, let's reminisce about the age of rehabilitation. From our vantage point, and we think our reading of past events has some validity, the primary goal of probation officers, and to a lesser extent prison staff, was to work within a rehabilitative framework to reduce clients' involvement with the law. Admittedly, in retrospect, it seems that much of what occurred in the name of rehabilitation in the 1960s and early 1970s was perhaps naïve.

On the other hand, there were some bold and exciting initiatives during that time that were thoroughly evaluated and shown to reduce recidivism by up to 80%. These programs were grounded in behavioural principles of treatment, took individual differences into account and had program designers and supervisors who were trained in using clinical techniques to change offenders' behaviour.

The following examples, taken from probation settings,³ are illustrative of behavioural programs that reduced recidivism. Walter and Mill's Behavioural Employment Intervention Program for juveniles emphasized a token economy, contingency contracting

and life-skills training. Programmers worked very closely and efficiently with employers and the courts to ensure the integrity of the program.

Andrews' and Kiessling's Canadian Volunteers in Corrections Program used professionals and volunteers from the public in an adult probation supervision program. The major features of the counselling and supervision practices were: the use of authority, anticriminal modelling and reinforcement, problem solving, use of community resources and quality of interpersonal relationships.

Finally, Robert E. Lee's Project CREST in Florida targeted "hard core" juvenile probationers. Paid doctoral students in counselling psychology or

education programs were the primary therapists who worked on a one-on-one basis with clients. Therapy drew on a number of approaches, including reality, rational-emotive and client-centred therapies and some behaviour modification techniques. The threat or use of sanctions was left to the supervising probation officer.

The Present

Moving now to the present, we see that Martinson correctly predicted the future. With isolated exceptions, the new generation of programs for offenders are rooted in punishment. Excluding the dramatic increase in the use of incarceration, which can hardly be called programmatic or new, we are referring to what policy makers in the 1980s called "punishing smarter" alternative sanctions. By and large, these alternative sanctions can be found in probationary settings and are called intensive supervision probation programs, or ISPs.

As Billie J. Erwin so forcefully put it when referring to the Georgia ISP, which was considered by many to be a model for the United States:

...we are in the business of increasing the heat on probationers...satisfying the public's demand for just punishment.... Criminals must be punished for their misdeeds.⁴

Or, as Joan Petersilia remarked, probation was becoming more dreaded than prison.⁵

The new generation of ISPs turned up the heat by:

- greatly increasing contact between supervisors and offenders;
- confining offenders to their homes;
- enforcing curfews;

¹ Address all correspondence to: Paul Gendreau, Ph.D., Professor of Psychology, Department of Psychology, University of New Brunswick, P.O. Box 5050, Saint John, New Brunswick E2L 4L5.

² R. Martinson, "California Research at the Crossroads," *Crime and Delinquency*, 22 (1976): 180-191.

³ R.R. Ross and P. Gendreau, *Effective Correctional Treatment (Toronto: Butterworths, 1980)*.

⁴ B.J. Erwin, "Turning Up the Heat on Probationers in Georgia," *Federal Probation*, 50 (1986): 17-24, p. 17.

⁵ J. Petersilia, "When Probation Becomes More Dreaded than Prison," *Federal Probation*, 54, 1 (1990): 23-27.

- submitting offenders to random drug testing;
- requiring offenders to perform community service;
- requiring offenders to pay restitution to victims;
- electronically monitoring offenders; and
- requiring offenders to pay for the privilege of being supervised.

Various ISPs have employed these alternative sanctions to varying degrees.⁶ As well, shock incarceration and boot camps were often adjuncts to ISPs.

Given the new reality of punishment as the preferable option, it comes as no surprise that rehabilitative program components, specifically those that attempt to reinforce prosocial behaviour, have been greatly de-emphasized. For example, in some recently studied ISPs that claimed to offer a meaningful amount of treatment services, evaluators⁷ found that services on average consisted of only three hours of personal contact per month between the offender and the supervising probation or parole officer.

Second, individual differences have been almost totally ignored. There have been no ISPs that deliberately matched clients with services or type of supervising officer.

All of this, then, is in stark contrast to the probation programs of the early 1970s described earlier in this article.

In summary, a profound shift in policy and practice has occurred in the field of parole and probation. The obvious question is: how effective are these new alternative sanction ISPs? The consensus in the literature is that these programs should improve sentencing options, reduce prison overcrowding, lower the costs of corrections and reduce offender recidivism. Do the programs achieve any of these objectives?

Impact on Sentencing Policy and Options for Corrections

According to supporters of the justice model,⁸ alternative sanctions provide more correctional and sentencing options to the criminal justice system and may restore or improve fairness in sentencing.

With ISPs, prosecutors, defence attorneys and judges have an additional intermediate option when considering release on bail and admission to pretrial intervention programs.

Judges also have additional choices for sentencing; they may choose an ISP rather than traditional probation or prison. It should be noted, however, that ISPs have had some negative consequences on sentencing policy. According to von Hirsch and others,⁹ judges appear to have used ISPs as a net-widening technique in some states.

