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The Recycling of Offenders in Québec Federal Penitentiaries:  
Re-Incarceration Trends

par

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Re-Incarceration Trends

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## ABSTRACT

The increasing number of parolees being re-incarcerated for technical violations together with the increasing conditions imposed upon conditional releases constitutes an important phenomena underlying "**return rates**". Previous studies have ignored the effects that social control mechanisms such as differential parole selection and intense supervision have on released offenders. Our research will approach classical criminogenic factors and such seemingly objective variables as social characteristics with a more critical perspective, in order to evaluate how penal policies and administrative decisions are differentially applied to certain individuals, making them preferential recycling candidates. As such, emphasis will be placed on the back-end processing of the penal system and its impact on carceral populations to enable us to depict the functioning of the custodial system as a self-propelling force instead of being driven by external "criminality" forces.

Consequently, our research will follow a cohort of offenders released from federal penitentiaries in Quebec for the 1st time on their current sentence in 1993, for a 1-year follow-up period. Aware of the emerging "**new penology**" with its risk management approach to offender processing, we will use a critical perspective to examine differential patterns of release and subsequent penitentiary returns for this cohort of offenders. Offender characteristics, and associated incarceration and parole variables will be compared between the different release groups, as well as between returning versus non-returning offenders, through a quantitative analysis.

As we will see, the prominent release sub-cohorts, Accelerated parole, Full parole, and Statutory release, all vary with respect to key offender and penal characteristics, with Day parole playing a significant role in the trajectory undertaken by the offender. Furthermore, the recycling of offenders in the penitentiary system is not

independent of this initial release process; return rates varying from 12% to 51% for the different release sub-cohorts, with a penitentiary base return rate somewhere in between at 37%.

Ensuing from this analysis, three processes can be highlighted that seem to have the most effect on the recycling of offenders. Firstly, through '**self-selection**', certain of the highest risk offenders exclude themselves from most of the conditional release process, by either postponing their parole hearings or waiving their rights to parole. Secondly, Day parole serves as a '**pre-selection**' trial period, whereas only the better risks subsequently advance to a definite type of conditional release. Thirdly, certain basic offender characteristics (ie. young, first-time, property offenders) seem to be targeted, on the one hand, for early conditional release through the Accelerated Review process, but on the other hand, are being differentially processed and specifically '**targeted for risk management**'.

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## RÉSUMÉ

Les statistiques fédérales au Canada (CSC, 1995; Laplante, 1993) comme aux États-Unis (Christie, 1993; Jones & Austin, 1993; California Blue Ribbon Commission, 1989) démontrent une croissance alarmante des retours en détention, au cours de la mise en liberté sous condition. Encore plus alarmant est le fait qu'une majorité des admissions dans les établissements carcéraux (entre 15% et 40%) sont dues à un *manquement aux conditions de mise en liberté* et non à la commission d'une nouvelle infraction. Le nombre croissant de détenus libérés conditionnellement étant ré-incarcérés pour une violation des conditions de libération constitue un phénomène important sous-tendant l'augmentation des taux d'incarcération.

Contrairement aux recherches traditionnelles sur la réincarcération, qui tentent d'expliquer la «récidive» des délinquants à partir de leurs caractéristiques, nous avons pour notre part voulu examiner le **processus de libération** et les **taux de retour** qui en découlent, en privilégiant l'analyse des prises de décision et les mécanismes de gestion des détenus ainsi que leur rôle dans la constitution de groupes de délinquants plus ou moins susceptibles d'être repris. Les études précédentes ont ignoré les effets qu'ont les mécanismes de contrôle social, telles la sélection différentielle à la libération conditionnelle et la supervision intensive, sur les libérés. Notre recherche prend en compte les facteurs criminogènes traditionnels et les caractéristiques sociales des libérés dans une perspective critique dans le but d'évaluer comment les politiques pénales et les décisions administratives sont appliquées de façon différentielle à l'égard de certains individus, faisant ainsi d'eux des candidats privilégiés au «recyclage».

Ainsi, nous préférons la notion de taux de retour à celui de récidive, parce que, d'une part le critère utilisé, soit le fait de revenir au pénitencier, n'indique pas nécessairement que la personne a eu un nouveau comportement criminel, et que, d'autre part, les nouveaux comportements criminels, (la «récidive»), ne donnent pas toujours lieu, tant s'en faut, à un retour dans un pénitencier.

Par ailleurs, nous sommes d'avis que le modèle de gestion du risque qui émerge actuellement dans le contexte d'une «nouvelle pénologie» mène inévitablement à l'augmentation des taux de retour (Feeley & Simon, 1992). Feeley et Simon soutiennent que le modèle de gestion du risque, basé sur les méthodes actuarielles, devient progressivement la méthode privilégiée d'administration des populations pénales remplaçant ainsi les modèles cliniques et personnalisés de prise de décision par un modèle basé sur le risque attribué à certains groupes ou cohortes de détenus. Au Canada, même si on retrouve une certaine volonté de maintenir le modèle clinique pour individualiser le traitement des délinquants, les instruments sont déjà en place pour actualiser l'approche actuarielle de gestion de cas tant en ce qui concerne les classifications et les évaluations préliminaires des détenus que les stratégies correctionnelles (Vacheret, 1995).

Dans cette optique, nous avons suivi, pour une période d'un an, tous les hommes libérés des pénitenciers du Québec en 1993 pour la première fois dans le cadre de la sentence qu'ils purgeaient (n=1090). Conscients de l'émergence de la «nouvelle pénologie» et de sa grille de gestion actuarielle des détenus, nous avons adopté une perspective critique afin d'examiner les différents modèles de libération sous condition et les retours subséquents au pénitencier pour cette cohorte de sortants. Pour ce faire, les caractéristiques de ces derniers ainsi que les variables associées à leur incarcération et à leur mise en liberté sous condition ont été comparées. Une **analyse quantitative**, privilégiant principalement le Khi-carré comme statistique, a été utilisée comme méthodologie, avec l'information tirée, pour la plupart, de la base de données SGD du Service Correctionnelle du Canada.

On retrouve ainsi les deux variables principales, que l'on peut considérer comme des variables dépendantes, soit a) le taux de retour et b) les types de libération. Par **taux de retour** nous entendons toutes les réadmissions dans un pénitencier, durant une période d'épreuve d'un an, que ce soit à la suite d'une révocation de la libération conditionnelle (accompagnée ou non d'une nouvelle condamnation), ou d'une nouvelle

sentence de 2 ans et plus (pénitencier). Nous avons considéré **quatre types ou modalités de remise en liberté** : a) la semi-liberté; b) la libération conditionnelle totale «accélérée» (suite à la procédure d'examen expéditif ou PEE); c) la libération conditionnelle totale «ordinaire»; et d) la libération d'office. Nous avons par ailleurs également retenu une liste de caractéristiques sociales, pénales et institutionnelles concernant la population étudiée, ainsi que des variables portant sur les processus de libération, de surveillance et de réincarcération.

La première mise en liberté de ces 1090 sortants se répartit entre la semi-liberté (n=663, 61%), la libération conditionnelle totale «accélérée» ou PEE (n=163, 15%), la libération conditionnelle totale «ordinaire» (n=59, 5%), et la libération d'office (n=196, 18%), plus 9 délinquants qui sont sortis pour la première fois à l'expiration légale de leur peine. Le type de remise en liberté affecte évidemment la partie de la peine purgée dans un pénitencier. Les détenus de notre population ont été libérés pour la première fois après avoir purgé en moyenne 41% de leur peine et la moitié des délinquants avaient déjà passé leur date d'admissibilité à la libération conditionnelle totale lors de cette première libération.

Suite à la semi-liberté, la plupart de ces 663 libérés (n=434, 65.5%) ont aussi accédé soit à la libération conditionnelle «accélérée» suite à un examen expéditif (n=122), à la libération conditionnelle «ordinaire» (n=194) ou à la libération d'office (n=118). Au total, durant la période de suivi d'un an, 852 détenus (78,2%) ont été libérés en libération conditionnelle totale ou d'office : 285 (33%) en libération conditionnelle «accélérée» suite à un examen expéditif; 253 (30%) en libération conditionnelle «ordinaire»; et 314 (37%) en libération d'office.<sup>1</sup>

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<sup>1</sup>Les autres 238 étaient soit encore en semi-liberté après un an de suivi (n=74), retournés au pénitencier durant leur semi-liberté (n=155), ou libérés en fin de sentence (n=9).

Des 1090 détenus de notre population, 403 sont retournés au pénitencier durant l'année suivant leur première libération, ce qui constitue un **taux de retour (TR) de 37 %**. Par ailleurs, il y avait des différences significatives entre les types de mise en liberté: les libérés «accélérés» (PEE) avaient le plus haut taux de retour (TR=51%), mais ils étaient suivis de près par les libérations d'office (TR=46%), et les libérations conditionnelles «ordinaires» avaient le taux de retour le plus faible (TR=19%). Cependant les semi-libertés avaient un taux de retour semblable au taux de base (TR=33%).

Des 852 détenus qui ont bénéficié d'une libération conditionnelle totale (ordinaire ou accélérée) ou d'office durant l'année suivant la première libération, 256 sont retournés au pénitencier durant l'année suivant leur libération conditionnelle totale ou d'office, ce qui constitue un **taux de retour de 30 %**. On constate, ici aussi, que les personnes libérées dans le cadre de la PEE ont des taux de retour semblables à celles qui ont eu une libération d'office (TR=35%, 39%, respectivement), alors que celles qui ont bénéficié d'une libération totale «ordinaire» ont encore une fois des taux de retour très inférieurs aux autres libérés (TR=13%). Mais, comme nous l'avons déjà remarqué, la majorité des libérés l'ont tout d'abord été en semi-liberté (61%). Les taux de retour selon les types de remise en liberté doivent donc être analysés en tenant compte de ce processus de sélection.

En effet, les taux de retour varient selon que l'on considère la première remise en liberté à partir de la semi-liberté ou le type de remise en liberté qui succède à la semi-liberté. Mais on doit retenir, en examinant les taux de retour, que relativement peu de personnes ont été *directement* libérées en libération conditionnelle totale «ordinaire» (5.4%) ou «accélérée» (14.9%). La plupart des libérés passent par la semi-liberté, servant dans ce sens de filtre pour les autres modalités de libération. En effet, la semi-liberté sert de période d'épreuve, de sorte qu'on ne passera à une libération conditionnelle totale que si on la réussit, ou à une libération d'office si on l'échoue. Ainsi, puisque d'une part, 155 des libérés en semi-liberté seront retournés au pénitencier pendant leur



semi-liberté et que, d'autre part, ceux qui passeront de cette modalité de libération à une autre auront déjà effectué environ six mois de leur période d'épreuve, on comprend facilement que les détenus libérés sous condition après une semi-liberté ont des taux de retour systématiquement inférieurs à ceux qui ne sont pas passés par cette période d'essai.

Finalement, il est important de retenir que les détenus retournent au pénitencier dans des pourcentages presque égaux, sans nouvelle peine d'incarcération pour des bris de conditions (n=188, 17%), et avec nouvelle sentence carcérale (n=215, 20%). Mais les libérés «accélérés» et les semi-libertés voyaient plus souvent leur libération révoquée pour bris de condition (49.5%, 53.5%, respectivement) que les deux autres sous-cohortes (38.2%, 36.6%, respectivement).

Les taux de retour selon les *variables de surveillance et les variables portant sur les processus de libération* ont aussi été analysés. Il faut, tout d'abord, mentionner qu'une des modalités importantes du processus de sélection en libération conditionnelle est le désistement de la part du détenu lui-même. Le taux de retour des 77 personnes qui se sont désistées est de 70%, comparativement à 34% pour celles qui ne se sont pas désistées. Même les détenus dont l'examen du cas a été reporté ont des taux de retour significativement plus élevés que les autres détenus (TR=63%, n=196). Contrairement aux hypothèses sous-jacentes à notre problématique, les conditions particulières de la remise en liberté sont, d'une part, moins nombreuses que ce qu'on prétend (moins de 20% avaient plus de 3 conditions) et, d'autre part, ne sont pas en général associées au retour, sauf pour ce qui est de l'obligation de suivre un traitement psychologique (TR=43%, n=49) et de résider dans un CRC/CCC (TR=41%, n=98). L'échelle d'information statistique générale sur la récidive ou ISGR (un instrument utilisé par le Service correctionnel pour évaluer les probabilités de «récidive») est fortement associée au taux de retour, mais seules les catégories extrêmes discriminent des groupes de façon significative, avec respectivement 9% et 62% de retour. L'instrument ne permet donc pas, compte tenu de ce critère, de discriminer plus de 50% de la population.

Finalement, dans l'évaluation réalisée environ un mois après la libération, l'échelle d'évaluation du risque et des besoins dans la collectivité ne permet de discriminer que très partiellement entre les différents niveaux, par rapport aux taux de retour. Seule les catégories «faible besoin», «faible risque» et «faible supervision» ont des taux de retour (TR=11%, 20%, 20%, respectivement) significativement importants, car un **trop grand** nombre de libérés sont classés soit dans «besoins moyens» (49%), «risque élevé» (62%) ou «supervision élevée» (67%), où les taux de retour équivalent au taux de base.

Une première analyse multivariée a examiné le type de mise en liberté et les principales caractéristiques sociales, pénales et institutionnelles de ces sous-cohortes.

Les libérés conditionnels accélérés, condamnés pour une première sentence pénitentiaire (comme prévu par la législation), étaient accusés en majorité d'introductions par effraction, d'autres infractions contre les biens, et d'infractions relatives aux drogues. La grande majorité des libérés de cette sous-cohorte avaient été libérés à leur date d'admissibilité à la libération conditionnelle, mais avec un **plus grande nombre de conditions particulières, un niveau de surveillance plus élevé que les libérations conditionnelles ordinaires, et ils ont été plus souvent assignés à une résidence type CCC/CRC**. Et ceci même si cette sous-cohorte avait été évaluée, en moyenne, avec le même niveau de besoin/risque dans la collectivité et le même ISGR que les délinquants de la sous-cohorte libération conditionnelle «ordinaire», ainsi que plus souvent libérée d'une institution à niveau sécuritaire minimum. Les délinquants étant mis en liberté par voie de libération conditionnelle ordinaire, avaient, pour leur part, été condamnés à des peines plus longues pour des infractions variées. Par contre, ce qui distingue cette sous-cohorte est que presque **tous avait préalablement été libérés en semi-liberté**, et après avoir purgé une plus grande partie de leur peine que les libérés accélérés. Malgré que, de façon générale, la participation aux programmes de l'institution n'était pas liée aux taux de retour, elle démontre une association avec le type de remise en liberté. Les détenus libérés en libération conditionnelle «ordinaire» avaient plus souvent participé aux programmes institutionnels que les autres détenus. Donc, il semble que la participation

aux programmes soit avant tout reliée aux décisions concernant la remise en liberté. Finalement, la troisième sous-cohorte était composée des libérés d'office, soit les délinquants ayant purgé la plus grande partie de leur peine (2/3) mais en général condamnés à de courtes sentences de détention. Les libérés d'office étaient aussi les moins souvent libérés en semi-liberté.

Cette analyse a mis en évidence que le Service Correctionnel du Canada gère bien la mise en liberté en trois grands sous-groupes (libération conditionnelle accélérée, libération conditionnelle ordinaire, libération d'office) qui sont bien des sous-cohortes de notre population, chacune avec des caractéristiques très particulières. Malgré ces constatations, notre analyse a aussi fait ressortir que les libérations conditionnelles accélérées et les libérations conditionnelles ordinaires étaient semblables par rapport aux antécédents pénaux et selon les évaluations institutionnelles de "risque".

Ayant déjà établi que les sous-cohortes de libérés ont des caractéristiques qui les distinguent et que ces sous-cohortes ont aussi des taux de retour significativement différents, il est donc important de s'attarder aux *taux de retour selon les variables sociales et pénales*.

Il est communément reconnu que l'âge à la libération est très associé au taux de retour. Dans notre population les données le confirment avec éclat et on peut même regrouper les libérés en deux groupes très distincts : ceux âgés de moins de 30 ans (n=529), qui ont un taux de retour de 47%, et les 30 ans et plus (n=561) dont le taux de retour est de 27%. Par ailleurs, il y a une distinction très significative entre ceux qui ont eu ou non des condamnations pénitentiaires ou carcérales antérieures et le taux de retour. Les libérés qui n'ont jamais purgé de sentences d'incarcération ont le taux de retour le plus faible (TR=14%, n=223), et les libérés qui ont déjà purgé une ou deux condamnations carcérales ont un taux de retour (TR=34%, n=241) significativement plus faible que ceux qui ont subi trois condamnations carcérales ou plus (TR=48%, n=357). L'âge à la première condamnation adulte et à la première admission pénitentiaire sont

aussi des variables traditionnellement associées au taux de retour. Dans notre population on peut distinguer très nettement entre ceux qui avaient moins de trente ans lors de la première admission pénitentiaire (TR=45%, n=723) et les plus âgés (TR=21%, n=367), ainsi que entre ceux qui avaient moins de vingt trois ans lors de la première condamnation (TR=42%, n=546) et les plus âgés (TR=19%, n=275). La durée de la peine est également une variable fortement associée au taux de retour, et peut être regroupée, compte tenu des niveaux de signification entre les différentes catégories, en trois groupes : deux à trois ans (TR=44%, n=516); trois à dix ans (TR=34%, n=513); dix ans et plus (TR=8%, n=61). Enfin, l'infraction principale fournit les taux de retour les plus variables : de 10% à 61%. En considérant les associations statistiques et logiques entre les infractions, on peut les regrouper en cinq catégories : a) Violence (TR=12%, n=148); b) Drogues (TR=19%, n=241); c) Autres (TR=27%, n=103); d) Vols qualifiés (TR=49%, n=289); e) Propriété (TR=55%, n=301).

Pour voir comment les taux de retour sont ou non affectés par le processus de mise en liberté, une analyse multivariée finale a consisté à croiser la modalité de libération sous condition et le retour au pénitencier, pour les 852 libérés conditionnels ou d'office, en tenant compte des principales caractéristiques sociales, pénales et institutionnelles. Nous avons remarqué que même en contrôlant ces variables, les libérations conditionnelles «ordinaires» avaient toujours le plus faible taux de retour, et les libérations conditionnelles «accélérées» (PEE) avaient quant à elles un taux de retour semblable aux libérations d'office. Ceci malgré, comme nous l'avons souligné, que les antécédents pénaux et évaluations institutionnelles des libérés «accélérés» et «ordinaires» étaient semblables, et que nous aurions pu nous attendre à ce qu'ils aient aussi des taux de retour semblables.

On perçoit donc, avant tout, l'effet de la semi-liberté, imposée à presque tous les détenus ayant eu une libération conditionnelle totale «ordinaire», sur le taux de retour, et cela même en contrôlant pour des caractéristiques clés. Dans un deuxième temps on remarque que les délinquants ayant reçu une libération «accélérée» (PEE) sont un bon

exemple du modèle de gestion du risque qui émerge actuellement. Malgré qu'il semble exister une certaine tolérance envers les détenus visés par la procédure d'examen expéditif (la plupart ayant commis des infractions contre les biens ou relatives aux drogues), on exerce envers eux un contrôle accru, qui est reflété dans les résultats de l'analyse. On peut poser l'hypothèse que le plus grand nombre de conditions particulières leur étant imposé, le niveau de surveillance plus élevé, et surtout l'assignation à résidence, font d'eux une cible plus vulnérable aux mécanismes de retour. Il n'est donc pas surprenant de voir que les libérés «accélérés» sont aussi plus souvent que les deux autres sous-cohortes révoqués pour violation des conditions de libération et non pour une nouvelle infraction.

Tout bien considéré, l'analyse de l'interaction entre les variables sociales, pénales et institutionnelles à l'égard de la remise en liberté et du retour au pénitencier démontre que : a) le processus de sélection, en particulier l'utilisation de la semi-liberté, fait en sorte que les personnes libérées en libération conditionnelle «ordinaire» ont un taux de retour très faible (TR=13%); b) plusieurs variables sociales et pénales sont très fortement reliées au type de remise en liberté, et par le fait même au taux de retour; mais, c) les variables institutionnelles sont à l'inverse rarement associées au taux de retour; et finalement d) celles concernant les modalités de libération font des libérés «accélérés» une cible privilégiée pour la réincarcération.

Même si notre période de suivi est assez courte (1 ans), on remarque une augmentation du taux de retour assez significative par rapport à l'étude Canadienne la plus récente (Hann & Harman, 1992). Hann et Harman, qui avaient utilisé comme un des critères de retour *tout retour au pénitencier durant la libération conditionnelle*, sur une cohorte de sortants des pénitenciers à travers le Canada en 1983, avaient établi un taux de retour de 30% pour une période d'épreuve beaucoup plus longue (3 ans). Cette étude n'avait, cependant, pas pris en considération le rôle que joue la semi-liberté, qui est, selon nous, non négligeable.

Trois constatations découlant de notre analyse semblent avoir un effet notable sur le «retour» des délinquants. Premièrement, le phénomène d'**auto-sélection** joue un rôle important : certains des délinquants présentant les plus hauts risques s'excluent eux-même des procédures de mise en liberté sous condition soit en demandant de reporter leur audition de libération ou encore, plus radicalement, en renonçant à leur droit à cette audition. L'auto-sélection a des conséquences sur toutes les recherches concernant le processus de remise en liberté sous condition étant donné que certains des cas présentant les plus hauts risques de retour ne sont pas engagés dans le processus. Deuxièmement, la semi-liberté sert de période d'épreuve ou de **pré-sélection** car seuls les individus présentant les meilleurs risques seront ensuite acheminés en libération conditionnelle totale. Ce type de libération préliminaire peut avoir des conséquences considérables tant sur la trajectoire des délinquants que sur leur taux de retour potentiel et devrait être prise en compte dans le cadre d'une recherche sur la ré-incarcération.<sup>2</sup> Troisièmement, certaines caractéristiques des délinquants (première incarcération au pénitencier, coupable d'infraction contre la propriété) semblent faire de ces détenus la cible privilégiée pour la libération «accélérée» par le biais de la procédure d'examen expéditif (PEE), mais en contrepartie, ces détenus semblent être gérés différemment et spécifiquement **ciblés à cause de leur haut niveau de risque**. Ils constituent potentiellement un groupe dont le retour au pénitencier est davantage le produit du processus de gestion des détenus plutôt que le produit des comportements des délinquants eux-mêmes.

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<sup>2</sup>Les révocations en semi-liberté doivent aussi être prises en considération quand on examine les statistiques des réadmissions durant la mise en liberté, car ce n'est qu'après l'entrée en vigueur de la nouvelle loi en 1992 que les (ré)admissions et les libérations en semi-liberté ont été comptées comme les libérations conditionnelles totales ou d'office.

## **INTRODUCTION**

The release from and subsequent rate of return of offenders to custody has raised numerous research interests. While most studies have analyzed "recidivism" rates from a re-offending perspective, and analyzed the extent of subsequent offender contact with the penal system, others have focused on re-incarceration trends, and analyzed the proportion of releases that are returned to custody while still on parole, or proportion of admissions that are new admissions versus parole returns. Such rates, however, are often looked upon with apprehension and certain scepticism, given their prevalent use, often to support numerous conflicting interests.

While on the one hand, low return rates are quoted to demonstrate correctional effectiveness, *"the facts indicate that between 1975 and 1985, 72% of parole releases were successfully completed"* (Correctional Service Canada, 1993, p.16); other sources focus on the alarming proportion of admissions that are due to parole returns, *"in 1990 half of all admissions of adult felons to California prisons (51%) came from parolees being returned by either administrative or judicial process"* (Simon, 1993, p.208), or *"C'est ainsi que nous nous rendons compte que 54% de près de 3,000 entrées annuelles dans notre système sont des retours sur le même mandat"* (Correctional Service Canada, 1995a, p.5). Although such quotes demonstrate the inherent dangers of removing statistics from their theoretical and methodological context, it is clear that the study of re-incarceration trends has implications for policy makers, administrators, and theoreticians alike.

In Canada only scattered research efforts have systematically investigated the re-incarceration of federal offenders (Hann & Harman, 1986; Waller, 1974; Langlois, 1972; Ciale et al., 1967), and all except the most recent dealt with penitentiary release samples taken in the 1960's. More recently, a longitudinal study of incarceration trends (Laplante, 1993) indicated that conditionally released offenders, being re-admitted in large numbers before their sentence-expiry, were contributing to current population increases in Québec penitentiaries.



The recycling of offenders within the penal system, re-incarcerated while still under federal judicial control, constituted in 1992 one-third of all admissions to Québec penitentiaries. For example, at the front-end of the penal system, of the 2133 admissions in 1992, only 46% were *new admissions* to federal penitentiaries. The remaining half were *readmissions* for individuals either with past federal custodial sentences (23%) or currently still under federal supervision and re-incarcerated while on conditional release (31%). Furthermore, half of these conditional release returns (or 15% of the total admissions) were following "technical violations" to supervision conditions and not due to new criminal convictions; a trend which has doubled over the last 2 decades (Laplante, 1993). Already in 1995, Correctional Service of Canada estimated that of the 3000 annual admissions in Quebec, only 35% were new admissions while 54% were parole returns; up 23% from 1992 (Correctional Service Canada, 1995a).

However, this emerging trend is not only a Canadian phenomena. In the United States, approximately 40%-50% of all admissions, in California, were attributed to offenders returning from conditional release, and this a few years ago (Simon, 1993; California Blue Ribbon Commission, 1989; Austin, 1989). If in Canada conditional release returns have doubled in the last 20 years, they have increased 34 times over in the last decade in California, where there has been a steady and dramatic increase in the rate of offenders released from the state's prison system who are being returned to prison for parole supervision violations. As Austin (1989) states "*California's criminal justice system has been spending more resources recycling prisoners released to parole than on new offenders*" (p.3). Be it either offenders returning with past custodial sentences or while still on parole, the facts indicate that correctional services are increasingly admitting, processing, and managing past clients of the system. Especially when we consider that half of all admissions are parole returns, and another quarter are admissions of offenders already having served time, then we have a system that is increasingly in-taking from within, instead of reaching externally for new recruits; an increasingly closed system that is able to survive by propagating incarceration within itself.

Releasing practices at the back-end of the penal system have also had a significant impact on carceral populations in recent years. In Québec, Laplante (1993) indicated that fewer individuals were being released to *Full Parole* (1/3 of sentence), while more were being released on *Statutory Release* (at 2/3's of sentence) or upon *sentence-expiry*. A 15% decrease in Full Parole and 6% increase in warrant-expiry releases in the last two decades, combined with hardening policies regulating parole admissibility periods (Robert, 1994), indicates a potential trend towards keeping individuals incarcerated for longer periods of time. Moreover, these same individuals are now more subject to recall after release. It is such conservative parole policies and their application that can significantly contribute to population increases, by extending parole eligibility periods, enlarging release criteria, and increasing supervision requirements. In reflection of such re-incarceration trends, Simon (1993) indicates,

*parole is as much in the business of sending people to prison as it is in the business of managing people on the street, and the trend is clearly toward it being more and more of a system for imprisonment. (p.207)*

In Canada, the system of parole or conditional release theoretically enables offenders to serve part of their sentence in the community after release. However, if in fact offenders are being released later in their sentence, and subsequently re-incarcerated at increasing rates, then as the proportion of time served increases there are potential consequences for both offender and the carceral system. Some studies have suggested that this is inevitable given the current 'risk' management approach to offender processing (Vacheret, 1995; Feeley & Simon, 1992).

It is such (re)incarceration trends, changing penal strategies, and the amplified social control exerted on released offenders, that have raised interest in studying the recycling of Québec federal offenders. While past studies have focused primarily on offender "recidivism" to explain (re)incarceration rates, our analyses will take an opposing perspective and look to the internal mechanism's of release and return as the driving force behind current (re)incarceration trends. Furthermore, given major

developments in Canadian conditional release policies (Canada, S.C. 1992, c.20.), coupled with an emerging managerial style of penal intervention focused primarily on 'risk' management, past studies have examined quite a different penal system, under very different perspectives.

Consequently, our research will follow a cohort of offenders released from federal penitentiaries in Quebec for the 1st time on their current sentence in 1993, for a 1-year follow-up period. Aware of the emerging risk management process, we will use a critical perspective to examine differential patterns of release and subsequent penitentiary returns for this cohort of offenders. Offender characteristics and associated incarceration and parole variables will be compared between the different release groups, as well as between returning versus non-returning offenders. As we will see, the prominent release sub-cohorts, Accelerated parole, Full parole, and Statutory release, all vary with respect to key offender and penal characteristics, with Day parole playing a significant role in the trajectory undertaken by the offender. Furthermore, the recycling of offenders in the penitentiary system is not independent of this initial release process; return rates varying from 12% to 51% for the different release sub-cohorts, with a penitentiary base return rate somewhere in between at 37%.

In the following chapter, Chapter one, we will examine the various perspectives, used in past studies on "recidivism" and (re)incarceration, and establish our theoretical preferences. Chapter two will briefly outline the context within which Canadian conditional release decisions are made, as well as the methodology used in this research to study offender release and return. Consequently the analysis will be divided between chapter three and chapter four, each respectively exposing release practices and offender characteristics, and subsequently return practices and associated offender characteristics. In conclusion, we will summarize our major results, with emphasis on the potential consequences for the carceral system and the individuals managed by it.

**CHAPTER 1**  
**LITERATURE REVIEW AND THEORETICAL PERSPECTIVE**

Research on re-incarceration has most commonly been approached via the study of "recidivism", probably one of the oldest study objects, parallel with persevering concerns over rehabilitation and the overall efficiency of the penal institution. These past studies have focused primarily on offender "recidivism" to explain (re)incarceration trends. However, our analyses will adopt an opposing perspective, different from the one used in most traditional "recidivism" studies. Instead of analyzing the offender characteristics that lead to 'recidivism', and thus re-incarceration, we will examine *return rates* for specific offender characteristics, in order to establish offenders more at risk of being returned by the current offender management process. Through this perspective, the process of release and return, itself, becomes the focus and driving force behind current (re)incarceration trends.

The studies reviewed below, although not usually conducted within the same theoretical perspective, are nevertheless useful in allowing us to situate our own perspective. Furthermore, several theoretical and methodological issues related to "recidivism" as a measure of correctional effectiveness and as a statistical measure in general will be illustrated through these more traditional "recidivism" studies. A review of these past studies will also serve to illustrate their methodological evolution as well as to expose their common theoretical basis. Ensuing which our chosen theoretical perspective will be justified. Subsequently, several studies illustrating the significant place conditional release returns occupy in the administration of the correctional system will then be examined. Finally, we will consider the theoretical framework from which we will study re-incarceration trends; *a critical perspective with respect to the emerging "new penology"*.

## **1. "Recidivism" Reviewed**

While researchers have approached the study object of "recidivism" with such differing preoccupations as predicting recidivism (Hann & Harman, 1992; Nuffield, 1982; Grendreau et al., 1980), analyzing the parole process (Laverigne, 1991; Dittenhoffer

et al., 1986; Polonoski, 1981), evaluating the effect of parole on recidivism (Hann et al., 1991; Martinson & Wilks, 1977), or simply examining "recidivism" trends (Hann & Harman, 1986; Waller, 1974; Langlois, 1972; Ciale et al., 1967), generally, the main focus has been on establishing the offender social characteristics that predict "recidivism" or parole outcome. As such, the theoretical framework underlying most of these studies takes for granted that personal characteristics are objective variables which can be measured and statistically related to risk of "recidivism". On the other hand, more critical perspectives (Macnaughton-Smith, 1976) have analyzed the parole process and parole outcomes as a function of differential social and penal reaction, including the social control mechanisms operating on a selected group of individuals.

The controversy between these two criminological perspectives is critical to any analysis of re-incarceration trends and conditional release practices with the emphasis on social characteristics as either, effectively distinguishing between different levels of risk amongst offender populations or, conversely, as a basis for differential penal processing. Nowhere is this clearer than in the debate over the use of actuarial statistics for predicting "recidivism"; which, as Simon (1988) has suggested, is a way to formalize the offender characteristics that predict who will be processed by the system and not who will recidivate, and this regardless if these characteristics have evolved through time because of prejudice (ie. differential processing).

While we will see that "recidivism" studies have evolved, methodologically speaking, most have retained their strong ideological ties to a 'positivist' approach in their study of "criminality".

### **1.1 Early Recidivism Studies**

Traditionally "recidivism" studies have differentiated only between "recidivist" versus "non-recidivist" categories, based on some strict criteria. As the following studies show, "recidivism" rates invariably differ depending on each research's methodology:

The last empirical study to evaluate re-incarceration trends specifically for Québec dates back to the 70's where the dominant preoccupation was establishing "recidivism" rates as an indicator to which offenders were more likely to commit new crimes.<sup>1</sup> Langlois (1972) followed-up **all releases from Québec penitentiaries** between 1958 and 1961 over a **10 year period**, and found return rates ranging from 29%, after one year, and 65% by the end of the follow-up period; as measure through **new convictions**. So defined, Langlois' "recidivism" rate measured all new convictions and not only returns to custody. However, three-quarters of the convictions resulted in custodial sentences, of which half were penitentiary terms. Langlois' also evaluated that 44% of those who were reconvicted, did so within the first year.

Across Canada, few large scale studies have investigated re-incarceration trends. A national study of only **federal regular conditional releases** (Canada Solicitor General, 1972, 1973, 1974) conducted **1 year follow-ups** and **5 year follow-ups** respectively and found "recidivism" rates ranging from 29% to 49%. In their case, "recidivism" was evaluated by either **parole failure or new conviction**. However, Waller (1974), who followed-up a cohort of **Ontario male releases for 24 months**, computed different "recidivism" rates of 68% for individuals released upon sentence-expiry as compared to 44% for paroled offenders (equivalent to regular conditional release above), using approximately the same criterion (**re-arrest or revocation**).

In one of the only critical assessments of "recidivism", Macnaughton-Smith (1976), in his study of National Parole Board decisional process, defined parole failure as the "loss of liberty" due to any suspension, revocation, forfeiture of parole, any arrest or incarceration, or **any taking in for questioning**. Thus defined, about 33% of his sample were infringed upon their liberty to be at large while on parole. Although a **maximum 3 year follow-up period** was established, only the period while on parole

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<sup>1</sup>Although the study was conducted in the 70's, the cohort used was from a decade earlier, released under a very different parole system.

was considered in his study, giving rise to quite variable periods at-risk of failure. While methodologically criticizable, Macnaughton-Smith acknowledged that such variability was an essential part of the phenomena being studied; variable parole lengths and supervision undeniably make certain individuals more at-risk of parole failure.

## 1.2 Recidivism on a Continuum Scale

Most of the earlier "recidivism" studies reviewed quantified "recidivism" on a nominal dichotomous scale reflecting individual failure or success based on a given criterion. Attempts to quantify "recidivism" on a continuum, along a dimension of severity of disposition or gravity of crime, are more recent.

One of the earlier attempts to quantify "recidivism" analyzed the relationship between recidivism and gravity within homogeneous sub-cohorts, and concluded that these two variables were independent dimensions which should be considered in future prediction efforts (Landreville, 1969). Using "recidivism" as defined by "**all convictions during the 5 years following penitentiary release**", the return rates for the 9 sub-cohorts formed through predictive attribute analysis (PAA)<sup>2</sup> varied from 25.8% to 79%, but more importantly, the gravity index<sup>3</sup> was not directly related to return rate (some groups with low return rates displaying a high gravity index, and vice-versa). However few "recidivism" prediction tables today use both recidivism and gravity combined into one measure of risk, but instead incorporate gravity into the recidivism definition, as in the following example.

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<sup>2</sup>This technique allows a population to be sub-divided according to a given criteria (ie. recidivism), and creates sub-cohorts that differ the most relative to that criteria (thus the sub-cohorts in the study effectively displayed a wide range of return rates).

<sup>3</sup>The index was based on the one developed by Sellin and Wolfgang in 1964, and considers the number and type of offenses committed and the degree of damaged caused by each.



Gendreau and Leipziger (1978) constructed an 8-point index adapted from an American model that classified "success" at one extreme as no illegal activity of any kind on any available record (official RCMP FPS records), and "failure" at the opposite extreme as reconviction with penitentiary sentence; with revocations and non-custodial sentences situated in the middle. A **2-year follow-up** of their sample of **1st incarcerates in an Ontario reformatory** yielded "recidivism" rates that ranged from 2.7% (\$25 - \$100 fine) at one extreme, to 6.7% (readmitted to penitentiary) at the other extreme, with 22.5% (readmitted to prison, more than 90 days) being the highest rate. Such attempts to sophisticate "recidivism" measures, while informative, demonstrate the inherent variability of "recidivism" measures and definitions.

Recently, studies have made other differential distinctions between categories of "recidivism". Conscious of the growing preoccupation with violent crime, Hann & Harman (1992) classified the subsequent admissions of their cohort<sup>4</sup> into 4 categories, representing differing risks of return to custody, **within 3 years of release**: (a) **General Risk**, represented by any readmissions or new admissions for criminal convictions that lead to either prison or penitentiary custodial sentences, (b) **Revocation Risk**, represented by only readmissions while on parole, for breach of conditions or/and new offense, (c) **Broad Violent Risk**, defined as readmission for a broad set of violent criminal convictions, and (d) **Narrow Violent Risk**, defined as readmission for a specific set of violent criminal convictions. Although not representing totally exclusive categories, the "recidivism" rates nevertheless decreased across the 4 categories respectively from 49%, to 30%, 19% and 10%. Of the 30% of offenders that returned to the penitentiary while on parole (revocation risk), 1/3 (or 10% of the total) were for technical violations to parole conditions. In 1992, the Québec figures were already 5% higher than this national average (see introduction).

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<sup>4</sup>Population of all males admitted to Canadian penitentiaries on Warrant-of-Committal, omitting parole revocations, and released in 1983/1984.

