

THE VANCOUVER SUN

Repeat-offender rate four times higher than reported

Joel Baglole
Vancouver Sun
November 06, 2004

The number of repeat offenders in Canada is nearly four times as high as the official figure issued by the federal government, a Vancouver Sun investigation reveals.

The federal Correctional Service of Canada, which operates 54 prisons nationwide, proudly claims that the rate for criminals incarcerated in its institutions is only 10 per cent.



CREDIT: Ward Perrin, Vancouver Sun Files

Corrections Canada says it don't have the right to keep track of inmates once they leave places like Matsqui Prison and finish probation.

While the figure seems impressive, it excludes some important criteria:

- The 10 per cent refers only to the number of convicted criminals who return to a federal prison within two years of being released into society.
- It does not include people who return to a provincial jail within two years of leaving federal custody.
- It also does not include people who return to any prison after being back in society for three years or longer.

If the number of convicted criminals who return to a federal or a provincial jail within two years of leaving federal custody is included, the rate of recidivism -- repetition of criminal behaviour -- increases nearly four-fold to 37 per cent, according to Corrections Canada.

In some provincial prisons, 50 per cent of inmates are repeat offenders.

Provincial prison terms are given to people sentenced to less than two years in jail. Federal prisons are for people serving sentences greater than two years.

Assessing which criminals are likely to commit multiple crimes, and whether prisons successfully rehabilitate people, is becoming increasingly important as courts divert a growing number of people away from jails and give them conditional sentences to be served in communities. It's also becoming a bigger issue as the provinces and Ottawa struggle to decide how many taxpayer-funded prisons to operate.

However, defining repeat offenders and calculating recidivism rates among convicted criminals is a murky subject, and one where there is little co-ordination or co-operation between provincial and federal branches of the justice system.

Critics say recidivism statistics are deliberately manipulated by the justice system to play down the seriousness of crime in Canadian society, to justify giving convicted criminals early release from jail, and make it appear that prisons are able to successfully reform hardened criminals.

"The corrections system wants to show that it is racking up impressive success rates. And to accomplish that they fudge definitions and skew statistics. It amounts to a campaign of disinformation," says Manitoba MP Vic Toews, justice critic for the federal Conservative party.

"Unfortunately, the corrections system does not think that the Canadian public can handle or understand the complexities of rehabilitating criminals."

Even some proponents of Canada's justice system acknowledge that there are problems with the way recidivism rates are defined and calculated.

"A lot of people will tell you that the official recidivism figures are ridiculously low and don't show the true level of crime. And they're right," says Graham Stewart, executive director of The John Howard Society of Canada, a national charity that helps offenders reintegrate into society. "These short-term figures taken over a two-year period are very useful for people in the justice system to collect. But they don't necessarily paint an accurate picture for the public."

Crime is on the rise in Canada.

The national crime rate rose six per cent in 2003, the first increase in a decade, according to Statistics Canada's Centre for Justice Statistics. The increase was driven largely by a rise in counterfeiting and property crimes. Break ins, motor vehicle thefts and robberies all rose last year. Robberies with a firearm jumped 10 per cent, one of the highest increases. The violent crime rate remained unchanged, although the incidence of homicide and sexual assault fell.

In Vancouver, the overall number of criminal code violations grew 4.5 per cent last year, far ahead of Toronto, which recorded a crime increase of only 0.1 per cent. While the number of violent crimes in Vancouver fell 1.1 per cent in 2003, the number of break and enters increased 3.4 per cent, motor vehicle thefts rose 6.3 per cent and weapons offences grew 6.7 per cent.

One of the major problems with calculating recidivism is that provincial and federal corrections systems don't share information about repeat offenders. Corrections Canada doesn't even know when one of its inmates is sentenced to serve time in a provincial jail after leaving federal custody.

"We wouldn't know if someone served a provincial jail term in between two federal terms until they re-enter the federal system," says Christa McGregor, a spokeswoman at Corrections Canada in Ottawa.

"Right now we don't have the technology to know when someone is sent to a provincial institution," she adds.

Even among the provinces, information-sharing on repeat offenders is limited and strained. Some provincial jails don't collect recidivism statistics, saying too many people are in their institutions for too short a time to keep track of such data. The majority of people are incarcerated in provincial jails fewer than 75 days, according to Statistics Canada.

In B.C., 2,200 people are currently housed in 10 provincial jails. Of those, 39 per cent are labelled repeat offenders. However, B.C. Corrections only considers someone a repeat offender if they are convicted of more than one crime in B.C. A person who has served time in a federal prison in Ontario and a provincial jail in Manitoba, and is then sentenced to a federal or provincial prison in B.C. would not, for statistical purposes, be labelled a repeat offender.

That person would be considered a first-time offender.

"Our definition of recidivism is applied to people who receive a second conviction to a term of correctional supervision or custody in B.C.," says Bruce Bannerman, a spokesman for B.C. Corrections, which is part of the provincial solicitor-general's ministry. "If someone committed a crime in Alberta and then came to B.C. and committed a break and enter, we would count that person as a first offender for the purposes of determining recidivism. That is because we would not have the data available on their crimes in Alberta."