Finally, as an option for corrections, ISPs provide correctional departments and parole boards with an additional program option.

Impact on Costs of Corrections

Several comparisons of ISPs and regular probation have been made. Researchers from the RAND Corporation reported that in the several locales they studied, ISPs were about 50% more costly than routine probation supervision. A recent American Probation and Parole Association survey, involving the second author, studied American jurisdictions using ISPs and reported the following daily cost estimates: regular probation – \$2 to \$5; ISP – \$7 to \$15; and prisons – \$35 to \$65.

Moreover, specific aspects of ISPs are very expensive. The costs of drug testing for about 200 offenders

in an Arizona ISP¹⁰ added about half a million dollars to the annual budget.

While it was estimated that ISPs in New Jersey and Georgia saved about \$7,000 per participant compared with regular probation, Michael Tonry's¹¹ critique of these figures cast doubt on the extent of the savings.

In fact, ISPs may be more costly because they either inadvertently send offenders to prison who would otherwise be eligible for probation or they cater to low-risk offenders who may not need this level of supervision. As to the last point, Clear and Hardyman¹² made a cogent observation about the "costs" of ISPs. They claimed that more resources have been poured into ISPs even though they tend to have lower-risk populations than regular probation does. Thus, many regular probation services, deprived of resources that have been diverted to ISPs, monitor higher-risk offenders less stringently, thereby jeopardizing public safety.

Impact on Prison Overcrowding

Recent research on ISPs has consistently found that they do not reduce prison overcrowding. In fact, they may contribute to the problem in both obvious and subtle ways.

The RAND studies in California estimated that at least 10% of offenders entering prison had their probation or parole revoked. Indeed, the figures may be higher elsewhere. ISP offenders

⁶ J. Byrne, *Assessing What Works in the Adult Community Corrections System* (Lowell, Mass.: University of Lowell, 1990).

⁷ S. Turner and J. Petersilia, "Focusing on High Risk Parolees: An Experiment to Reduce Commitments to the Texas Department of Corrections," *Journal of Research in Crime and Delinquency*, 29, 1 (1992): 34-61. See also footnote 17.

⁸ N.M. Morris and M. Tonry, *Between Prison and Probation* (New York: Oxford University Press, 1990).

⁹ A. von Hirsch, M. Wasik and J. Greene, "Punishments in the Community and the Principles of Just Desert," *Rutgers Law Journal*, 29, 3 (1989): 595-618.

¹⁰ C.L. Britt III, M.R. Gottfredson and J.S. Goldkamp, "Drug Testing and Pretrial Misconduct: An Experiment on the Specific Deterrent Effects of Drug Monitoring Defendants on Pretrial Release," *Journal of Research in Crime and Delinquency*, 29, 1 (1992): 62-78.

¹¹ M. Tonry, "Stated and Latent Functions of ISP," *Crime and Delinquency*, 36, 1 (1990): 174-190.

¹² T. Clear and P.L. Hardyman, "The New Intensive Supervision Movement," *Crime and Delinquency*, 36, 1 (1990): 42-60.

are watched more closely, and as a result, technical violations are more likely to be detected and processed. Furthermore, ISP offenders typically have more release conditions and, because of this, may be at greater risk of rule violations.

It has been speculated that offenders who had probation revoked on technical violations may have been "going bad" and would have been incarcerated later for more serious crimes anyway. However, the evaluations of three California ISPs¹³ found no relationship between the number of technical violations an offender received and the number of subsequent rearrests.

Michael Tonry's analysis revealed other ways the courts may increase prison loads via ISPs. In New Jersey, some judges have sent potentially eligible probationers to jail on the assumption that they would then get into an ISP when, in fact, this sometimes did not happen.

Impact on Recidivism

As one would expect, the recidivism rates for ISP offenders are lower than for inmates who are released from prison into the community without participating in an ISP. For example, participants in the Georgia ISP had 18% fewer rearrests. Tonry and Will¹⁴ have criticized the prison-based comparison groups used in the Georgia evaluation since, if anything, these offenders were at greater risk for reoffending from the outset. The crucial question, however, is do ISPs produce lower recidivism rates than regular probation or parole?

The answer: alternative sanctions either as stand-alone programs or incorporated into ISPs inevitably result in about the same or slightly higher recidivism rates than comparable regular probation programs which monitor inmates much less intensively. This conclusion is based on a comprehensive meta-analysis of the intermediate sanction literature conducted by the first and third authors of this article.¹⁵

A subset of these data merits attention. Researchers studied probationers who were randomly assigned

to ISPs and control groups (for example, those on regular probation). These studies were replicated across several sites.¹⁶ It was found that 39% of ISP offenders had been jailed compared with 28% of offenders in the control groups. The comparable results for incarceration rates were 13% and 10% respectively.

Among all the negative results reported so far, four ISP studies deserve more discussion.

The Pearson Evaluation of a New Jersey ISP¹⁷

This evaluation of the New Jersey Intensive Supervision program reported that ISPs reduced recidivism. Pearson reported two sets of results: one for a closely matched smaller sample and one for a less closely matched, larger sample.