### 1.3 Predicting "Recidivism"

Since the earliest "recidivism" studies, a main interest has been in predicting "risk of recidivism" for individuals being released into the community in order to guide parole decision-making (Nuffield, 1982). To do this, background information is gathered on samples of offenders and is used to construct models that statistically predict "recidivism" on similar populations; *"[recidivism] statistical prediction devices group together offenders displaying similar characteristics of which an anticipated number are expected to recidivate and the remainder are not"* (Nuffield, 1982, p.12). Although the association between the relevant background social and/or penal factors and subsequent 'official' criminality is generally weak (Mathiesen, 1990), various statistical analysis and techniques are used to yield prediction equations using just a few of such variables.<sup>5</sup>

The Nuffield study was undertaken to develop a tool for parole decision-making which would classify inmates as to their release 'risk'. In the tradition of 'positivism', statistical analyses were conducted to identify which inmates characteristics were strongly related to parole decisions, and subsequent "recidivism", as defined by **re-arrest for indictable offense within 3 years**. So defined, 43.9% of Nuffield's sample of **penitentiary releases** (1970, 1971, and 1972), subsequently "recidivated", although we do not know to what extent these arrests resulted in convictions or imprisonment.

In Canada, and at a parole rate of 50% (somewhat higher than it actually is), 67% of cases would be accurately predicted according to Nuffield's classification. However, there has been much controversy over the use of actuarial technology in guiding

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<sup>5</sup>Nuffield (1982) used an adaptation of the Burgess simple summation technique, to create a model which classified offenders into 5 risk categories, based on 15 background variables. Other authors that have compared various methods (regression analysis, logistic analysis, predictive attribute analysis) concluded that simplicity and operational applicability should be primary objectives given similar results in prediction accuracy (Gottfredson & Gottfredson, 1985; Hann & Harman, 1992). Furthermore, often less than a dozen variables usually predicted as well as more elaborate combinations (Waller, 1974; Gottfredson & Gottfredson, 1985).

decisions that can have significant adverse effects on human lives. While some jurisdictions, such as Canada, compute "risk" scores susceptible to influence release recommendations and decisions, they are not bound by them. In England, for example, where a similar risk model is used, correctional officers have openly said that they give little weight to predicted "risk" scores in the parole decisional process, emphasizing rather a clinical approach to decision-making (Hood & Shute, 1994). A recent study of the case management process approach at Correctional Service of Canada (Vacheret, 1995) concluded that "risk" management was a primary concern giving rise to the utilization of several tools most geared towards risk evaluation and prediction. However, the study also found that a parallel process based on the clinical model also predominated for individual offender treatment.

Other authors, however, point to the superiority of actuarial methods over clinically based decisions, recommending that clinical evaluations not be allowed to deviate from the actuarial scores by more than 10% (Webster et al., 1994). The most persuasive critiques, from our point of view, and which directly confront the view that social characteristics predetermine "recidivism", caution against the use of actuarial statistics in formalizing prejudice and discrimination: *"the history of prejudice concerning certain differences such as race and gender (and the social disadvantaging that has gone along with prejudice) make us suspect that what appear to be effects of these differences are really effects of the disadvantages"* (Simon, 1988, p.782).

Nonetheless, a new generation of research has continued focusing on prediction efforts; more specifically on "selective incapacitation". Thus "recidivism" statistics are used to predict the high-risk offenders that could effectively be incapacitated for extended periods of time, based on their expected rates of re-offending (Rand Corporation: Greenwood & Abrahamse, 1982; Greenwood & Turner, 1987), and this foremost to establish sentencing guidelines, with resulting effects on releasing practices as well. These recent Rand studies, concentrating on the prediction of high-risk offenders committing 'many' and 'serious' crimes (based on self-reported measures, as

well as official reports),<sup>6</sup> aim to reduce crime not through rehabilitation nor deterrence, but through prolonged incapacitation of a select few who are predicted to be the highest-rate offenders. However, these studies, like traditional "recidivism" prediction efforts, have resulted in weak and questionable predictions (Mathiesen, 1990).

Although the statistical difficulties in predicting complex events such as "recidivism" are grounded in more theoretical considerations of "criminalization", discussed below, questions of both accuracy and principle have also plagued these methods since their inception (Mathiesen, 1990, p.79-102). Typically, questions of accuracy revolve on the number of errors inherent to any prediction system. In classification problems based on "recidivism", there are two possible errors possible: false-positive errors for individuals predicted to "recidivate" that do not, and false-negative errors for individuals predicted not to "recidivate" that do. Depending on ideology, the two type of errors will differentially be perceived and evaluated. While more liberal criminologists emphasize the problematic of keeping incarcerated individuals who are not subsequently criminalized, and the principle of incarcerating individuals on predicted future behaviour, more conservative authors primarily emphasize the dangers of allowing high-risk individuals to be at large. Attempting to minimize one type of error, invariably leads to an increase in the other type, and ultimately penal ideology and strategies<sup>7</sup> will dictate which errors are more significant.

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<sup>6</sup>In these Rand studies, penal research seems to have transgressed ethical barriers, such that it is ethically questionable to foster the active participation of subjects who risk being the future targets of harsher sentencing guidelines ensuing from the results of the research (especially true for the high-risk group).

<sup>7</sup>While we can say the penal ideology is often fuelled by theoretical rhetoric and public opinion, penal strategies, on the other hand, are mobilized by more pragmatic and managerial problems of responding to pressures of the crime control "industry", such as management of the ever-increasing population, efficiency of operations, budget,...

#### 1.4 Cohort Analysis of Recidivism

Most "recidivism" studies, with "selective incapacitation" being an exception,<sup>8</sup> have focused on individual differences between "recidivists" and "non-recidivists". A reverse strategy consists of examining homogeneous sub-groups of offenders (in so far as the selected attributes render them equal), and subsequently comparing their respective "recidivism" rates.

As the earlier proponents of this research method proposed (Macnaughton-Smith & Wilkins, 1964; Ciale et al., 1968; Landreville, 1968, 1969), such classifications would be basically descriptive rather than predictive, and would allow within-group comparisons on factors that could otherwise show artificial or biased interaction effects. For example, empirical evidence from an earlier cohort study (Landreville, 1968), found that a significant 18% difference in return rate between regular conditional releases and later releases (ie. mandatory supervision) disappeared when compared within the homogeneous groups formed.

In France, Tournier and Kensey (1994) attempted to *quantify the gravity* of all subsequent "recidivism", to a certain extent as a result of recent liberal usage of "recidivism" rates made by officials and media alike. Their analysis emphasised the *differential impact of initial crime category* on "recidivism" rates, as other Canadian studies have effectively acknowledged (Nuffield, 1982; Hann & Harman, 1992). Additionally, gravity of recidivism was also based on crime category. Thus, they examined "recidivism" rates for sub-cohorts based on initial crime category and then also classified subsequent "recidivism" into 4 categories of increasing gravity (but decreasing return rates): (a) new conviction, (b) new conviction with custodial sentence, (c) new conviction with custodial sentence of more than 3 years, and (d) new conviction with

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<sup>8</sup>The Rand studies, in the emerging tradition of "the new penology", have focused more on the statistical risk presented by aggregate groups than on the individual characteristics that define such risk (Feeley & Simon, 1994; Feeley & Simon, 1992).

custodial sentence of more than 3 years for crimes against the person. In their final analysis of **28 different categories of "recidivism"** the rates in the **4-year follow-up period** varied across the 7 sub-cohorts and across the 4 "recidivism" criteria from 0% to 72%, begging the conclusion that

*ces considérations montrent, s'il en était encore besoin, qu'il n'existe pas de mesure univoque de "la" récidive. ... [Et que] un taux de "récidive" n'a de sens que si l'on sait précisément sur quelle population on l'a calculé, quelle définition de la récidive on a retenu et enfin sur quelle période s'est faite l'observation* (Tournier & Kensey, 1994, p.80-81).

## 2. Theoretical and Methodological Considerations

In a prior cross-national evaluation of "recidivism" studies, Landreville (1982a) reached the same conclusions when comparing re-incarceration trends evaluated by differing research strategies and methodologies. While he tentatively concluded that in general one-half of releases, for sentences greater than 3 months, return to custody within the first 2 years, indicating a **general return rate of 50%**, more importantly, his research emphasized the numerous theoretical and methodological issues related to the comparability of "recidivism" rates and to the validity of "recidivism" as a statistical measure in general.

### 2.1 Methodological Considerations

These difficulties are immediately apparent in the array of "recidivism" rates just presented.<sup>9</sup> Depending on the criterion used to define failure versus success, the population sampled and the length of the follow-up period, it is evident that different recidivism rates can be computed, thus rendering cross-research comparisons highly troublesome. Definitions of "recidivism" and the criterion used to evaluate failure versus

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<sup>9</sup>A caricature that always comes to mind in reviewing "recidivism" literature, is that of a 'bingo' game, where random numbers are called out left and right.

success cover a significant range of possibilities; from simple re-arrest to an actual reconviction, or re-arrest and reconviction only for more serious offenses; to a re-incarceration in either prison or/and penitentiary for a new offence, or only re-incarceration following parole revocation for failure to comply with the many technical obligations of supervision (without necessarily involving a new offense). In fact, researchers are only limited by their ingenuity and theoretical model in the choice of "recidivism" criterion.

In each research is also defined the length of follow-up period, such that varying follow-up periods will have a direct influence on the comparability of "recidivism" rates, given that "recidivism" generally augments as the follow-up period is lengthened. A further dilemma encountered in defining the follow-up period, is ensuring all released individuals are given *qualitatively* comparable follow-up periods; which can depend on release type and time remaining to sentence expiry, as well as the intensity and duration of parole supervision. Thus certain groups of offenders will be 'at risk' of violating parole for longer or more intense periods.

## 2.2 Theoretical Considerations

A common theoretical grounding for most research on "recidivism" has been their persevering efforts at analyzing "recidivism" rates as objective measures of criminal behaviour and rehabilitation. Yet the most enduring and damaging theoretical critiques of "recidivism" rates come from the acknowledged limitations of official statistics for providing an accurate picture of criminal behaviour, as well as being contestable measures of correctional effectiveness (Kitsuse & Cicourel, 1963; Bottomley, 1973; Robert, 1977; Landreville, 1982a, 1982b; Haley, 1982).

As these authors propose, penal statistics are not themselves a measure of criminality, but incorporate a given society's response to 'criminal' activity, as well as representing a penal system's mode of functioning and it's targeted clientele. In the

introduction to his research on the penal process, Bottomley (1973) was clear on the usage and meaning he accorded official statistics:

*[Criminal statistics] are not just simple mathematical counts of events that happen, and which can be recorded with complete accuracy and objectivity, but rather they are the product of a complicated process involving a variety of social attitudes towards criminal behaviour, and discretionary patterns of law enforcement and decision-making by the police, courts and other penal agencies. (p.1)*

According to this view, penal statistics of criminality (recidivism including) can greatly vary in time and space, depending on the cultural definition of crime and importance accorded differing 'behaviours', which in turn affect the social and official reaction, that eventually become the official statistics. In the analysis of "recidivism", the return to custody of released individuals is contingent on the interaction between the many social actors involved, their discretionary decisions, the governing penal policies and strategies (including parole policies), and often the political climate. These intricate influences determine who will be recalled, above and beyond the immediate 'crime' associated with the individuals. As Bottomley (1973) remarks in the context of parole, but which by inference applies equally well to the larger context of "recidivism" and actuarial prediction:

*it is this complex web of influences upon parole decisions that undermines the philosophy and practical utility of parole prediction tables and much of the research which links various criteria to chance of "success" or "failure" on parole. (p.208)*

Thus, it is not so much that we have not found the right individual background factors to improve actuarial prediction of "recidivism", as much as the inherent difficulties in using the final statistics, resulting from a long and complex process, to predict **who** will enter and be processed by the penal system. It is thus at this stage that the statistical measure of "recidivism" risks being the most distorted and far removed from the actual 'behaviour' that instigated the process; influenced by differential and discretionary policies, as well as internal and external organizational constraints. As



Landreville (1982a) stresses, *"dans la même mesure que les statistiques criminelles ne peuvent constituer une mesure de la criminalité, le critère de récidive ne peut constituer une bonne mesure de comportement criminel"* (p.31).

Furthermore, neither can "recidivism" be an adequate criterion for assessing success or failure of correctional institutions (via their penal programs), if we agree that objectives such as incapacitation, general prevention, and retribution, are also viable objectives<sup>10</sup> of the penal system hardly measured by "recidivism" (Landreville, 1982a, 1982b). Even if rehabilitation or the effectiveness of the correctional programs could be measured, they could only be partly gauged by "recidivism"; such programs having objectives touching other spectres of an individual's life than just the criminal one. Furthermore, a minor "recidivism" episode could represent a success when compared to behaviour prior to correctional program participation.

Thus return rates should not be used as indicators of program effectiveness. The vast literature on the subject of rehabilitation and correctional program effectiveness, from Martinson's (1974) now famous "Nothing Works" statement to more nuanced positions that recidivism data cannot accurately reflect the potential impact of correctional programs (Landreville, 1982a; Hylton, 1980), are evidence that an entire research project would be necessary to adequately undertake such a subject. Given our study object, program participation can, however, be analyzed as to its more general relationship in the trajectory undertaken by offenders recycling through the system.

Although we cannot embrace "recidivism" as an indicator of criminal behaviour or correctional effectiveness, and although it is an irresolute measure of system performance, it can effectively reflect the penal system's mode of functioning. While it is now well accepted that official statistics by themselves are unable to account for the

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<sup>10</sup>Although in a critical assessment of prison and the objectives that are used to justify it, Mathiesen (1990) emphasized that even these traditional objectives have never been adequately measured, to allow their use to justify carceral institutions.

complex phenomena and range of behaviours placed under the rubric of 'criminality', Kitsuse and Cicourel (1963) first proposed the fundamental usage which could be made of these statistics: "*Rates can be viewed as indices of organisational processes rather than as indices of the incidence of certain forms of behaviour*" (p.137). Landreville (1982b) has also suggested that it is inadequate to employ "recidivism" in the strict sense associated with individual repeat behaviour, but rather, such rates are more a reflection of the penal system's (re)processing of certain targeted individuals:

*Ces taux peuvent nous donner des informations sur la façon dont le système pénal s'alimente ou se réalimente, puisqu'ils indiquent le pourcentage des clients du système qui sont repris par le système et nous croyons qu'il faut abandonner l'expression "taux de récidive" pour le remplacer par celle de "taux de reprise" qui nous semble beaucoup plus juste. (p.444)*

The methodological and theoretical considerations above suggest that by focusing on homogeneous sub-cohorts of individuals recycling through the system, a **critical perspective** would lead to a diametrically opposed perception of "recidivism", and allow an examination of return rates in order to distinguish who the targeted clients are; the social, penal, and carceral characteristics that make individuals more at-risk, not of criminal behaviour, but of being processed (and reprocessed) by the penal system.

### 3. Theoretical Perspectives

A critical perspective rejects the traditional use of "recidivism" statistics as indicators of individual attributes that characterize re-offending. On the other hand, these return-rates can be very useful for uncovering penal policies and practices. Such studies, which have focused on the rate-of-return of ex-offenders, have discerned a definite trend towards recycling offenders within the penal system; a trend which is at the least, one element in the major carceral population increases experienced by most contemporary penal system.

### 3.1 Critical Perspective

Such a critical perspective approaches background characteristics or predictor variables as indicators of implicit conditions that indicate who will be subject to differential processing, and thus more likely to be *recycled* by the penal system. This process operating on offenders is amplified at the release stage, as conditional release policies hinging on explicit as well as implicit decisions, rely on the reconstructed judicial history and anticipated future behaviour. Given the 'dark figure' of crime,<sup>11</sup> we can not know the extent to which social and personal characteristics portray or precede criminal behaviour. We can however study which individuals are criminalized, and see *who is processed & how* by the penal system, without aspiring to overgeneralization's on the characteristics of 'criminals'.

Authors identifying with a critical perspective suggest that crime control agents define and process individuals largely on the basis of their existing expectations and stereotypes of deviant behaviour, which are largely based on official statistics, and which in turn are the basis for such statistics (thus the importance of adopting a critical perspective vis-a-vis such statistics) (Bottomley, 1973). It seems tautological, as Bottomley points out, to select as criterion of delinquency the characteristics of certain groups as indicators of deviance, and later judge these same individuals deviant because they belong to that group and possess those characteristics:

*[we need] to break free from the vicious circle of self-fulfilling prophecies, and to define criminality in other terms than by the tautological use of the records of official reaction to the selected activities of certain individuals. (p.58).*

If we return to examine some of the conclusions of previous "recidivism" studies reviewed, we can perceive a thread of this problematic emerging. In his study of the decisions by National Parole Boards to grant or refuse parole, and the consequent

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<sup>11</sup>Some criminologists have suggested that the 'dark figure of crime' can be as high as 90% (Christie, 1993).

success or failure while on parole, Macnaughton-Smith (1976) advanced that it was easier to predict parole decisions than actual recidivism. His findings that the source of data was more important than its content, and that the closer the data was to the Parole Service the more weight it was given in the parole decisional process, led him to conclude that the best predictors of how the parolee will be treated is based more on how they have treated him in the past, than any other factor or social characteristic.

Numerous studies have concluded that parole decisions, in general, are predicting well because less offenders released on parole are returned than offenders not paroled, thus demonstrating a definite congruence between predictor variables that influence parole decisions and recidivism (Hann et al., 1991; Martinson & Wilks, 1977; Waller, 1974). However, interpreted in a critical perspective, Macnaughton-Smith's findings imply that this is a predictable reaction of the penal system towards high-risk *perceived* individuals; less likely to be paroled and more likely to be recaptured at the slightest transgression. In an analysis of homogeneous sub-cohorts, Landreville (1968) also found evidence that although it seemed that individuals perceived as better risks were selected for early parole, 'similar' individuals were just as likely to be returned to custody, thus exhibiting comparable return rates regardless of release type. Waller (1974) also found that much fewer factors differentiated "recidivists" from "non-recidivists" than paroled versus non-paroled groups, and that parole, if anything, tended to *delay* serious "recidivism". Evidence from a study of the parole suspension process, suggested that although mandatory supervision releases were slightly more often returned with formal charge or conviction than regular parole releases, when the group was divided into 2 groups according to 'risk' factors, the high-risk perceived individuals were more often returned for technical violations (Dittenhoffer et al., 1986). The researchers hypothesized that individuals perceived as high-risk (regardless of type of parole) would probably be subject to more intense supervision, thus facilitating the detection of transgressions and violations by these offenders, whereas low-risk offenders, subject to less stringent supervision, were only returned upon 'serious' crime and arrest by police. While certain would see in this confirmation that parole agents are successful in returning 'potential'

high-risk violators before committing further 'crime', we can also postulate that such individuals would be easy targets for crime control agents. Although in this study, nature of the violation was the principal determinant in the suspension/revocation process, the assessment of 'risk' also played a significant role in intensity of supervision; with repercussions on the possibility of detecting violations.

Taken together, and analyzed through a critical perspective, these findings imply that the **type of release** may have more of an effect on "recidivism" than any other factor, since denial of parole may affect future judicial decisions, as well as the offender's social circumstances such decisions are based on. The denial of parole increases the potentially detrimental effects of incarceration and hinders reintegration, by increasing the amount of time the offender is deprived of his liberty and, thus by the same token, the distance between the individual and the community to which he will eventually be released to. Furthermore, it also increases the chances of receiving more intensified parole supervision. Subject to sometimes excessive parole constraints, increased surveillance, targeted by police or parole agents, and often compulsory drug testing, they risk re-incarceration for otherwise non-criminal acts, petty offenses, or revocation for technical breach of conditions (Simon, 1993; Waller, 1974). Individuals on parole are also subject to a whole host of laws (ie. conditional release laws and regulations) which can ultimately be transgressed.<sup>12</sup> Once caught up in this web of surveillance we can hypothesize that individuals carrying the judicial mark are more easily recalled and penally sanctioned than the ordinary citizen.

### **3.2 Impact of Penal Policies & Practices**

If there has been an explosion in the United States in the number of prisoners being admitted and re-admitted into custody, and a definite upwards shift in prison

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<sup>12</sup>Some jurisdictions can even impose *additional* sentences for violation of program requirements or non-compliance with intermediate sanctions, thus prolonging the initial term of incarceration (Blomberg & Lucken, 1994).

population internationally as well, then neither "criminality" rate by itself nor conviction rates are alone responsible for these current increases experienced by most penal systems (Christie, 1993). While offenders may have posed socially aggravating, damaging, or reprehensible actions, it is primarily penal policies and practices that have a substantial impact on (re)incarceration trends (Landreville, 1995a, 1995b; Andre & Pease, 1994; Jones & Austin, 1993; Young & Brown, 1993; Joyce, 1992; Austin, 1986, 1989; California Blue Ribbon Commission, 1989).

As these studies acknowledge, there are two main processes that regulate carceral population; the front-end via the judicial process and the back-end via the parole process. Although carceral institutions have often been viewed as responding to external forces, be it judicial or social, a recurring dimension in most research is often the effect that back-end decisions can have on population management either through releasing or re-admitting policies; transforming a largely reactive system into a visibly proactive, by differentially selecting, releasing, and recalling individuals.

Conditional release practises, at the back-end of the system, can be viewed as having either positive or negative effects. The positive viewpoint sees parole as a discretionary practice that can substantially reduce sentence length and relieve pressing overcrowding problems . As Young and Brown (1993) state; "*prison populations are self-evidently a function of the number of people sent to prison and the length of time they spend there*" (p.14). These authors, as well as others (Landreville, 1995a; Andre & Pease, 1994; Joyce, 1992) agree that reductions in prison terms may have more effect on the average daily population than admission reductions. In cross-national comparisons of imprisonment, research indicated that conditional release mechanisms afford the best way to regulate prison rates through length of detention rather than through admissions (Tournier 1994; Young and Brown, 1993). Thus, parole can effectively serve as a useful management practice in reducing carceral populations.

Unfortunately, a significant negative impact of conditional release policies which seems to surpass any gains, as has been alluded to, is the potential for re-incarcerating parolees for failure to comply with the many conditions imposed upon them. National statistics in both Canada (Laplante, 1993) and the United States (Christie, 1993; Jones & Austin, 1993) demonstrate that as much as 15% to 25% of all admissions are returns to prison following technical breach of release conditions, and not necessarily for committing a new crime. In some states, such as California, parole returns constitute about half of all admissions, three-quarter of which are returned without a new conviction, indicating that 40% of all admissions are for technical revocations (California Blue Ribbon Commission, 1989). Furthermore, in Britain, for example, new parole legislation allowing for longer supervision periods, has raised concerns that an accompanying increase in admissions will result from the potential for more parole violations (Hood & Shute, 1994). As Jones and Austin (1993) state:

*While there are a number of well documented reasons for unprecedented continued growth, one factor that has not been fully appreciated is the role that increasing parole revocations are continuing to play in the escalation of prison populations. Revocations are greatly increasing both the volume of admissions into prison and prison LOS's (length of stay's), as additional time is served on original sentences. (p.3)*

These findings suggest that any study of (re)incarceration trends should be prepared to carefully differentiate the types of returns to imprisonment and their reasons. In the studied American states, technical violations were the most frequent form of parole failure, while returns with a new conviction occurred at a much lower rate (Jones & Austin, 1993). In past Canadian studies of the parole suspension process (Lavergne, 1992; Dittenhoffer et al, 1986) however, offenders were returned in almost equal proportions for technical violations versus formal accusations. While technical violations were cancelled at a higher rate, even 1/4 of returns accompanied with formal charge or conviction were eventually cancelled; 7% by the parole agent, and another 18% by the board, but not before the offender had spend time re-incarcerated (Dittenhoffer et al, 1986).

Simon (1993) suggests that the standards of proof are considerably lowered during conditional release decisions concerning the return to custody of offenders having violated conditions of parole. When you consider that half the violations involved are not of a criminal nature, the re-incarceration of offenders is especially problematic given the imminent dangers when parole boards take over judiciary powers. Furthermore there may also be pressure to revoke a conditional release, which is often less time-consuming than either filing for prosecution or working things out between offender and community; also avoiding the inherent risks of prosecution with its uncertain outcome, or the risk that the offender commits a crime for which the parole agent would be responsible. Nevertheless, Canadian legislation allows the re-incarceration of an offender for up to 30 days, before being subject to official approval. While overall, 38% of re-incarcerations are eventually cancelled (Dittenhoffer et al., 1986, p.55) these short periods spent in custody are viewed by some as informal disciplinary measures. It has been suggested that these short-term incarceration of technical violators could better be managed through 'intermediate' sanctions and programs (California Blue Ribbon Commission, 1989); a solution not without its pitfalls, as we will see.

This cycle of release and return from imprisonment to parole is such that individuals end up under short-term control on successive occasions, recycling through the penal system, and illustrative, as several authors suggest that "*release from prison is only a temporary release*" (Christie, 1993); "*an interruption of the period of imprisonment*" (Jones & Austin, 1993); or "*permission to be slightly free*" (Macnaughton-Smith, 1976).

This point is well illustrated by Blomberg and Lucken (1994) in their analysis of Florida's intermediate sanction system, which allows a multitude of intermediate sanctions, programs, and conditions to be imposed on top of the incarceration term, often through different agents and agencies as supervisors:



*... failure, in turn, leads to a return to court, often followed by incarceration and upon release from incarceration, return to the same multitude of community programme requirements with the potential for further program violations, court returns, and subsequent incarceration. (p.78)*

In Québec, a marked decrease in Full Parole rate in the last two decades along with increasing parole supervision conditions and lengthening parole admissibility periods, makes conditional release a very volatile system, greatly affecting, all by itself, carceral population changes. While certain policies may have as objective the reduction in carceral population, through the use of early release and intensified supervision at the back-end, or intermediate or alternative sanctions at the front end, studies such as Blomberg and Lucken (1994) acknowledge the inherent and perverse dangers such policies may have. Policies that may be implemented to in fact reduce incarceration, may in fact have quite contrary results, as evidence from the high rate of returns and revocations experienced by most contemporary penal systems.

Other policy initiatives may also have indirect effects on penal populations. For example, in Canada, policies targeting violent offenders, have affected carceral populations and attitudes within the penal system. Given that offenders defined as "violent criminals" can have their parole delayed from 1/3 of the sentence to 1/2 via the judiciary, these individuals not only retain a 'violent' label through the whole decisional process, but also occupy penitentiary space for longer periods of time. Other recent legislation has also increased Day Parole eligibility from 1/6 of sentence to 6 months before Full Parole, causing immediate increases in carceral populations that have little to do with increased criminality. Furthermore, while offenders are generally eligible for parole at one-third of their sentence, in practice, however, parole is often granted past the one-third mark (at about 40% of the sentence), and then only for one-third of the offenders (Dumont, 1993, p.330). On the other hand, initiatives such as "Accelerated Reviews" which were implemented in 1992 for first-time non-violent offenders, may facilitate the quick release of such offenders; resulting in carceral population decreases.

It is such penal policies and practices that, in our opinion, have the greatest influence on carceral populations, and provide a framework from which specific sub-cohorts are recycled through the system.

However, we cannot talk of the perverse effects of penal policies and practices, including intermediate sanctions and alternatives to imprisonment, without referring to the visionary work of Cohen (1985). The main hypothesis underlying Cohen's work is that social control is increasing alongside the implementation of "alternatives" as complements to the penal institution. According to Cohen there has been an increase in overall penal system rates caused by an increase in the use of "alternatives" (**wider nets**), an intensification of social control and intervention (**denser nets**), and an increase in agencies and services that administer social control within obscure judicial margins (**different nets**). Given conditional release constraints, we cannot say that there has been a net-widening effect as it is the same offenders, already in the system, that are being (re)processed, but certainly these individuals are subject to denser and more intense controls, often by different agencies that are less subject to judicial scrutiny: "*Populations who once slipped quickly through the net are now retained much longer*" (Cohen, 1985, p.53).

While such paradoxical results are certainly not purposely orchestrated, they nevertheless originate with a purpose, and can better be understood and coherently analyzed by the interpretive framework provided by the emerging model of '*the new penology*', and its management ideology.

### 3.3 The New Penology

Recently, certain authors have envisioned the emergence of a new conception of penology, which facilitates the discourse "*from individuals to categories, from morality to management and actuarial thinking*" (Christie, 1993, p.165) and favours the view that the penal system is becoming a penal industry:

*The new penology is neither about punishing nor about rehabilitating individuals. It is about identifying and managing unruly groups. It is concerned with the rationality not of individual behaviour or even community organization, but of managerial processes. Its goal is not to eliminate crime but to make it tolerable through systemic coordination.* (Feeley & Simon, 1992, p.455)

This conception can provide a coherent framework from which to tie over a critical perspective<sup>13</sup> with an analysis of return-rates for sub-cohorts of individuals being recycled by the penal system, as a function of differential processing and management of groups.

While parole has often been associated with rehabilitation and social service, it is increasingly associated with crime control, and as the "new penology" has outlined, as an efficient method of managing a portion of the population. It is perhaps due to the theoretical and methodological critiques discussed above that the significance of "recidivism" has been declining. But certainly also, as Feeley and Simon (1992) propose, *"it is possible that recidivism is dropping out of the vocabulary as an adjustment to harsh realities and as a way of avoiding charges of institutional failure"* (p.455). This is an especially perceptive observation given the current high rate of return and (re)incarceration trends. As a survival measure, the penal institution has in fact transposed what was once seen as its failure to rehabilitate (high recidivism rates), to its success in supervising (high return rates). In doing so, the penal institution has achieved a double success; by one, isolating itself from the strong critiques launched against it, and two, providing itself with a solid (although questionable) internal measure of its own system performance.

Advanced technology has facilitated the ease with which control is exerted on whole sub-groups of individuals. Drug testing technology, for example, has made

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<sup>13</sup>Although the authors stress that 'the new penology' has transcended the differing perspectives and problematics in criminology.

significant contributions to the disproportionate increases in parole violations (Christie, 1993; California Blue Ribbon Commission, 1989), and this control of drugs means that the lower classes (and their lifestyles) become prominent targets for control and management. Christie (1993) suggests that drugs are becoming the major form of deviance used as a key to the control of those at the bottom of society, whether for returning individuals from conditional release or for recommitting them as new admissions, and this both in America as well as Europe. Feeley and Simon (1992) also question the rehabilitative rhetoric of intensified parole supervision and drug testing, and embrace these measures as cost-reducing ways to maintain control over portions of the population, "*given the emergence of the management concerns of the new penology, ... we suspect that they will emerge as control processes for managing and recycling selected risk populations*" (p.465). It is the precarious situation of this large portion of the population that is almost totally cut-off from the employment market, that makes them easy targets for crime-control, risking incarceration, stigmatization, and further control; in a vicious cycle of supervision and incarceration.

Nevertheless, actuarial methods are increasingly becoming the preferred method for managing penal populations, and replacing individualized and clinically based decision-making, by decisions based on the aggregate risk represented by certain groups or sub-cohorts (Feeley & Simon, 1992). In Canada, this approach to offender case management has already been documented, although it is somewhat counterbalanced by a willingness to retain a clinical approach to offender treatment once preliminary classifications and strategies have been established (Vacheret, 1995).

#### 4. OBJECTIVES

The increasing number of parolees being re-incarcerated for technical violations together with the increasing conditions imposed upon conditional releases constitutes an important phenomena underlying "return rates". Previous studies have ignored the effects that social control mechanisms such as differential parole selection and intense supervision have on released offenders. Our research will approach classical criminogenic factors and such seemingly objective variables as social characteristics with a more critical perspective, in order to evaluate how penal policies and administrative decisions are differentially applied to certain individuals, making them preferential recycling candidates.

Emphasis will be placed on the back-end processing of the penal system and its impact on carceral populations. While our data analysis will cautiously proceed with the guidance of critical perspectives concerning official statistics and the differential processing of individuals following discretionary police and judicial decision-making, our final conclusions will be guided by the emerging *new penology model*, and its 'risk' management approach to offender processing. We will focus on who is recycling through the penal system in order to answer such questions as, *how and when they are released*, and *why and when they return*, and enable us to depict the functioning of the custodial system as a self-propelling force instead of being driven by external "criminality" forces.

Thus, the current research will analyze a cohort of 1st releases from federal penitentiaries in Quebec, including release type, subsequent (re)admissions, and time served in confinement for a one year follow-up period. More particularly, the research will investigate differential patterns of release and return for specific offender groups, in order to depict general as well as more detailed re-incarceration trends. The associated incarceration and parole variables for returning offenders will be compared to non-returning offenders. Finally, in contrast with traditional theories of "recidivism",

current penal policies and administrative decisions will be considered as to their impact on the recycling of offenders.

#### Specific Objectives

- establish the *general* return rate or (re)admissions to Québec penitentiaries for a one year follow-up period,
- establish *specific* recycling rates for particular patterns of release and return,
- analyze the offender characteristics, and the incarceration and parole variables that differentiate offenders more at risk of being recycled, by firstly, comparing release groups of offenders, and secondly, comparing return versus non-returned groups of offenders,
- analyze the (re)incarceration variables associated with returned offenders,
- analyze the data in conjunction with specific penal policies and administrative decisions, to evaluate their impact on re-incarceration trends.

**CHAPTER 2**  
**RESEARCH STRATEGY**

A quantitative approach was undertaken to analyze the relevant variables related to our objectives. This chapter will describe the research process, including all the variables used in our analyses and the cohort retained for our study. Firstly, however, no research on the release and return of offenders from and to custody would be complete without an understanding of the legal framework from which such decisions are made. As such, a brief introduction to the mechanisms of release, constraints while on release, and eventual possibilities for return will be examined in the context of the Corrections and Conditional Release Act (Canada, 1992)<sup>1</sup>, which guide all National Parole Board (NPB) and Correctional Service of Canada (CSC) policies and decisions<sup>2</sup>.

### **1. Conditional Release Policy**

The decisions whether or not to release offenders from federal penitentiaries, and the eventual possibility to annul such releases and return offenders to federal custody, are in the majority of cases undertaken by the NPB. While in most cases the NPB is the final authority, CSC agents prepare the bulk of the documents that Board members use in their decisions. Moreover, many of the documents used in this decisional process include recommendations which have been shown to have a high concordance rate with the final Board decisions undertaken (Lavergne, 1992; Dittenhoffer et al., 1986).

There are a number of ways that federal offenders can be released into the community, the most common being Temporary Absence, Day Parole, Full Parole, Statutory release, and at sentence expiry.

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<sup>1</sup>hereon called the Act.

<sup>2</sup>Some of the provisions enacted November 1992 by this new Act may not apply to offenders who were sentenced before the new legislation came into effect, thus where necessary, reference will be made to old rules and eligibility criteria.



Temporary Absences account for a significant amount of in and out offender movement, and can be granted, in most cases, as soon as one-half of the period to parole eligibility or 6 months, whichever is greater, has been served; for periods ranging from 24 hours to 60 days. Whereas beforehand a certain amount of overlap existed between the usage of Day Parole and Temporary Absences, the new Act clearly distinguishes this type of conditional (and temporary) release from the other three by its emphasis on *correctional treatment* through personal development programs, voluntary community service, and work release programs. Although Temporary Absences can represent a significant amount of offender in-out movement, its absence until 1994 from the CSC database forced us to exclude this type of release from our study.

On the contrary, and since the enactment of the new Act, Day Parole is focused primarily on *preparation for release*, while Full Parole and Statutory release are, to a certain extent, *definite releases* from custody. Thus, while we may underestimate the total time offenders are in the community by omitting Temporary Absences from our research, it remains that this type of release can be seen as theoretically different from the other three, and whose omission constitutes the loss of an independent control variable, not indispensable for our study object.

*"Day parole is a program that helps prepare offenders for their eventual return into the community under full parole or statutory release. Under day parole, offenders reside outside the institution, often in a community residential centre or halfway house, and report to authorities at specified times."* (Canada, 1992: Backgrounder No. 8)

Most offenders are eligible for Day Parole only six months before their Full Parole eligibility date or 6 months, whichever is greater; for renewable periods of 6 months.<sup>3</sup> However, an offender *must apply* for Day Parole consideration and if refused,

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<sup>3</sup>However, offenders sentenced before the enactment of the Act will still be eligible for Day Parole after having served only 1/6th of their sentence.

must wait another 6 months before reapplying. In the case of Life and Indeterminate sentences the eligibility requirements differ, and are respectively 3 years before Full Parole, and 3 years with reviews every 2 years. Correctional Service of Canada policy, guided by the new Act, makes Day Parole an obvious step in the release process. Since the new Act, this type of release should be used only for preparation to Full Parole or Statutory release, where previously a certain amount of vagueness allowed for this measure to be used in emergency cases of over-population (Dumont, 1993:309).

All offenders are eligible for Full Parole, "*... a form of conditional release in the community under the supervision of a parole officer*" (Canada, 1992: Backgrounder No. 8). However, offenders can waive their rights to parole reviews, in which case no yearly reviews will be carried out until such a waiver decision has been revoked by the offender. The eligibility periods and review process vary more than in Day Parole cases.

In general offenders become eligible for Full Parole at the 1/3 mark of their sentence or 7 years, whichever is lesser; with yearly reviews scheduled thereafter<sup>4</sup>. However, the new Act redefines, on opposing poles, the conditional release process accorded first-time non-violent offenders from offenders convicted of violent or serious drug offenses.

First-time non-violent offenders are allowed an Accelerate Parole review, such that a file review, without hearing, should automatically be conducted by the NPB before their parole eligibility date. Furthermore, for these offenders, the criteria for granting parole and assessing release risk is less vaguely defined than it is for other offenders. According to the Act, release risk for these first-time offenders should be limited to only

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<sup>4</sup>Offenders imposed a minimum Life sentence (25 years minimum) may not be considered for parole, but can apply for a Judicial Revision of their sentence after 15 years. Other offenders sentenced to Life (no minimum) must serve 7 years before being considered for parole. Indeterminate sentences are eligible for parole reviews every 3 years.

'offenses involving violence, such as murder or any offence set out in Schedule I',<sup>5</sup> while the more general criteria of 'presenting an undue risk to society by re-offending and contributing to the protection of society by facilitating reintegration',<sup>6</sup> must be assessed for others. This new procedure should, as Dumont (1993) states, move such offenders through the system more quickly with a minimum of delays, as well as reduce the margin for sentence adjustment allowed the conditional release process, whereas offenders sentenced to short terms often serve more of their sentence before first release:

*On peut prévoir que le critère utilisé et que l'examen expéditif (Accelerated Parole) augmenteront la fréquence de l'octroi de la libération conditionnelle ordinaire au tiers de la peine à des détenus non violents qui reçoivent souvent une sentence exemplaire ou une plus longue peine qu'ils ne méritent et qui subissent aussi les effets néfastes de l'incarcération prolongée. (Dumont, 1993, p.332)*

By contrast, tougher provisions await offenders accused of violent offenses and serious drug offenders, as outlined in Schedules I and II of the Act; heron judges will be able to delay Full Parole eligibility to 1/2 of sentence. Offenders targeted by this provision, called Judicial Determination, will be excluded from the Accelerated Review process, and can also be subject to detention past the Statutory release date, accorded most offenders.

