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# HABITUAL CRIMINALS UNDER PREVENTIVE DETENTION RELEASED ON PAROLE

Revised  
August 15, 1968

F.P. Miller,  
Executive Director,  
National Parole Service



Frank P. Miller, Executive Director of the National Parole Board is well known throughout Canada in several fields, including probation, institutions, parole, prison after-care and in the study of criminology at universities.

He was for a number of years a member of the editorial committee of the Canadian Journal of Corrections and served as a member of the executive of the International Association of Paroling Authorities. At the present time, he is Chairman of the Standing Committee on Records, Statistics and Research of the Canadian Corrections Association and is Chairman elect of that association. He is also lecturing on a part-time basis at the Department of Criminology, University of Ottawa.

Mr. Miller was appointed member of the National Parole Board in Ottawa, in January 1959, holding that position until March, 1965, when he became Executive Director of the National Parole Service and Secretary of the National Parole Board.

During 1946 to 1947 he was a part-time John Howard Society worker, and in 1947 he joined the Kingston Penitentiary Staff as Classification Officer, until 1952, when he joined the Remission Service of the Department of Justice, and the following year, was appointed Assistant Director.

Mr. Miller served in the Canadian Army during World War II. He was commissioned in England, serving as Administration Officer and Personnel Selection Officer. In 1945, he was appointed Captain, and served as Senior Selection Officer and Senior Rehabilitation Officer. He repatriated in 1945 and served as Rehabilitation Officer, retiring from Active Service in 1946.

Mr. Miller has always taken an active part in community and church affairs. After receiving his B.A. in 1935 from the University of British Columbia, he served as a student missionary in several mission fields in Western Canada, including a Marine Mission on the West Coast. He is now an Elder of the United Church. He has served in several capacities in Home and School Associations. He is a member of the Canadian Institute of Public Administration and a former chairman of the Ottawa Regional Group. He was chairman of the study action group on Police Services and Youth, of the Ottawa Youth Services Bureau.

HABITUAL CRIMINALS  
UNDER PREVENTIVE DETENTION  
RELEASED ON PAROLE

In terms of Section 660 of the Criminal Code, a person may be found to be an habitual criminal if he,

"has previously, since attaining the age of eighteen years, on at least three separate and independent occasions been convicted of an indictable offence for which he was liable to imprisonment for five years or more and is leading persistently a criminal life."

An habitual criminal may be sentenced to a term of

"preventive detention in lieu of any other sentence that might be imposed for the offence of which he was convicted or that was imposed for such offence, or in addition to any sentence that was imposed for such offence if the sentence has expired."

The idea and purpose of preventive detention is revealed in Criminal Code Section 660(b):

"if...the Court is of the opinion that because the accused is an habitual criminal, it is expedient for the protection of the public to sentence him to preventive detention."

Release from prison and continuation of control in the community is anticipated in Section 666 of the Criminal Code which reads:

" Where a person is in custody under a sentence of preventive detention, the Minister of Justice shall, at least once in every year, review the condition, history and circumstances of that person for the purpose of determining whether he should be permitted to be at large on licence, and if so, on what conditions."

By virtue of Section 24, subsection (5) of the Parole Act,

"the powers, functions and duties of the Minister of Justice under section 666 of the Criminal Code are hereby transferred to the Board, and a reference in that section to permission to be at large on licence shall be deemed to be a reference to parole granted under this Act."

The first person to be found an habitual criminal was sentenced to preventive detention in February, 1948. A total of 137 have now been convicted and sentenced to preventive detention.(1) At the time of writing this report, 71 are in custody in penitentiaries, one is in a mental hospital, 51 are on parole, and 15 are dead.

This article is limited in its scope and in the main gives only a description of some of the characteristics of the men who have been released on parole. Other areas of interest may be the subject of review in future surveys.

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(1) 159 Convicted; 18 convictions quashed;  
4 not sentenced to Preventive Detention.

How many persons declared to be habitual criminals have been released on parole and what has happened to them?

Released on parole		73
Died on parole	6	
(2)		
Revoked	8	
(3)		
Forfeited	11	
	—	25
		—
Continuing on parole		48
Re-paroled		5
		—
		53
Revoked	1	
Forfeited	1	
	—	2
		—
Now on parole		51

The group of detainees released on parole is composed mainly of non-violent men. (It is anticipated that this may be characteristic of a greater part of all the group sentenced to preventive detention to date.) Only 6 of the 73 men released had an offence involving violence as his current conviction at the time of being found an habitual criminal. None of the group have any significant pattern of violence on their criminal record.

37 of the 73 detainees originally released had been committed on drug offences. Of this group, 23 were addicts: 5 addicts were violators. None of the non-addict drug offenders were violators.

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- (2) Returned to prison for breach of Parole Regulations.  
 (3) Returned to prison following commission of a new offence.

How long had they been under preventive detention when first paroled?

under 3 years	1)		
	)	= 16	Under 4 years
3 years and under 4 years	15)		
4 years and under 5 years	8)		
	)	= 13	Under 6 years
5 years and under 6 years	5)		
6 years and under 7 years	13)		
	)		
7 years and under 8 years	13)	= 30	6 years and under 9 years
	)		
8 years and under 9 years	4)		
9 years and under 10 years	4)		
	)		
10 years and under 11 years	5)	= 10	9 years and under 12 years
	)		
11 years and under 12 years	1)		
12 years and under 13 years	3)		
	)	= 4	12 years and over
over 13 years	1)		

6.

What are the five longest periods at liberty to date?

13 years, 2 months

9 years, 11 months

9 years, 10 months

9 years, 7 months

8 years, 9 months

What was the age at time of first conviction of the 73 detainees who have been paroled?

It is difficult from the data to hand to establish age at first conviction. In some cases, history of juvenile convictions was available and in other cases, this was not so. It is possible that there were earlier appearances in court in the cases of some shown as being at age 16 or above at time of first conviction.

The median falls at age 18. 45 of the 73 men released had commenced their criminal careers by age 18. 61 or the bulk of the group were embarked on their careers by age 20. Of the 12 who were over 20 and under 30 on first conviction, 8 were 21 and under 25, and 4 were 25 and under 30.

Of those known to have court appearances earlier than age 16, the youngest age recorded is 9 and there is at least one for each year up to age 15.

under age 16	17
16 and under 21	44
21 and under 26	8
26 and under 30	4

... 7.

What was the age of detainees on admission to preventive detention?

25 and under 30	6
30 and under 40	30
40 and under 50	29
50 and under 60	8

The youngest age on admission was 27. The oldest was 56. The bulk of the group were in the age range of 35 to 49, with a median of 40.

Of the 6 men under age 30 on admission who were later released, 5 had their parole either revoked or forfeited. Of the 36 men up to age 40 (median) who were released, 12 were either revoked or forfeited. Only 7 of the 36 above the median on admission were later revoked or forfeited.

What was the age of detainees at time of release on parole?

The range of age at time of release is from 31 to 65. Median is 47. However, this does not give an adequate picture. The range is fairly evenly spread at 3 or 4 for each year from age 40 to age 57. There is a separate group of 8 men who were released in the age range of 31 to 36.

7 out of 8 of the group who were under the age of 37 at time of release had their parole either revoked or forfeited. 13 of the 36 up to the median of 47 had their paroles either revoked or forfeited, leaving only 6 revocations in the 36 above the median.

An interesting finding is that of all the parolees (61) who were age 40 or over on release, only 10 have since been revoked or forfeited as compared with the 9 violators out of the 12 under age 40.

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