In the smaller sample, the ISP group (N=208) had recidivism rates 10% lower than those of a closely matched regular probation group (N=95) for a two-year follow-up.

The second set of results was on a larger, more representative sample (ISP group, N=352; regular probation group, N=287), but the control group was not as closely matched. The latter results were analyzed using the offenders' risk level. By far, the greatest reductions in recidivism were found among the high-risk offenders – high-risk offenders in the ISP had recidivism rates 30% lower than those on regular probation.

This finding supports Don Andrews' well-documented risk principle¹⁸ which predicts that higher-risk offenders should benefit most from interventions that positively reinforce behaviour. There is no data, however, to indicate that higher-risk offenders benefit more from punishment.

Unfortunately, Pearson did not provide outcome data by risk level for his more closely matched sample. At this point, we can tentatively conclude that the New Jersey program worked to some degree, but how well it worked is debatable given that the ISP and control groups were matched only approximately.

Why did this program appear to work? Based on published program descriptions and personal contacts, the New Jersey program offered more treatment than regular probation. Most program participants attended peer-support sessions led by an ISP officer and received specialized counselling (for example, drug and alcohol counselling).¹⁹ However, it was not statistically documented whether the ISP group received significantly more treatment services than the group assigned to regular probation.

This study is also important because it paid close attention to the program implementation process. The New Jersey ISP offered an attractive salary and recruited staff from state-wide probation departments and social work agencies. Program designers had the luxury of selecting

¹³ J. Petersilia and S. Turner, "An Evaluation of Intensive Supervision in California," *Journal of Law & Criminology*, 82 (1991): 610-658.

¹⁴ M. Tonry and R. Will, *Intermediate Sanctions, Report to the National Institute of Justice* (Washington, D.C.: U.S. Department of Justice, 1988).

¹⁵ *The meta-analysis of the intermediate sanction literature was conducted by Paul Gendreau and Tracy Little. Results of the meta-analysis are available from Paul Gendreau (see footnote 1).*

¹⁶ J. Petersilia, S. Turner and E.P. Deschenes, "The Costs and Effects of Intensive Supervision for Drug Offenders," *Federal Probation*, 61 (1992): 12-17.

¹⁷ F.S. Pearson, "Evaluation of New Jersey's Intensive Supervision Program," *Crime and Delinquency*, 34, 4 (1987): 437-448.

¹⁸ D. Andrews, I. Zinger, R.D. Hoge, J. Bonta, P. Gendreau and F.T. Cullen, "Does Correctional Treatment Work? A Clinically Relevant and Psychologically Informed Meta-Analysis," *Criminology*, 28, 3 (1990): 369-404.

¹⁹ F. Pearson and A.G. Harper, "Contingent Intermediate Sentences: New Jersey's Intensive Supervision Program," *Crime and Delinquency*, 36, 1 (1990): 75-86.

staff from a large pool of qualified applications, and the hiring process was not constrained by civil service or union seniority regulations. Quality of staff is rarely addressed in ISP studies, yet having appropriate staff is clearly an important factor.

The Byrne and Kelly Evaluation of Massachusetts ISPs²⁰

The second study of note was conducted in Massachusetts. It found no differences in recidivism between the ISP participants and the comparison groups at several sites. One reason for this was the poor implementation of the ISP model. Only 27% of the ISP offenders were supervised by their probation officers in the way that the program originally intended. This rather alarming result may be, in fact, fairly typical of ISPs.

The Massachusetts study did, however, provide some valuable information. The investigators found a relationship between the quality of an officer's supervision of probationers and recidivism. In both the ISP program and the regular supervision group, recidivism rates were 12% to 33% lower among offenders whose probation officer offered high-quality as opposed to lower-quality supervision. The authors concluded that their findings offered strong support for treatment and advocated that funding be provided for employment/education and substance abuse treatment rather than for new surveillance equipment.

The Petersilia and Turner Study²¹

This important study had typical results: there were no differences in recidivism rates between ISP offenders and controls at three sites. At two of the sites, however, probationers who took part in programs (employment, counselling and restitution) had significantly lower recidivism rates.

The Paparozzi and Gendreau Study of a New Jersey ISP²²

This study, carried out by New Jersey's Bureau of Parole, was unusual for an ISP. It deliberately targeted high-risk offenders, and it documented the fact

that the ISP group received significantly more treatment services than the control group on regular probation. The study, using three measures of recidivism, reported reductions in recidivism of 21% to 29% for ISP offenders compared with a carefully matched sample of probationers in a regular probation program.

Paparozzi and Gendreau also reported that parole offices that were most supportive of the program had lower recidivism rates among their probationers – an important finding regarding implementation issues.

Second, they found that parole officers who had a balanced approach to their supervisory work had lower recidivism rates among their probationers (20% on average for three measures of recidivism) than officers who were "law enforcement" or "social work" in their approach.

One other finding deserves mention. Probationers under "law enforcement" officers had a 43% technical violation rate. Is it any wonder that ISPs have been found to have higher rates of technical violations (which lead to higher incarceration rates) when it is common knowledge that many ISPs have recruited officers with just this sort of supervisory approach?