*Under a provision called 'statutory release', offenders are entitled to serve the last third of their sentences in the community under the supervision of a parole officer. (Canada, 1992: Backgrounder No. 9)*

Thus, most offenders are entitled to be automatically released after having served 2/3's of their sentence, and this without further review by the NPB,<sup>7</sup> unless they waive

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<sup>5</sup>see art. 126(2) & (7).

<sup>6</sup>see art. 102.

<sup>7</sup>Previous to the new Act, a similar release was possible called Mandatory Supervision through earned remission, where 15 days were credited for each month of "good behaviour" served. In the interim, earned remission will still be credited against the sentence for offences committed before the new Act, but will be abolished hereon.

their right to Statutory release, and choose to remain in custody. However, offenders sentenced of violent or serious drug offenses will have their cases referred to the NPB for review if they also meet certain criteria<sup>8</sup>. For example, the NPB could order the detention of the offender until the expiry of the sentence, or release the offender into the community with a condition to stay in a community-based residential facility<sup>9</sup> if *'there are reasonable grounds to believe that the offender is likely to commit an offence causing death or serious harm to another person or a serious drug offence'*. Otherwise, the NPB can release the offender on 'one-chance' statutory release, without further possibility for release if the offender commits a breach of conditions.

Any part of the conditional release process can be delayed for varying reasons. Thus, not only can offender's *waive* certain rights to parole reviews, but also according to the Regulations,<sup>10</sup> decisions can be *postponed* with delinquents approval or *adjourned by the Board* for a maximum period of two months to either obtain further information relevant to the review, or to allow for further time to render a decision.

Once released, offenders must abide to their conditions of release, notwithstanding which they can be returned to the penitentiary for varying periods of time. A new provision in the Act provides that all forms of conditional release into the 'community' can be accompanied by the requirement to reside in a community-based residential facility, greatly narrowing the meaning of 'release into the community'. In accordance with the Regulations, all released individuals must also abide to a set of

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<sup>8</sup>see art. 129(2).

<sup>9</sup>which can include a psychiatric facility or Minimum security penitentiary.

<sup>10</sup>see Regulations Respecting Corrections and the Conditional Release and Detention of Offenders, art. 157 (3) & (4), 158 (3) & (4).

certain standard conditions of release.<sup>11</sup> Additionally, any other conditions deemed necessary in order to 'protect society' can be imposed, the most common being;

- abstain from the use of any intoxicants
- abstain from the use of alcohol
- abstain from the use of non-prescription drugs
- undergo psychiatric counselling
- undergo psychological counselling
- refrain from contacts with judicialized individuals
- refrain from visiting drinking establishments
- undergo psychological assessment and treatment

All released individuals remain under federal judicial control until sentence expiry, and are constrained by varying degrees depending on the release conditions imposed, which can be further modified or annulled at any time. An offender can be returned to custody before sentence expiry if (a) any condition of release is breached, (b) in order to prevent a breach of any condition, or (c) to protect society.

If for any one of the 3 mentioned reasons, it is deemed necessary to return an offender to custody, a warrant must be issued authorizing the apprehension of the individual and the suspension of the conditional release. Once the individual has had his conditional release suspended and is returned to the penitentiary, the CSC agent issuing the suspension has 30 days<sup>12</sup> to cancel the suspension or refer the case to the NPB for review. The NPB has 45 days (from the time referred) to review the case, and can also cancel the suspension (and/or reprimand the individual, alter the conditions, or postpone the release for a maximum of 30 days). It can also terminate the conditional release if the suspension resulted from reasons beyond the offenders control or, more drastically, revoke the conditional release.

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<sup>11</sup>Travel directly to place of residence, report to parole supervisor as required, remain at all times within a fixed territory, obey the law and keep the peace, at all times carry the release certificate, inform parole supervisor of any changes in address, occupation, domestic or financial situation, or of any arrests or questioning by police, not possess any weapon.

<sup>12</sup>14 days for sentences less than 2 years.

A recent study of NPB suspension decisions (Dittenhoffer, Leroux, & Cormier, 1986) found that 50% of suspensions were due to a formal accusation or conviction, 46% due to a breach of conditions, and only 4% for other reasons such as to protect society or to prevent a breach. Subsequently, 15% of suspensions were cancelled by CSC agent, and another 21% (of referred cases) were eventually cancelled by the Board, but not before such offender's had been returned to custody, awaiting final decisions.

An offender who has had his conditional release revoked or terminated is no longer eligible for Accelerated Parole Review a second time. Furthermore, a revocation results in 2/3's of the unexpired portion of the sentence being served before again becoming eligible for statutory release, unlike a termination, where the original statutory release date will still hold. In such cases, the new effective Statutory release date will be later than the original Statutory release date, given that Full Parole had never been granted, had been waived by the offender, or even had conditional release been terminated instead of revoked. For 'one-chance' statutory release, the individual will no longer be eligible for any sort of conditional release whatsoever.

Matters become slightly more complicated in the case of multiple sentences, especially if a new sentence is imposed on an individual already on conditional release. The new Act makes it much easier to discern eligibility rules for offenders receiving multiple sentences; all sentences received are aggregated either concurrently (commencing at the beginning of the first of those sentences and ending on the expiration of the last of them to be served) or consecutively (one after the other) to give one global incarceration term. Nevertheless, eligibility rules are still differentially applicable depending on whether or not the new sentence causes the interruption of the incarceration term, or the interruption of the conditional release which can greatly complicate matters:

*la règle de la fusion des termes multiples donne non seulement lieu à des calculs complexes mais elle engendre aussi des aberrations et des absurdités qui dénaturent toute justification reliée à la punition et à la libération conditionnelle. (Dumont, 1993, p.360)*

In all cases, and regardless of whether the new sentence is less than 2 years or whether the total of new and old sentence is also less than 2 years, the individual remains under federal judicial control.<sup>13</sup> Furthermore, the NPB retains the power to exercise its discretion in deciding whether or not to end an offender's conditional release. Thus, an offender's conditional release will not automatically be revoked or terminated because of a new formal conviction or new incarceration term; which may be a delayed conviction or regarded by the NPB as trivial as compared to the originating offence (Dumont, 1993, p.356-7).

A new sentence imposed while an individual is on conditional release will have different effects depending on (a) whether it is a concurrent or consecutive sentence, or (b) whether the conditional release is revoked/terminated or not by the NPB. In the case where the **NPB takes no action to revoke the conditional release**, a newly imposed **concurrent sentence** will only cause re-incarceration, if the new term gives rise to later eligibility dates. On the other hand, a **consecutive sentence** automatically causes the interruption of the current term and immediate return of the offender to custody, with its own eligibility criteria imposed. The interrupted term will be resumed on conditional release, in the community, after the new sentence has expired.

However, following a new sentence, if the **NPB decides to also revoke the current conditional release**, then for **concurrent sentences** a new global term will be calculated from the unexpired portion of the original sentence and the newly imposed sentence, with new eligibility dates applying. For **consecutive sentences**, the interrupted term will only be resumed at the expiry of the newly imposed sentence; but this time 2/3's of the unexpired portion of the interrupted term will be served in custody if the conditional release was revoked, versus only 2/3's if it was terminated.

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<sup>13</sup>We can then expect to find aggregate sentences of less than 2 years being served in federal penitentiaries. If for example, an individual's conditional release is revoked with only a few months left to serve, and a new custodial sentence of short duration is handed down by the courts, then the total incarceration term can easily be less than the 2 year limit normally required for federal incarceration.

*Research, like the world of its subjects, is a process of construction. In describing the 'realities' presented ..., we set up another 'reality'. The fact that researchers do not and cannot have unmediated access to the 'truth' is not a strength or a weakness of the research and is not a deficiency in our method: it is an epistemological reality." (McConville et al., 1991, p.13)*

## **2. Research Process**

The following sections describe more specifically the research strategy adopted. As tempting as it may be to view quantitative analysis as a simple presentation of raw data, it should be clear from our earlier discussion that even judicial and penal statistics, often perceived as raw data material, have already undergone a whole creation process difficult if not impossible to undo by subsequent analyses. It is thus at this point that our theoretical inclinations impose themselves. To reiterate, the analyses we will conduct is grounded in the belief that penal statistics are not themselves a measure of "criminality", but of the system's mode of functioning; where an individual's penal trajectory is more an indication of the system's reaction than his own actions.

As in any research, certain choices were freely made while others were imposed by internal or external limitations. Our perspective and objectives guided the process from the early selection of variables, to the statistical methods chosen for analyses, and finally the interpretation of results. The following describes the construction process undertaken in the elaboration of our research.



## 2.1 Cohort Retained for Analysis

All 1st releases<sup>14</sup> from Québec penitentiaries in 1993 were retained for initial analyses, excluding offenders returning from conditional release. Since the new Act came into effect in November 1992, a later year would have been preferable thus eliminating conflict between the new and old laws. Nevertheless, we were constrained by the fact that we wanted a 1-year follow-up period. Our cohort will thus be subject to most provisions of this new Act, with some exceptions which will have to be taken into consideration. Only male releases were included since we believed that a qualitatively different type of research would be needed to study the female phenomena, which represents only 2.3% of the total federal inmate population (Canada, 1991).

Our original population, before verification and cleaning, consisted of 1174 offenders released for the 1st time in 1993. Certain offenders were subsequently dropped from the analysis; 74 who had either not been released from a Quebec penitentiary or who were not supervised within the province of Quebec, 8 who had been released only for 3 days of evaluation in 1993, and 2 whose initial sentence length indicated a term of less than 2 years. Consequently our cohort consisted of 1090 male federal offenders released for the first time in 1993.

## 2.2 Variables & Analysis

Given the exploratory nature of the research, our analysis will be guided by the specific objectives of our problematic rather than by hypothesis. An initial literature review served to constitute a list of variables relevant to our study objectives. The description of these variables will be subdivided as to their analytical contribution, as they will all serve as classification variables for **release type** and **return rate analysis**:

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<sup>14</sup>A 1st release is defined as an offender being released from the penitentiary for the first time on his current sentence, and who was previously admitted on a Warrant-of-Committal.

(a) social, penal, and incarceration characteristics of population, (b) conditional release process variables, and (c) variables inherent only to returning offenders.

Accordingly, the analysis undertaken will be inserted with the description of the variables, since the chosen methods are often not separate from the variables under study.

In conclusion, a final section will analyze the impact that release and return trends have on the penitentiary system by estimating 'man prison days' lost due to the conditional release procedure and selection process.

### **2.2.1 Return Rate Indicator**

The main focus of this research being the recycling of offenders within the federal penitentiary system in Quebec, the **penitentiary return rate** was used as *dependent variable* to measure **all subsequent returns to federal custody, through either revocation of conditional release (with or without a new criminal conviction), or through criminal convictions that lead to a new penitentiary sentence**. Thus this type of subsequent contact with the penitentiary system, for a 1-year follow-up period, will be differentiated throughout the analysis.<sup>15</sup>

### **2.2.2 Release Type**

A second *dependent variable* will be used to analyze the distribution of our population as to the eventual release from custody. Four **release types** were retained for analysis: a) Day Parole, b) Accelerated Parole, c) Full Parole, and d) Statutory release.

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<sup>15</sup>Our penitentiary return rate is more a measure of conditional release revocation given the short follow-up period (1 year), since most offenders will still be on conditional release.

### 2.2.3 Independent (classification) Variables

In order to establish specific recycling rates for particular patterns of release and return, the *independent variables* in Table I and Table II (p.47 & p.48) will be examined alone and in combination, as to their relationship with release type and penitentiary return rate. However, no quantitative research can bypass the important step of data exploration, which includes the univariate data analysis of frequencies and distributions, so important in detecting missing and extreme values, as well as coding errors. To do so, an analysis of the discrete frequencies was conducted for each variable as well as a comparison of our population characteristics to similar research studies.

Each of the variables were then re-coded into categories and the **percentage of returns** for each category was derived; giving specific **return rates** for sub-classifications of each variable. To facilitate visual data exploration, plots of return rate for discrete levels of the variables in question were produced. They not only served to inspect the relationship between return rate and the variables, but also to construct initial categories that would maximize differences in return rate, and by the same token increase homogeneity within the sub-groups. The literature review also served as a guide in formulating the initial categories (Laplante, 1993; Hann & Harman, 1992), which may have subsequently been reformulated according to the distributions for our particular cohort, in order to satisfy both theoretical common sense and methodological requirements that sub-groups be approximately equal in size.

An initial *bivariate analysis* was conducted between release type and the variables, and a second between return rate and each variable. Since most of our data consists of frequencies for nominal discrete categories, the **Chi-square Goodness-of-fit test** was the preferred method of analysis. The distribution of individuals in the sub-categories for each variable was analyzed using Chi-square to test whether a significant ( $p < .001$ ) difference existed between the number of individuals in each category and the

expected number given an equal distribution of individuals per category.<sup>16</sup> While the Chi-square test will indicate whether the groups (as formed by the dependent, column, variable) differ on the measured (independent, row) variable, it will not tell us where the differences are. Thus, our interpretations included *partitioning the degrees of freedom*; by partitioning the contingency tables into 2x2 sub-tables, combining values that made theoretical sense, to see just where and what the significant differences were ( $X^2$ ,  $df=1$ ,  $p<.001$ ). Finally, *Cramer's coefficient C*<sup>17</sup> enabled us to compare the relations obtained in the different contingency tables to identify those variables indicating a greater degree of association with return rate.

A *multivariate analysis* between release type and highly discriminant variables that effectively differentiated (according to Cramer's C) between returning and non-returning individuals, was also conducted. Since a combination of all possible categories would have yielded an unworkable number of combinations better suited to more advanced techniques of cluster analysis,<sup>18</sup> simple multivariate analysis was used to examine return rates for the release sub-cohorts being recycled through the penal system, while controlling for certain offender characteristics and penal variables.

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<sup>16</sup>The Chi-square test does require, however, that the expected frequencies not be too small. For proper interpretation of the results, it is recommended that no more than 20 percent of the cells should have an expected frequency of less than 5, and no cell should have an expected frequency of less than 1, although the greater the number of rows and columns in the contingency table, the less stringent the requirements.

<sup>17</sup>Cramer's coefficient C is a nonparametric measure of association which can be used for nominal or categorical data, when the usual measure of association (Pearson correlation coefficient r) is inappropriate. Its significance depends only on the  $X^2$  statistic being also significant, and enables the comparison of the relations obtained in different contingency tables. Although one can interpret larger values of C as indicating a greater degree of relation than indicated by smaller values, differences in magnitude have no direct interpretation, unlike the Pearson correlation coefficient.

<sup>18</sup>Although most researchers (Ciale et al., 1968; Landreville, 1968; Macnaughton-Smith & Wilkins, 1964) have used "association analysis" and "predictive attribute analysis" to form homogeneous sub-groups, these methods risk losing significant information as they require all variables to be dichotomized. The use of multivariate descriptive analysis (better known as "cluster analysis" or "correspondence analysis"), has been applied to a rapidly expanding number of fields in recent years (Kaufman & Rousseeuw, 1990; Lebart et al., 1984). Although very rarely used in criminology, it is powerful statistical tool for forming and analyzing homogeneous sub-cohorts involving a large number of variables.

**Table I**  
**Social, Penal, & Incarceration Classification Variables**

<b><u>Age at Admission</u></b> (see Note 1)	<b><u>Aggregate Sentence Length</u></b>
- less than 22 years old	- 2 to 3 years
- 22 to 25 years old	- 3 to 4 years
- 26 to 29 years old	- 4 to 5 years
- 30 to 34 years old	- 5 to 7 years
- 35 to 39 years old	- 7 to 10 years
- 40 to 49 years old	-10 to 15 years
- greater than 49 years old	-15 + years
	- life
<b><u>Age at Release</u></b> (same categories as above)	<b><u>Prime Term Offense</u></b>
	- Murder / Involuntary Manslaughter / Attempted Murder
	- Sexual
	- Robbery
	- Assault
	- Break & Enter
	- Property
	- Drugs
	- Other (Arms, Escape/Failure, Public Order...)
<b><u>Marital Status at admission</u></b>	<b><u>Prime Term Offense Type</u></b>
- single	- none Schedule offense
- separated	- Schedule I
- divorced	- Schedule II
- common law	
- married	
- widowed	
- unknown	
<b><u>Education</u></b>	
<b><u>Age at 1st Penitentiary Term</u></b> (same categories as above)	<b><u>SIR score</u></b>
<b><u>Age at 1st Adult Conviction</u></b> (same categories as above)	the total score obtained from the "General Statistical Information on Recidivism scale" (Annex II) produced by CSC agents upon admission, and which rates an offender as to his (potential) release risk, according to 15 static factors;
<b><u>Time-at-Large since last Penitentiary</u></b>	- lowest risk of re-offending
- lt 6 months	- moderate risk "
- 6 to 12 months	- mid risk "
- 1 to 2 years	- High risk "
- 2 to 3 years	- Highest risk of re-offending
- 3 to 4 years	
- gt 4 years	
<b><u>Previous Penitentiary Terms</u></b>	<b><u>Offenders Top Ranked Problem</u></b>
- 0 past federal terms	comes from the "Force Field Analysis scale" (Annex II) used by CSC agents upon admission to "identify the strengths and weaknesses that pertain to each area listed", and which ranks the 4 most important problem areas. For each of the 15 items listed, the number one problem will be analyzed.
- 1 "	
- 2 "	
- 3+ "	
<b><u>Length of Previous Term</u></b>	<b><u>Community Risks/Needs Rating</u></b> (see Note 2)
- 2 to 3 years	from "Community Risk/Needs Management scale" (Annex II), but this time produced after release (in the community), is an evaluation of 16 areas, three of which will be analyzed;
- 3 to 4 years	(1) an individuals overall case needs (low, medium, high),
- 4 to 5 years	(2) criminal history risk (low, high), and
- 5 to 7 years	(3) supervision required (1, 2, 3, 4, 5+ contacts per month)
- 7 to 10 years	
- gt 10 years	
<b><u>Previous Convictions</u></b>	<b><u>Participation in Institutional Programs</u></b> (see Note 3)
- 0 convictions	was divided into 21 different program types regrouped into 6 core program areas, as identified by CSC (The Correctional Strategy, pg. 7-10) and accompanying information (see Annex III). Each of the 21 different program types will be individually analyzed, as well as total program participation.
- 1 "	
- 2 "	
- 3+ "	

**Table II**  
**Conditional Release Process Variables**

<u>Type of Release</u>	<u>% Sentence Served</u> (see Note 4)
- day parole	- lt 1/3
- accelerated parole	- 1/3
- full parole	- 1/3 to 2/3
- statutory release	- 2/3
	- gt 2/3
<u>Conditions of Release</u>	<u>Security Level of Releasing Institution</u>
excluding individuals released at warrant-expiry; the following conditions will be analyzed individually, as well as summed to give an overall indicator of number of conditions subject to;	- minimum
- abstain from the use of any intoxicants	- medium
- abstain from the use of alcohol	- maximum
- abstain from the use of drugs	
- undergo psychiatric counselling	<u>NPB Parole Denials</u>
- undergo psychological counselling	- no denials
- avoid contact with judicialized persons	- 1 denial
- avoid drinking establishments	- 2+ denials
- undergo psychological assessment/treatment	
- submit to urinalysis for alcohol & drug use	<u>Parole Postponements &amp; Waivers</u> (see Note 5)
- reside in community residential centre	- no postponements/waivers
- other	- 1+ postponements/waivers
	<u>Length of Day Parole</u>
	- 1-3 months
	- 3-6 months
	- 6-9 months
	- 9-12 months

**Notes:**

- 1- All age variables were constructed by subtracting, from the pertinent date, 'date of birth'.
- 2- Although the results of previous research (Motiuk & Porporino, 1989) have confirmed the predictive value of 10 of the 12 need factors (ie. mental ability & health were not significantly related to conditional release outcome), the same supervising case agents who assessed the offenders were, in most cases, the same agents who subsequently suspended them; methodologically questionable.
- 3- However, it will also be important to examine the characteristics of individuals attending the different programs, and take these differences into consideration before making inferences as to return rates, since we would expect to find individuals attending the different programs to vary with respect to key characteristics; age, education, aggregate sentence, previous federal incarcerations, SIR, prime term offence type and community risk/needs rating.
- 4- Will be constructed by subtracting the sentence date from the release date, and dividing by the total aggregate sentence length. The majority of cases should in theory correspond to the approximate parole eligibility periods, any differences being an indication of delay in granting parole.
- 5- Offenders can request that their parole hearings be **Postponed** pending additional information or more favourable conditions (ie. finishing certain institutional programs), or can also **Waive** their rights to parole and choose to remain incarcerated until their statutory release eligibility date.

#### 2.2.4 Variables Inherent only to Returning Offenders

Certain (re)incarceration variables inherent to the recycling process will be examined by this section, to further differentiate the types of individuals being recycled through the system. Since all of our data in this section consists of frequencies for nominal discrete categories, the *Chi-square test* will again be the preferred method of analysis.

First, using **Type of Return** as the *dependent variable*, we will apply Chi-square analysis for independent samples to assess how the frequency distributions vary across Type of Return, according to the various independent variables in Table I and Table II. Type of Return, which constituted our primary dependant variable in the previous section, will now be subdivided into 2 categories to further differentiate between the offenders who return:

- 1 - termination/revocation with new custodial sentence (including new convictions leading to a penitentiary term after warrant-expiry),

AND

- 2 - termination/revocation without new custodial sentence

Secondly, the variables in Table III (next page) will be analyzed as to the distribution of individuals in each of its categories. Certain of these variables (ie. Conditions Breached), however, will only be related to conditional release returns and not to returns after warrant-expiry, while others (ie. New Sentence Length), will only be related to returns with new offence.

**Table III**  
**Variables Inherent to Returning Offenders Only**

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<p><b><u>Previous Suspensions</u></b></p> <ul style="list-style-type: none"> <li>- none</li> <li>- 1+</li> </ul> <p><b><u>Time at Large</u></b> representing the time an individual remained in the community before his eventual re-incarceration;</p> <ul style="list-style-type: none"> <li>- less than 3 months</li> <li>- 3 months to 6 months</li> <li>- 6 months to 9 months</li> <li>- 9 months to 12 months</li> </ul> <p><b><u>Return Reason</u></b> only for conditional release returns, as given on the supervision-warrant;</p> <ul style="list-style-type: none"> <li>- Breach of conditions</li> <li>- To prevent breach</li> <li>- To protect society</li> </ul> <p><b><u>Conditions Breached</u></b> only for conditional release returns;</p> <ul style="list-style-type: none"> <li>- formal accusation or conviction</li> <li>- abstain from the use of any intoxicants</li> <li>- abstain from the use of alcohol</li> <li>- abstain from the use of drugs</li> <li>- undergo psychiatric counselling</li> <li>- undergo psychological counselling</li> <li>- avoid contact with judicialized persons</li> <li>- avoid drinking establishments</li> <li>- undergo psychological assessment/treatment</li> <li>- submit to urinalysis for alcohol &amp; drug use</li> <li>- reside in community residential centre</li> <li>- other</li> </ul>	<p><b><u>New Offence</u></b> (see Note 1) only for individuals formally accused or convicted;</p> <ul style="list-style-type: none"> <li>- Murder / Involuntary Manslaughter / Attempted Murder</li> <li>- Sexual</li> <li>- Robbery</li> <li>- Assault</li> <li>- Break &amp; Enter</li> <li>- Property</li> <li>- Drugs</li> <li>- Other (Arms, Escape/Failure, Public Order...)</li> </ul> <p><b><u>New Offence type</u></b> (see Note 1) only for individuals formally accused or convicted;</p> <ul style="list-style-type: none"> <li>- none Schedule offense</li> <li>- Schedule I offense</li> <li>- Schedule II offense</li> </ul> <p><b><u>New Sentence Length</u></b> (see Note 1) only for individuals formally accused or convicted;</p> <ul style="list-style-type: none"> <li>- less than 2 years</li> <li>- 2 to 3 years</li> <li>- 3 to 4 years</li> <li>- 4 to 5 years</li> <li>- 5 to 7 years</li> <li>- 7 to 10 years</li> <li>- 10 to 15 years</li> <li>- 15 + years</li> <li>- life</li> </ul> <p><b><u>Next Release Type</u></b> a clear distinction will have to be made between conditional release returns and returns after sentence expiry, for whom this will constitute a 1st release;</p> <ul style="list-style-type: none"> <li>- Day Parole</li> <li>- Accelerated Parole</li> <li>- Full Parole</li> <li>- Statutory Release</li> <li>- Warrant Expiry</li> </ul> <p><b><u>%Time Served at next Release</u></b> will be constructed by using the <i>Next Release Date</i> to measure the % time served by individuals recycling through the system, within the first year after release (for sentence expiries this will also be compared to original 1st release ...);</p> <ul style="list-style-type: none"> <li>- lt 1/3</li> <li>- 1/3</li> <li>- 1/3 to 2/3</li> <li>- 2/3</li> <li>- gt 2/3</li> </ul>
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**Note 1:** these variables will also be compared to the original offense, offense type, and aggregate sentence length through a cross-tabulation in a contingency table to examine the changes across time for individuals.



### **2.2.5 Impact of Conditional Release Process on Penitentiary System**

A major concern for population management, is the impact that policy and administrative decisions have on release and return trends. As was previously discussed, conditional release is often a strategic population management tool, which can either alleviate or aggravate carceral populations. As such delays in granting conditional release, as measured through the variable %-Sentence-Served, subsequent returns, and the impact and use of Suspensions, will all be considered in response to our last objective. This analysis, together with an analyses of the total time served for the subset of the population whose sentences expired within the limits of our database, will allow us to estimate 'incarceration days' due to the conditional release procedure.

### **2.3 Variable Extraction**

After an analysis of required data, 3 different sources were identified that would be necessary for our variable extraction: (a) Correctional Service of Canada's automated 'Offender Management System' (OMS), (b) the offenders paper files from CSC, and (c) the RCMP 'Finger Print Service' (FPS) automated criminal records. Each source was examined to determine from where our variables could easily be extracted.

#### **2.3.1 CSC Offender Management System**

Firstly, 12 different relational database files were identified on OMS that corresponded to the vast majority of the data. An initial extraction of the data was done at the end of December 1994 of the raw records for offenders released for the 1st time in 1993. Subsequently, at the end of May 1995, CSC again extracted the raw data records for these offenders, so as to send the questionnaires.<sup>19</sup> The extraction was

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<sup>19</sup>However, at this time an error in the extraction resulted in only offenders at their first penitentiary incarceration being updated. While this did not impact our 1-year follow-up period, it did prevent any analysis beyond this first year.

'dumped' in ASCII format onto high density diskette under 11 different file names, and later installed on the University of Montreal mainframe; each file contained a variable amount of total data records, as indicated in Table IV, representing the 1090 offenders.

**Table IV**  
Files Retained for Analysis from OMS

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File Name	No. Records
- OFFENDER	1174
- PAROLE_ELIGIBILITY	1115
- OFFENDER_CITIZENSHIP	1174
- EDUC_EMPL_HISTORY	833
- SENTENCE	1136
- OFFENCE	8252
- TERM	1696
- SUPERVISION_PERIOD	3675
- DECISION	11711
- SUPERVISION_CONDITION	1837
- SUPERVISION_WARRANT	991

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### 2.3.2 CSC Offender Paper Files

Since OMS has and is being implemented piecemeal since 1991, certain variables for which data needed to be collected were not computerized and had to be manually collected from the offender paper files maintained by CSC and NPB.

To facilitate the data gathering task a coding grill/questionnaire was developed in collaboration with CSC and NPB directors, that represented their interests as well as ours (see Annex I). Since it would be the task of CSC agents themselves to collect the missing data, certain variables that were either too complicated to code (ie. exact length of participation in programs) or too lengthy to amass (ie. Temporary Absences) were eventually dropped.

A first version of the questionnaire was tested with 20 CSC agents, and the final version sent across the regions in July 1995 (for which we allowed 2 months for completion). 200 files of offenders whose sentence had expired, were no longer in the regions but at the National Archives. Thus these questionnaires were coded by myself and a research assistant. In total, 887 (81%) of the questionnaires were returned, some which also had missing data. Each questionnaire was subsequently entered for data processing.

### **2.3.3 RCMP Finger Print Service**

A final source of data consisted of the automated criminal records maintained by the RCMP and which were required for the 89 offenders whose sentences expired within the follow-up year, in order to check if new offenses resulting in prison custodial sentences had been received.

## **2.4 Software Used**

SAS version 6.07.02 on UNIX was used to firstly, merge all the data variables from the different sources into one record per offender, and secondly, to conduct all statistical analysis.

The next two chapters represent the end results of this research strategy.

**CHAPTER 3**  
**ANALYSES OF POPULATION CHARACTERISTICS**

This first analysis chapter will provide a statistical overview of our population and the variables retained for analysis, while a subsequent analysis chapter will examine the cycle of release and return that ensues during the year following offenders' first release from a Quebec penitentiary. In order to allow us to trace an offender's *first* complete year on release, only offenders previously admitted on warrant-of-committal were included. Furthermore, contrary to much research that examine offender characteristics at admission (flux data) or at a specific moment in time (stock data), our research analyzes data at offender release. Differences in commonly reported statistics will be due as much to the fact that our population consists of **released** offenders previously admitted on **warrant-of-committal**, as well as to recent changes in overall penitentiary population trends.

This first chapter will be a purely univariate description of the social, penal, and incarceration variables that characterize our population of first releases. Additionally, a brief review of the types of release and overall return rates will be examined in the first sections with a subsequent indepth analysis continued in the next chapter. Given that our main research focus is to describe the cycle of release and re-incarceration offenders are subject to, also included in this chapter will be a separate analyses by conditional release type for pertinent variables of recognized theoretical importance.

Specific rates of return to penitentiary for sub-classifications of each variable are also included in this chapter's tables but will only be examined in the following chapter. The second analysis chapter will analyze these return rates to examine the offender characteristics, and the incarceration and conditional release variables that differentiate returning and non-returning offenders, and establish specific return rates for particular patterns of release. Variables inherent only to returning offenders will also be analyzed to complete the portrait of the type of offenders being recycled in Quebec penitentiaries. In conclusion, a last section will examine the impact of the conditional release process and tools used in the decisional process on both the offender and the penitentiary system.

## 1. First Release & Conditional Release Type

As Figure 1 illustrates, our population of first releases consisted of 1090 male offenders released for the first time in 1993 on either day parole (DP; n=663, 61%), accelerated full parole (Acc; n=163, 15%), regular full parole (FP; n=59, 5%), statutory release (SR; n=196, 18%), or at sentence-expiry (n=9, 1%). These offenders had previously been admitted on warrant-of-committal, thus excluding offenders being released following a previous conditional release revocation on their current sentence.

Although a majority of offenders released from the penitentiary for the first time usually did so via day parole, this type of release is focused primarily on '*preparation for release*', and as Figure 1 illustrates, most of these 663 day parole releases then passed on directly to either accelerated full parole (n=122), regular full parole (n=194), or statutory release (n=118). In total, of the 1090 offenders, 852 (78.2%) were eventually granted some sort of '*definite conditional release*' during the follow-up year<sup>1</sup>; 285 (33%) via accelerated full parole, 253 (30%) via regular full parole, and 314 (37%) were statutory releases. Thus, the analyses by *conditional release type* will be based on the 852 offenders in these 3 latter categories, instead of on first release type where day parole predominates.<sup>2</sup>

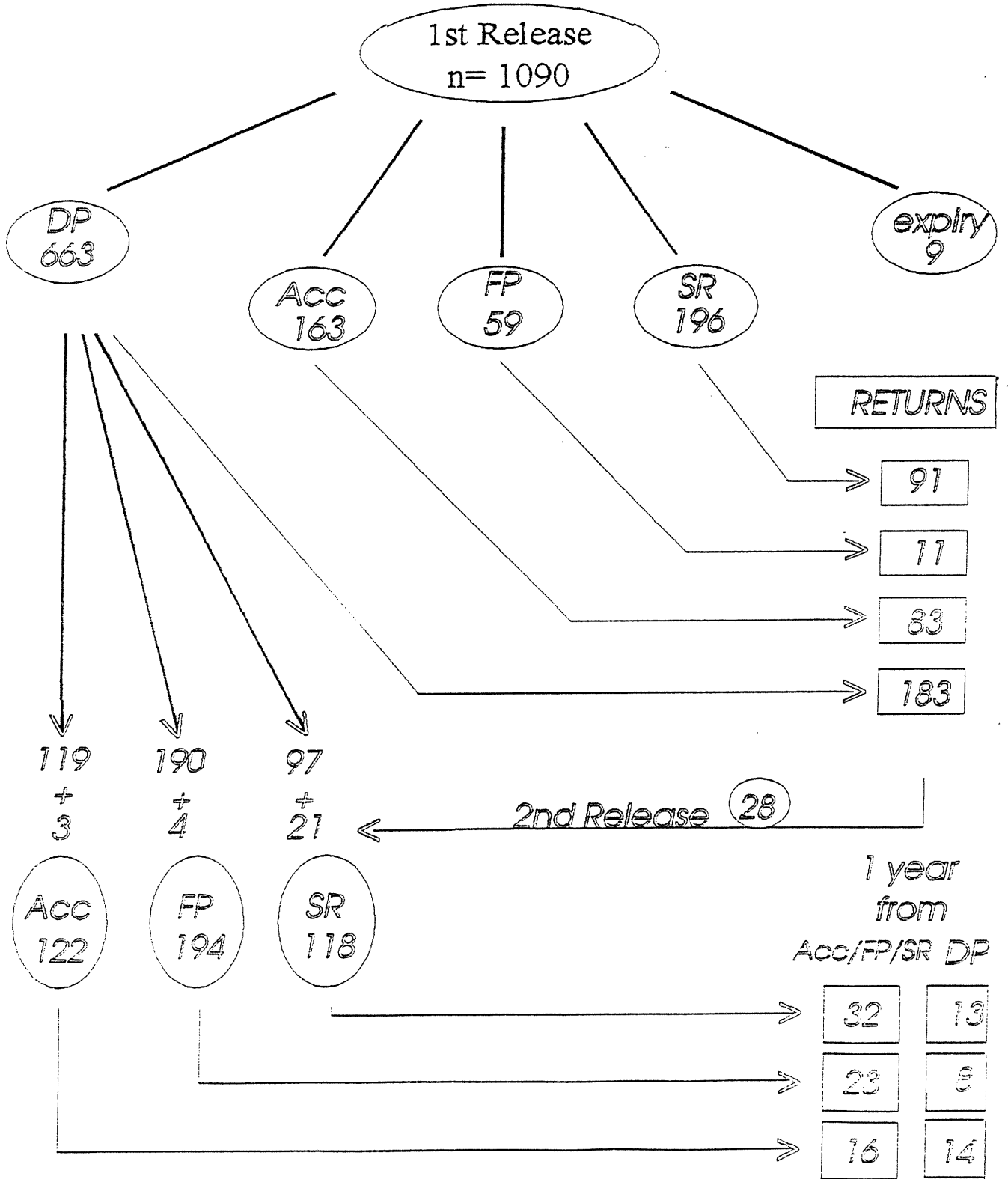
If we assume all offenders still on day parole or revoked from day parole would subsequently receive a statutory release, our population still shows an increase in full parole releases (accelerated & regular, 50%), which may be due to Accelerated Reviews instigated in 1992; contrary to past research (Laplante, 1993; CSC/NPB, 1991) which cited full parole release rates of 43%/44% and 52%/56% for statutory releases.

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<sup>1</sup>To standardize as much as possible, only accelerated, full parole, and statutory releases occurring within the follow-up year were counted as such.

<sup>2</sup>The remaining 238 offenders were either still on Day Parole at the end of the 1-year follow-up period (n=74), returned to penitentiary following their Day Parole release and not subsequently released within the follow-up year (n=155), or released for the first time upon sentence-expiry (n=9).

**Figure 1**  
Type of 1st Release and Definite Conditional Release  
1st Releases from Quebec Penitentiaries: 1993



## 2. Penitentiary Return Rate - Base Rates

Tables V through VIII (reproduced as fold-out tables in Annexe V for your convenience) describe in detail the characteristics of our population, whose highlights will be presented in the following sections. However, also included in Tables V through VIII is the return rate of offenders to penitentiary, during the 1st year following their release, for sub-classifications of the variables analyzed. The penitentiary return rate was used as dependent variable to measure the rate at which offenders released from Quebec penitentiaries were re-admitted, either during their conditional release or after sentence-expiry, for a 1-year follow-up period.

The return rates indicated in Tables V through VIII (Annexe V) are based on the whole population (n=1090) and calculated from 1st release (day parole or other release type) for a 1-year follow-up period. Given that only a 1-year follow-up period was used, most returning offenders did so during their conditional release, following revocation/termination for either breach of conditions or for new offenses resulting in custodial sentences<sup>3</sup>. After sentence-expiry, only new convictions with penitentiary sentence would cause a return to be recorded, since other conviction types (fines, probation, prison, ...) were excluded from the primary analyses.<sup>4</sup> In total, of the 1090 released offenders, 403 (37%) returned to a penitentiary within the year following their 1st release; giving a **penitentiary base return rate of 37%**. Figure 1 also gives the breakdown for the 403 returned offenders: 183 were returned from day parole; 104 from statutory release (91 from SR 1st release plus 13 from SR subsequent to day parole); 19 from full parole (11 from FP 1st release plus 8 from FP subsequent to day parole); 97 from accelerated parole (83 from Acc. 1st release plus 14 from Acc. subsequent to DP).

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<sup>3</sup>Regardless if the new custodial sentence is less than 2 years (usually served in provincial prisons) or more than 2 years, offenders continue to serve this additional time in a federal penitentiary if re-convicted while on conditional release.

<sup>4</sup>Although the criminal records were examined and prison returns retained for later reference for the 89 offenders whose penitentiary sentences expired before the 1-year follow-up period without a prior penitentiary return.