Other problems with tabulating recidivism rates include the fact that many law enforcement agencies and adult courts don't count people's youth criminal records; government-initiated recidivism studies typically follow criminals only during the time they are immediately released from jail and on probation; and most recidivism studies don't consider specific crimes such as theft, rape or murder when calculating people who reoffend. The longest recidivism study conducted by the federal government tracked criminals for two years following their release from jail.

The RCMP and lawyers across Canada have access to people's criminal records, and judges do consider a person's past crimes and number of offences when handing down sentences. People carry their criminal record with them wherever they go in Canada or abroad.

But critics say it is equally important for correctional services and governments to track recidivism rates in order to better understand which prison treatment programs are working and which aren't, and to assess which criminals are fit to be released back into society and which ones should remain behind bars.

Many people who work in the prison system say understanding recidivism trends is becoming critical as more criminals serve their sentences in communities rather than jails, and as convicts automatically get statutory release from prison after serving two-thirds of their sentence. Some critics say it is a public safety issue.

"Accurate recidivism rates should be kept because too many people are getting conditional sentences and avoiding jail. That's supposed to be for first-time offenders, but a lot of people are now getting three or four kicks at the can," says Graham Trotman, chair of the Corrections and Sheriffs Services component of the B.C. Government Employees Union, which represents prison guards in the province.

Conservative MP Randy White (Langley-Abbotsford), vice-chairman of Parliament's committee on illegal drugs says: "I think that the courts aren't handing out long enough sentences. If they kept real recidivism stats, it would confirm peoples' fears that criminals are getting out of prison too early and are not properly prepared to be re-integrated into society."

White adds that corrections services follow criminals to see if they reoffend for short periods because they're only interested in people who break the law while on parole or probation -- the logic being that the system will be blamed if it paroles someone who commits a crime shortly after release. White, and other critics, say there's no real incentive for prisons to accurately calculate how likely people are to reoffend after being incarcerated.

"Recidivism rates are a report card for the corrections system," says Robert Gordon, director of the school of criminology at Simon Fraser University. "They're not a report card for the police. They're not a report card for the courts. They're a report card for the prisons and the corrections system."

But McGregor, with Corrections Canada in Ottawa, says the justice system doesn't have the right to keep tabs on people once they're released from jail and complete their probation.

"Corrections Canada has no legal jurisdiction after a person reaches their warrant expiry date. After that people are free," she says.

The John Howard Society's Stewart would like to see better statistics kept but he acknowledges that doing so would be an expensive and time-consuming task.

"I would love it if there was better data out there and if they did a better job of tracking recidivism rates," he says. "But that would be a huge undertaking. You have thousands of people passing through the system every year, many of them for short periods of time. Most people aren't in the system long enough to be assessed. In many ways, especially at the provincial level, it's a revolving door."

Still, many critics are lobbying Corrections Canada to co-ordinate with the provinces and develop a national database that tracks repeat offenders at all levels of the justice system. They also want the government to do a better job of categorizing repeat offenders based on the crimes they commit.

"The biggest problem is that we don't have a lot of courtroom data and statistics," says Neil Boyd a professor of criminology at Simon Fraser University who specializes in male violence.

"We could use a lot more data so that our analysis is more accurate and beneficial. And that can start with the provinces and federal government. There should be better collaboration between the provincial and federal systems."

RETURN TO PRISON

In both the B.C. and the federal prison systems, there is one repeat prisoner for every 1.6 first-timers.

That means 39 per cent are repeat offenders.

Federal repeaters 4,798

B.C. repeaters 858

PRISON MATH

Estimates on the number of repeat offenders in Canada depends on who you count.

10% - Criminals who return to a federal prison within two years of release from a federal jail. This figure does not include people sentenced to a provincial prison within two years of release from a federal penitentiary.

37% - Criminals who return to a federal or provincial prison within two years of release from a federal prison.

39% - Criminals in B.C. prisons who are labelled repeat offenders. This figure does not include people who have served time in federal or provincial jails outside B.C.

62% - Those convicted in adult criminal court who have been previously convicted at least once in youth court.

Sources: The Correctional Service of Canada, the B.C. Ministry of Public Safety and Solicitor-General, Statistics Canada.

BACK BEHIND BARS

The number of federal prisoners and the percentage who are repeat offenders by region.

PACIFIC

Total in federal prisons: 1,835

Repeat offenders: 670

Percentage of repeat offenders: 36.5%

ONTARIO

Total in federal prisons: 3,349

Repeat offenders: 1,053

Percentage of repeat offenders: 31.5%

ATLANTIC

Total in federal prisons: 1,227

Repeat offenders: 614

Percentage of repeat offenders: 50%

PRAIRIES

Total in federal prisons: 2,902

Repeat offenders: 1,193

Percentage of repeat offenders: 41.1%

QUEBEC

Total in federal prisons: 3,106

Repeat offenders: 1,268

Percentage of repeat offenders: 40.8%

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