In summary, none of these four ISPs assessed the quality of the treatment services delivered to probationers. The New Jersey Bureau of Parole study, as well as a recent review of probation services by the American Probation and Parole Association, has recommended that the highest priority be given to assessing the quality of

treatment services using measures such as the Correctional Program Assessment Inventory.²³

Conclusion

Using various alternative sanctions, correctional systems have been "turning up the heat" on probationers. But our study of these new sanctions found:

- no discernable improvement in the delivery of "better justice";
- a doubling of the cost compared with regular probation;
- a reduction in public safety;
- an increase in the prison overcrowding problem; and
- no effect on offender recidivism and a belated rediscovery that only the inclusion of treatment services will have any positive effect on reducing recidivism.

As to the so-called rediscovery of treatment services, it has been shown once again that ideology has little respect for evidence. From the late 1970s to 1990, about a dozen reviews have appeared in the literature indicating that treatment services can reduce offender recidivism and that punishment and sanctions cannot.

We need to revisit some of the classic studies of the 1970s (noted in the introduction) that showed reductions in recidivism. If policy makers choose not to be better informed, then it should be made crystal clear by supporters of alternative sanctions that retribution and control are the goals of the criminal justice system. It is time to stop hiding behind the smoke screen of "doing justice," reducing costs and reducing recidivism. ■

²⁰ J.M. Byrne and L. Kelly, *Restructuring Probation as an Intermediate Sanction: An Evaluation of the Massachusetts Intensive Probation Supervision Program, Final Report to the National Institute of Justice, Research Program on the Punishment and Control of Offenders (Washington, D.C.: National Institute of Justice, 1989).*

²¹ See footnote 14.

²² M. Paparozzi and P. Gendreau, "An ISP that Works! Treatment, Organizational Supportiveness and Officer Roles." *Unpublished manuscript, Bureau of Parole, Trenton, N.J., 1993.*

²³ P. Gendreau and D. Andrews, *Correctional Program Assessment Inventory (Saint John, N.B.: University of New Brunswick and Carleton University, 1992).* Available from Paul Gendreau (see footnote 1).

Recidivism: How Inmates See It

by Claudio Besozzi¹

Research and Statistics Branch, Correctional Service of Canada

Most criminological literature deals with recidivism as an indicator of the failure or success of correctional institutions, or as a predictor of further criminal behaviour. Both approaches may be incomplete because they fail to acknowledge that institutional treatment is not a one-way causal process but rather the outcome of interaction between the correctional system and offenders.²

Emile,³ a young man sentenced for theft and robbery, told us: "We are here to be tamed, to avoid coming back. But they can't tame people this way. They won't tame me.... They can do what they want, I don't care. It just strengthens my morale."⁴

Comments like this suggest that recidivism should be examined as part of a communication process. Following this approach, we interviewed 25 first-time offenders⁵ in a medium-security institution who were to be released after serving sentences of between two and five years. We asked the inmates about their perception of corrections and of the meaning of imprisonment, and about their reaction to both. Our goal was to better understand the context which may influence their postrelease behaviour. The main results are summarized and briefly commented on in this article.⁶

Recidivism is an important issue for inmates. They often see offenders returning to prison shortly after release. Stories of recidivism are part of the inmate subculture. They are faced with the predictions of correctional staff. They think about their own lives after release and worry about returning to prison. To cope, inmates have developed their own theories to explain why "they always come back."

Every device designed to help inmates contains, in their minds, the causes of their failure.

The Correctional System

On a more superficial level, the inmates believed that the correctional system itself is the most important cause of recidivism. Some offenders⁷ saw recidivism as the result of a perversion of the formal aims of imprisonment and said the everyday actions of prison staff are intended not to resocialize and help them, but to

make them come back. Some inmates said the system is trying to reproduce and to legitimize itself. Pierre, a 28-year-old professional thief, said: "They follow you, they let you go, they harass you and harass you again...they push you to the limit. If they were able to rehabilitate us, we wouldn't come back anymore, and they would lose their job."

Every device designed to help inmates contains, in their minds, the causes of their failure. Parole was also

believed to contribute to recidivism. The inmates told us that the offenders most likely to commit further offences are generally released on parole earlier than those who probably will not reoffend. Furthermore, the release conditions that offenders are supposed to abide by do not reflect the reality of everyday life. Pierre can't understand it: "They want me to integrate into society, but they don't allow me to behave like ordinary people in society. You wouldn't set up such conditions for a child.... It's crazy!"

Transfer to a halfway house was seen in a similar light. Most inmates did not think they could cope with the freedom of a halfway house without taking advantage of it. They said they would soon return to prison for breaking regulations or for committing further offences.

Being released "onto the street" (after serving their full sentence) is not much better, according to the inmates. They have no money, no job and a lot of needs, and inmates said they get no help preparing for release. They said programs do not help because they are not taken seriously by staff or offenders. Participation in programs was seen as a way to get out sooner, not as a way to improve the odds of success on the outside.

The Inmate Culture

The inmates' accounts of everyday life in prison also emphasized that

¹ Claudio Besozzi, Research and Statistics Branch, Correctional Service of Canada, 340 Laurier Avenue West, Ottawa, Ontario K1A 0P9.