However, a more intuitive manner to examine return rate by release type would be to follow-up offenders for 1 year from their 'definite' conditional release from custody. Thus the return rates in Table VIII-A (Annexe V) are given separately for the 663 offenders first released to day parole, and the 852 offenders released via either accelerated, full parole, or statutory release, for a 1-year follow-up period<sup>5</sup>. Furthermore, the return rates for these 852 offenders do not take into consideration any day parole returns that occurred before the definite conditional release date (although only 28 such offenders exist, who were returned from day parole and subsequently released via accelerated, full parole, or statutory release; see Figure 1). Analyzed this way, out of the 852 'definite' conditional releases, 256 (30%) offenders returned to a penitentiary within the year; giving a **conditional release base return rate of 30%**. As Figure 1 illustrates, 123 from statutory release (91 from SR 1st release plus 32 from SR subsequent to day parole); 34 from full parole (11 from FP 1st release plus 23 from FP subsequent to day parole); 99 from accelerated parole (83 from Acc. 1st release plus 16 from Acc. subsequent to day parole)

Thus, in examining differences amongst the return rates, two considerations must be kept in mind; a) significant differences amongst sub-classifications of the same variable, and b) substantial deviations from the overall base return rates (37% and 30%).

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<sup>5</sup>Of the 852 offenders released to accelerate or full parole, or via statutory release within the follow-up year, only 756 could actually be followed-up for a whole year (return rate equal to 32%), since the database was initially based on 1-year from 1st release. However, all 852 were included in the analysis, since a majority of these other 96 offenders (n=86, 89%) had follow-up periods greater than 7-months, and as we will see in the next chapter, most returns occur within the first 6 months.

### 3. Social, Penal, & Incarceration Characteristics of Population

#### 3.1 Social Characteristics

Very few social characteristics were in fact available for our population, as indicated in Table V (below). Race, which had initially been considered for analysis, was subsequently dropped since the Quebec penitentiary population is primarily caucasian (n=1019, 93%), with blacks representing the 2nd largest group (n=55, 5%).

Educational and professional background were found to be missing in almost all cases (99%) from the penitentiary database, although the General Statistical Information on Recidivism scale (SIR)<sup>6</sup>, gathered through the questionnaires, indicated that less than 1/3 of offenders (30.3%) had been **employed at moment of arrest**. We can hypothesize that the other 2/3's (69.7%) were not all unemployed, since offenders not revealing their employment as well offenders for whom the employment status was unknown at the time the scale was completed, would also fall into this category.

The **marital status** upon admission indicated that more than half of our population was classified 'single' (single, separated, or divorced; 59.5%), with the others claiming 'as married' status (common law or married; 40.1%). However, given that the common law category is of relative reliability (encompassing both 'as married' and 'as single' offenders) care should be taken in making any inferences using this variable.

Being a population of releases, both the **age at release** (mean=31.5, median=30) and **age at admission** were retained (mean=29.8, median=28), with an approximate 2 year difference between the two. The age-at-release for both Accelerated and Statutory releases was approximately the same (mean=30.9, 30.4, respectively), while offenders released via Full parole were older (mean=33.6).

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<sup>6</sup>Only certain categories of the SIR (General Statistical Information on Recidivism Scale/Échelle d'Information Statistique Générale Sur La Récidive) will be presented in Tables V through VII. SIR scores can be missing due to non-returned questionnaires (n=210), but also to missing SIR scales on returned questionnaires (n=59).

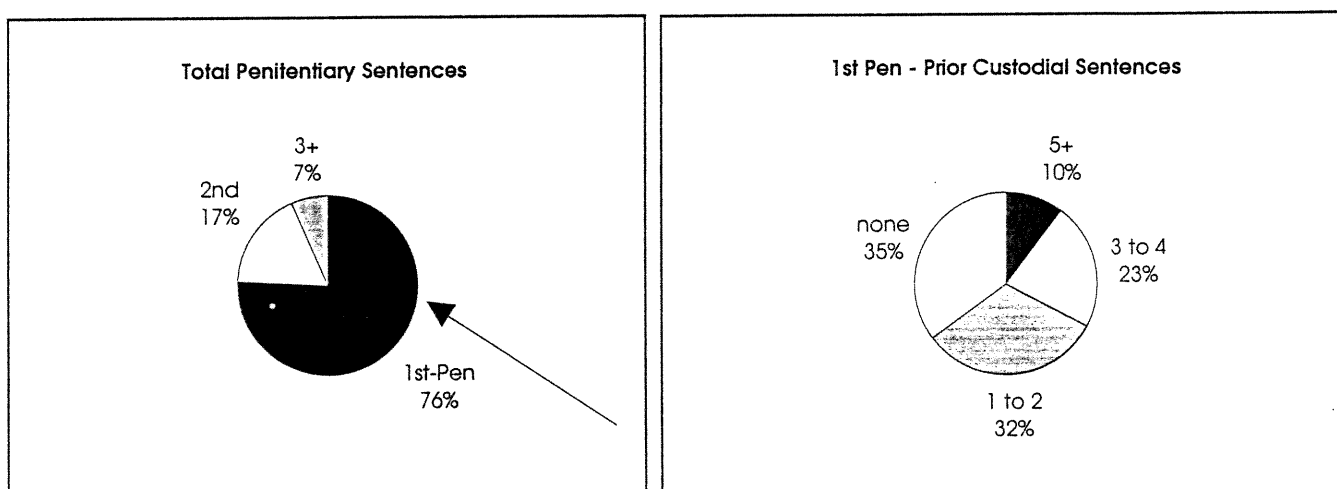
**Table V**  
**Social Characteristics**  
**1st Releases from Quebec Penitentiaries: 1993**

	n	%	Return Rate
<b><u>Age at admission</u></b>			
- less than 22	178	16.3	42.1%
- 22 to 25	232	21.3	48.3%
- 26 to 29	213	19.5	41.8%
- 30 to 34	198	18.2	28.8%
- 35 to 39	120	11.0	34.2%
- 40 to 49	112	10.3	20.5%
- greater than 49	37	3.4	16.2%
	1090		( $X^2=42.8$ , $p<.001$ )
<b><u>Age at release</u></b>			
- less than 22	89	8.2	47.2%
- 22 to 25	217	19.9	46.5%
- 26 to 29	223	20.5	47.5%
- 30 to 34	232	21.3	30.2%
- 35 to 39	146	13.4	28.8%
- 40 to 49	135	12.4	25.9%
- greater than 49	48	4.4	14.6%
	1090		( $X^2=49.4$ , $p<.001$ )
<b><u>Marital Status</u></b>			
- single	552	50.8	45.1%
- separated	27	2.5	18.5%
- divorced	70	6.4	24.3%
- common law	340	31.3	35.3%
- married	98	9.0	11.2%
	1087 (missing=3)		( $X^2=52.7$ , $p<.001$ )
<b><u>Employed at moment of arrest (from SIR)</u></b>			
- yes	249	30.3	21.3%
- no/unknown	572	69.7	40.0%
	821 (missing=269)		( $X^2=27.0$ , $p<.001$ )

### 3.2 Penal Characteristics

The penal characteristics of our population are presented in Table VI (below) and are all based on penitentiary antecedents, except age at 1st adult conviction and previous custodial sentences, which were available through the SIR. Only 23.2% of our population had served **previous penitentiary sentences**<sup>7</sup>, although, according to the SIR, 72.8% had served **previous custodial sentences** (in either municipal, provincial, or federal prisons). Correspondingly the **ages at 1st adult conviction** were consistently lower than **age at first penitentiary admission**. Where 66.5% of offenders were 22 years old or less at 1st adult conviction, only 33.4% were of this age group at their 1st penitentiary admission. These 4 variables taken together indicate that not only are offenders older by the time they receive federal custodial sentences, but that many have already served time in custody prior to their first penitentiary admission; as evident from Figure 2, of the 837 (76%) offenders at their first penitentiary incarceration, 2/3 (65%) had already served time in municipal or provincial prisons.

**Figure 2**  
Previous Incarcerations  
1st Releases from Quebec Penitentiaries; 1993



<sup>7</sup>Although recent 'flux' data combining all types of admissions indicated that over half of all admissions had served previous penitentiary terms (Laplante, 1993), an analysis of a similar cohort of 1st releases from Canadian penitentiaries in 1983 also found that only 23.1% had previous penitentiary experience (Bonta et al., 1996).

**Table VI**  
**Penal Characteristics**  
**1st Releases from Quebec Penitentiaries; 1993**

	n	%	Return Rate
<u>Previous Penitentiary Sentences</u>			
- 0	837	76.8	32.7%
- 1	190	17.4	48.9%
- 2 +	63	5.8	57.1%
	1090		( $X^2=29.1$ , $p<.001$ )
<u>Previous Custodial Sentences (from SIR)</u>			
- none	223	27.2	13.9%
- 1 to 2	241	29.3	33.6%
- 3 to 4	227	27.6	46.7%
- 5 +	130	15.8	49.2%
	821 (missing=269)		( $X^2=69.5$ , $p<.001$ )
<u>Age at 1st Penitentiary Term</u>			
(- less than 23	365	33.4)	
- less than 22	291	26.7	47.1%
- 22 to 25	261	23.9	45.2%
- 26 to 29	171	15.7	42.1%
- 30 to 34	169	15.5	23.7%
- 35 to 39	87	8.0	20.7%
- 40 to 49	81	7.4	18.5%
- 50 +	30	2.7	10.0%
	1090		( $X^2=66.2$ , $p<.001$ )
<u>Age at 1st Adult Conviction (from SIR)</u>			
- less than 19	254	30.9	45.3%
- 19 to 22	292	35.6	39.7%
- 23 to 30	170	20.7	22.9%
- 31 to 40	67	8.2	14.9%
- 41 to 49	22	2.7	9.1%
- 50 +	16	1.9	0.0%
	821 (missing=269)		( $X^2=52.8$ , $p<.001$ )
<u>Time-at-Large since last Penitentiary</u>			
- lt 6 months	54	21.4	50.0%
- 6 < 12 months	32	12.7	68.7%
- 1 < 2 years	48	19.0	58.3%
- 2 < 3 years	28	11.1	53.6%
- 3 < 4 years	21	8.3	47.6%
- 4+ years	69	27.4	37.7%
	252 (missing=1)		( $X^2=10.2$ , $p< ***$ NS)
<u>Length of Previous Pen. Sentence (longest)</u>			
- 2 < 3 years	93	38.1	59.1%
- 3 < 4 years	60	24.6	51.7%
- 4 < 5 years	28	11.5	46.4%
- 5 < 7 years	28	11.5	46.4%
- 7 < 10 years	24	9.8	45.8%
- 10+ years	11	4.5	18.2%
	244 (missing=9)		( $X^2=7.9$ , $p< ***$ NS)

An analyses by conditional release type revealed that, as required by legislation, 100% of accelerated parole releases were at their 1st penitentiary incarceration. On the other hand, 80% of full parole and 60% of statutory releases were at their 1st penitentiary incarceration.

Two additional penal (penitentiary) variables were also examined for the other 253 offenders (23%) with previous penitentiary incarcerations as indicated in Table VI (above). **Time-at-large since last penitentiary sentence-expiry**<sup>8</sup> indicated that 34.1% of offenders returning to the penitentiary to serve new penitentiary sentences did so within the first year following their last sentence-expiry, and 53.1% within 2 years. However, for 69 offenders (27.4%), at least 4 years had transpired between their last penitentiary sentence-expiry and this current admission, giving rise to a heavily skewed distribution. The **length of the longest previous penitentiary sentence** for the 253 offenders is also presented in Table VI, and indicates that the distribution of previous sentence lengths is not unlike the aggregate sentence length being served by our population of first releases (see Table VII-A, p.66), except for the category 7 to 10 years which is over-represented by almost double as compared to our current population aggregate sentence length (9.8% versus 5.3%).<sup>9</sup>

### 3.3 Incarceration Characteristics

The incarceration variables presented in Table VII (A & B, p.66 & p.71), describe the offender at admission and during incarceration. Contrary to most research that indicate the 'aggregate' sentence length, our research focused on the **initial sentence**

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<sup>8</sup>Time-at-large since last penitentiary release was considered but subsequently dropped from analyses, since offenders returning before sentence-expiry would continue serving the same sentence, consequently escaping analyses.

<sup>9</sup>Two hypothesis that were verified were a) that offenders with previous penitentiary incarcerations were admitted with slightly longer *initial sentence lengths* (first pen. n=837, mean=1255, SD=861, versus n=253, mean=1418, SD=986; T=-2.6, p<.01), but also b) had additional sentences added to their term probably due to new offenses while on conditional release, as indicated by the *aggregate sentence length* (first pen. n=837, mean=1364, SD=928, versus n=253, mean=1605, SD=1123; T=-3.1, p<.01).

**length** as recorded at 1st release; although initially these 2 variables are identical for a population of 1st releases, depending on when the data records are extracted, the aggregate sentence variable may already reflect additional sentences imposed following the 1st release. Thus, it is important to take into consideration that the commonly used 'aggregate sentence length' includes additional time served due to revocations with new offence. As expected the initial sentence length is consistently shorter given that it does not take into account any additional sentences after first release; in this case with 47.3% of offenders serving initial sentence lengths of 2 to 3 years versus 39.2% for aggregate sentence lengths, as also found in past research (Laplante, 1993). Closely related to sentence length is the **primary offence**<sup>10</sup>, which except for Drug offenses shows a relative stability (Laplante, 1993). A 7% increase in Drug offenses since 1991, and an accompanying decrease in Other offence types sharply delineates Drugs, Break & Enter, and Robbery, each being responsible for 22.3%, 22.2%, and 26.7% respectively.

Finally, of all 'initial' sentences, 71.2% included **Schedule** offenses; 45.7% Schedule I, 21.5% Schedule II, and 4.1% both. This distribution has potential impact on conditional release decisions related to Accelerated Parole and Detention decisions. Eligibility for Accelerated parole precludes murder & Schedule I offenses (and Schedule II if combined with an imposed period of parole eligibility at 1/2 instead of 1/3, which in our case applies only to 5 sentences), as well as offenders not serving a first penitentiary sentence. However, given that the new conditional release act was enacted June 1992, certain offenders already past their Full parole eligibility date would also be excluded.<sup>11</sup> Detention criteria is more lenient and although all offenders committing Schedule I or II offenses must be considered, the new act also requires that two other conditions be weight (see previous chapter), having as consequences that very few are finally detained; 12 detentions (9 until expiry), 6 Statutory Release-1 chance/residency.

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<sup>10</sup>The primary offence was derived from all 'original' offenses (before first release) to be the one with the longest sentence, or the one with the largest maximum penalty for equivalent sentence lengths, or all other things being equal, the first one for which a sentence was pronounced.

<sup>11</sup>For example, in our population, approximately 405 offenders met the Accelerated parole criteria, but only 285 were eventually released. However, only 290 Accelerated parole procedures were initiated, of which 30 were refused at the initial review, but only 5 were refused at the final review.

**Table VII (A)**  
**Incarceration Characteristics at Admission**  
**1st Releases from Quebec Penitentiaries: 1993**

	n	%	Return Rate
<b><u>Initial Sentence Length</u></b>			
- 2 < 3 years	516	47.3	43.8%
- 3 < 4 years	258	23.7	33.7%
- 4 < 5 years	116	10.6	41.4%
- 5 < 7 years	101	9.3	29.7%
- 7 < 10 years	38	3.5	18.4%
- 10+ years	38	3.5	7.9%
- life	23	2.1	8.7%
	1090		( $X^2=42.0$ , $p<.001$ )
<b><u>Aggregate Sentence Length</u></b>			
- 2 < 3 years	427	39.2	35.6%
- 3 < 4 years	277	25.4	36.1%
- 4 < 5 years	136	12.5	47.1%
- 5 < 7 years	120	11.0	39.2%
- 7 < 10 years	58	5.3	43.1%
- 10+ years	49	4.5	26.5%
- life	23	2.1	8.7%
	1090		( $X^2=17.7$ , $p<.01$ ** )
<b><u>Prime Term Offense</u></b>			
- Murder/Manslaughter/Attempted	60	5.6	10.0%
- Sexual	88	8.1	13.6%
- Robbery	289	26.7	49.1%
- Break & Enter	240	22.2	53.3%
- Drugs	241	22.3	19.5%
- Assault	34	3.1	29.4%
- Property	61	5.6	60.7%
- Other	69	6.4	26.1%
	1082 (missing=8)		( $X^2=135.8$ , $p<.001$ )
<b><u>Schedule I/II Offenses</u></b>			
- none Schedule offenses	312	28.8	47.1%
- Schedule I	495	45.7	37.8%
- Schedule II	233	21.5	18.9%
- both	44	4.1	52.3%
	1084 (missing=6)		( $X^2=51.0$ , $p<.001$ )



An analysis by conditional release type (Figure 3) demonstrated how full parole is reserved for the longer sentences; whereas only 22% of the 2-3 year sentences are full parole releases, there is a progressive augmentation such that full parole releases represent 64% of the 10+ years category. In contrast, 44% of the shortest sentence lengths (2-3 years) were statutory releases, with a decrease thereafter through the remaining categories. Accelerated parole releases, dominated the 3-4 year category.

**Figure 3**  
Initial Sentence Length by Type of Conditional Release  
1st Releases from Quebec Penitentiaries: 1993

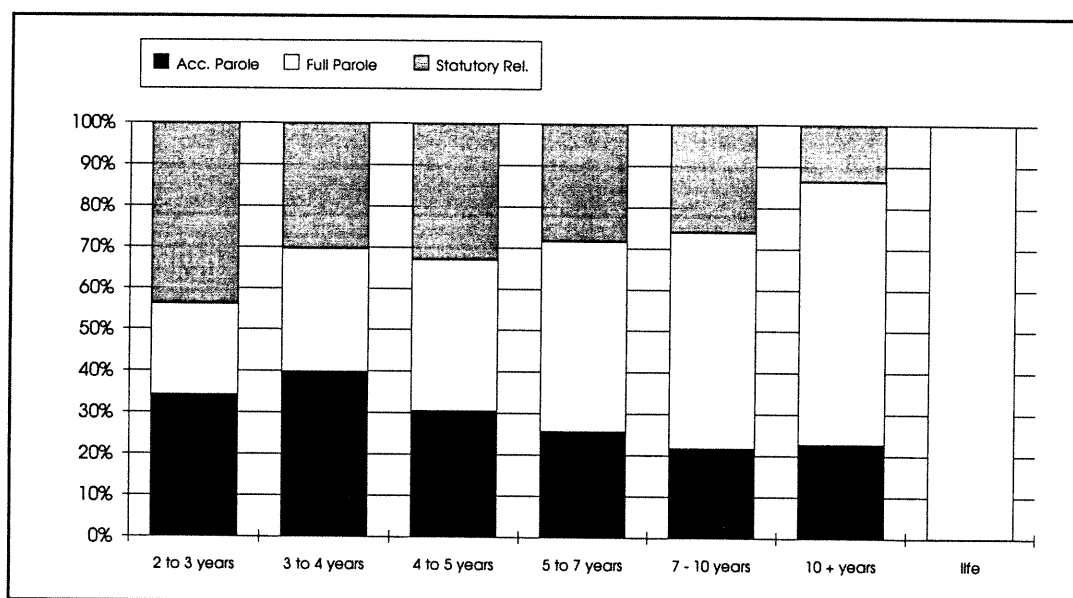
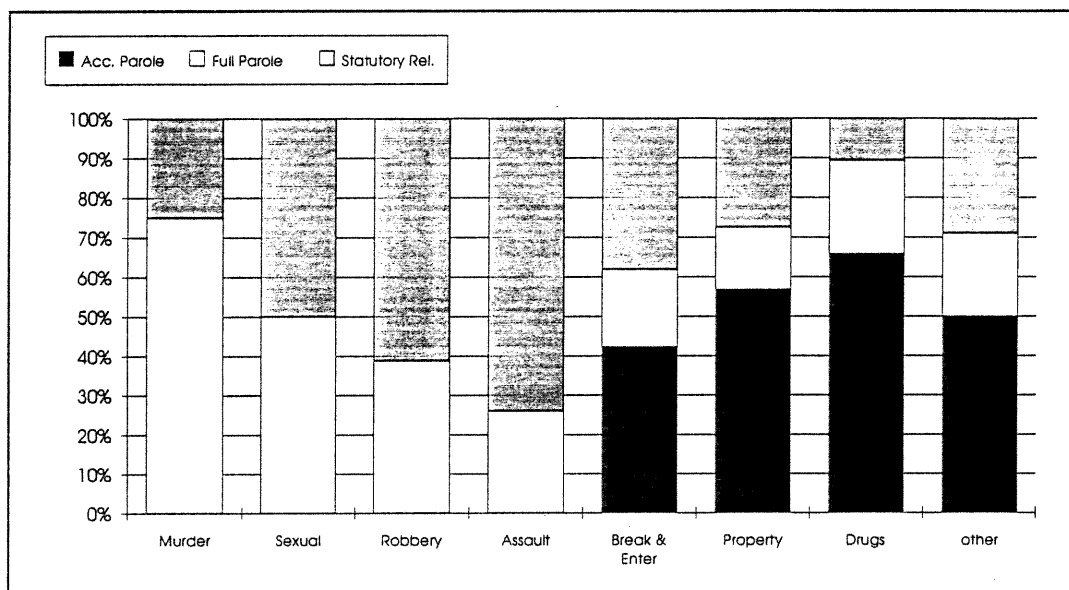


Figure 4 shows the same analysis by Prime Term Offence, and clearly demonstrates how accelerated parole (in accordance with legislation) is reserved for non-violent crimes; representing 42% of B. & E., 57% of property offenses, 66% of drug offenses, and 50% of other offenses. The offence type, not being independent of sentence length, shows that while a majority of offenders convicted of murder offenses and half the sexual offenders were full parole releases (75% and 50% respectively), offenders convicted of robbery were more often released via statutory release (61%). Statutory releases also represented most of the assault category (74%), although very few assault offenses (n=34) were recorded as the prime offence at the penitentiary.

**Figure 4**  
Prime Term Offence by Type of Conditional Release  
1st Releases from Quebec Penitentiaries: 1993



In addition to variables describing the offender at admission, also retained for analysis in this section were several tools used by CSC/NPB in their decision-making, as well as offender program participation during the incarceration (Table VII-B, p.71). The **Force Field Analysis Scale (FF)**<sup>12</sup>, completed upon admission, theoretically enables CSC agents to orient each offender with a correctional plan and choice of programs by identifying the strengths and weaknesses that pertain to each area listed. In our population the 4 top ranked problems were a) emotional stability, b) values & attitudes, c) educational / professional competencies, and d) drug usage. The **Community Risks/Needs Management Scale**<sup>13</sup> completed in the community within one month of conditional release, is an evaluation of 16 areas, the last 3 being examined in this

<sup>12</sup>The FF (Force Field Analysis Scale / Analyse des Force et Faiblesses) has since undergone major modifications.

<sup>13</sup>Certain sections of the Initial scale (Échelle d'Évaluation du Risque et des Besoins dans la Collectivité - Initiale) completed upon 1st release were retained for analyses. The scale, which must be completed within 30 days of release, will be missing in many cases where an immediate return took place.

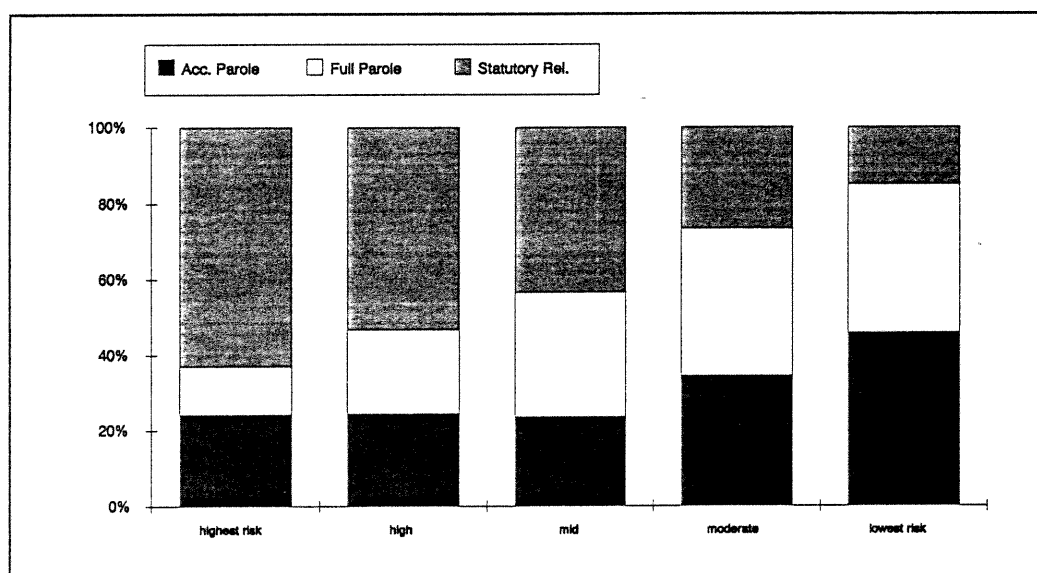
research; a) overall case needs of offenders as low (13%), medium (49%), and high (38%), b) criminal history risk of offenders as low (38%) and high (62%), and c) supervision required - 2/3 requiring supervision meetings once a week.

Finally, **Program participation** was examined by 6 core program areas, as defined in Table VII-B; 245 offenders (27.8%) participated in Living Skills programs (20% in at least one Living Skills program and 8% in two or more), 324 offenders (36.8%) participated in Substance Abuse programs (19% in primary programs type AA/NA, 12% in secondary intervention or both, and 5% in tertiary clinical intervention or all three), 38 offenders participated in special programs for Family Violence and 38 for Sexual Delinquents (4.3% respectively), 139 offenders attended Literacy programs (15.8%) and another 118 participated in Educational/Vocational Training (13.4%), and finally, only 84 offenders (9.5%) took part in Employability Development. In summary, 35% of offenders did not participate in any institutional programs (or abandoned during the process); 25% participated in at least 1 program, 18% in 2 programs, and 22% in 3 or more programs.

An analysis by conditional release type indicated that full parole releases more often participated in programs than other release types. Although 68% of full parole releases had participated in institutional programs, only 59% of accelerated and statutory releases, respectively, had done so. Additionally, an examination of program participants versus non-participants found very few differences between these two groups; program participants were slightly older at release (mean=32.4 versus 30.7), more often released from lower security institutions, and had served slightly less time at 1st release (mean=.40 versus .43).

The SIR score ranks an offender as to his (potential) release risk, and can also influence release decisions, although parole members are not bound by them. Similar to the original scoring system (Nuffield, 1982), which divided the sample into approximately 5 risk categories (each representing at least 18% and no more than 22%), our population is reasonably well distributed, as indicated in Table VII-B (below); ranging from 16% to 26% amongst the groupings. The *SIR predicted return rate* is also presented in Table VII-B and indicates what percentage of offenders in each of the 5 risk categories would be expected to 'recidivate'<sup>14</sup> after release. Additionally, Figure 5 demonstrates a certain congruence between conditional release decisions and predicted risk; the highest risk group being most often released on Statutory Release (49.4%) and least often on Regular Full Parole (10.1%), while the lowest risk group being most often released on Full Parole (Accelerated, 38.3%; Regular, 32.5%) and least often on Statutory Release (12.4%).

**Figure 5**  
% of Conditional Releases per SIR Risk Category  
1st Releases from Quebec Penitentiaries; 1993



<sup>14</sup>Nuffield's 'recidivism' criteria, defined as "re-arrest for indictable offense within 3 years of penitentiary release", is more general than the penitentiary return rate used in this research and has a longer follow-up period as well, such that our population return rate and the SIR predicted 'recidivism' rate are not entirely comparable.

**Table VII (B)**  
**Incarceration Characteristics: CSC/NPB Tools & Programs Followed**  
**1st Releases from Quebec Penitentiaries: 1993**

	n	%	Return Rate
<u>SIR score</u>			SIR predicted
- lowest risk	216	26.3	(20%) 8.8%
- moderate risk	146	17.8	(33%) 30.8%
- mid risk	164	20.0	(50%) 38.4%
- High risk	129	15.7	(60%) 40.3%
- Highest risk	166	20.2	(66%) 62.0%
	821 (missing=269)		( $X^2=123.1$ , $p<.001$ )
<u>Offenders Top Ranked Problems</u>			
- last offence	37	4.3	16.2%
- pattern of offenses	22	2.0	36.4%
- behaviour (incarceration/parole)	8	0.7	50.0%
- educational/professional	366	43.1	33.6%
- employment profile	241	28.3	34.4%
- financial management	147	17.3	28.6%
- family relations	145	17.1	26.9%
- friends	213	25.1	25.3%
- emotional stability	492	57.9	33.1%
- alcohol consumption	209	24.6	31.1%
- drug usage	286	33.6	38.5%
- intellectual capacity	11	1.3	18.2%
- health	27	3.2	29.6%
- sexual behaviour	53	6.2	15.1%
- values & attitudes	468	55.1	33.8%
(* % out of 850 offenders)			
<u>Community Needs Rating</u>			
- low	99	13.0	11.1%
- medium	376	49.3	26.1%
- high	287	37.7	43.9%
	762 (missing=328)		( $X^2=45.0$ , $p<.001$ )
<u>Criminal History Risk Rating</u>			
- low	287	37.8	19.5%
- high	473	62.2	37.8%
	760 (missing=330)		( $X^2=28.1$ , $p<.001$ )
<u>Community Supervision required</u>			
- once / month	33	4.4	9.1%
- twice / month	215	28.7	21.4%
- four / month	492	65.6	35.4%
- 6/8 / month	10	1.3	50.0%
	750 (missing=340)		( $X^2=25.2$ , $p<.001$ )
<u>Participation in Institutional Programs</u>			
- Living Skills	245	27.8	40.8%
- Substance Abuse	324	36.8	39.2%
- Family Violence	38	4.3	31.6%
- Sexual Delinquency	38	4.3	26.3%
- Literacy	139	15.8	37.4%
- Educational/Vocational	118	13.4	32.2%
- Employability Develop.	84	9.5	40.5%
(* % out of 880 offenders)			
<u>Total Program Participation</u>			
- 0 programs followed	311	35.3	31.8%
- 1 program followed	223	25.3	33.6%
- 2 programs followed	155	17.6	36.1%
- 3+ programs followed	191	21.7	36.6%
	880		( $X^2=1.6$ , $p< ***$ NS)

#### 4. Release Process Variables

Subsequently, several variables directly related to an offenders release were retained for analyses and are summarized in Table VIII (A & B). As examined in the first section of this chapter, a great majority of offenders were **first released** via day parole (61%) before receiving a **definite conditional release** from custody (accelerated parole, full parole, statutory release). Thus, Table VIII(B) separately describes day parole releases from definite conditional releases. Although the two cohorts are not mutually exclusive they nevertheless represent quite different release phenomena,<sup>15</sup> with characteristics that can only be analyzed within the context of the release type. Furthermore, as examined in the next chapter, we must take into consideration that the return rate for conditional releases which are subsequent to a day parole will be biased since by the time day parole is successfully completed (on average 6 months), not only will half the follow-up period have expired, but the worst risk offenders will not have survived this trial period and have already been returned to penitentiary.

**Table VIII (A)**  
**1st Release and Definite Conditional Release Type**  
**1st Releases from Quebec Penitentiaries: 1993**

	n	%	Return Rate
<b><u>1st Release Type</u></b>			
- Day Parole	663	60.8	32.9%
- Accelerated Parole	163	14.9	50.9%
- Full Parole	59	5.4	18.6%
- Statutory Release	196	18.0	46.4%
- Warrant-Expiry	9	0.8	0.0%
	1090		( X <sup>2</sup> =39.7, p<.001)
<b><u>Definite Conditional Releases Following Day Parole</u></b>			
- Accelerated Parole	122	28.1	13.1%
- Full Parole	194	44.7	11.9%
- Statutory Release	118	27.2	27.1%
	434		( X <sup>2</sup> =13.8, p<.001 )
<b><u>Definite Conditional Releases (All)</u></b>			
- Accelerated Parole	285	33.4	34.7%
- Full Parole	253	29.7	13.4%
- Statutory Release	314	36.8	39.2%
	852		( X <sup>2</sup> =48.6, p<.001)

<sup>15</sup>Day parolees, for example, will eventually go on to be released via either accelerated parole, full parole, or through statutory release, while definite conditional releases remain on conditional release unless revoked.

**Table VIII (B)**  
Conditional Release Process Variables  
1st Releases from Quebec Penitentiaries: 1993

	Day Parole Releases (n=663)			Definite Conditional Releases (n=852)		
	n	%	RR	n	%	RR
<u>% Sentence Served</u>						
- before 1/3	280	43.7	19.3%	17	2.0	35.3%
- at 1/3 (+-3%)	136	21.2	40.4%	311	36.8	24.8%
- between 1/3 and 2/3	219	34.2	47.5%	194	23.0	24.7%
- at 2/3 (+-3%)	5	0.8	40.9%	276	32.7	36.6%
- after 2/3	1	0.2	100%	46	5.4	47.8%
(excluding life sentences)	641		( $X^2=49.5$ , $p<.001$ )	844		( $X^2=19.5$ , $p<.001$ )
<u>NPB Day Parole / Full Parole Denials</u>						
- none	608	55.9	33.9%	457	42.0	29.0%
- 1	328	30.0	38.4%	378	34.6	46.0%
- 2 +	154	14.1	42.9%	255	23.3	36.1%
	1090		( $X^2=4.9$ , $p< ***$ NS)	1090		( $X^2=26.0$ , $p<.001$ )
<u>Security Level of Releasing Institution</u>						
- Minimum	390	59.3	26.9%	357	46.4	22.1%
- Medium	250	38.0	40.4%	335	43.6	36.4%
- Maximum	18	2.7	55.6%	77	10.0	46.7%
	658 (missing=5)		( $X^2=16.9$ , $p<.001$ )	769 (missing=83)		( $X^2=26.7$ , $p<.001$ )
<u>Additional Supervision Conditions Imposed at Release</u>						
- 1-abstain from intoxicants	185	36.0	33.5%	173	27.2	29.5%
- 2-abstain from alcohol	55	10.7	25.4%	104	16.4	32.7%
- 3-abstain from drugs	67	13.0	28.4%	145	22.8	33.8%
- 4-psychiatric counselling	7	1.4	14.3%	10	1.6	30.0%
- 5-psychological counselling	125	24.3	29.6%	85	13.4	25.9%
- 6-avoid judicialized persons	283	55.1	28.6%	350	55.1	24.3%
- 7-" drinking establishments	157	30.5	30.6%	166	26.1	24.1%
- 8-psychological treatment	52	10.1	36.5%	49	7.7	42.9%
- 9-submit to urinalysis	18	3.5	33.3%	26	4.1	26.9%
- 10-reside in CRC/CCC	56	11.0	35.7%	98	15.4	40.8%
- 11-other	144	28.0	23.6%	149	23.5	21.5%
			(* % out of 514 offenders, missing=149)			(* % out of 635 offenders, missing=217)
<u>Total Additional Supervision Conditions Imposed</u>						
- none	79	15.4	30.4%	90	14.1	27.8%
- 1	89	17.3	15.7%	127	20.0	20.5%
- 2	121	23.5	28.1%	169	26.6	25.4%
- 3	123	23.9	31.7%	145	22.8	23.4%
- 4 +	105	19.8	31.4%	104	16.4	37.5%
	514 (missing=149)		( $X^2=8.3$ , $p< ***$ NS)	635 (missing=217)		( $X^2=9.7$ , $p<.05$ )
<u>DP-Length for Successfully Completed Day Parole</u>						
- 1 < 3 months				65	16.0	20.0%
- 3 < 6 months				138	34.0	17.4%
- 6 < 9 months				145	35.7	12.4%
- 9 < 12 months				58	14.3	12.1%
				406		( $X^2=3.0$ , $p<***$ NS)
<u>Parole Postponed</u>						
- no				894	82.0	31.3%
- once				117	10.7	59.8%
- twice				54	4.9	63.0%
- three + times				25	2.3	76.0%
				1090		( $X^2=70.5$ , $p<.001$ )
<u>Parole Waived</u>						
- no				1013	92.9	34.4%
- yes				77	7.1	70.1
				1090		( $X^2=42.1$ , $p<.001$ )

The **percentage-of-sentence-served** at release is not independent of conditional release type, being in a large part governed by legislation, as indicated in the previous chapter. Table VIII-C indicates that the overall average time served at 1st release was between 1/3-1/2 of sentence (mean=.41); 50% of all offenders being past their full parole eligibility date (median=.34). However, the high number of offenders released to day parole had a non-negligible effect, since these day paroles occurred on average at 1/3 of sentence (mean=.34, median=.32). Although, theoretically, day parole can be granted 6 months before the full parole eligibility date, Figure 6 indicates that only 43.7% of day parolees had been released before this 1/3 mark. Furthermore, the percentage-of-sentence-served at day parole release also varied in relation to the eventual 'definite conditional release', as evident from Figure 6; 88% of offenders released to day parole prior to their accelerated parole were released to day parole before 1/3 of their sentence, versus 50% of offenders released to day parole prior to regular full parole, and this even if regular full parole releases were the most often preceded by day parole. Even offenders released on day parole prior to a statutory release were rarely accorded day parole before or at 1/3 of sentence (20%), but mostly between 1/3 - 2/3 of sentence (74%).