² E. Zamble and F. Porporino, *Coping, Behaviour and Adaptation in Prison Inmates* (New York: Springer-Verlag, 1988), pp. 4-7.

³ The names of inmates have been changed.

⁴ All quotations are translated from French.

⁵ We interviewed inmates serving their first sentence in a **federal** institution. Most of them had previous criminal records and had served sentences in juvenile or provincial institutions.

⁶ For a more complete presentation of this study, see C. Besozzi and N. Soullière, *Les détenus et leur prison : La perception de la prison chez les détenus d'un pénitencier à moyenne sécurité, Rapports de recherche 1 et 2* (Ottawa: Correctional Service of Canada, 1993). An extended version of this paper is also available from the author.

⁷ The use of adjectives such as "some" and "many" do not have a quantitative connotation. They should be interpreted as existential statements: there is at least one inmate for which the statement is true.

their fellow inmates help pervert the formal objectives of corrections. This occurs directly, through lack of participation in activities aimed at rehabilitating inmates, and indirectly, through the values and attitudes of the inmate subculture.

Inmates described other offenders as not interested in changing their beliefs, attitudes or behavioural patterns. They do not care about their future, and have nothing to lose but their status in the prison. Prison games⁸ – the power struggles that go on among inmates and between inmates and staff – are their main concern.

Most offenders we interviewed emphasized the pervasive presence of criminal patterns of behaviour in everyday prison conversation. They had no doubt that prison conforms to the old-fashioned image of a "school of crime." This belief supports the myth of the correctional institution creating, maintaining and reinforcing criminal patterns of behaviour by housing first-time offenders and recidivists together, and petty offenders with dangerous ones. "It's a school here! They have nothing to do but talk about the crimes they committed, how they did it and about connections for further crimes," said Marc.

"True" Criminals, *Petits Gars* and Institutionalized Inmates

Inmates correlated recidivism with a specific pattern of criminal behaviour. Rape, sexual assault and other forms of sexually deviant behaviour (especially involving children) was seen by inmates as automatically reproducing itself in a compulsive way. The recidivistic behaviour of drug addicts was perceived similarly.

There were also many references to inmates who simply like committing offences and return to prison as soon as they are released. They steal some corn because it tastes better when it is stolen. Jules called them the *petits gars*, the "little guys."

Finally, the inmates also described the institutionalized inmates, those who are used to doing time and like

being in prison. Benoît, a 33-year-old transsexual, said: "I'm not like the guy that comes in and has nothing to lose; he comes in [and] goes out, he doesn't care about being in prison, he gets shelter and some food, he goes out again and then comes back."

These explanations for recidivism based on individual factors are founded on the perhaps naïve assumption of individual choice. The most popular statement among the interviewed offenders was something like "If you really want to, you can do well." Inmates viewed everyday life outside prison as a series of opportunities for relapse. Strong motivation is needed to resist committing further offences, and most inmates seemed to lack the necessary willpower.

When inmates perceived themselves as potential recidivists, they were likely to explain their past (and future) behaviour in terms of an "illness."

Explanation of Past Behaviour: Models of Crime

The inmates we interviewed generally avoided talking about their offences. When they did, they redefined them as not very dangerous, not violent, not really criminal or distanced themselves from their past behaviour.

The inmates who believed they would not commit further offences after release saw their offence as a unique failure, as something mysterious that happened to them. Their offences were not indicators of a criminal pattern, they were "accidents," failures lacking any rational explanation. That was the case for Jim, 22, who said: "For me, it's not at all the pattern of my life. I made a mistake. I

don't do such things usually.... My life outside was a very normal one, just like everybody's life, but I made a mistake...."

Some inmates used a similar approach to create a moral distance between themselves and their actions. They still considered what they did to be a unique failure but rationalized their behaviour with external, situational factors, such as getting in with a bad crowd, getting divorced or having economic problems. They said they would not commit further offences because they would avoid such situations.

When inmates perceived themselves as potential recidivists, they were likely to explain their past (and future) behaviour in terms of an "illness." The classic example is drug addiction. Inmates with drug addictions talked about recidivism as a characteristic of their addiction. Emile, an alcohol and drug abuser, said: "I won't come back, I won't...but I know that I'm going to come back if I'm not able to manage my problem. That's for sure...I'm not crazy, but...it's like an illness."

Property crimes were often committed to maintain an expensive lifestyle. If these needs and values survive the prison experience, then the offenders will likely commit the same offences after release. "If you commit some offences to get money to satisfy extravagant tastes and habits, that's like a drug.... I just like to wear expensive clothes and drive smart cars. That will not change because I served a two-year sentence," explained Jean.

Other inmates blamed an aspect of their personality or behaviour pattern for their criminal actions. They didn't think they could behave differently, even though some inmates said they wanted to. Others just accepted their behaviour as part of who they are. Luc's life consisted of committing offences and being punished. His explanation

⁸ For a description of the "mind games" see K. McDermott and R.D. King, "Where the Action Is in Prisons," *British Journal of Criminology*, 28, 3 (1988): 357-375.