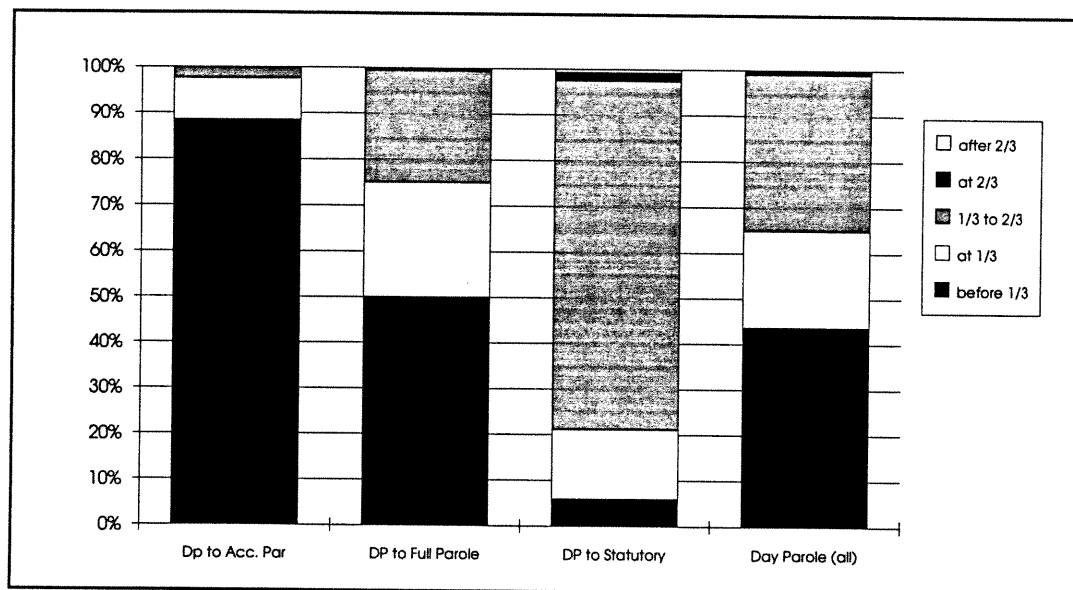
**Table VIII-C<sup>16</sup>**  
Percent-of-Sentence Served at 1st Release and at Definite Conditional Release  
1st Releases from Quebec Penitentiaries; 1993

Day Parole n / mean / median / SD	Accelerated Parole n / mean / median / SD	Full Parole n / mean / median / SD	Statutory Release n/mean /median/SD
1st Release (total) 1057 / .41 / .34 / .18			
1st Release 641 / .34 / .32 / .13	162 / .37 / .33 / .18	58 / .39 / .35 / .13	196 / .67 / .67 / .06
Parole following DP	122 / .34 / .33 / .05	188 / .47 / .48 / .11	118 / .69 / .67 / .07
Parole (All)	284 / .36 / .33 / .14	246 / .45 / .44 / .12	314 / .68 / .67 / .07

<sup>16</sup>Life and Indeterminate sentences are excluded from this analysis since differential eligibility criteria apply.



**Figure 6<sup>17</sup>**  
Percent-of-Sentence Served at Day Parole for Offenders subsequently Released  
1st Releases from Quebec Penitentiaries; 1993

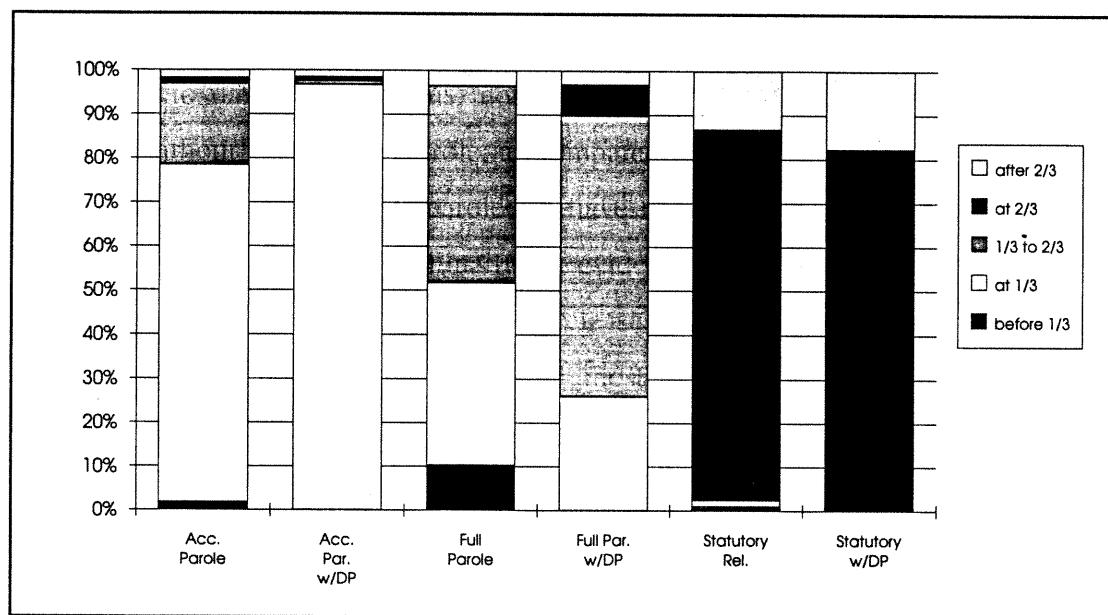


Delays between parole eligibility dates and actual release dates were also examined in relation to percentage-of-sentence served at 'definite conditional release', including whether or not prior day parole had an effect. Table VIII-C demonstrates a progressive augmentation in average time served depending on release type; offenders released via accelerated parole serving the least percentage of their sentence (mean=.36), followed by regular full parole releases (mean=.45), and finally statutory releases (mean=.67). Although 86% of offenders granted accelerated parole were actually released to parole around the 1/3 mark, only 32% of regular full parole releases occurred at the expected 1/3 of sentence and even by 1/2 of sentence only 65% had been released. Furthermore, as both Table VIII-A and Figure 7 indicate, a prior day parole had the most effect on regular full parole releases, in part since regular full parole are most often than

<sup>17</sup>Certain errors are evident in Figure 6 and Figure 7 since only statutory releases should extend beyond 2/3's of sentence; these are probably due to coding errors in type of admission (ie. WOC coded on first term instead of Revocation, for returns with additional sentences to serve), or can also be due to offenders being unlawfully-at-large for extended periods of time.

any other parole type preceded by day parole. In effect a prior day parole delayed the actual full parole date by almost 10%; on average, offenders released directly to regular full parole were released after having served 39% of their sentence (mean=.39), as compared to 47% of sentence (mean=.47) for offenders released to regular full parole subsequent to day parole. Thus, not only are very few regular full parole releases accorded without a prior day parole, as compared to accelerated parole releases, a prior day parole seems to delay full parole but have little effect on either accelerated parole releases or statutory releases. Finally, as evident from Figure 7, percent-of-sentence-served varied the most for full parole releases. In effect, most accelerated parole releases occurred at 1/3 of sentence and most statutory releases occurred at 2/3 of sentences, while full parole releases were equally distributed between the 1/3 and 2/3 of sentence.

**Figure 7**  
Percent-of-Sentence Served at 'Definite' Conditional Release  
1st Releases from Quebec Penitentiaries: 1993



Whether offenders were released or not at their parole eligibility dates also depends on whether or not the NPB (usually following CSC agent recommendations) granted or denied parole. Very few denials ( $n=5$ ) were conferred to offenders eligible for accelerated parole. However, 633 offenders (58%) were denied full parole at one time or another during their incarceration (378 once and 255 two or more times). Of these 633 offenders denied full parole, 153 were eventually released to full parole after the initial denial, 273 to statutory release, 6 at warrant-expiry, 9 to accelerated release, and 192 remained or were revoked from day parole.

Furthermore, whether or not offenders requested to have their parole hearings **postponed**, or completely **waived** their rights to parole, also can affect the release dates. In our population only 7.1% of offenders waived their parole rights, while a greater number postponed their hearings at one time or another during the process (18%).<sup>18</sup> Furthermore, we examined whether offenders who postponed their parole had participated in more institutional programs by the time of their release; no significant differences were found between offenders who postponed parole and others, both groups having, on average, participated in the same number of programs and having the same rate of non-participation (35.7%, 33.6%, respectively).

Finally, **day parole length** was retained for offenders having *successfully*<sup>19</sup> completed this trial period ( $n=406$ ,  $mean=176.6$ ,  $SD=82.2$ ). Although both Full parole and Statutory releases had, on average, spent 6 months on day parole, Accelerated cases had spent only 4 months ( $mean=205$ , 188, 117, respectively).

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<sup>18</sup>Most of the offenders **waiving** their rights to parole either were still on or revoked from day parole ( $n=32$ ), or released via statutory release ( $n=29$ ); 5 others were eventually released via full parole and 11 via accelerated parole. The offenders who **postponed** their parole hearings were predominantly found still on or revoked from day parole ( $n=70$ ) or on statutory release ( $n=78$ ); 22 others on full parole and 26 on accelerated parole. Furthermore, a decision to postpone or waive parole had as effect to delay parole, for the few who eventually were released to parole, but did not cause additional delays for statutory releases.

<sup>19</sup>Excluding the offenders who had their day parole revoked; 28 prior to their conditional release and 155 who were never subsequently released, since these offenders would have obviously spent less time on day parole; plus another 74 offenders who were still on day parole at the end of the follow-up year.

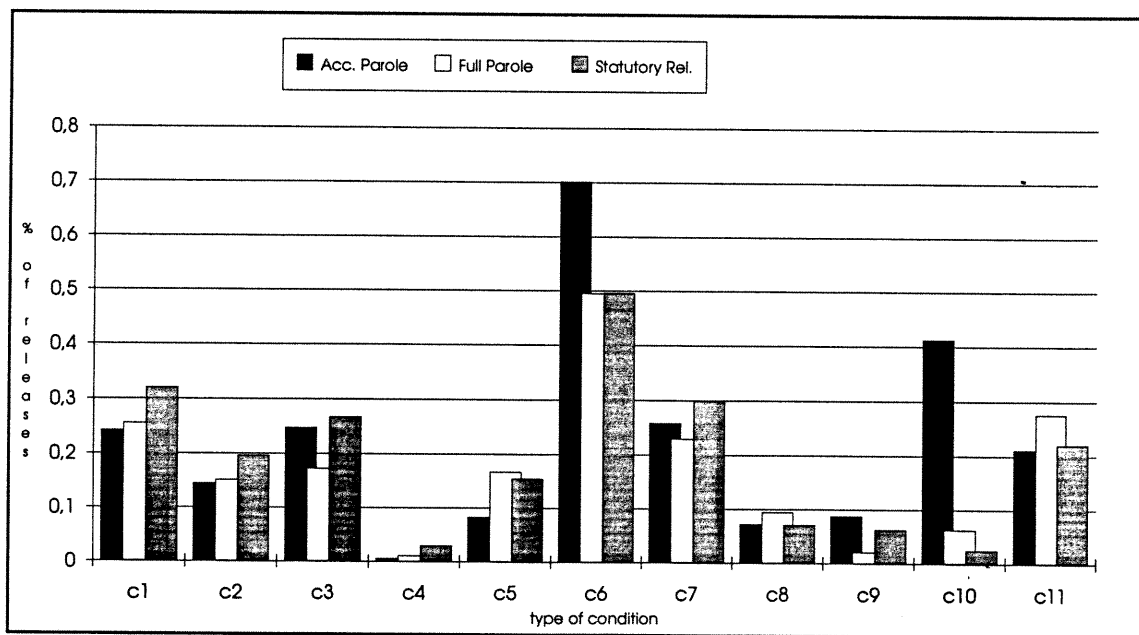
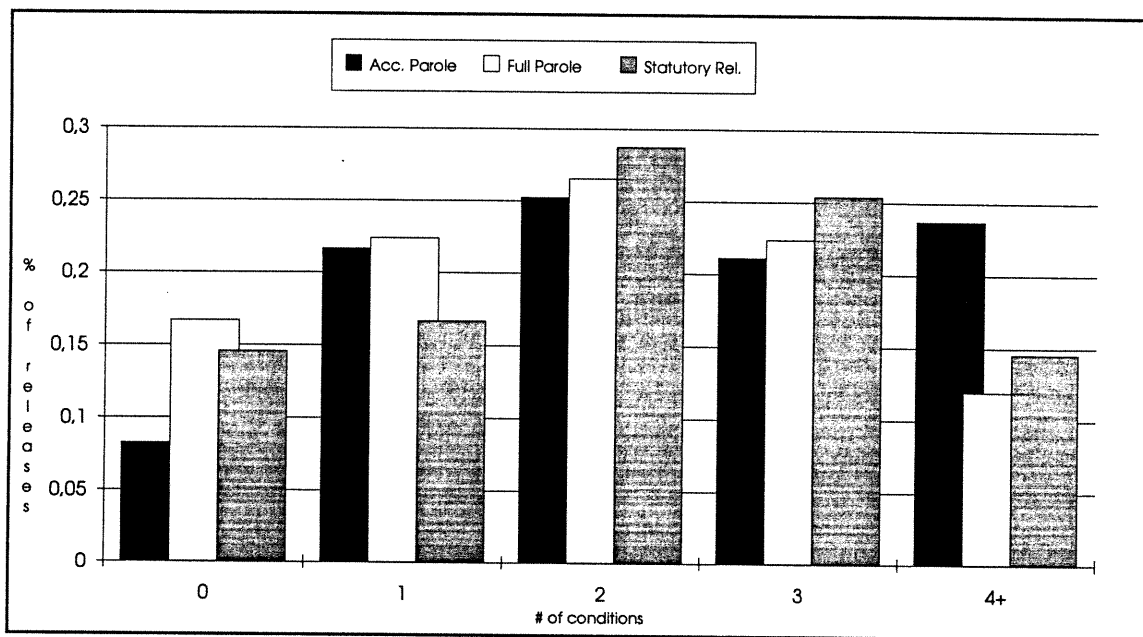
The **security level of releasing institution** is indicative that transfers from the higher to the lower security levels occur as the definite conditional release date approaches; 59% of day parolees were released from a minimum versus 46% of definite conditional releases, and only 3% and 10% respectively were released from a maximum.

All offenders are imposed certain standard conditions at release, but **additional supervision conditions** can also be imposed, which must be adhered to during the conditional release and until warrant-expiry. Table VIII-B (p.73) indicates that for our population only 15%/14% of offenders were released without being imposed any additional supervision conditions (at day parole release and at definite conditional release, respectively); almost 1/2 (40.8% and 46.6% respectively) were imposed at least 2 conditions, and not more than 1/5 (19.8% and 16.4% respectively) were imposed 4 or more conditions. The most often imposed condition was 'must avoid judicialized persons'; it was imposed on over 1/2 of offenders (55%, each), followed by 'abstain from using intoxicants' (on 36.0% and 27.2% of offenders respectively), and 'must avoid drinking establishments' (on 30.5% and 26.1% of offenders respectively). 'Other' conditions were imposed on 1/4 of offenders (28.0% and 23.5% respectively).

The analysis shows that day parole releases were very similar to conditional releases with respect to the number and type of additional supervision conditions imposed at release, indicating that the conditions imposed at day parole are often carried through to the 'definite conditional release'. In effect, only the condition 'must submit to psychological counselling' was more often imposed on day parolees, while 'must reside in CRC/CCC' was more often imposed on conditional releases.

Figure 8, which examines the relation between conditional release type and conditions imposed at release, indicates that the condition 'must reside in CRC/CCC' was, by far, most often imposed on accelerated parole cases. Additionally, accelerated parole cases were also the least often released without any additional conditions; only 8% of accelerated cases were released without any additional conditions, while 16% and 14% of full parole and statutory releases respectively were so released.

**Figure 8**  
Conditions Imposed by Type of Conditional Release  
1st Releases from Quebec Penitentiaries; 1993



## 5. Conclusion

This chapter has examined the characteristics of our population as a whole, as well as by 'definite conditional release'. In doing so, it is evident that the release cohorts (Accelerated parole, Full parole, Statutory Release) are not representative sub-groups of the population, but each have quite distinct characteristics. This was further confirmed through the Chi-Squares obtained for the analysis by release type; indicating that only program participation was not significantly associated with conditional release type ( $p=.10$ ), while all other variables were to varying degrees associated with release type ( $p<.001$ ).<sup>20</sup> Full parole and Accelerated releases were the most similar, as measured through several characteristics; previous-custodial-sentences, age-at-1st-penitentiary, age-at-1st-adult-conviction, SIR-score, community-needs-rating, community-history-risk, and security-level of releasing institution. On the other hand, Full parole and Statutory releases only had number-of-supervision-conditions in common, while Accelerated and Statutory releases only had age-at-release and initial-sentence-length in common. The only variables found to be significantly different for all 3 release types were offence-type and community-supervision-required.

All of Accelerated releases were at their 1st-penitentiary-sentence, the great majority convicted of property offenses and drug offenses. Although most offenders in this group were, as suggested by legislation, released by 1/3 of sentence, they had the highest number-of-supervision-conditions imposed and the most community-supervision-required meetings, including being the most often imposed residency-in-CCC/CRC (although they had the same Needs/Risk and SIR scores as Full parolees); which could be because they were more often than Full parolees unemployed-at-arrest.

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<sup>20</sup>Annex IV contains the cross analysis between release type and all the variables, with the respective percentages in each sub-group.

Full parolees, on the other hand, represent the longer-term offenders, with offence type being almost equally distributed amongst the different offence groups. The most striking observation for this sub-cohort is that almost all Full parolees were first released to day parole, although after having served more of their sentence than Accelerated releases. Furthermore, although only significant at  $p < .10$ , Full parolees had participated in slightly more programs than the two other release cohorts.

Finally, Statutory releases had served the most percentage of their sentence in custody (ie. 2/3), and this even if they are generally the shortest-term offenders; most often convicted of robbery offenses followed by property offenses. Statutory releases were also the least often released to day parole.

Thus the selection process undertaken by Correctional Service of Canada and the National Parole Board seems, for the most part, to effectively manage the release of offenders according to 3 very distinct sub-cohorts. In the next chapter we will examine to what extent the rate of return is independent (or not) of this initial release process.

**CHAPTER 4**  
**RETURN RATE ANALYSES**



The analysis just presented examined the characteristics of our population in general as well as for the conditional release type. In this chapter, we will once again analyze the variables in Tables V through VIII (reproduced as fold-out tables in Annexe V for your convenience), but this time to examine the rate of return to penitentiary according to specific characteristics. The conditional release type will this time be used to examine return rates for the different release sub-cohorts, and will also be cross-analyzed by specific population characteristics. Another section will look at the characteristics of returning offenders only, the reasons instigating Suspensions and consequently a return to custody, and the time elements involved. In a final section, the whole selection process involved during the release and return of offenders will be subject to a critical analysis in order to estimate the impact of such a process on both the penitentiary system and the offender.

### 1. Penitentiary Return Rate Analysis

Included in Tables V through VIII (Annexe V) was the rate of return to penitentiary for sub-classifications of the variables. A significant "chi-square" indicated that there were differences between returning and non-returning offenders on the measured variable. However, it fails to tell us where the differences are; since each variable takes on several values, it is possible that the difference found by the chi-square test was the reflection of some values but not others. Return rates that are relatively similar for certain values of the measured variable can indicate that further regrouping could be necessary, and that these characteristics may not be significantly different for returning versus non-returning offenders.<sup>1</sup> Another consideration that must be kept in mind when analyzing the specific return rates, is their deviation from the **penitentiary base return rate of our population: 37%**.

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<sup>1</sup>To statistically test such assumptions, an analysis by partitioning the degrees of freedom was conducted, where the contingency tables were partitioned into sub-tables by combining values that made theoretical sense, followed by a "chi-square" test with 1 degree of freedom at  $p < .001$  significance level (although, as in the previous section,  $p < .01$  significance will also be highlighted).

In the following sections we will review the obtained return rates for the social, penal, incarceration, and release characteristics of our population, and indicate which categories of the measured variables effectively discriminated between the 2 groups of offenders; returning versus non-returning.

### 1.1 Return Rate for Social Characteristics - Table V

The return rates (RR) for age-at-admission and age-at-release clearly distinguish between the younger and older offenders, and reflect common knowledge in the field, whereas younger offenders are more often returned than their older counterparts. A partitioning of the contingency table confirmed that for the purpose of further analysis our population could be divided into two age groups of less than 30 and greater than or equal to 30 with the following resulting return rates:

- |                     |                       |
|---------------------|-----------------------|
| a) age-at-admission | lt 30 (RR=44%, n=623) |
|                     | ge 30 (RR=27%, n=467) |
| b) age-at-release   | lt 30 (RR=47%, n=529) |
|                     | ge 30 (RR=27%, n=561) |

It was at either extreme of marital-status that the return rates varied the most; single offenders being the most often returned (RR=45%) as compared to married offenders (RR=11%). Although the common-law category represented the 2nd largest group, its return rate (RR=35%) was not greatly different from our average population return rate of 37%. Furthermore, this and other categories must be carefully interpreted because of their limited reliability.<sup>2</sup>

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<sup>2</sup>A cross-analysis between marital-status as cited at admission, and marital-status as indicated on the SIR showed that only 2/3 of common-law were cited as married on the SIR, 1/3 of divorced, and almost 1/3 of separated, while almost all married (87%) and all single (86%) were accurately indicated on the SIR.

Finally, being employed-at-moment-of-arrest greatly reduced the chances of a subsequent penitentiary return (RR=21%), but not being employed (or unacknowledged employment) did not produce a return rate (RR=40%) that could differentiate this group from the average offender.

## 1.2 Return Rate for Penal Characteristics - Table VI

Both previous-penitentiary-sentences and previous-custodial-sentences were most discriminant between none and 1+ categories ( $p < .001$ ). However, 1-2 previous-custodial-sentences did demonstrate a significantly ( $p < .01$ ) lower return rate (RR=34%, n=241) from 3+ categories (RR=48%, n=357), although not much lower than the penitentiary base return rate. The least likely to be returned offenders were those with no previous-custodial-sentences (RR=14%, n=223), while the most likely were those with previous-penitentiary-sentences (RR=51%, n=253). Finally, offenders with no previous-penitentiary-sentences had almost as much chance as anyone else of being returned (RR=33%, n=837).<sup>3</sup>

The age-at-1st-penitentiary-term exhibited the same pattern of return as described above for age-at-admission and age-at-release<sup>4</sup>; less than 30 (RR=45%, n=723) and greater than or equal to 30 (RR=21%, n=367). A partitioning analysis of age-at-1st-adult-conviction also indicated that only 2 categories demonstrated differential return rates but with a slight variation in discriminant categories; less than 23 (RR=42%, n=546) and greater than or equal to 23 (RR=19%, n=275).

The last 2 penal variables retained (time-at-large-since-last-pen. and length-of-previous-pen.), showed high rates of return since they were variables related only to

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<sup>3</sup>This is in part explained by the fact that our population consists mostly of offenders at their first penitentiary incarceration (see Table VI).

<sup>4</sup>Ibid.

offenders having served previous-penitentiary-sentences which, as stated above, were offenders exhibiting the highest rate of return amongst the penal characteristics examined (RR=51%). However, these variables did not further discriminate returning from non-returning offenders.

### 1.3.1 Return Rate for Incarceration Characteristics at Admission - Table VII(A)

The initial-sentence-length<sup>5</sup> showed a progressive decrease in return rate as a function of sentence-length; through its shortest category (2<3 years; RR=44%) to its longest (life; RR=9%), except for the 3<4 year category, with a return rate in between those of its neighbouring categories (RR=34%). A partitioning analyses indicated, that return rates for the 3<4 year category were significantly different from those of the 2<3 year category ( $p<.01$ ) but not from those of the 4<5 year category (RR=41%). Consequently, the sentence lengths were regrouped into three categories of short, medium, and long sentence lengths, as follows:

- |                 |                  |
|-----------------|------------------|
| a) 2 < 3 years  | (RR=44%, n=516), |
| b) 3 < 10 years | (RR=34%, n=513), |
| c) 10+ & Life   | (RR= 8%, n= 61). |

The prime-term-offence-type exhibited the largest range of return rates and was the most discriminant when compared to the penitentiary base return rate; offenders convicted of Murder offenses being the least returned (RR=10%) while offenders convicted of Property offenses were the most likely to be returned (RR=61%). However, certain categories were regrouped based on both the partitioning analyses and theoretical common sense; Break & Enter (RR=53%) was regrouped with Property offenses

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<sup>5</sup>Interpretation of the aggregate-sentence-length in relation to return rates was not made given that it includes additional sentences served by returning offenders and will be excluded from further analyses; in addition its significance level was lower than other retained variables ( $p<0.01$ ).

(RR=61%), Assault (given its similar return rate, RR=29%, and small numbers, n=34) was regrouped with the Other offence type (RR=26%), and Murder and Sexual offenses were also regrouped given their similar return rates and 'violent' nature (RR=10%, 14%, respectively). It should be noted, however, that the return rate for Robbery (RR=49%) was not significantly different (after partitioning analyses) from the Break & Enter and Property category, but due to its distinct definition and usage in the literature, it was kept apart. Similarly, offenders convicted of Drug offenses, because of their low return rates (RR=19%), were not returned significantly more often than the other low return rate categories (ie. Murder, Sexual, Assault, Other). In fact, the partitioning analyses demonstrated that despite the large overall "chi-square" obtained ( $X^2=135.8$ ), significant differences existed only between the 3 offence groupings with the lowest return rates (RR=19%, see below) and the 2 offence groups with the largest return rates (RR=52%). However, theoretical considerations prevented us from regrouping offence type into only two such groups, instead these newly regrouped categories of offence type are summarized below, in ascending order:

a)	VIOLENT (Murder, Sexual)	(RR=12%, n=148)	
b)	DRUGS	(RR=19%, n=241)	
c)	OTHER (Assault, Other)	(RR=27%, n=103)	
	.....		(RR=19%, n=492)
d)	ROBBERY	(RR=49%, n=289)	
e)	PROPERTY (Break & Enter, Property)	(RR=55%, n=301)	
	.....		(RR=52%, n=590)

Whether or not an offence belonged to either Schedule I or II had differential effects on the return rate, and was not independent of offence type. Schedule II offenses, being Drug offenses, had the same low rate of return as above (RR=19%). However, Schedule I offenses covered a wider range of offenses (Murder, Attempted Murder, Manslaughter, Sexual, and other offenses against the person, including Robbery) and thus has a non-discriminant rate of return (RR=38%) as compared to the penitentiary

base return rate. Offenders convicted of both Schedule I and II offenses were returned the most often (RR=52%, n=44), although their small numbers made their rate of return not significantly different. It was offenders convicted of neither Schedule I nor II offenses that were returned at the highest *significant* rate (RR=47%), being for the most part the Property offenders above.

### 1.3.2 Return Rate per CSC/NPB Tools & Programs Followed - Table VII(B)

The SIR (ISGR), probably the most controversial tool used by correctional services, estimates the probability of "recidivism"<sup>6</sup> for a given offender based on certain social and penal characteristics. One would then expect to see a relationship between the SIR risk classification and exhibited return rates of our population. As evident in Table VII-B there does seem to be a steady increase in return rate from the lowest to highest risk groups. However, while it effectively differentiated between the lowest and highest risk offenders (RR=9%, 62%, respectively), it remains that for just over half our population which the SIR classified as moderate, mid, and high risk, the return rates were not significantly different than the penitentiary base return rate (RR=31%, 38%, 40%, respectively). The partitioning analyses confirmed that our population could be divided into 3 SIR groups with significantly different return rates;

- |                 |                 |
|-----------------|-----------------|
| a) low risk     | (RR=9%, n=216)  |
| b) mid risk     | (RR=36%, n=439) |
| c) highest risk | (RR=62%, n=166) |

Such a shortcoming, that for a substantial proportion of offenders the SIR provides a prediction of success or failure that is not dramatically different from pure chance, was also noted by Nuffield (1982). However, the proportion of offenders classified in the middle categories has increased from the original study; from 40% in

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<sup>6</sup>As defined by "re-arrest for indictable offense within 3 years of penitentiary release".

the original Nuffield construction sample to 53% in our population. Furthermore, as also noted by Nuffield, the SIR continues to be the most accurate in identifying the "lowest risk" offenders. For example, if all the "lowest risk" offenders were released there would be a 9% error rate, corresponding to the return rate for this group of offenders. On the other hand, if all offenders in the "highest risk" category were denied parole the error rate would be significantly higher at 38%, which corresponds to the proportion of offenders in this high risk group that if released *would not have returned* ( $100\% - 62\%(\text{RR}) = 38\%$ ).

Program participation and the other CSC/NPB tools were only partly associated with return rate. The Community Risks/Needs Management scale was more discriminative in its Needs rating than its Risk and Supervision required ratings. Not only did the Needs rating better distribute the proportion of offenders in each category (13.0% rated low, 49.3% rated medium and, 37.7% rated high) but it also covered a wider range of return rates (RR=11%, 26%, 44%, respectively). On the other hand, the return rates for the Risk rating varied less from the penitentiary base return rate, and regrouped 2/3 (62.2%) of offenders in its high category (RR=20%, n=287, rated low and RR=38%, n=473, rated high).<sup>7</sup> A cross-analysis between Needs and Risk demonstrated little variation across the 4 middle categories (RR between 24% & 28%), with the low Needs/low Risk group exhibiting the lowest rate of return (RR=7%) and the high Needs/high Risk group exhibiting the highest rate of return (RR=45%).<sup>8</sup> Finally, the low supervision group was more discriminative (1-2/month; RR=20%, n=248) than the high supervision group, which also regrouped 2/3 (66.9%) of all offenders (4-6-8/month; RR=36%, n=502).

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<sup>7</sup>The indicated return rates can be slightly biased (lower) given that offenders returned to penitentiary within 1-month of their conditional release may not have a scale completed, thus the high number of missing scales.

<sup>8</sup>The cross-analysis regrouped the offender's Needs/Risk as follows; low/low (n=76), low/high (n=22), med/low (n=173), med/high (n=191), high/low (n=34), and high/high (n=242).

The FF (offenders top ranked problems) showed no relationship with return rate.<sup>9</sup> Its 4 top categories, emotional stability, values & attitudes, educational/professional, and drug usage all varied very little from the penitentiary base return rate (RR=33%, 34%, 34%, 38%, respectively). The poor discriminative nature of this scale is in part due to the disproportionate number of offenders being ranked with the same problem areas; over half being ranked problematic on both emotional stability (n=492, 57.9%) and values & attitudes (n=468, 55.1%), and close to half on educational/professional background (n=366, 43.1%).

Finally, whether or not offenders had participated in institutional programs was, for the most part, not significantly related to return rate. Total program participation had no relationship with return rate; offenders not having followed any programs (RR=32%, n=311) being returned at the same rate as offenders having participated in one or more programs (RR=35%, n=569). An analysis of specific programs followed revealed return rates not significantly different from the penitentiary base return rate,<sup>10</sup> with the exception of the Living Skills programs ( $X^2=6.8$ ,  $df=1$ ,  $p<.01$ ; RR=41%, n=245); other rates ranging from 32% to 40% for the more general program groups, and 32% and 26% respectively for the specific programs of Family Violence and Sexual Delinquency followed by very few offenders (n=38 each).

Counter-intuitively, offenders having participated in the Living Skills programs had a significantly higher rate of return than offenders not having participated in those programs, since we would expect that program participation would reduce the risk of return. However, offenders targeted for program participation were probably higher risk candidates at the onset. In order to test such a hypothesis, the two groups of offenders (those having participated in Living Skills and those not having participated in Living

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<sup>9</sup>A 2 \* 2 chi-square analysis was conducted for each of the 15 individual problem areas, none of which revealed a significant relationship between being ranked on a specific problem and return rate ( $df=1$ ,  $p<.01$ ).

<sup>10</sup>A 2 \* 2 chi-square analysis ( $df=1$ ,  $p<.01$ ) was conducted between program participation/no program participation and return/no return, for each of the 7 program blocks.



Skills) were compared on several key characteristics.<sup>11</sup> The only significant difference was found in the number of previous-penitentiary-sentences ( $T=2.9$ ,  $p<.01$ ); offenders having participated in Living Skills had on average more past sentences (mean=.38,  $SD=.63$ ,  $n=245$ ) than non-participants (mean=.25,  $SD=.54$ ,  $n=635$ ). However, once this discriminant variable was controlled for through Chi-Square analysis, the return rate for offenders with previous sentences and having participated in Living Skills was not significantly different from non-participants with previous sentences ( $X^2=0.2$ ,  $df=1$ ,  $p<NS$ ).

#### **1.4 Return Rate for Release Characteristics - Table VIII(A & B)**

An analysis of return rate by release type must take into consideration that almost 2/3 of offenders ( $n=663$ , 60.8%) were first released via day parole. An analysis of the 1090 releases indicates that day parole itself was associated with return rate, as evident from the average return rate of offenders released to day parole ( $RR=33\%$ ,  $n=663$ ) versus the average return rate of offenders not released to day parole ( $RR=43\%$ ,  $n=427$ ). As a result, offenders released first to day parole before obtaining a 'definite' conditional release via accelerated or regular parole or statutory release also had much lower return rates ( $RR=13\%$ ,  $12\%$ ,  $27\%$ , respectively), than offenders conditionally released without a prior day parole ( $RR=51\%$ ,  $19\%$ ,  $46\%$ , respectively), as indicated in Table VIII-A; the return rates being four times lower for accelerated releases and two time lower for statutory releases, but almost identical for full parole releases (since full parolees almost all pass through day parole). This can be partly attributed to firstly, the fact that day parole reduced subsequent return's by serving as a trial period, and secondly, to day parolees being at the onset lower risk candidates.

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<sup>11</sup>TTEST's were conducted to examine if the two groups of offenders differed significantly ( $p<.01$ ) on certain key variables; previous-penitentiary-sentences, previous-custodial-sentences, age-at-1st-conviction, SIR-score, age-at-release, initial-sentence-length, security-level, #supervision-conditions imposed, community-needs/risk-rating. A Chi-Square ( $p<.01$ ) was used for the categorical variables of definite-release-type and prime-term-offence.

Firstly, of the 852 offenders conditionally released to either accelerated or regular full parole, or through statutory release, half (51%) have already passed through a trial period of day parole; most full parolees (76.7%), and 42.8% of accelerated releases and 37.6% of statutory releases. These offenders, all passing through a trial period of day parole, significantly bias (lower) their chance of subsequently being released and thus returned. Thus, we can surmise that certain offenders were already returned at the day parole stage, never even becoming eligible for some sort of 'definite conditional release'. As illustrated in Figure 1 (p.57), 155 of the 663 offenders released to day parole were returned at this stage and not released again during the follow-up year.<sup>12</sup> In fact, the overall conditional release penitentiary return rate drops to 30% (from 37%) when we exclude the day parole returns.

Consequently, if one was to look at overall return rates for the definite conditional release sub-cohorts and ignore the obvious effect a day parole 'trial' period has, we would conclude that Accelerated parole releases and Statutory releases were not returned at significantly different rates (RR=35%, 39%, respectively); with Full parole releases being the least often returned (RR=13%). Interestingly, however, while the return rates for offenders released via accelerated parole and statutory release (without a prior day parole) are not significantly different (RR=51%, 46%, respectively), the return rates are significantly different for these offenders following a prior day parole (RR=13%, 27%, respectively); indicating that although most offenders eligible for accelerated parole are so released, day parole is used especially discriminatively for these offenders.

Secondly, an examination of characteristics of day parolees versus non day parolees was also conducted to examine whether the differences in the above return rates were not only due to the trial period of day parole but also due to different social or

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<sup>12</sup>28 other offenders were also returned from day parole but subsequently released to accelerated parole (n=3), full parole (n=4), and statutory release (n=21) within the follow-up year.

penal characteristics at the onset. Table IX summarizes the Ttest and Chi-square analysis and reveals that the group of offenders granted day parole was significantly different on several characteristics than the group of offenders denied (or not applying) for day parole. On average, the day parolees were older by 2 years, as well as older at their first adult conviction, had fewer past custodial sentences (31% of day parolees were at their first custodial sentence versus only 20% of non day parolees), had followed more programs while incarcerated, and had more often been released from lower security institutions (59% of day parolees were released from Minimum's versus 36% of non day parolees). Furthermore, the day parolees had, in general, been rated as lower risk offenders on the SIR (31% of day parolees were rated low risk versus 20% of non day parolees) and were perceived as having less Community Needs (15% of day parolees were rated as low needs and 33% as high, versus 10% and 46% respectively of non day parolees). The Chi-square analysis also revealed significant differences between these two groups of offenders on primary-offence-type. Day parolees were more often Robbery offenders (31%) than Property offenders (22%), while on the contrary, non day-parolees were most often Property offenders (37%) than Robbery offenders (19%), the other offence categories being almost equally represented.

All these differences, according to the return rate analysis in Tables V through VIII (Annexe V), made day parolees lower risk candidates at the onset. When we know that day parolees were at the onset lower risk candidates, the differences in return rates between offenders granted day parole (RR=33%, slightly lower than the base rate), and offenders denied day parole (RR=43%, slightly higher than the base rate), become even more insignificant; indicating that day parole itself did not much improve an offenders chances of staying return free, although it had a definite effect on subsequent conditional release type and consequently, return rate.

**Table IX**  
Characteristics of non-Day-Parolees versus Day-Parolees  
1st Releases from Quebec Penitentiaries: 1993

	non Day Parolees / Day Parolees			T-statistic	
	n	mean	SD		
Age at admission	427 / 663	28.7 / 30.5	8.6 / 8.7	-3.2	**
Age at release	427 / 663	30.6 / 32.1	8.7 / 8.8	-2.8	*
Previous pen.	427 / 663	0.26 / 0.31	0.6 / 0.6	-1.7	
Previous custody	318 / 503	0.45 / 1.0	2.1 / 2.3	-3.4	**
Age at 1st Pen.	427 / 663	27.0 / 28.2	8.3 / 8.7	-2.3	
" adult conviction	318 / 503	0.35 / 0.91	2.2 / 2.1	-3.6	**
Original sentence	427 / 663	1231 / 1332	835 / 929	-1.8	
SIR score	318 / 503	-2.0 / 0.8	8.9 / 9.0	-4.4	**
Community needs	282 / 480	2.4 / 2.2	0.7 / 0.7	3.7	**
Criminal risk	282 / 478	1.7 / 1.6	0.5 / 0.5	1.6	
Supervision required	277 / 473	3.5 / 3.3	1.2 / 1.2	1.7	
Security level	417 / 659	1.8 / 1.4	0.7 / 0.5	9.1	**
programs followed	337 / 543	1.3 / 1.7	1.7 / 1.9	-3.6	**
<hr/>					
X <sup>2</sup> -statistic					
<hr/>					
Prime term offence					
Murder/Sex.	49 (12%)	99 (15%)			
Drugs	91 (21%)	150 (23%)			
Other	45 (11%)	58 (09%)			
Robbery	82 (19%)	207 (31%)			
Property	157 (37%)	144 (22%)			
<i>total</i>	424 (100%)	658 (100%)		38.8	**

Note1: \*\* / \* indicates significant at .001 and .01 level respectively.

Note2: Previous-custodial-sentences & Age-1st-adult-conviction were entered as the raw SIR rankings in the TTEST.

The return rate varying, as we saw above, as a function of conditional release type, so did percentage-of-sentence-served, being directly related to type of release (return rates ranging from 18% to 50%). An analysis of only day parole releases also indicated that as the percentage-of-sentence-served increased, so did the return rates (RR=19% to 50%). However, as was examined in Figure 6, delays in according day parole were directly related to eventual 'definite' release type, increasing depending if accelerated parole, full parole, or statutory release was subsequently granted, and thus affecting return rates as well. To isolate the effects of release type on return rate, from %-of-sentence-served, **Delay in Parole** was measured as the time elapsed from accelerated or regular parole and its theoretical eligibility date (at 1/3 of sentence), and from statutory release and its theoretical eligibility date (at 2/3 of sentence). Analyzed this way, Table X indicates that 69% of 'definite' parole releases occur at their eligibility date (0% delay from either 1/3 or 2/3 of sentence), and also indicates that once the release type is decided (accelerated or full parole at 1/3 of sentence versus statutory release at 2/3 of sentence), offenders released past their eligibility dates have no more chance of return that offenders released on time ( $X^2=8.7$ , non-significant).

**Table X**  
Delays in Granting Accelerated or Regular Parole, and Statutory Release  
1st Releases from Quebec Penitentiaries: 1993

% delay from 1/3-2/3 sentence	n	%	Return Rate
no delay	584	69.2	31%
< 5% delay	58	6.9	38%
< 10% delay	48	5.7	29%
< 15% delay	44	5.2	20%
< 20% delay	33	3.9	18%
< 25% delay	37	4.4	30%
25% + delay	40	4.7	25%
TOTAL	844	100.0	$X^2=8.7$ p< NS

The average amount of time spent on day parole for offenders conditionally released after having *successfully* completed a day parole transition period, seemed to have a negligible effect on return rate ( $X^2=3.0$ , non-significant). Neither did being granted or denied day parole (ensuing from offender application's) seem to be strongly associated to return rate ( $X^2=4.9$ , non-significant). However, offenders not denied full parole had a significantly lower rate of return (RR=29%, n=457) than offenders denied full parole once or twice (RR=42%, n=633), although we would expect day parole returns (initially denied full parole) to be over-represented in this latter group, thus further bringing the 'real' return rate much closer to the base rate of return.

Offenders having postponed their parole hearing or/and waived their rights to parole showed a *marked* increase in return rate from other offenders; with a return rate of 63% for offenders having postponed their hearing once or more times (n=196) and a return rate of 70% for offenders having waived their rights to parole (n=77). The majority of these offenders were either still on day parole or revoked from day parole and not subsequently released, or not released until their statutory eligibility date. In either case, the high rate of return is an indication that certain offenders, knowing they represent a high risk of return, choose, themselves, not to be released on parole. The effects of such self-preemption from parole must be considered when analysing the parole selection process and subsequent returns, since certain of the highest risk offenders are not necessarily engaged in such a process. The high rates of return for both these variables indicate a certain affinity between them; thus they will be regrouped for purposes of further analysis (n=253, RR=64%).

As expected, the security level of the releasing institution did exhibit a significant association with return rate for both day parole releases and definite conditional releases, with offenders released from a minimum security being the least often returned (RR=27%, 22%, respectively). However, offenders released from either a medium (RR=40%, 36%, respectively) or a maximum (RR=56%, 47%, respectively) were not returned at significantly different rates. The return rates varied notwithstanding the fact

that definite conditional releases were equally distributed amongst the minimum (46.4%) and medium (43.6%) security institutions.

The last variables analyzed concerned the additional supervision conditions imposed at release. Almost none of the conditions by themselves had a significantly high or low rate of return (as compared to the penitentiary base return rate)<sup>13</sup>, with the exception of 2 conditions imposed upon definite conditional release; "*must undergo psychological treatment*" (RR=43%, n=49) and "*must reside in CRC/CCC*" (RR=41%, n=98). The total number of conditions imposed upon definite conditional release was slightly associated to return rate ( $X^2=9.7$ ,  $p>0.05$ ). Offenders imposed none, or one to three additional conditions were returned at approximately the same rate (RR=24%, n=531), while offenders imposed 4+ conditions were returned at a higher rate (RR=37%, n=104), although identical to the penitentiary base return rate.

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<sup>13</sup>A 2 \* 2 chi-square analysis was conducted for each additional supervision condition imposed and return/no return (df=1,  $p<.01$ ).

## 2. Multivariate Analysis

As evident from Tables V through VIII (Annexe V) and the above discussion, many of the variables retained for analysis in this research were, to some degree, related to penitentiary return rate. The degree of association (or relation) between return rate and each variable, **for significant variables only**, is given in Table XI, as measured through *Cramer's coefficient C*. Table XI is useful in that it allows us to sort through the agglomeration of variables just presented, and identify those indicating a greater degree of relation with return rate (as measured through Cramer's C for significant variables only).

**Table XI**  
Degree of Association between Return Rate & Measured Variables  
Significant Variables from X<sup>2</sup> Analysis

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	Age at admission	.20	
	Age at release	.21	
	Marital status	.22	
	Employed at arrest	.18	
	Previous penitentiary sentences	.16	
***	Previous custodial sentences	.29	***
***	Age at 1st penitentiary term	.25	***
***	Age at 1st adult conviction	.25	***
	Initial sentence length	.20	
***	Prime term offence	.35	***
	Schedule I/II offence	.22	
***	SIR score	.39	***
	Community needs rating	.24	
	Criminal history risk rating	.19	
	Community supervision required	.18	
---	day parole	.11	---
***	definite conditional release	.29	***
***	% sentence served (DP)	.27	***
	% sentence served (FP/SR)	.15	
	additional supervision conditions	.12	
	Security level	.18	
	NPB full parole denials	.15	
***	Postpone/Waive Parole	.31	***

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Note: \*\*\* indicates especially strongly associated variables and --- the weakest associated variable.



Of the eight variables indicating an especially strong relationship with return rate, both age-at-1st-penitentiary-term and 1st-adult-conviction, previous-custodial-sentences, prime-term-offence, and SIR-score are representative of the offender, while percent-sentence-served-at-day-parole-release, definite-conditional-release-type, and postponement/waiver of parole represent the selection process the offender was subject to before release,<sup>14</sup> either through self-preemption or through the conditional release process. Interestingly, day parole was by far the most weakly associated with return rate, in concordance with our previous discussion of day parolees (see Table IX, p.94).

Consequently, two different selection processes seem to interact with return rate. On the one hand, the conditional release type represents, at the onset, three very different sub-groups with particular characteristics, as we saw in the previous chapter. However, while full parole releases were the least often returned, overall, statutory releases were not returned much more often than accelerated releases, once day parole is accounted for. Secondly, one of the groups having the highest rate of return were offenders preempting themselves from conditional release, and more particularly from accelerated and full parole, through either parole postponements or waivers. Such a pre-selection can ultimately affect return rates associated with release decisions. As Table XII (p.101) indicates, the decision to postpone or/and waive parole significantly increased the return rate of all three release groups; with accelerated releases even surpassing the rate of return of statutory releases. However, it did not change the general return rate trends for the three release groups, nor the average return rate for just the group of offenders never having postponed nor waived parole.

Thus, a cross analysis between other offender characteristics and conditional release type was also examined in Table XII to analyze the interaction between selection process and return rate (Annex IV contains the results for all the variables while Table

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<sup>14</sup>Percent-sentence-served-at-day-parole being directly related to definite conditional release, it was dropped from further analysis.

XII contains only variables the most strongly associated with return rate). With very few exceptions, Table XII indicates a clear trend towards increasing return rates through the lowest to the highest risk categories, and from full parole, to statutory release, and accelerated parole releases.

As expected, although the lowest risk sub-groups of full parole releases were the least often returned, even amongst the highest risk sub-groups, offenders released on full parole were also less often returned. On the other hand, the higher risk sub-groups of accelerated parole releases represented the highest return rates, although in many cases at approximately the same *statistical* rate as statutory releases ( $X^2$  non-significant). Furthermore, the selection process was able to discriminate amongst SIR medium risks but not amongst the SIR low risks nor the SIR high risks. Thus, regardless of conditional release type, offenders rated as low risks on the SIR were returned at approximately the same rate ( $X^2=0.8$ , non-significant), while offenders rated as high risks were all also returned at the same rate ( $X^2=5.0$ , non-significant).

Of the 102 sub-groups examined in Table XII, the 2 least often returned sub-groups (n greater than 30) were Violent Offenders released on Full Parole (RR=5%, n=56) and Full Parole releases without any Additional Supervision Conditions Imposed (RR=3%, n=32), while the 2 most often returned were Property Offenders released through Accelerated Parole (RR=61%, n=109) and Statutory releases without any Additional Supervision Conditions Imposed (RR=54%, n=35). Finally, as we saw above, the most often returned group of offenders, were accelerated releases who had postponed or/and waived parole at one time or another during the conditional release process (RR=74%, n=35).

**Table XII**  
**Return Rate for a Cross-Analysis Between Offender Characteristics & Conditional Release**  
**1st Releases from Quebec Penitentiaries: 1993**

	FP	SR	Accelerated	X <sup>2</sup> -statistic
<b>Postpone/Waive Parole</b>				
no	10% (259)	32% (215)	33% (318)	44.3 **
yes	35% ( 26)	56% ( 99)	74% ( 35)	9.6 *
<b>Previous Custodial Sentences</b>				
none	9% ( 68)	22% ( 37)	7% ( 73)	6.0
1-2	15% ( 61)	33% ( 70)	38% ( 66)	9.1 *
3+	16% ( 68)	43% (136)	46% ( 71)	17.2 **
<b>Age at 1st Penitentiary Term</b>				
greater 30	9% (115)	20% ( 61)	17% (123)	5.1
less 30	17% (138)	44% (243)	48% (162)	35.4 **
<b>Age at First Adult Conviction</b>				
greater 23	8% ( 85)	22% ( 49)	12% ( 94)	5.8
less 23	17% (112)	40% (194)	45% (116)	23.1 **
<b>Initial Sentence Length</b>				
10+	14% ( 21)	0% ( 3)	0% ( 5)	1.3
3-10	8% (133)	40% (112)	22% (125)	37.6 **
2-3	21% ( 99)	39% (199)	46% (155)	16.7 **
<b>Prime Term Offence</b>				
Violent	5% ( 56)	14% ( 42)	- ( 0)	1.7
Drugs	6% ( 51)	22% ( 23)	17% (143)	4.6
Other	0% ( 20)	32% ( 38)	23% ( 31)	7.8
Robbery	19% ( 78)	47% (123)	- ( 0)	50.7 **
Property	29% ( 45)	48% ( 86)	61% (109)	13.9 **
<b>SIR Score</b>				
low risk	7% ( 70)	11% ( 27)	6% ( 83)	0.8
mid risk	15% (110)	33% (137)	40% ( 97)	18.0 **
high risk	29% ( 17)	52% ( 79)	63% ( 30)	5.0
<b>Community Needs Rating</b>				
low	3% ( 30)	6% ( 18)	6% ( 35)	0.2
medium	11% (122)	29% ( 85)	27% (107)	12.3 *
high	26% ( 43)	39% (130)	47% ( 57)	4.9
<b>Criminal History Risk</b>				
low	11% ( 95)	23% ( 53)	21% (103)	5.2
high	16% ( 99)	36% (180)	37% ( 96)	14.2 **
<b>Community Supervision</b>				
< 4/month	12% ( 95)	21% ( 53)	19% ( 67)	2.8
4/month +	16% ( 98)	37% (175)	34% (130)	12.9 *
<b>Program Participation</b>				
none	16% ( 68)	45% (107)	30% ( 92)	15.9 **
1 program	8% ( 60)	27% ( 51)	30% ( 61)	9.5 *
2 programs	21% ( 34)	26% ( 43)	27% ( 33)	0.4
3+ programs	8% ( 51)	33% ( 58)	39% ( 36)	13.4 **
<b># of Additional Supervision Conditions</b>				
none	3% ( 32)	54% ( 35)	31% ( 16)	20.8 **
1-2-3	15% (137)	28% (170)	26% (132)	7.6
4+	13% ( 23)	37% ( 35)	50% ( 46)	8.9 *

Note1: \*\* / \* indicates significant at .001 and .01 level respectively.

Note2: the number of offenders in each sub-group is given in brackets (n).

### 3. Analysis of Returning Offenders

#### 3.1 Return Breakdown

As mentioned earlier, a total of 403 offenders were returned to the penitentiary following their initial release. All offenders, except 1 which returned after sentence-expiry with new penitentiary sentence, were readmitted while still on conditional release; 13 saw their conditional release Terminated, 236 had their conditional release Revoked, and 153 were Revoked because of new offence.

However, although all Revocations with offence had in fact received new custodial sentences after their release, 61 offenders that were simply Revoked or Terminated had also received custodial sentences following their initial release.<sup>15</sup> Analytically, it thus makes more sense to distinguish between two types of penitentiary return for the 403 offenders returned within 1-year of first release. As indicated below, slightly more offenders were returned with new custodial sentence;<sup>16</sup>

a) return following Revocation/Termination of conditional release without new custodial sentence (n=188) ..... 17%,

and

b) return following Revocation/Termination of conditional release with new custodial sentence (n=215) ..... 20%.  
(\*including the 1 new penitentiary custodial sentence after warrant-expiry)

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<sup>15</sup>We can hypothesize that at the time of readmission the new offence had not yet resulted in a formal conviction, since for most of these 61 offenders, their readmission date preceded the sentencing date. For the most part, these new sentences could not have been pending causes since most offenders are not released with pending causes. Furthermore, the arrest dates (when not missing) were checked to ensure they were after the release date.

<sup>16</sup>Additionally, another 8 offenders also received prison sentences within the follow-up year, after their penitentiary sentence had expired.

A Chi-square analysis was conducted on these 403 offenders for all original variables to examine whether the *type of return* (with/without new custodial sentence) varied in relation to *social, penal, incarceration, or release characteristics* of the offender. In summary, not one variable was found to be statistically related to type of return ( $p < .01$ ), with the exception of aggregate-sentence ( $X^2=31.4$ ,  $df=7$ ,  $p < .001$ ), which as was mentioned earlier, was expected to increase for returns with new custodial sentence. Thus for purposes of further analysis, returns will be analyzed separately for the 663 offenders returned directly from day parole (183 returns) and the 852 offenders returned from their definite conditional release (256 returns); the two groups not being mutually exclusive since 28 offenders were returned from day parole but were subsequently released, and may have again been returned while on conditional release. Table XIII gives this breakdown of return type, and indicates that although there was no *significant* association between type of return and release type, day parolees and offenders released via accelerated parole were returned slightly less often with new custodial sentence (46.5%, 50.5%, respectively), than full parole or statutory released offenders (61.8%, 63.4%, respectively).<sup>17</sup>

**Table XIII**  
**Type of Return for Day Parole Releases & Definite Conditional Releases**  
**1st Releases from Quebec Penitentiaries: 1993**

	without new custodial sentence	with new custodial sentence	total
Day Parole Returns	98 (53.5%)	85 (46.5%)	183 (100.0%)
Definite Conditional Release Returns			
FP	13 (38.2%)	21 (61.8%)	34 (13.3%)
SR	45 (36.6%)	78 (63.4%)	123 (48.0%)
Accelerated	49 (49.5%)	50 (50.5%)	99 (38.7%)
total	107 (41.8%)	149 (58.2%)	256 (100.0%)

<sup>17</sup>Since accelerated parole releases received more community supervision meetings and conditions (see Table XII) and like day parolees, were more often released to CRC/CCC (see Figure 8), we can hypothesize that they were immediately returned at the slightest breach of conditions, while full parole and statutory releases were more likely to be returned only after being arrested and accused of new offenses.

### 3.2 Characteristics of Returning Offenders

The characteristics of returning offenders can also be subdivided, for purposes of analyses, between offenders returning from day parole and offenders returning from their 'definite conditional release'. However, conditional releases will no longer be separately analyzed in order to retain sub-groups of statistical importance ( $n=30$ ). Furthermore, the new-offence, type, and length will obviously only apply to offenders returning with new custodial sentence. Table XIV presents the results, partitioned like above, into day parole returns and conditional release returns.<sup>18</sup>

Firstly, time-at-large (mean=169.2, SD=88.2) indicated that a majority of returning offenders usually did so within 6 months (68.8% of day parole releases and 58.2% of conditional releases), and over 3/4 had been returned by their 8 month of release; with no significant differences between day parole recall (mean=154.7, SD=85.6) and conditional release recall (mean=171.3, SD=85.9).<sup>19</sup>

The constraints of being either under supervision in a CCC/CRC, as day parolees are, or in the community, under the supervision of a parole officer, are transparent in the last-conditions-breached. The condition "other conditions" was cited on day parole suspension warrants 45.0% of the time, a majority which we can hypothesize were conditions specifically associated with CCC/CRC regulations, plus 16.2% of the time, "must reside in CCC/CRC" was also cited (ie. failure to return to the CCC/CRC).

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<sup>18</sup>Certain variables initially retained are not included in Table XIV. Suspension Reason demonstrated that in 80% of cases all 3 reasons (breach, prevent breach, protect society) were indicated on suspension warrant and in 94% of cases at the very least 'breach' was inscribed. Thus in 6% of cases, a suspension was issued to 'prevent' or 'protect', without actually nothing having occurred, which more or less corresponds to the percent of offenders returned with NO conditions breached, in Table XIV. Previous Suspensions demonstrated that 97% of returns had at least 1 suspension; thus very few are not returned by the 2nd + suspension.

<sup>19</sup>Neither were there any significant differences between accelerated parole releases (mean=176.4, SD=87.8), full parole releases (mean=175.4, SD=86.9) and statutory releases (mean=166.5, SD=85.1), nor with being returned without custodial sentence (mean=160.2, SD=90.2) or with custodial sentence (mean=176.1, SD=86.3).

**Table XIV**  
**Return Characteristics of Day Parole Releases & Definite Conditional Releases**  
**1st Releases from Quebec Penitentiaries: 1993**

	Day Parole Returns (n=183)		Definite Conditional Release Returns (n=256)	
<b>Time at Large</b>				
- 1 to 2 months	20	10.9%	17	6.6%
- 3 to 4 months	50	27.3%	66	25.8%
- 5 to 6 months	56	30.6%	66	25.8%
- 7 to 8 months	30	16.4%	53	20.7%
- 9 to 10 months	16	8.7%	32	12.5%
- 11 to 12 months	11	6.0%	22	8.6%
<b>Last Conditions Breached (see Note 1)</b>				
- formal accusation	34	30.6%	75	47.5%
- intoxicants	19	17.1%	26	16.5%
- alcohol	6	5.4%	11	7.0%
- drugs	7	6.3%	19	12.0%
- psychiatric counselling	-	-	-	-
- psychological "	1	0.9%	-	-
- judicialized persons	5	4.5%	11	7.0%
- drinking establishments	2	1.8%	6	3.8%
- psychological treatment	2	1.8%	3	1.9%
- submit to urinalysis	-	-	1	0.6%
- reside in CCC/CRC	18	16.2%	8	5.1%
- other	50	45.0%	53	33.5%
<b>Total Breaches on Last Suspension (see Note 1)</b>				
- none	4	3.6%	11	7.0%
- 1 condition breached	69	62.2%	98	62.0%
- 2 conditions breached	34	30.6%	33	20.9%
- 3+ breaches	4	3.6%	16	10.1%
<b>Last CSC Recommendation (see Note 1)</b>				
- no action/change conditions	8	7.2%	17	10.8%
- annul suspension	8	7.2%	10	6.3%
- revoke/terminate	95	85.6%	131	82.9%
<b>New Offence</b>				
- Murder / Sexual	2	2.5%	3	2.2%
- Robbery	22	27.5%	16	11.7%
- Break & Enter	20	25.0%	40	29.2%
- Property	11	13.7%	35	22.5%
- Drugs	12	15.0%	15	10.9%
- Assault	1	1.3%	12	8.8%
- other	12	15.0%	16	11.7%
<b>Schedule Offence</b>				
- none Schedule	50	62.5%	98	71.5%
- Schedule I	25	31.2%	28	20.4%
- Schedule II	5	6.2%	11	8.0%
<b>New Sentence Length</b>				
- lt 6 months	25	29.4%	34	23.6%
- 6 months to 1 year	11	12.9%	20	13.9%
- 1 to 2 years	13	15.3%	40	27.8%
- 2 to 3 years	11	12.9%	16	11.1%
- 3 to 4 years	8	9.4%	14	9.7%
- 4 to 5 years	3	3.5%	7	4.9%
- 5 to 7 years	5	5.9%	6	4.2%
- 7 to 10 years	6	7.1%	2	1.4%
- gt 10 years	3	3.5%	5	3.5%

Note 1 : (% out of 111 for DP, & 158 for CR, non-missing data from questionnaires for conditions breached & recommendations)

The two other most frequently cited conditions breached, for day parolees, were "formal accusation" (30.6%), and "must abstain from intoxicants" (17.1%), indicating that even this closely supervised group managed to receive accusations stemming from new offenses. On the other hand, the suspension warrants for conditional releases under parole supervision in the community cited "formal accusation" in almost half of cases (47.5%), followed secondly by "other conditions"<sup>20</sup> (33.5%) and then by "must abstain from intoxicants" & "must abstain from drugs" (16.5%, 12.0%, respectively).

Most returned offenders (62%) had only 1 breach cited on their suspension warrant. Additionally, conditional releases were slightly more often returned without having breached any conditions than day parolees (7%, 3.6%, respectively; approximately the % corresponding to "protect" or "prevent breach" reasons).

An examination of the last-CSC-recommendations prior to return indicates that in a majority of cases (85.6%, 82.9%, respectively), the CSC agents had recommended a revocation or termination of conditional release, thus suggesting that the other 15% would account for differences in CSC/NPB concordance rate<sup>21</sup> and that the NPB revoked offenders more often than the CSC would have.

However, we must keep in mind that this analysis refers only to offenders returned to custody, and thus for most part ones which the CSC recommended a revocation. A useful comparison would be to analyze all suspensions, regardless if the offender was returned or not, and examine whether certain conditions were more often

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<sup>20</sup>Informal readings of CSC offender paper files indicated that other return conditions were most often, unlawfully-at-large (ie. not returning to CCC/CRC or not reporting to parole officer), disorganization (ie. a general disruption of living standards or psychological moral), and other conditions specific to each offender (ie. avoid a certain person, follow a specific treatment, ...); conditions, which if breached, are more likely to be detected through the daily supervision day parole entails.

<sup>21</sup>In fact, an analysis of ALL CSC recommendations versus NPB decisions in our database, indicated an 89% concordance rate; however, the concordance rate was higher for pre-release decisions involving the granting or denying of parole (93%) than for post-release decisions involving the revocation of parole (83%).



associated with a specific recommendation. In all, 613 suspensions were accounted for in the returned questionnaires (corresponding to 371 offenders, of which, as we saw above, only 111 corresponded to day parole returns and 158 to conditional release returns).<sup>22</sup> Of the 613 returned suspension information, 106 (17.3%) recommended either no-action or a change-of-conditions in which case no re-incarceration takes place, 143 (23.3%) recommended to annul suspension, and 364 (59.4%) recommended to revoke/terminate suspension. A Chi-square analysis between these recommendations and the conditions-breached indicated that neither the total number of breaches nor most of the conditions exhibited a significant relationship with recommendation, with the exception of the breach "formal accusation", which more often resulted in a recommendation to revoke/terminate ( $df=2$ ,  $X^2=40.4$ ,  $p<.001$ ) and "must abstain from alcohol" / "... drugs", which, contrarily, more often resulted in a no-action decision ( $df=2$ ,  $X^2=10.8$ ,  $p<.01$ ). While the first assertion is not surprising, neither should the second one be upon further consideration. Certainly, the most often imposed (see Table VIII-A) and tested (through drug testing) conditions are the intoxicant restrictions, which seem to necessitate several 'positive' tests before recommending a revocation.<sup>23</sup>

For offenders returned with new custodial sentence, day parolees had more often been convicted for robbery offenses (27.5%), although Break & Enter followed closely behind (25.0%). This was not surprising given that day parolees were at the onset offenders more often convicted of robbery offenses (see Table IX). Accordingly, conditionally released offenders were more often convicted of Property offenses (Break

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<sup>22</sup>It is important to note two things: firstly, that approximately 40% of suspension data is missing for returned offenders (ie. 158/256 and 111/183), corresponding to the overall rate of missing data for all suspensions (since only 613 out of 1060 suspension information requested was returned); and secondly, that of the 371 offenders suspended, 242, or 65% resulted in return, a little lower than in our whole population (since of the 523 suspensions issued within the first year, 403, or 77% resulted in return).

<sup>23</sup>In fact, an informal examination of offender paper files seemed to indicate that although quite a few offenders are submitted to drug testing, there exists a certain leniency towards the first 'positive' results, and only 'after several failures will either a recommendation to revoke be issued, or the condition will be dropped if not considered disruptive to the offenders life and his chances of a successful reintegration.

& Enter and other Property, 51.7%). Interestingly, Property offenses (which represented 5.6% in our initial population), had jumped to 13.7% for day parole returns and 22.5% for conditional release returns, and assault (which represented 3.1% in our initial population), now accounted for 8.8% of conditional release returns.

Both offence-Schedule-type and new-sentence-length reflected the types of offenses returning offenders were convicted for. Accordingly, over half of offenders were returned with sentence lengths of under 2 years (57.6% of day parole returns, and 65.3% of conditional release returns), sentences usually served in provincial prisons, and for non-Schedule offenses (62.5%, 71.5%, respectively). A reflection of day parole Robbery returns, new-sentence-lengths in the 7-10 year range were over-represented in the day parole release group versus the definite conditional release group.

A final analysis consisted of crossing the new-offence-type with initial-offence-type to see if a relative stability exists across time for offenders returned with new custodial sentences. As Table XV indicates, these offenders were foremost returned for the same offence initially convicted of, or for 'other' offence type, which was slightly over-represented across all the initial offence groupings for definite conditional release returns, mostly due to the number of "assault" type offenses.

**Table XV**  
New Offence Type by Initial Offence Type  
1st Releases from Quebec Penitentiaries: 1993

New Offence	Initial Offence									
	Sex/Mur		Drugs		Robbery		Property		other	
Sex/Mur	1	1	0	0	0	0	1	1	0	1
Drugs	0	0	4	6	5	3	3	4	0	1
Robbery	1	0	0	0	16	10	4	6	1	0
Property	0	0	1	3	8	18	21	52	1	2
other	1	3	1	3	8	13	2	7	1	2
<b>TOTAL</b>	<b>3</b>	<b>4</b>	<b>6</b>	<b>12</b>	<b>37</b>	<b>44</b>	<b>31</b>	<b>70</b>	<b>3</b>	<b>6</b>

Note: 1st columns represent day parole releases and 2nd columns conditional releases

Finally, we can examine the subsequent release type of these 403 returned offenders and when in the sentence it occurred. However, only 118 offenders were subsequently released within the follow-up year, after having spent, on average, 4 months re-incarcerated (mean=121.8, SD=78.9); equivalent to the follow-up period (12 months) minus the average time-at-large (6 months). Thus to get a better picture of subsequent releases we will consider all releases, even beyond the follow-up year and until either warrant-expiry or until the date the offender records were extracted from the database. As Table XVI indicates, half of returned offenders were subsequently released on Statutory release (n=189, 46.9%) and another quarter (n=93, 23.1%) on day parole; after having spent, on average, 7 1/2 months re-incarcerated (mean=234.4, SD=147.7); statutory releases having spent the most time re-incarcerated (8.2 months), and accelerated releases the least (55.4 days). Accordingly, the percent-sentence-elapsed at next release ranged from .51 to .87, considering *both time served in custody and in the community*; with 4 offenders being released only at warrant-expiry. However, we must also consider that 109 offenders (27.0%) still remained incarcerated when their records were extracted from the database, and that they had been so for an average of 13 months (mean=402.9 days); most probably being subsequently released also on statutory release. A sample of offenders whose sentences have all expired will be examined in the next section, in order to calculate the actual time served in custody and percent-of-sentence-served after all releases and returns are accounted for.

**Table XVI**  
Subsequent Release After Initial Return  
1st Releases from Quebec Penitentiaries: 1993

Subsequent Release Type n ( % )	Average Days Re-Incarcerated	Average % Sentence Elapsed
Day Parole	93 (23.1%) 219.2	.58
Accelerated	5 ( 1.2%) 55.4	.51
Full Parole	3 ( 0.7%) 68.0	.69
Statutory	189 (46.9%) 250.3	.87
Warrant-Expiry	4 ( 1.0%) 185.2	1.0
still Incarcerated	109 (27.0%) 402.9	
<b>TOTAL</b>	<b>403 (100%)</b> 234.4 for 294 offenders subsequently released	

#### 4. Total Time Served In Custody

To estimate the total-time-served in custody during the whole sentence, a sample of offenders whose sentences had expired within the time limits of our data base was used. The sample consisted of 386 offenders, once sentence lengths greater than 4 years were discarded, since such offenders would be atypical cases released for the first time late in the sentence.<sup>24</sup> Table XVII summarizes the resulting total-time-served, indicating that this sample of offenders had served, in custody, over half their sentence (55%) by the time their sentence expired; with a frequency analysis showing peak periods at 1/3 and 2/3's of sentence served.<sup>25</sup> However, returning offenders had served significantly more time in custody; 69% of their sentence, as compared to non-returning offenders who had served only 47% of their sentence in custody ( $T=-14.3$ ,  $p<.001$ ). Finally, as compared to returned offenders in our whole population, these returned offenders were almost all subsequently released via statutory release ( $n=111$ , 83.5%), and on average, after 85% of their sentence had elapsed.

**Table XVII**  
**Time Served In Custody and In Community for a Sample of Offenders**  
**1st Releases from Quebec Penitentiaries: 1993**

	ALL (n=386) mean (SD)	Non-Returning (n=252) mean (SD)	Returning (n=134) mean (SD)
initial sentence length	868.6 (160.0)	865.8 (162.0)	873.8 (156.8)
% served at 1st release	.48 (.17)	.47 (.18)	.50 (.17)
total time-at-large	400.3 (164.2)	460.4 (157.7)	287.4 (106.6)
total time-served	515.7 (300.3)	439.6 (246.3)	659.0 (339.1)
% served total	.55 (.19)	.47 (.18)	.69 (.12)

<sup>24</sup>The 386 offenders represented 50% of the whole 4 year and less cohort (327, two-three year sentences, and 59, three-four year sentences, with the following characteristics: the primary offence is basically well represented with 18% Drug, 33% Property, 11% Murder/Sexual, 30% Robbery, and 10% other offenses; the average age at release was 30 years old (mean=30.4, SD=8.4); a slightly higher percentage were at their 1st penitentiary incarceration (81.6%) because our database from January 1995 to May 1995 is only up-to-date for 1st time offenders; 47%, 14%, 6%, and 33%, respectively, were day parole, accelerated, full parole, and statutory *1st releases*; and finally, the return rate was approximately the same ( $n=134$ , RR=34.7%), with 80 returns without new custodial sentence (59.7%) and 54 returns with new custodial sentence (40.3%).

<sup>25</sup>To calculate percent-of-sentence elapsed at release, only offenders returning without new custodial sentence were considered, since otherwise, the new sentence length would have to be accounted for.

## 5. Impact on Penitentiary System

After having examined all the retained variables we are in a position to estimate the impact of conditional release and return decisions. The conditional release process can have consequences on both the offender, as well as the carceral system; two dimensions that are generally disassociated one from the other. That is, while certain decisions will be favourable for the offender, they can result in negative consequences for the 'protection of society', and vice-versa. However, one common area in the decisional process which can adversely affect both offender and carceral system is related to decisions that prolong incarceration, when such decisions are 'unnecessarily' taken (as measured through return rate). These are likely to produce significant 'social costs' for offenders, but also to produce 'material costs' for the carceral system, by needlessly keeping incarcerated offenders who could have been released at a minimal 'risk' for society. Although our research methodology does not allow us to estimate the social costs of incarceration, as other authors have already done (Pires et al., 1981), we can, however, estimate the average number of 'incarceration days' caused by certain decisions.

In our population, offenders rated as low-risk on the SIR were one of the least often returned groups; and this regardless of release type. Yet, as Figure 9 indicates, 15% (n=27) of these low-risk offenders were released only via Statutory release. Furthermore, many non-low-risk offenders were also released on parole (corresponding mostly to the mid-risk category; see Figure 5); indicating that conditional release conditions are far from being based solely on this single indicator.

**Figure 9**  
SIR Risk Category by Release Type

	<u>low risk</u>	<u>not low risk</u>
<u>Parole</u>	153	239
<u>Statutory</u>	27	206

More importantly, however, are the number of returns involved. The balance between offender needs and society needs is often examined via the Type I and Type II errors associated with risk prediction. In Figure 10, for example, Type I represents the percentage of 'low risk' offenders that if released (ie. via parole) would subsequently be returned, and Type II represents the percentage of 'non low risks' that if not released (ie. until their statutory release date) would not have been returned. As indicated in Figure 10, a single criteria like low-risk or non-low-risk would be too crude a measurement, since although almost none of the low-risk offenders returned (n=13), a significant number of the non-low-risks did not return either (n=304). We can however perceive the possibility whereas all low-risk individuals would be automatically released, with a minimal error rate (Type I=7%), while others would go on in the selection process.<sup>26</sup> For example, had all the low-risk offenders been released, *without delays*, at their *full parole eligibility date*, both offender and carceral system would have profited. In effect, an analysis indicated that most of these offenders were released at their full parole eligibility date. However, for 59 low-risk offenders, an average of 9 months (mean=273.0, median=210.5, SD=250.6) had elapsed between their full parole eligibility date and their actual release date; representing 16107 incarceration days (59\*273.0) or 44 annual cells.<sup>27</sup>

**Figure 10**  
SIR Risk Category by Returns

	<u>low risk</u>	<u>not low risk</u>
<u>return</u>	13 (Type I)	166
<u>no return</u>	167	304 (Type II)

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<sup>26</sup>The contrary scenario was examined in a previous section, and indicated, however, that if all high-risks were not released, the result would be a much higher error rate (Type II=38%).

<sup>27</sup>Annual cells are calculated by dividing the total incarceration days by 365.25.

Not all suspensions result in a decision to revoke or terminate the conditional release and return the offender to custody. Although half of all released offenders (48%, n=523) have had one or more suspensions issued against them during the follow-up year (461-one suspension, 59-two suspension, and 3-three suspensions), only 403 resulted in a return. Thus 1/4 (23%) of suspensions did not result in a decision to re-incarcerate. These 120 cases, plus the 59 and 6 with more than one suspension, can spend up to 30 days in custody while CSC decides whether or not to cancel the suspension, or up to 45 days from the time CSC recommends a revocation/termination until the NPB makes a final decision. As we examined above, out of all suspensions issued, 18% of the time no-action was taken. Thus 33 times (185\*.18) offenders were immediately released upon apprehension and questioning by the parole officer, while another 152 times, they were potentially held for up to 45 days. Even by allowing for a very conservative estimate of time spend awaiting a decision (ie. 15 days)<sup>28</sup>, there is the needless loss of 2280 incarceration days (152\*15) or 6 annual cells.

As we saw in the 1st chapter, several authors have suggested that not only the above group of offenders, for whom a return is eventually cancelled, but all revocations for technical breaches of conditions could more effectively be handled through alternatives to incarceration, with a minimal risk to 'society'. In our population, 188 offenders were returned without new custodial sentence. Given that returned offenders spend on average 7 1/2 months re-incarcerated before a subsequent release and certain offenders were still incarcerated after 13 months (for an overall average of 9 months; see Table XVI), the savings can be significant. If we examine all subsequent releases, then 144 cells can be credited to returning offenders (188\*280 incarceration days).

Day parole, we saw, was targeted towards lower risk individuals foremost, and provided a trial period within which more constraints and restrictions lowered the risk

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<sup>28</sup> Average time between the suspension warrant being issued and the subsequent recommendations (Special Report date); gives us an indication of how long these offenders were re-incarcerated for but does not account for the ones who were re-incarcerated until NPB cancelled their suspension (potentially 45 days).

of return with new custodial sentence, even for the higher risk offenders (see Table XIII). Given such a finding, then it could be feasible to release offenders targeted for day parole, on time and as allowed for by legislation, 6 months before their full parole eligibility or 6 months before the statutory release date. Such releasing practices could substantially reduce 'social' costs, since 310 offenders were effectively past their day parole eligibility date, but could also reduce carceral costs associated to prolonged incarceration. In our population, 243 offenders released to day parole prior to full parole where, on average, 4 1/2 months (mean=138.2, median=119.1, SD=101.2) past their day parole eligibility date, thus incurring 92 annual cells (243\*138.2 incarceration days); and another 67 offenders targeted for statutory release were almost 2 months (mean=55.7, median=47.7, SD=41.4) into their day parole period, thus incurring 10 annual cells (67\*55.7 incarceration days).<sup>29</sup>

Finally, once offenders have been granted conditional release, any additional delays did not seem to increase or decrease chances of return (see Table X, p.95). For statutory release, most of which occur at 2/3 of sentence, and accelerated releases, most of which occur at 1/3 of sentence, the scenario is straightforward; such offenders should at the very least be released on time. However, since the percent-of-sentence-served by offenders granted full parole varied to a greater extent, we can wonder whether or not the extra time incarcerated had an effect on return rate, by attending more institutional programs, for example. Although return rate was not associated to program participation, full parole releases that occurred past their eligibility date had participated, by the time of their release, in the same number of programs that full parole releases that occurred on time; both groups having participated in slightly more programs than accelerated and statutory releases. These findings, together with informal case file readings and a recent CSC report on conditional release decisions (CSC, 1995), seem to

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<sup>29</sup>These day parole eligibility period calculations and the subsequent ones for full parole and statutory releases exclude, in the calculation of averages, 17 cases whose dates represented extreme cases, at least 3 interquartile ranges away from the median (an interquartile range being the distance between the 25th and the 75th percentiles).



indicate that offenders not participating in the required number of programs are being penalized through prolonged incarceration. While the programs are an essential element in the correctional service management strategy and offender processing, program participation should be administered with consideration foremost to conditional release dates and not vice-versa. Thus, including accelerated releases, 223 offenders<sup>30</sup> were released, on average, 6 months (mean=186.8, median=155.2, SD=143.0) past their full parole eligibility, generating incarceration days (223\*186.8) equivalent to 114 annual cells. Another 135 offenders<sup>31</sup> who were, on average, 1 1/2 months (mean=47.9, median=15.4, SD=63.3) past their statutory release date generated carceral costs of only 18 annual cells (135\*47.9 incarceration days), as one-half of these statutory releases occurred within 15 days of eligibility (ie. median).