Other inmates viewed change as the outcome of a struggle between themselves and staff. To change means they have been "tamed"; to not change means they have resisted the pressures of staff.

was: "It runs in my blood. Doing bad things simply runs in my blood."

Changing in Prison, Reacting to Imprisonment

Most inmates we interviewed stated that imprisonment hasn't changed or modified anything. Prison has not helped them solve the problems related to recidivism or change their attitudes, values or lifestyle.

Some inmates did not perceive a need to change because they saw themselves and their lifestyle as "normal." Other inmates felt no need to change because they saw themselves as criminals. The difference between living in prison and living outside shaped their lives, and they were comfortable with that.

Other inmates viewed change as the outcome of a struggle between themselves and staff. To change means they have been "tamed"; to not change means they have resisted the pressures of staff.

Some inmates emphasized the negative changes caused by imprisonment. The hardships they suffered in prison and the perceived unfairness of staff have produced violent feelings. Olivier said: "I think I will be more aggressive than before, when I get out. Oh yes, that's for sure, because you experience a lot of unfairness here." Aldo shared this belief: "Being in prison, you become savage, rough, selfish, you pick up all the faults you can, you become more aggressive and impulsive."

A fourth group of offenders said they have changed or are going to change. However, they did (or will do) so on their own and not because of pressure from staff. Most of these offenders isolated themselves from other inmates and thought about their situation and their life after release. To inmates like Emile, prison is a positive environment for change because it allows them to take a break from the stress of everyday life and to question values and attitudes previously taken for granted. Emile said: "I'm glad to be here because I had the opportunity to think a lot. You are alone and you learn about yourself. When I'm outside, I haven't the time for that. I'm too busy."

The strongest criticisms of the correctional system came from inmates who knew they needed to change, went to prison hoping for some qualified help and think they didn't receive it. They needed psychological counselling, therapy for violent behaviour, drug and alcohol

For inmates approaching release, the fear of life outside prison seemed to counteract the frustrations and hardships they undergo inside the walls. They began to remember that freedom is not just fun.

addiction programs or just an opportunity to talk about their problems. But, they found case managers too busy or too inexperienced to do their job properly and good programs improperly managed. There are few psychologists, said Olivier, and when you have the chance to talk to one, they don't have time for you. "You are speaking to him and he is looking at his watch." These inmates said they were ready to change, to use their time in prison to improve their life skills, but found closed doors.⁹

Most inmates we spoke to were somewhat uncertain about having changed in prison. They seemed to be aware that any change(s) would not be proven until after release and were extremely evasive about the issue.

Staying In or Going Out: The Fear of the Outside

At the beginning of the interview, most inmates uttered statements like "Prison is awful. I don't want to come back anymore." Some of them declared that the prison experience would deter them from reoffending. Then, they immediately began diluting the statement. During the interview, the correctional institution became less awful and the determination not to reoffend became less resolute. The deterrent effect of prison seemed to vanish.

For inmates approaching release, the fear of life outside prison seemed to counteract the frustrations and hardships they undergo inside the walls.¹⁰ They began to remember that

⁹ Zamble and Porporino (footnote 2) draw the conclusion that the correctional system failed to take advantage of the window of opening at the beginning of a sentence. It seems that some staff are closing the windows that some inmates forgot to close.

¹⁰ This theme appears in most of the novels written by former convicts. See, for example, E. Bunker, *No Beast So Fierce* (New York: Norton, 1973):

I was more nervous in facing release on parole than I had been on entering so long ago. It helped slightly to know that such apprehensiveness was common, though often denied, by men to whom the world outside was increasingly vague as the years passed away." (p. 11)

However, the fear the interviewees referred to was not so much the fear of a changed outside world, but the fear of going out into a world that hadn't changed since their admission.

freedom is not just fun. Pierre feared life outside prison:

Out of here, that's tough isn't it? You are under pressure the whole time. You have no time at all for yourself, for stopping and thinking a little bit.... I'm going to be released and it scares me. You look at what is going on out there, it's awful. The unemployment rate is rising, a lot of firms got closed and people have to sleep outdoors. That's a fucking life! In a certain sense, we are living more comfortably in here. Some people outside don't get what we have.

Prison began to appear more like a refuge, the "mother who provides and protects."¹¹ François said: "If I won't have some good friends outside, why should I stay outside? Here, I have better friends than I could ever meet outside."

The inmates' statements also displayed feelings of insecurity about their own reactions, which is a scenario for potential recidivism. Most seemed to anticipate a plausible explanation for their reincarceration. They would try to do well, to conform as much as possible to the norms of society, but they might be pushed by unfavourable conditions to commit further offences. Some inmates had no money or job, no home or furniture, no car, no help from relatives, nothing but the determination to do well. Others had a little, but not enough to support the lifestyle they desire.

Some offenders worried about relationships with relatives that may have broken down. They also feared they were not ready to live outside without breaking the law, and they didn't know if what they learned inside would be useful. "When you serve a long sentence, you will come out and have nothing. You will go out and you will ask yourself what the hell you are going to do, naked on the street, without a cent. I will have nothing when I leave. I don't know what I'm going to do," explained Alex.