Table XVIII summarizes the above calculations, some more significant than others. Certainly, alternatives to incarceration for the revocation group has the potential for the most impact on the carceral system; followed by the punctual release of offenders targeted for full parole, at their eligibility date, or 6 months before this date if day parole is also granted (day parole lasting on average only 6 months, anyhow). However, while other carceral 'savings' may seem negligible, the 'social costs' for the offender may not be. For example, a significant number of offenders (n=152) saw their suspensions ultimately cancelled, yet the carceral savings were minimum (ie. 6 annual cells). For these offenders, we can assume that their efforts to re-establish themselves in the community were at least momentarily disrupted, with potential consequences on their longer-term plans (ie. job, housing, ...).

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<sup>30</sup>In fact, 14 of these offenders were even past their statutory release date.

<sup>31</sup>Including 3 initial 'detention' cases that were subsequently cancelled, but excluding the 9 warrant expiries that were also 'detention' cases.

Thus, while it is always interesting to engage in such calculations and projections, the ultimate decisions must be based on both carceral as well as social and 'humanitarian' reasons for reducing incarceration time (Landreville, 1994). Finally, it is the sum of all these measures than can, in the long-run, add up considerably; as Table XVIII indicates, the 428 annual cells recovered is the equivalent of some medium security penitentiary institutions.

**Table XVIII**  
**Carceral Costs Associated with Prolonged Incarceration**  
**1st Releases from Quebec Penitentiaries: 1993**

Group of offenders	(n)	incarceration days	annual cells
low-risk offenders	59	16107 (59*273.0)	44
suspensions cancelled	152	2280 (152*15)	6
revocations without custodial sentence next release beyond follow-up year	174	48720 (174*280)	144
past day parole prior to full parole	243	33583 (243*138.2)	92
past day parole prior to statutory release	67	3732 (67*55.7)	10
past full parole	223	41656 (223*186.8)	114
past statutory release	135	6466 (135*47.9)	18
<b>TOTAL</b>			<b>428</b>

## 6. Conclusion

Before summarizing our general conclusions in the next chapter, we will briefly outline the main findings ensuing from this chapter's analysis of return rates.

- . The penitentiary base return rate of our population was 37% if we take into consideration all subsequent penitentiary returns for a 1 year follow-up period following the 1st release.
- . All age variables clearly demonstrated that two distinctive age groups are recycled through the penitentiary system; younger offenders being returned significantly more often (on average 20% more often) than older offenders.
- . The most discriminative penal characteristic was between offenders with no previous custodial sentences (RR=14%) at one end of the penal continuum, and offenders with previous penitentiary sentences (RR=51%) at the other end.
- . Only three sentence lengths of short (2-3 years), medium (3-10 years), and long (10+ years & Life) differentiated between recycled offenders; with the shortest sentence lengths being the most often returned (RR=44%) and the longest sentence lengths being the least often returned (RR=8%).
- . Based on theoretical considerations and return rates, our population could be regrouped into 5 offence types of ascending return rates; Violent (RR=12%), Drugs (RR=19%), Other (RR=27%), Robbery (RR=49%), and Property (RR=55). However, based only on statistical analysis of these return rates, only two offence groups show differential return rates; Robbery & Property offenders (n=590, RR=52%) and all other offence types (n=492, RR=19%). Nevertheless, offence type was one of the strongest variables associated with return rate.

- . The SIR (ISGR) scale was the most strongly associated with return rate, of all the analyzed variables, but was only able to discriminate between low, medium, and high risk offenders (RR=9%, 36%, 62%, respectively); although it classified its subjects into 5 categories of differential risk. Furthermore, our highest risk offenders had an almost identical return rate as the one predicted by the original Nuffield study; and this notwithstanding the fact that the original study used a much larger definition of "recidivism" (re-arrest for indictable offence) and a much longer follow-up period (3 years).
  
- . The Community Risks/Needs Management Scale was more discriminative in its Needs rating than its Risk rating. This is partly due to the fact that CSC agents are compelled to classify offenders as either low or high risk; the majority (62.2%) ending up in this high risk category for no other reason than that they are non low-risk as evident from their return rate (RR=38%) which is identical (by 1%) to the base return rate. The Needs scale is only slightly better conceived (low, medium, and high classifications); with half of all offenders (49.3%) ending up in the medium category (RR=11%, 26%, 44%, respectively).
  
- . Program participation showed no significant association with return rate although it did demonstrate a slight relationship with release type; offenders released on Full parole having participated in slightly more institutional programs than other release types. Thus program participation seemed to affect the trajectory of the offender by influencing foremost release decisions and delaying release.
  
- . The number of additional supervision conditions imposed at release, contrary to what was implied by our problematic, was one of the most weakly associated with return rate; not differentiating between recycled offenders.
  
- . Day parole had the most effect on the trajectory of offenders, by serving as a trial period from which returned offenders are seldom released again until their

statutory release date. Nevertheless, of all variables significantly associated with return rate, it was the most weakly associated; day parolees being returned slightly below the base return rate (RR=33%) and non-day-parolees being returned slightly above the base return rate (RR=43%).

- . Of all offenders 1st released in our population Accelerated parole releases were the most often returned to penitentiary (RR=51%), followed by Statutory releases (RR=46%), Day parole releases (RR=33%), and then Full parole releases (RR=19%).
- . If one was only to look at overall return rates for the definite conditional release sub-cohorts and ignore the obvious effect a day parole 'trial' period has, we would be tempted to conclude that Accelerated parole releases and Statutory releases varied little from the base return rate (RR=35%, 39%, respectively), with Full parole releases being again the least returned (RR=13%). However, most full parolees (76.7%), and 42.8% of accelerated releases and 37.6% of statutory releases, also passed through a trial period of day parole thus significantly biasing (lowering) their chance of subsequently being released and thus returned, as evident from the much lower rate of return for definite conditional releases that followed a day parole (RR=12%, 13%, 27%, respectively).
- . Accelerated parole releases where the most affected by the 'trial' period day parole affords; accelerated parole releases without a prior day parole being return almost 4 times as often as accelerated parole releases following a day parole. This is largely the result of legislation prohibiting accelerated parole reviews for previously revoked/terminated offenders.
- . The group with the highest rate of return excluded 'themselves' from most of the conditional release selection process by either postponing their parole hearings or waiving their rights to parole (RR=64%); being for the most part still on or

revoked from day parole and not subsequently released, or not released until their statutory release date. Such self-preemption has consequences on any analysis of the conditional release process, since certain of the highest risk offenders are not necessarily engaged in such a process.

- . The 3 definite conditional release types, forming as we saw in the previous chapter very distinctive sub-cohorts, were also strongly related to return rate even when controlling for offender characteristics; and thus not independent of the initial release process; although Accelerated releases and Statutory releases exhibited very similar return rates.
- . Offenders were returned in almost equal proportions with and without new custodial sentence.
- . Contrary to public opinion, over half of offenders returned with new custodial sentence were returned with new sentences of under 2 years, and for non-violent offenses; the most violent offenses (murder, attempted murder, sexual, ...) representing only 2% these returned offenders.
- . On average returning offenders did so within 6 months of release, most not being subsequently released until their statutory release date. Thus when we account for recycling of offenders within the penitentiary system, our analysis indicates that on average non-returned offenders still serve almost half their sentence in confinement, while offenders returned for technical violations of conditional release supervision conditions serve over 2/3 of their sentence in confinement.
- . The impact of conditional release and return decisions on the penitentiary system was measured as the equivalent of a medium security institution (n=428); the impact on the offender being measured only through the social costs associated with unnecessarily prolonged incarceration, was beyond the scope of this research.

## **CONCLUSION**

In this research we have examined the trajectory of offenders in the year following their first release from a penitentiary. Our objective was to describe the cycle of release and return that offenders are subject to following a first release, and to examine the characteristics of sub-groups of offenders firstly, at release, and subsequently, at return. Concerns over the increasing rate released offenders are being re-incarcerated at, the numerous release conditions they are subject to, and the increased returns for technical violations of these conditions, were the primary factors prompting interest in this research subject. Unlike past studies that have traditionally investigated offender "recidivism" to explain re-incarceration rates, our research took an opposing perspective and focused on the internal mechanisms of release and return itself, and the selection process offenders undergo before their conditional release. However, while certain of our implicit hypothesis were corroborated, as we will see, others were refuted, while others were subject to certain limitations of our study.

To recapitulate, our population consisted of all *male* offenders released for the 1st time in 1993 on their current sentence, from Quebec penitentiaries. The characteristics of our population were analyzed before release, including type of release, during the incarceration, and if relevant, at return. Our cohort of offenders were conditionally released via either Day parole (n=663), Accelerated parole (n=163), Full parole (n=59), or through Statutory release (n=196); (except for 9 offenders who were released for the 1st time only at sentence expiry). Most released offenders had been convicted of either Robbery offenses (26.7%), Break & Enter offenses (22.2%), or Drug offenses (22.3%); violent offenses such as Murder, Manslaughter, Attempted Murder, Sexual offenses, and Assault representing only 16.8% of all releases. Accordingly, 45.7% had been convicted of Schedule I and 21.5% of Schedule II offenses, while 28.8% were non-Schedule offenders. While half of all released offenders had been serving sentence lengths less than 3 years (47.3%), and another quarter (23.7%) between 3 and 4 years, at the other extreme, life and indeterminate sentences represented only 2.1% of all releases. Only 23% of this release cohort had served previous penitentiary



sentences (77% being at their first penitentiary term), but 73% had served previous custodial sentences in either municipal, provincial, or federal prisons.

Finally, although the literature review pointed to the high number of additional supervision conditions imposed on released offenders, less than 1/5 of our population were imposed more than 3 additional supervision conditions. In fact, 15% of offenders were released without any additional supervision conditions imposed, thus refuting, at least for the Quebec penitentiary conditional release process, the underlying hypothesis that the high number of additional supervision conditions imposed is associated with the high rate of return; being in fact associated at  $p < .05$ , unlike the majority of other significantly associated variables ( $p < .001$ ). Furthermore, only two of the individual supervision conditions by themselves were significantly associated to return rate; an indication that the 'type of condition' may be more significant than the 'number of conditions'.

A 1-year follow-up of our population found a penitentiary base return rate of 37%. However, given the short follow-up period, most released offenders were still on conditional release at the end of this first year; only 144 offenders saw their penitentiary sentences expire before the end of this follow-up period (55 whom were returned even once before their sentence expiry within this first year). Although our research was limited only to 1993 releases because of new conditional release legislation which came in effect in 1992, and consequently to a 1-year follow-up period, such a limitation was counterbalanced by the fact that most returns occurred fairly soon after release. In our population, the average time-at-large before return indicated that most returns occurred in the 3-8 month period following release; only between 7% and 11% in the first 2 months, but 52% to 58% between 3 and 6 months, such that over 3/4 had been returned by the 8th month (see Table XIV). Although the distribution of returns for our population seems almost consistent throughout this first follow-up year, past studies that have been conducted with longer follow-up periods indicate that a majority of returns occur fairly soon after release; Langlois (1972) evaluated that 44% of all his 'returns'

occurred within the first year, while Hann and Harman (1992) evaluated that 75% of all their 'returns' had occurred by the 2nd year.

If we also consider past studies that concluded that in general one-half of releases return to custody within the first 2 years, for a *general return rate of 50%* (Landreville, 1982; from an analysis of several "recidivism" studies), or more recently the Hann & Harman study (1992), citing a *30% revocation risk* (penitentiary return while on conditional release) and a *49% general risk* (prison or penitentiary return for new convictions only) for a similar cohort but using a 3 year follow-up period, our penitentiary return rate, already capturing 37% of returns, is relatively high even given the short follow-up period. Furthermore, to our knowledge, none of these past studies have taken into consideration Day parole as the 1st release type.

Furthermore, our database which spanned almost 2 1/2 years (from January 1993 to May 1995) had very few offenders readmitted to a Quebec penitentiary after their sentence-expiry (n=23): nor did the analysis of RCMP records for the 89 offenders whose sentences expired before the follow-up period find many prison returns even beyond the first year (n=14), indicating that most offenders are recaptured fairly soon, returning while still on conditional release even for new custodial reconvicitions. Further evidence that returns occur while still under federal judicial control comes from the high percentage of releases that were at their first penitentiary incarceration (77%) as compared to admission data which shows that approximately half (46%) of all annual admissions in 1992 were newcomers to Quebec penitentiaries (Laplante, 1993). The difference is an indication of the amount of recycling occurring that is attributable to returns from conditional release.

Day parole was the most susceptible of influencing an offenders trajectory and overall rate of return. Extensively used (ie. 61% of the 1090 releases) to 'prepare' offenders for their 'definite' release from custody, its predominant place in the trajectory of offenders was evident from the significant differences in return rates between 'definite'

conditional releases preceded by Day parole compared to 'definite' conditional releases without a prior day parole. In effect, Day parole served as a trial period from which returned offenders were seldom released again until their Statutory release date. By itself, however, Day parole was only weakly associated with return rate, notwithstanding the fact that day parolees were at the onset lower risk candidates.

Recent reports (CSC, 1995, 1995a) have indicated that since the new conditional release legislation in 1992, Day parole usage has been declining since offenders are now required to apply for it whereas before it was automatically reviewed, and since it is only granted 6 months before Full parole instead of after serving 1/6 of sentence; offenders preferring to remain incarcerated for an extra 6 months rather than being subject to residency in halfway houses. However, for our 1993 Quebec cohort, Day parole was still used in almost 2/3's of all releases. Furthermore, we must consider that the new legislation redefined Day parole as being available only for 'preparation' for release, whereas beforehand a certain ambiguity existed as to its usage, thus allowing an overlap between Day parole and Temporary Absences.

A 1-year follow-up was also conducted from the date of 'definite' conditional release, so as to account for offenders previously released to Day parole and to allow comparisons with past studies which consider only Full parole and onwards as 1st release type. Of the 852 offenders in this sub-cohort, 285 (33.4%) were eventually released via Accelerated parole, 253 (29.7%) via regular Full parole, and 314 (36.9%) via Statutory release. A 1-year follow-up of these 852 offenders from their date of 'definite' conditional release indicated a conditional release base return rate of 30%; slightly lower than our *penitentiary base rate* given the absence of day parolees that were returned and not released again during the follow-up year. Compared to the most recent Canadian study (Hann & Harman, 1992), there has been quite an increase in return rate in the last decade given that their cohort of 1983 1st releases (followed up for 3 years) already exhibited a return rate of 30% based on criteria very similar to ours (ie. 30% Revocation Risk).

Even if we assume all day parolees would go on to be subsequently released via Statutory release, the Accelerated Review procedure seems to have effectively increased the rate of parole (regular & accelerated combined) to half of all conditional release decisions as compared to past release trends (Laplante, 1993; CSC, 1991). However, it is important to realize that Quebec, unlike other provinces, has the highest rate of Accelerated parole grants (CSC/NPB, 1995), and that our findings are not necessarily a reflection of national application of the new legislation nor of the national conditional release process.

Although Day parole was used in 61% of 1st releases, on average, offenders were released to Day parole only after serving 1/3 of sentence (mean=.34; see Table VIII-C), and not as theoretically possible, 6 months before the Full parole eligibility date. Not only were Day parole releases in general delayed, but on average 50% of released offenders were still incarcerated past their parole eligibility date at 1st release (median=.34); most offenders having served, on average, 41% (mean=.41) of their initial sentence length. However, if we consider subsequent returns for 'technical' breach of conditions for a sample of offenders whose sentences had expired, then the average time served increased to 55% of sentence; offenders returned for these technical violations of conditional release serving over 2/3 of their sentence in confinement (see Table XVII).

Several authors agree that the greatest potential for reducing carceral populations would be through alternative solutions to re-incarceration for this group of offenders, being returned for technical violations of their conditional release (CSC, 1995a; California Blue Ribbon Commission, 1989). Our research also found that it would be with this group that the most 'carceral savings' could be achieved. However, all efforts to manage these offenders through intermediate sanctions and programs will have to be carefully monitored so as not to produce the perverse effects 'alternative' solutions are sometimes prone to (Blomberg & Lucken, 1994; Cohen, 1985).

Additionally, offenders still incarcerated past their parole eligibility date, when they have already been targeted for parole release, would be a second group of offenders that could substantially benefit from 'on time' release, especially since any further delays in release were not significantly related to return rate (see Table X). Here again Day parole had a non-negligible effect on subsequent release dates, since it is not often granted, as allowed for by legislation, 6 months prior to parole eligibility; thus further delaying Full parole.

However, we must always consider the potential impact on the offender versus society, beyond the immediate impact such changes can have on the carceral system itself. A recent CSC report (1995a), which analyzed the penitentiary population in order to identify groups of offenders who were past their parole eligibility dates and recommended measures apt to improve the carceral situation, should be cautious not to overlook certain offender groups because "les nombres sont restreints et l'impact potentiel est minime" (p.21), as implied in their conclusions. Although the 'carceral' impact might be perceived as minimal, the 'social costs' for the offender may not be (Pires et al., 1981). When individuals are without necessitation kept incarcerated past their eligibility dates, the necessity for prolonged incarceration must be carefully weight firstly, between the potential impact on the offender versus on society, secondly, for humanitarian reasons (Landreville, 1995), and only then, on the associated 'carceral costs'.

In 1992 the new conditional release legislation especially targeted first-time, non-violent offenders allowing for 'automatic' release at their parole eligibility date without a parole hearing, with the intent to move such offenders more quickly through the conditional release process and reduce delays. In effect, the instigation of this Accelerated Review procedure saw the majority of these offenders released to Accelerated parole (86%) at their parole eligibility date. Furthermore, it also reorganized the management of offenders and the conditional release process around three distinct release sub-cohorts. Whereas beforehand offenders were processed for either Full parole

release, after serving at least 1/3 of their sentence, or for Statutory release, after serving 2/3 of their sentence, these two groups were not necessarily as homogeneous as the ones currently processed, since now all non-violent offenders at their first penitentiary sentence, the majority being property and drug offenders, constitute a third very homogenous group of offenders subject to quite particular conditional release processing.

However, although the selection process undertaken by Correctional Service of Canada seems to effectively manage the release of offenders according to *three* very distinct sub-cohorts, only *two* groups are subsequently recycled through the system. As reflected in the rate of return exhibited by each of these release sub-cohorts, Accelerated parole releases and Statutory releases were returned at approximately the same rate (RR=35%, 39%, respectively), while Full parole releases were the least often returned (RR=13%). Even when key characteristics were controlled for (see Table XII), Full parole releases were still amongst the least often returned, with few significant differences between Accelerated and Statutory releases rate of return; Accelerated releases displaying slightly higher return rates even when controlling for key characteristics. We can hypothesize, as past studies have found (Hann et al., 1991; Martinson & Wilks, 1977; Waller, 1974), that the better risks were effectively selected for Full parole. On the other hand, we must take into consideration that almost all Full parole releases first passed through a trial period of Day parole, thus particularly affecting the rate of return for this release sub-cohort; the highest risk offenders being returned during their Day parole and often no longer released until their Statutory release date, with only the better risks continuing on to Full parole.

Given that we found Full parole and Accelerated parole releases to be the most similar, as measured through several characteristics, we would have expected a greater affinity in return rates between these two release sub-cohorts than between Accelerated and Statutory releases, who only had age-at-release and initial-sentence-length in common. However, both Accelerated and Statutory releases were the younger, shortest term offenders, each with a predominant number of property offenders; three

characteristics exhibiting high rate of returns at the onset. Even when these three characteristics were controlled for (see Table XII) Accelerated parole releases were still the most often returned sub-group. We can wonder what other variable made this release sub-cohort more vulnerable to recycling.

Accelerated parole releases that would previously have been processed as Statutory releases, are now processed in accordance with legislation, and are a good example of the risk management approach discussed in our problematic (Vacheret, 1995; Feeley & Simon, 1992). While a certain tolerance seems to be developing towards property offenders, as evident from the Accelerated Review process, such offenders are not released without a certain number of conditions aimed at keeping the 'risk' to a minimum. However, this emphasis on 'risk management' may also be partly responsible for their subsequent rate of return. Accelerated Review cases were the most often, by far, imposed residency in CCC/CRC and the most often imposed 4 or more additional supervision conditions; both factors being significantly associated to return rate (and this notwithstanding the fact that Accelerated parolees were rated as having the same Community Needs & Risks as Full parolees and the most often released from a minimum security institution). Not surprisingly then, Accelerated parole releases were slightly more often returned for technical violations of their conditional release than the two other release sub-cohorts. We can hypothesize that such residency requirements made them more vulnerable supervision targets.

Ensuing from this analysis, three processes can be highlighted that seem to have the most effect on the recycling of offenders. Firstly, as we saw in the previous chapter, through '**self-selection**' certain of the highest risk offenders exclude themselves from most of the conditional release process, by either postponing their parole hearings or waiving their rights to parole. Secondly, Day parole serves as a '**pre-selection**' trial period, whereas only the better risks subsequently advance to a definite type of conditional release. Thirdly, certain basic offender characteristics (ie. young, first-time, property offenders) seem to be targeted, on the one hand, for early conditional release

through the Accelerated Review process, but on the other hand, are being differentially processed and specifically '**targeted for risk management**'.

Finally, to study the recycling phenomena efficiently, offenders' trajectories must be followed through their multiple releases and returns. A 1-year follow-up period greatly limited the potential of our study, since as we saw, most offenders spent on average 6 months at-large following their first release before a subsequent return. Consequently, only 4 months were left in the follow-up period; only 118 of the returned offenders being released again during these 4 months. However, our analysis did indicate that almost half of all returns (n=188, 47%) were for technical violations of conditional release conditions; a potential area where recycling can be viewed as a product of the offender management process, rather than to offender actions themselves.

In conclusion, it is important to retain that our analysis was grounded in a critical perspective, with emphasis on the carceral system and conditional release process as generator of its products. While we have concentrated our data gathering, analysis, and interpretations in that direction, we may have forsaken other possible explanations and attenuating factors. But such is the research process. We can only hope that our 'tentative' conclusions can guide others in their research efforts.



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**ANNEXE I**  
**QUESTIONNAIRE**

QUESTIONNAIRE

**Étude du retour au pénitencier**  
(Informations manquantes sur SGD pour les détenus libérés en 1993)

**1.1** Échelle d'Information Statistique  
Générale sur la Récidive  
(ISGR)

**1.2** Analyse des Forces et Faiblesses

INSCRIRE COTE

+   -

DOMAINE

GRAVITÉ

infraction actuelle		
age à l'admission		
incarcérations ant.		
révocations ant.		
évasions ant.		
niveau de sécurité		
age 1re condamnation		
condamnations ant. VF		
situation matrimoniale		
intervalle d'exposition		
# de personnes à charge		
peine totale		
condamnations ant. IS		
condamnations ant. IPE		
situation d'emploi		
total		

dernière infraction	
pattern d'infraction	
comportement surv./inc.	
compétences scol./prof.	
profil de travail	
gestion financière	
relations familiales	
amis	
stabilité émotionnelle	
consommation d'alcool	
usage de drogue	
capacité intellectuelle	
santé	
comportement sexuel	
valeurs et attitudes	

TOTAL



**2. PARTICIPATION AUX PROGRAMMES DURANT LE SÉJOUR EN ÉTABLISSEMENT**  
(selon synthétisé dans RREC en vue des libérations)

	(Cochez) <u>Cours</u>	<u>Fin Prématurée</u>		
		oui	non	pas d'info
<b>PROGRAMME D'ACQUISITION DE COMPÉTENCES PSYCHOSOCIALES (1-6)</b>				
01.	apprentissage cognitif des compétences	_____	___	___
02.	vivre sans violence	_____	___	___
03.	compétences familiales et parentales	_____	___	___
04.	maîtrise de la colère et des émotions	_____	___	___
05.	orientation aux loisirs	_____	___	___
06.	compétences liées à l'intégration comm.	_____	___	___
<b>TOXICOMANIE (7-9)</b>				
07.	toxicomanie primaire	_____	___	___
08.	toxicomanie secondaire	_____	___	___
09.	toxicomanie tertiaire	_____	___	___
<b>VIOLENCE FAMILIALE (10)</b>				
10.		_____	___	___
<b>DÉLINQUANCE SEXUELLE (11)</b>				
11.		_____	___	___
<b>FORMATION (12-18)</b>				
12.	alphabétisation (sec IV)	_____	___	___
13.	secondaire V	_____	___	___
14.	collégial	_____	___	___
15.	universitaire	_____	___	___
16.	formation spécialisée	_____	___	___
17.	formation semi-spécialisée	_____	___	___
18.	formation professionnelle	_____	___	___
<b>DÉVELOPPEMENT DE L'EMPLOYABILITÉ (19-21)</b>				
19.	préparation à l'emploi (curriculum vitae)	_____	___	___
20.	services de placement	_____	___	___
21.	stages d'intégration au travail	_____	___	___

3. ÉCHELLE D'ÉVALUATION DU RISQUE ET DES BESOINS DANS LA COLLECTIVITÉ (Initiale)

01. Date	an-ms-jr -- -- --
02. Aptitudes scolaires / professionnelles	—
1. aucun problème	
2. difficultés mineurs	
3. graves difficultés	
03. Situation de l'emploi	—
1. stable	
2. aucun problème	
3. problèmes mineurs d'adaptation	
4. graves problèmes d'adaptation	
04. Gestion financière	—
1. efficace	
2. aucun problème	
3. problèmes mineurs	
4. problèmes graves	
05. Relations matrimoniales ou familiales	—
1. stable	
2. aucun problème	
3. problème occasionnel	
4. très instable	
06. Fréquentations ou autres relations importantes	—
1. non criminelles et (ou) favorables	
2. général non criminelles et (ou) favorables	
3. parfois criminelles et (ou) néfastes	
4. général criminelles et (ou) néfastes	
07. Logement	—
1. satisfaisant	
2. aucun problème	
3. changements occasionnels	
4. changements fréquents	
08. Stabilité comportementale ou affective	—
1. aucun problème	
2. besoin modéré d'aide	
3. besoin manifeste d'aide	
09. Consommation d'alcool	—
1. aucun problème	
2. problèmes moyens	
3. consommation fréquente	
10. Consommation de drogues	—
1. aucun problème	
2. problèmes moyens	
3. consommation fréquente	
11. Aptitude mentale	—
1. fonction de façon indépendante	
2. déficiences n'excluent pas l'indépendance	
3. déficiences restreignent l'indépendance	
12. Santé	—
1. aucun problème	
2. problèmes moyens	
3. problèmes sérieux	
13. Attitude générale	—
1. réagit bien	
2. bien disposé	
3. pas bien disposé	
4. mal disposé	
14. Besoins spéciaux	—
1. délinquant sexuel	
2. troubles mentaux	
3. autres	
15. Évaluation générale des Besoins	—
1. faibles	
2. moyens	
3. élevés	
16. Évaluation du Risque	—
1. faible	
2. élevé	
17. Niveau de Surveillance avant l'évaluation et après l'évaluation	— par mois — par mois

**4. RECOMMANDATIONS DES AGENTS POUR CHAQUE PERIODE DE SUPERVISION (RREC's)**

**UNE PAGE par PERIODE DE SUPERVISION ... du \_\_\_-\_\_\_-\_\_\_ au \_\_\_-\_\_\_-\_\_\_**

01. Date du RREC an-ms-jr  
\_\_\_-\_\_\_-\_\_\_

02. Conditions Particulières (cochez les conditions) Recommandées/Enterinées
- |  |   |   |    |
|--|---|---|----|
| 0. aucune condition particulière                             | — | — | 0  |
| 1. s'abstenir usage intoxicants                              | — | — | 1  |
| 2. s'abstenir usage d'alcool                                 | — | — | 2  |
| 3. s'abstenir usage drogue                                   | — | — | 3  |
| 4. counseling psychiatrique                                  | — | — | 4  |
| 5. counseling psychologique                                  | — | — | 5  |
| 6. interdiction personnes judiciarisées                      | — | — | 6  |
| 7. non fréquentation débits de boisson                       | — | — | 7  |
| 8. se soumettre à une évaluation psychologique ou traitement | — | — | 8  |
| 9. se soumettre à la prise d'échantillon d'urine             | — | — | 9  |
| 10. demeurer dans tout CCC/CRC                               | — | — | 10 |
| 11. autre  | — | — | 11 |

03. Recommandations (cochez plus qu'une si nécessaire -  
EX. semi-liberté accordée, libération cond. totale refusée)

- |   |   |    |
|---|---|----|
| 0. changement aux conditions                          | — | 0  |
| 1. semi-liberté projet refusée                        | — | 1  |
| 2. semi-liberté projet accordée/prolongée             | — | 2  |
| 3. semi-liberté refusée                               | — | 3  |
| 4. semi-liberté accordée/prolongée                    | — | 4  |
| 5. libération conditionnelle (expéditif) non-ordonnée | — | 5  |
| 6. libération conditionnelle (expéditif) ordonnée     | — | 6  |
| 7. libération conditionnelle totale refusée           | — | 7  |
| 8. libération conditionnelle totale accordée          | — | 8  |
| 9. RREC en vue d'une libération d'office              | — | 9  |
| 10. libération d'office avec ordonnance de résidence  | — | 10 |
| 11. maintien en incarcération                         | — | 11 |
| 12. pas d'info  | — | 12 |

04. Enquête Communautaire pour trouver une place dans CRC/CHC

	date demandé an-ms-jr	date complété an-ms-jr	la ressource à refusé le détenu (Oui/Non)
	___-___-___	___-___-___	___
	___-___-___	___-___-___	___
	___-___-___	___-___-___	___

05. **SI** Semi-liberté Durée recommandée \_\_\_ (mois)

06. **SI** Libération Cond. Renonciation d'examen (Oui/Non)  
Report d'examen \_\_\_  
Report d'audience \_\_\_

07. **SI** Libération Office Renonciation à la libération \_\_\_

5. RECOMMANDATIONS DES AGENTS L'HORS D'UNE SUSPENSION (Rapports Spécial)


---


**UNE PAGE par SUSPENSION**

---

01. Date du Rapport Spécial an-ms-jr  
\_\_-\_\_-\_\_
02. Raison de Suspension Si Violations de Conditions  
(cochez les conditions pour lesquelles il y a eu violation)
- |  |      |
|--|------|
| 0. nouvelle(s) accusation(s)                                 | — 0  |
| 1. s'abstenir usage intoxicants                              | — 1  |
| 2. s'abstenir usage d'alcool                                 | — 2  |
| 3. s'abstenir usage drogue                                   | — 3  |
| 4. counseling psychiatrique                                  | — 4  |
| 5. counseling psychologique                                  | — 5  |
| 6. interdiction personnes judiciarisées                      | — 6  |
| 7. non fréquentation débits de boisson                       | — 7  |
| 8. se soumettre à une évaluation psychologique ou traitement | — 8  |
| 9. se soumettre à la prise d'échantillon d'urine             | — 9  |
| 10. demeurer dans tout CCC/CRC                               | — 10 |
| 11. autre  | — 11 |
03. Recommandations
- |  |     |
|--|-----|
| 0. changement aux conditions                 | — 0 |
| 1. suspension annulée                        | — 1 |
| 2. suspension annulée-remise en lib. retardé | — 2 |
| 3. cessation                                 | — 3 |
| 4. révocation                                | — 4 |
| 5. pas d'info                                | — 5 |
04. Conditions (cochez la nouvelle liste de conditions)
- |  |      |
|--|------|
| 0. aucun changement proposé                                  | — 0  |
| 1. s'abstenir usage intoxicants                              | — 1  |
| 2. s'abstenir usage d'alcool                                 | — 2  |
| 3. s'abstenir usage drogue                                   | — 3  |
| 4. counseling psychiatrique                                  | — 4  |
| 5. counseling psychologique                                  | — 5  |
| 6. interdiction personnes judiciarisées                      | — 6  |
| 7. non fréquentation débits de boisson                       | — 7  |
| 8. se soumettre à une évaluation psychologique ou traitement | — 8  |
| 9. se soumettre à la prise d'échantillon d'urine             | — 9  |
| 10. demeurer dans tout CCC/CRC                               | — 10 |
| 11. autre  | — 11 |

**ANNEXE II**  
**CSC SCALES USED IN QUESTIONNAIRE**





Correctional Service Canada  
Service Correctionnel Canada

PERSONAL INFORMATION BANK - FICHIER DE RENSEIGNEMENTS PERSONNELS

PUT AWAY ON FILE  
CLASSER AU DOSSIER

See reverse  
Voir au verso

FP# Number  
Numéro GED

Former Name  
Nom de famille

Given Name(s)  
Prénom(s)

Date of birth  
Date de naissance

**FORCE FIELD ANALYSIS OF NEEDS**  
**ANALYSE DES BESOINS EN FONCTION DES FORCES ET FAIBLESSES**

PROTECTED WHEN COMPLETED  
PROTÉGÉ LORS QU'IL EST REMPLI

NOTE: Refer to instructions on reverse.  
NOTE: Voir les instructions au verso.

Completing Operational Unit - Unité opérationnelle ayant rempli le dossier

Current Institution or Address - Adresse ou établissement actuel

STRATEGY GROUP  
METHODE ADEQUATE

EI     OC     ES     LS

**FORCE FIELD ANALYSIS:** Identify the strengths and weaknesses that pertain to each area listed below. Determine and rank the 4 most important problem areas.

**ANALYSE DES FORCES ET FAIBLESSES:** Indiquer les points forts et les points faibles pour chacun des domaines inscrits ci-dessous. Parmi ces problèmes, indiquer par ordre de priorité les quatre d'entre eux les plus importants.

Strength/Resource Qualité et ressources	Area Domaine	Problem/Weakness Problèmes et faiblesses	Rank Gravité
	Present Other Dernière Institution		
	Other Person Person d'Institution		
	Response to supervisor/ Incarcération Comportement sous surveillance ou en incarcération		
	Activities/ Vie sociale Social Compétences académiques et professionnelles		
	Employment Emploi Type		
	Physical Mental Mental Health		
	Relationships Relations Relations familiales et conjugales		
	Colleagues Amis		
	Emotional Stabilité Stabilité émotionnelle		
	Attitude Usage Conscience d'objet		
	Drug Alcohol Usage de drogue		
	Moral Ability Capacité morales		
	Health Santé		
	Security Behavior Comportement sécuritaire		
	Values Attitudes Valeurs et attitudes		

Completed by - Rempli par

Tiño - Titre

Date

Y A M D J

Supervisor - Signature - Surveillant

Date

Y A M D J

CSC/SCC 826 (R. 00-05)  
7530-21-600-4286

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Dossier du dossier

Force Field Analysis of Needs (CSC 826) Sheet 1  
Formule d'Analyse des besoins en fonction des forces et faiblesses (SCC 826) Feuille 1

Correctional Service Canada / Service correctionnel Canada

COMMUNITY RISK/ NEEDS MANAGEMENT SCALE

ÉCHELLE D'ÉVALUATION DU RISQUE ET DES BESOINS DANS LA COLLECTIVITÉ

PROTECTED / PROTÉGÉE A B C ONCE COMPLETED / UNE FOIS REMPLIE

PERSONAL INFORMATION BANK / FICHER DE RENSEIGNEMENTS PERSONNELS

PUT AWAY ON FILE / CLASSER AU DOSSIER

1. Containing operational unit / Unité opérationnelle ayant rédigé le rapport
2. Current institution or address / Adresse ou établissement actuel
7. Release date / Date de libération
8. Warrant expiry date / Date d'expiration du mandat
9. Status on release / Statut à la libération
10. Assessment / Évaluation
11. Date of last assessment / Date de la dernière évaluation
12. Assessed by / Évaluateur
13. Date / Date

CASE NEEDS - BESOINS DU CAS

14. FOR EACH CASE NEEDS AREA, SELECT THE APPROPRIATE ANSWER AND CHECK THE ASSOCIATED BOX. / POUR CHAQUE CATEGORIE DE BESOINS, CHOISIR LA REPONSE APPROPRIÉE ET COCHER LA CASE QUI Y CORRESPOND.