The relationship between inmates and the correctional system was described as a communication process. It may also be a dialogue of the deaf.

Another concern for inmates was the fear of being returned to prison for breaking parole conditions. "I'm afraid to come back," said André, "I won't come back. But, when you go out on parole, they bring you back to the pen for damned stupid things. If they catch me with some hashish in my pockets, I have to come back."

Many inmates tried to postpone their release by demanding a transfer to a halfway house or to an institutional treatment centre. They saw staying in prison as the best prevention against coming back.

Their insecurity about facing the world outside became apparent when we examined their plans for the future. Inmate release plans were usually either trivial (look for a job, continue attending school) or extravagant (become an underwater diver).

Often, the inmates were not able to formulate what they were going to do. In this context, "I don't know" meant they might commit further offences. "I don't know what I'm going to do after release," François said. "I'll try to do what I would like to do, but if it doesn't work, I don't know what I'm going to do." That meant he would probably continue his criminal career. Jean had the same attitude: "I'm not saying that I'm going to do it, but if I don't make money legally, it will be very enticing to do some deal."

There were, of course, a few inmates who knew exactly what they would do after release. Marc, who

described prison as a temporary death, said he would return to his usual lifestyle: "My life will go on. I'm just going to take out my golf clubs and polish my bowling shoes...."

Listening to the Inmates

At the beginning of this paper, we argued that recidivism should be considered as an element of the communication process between inmates and the correctional system. What message are the inmates sending?

A few inmates had a well-defined identity and knew whether they belonged to the non-criminal or the criminal world. Their expectations regarding their recidivistic or law-abiding behaviour revealed that the system didn't change anything in their identity. They didn't listen to the correctional message because it didn't concern them; it was unnecessary for some and ineffective for others.

Most inmates we interviewed had ambiguous attitudes toward their prospects after release. They would like to change, but would change on their own. They refused the aid proposed by the correctional institution, but sought help.

This reflects two aspects of their specific situation. First, most inmates did not yet have a well-defined identity. They vacillated between seeing themselves as law-abiding citizens who made a mistake and seeing themselves as criminals. Second, according to the inmates, their uncertainty was caused by the apparent indecision in the aims of the correctional system. Confused and frustrated by contradictions between the formal objectives of the correctional system and what they experience every day in prison, the inmates were asking with increasing anger, "What do you really want?"

At the beginning of this paper, the relationship between inmates and the correctional system was described as a communication process. It may also be a dialogue of the deaf. ■

¹¹ M.G. Duncan, "Cradled on the Sea: Positive Images of Prison and Theories of Punishment," *California Law Review*, 76, 6 (1988): 1202-1247.

Recent Court Decisions

The following are summaries of five recent court decisions dealing with various issues involving the Correctional Service of Canada. These summaries are provided for your information and convenience. As these extracts are not complete, however, you should refer to the actual opinion or document or consult with Legal Services at national headquarters concerning the specific interpretation or applicability of any opinion or decision cited.

If you have any questions about these or other related matters, please contact Mark Zazulak, General Counsel, Department of Justice, Legal Services, Correctional Service of Canada, 4A – 340 Laurier Avenue West, Ottawa, Ontario K1A 0P9.

Wesley Crowe v. Her Majesty the Queen

The issue in this case was whether a native inmate had been discriminated against on the basis of race, contrary to section 15 of the *Charter of Rights and Freedoms*, when he was denied an escorted temporary absence to attend his son's funeral. The inmate also claimed there was systemic discrimination by the Correctional Service of Canada against native people as a group.

Section 15 of the *Charter* prohibits discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

The Trial Division of the Federal Court of Canada held that there was no evidence that racial discrimination was the reason the temporary absence was denied. The inmate, Crowe, was serving his fifth federal term for a series of violent offences; he was not long into the term and had committed a number of institutional offences. The Court ruled that it was the inmate's security profile that led to the denial, not his native ancestry.

The Court also dismissed the claim of systemic discrimination. Cullen J. noted that the Correctional Service of Canada had taken many actions to eliminate disadvantages faced by native inmates: "...the expeditious manner in which CSC has responded to the needs of native Indian prisoners is impressive. Thus a court, and certainly this Court, would be hard-pressed to find a basis for

stating that native Indian prisoners' rights under the *Charter* have been violated."

Robert Cunningham v. Her Majesty the Queen, the Crown and the Commissioner of the Correctional Service of Canada

In *Cunningham*, the Supreme Court of Canada dismissed the arguments that the detention provisions of the former *Parole Act*, when applied to persons sentenced to imprisonment before the detention provisions became law, violated the inmate's rights under section 7 of the *Charter*. The Court also dismissed the further contention that the Commissioner of the Correctional Service of Canada acted unlawfully in referring Cunningham's case to the National Parole Board.

Section 7 of the *Charter* provides everyone with the right to life, liberty and security of the person. No one can be deprived of these rights except "in accordance with the principles of fundamental justice."