Factors seen as an asset to Community adjustment / Facteurs considérés comme un élément de succès en vue de la réinsertion sociale
No immediate need for improvement / Aucun besoin immédiat d'amélioration
Some need for improvement / Besoin modéré d'amélioration
Considerable need for improvement / Besoin marquant d'amélioration

ACADEMIC / VOCATIONAL SKILLS - APTITUDES SCOLAIRES / PROFESSIONNELLES
No current difficulties / Aucun problème en ce moment
Level of skills causing minor interference / Niveau d'aptitudes causant des difficultés mineures
Level of skills causing serious interference / Niveau d'aptitudes causant de graves difficultés

COMMENTS - COMMENTAIRES:

EMPLOYMENT PATTERN - SITUATION DE L'EMPLOI

Stable pattern of employment / Situation d'emploi stable
Current difficulties / Aucun problème en ce moment
Employment situation causing minor adjustment problems / Situation de l'emploi causant des problèmes mineurs d'adaptation
Employment situation causing major adjustment problems / Situation de l'emploi causant de graves problèmes d'adaptation

COMMENTS - COMMENTAIRES:

FINANCIAL MANAGEMENT - GESTION FINANCIÈRE

Pattern of effective management / Gestion financière efficace
No current difficulties / Aucun problème en ce moment
Situational or minor difficulties / Problèmes situationnels ou mineurs
Severe difficulties / Problèmes graves

COMMENTS - COMMENTAIRES:

MARITAL / FAMILY RELATIONSHIPS - RELATIONS MATRIMONIALES OU FAMILIALES

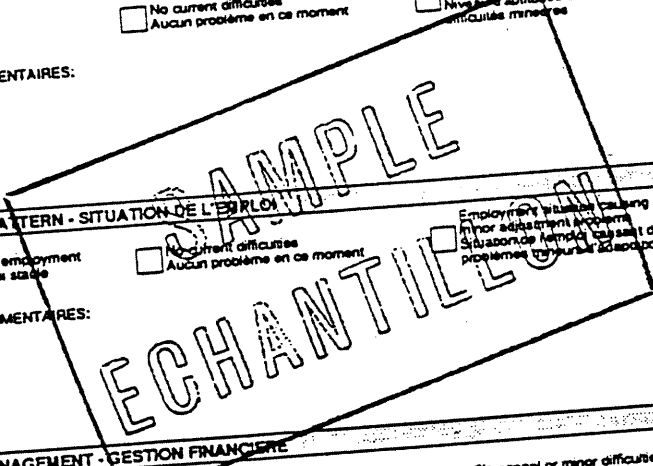
Pattern of stable and supportive relationships / Relations stables et favorables
No current difficulties / Aucun problème en ce moment
Occasional instability in relationships / Instabilité occasionnelle dans les relations
Very unstable pattern of relationships / Très instable

COMMENTS - COMMENTAIRES:

COMPANIONS / SIGNIFICANT OTHERS - FRÉQUENTATIONS OU AUTRES RELATIONS IMPORTANTES

Pattern of non-criminal and/or positive associations / Relations non criminelles et (ou) favorables
Mostly non-criminal and/or positive associations / Relations en général non criminelles et (ou) favorables
Some criminal and/or negative associations / Relations parfois criminelles et (ou) négatives
Mostly criminal and/or negative associations / Relations en général criminelles et (ou) négatives

COMMENTS - COMMENTAIRES:





PROTECTED / PROTÉGÉE A  B  C  ONCE COMPLETED / UNE FOIS REMPLIE

**LIVING ARRANGEMENTS - LOGEMENT**

- |   |   |   |  |
|---|---|---|--|
| <input type="checkbox"/> Pattern of satisfactory living arrangements<br>Logement satisfaisant | <input type="checkbox"/> No current difficulties<br>Aucun problème en ce moment | <input type="checkbox"/> Occasional changes in residence, or temporary situated<br>Changements occasionnels de résidence ou logement temporaire | <input type="checkbox"/> Frequent changes in residence, or no permanent address<br>Changements fréquents de résidence ou aucune adresse permanente |
|---|---|---|--|

COMMENTS - COMMENTAIRES:

**BEHAVIORAL / EMOTIONAL STABILITY - STABILITE COMPORTEMENTALE OU AFFECTIVE**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> No current difficulties<br>Aucun problème en ce moment | <input type="checkbox"/> Behavioral/emotional problems that indicate some need for assistance<br>Problèmes comportementaux ou affectifs indiquant un besoin modéré d'aide | <input type="checkbox"/> Severe behavioral/emotional problems that indicate significant need for assistance<br>Problèmes comportementaux ou affectifs graves indiquant un besoin manifeste d'aide |
|---|---|---|

COMMENTS - COMMENTAIRES:

**ALCOHOL USAGE - CONSOMMATION D'ALCOOL**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> No current difficulties<br>Aucun problème en ce moment | <input type="checkbox"/> Some alcohol usage causing moderate adjustment problems<br>Consommation d'alcool causant des problèmes moyens d'adaptation | <input type="checkbox"/> Frequent or uncontrolled usage causing serious adjustment problems<br>Consommation fréquente ou sans contrôle causant de graves problèmes d'adaptation |
|---|---|---|

COMMENTS - COMMENTAIRES:

**DRUG USAGE - CONSOMMATION DE DROGUES**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> No current difficulties<br>Aucun problème en ce moment | <input type="checkbox"/> Some drug usage causing moderate adjustment problems<br>Consommation de drogues causant des problèmes moyens d'adaptation | <input type="checkbox"/> Frequent or uncontrolled usage causing serious adjustment problems<br>Consommation fréquente ou sans contrôle causant de graves problèmes d'adaptation |
|---|--|---|

COMMENTS - COMMENTAIRES:

**MENTAL ABILITY - APTITUDE MENTALE**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Able to function independently<br>Capable de fonctionner de façon indépendante | <input type="checkbox"/> Deficiencies limit but do not prohibit independent functioning<br>Des déficiences restreignent mais n'excluent pas l'indépendance | <input type="checkbox"/> Deficiencies severely limit independent functioning<br>Des déficiences restreignent considérablement l'indépendance |
|---|--|--|

COMMENTS - COMMENTAIRES:

**HEALTH - SANTE**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> No current difficulties | <input type="checkbox"/> Physical handicap or illness that interferes functioning | <input type="checkbox"/> Serious physical handicap or illness that severely interferes with functioning |
|--|---|---|

COMMENTS - COMMENTAIRES:

**ATTITUDE - ATTITUDE GENERALE**

- |  |  |  |   |
|--|--|--|---|
| <input type="checkbox"/> Actively involved and responding consistently well to assistance<br>Engagé activement et réagit bien à l'aide fournie | <input type="checkbox"/> Motivated to change, receptive to assistance<br>Encouragé à changer, bien disposé à l'égard de l'aide | <input type="checkbox"/> Recognizes problem areas but not receptive to assistance<br>Reconnait ses problèmes mais n'est pas bien disposé à l'égard de l'aide | <input type="checkbox"/> Unable to recognize problem areas and not receptive to assistance<br>Incapable de reconnaître ses problèmes et mal disposé à l'égard de l'aide |
|--|--|--|---|

COMMENTS - COMMENTAIRES:

SAMPLE  
ECHANTILLON

PROTECTED / PROTÉGÉE A  B  C  ONCE COMPLETED / UNE FOIS REMPLI

15. SPECIAL NEEDS - BESOINS SPECIAUX

- Sexual offender / Délinquant sexuel       Mentally disordered / Souffrant de troubles mentaux       Other / Autres

SPECIFY - SPECIFIER:

16. OVERALL CASE NEEDS RATING - EVALUATION GÉNÉRALE DES BESOINS

- Low / Faibles       Medium / Moyens       High / Élevés

COMMENTS - COMMENTAIRES:

17. CRIMINAL HISTORY RISK RATING - EVALUATION DU RISQUE SELON LES ANTECEDENTS CRIMINELS

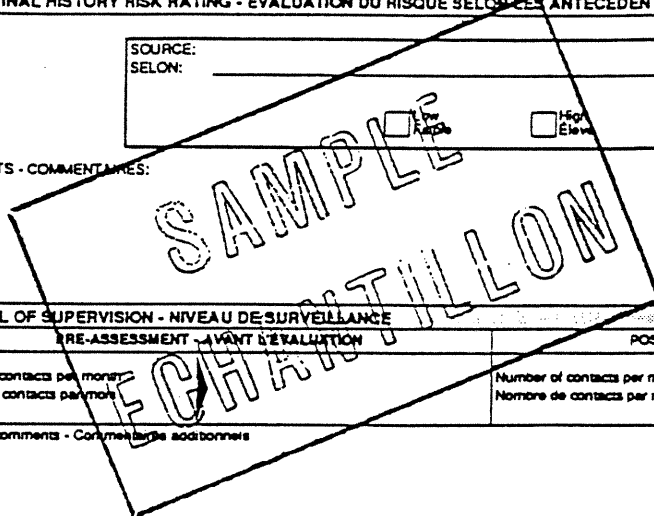
SOURCE:  
SELON: \_\_\_\_\_

Low / Faibles       High / Élevés

COMMENTS - COMMENTAIRES:

18. LEVEL OF SUPERVISION - NIVEAU DE SURVEILLANCE

PRE-ASSESSMENT - AVANT L'ÉVALUATION	POST-ASSESSMENT - APRES L'ÉVALUATION
Number of contacts per month Nombre de contacts par mois	Number of contacts per month Nombre de contacts par mois
Additional comments - Commentaires additionnels	



**ANNEXE III**  
**CSC PROGRAMS AS OUTLINED IN QUESTIONNAIRE**

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## VII. PRIORITY INTERVENTIONS - THE CORE PROGRAM COMPONENTS

The following areas are considered core programs or program areas: living skills programming, substance abuse, sex offender treatment, family violence and literacy. They must be widely available for delivery in institutions and the community, since a vast majority of offenders present needs in one or more of those areas. The ongoing analysis of the information concerning offender needs, which is gained from the intake assessment process, will allow the Service to develop and implement further core programs as needs may dictate.

In order to allow offenders to gain the maximum benefit from the programming areas, there must also be sufficient levels of mental health programs available in the community and institutional settings. Surveys have concluded that significant proportions of the offender population are, at any given point in time, in need of in-patient treatment for a mental disorder and/or are in need of intensive interventions for the treatment of severe substance addiction. Without programs which address mental disorders and severe substance abuse first or concurrently, the potential benefits from the core programs will be limited.

CSC has adopted the cognitive, social learning approach to personal development programming. The model, through a social learning and educational approach, attempts to teach offenders how to think logically, objectively and rationally without over-generalizing blame. It is upon this model that the basis for our major programming interventions, such as living skills programming modules, substance abuse programs, family violence programs, literacy programs and sexual offender programs, have been developed.

The basic component of **Living Skills Programming** is the Cognitive Skills Training module. The involvement of offenders in this component forms the basis for and is often a prerequisite for training/programming in the other more focused areas including Living Without Violence, Family Life/Parenting Skills, Leisure Education, Community Integration, and Anger/Emotion Management. It is believed that the majority of offenders require the training provided by the Cognitive Skills module.

The strategic model employed by CSC for the development and implementation of **Substance Abuse Programs**, involves the

matching of offenders' assessed severity of substance abuse with the appropriate intensity of programming. Low intensity programs (educational) are designed for offenders with minimal alcohol and/or drug related problems, whereas medium intensity programs (treatment) are designed for offenders with more substantial substance abuse problems. Intensive programs are clinical in nature and are designed to address the needs of offenders who demonstrate the most severe substance abuse patterns. The application of the relapse prevention model, both in the institutional and community environments, is being utilized by CSC as an effective means of reinforcing the offender's learning, and designing effective supervision strategies.

The strategy for **Sex Offender Treatment** is the development and delivery of programs to meet the needs of this segment of the offender population both in the institutions and on conditional release. Intensive treatment programs are delivered in the institutions and psychiatric centres, and to ensure that the program gains are retained, correctional staff in minimum security institutions and in the community use relapse prevention techniques to ensure effective supervision. Determination must be made of the "offence cycle"; all persons who play a part in the offender's daily life, such as correctional staff, family members and parole supervisors, must be aware of the crime patterns and understand effective methods of intervention. The strategy calls for an ongoing effort to increase the treatment capacity for sex offenders in the institutional and community environments and to establish the relapse prevention model as an effective basis for the programming and supervision of sex offenders in institutions and for those who have been released to the community.

While **literacy** may not be directly related to criminal behaviour, illiterate individuals are very often also socially unskilled and ill-equipped to cope with daily ordinary life. A strong literacy program is important as a basic social need, as well as to assist the offenders in understanding other program components that will help them reintegrate into the community.

**Family violence** is acknowledged as a pervasive and complex social, health, and criminal problem and is an emerging program area for federal corrections. Studies indicate that family violence problems are widespread among the federal offender population, both as victims and perpetrators.

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**ANNEXE IV**  
**MULTIVARIATE TABLES**

see Note<sup>1</sup>

	Age at Release ( $X^2=19.7$ , $cv=.15$ , $df=2$ , $p<.001$ )		
	less 30	greater 30	
FP	<b>22 %</b> ( 91) 36.0	<b>9 %</b> (162) 64.0	
SR	<b>40 %</b> (165) 52.5	<b>35 %</b> (149) 47.4	
Acc	<b>49 %</b> (150) 52.6	<b>19 %</b> (135) 47.4	
total	<b>41 %</b> (406) 47.6	<b>20 %</b> (446) 52.3	(n=852) 100.0%
POP. total	<b>47 %</b> (529) 48.5	<b>27 %</b> (561) 51.5	(n=1090) 100.0%

	Employed at Arrest ( $X^2=42.8$ , $cv=.26$ , $df=2$ , $p<.001$ )		
	yes	no	
FP	<b>12 %</b> ( 93) 47.2	<b>14 %</b> (104) 52.8	
SR	<b>32 %</b> ( 44) 18.1	<b>38 %</b> (199) 81.9	
Acc	<b>12 %</b> ( 68) 32.4	<b>39 %</b> (142) 67.6	
total	<b>16 %</b> (205) 31.5	<b>33 %</b> (445) 68.5	(n=650) 100.0%
POP. total	<b>21 %</b> (249) 30.3	<b>40 %</b> (572) 69.7	(n=821) 100.0%

<sup>1</sup>The Return Rates are indicated in bold, with the number of offenders in each sub-group indicated in parenthesis (n), followed by the respective row percentages. The given Chi-Square ( $X^2$ ) and Cramer's C coefficient (cv) correspond to the analysis between the 3 release types and the variable in question, respectively indicating whether a significant relationship exists and the strength of that relationship as compared to the other Chi-Square tables (and have nothing to do with Return Rate; that relationship being examined in Table XII).

**Previous Penitentiary Incarcerations** ( $X^2=147.9$ ,  $cv=.29$ ,  $df=4$ ,  $p<.001$ )

	2+	1	none	
FP	19% ( 16) 6.3	17% ( 35) 13.8	11% (202) 79.8	
SR	62% ( 29) 9.2	43% ( 97) 30.9	34% (188) 59.9	
Acc	- ( 0)	- ( 0)	39% (285) 100.0	
total	47% ( 45) 5.3	36% (132) 15.5	29% (675) 79.2	(n=852) 100.0%
POP. total	57% ( 63) 5.8	49% (190) 17.4	33% (837) 76.8	(n=1090) 100.0%

**Previous Custodial Sentences** ( $X^2=38.4$ ,  $cv=.17$ ,  $df=4$ ,  $p<.001$ )

	3+	1-2	none	
FP	16% ( 68) 34.5	15% ( 61) 31.0	9% ( 68) 34.5	
SR	43% (136) 56.0	33% ( 70) 28.9	22% ( 37) 15.1	
Acc	46% ( 71) 33.8	38% ( 66) 31.4	7% ( 73) 34.8	
total	37% (275) 42.0	29% (197) 30.3	11% (178) 27.4	(n=650) 100.0%
POP. total	48% (357) 43.5	34% (241) 29.3	14% (223) 27.2	(n=821) 100.0%

**Age at 1st Penitentiary Term** ( $X^2=53.9$ ,  $cv=.25$ ,  $df=2$ ,  $p<.001$ )

	less 30	greater/equal 30	
FP	17% (138) 54.5	9% (115) 45.4	
SR	44% (243) 80.6	20% ( 61) 19.4	
Acc	48% (162) 56.8	17% (123) 43.2	
total	39% (553) 64.9	14% (299) 35.1	(n=852) 100.0%
POP. total	45% (723) 66.3	21% (367) 33.7	(n=1090) 100.0%



**Age at First Adult Conviction** ( $X^2=38.0$ ,  $cv=.24$ ,  $df=2$ ,  $p<.001$ )

	less 23	greater/equal 23	
FP	17 % (112) 56.8	8 % ( 85) 43.2	
SR	40 % (194) 79.8	22 % ( 49) 20.2	
Acc	45 % (116) 55.2	12 % ( 94) 44.8	
total	35 % (422) 64.9	13 % (228) 35.1	(n=650) 100.0%
POP. total	42 % (546) 66.5	18 % (275) 33.5	(n=821) 100.0%

**Initial Sentence Length** ( $X^2=50.5$ ,  $cv=.17$ ,  $df=4$ ,  $p<.001$ )

	10+	3-10	2-3	
FP	14 % ( 21) 8.3	8 % (133) 52.6	21 % ( 99) 39.1	
SR	0 % ( 3) 1.0	40 % (112) 35.7	39 % (199) 63.4	
Acc	0 % ( 5) 2.0	22 % (125) 43.9	46 % (155) 54.4	
total	10 % ( 29) 3.4	22 % (370) 43.4	38 % (453) 53.2	(n=852) 100.0%
POP. total	8 % ( 61) 5.6	34 % (513) 47.1	44 % (516) 47.3	(n=1090) 100.0%

**Prime Term Offence** ( $X^2=297.7$ ,  $cv=.42$ ,  $df=8$ ,  $p<.001$ )

	Violent	Drugs	Other	Robbery	Property
FP	5 % ( 56) 22.4	6 % ( 51) 20.4	0 % ( 20) 8.0	19 % ( 78) 31.2	29 % ( 45) 18.0
SR	14 % ( 42) 13.5	22 % ( 23) 7.4	32 % ( 38) 12.2	47 % (123) 39.4	48 % ( 86) 27.6
Acc	- ( 0)	17 % (143) 50.5	23 % ( 31) 10.9	- ( 0)	61 % (109) 38.5
tot.	9 % ( 98) 11.6	15 % (217) 25.7	21 % ( 89) 10.5	36 % (201) 23.8	50 % (240) 28.4
POP. tot.	12 % (148) 13.7	19 % (241) 22.3	27 % (103) 9.5	49 % (289) 26.7	55 % (301) 27.8

**Schedule Offense** ( $X^2=355.5$ ,  $cv=.46$ ,  $df=6$ ,  $p<.001$ )

	Schedule I	Schedule II	both	none	Schedule
FP	<b>13 %</b> (154) 61.4	<b>4 %</b> ( 47) 18.7	<b>13 %</b> ( 15) 6.0	<b>29 %</b> ( 35) 13.9	
SR	<b>40 %</b> (188) 60.3	<b>17 %</b> ( 18) 5.8	<b>42 %</b> ( 12) 3.8	<b>41 %</b> ( 94) 30.1	
Acc	<b>50 %</b> ( 2) 0.7	<b>17 %</b> (146) 52.0	<b>50 %</b> ( 2) 0.7	<b>53 %</b> (133) 47.3	
total	<b>30 %</b> (344) 40.7	<b>14 %</b> (211) 24.9	<b>27 %</b> ( 29) 3.4	<b>45 %</b> (262) 31.0	(n=846) 100.0%
POP. total	<b>38 %</b> (495) 45.7	<b>19 %</b> (233) 21.5	<b>52 %</b> ( 44) 4.1	<b>47 %</b> (312) 28.8	(n=1084) 100.0%

**SIR Score** ( $X^2=77.9$ ,  $cv=.24$ ,  $df=4$ ,  $p<.001$ )

	high risk	mid risk	low risk	
FP	<b>29 %</b> ( 17) 8.6	<b>15 %</b> (110) 55.8	<b>7 %</b> ( 70) 35.6	
SR	<b>52 %</b> ( 79) 32.5	<b>33 %</b> (137) 56.4	<b>11 %</b> ( 27) 11.1	
Acc	<b>63 %</b> ( 30) 14.3	<b>40 %</b> ( 97) 46.2	<b>6 %</b> ( 83) 39.5	
total	<b>52 %</b> (126) 19.6	<b>29 %</b> (344) 52.8	<b>7 %</b> (180) 27.5	(n=650) 100.0%
POP. total	<b>62 %</b> (166) 20.2	<b>36 %</b> (439) 53.4	<b>9 %</b> (216) 26.3	(n=821) 100.0%

**Community Needs Rating** ( $X^2=62.2$ ,  $cv=.22$ ,  $df=4$ ,  $p<.001$ )

	low	medium	high	
FP	<b>3 %</b> ( 30) 15.7	<b>11 %</b> (122) 62.6	<b>26 %</b> ( 43) 22.1	
SR	<b>6 %</b> ( 18) 7.7	<b>29 %</b> ( 85) 36.5	<b>39 %</b> (130) 55.8	
Acc	<b>6 %</b> ( 35) 17.6	<b>27 %</b> (107) 53.8	<b>47 %</b> ( 57) 28.6	
total	<b>5 %</b> ( 83) 13.2	<b>22 %</b> (314) 50.1	<b>39 %</b> (230) 36.7	(n=627) 100.0%
POP. total	<b>11 %</b> ( 99) 13.0	<b>26 %</b> (376) 49.3	<b>44 %</b> (287) 37.7	(n=762) 100.0%

**Criminal History Risk** ( $X^2=46.8$ ,  $cv=.27$ ,  $df=2$ ,  $p<.001$ )

	low	high	
FP	<b>11 %</b> ( 95) 49.0	<b>16 %</b> ( 99) 51.0	
SR	<b>23 %</b> ( 53) 22.7	<b>36 %</b> (180) 77.3	
Acc	<b>21 %</b> (103) 51.8	<b>37 %</b> ( 96) 48.2	
total	<b>18 %</b> (251) 40.1	<b>31 %</b> (375) 59.9	(n=626) 100.0%
POP. total	<b>19 %</b> (287) 37.8	<b>38 %</b> (473) 62.2	(n=760) 100.0%

**Community Supervision** ( $X^2=31.2$ ,  $cv=.22$ ,  $df=2$ ,  $p<.001$ )

	< 4 / month	4+ / month	
FP	<b>12 %</b> ( 95) 49.2	<b>16 %</b> ( 98) 50.8	
SR	<b>21 %</b> ( 53) 23.2	<b>37 %</b> (175) 76.8	
Acc	<b>19 %</b> ( 67) 34.0	<b>34 %</b> (130) 66.0	
total	<b>16 %</b> (215) 34.8	<b>31 %</b> (403) 65.2	(n=618) 100.0%
POP. total	<b>20 %</b> (248) 33.1	<b>36 %</b> (502) 66.9	(n=750) 100.0%

**Program Participation** ( $X^2=11.6$ ,  $cv=.09$ ,  $df=6$ ,  $p<.10$ )

	none	1	2	3+	
FP	<b>16 %</b> ( 68) 31.9	<b>8 %</b> ( 60) 28.2	<b>21 %</b> ( 34) 16.0	<b>8 %</b> ( 51) 23.9	
SR	<b>45 %</b> (107) 41.3	<b>27 %</b> ( 51) 19.7	<b>26 %</b> ( 43) 16.6	<b>33 %</b> ( 58) 22.4	
Acc	<b>30 %</b> ( 92) 41.4	<b>30 %</b> ( 61) 27.5	<b>27 %</b> ( 33) 14.9	<b>39 %</b> ( 36) 16.2	
total	<b>33 %</b> (267) 38.5	<b>22 %</b> (172) 24.8	<b>25 %</b> (110) 15.8	<b>25 %</b> (145) 20.9	(n=694) 100.0%
POP. total	<b>32 %</b> (311) 35.3	<b>34 %</b> (223) 25.3	<b>36 %</b> (155) 17.6	<b>37 %</b> (191) 21.7	(n=880) 100.0%

**# of Additional Supervision Conditions** ( $X^2=14.8$ ,  $cv=.11$ ,  $df=4$ ,  $p<.01$ )

	none	1-2-3	4+	
FP	<b>3 %</b> ( 32) 16.7	<b>15 %</b> (137) 71.3	<b>13 %</b> ( 23) 12.0	
SR	<b>54 %</b> ( 35) 14.6	<b>28 %</b> (170) 70.8	<b>37 %</b> ( 35) 14.6	
Acc	<b>31 %</b> ( 16) 8.2	<b>26 %</b> (132) 68.0	<b>50 %</b> ( 46) 23.7	
total	<b>30 %</b> ( 83) 12.7	<b>23 %</b> (439) 69.5	<b>38 %</b> (104) 16.5	(n=632) 100.0%
POP. total	<b>41 %</b> (104) 13.3	<b>28 %</b> (533) 68.3	<b>44 %</b> (143) 18.3	(n=780) 100.0%

**Security Level** ( $X^2=171.1$ ,  $cv=.33$ ,  $df=4$ ,  $p<.001$ )

	minimum	medium	maximum	
FP	<b>13 %</b> (140) 55.8	<b>15 %</b> (108) 43.8	<b>0 %</b> ( 3) 0.4	
SR	<b>27 %</b> ( 77) 24.5	<b>41 %</b> (164) 52.2	<b>47 %</b> ( 73) 23.2	
Acc	<b>26 %</b> (193) 67.7	<b>51 %</b> ( 89) 31.2	<b>100 %</b> ( 3) 1.1	
total	<b>18 %</b> (410) 48.2	<b>36 %</b> (361) 42.5	<b>47 %</b> ( 79) 9.3	(n=850) 100.0%
POP. total	<b>22 %</b> (357) 46.4	<b>36 %</b> (335) 43.6	<b>47 %</b> ( 77) 10.0	(n=769) 100.0%

**Postponements / Waivers** ( $X^2=53.7$ ,  $cv=.25$ ,  $df=2$ ,  $p<.001$ )

	NO	YES	
FP	<b>10 %</b> (228) 90.1	<b>35 %</b> ( 25) 9.9	
SR	<b>32 %</b> (215) 68.5	<b>56 %</b> ( 99) 31.5	
Acc	<b>33 %</b> (249) 87.4	<b>74 %</b> ( 36) 12.6	
total	<b>25 %</b> (692) 81.2	<b>57 %</b> (160) 18.8	(n=852) 100.0%
POP. total	<b>29 %</b> (837) 76.8	<b>64 %</b> (253) 23.2	(n=1090) 100.0%

**ANNEXE V**  
**REPRODUCED TABLES V-VIII**

**Table V**  
**Social Characteristics**  
**1st Releases from Quebec Penitentiaries: 1993**

	n	%	Return Rate
<b>Age at admission</b>			
- less than 22	178	16.3	42.1%
- 22 to 25	232	21.3	48.3%
- 26 to 29	213	19.5	41.8%
- 30 to 34	198	18.2	28.8%
- 35 to 39	120	11.0	34.2%
- 40 to 49	112	10.3	20.5%
- greater than 49	37	3.4	16.2%
	1090		( $X^2=42.8$ , $p<.001$ )
<b>Age at release</b>			
- less than 22	89	8.2	47.2%
- 22 to 25	217	19.9	46.5%
- 26 to 29	223	20.5	47.5%
- 30 to 34	232	21.3	30.2%
- 35 to 39	146	13.4	28.8%
- 40 to 49	135	12.4	25.9%
- greater than 49	48	4.4	14.6%
	1090		( $X^2=49.4$ , $p<.001$ )
<b>Marital Status</b>			
- single	552	50.8	45.1%
- separated	27	2.5	18.5%
- divorced	70	6.4	24.3%
- common law	340	31.3	35.3%
- married	98	9.0	11.2%
	1087 (missing=3)		( $X^2=52.7$ , $p<.001$ )
<b>Employed at moment of arrest (from SIR)</b>			
- yes	249	30.3	21.3%
- no/unknown	572	69.7	40.0%
	821 (missing=269)		( $X^2=27.0$ , $p<.001$ )

**Table VI**  
**Penal Characteristics**  
**1st Releases from Quebec Penitentiaries: 1993**

	n	%	Return Rate
<b>Previous Penitentiary Sentences</b>			
- 0	837	76.8	32.7%
- 1	190	17.4	48.9%
- 2 +	63	5.8	57.1%
	1090		( $X^2=29.1$ , $p<.001$ )
<b>Previous Custodial Sentences (from SIR)</b>			
- none	223	27.2	13.9%
- 1 to 2	241	29.3	33.6%
- 3 to 4	227	27.6	46.7%
- 5 +	130	15.8	49.2%
	821 (missing=269)		( $X^2=69.5$ , $p<.001$ )
<b>Age at 1st Penitentiary Term</b>			
(- less than 23	365	33.4)	
- less than 22	291	26.7	47.1%
- 22 to 25	261	23.9	45.2%
- 26 to 29	171	15.7	42.1%
- 30 to 34	169	15.5	23.7%
- 35 to 39	87	8.0	20.7%
- 40 to 49	81	7.4	18.5%
- 50 +	30	2.7	10.0%
	1090		( $X^2=66.2$ , $p<.001$ )
<b>Age at 1st Adult Conviction (from SIR)</b>			
- less than 19	254	30.9	45.3%
- 19 to 22	292	35.6	39.7%
- 23 to 30	170	20.7	22.9%
- 31 to 40	67	8.2	14.9%
- 41 to 49	22	2.7	9.1%
- 50 +	16	1.9	0.0%
	821 (missing=269)		( $X^2=52.8$ , $p<.001$ )
<b>Time-at-Large since last Penitentiary</b>			
- lt 6 months	54	21.4	50.0%
- 6 < 12 months	32	12.7	68.7%
- 1 < 2 years	48	19.0	58.3%
- 2 < 3 years	28	11.1	53.6%
- 3 < 4 years	21	8.3	47.6%
- 4+ years	69	27.4	37.7%
	252 (missing=1)		( $X^2=10.2$ , $p< ***$ NS)
<b>Length of Previous Pen. Sentence (longest)</b>			
- 2 < 3 years	93	38.1	59.1%
- 3 < 4 years	60	24.6	51.7%
- 4 < 5 years	28	11.5	46.4%
- 5 < 7 years	28	11.5	46.4%
- 7 < 10 years	24	9.8	45.8%
- 10+ years	11	4.5	18.2%
	244 (missing=9)		( $X^2=7.9$ , $p< ***$ NS)

**Table VII (A)**  
**Incarceration Characteristics at Admission**  
**1st Releases from Quebec Penitentiaries: 1993**

	n	%	Return Rate
<b><u>Initial Sentence Length</u></b>			
- 2 < 3 years	516	47.3	43.8%
- 3 < 4 years	258	23.7	33.7%
- 4 < 5 years	116	10.6	41.4%
- 5 < 7 years	101	9.3	29.7%
- 7 < 10 years	38	3.5	18.4%
- 10+ years	38	3.5	7.9%
- life	23	2.1	8.7%
	1090		( X <sup>2</sup> =42.0, p<.001 )
<b><u>Aggregate Sentence Length</u></b>			
- 2 < 3 years	427	39.2	35.6%
- 3 < 4 years	277	25.4	36.1%
- 4 < 5 years	136	12.5	47.1%
- 5 < 7 years	120	11.0	39.2%
- 7 < 10 years	58	5.3	43.1%
- 10+ years	49	4.5	26.5%
- life	23	2.1	8.7%
	1090		( X <sup>2</sup> =17.7, p<.01 **)
<b><u>Prime Term Offense</u></b>			
- Murder/Manslaughter/Attempted	60	5.6	10.0%
- Sexual	88	8.1	13.6%
- Robbery	289	26.7	49.1%
- Break & Enter	240	22.2	53.3%
- Drugs	241	22.3	19.5%
- Assault	34	3.1	29.4%
- Property	61	5.6	60.7%
- Other	69	6.4	26.1%
	1082 (missing=8)		( X <sup>2</sup> =135.8, p<.001)
<b><u>Schedule I/II Offenses</u></b>			
- none Schedule offenses	312	28.8	47.1%
- Schedule I	495	45.7	37.8%
- Schedule II	233	21.5	18.9%
- both	44	4.1	52.3%
	1084 (missing=6)		( X <sup>2</sup> =51.0, p<.001 )



Table VII (B)  
 Incarceration Characteristics: CSC/NPB Tools & Programs Followed  
 1st Releases from Quebec Penitentiaries: 1993

	n	%	Return Rate
<b>SIR score</b>			SIR predicted
- lowest risk	216	26.3	(20%) 8.8%
- moderate risk	146	17.8	(33%) 30.8%
- mid risk	164	20.0	(50%) 38.4%
- High risk	129	15.7	(60%) 40.3%
- Highest risk	166	20.2	(66%) 62.0%
	821 (missing=269)		( $X^2=123.1$ , $p<.001$ )
<b>Offenders Top Ranked Problems</b>			
- last offence	37	4.3	16.2%
- pattern of offenses	22	2.0	36.4%
- behaviour (incarceration/parole)	8	0.7	50.0%
- educational/professional	366	43.1	33.6%
- employment profile	241	28.3	34.4%
- financial management	147	17.3	28.6%
- family relations	145	17.1	26.9%
- friends	213	25.1	25.3%
- emotional stability	492	57.9	33.1%
- alcohol consumption	209	24.6	31.1%
- drug usage	286	33.6	38.5%
- intellectual capacity	11	1.3	18.2%
- health	27	3.2	29.6%
- sexual behaviour	53	6.2	15.1%
- values & attitudes	468	55.1	33.8%
(* % out of 850 offenders)			
<b>Community Needs Rating</b>			
- low	99	13.0	11.1%
- medium	376	49.3	26.1%
- high	287	37.7	43.9%
	762 (missing=328)		( $X^2=45.0$ , $p<.001$ )
<b>Criminal History Risk Rating</b>			
- low	287	37.8	19.5%
- high	473	62.2	37.8%
	760 (missing=330)		( $X^2=28.1$ , $p<.001$ )
<b>Community Supervision required</b>			
- once / month	33	4.4	9.1%
- twice / month	215	28.7	21.4%
- four / month	492	65.6	35.4%
- 6/8 / month	10	1.3	50.0%
	750 (missing=340)		( $X^2=25.2$ , $p<.001$ )
<b>Participation in Institutional Programs</b>			
- Living Skills	245	27.8	40.8%
- Substance Abuse	324	36.8	39.2%
- Family Violence	38	4.3	31.6%
- Sexual Delinquency	38	4.3	26.3%
- Literacy	139	15.8	37.4%
- Educational/Vocational	118	13.4	32.2%
- Employability Develop.	84	9.5	40.5%
(* % out of 880 offenders)			
<b>Total Program Participation</b>			
- 0 programs followed	311	35.3	31.8%
- 1 program followed	223	25.3	33.6%
- 2 programs followed	155	17.6	36.1%
- 3+ programs followed	191	21.7	36.6%
	880		( $X^2=1.6$ , $p< ***$ NS)

**Table VIII (A)**  
**1st Release and Definite Conditional Release Type**  
**1st Releases from Quebec Penitentiaries: 1993**

	n	%	Return Rate
<b><u>1st Release Type</u></b>			
- Day Parole	663	60.8	32.9%
- Accelerated Parole	163	14.9	50.9%
- Full Parole	59	5.4	18.6%
- Statutory Release	196	18.0	46.4%
- Warrant-Expiry	9	0.8	0.0%
	1090		( $X^2=39.7$ , $p<.001$ )
<b><u>Definite Conditional Releases Following Day Parole</u></b>			
- Accelerated Parole	122	28.1	13.1%
- Full Parole	194	44.7	11.9%
- Statutory Release	118	27.2	27.1%
	434		( $X^2=13.8$ , $p<.001$ )
<b><u>Definite Conditional Releases (All)</u></b>			
- Accelerated Parole	285	33.4	34.7%
- Full Parole	253	29.7	13.4%
- Statutory Release	314	36.8	39.2%
	852		( $X^2=48.6$ , $p<.001$ )

Table VIII (B)  
 Conditional Release Process Variables  
 1st Releases from Quebec Penitentiaries: 1993

	Day Parole Releases (n=663)			Definite Conditional Releases (n=852)		
	n	%	RR	n	%	RR
<b>% Sentence Served</b>						
- before 1/3	280	43.7	19.3%	17	2.0	35.3%
- at 1/3 (+-3%)	136	21.2	40.4%	311	36.8	24.8%
- between 1/3 and 2/3	219	34.2	47.5%	194	23.0	24.7%
- at 2/3 (+-3%)	5	0.8	40.9%	276	32.7	36.6%
- after 2/3	1	0.2	100%	46	5.4	47.8%
(excluding life sentences)	641		( $X^2=49.5, p<.001$ )	844		( $X^2=19.5, p<.001$ )
<b>NPB Day Parole / Full Parole Denials</b>						
- none	608	55.9	33.9%	457	42.0	29.0%
- 1	328	30.0	38.4%	378	34.6	46.0%
- 2 +	154	14.1	42.9%	255	23.3	36.1%
	1090		( $X^2=4.9, p< .*** NS$ )	1090		( $X^2=26.0, p<.001$ )
<b>Security Level of Releasing Institution</b>						
- Minimum	390	59.3	26.9%	357	46.4	22.1%
- Medium	250	38.0	40.4%	335	43.6	36.4%
- Maximum	18	2.7	55.6%	77	10.0	46.7%
	658 (missing=5)		( $X^2=16.9, p<.001$ )	769 (missing=83)		( $X^2=26.7, p<.001$ )
<b>Additional Supervision Conditions Imposed at Release</b>						
- 1-abstain from intoxicants	185	36.0	33.5%	173	27.2	29.5%
- 2-abstain from alcohol	55	10.7	25.4%	104	16.4	32.7%
- 3-abstain from drugs	67	13.0	28.4%	145	22.8	33.8%
- 4-psychiatric counselling	7	1.4	14.3%	10	1.6	30.0%
- 5-psychological counselling	125	24.3	29.6%	85	13.4	25.9%
- 6-avoid judicialized persons	283	55.1	28.6%	350	55.1	24.3%
- 7-" drinking establishments	157	30.5	30.6%	166	26.1	24.1%
- 8-psychological treatment	52	10.1	36.5%	49	7.7	42.9%
- 9-submit to urinalysis	18	3.5	33.3%	26	4.1	26.9%
- 10-reside in CRC/CCC	56	11.0	35.7%	98	15.4	40.8%
- 11-other	144	28.0	23.6%	149	23.5	21.5%
			(* % out of 514 offenders, missing=149)			(* % out of 635 offenders, missing=217)
<b>Total Additional Supervision Conditions Imposed</b>						
- none	79	15.4	30.4%	90	14.1	27.8%
- 1	89	17.3	15.7%	127	20.0	20.5%
- 2	121	23.5	28.1%	169	26.6	25.4%
- 3	123	23.9	31.7%	145	22.8	23.4%
- 4 +	105	19.8	31.4%	104	16.4	37.5%
	514 (missing=149)		( $X^2=8.3, p< .*** NS$ )	635 (missing=217)		( $X^2=9.7, p<.05$ )
<b>DP-Length for Successfully Completed Day Parole</b>						
- 1 < 3 months				65	16.0	20.0%
- 3 < 6 months				138	34.0	17.4%
- 6 < 9 months				145	35.7	12.4%
- 9 < 12 months				58	14.3	12.1%
				406		( $X^2=3.0, p< .** NS$ )
<b>Parole Postponed</b>						
- no				894	82.0	31.3%
- once				117	10.7	59.8%
- twice				54	4.9	63.0%
- three + times				25	2.3	76.0%
				1090		( $X^2=70.5, p<.001$ )
<b>Parole Waived</b>						
- no				1013	92.9	34.4%
- yes				77	7.1	70.1
				1090		( $X^2=42.1, p<.001$ )