The Court found that although the inmate did suffer a deprivation of liberty, his liberty was limited only to the extent necessary to protect the public. Therefore, this was not contrary to the principles of fundamental justice because the *Act* and *Regulations* provided for a hearing, representation and future hearings to review the detention. These requirements provide safeguards against arbitrary detention orders and ensure that a detention occurs only when required to protect the public, and then only after the

prisoner's interests in obtaining release have been fully and fairly examined.

The Court further found that although file information also formed the basis for the referral, the Commissioner should not be precluded from relying on new and revised reports when they come to his or her attention within the six-month prerelease period. According to the Court, it would be an unusual case when information coming forward during this period did not have echoes and origins in previous reports.

Lord v. the Correctional Service of Canada and Warden of Matsqui Institution

The Trial Division of the Federal Court of Canada upheld the Warden of Matsqui Institution's decision to deny Lord visits with his son who was serving a life sentence at Matsqui. The visits were stopped because of allegations that Lord had acted in a "disrespectful and abusive" fashion toward institutional staff. Written reasons for the Warden's decision had been provided to Lord.

Pinard J. found that "the decision was made under competent authority and in good faith, and that the applicant was treated most fairly." The Court also found no *Charter* breach, saying "...a visitor to an inmate in a prison cannot have unrestricted freedom of association. The association rights must be subject to the necessity of preservation of security of the institution."

Bell v. National Parole Service

Bell was released on statutory release with an additional condition banning the use of intoxicants. Pursuant to section 55 of the *Corrections and Conditional Release Act (CCRA)*, urinalysis was demanded at regular intervals to ensure that Bell was obeying the extra condition. It was argued that reasonable grounds to believe Bell was breaching the condition were necessary to justify such a search and seizure.

Melvin J. of the Supreme Court of British Columbia found that while

section 54(a) of the CCRA requires "reasonable grounds" to justify a demand, section 55 of the CCRA does not. He therefore dismissed the application.

Frankie v. Her Majesty the Queen

Frankie was on a parole suspension when the *Corrections and Conditional Release Act* came into force. His parole was revoked 13 November 1992.

The following issues arose:

- Was Frankie entitled to credit for remission he earned while serving his sentence (which would have been forfeited upon suspension or revocation under the *Parole Act*)?
- Was he entitled to remission earned while on suspension until the new *Act* came into force?
- From what date should the two thirds of the unexpired portion of his sentence be calculated – the date of reincarceration on suspension or of revocation?

The Federal Court of Appeal held that the inmate was not entitled to any remission credit toward the portion of his sentence remaining following revocation. Section 138 clearly states that inmates are required to serve two thirds of the balance of their sentence at the date of revocation. There is no allowance in the *Act* for subtracting remission from this balance. The date for calculating the two thirds is the date of revocation. Despite the fact that the French wording is not the same as the English, it is clear even from the French version that the date of reincarceration refers to reincarceration following revocation, and not the date of suspension. ■

An Invitation for Membership in the Association for the Treatment of Sexual Abusers

from Murray Cullen, Psychologist, Dorchester Penitentiary (Atlantic)

The Association for the Treatment of Sexual Abusers (ATSA) was founded in 1984 by a group of Oregon clinicians to help advance the development of professional standards and practices in the evaluation and treatment of sexual offenders.

ATSA has since become an international organization, with a membership of highly trained and dedicated professionals from several countries. The association has developed ethical principles to guide professionals working in this very important field, and ATSA's annual international conferences provide opportunities for networking, participation in workshops and involvement in state-of-the-art research, assessment and treatment of sexual offenders and their victims.

Presently, ATSA has about 400 members; most are psychologists, psychiatrists, social workers, child welfare workers and other mental health professionals. The organization looks at not only the treatment of offenders but also that of their victims.

Canadian membership in ATSA is quite small. There are several reasons for this. One is that the organization is relatively young and has its headquarters in the United States. Another is that the annual conferences are traditionally held in the United States, making it difficult for many provincial and federal government employees to attend because of cost or government policies.

Despite all of this, many of the association's top researchers and treatment providers live in Canada. Further, recent initiatives from both the provincial and federal governments in Canada have focused on

establishing research and treatment for sexual offenders.

This June, Richard Laws, Ron Langevin and I hosted a conversation hour at the Canadian Psychological Association's annual conference in Montreal, and we were surprised and pleased with the turnout. We will continue to do what we can to encourage more Canadian membership.

The strategy we are considering is to increase Canadian membership in ATSA and then establish a regional branch or chapter of the association in Canada (region meaning all of Canada). Regional workshops and national conferences might then take place in Canada, perhaps in partnership with various provincial and federal government agencies. This could be a far more economical method of allowing larger numbers of Canadian treatment providers and researchers to attend such valuable activities.

Membership fees for ATSA are on a sliding scale and vary depending on the applicant's income or professional status. To obtain further information about the association, or to obtain a membership application, please contact:

In Canada –
The Association for the Treatment of Sexual Abusers
Telephone: (403) 428-9339
Fax: (403) 428-9556

In the U.S. –
ATSA
P.O. Box 866
Portland, Oregon 97304-0140
Telephone: (503) 233-2312
Fax: (503) 238-0210

