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LONG TERM IMPRISONMENT IN CANADA

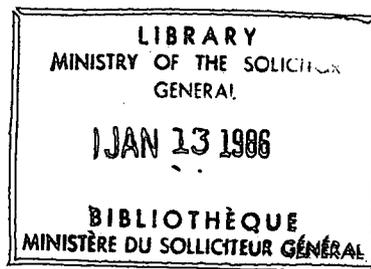
Working Paper No. 1
An Overview of the Long Term Prisoner Population and
Suggested Directions For Further Research

Canada



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LONG TERM IMPRISONMENT IN CANADA

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Suggested Directions For Further Research

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Prepared by the Ministry Committee on Long
Term Imprisonment, Ministry of the Solicitor
General, April 1984

The views expressed in this report have evolved out of the work of the Ministry Committee on Long Term Imprisonment. They reflect the overall concerns of the Ministry Committee, but do not necessarily represent official policy of the Ministry of the Solicitor General or any of its agencies. The report may be cited, providing that full acknowledgement of the report's authorship accompanies the citation.

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PREFACE

This report has been prepared as part of the work of the Ministry Committee on Long Term Imprisonment. The Committee was first established in 1980. Its mandate, briefly, is to coordinate the various activities across the agencies of the Ministry relating to long term imprisonment, and to collect information and monitor characteristics and patterns in the long term prisoner population in order to enable the development of informed and coordinated policies on long term imprisonment.

The primary focus of the Committee is the group of prisoners sentenced for murder since 1976, when the death penalty was replaced by a life sentence with very lengthy periods to be served before parole eligibility. For some purposes, however, the Committee is also concerned with other prisoners serving long term sentences. The Committee's broad working definition of long term imprisonment is described in Section IV.

ACKNOWLEDGEMENTS

Special mention is due to a number of individuals who made a particular contribution to this report. The project could not have been undertaken without the cooperation of many of the staff of the Correctional Service of Canada's Operational Information Services, and the goodwill, advice and assistance of Jean MacDonald and Bob Neill in particular. Peter Hyne, in his role as Chief, Data Management, OIS, played a major part in initially facilitating the Committee's access to CSC's automated data systems. Brian Ernst, a computer sciences cooperative program student from Waterloo University, developed some of the software that was used for data analysis. Helen Durie, a member of the Ministry Committee on Long Term Imprisonment, developed a working knowledge of CSC's data systems in order to retrieve and analyse the data contained in the report. She is also largely responsible for its writing. One of the many invisible aspects of a completed report is the long process of earlier amendments and drafts, and these, along with the final version, have been typed and retyped with patience and skill by Liz De Vries.

EXECUTIVE SUMMARY

This report has been prepared as part of the work of the Ministry Committee on Long Term Imprisonment. Long term imprisonment was identified as an area of Ministry concern following the 1976 abolition of the death penalty and the introduction of life sentences with lengthy minimum periods of parole ineligibility for 1st and 2nd degree murder. These legislative changes have led to concern about the implications for management of correctional institutions, as well as concern about the welfare of prisoners serving very lengthy sentences.

WHY?
CONCERN

The report reviews the changes in Canada's murder legislation during the period 1961 to 1976. The current legislation has broadened the range of homicides which are subject to a charge of 1st degree murder. It has also considerably extended the mandatory minimum time to be served before eligibility for parole consideration. For several years prior to 1974, parole ineligibility for a life sentence for murder was 10 years. In 1974, this was amended to a period ranging from 10 to 20 years (at the discretion of the court). The 1976 legislation set parole ineligibility at 25 years for 1st degree murder, and 10 to 25 years (at the discretion of the court) for 2nd degree murder. This minimum period compares, for example, with an average of less than 15 years actually served by capital-commuted murderers, and just over 10 years by non-capital murderers, who were released on parole during the years 1970 to 1982.

Comparison
to old
law
- state -

The report provides an overview of the total long term prison population, in terms of size, sentence type, and expected time to be served. This group was defined to include all prisoners with a life or other indefinite sentence, as well as those with a definite sentence of at least 21 years. As of June 30, 1983, there were just over 1800 prisoners in this group, and they comprised 16 percent of the total penitentiary population. Their proportion can be expected to increase, in particular because of the build-up of prisoners convicted under the new murder legislation.

definition of
long term
&
size of
population

Murder Admissions and Comparative Characteristics with Other Prisoners

The report provides statistical analyses of a number of characteristics of the murder population, and presents some comparisons with other long term prisoners, and with those sentenced for an offence other than murder. Data for the analyses were obtained from the Correctional Service of Canada's automated information systems. Because these

systems were developed for management purposes, it needs to be noted that there are a number of limitations in their reliability as a data base for research purposes, requiring some caution to be exercised in drawing conclusions.

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As of June 30, 1983 there were 199 prisoners serving a sentence for 1st degree murder, and 640 imprisoned for 2nd degree murder. Not counted among these were 18 prisoners who had died since admission. During the first few years following abolition, admissions levels tended to fluctuate, but since 1980 there has been a consistent annual increase.

Among the 2nd degree murder group, about 75 percent received the minimum 10 year period of parole ineligibility, and just over 16 percent received 15 years or more. Over the years, the courts have shown an increasing trend towards setting parole eligibility at the minimum 10 year period. There was considerable variation in the length of parole ineligibility depending on the province or territory in which the conviction took place. Further information on particular details of the offence and other factors would be necessary in order to determine whether this geographical variation was indicative of sentencing disparity.

Over 90 percent of the 1st degree murder group, and 60 percent of the 2nd degree murder group were being held in maximum security institutions as of 30 June 1983, compared to 40 percent of other long term prisoners, and 28 percent of the rest of the population. Because the murder population meets CSC's maximum security placement criteria in terms of both admitting offence and sentence length, and because they have served a shorter proportion of their sentence relative to other prisoners, this finding was to be expected. The proportion of the murder group held at the maximum security level varied across regions, although this variation could result from a number of factors, including regional differences in number of available maximum security cells. Of particular note was the relatively higher proportion of the murder group in protective custody - over 20 percent of the 1st degree murder group, and over 10 percent of the 2nd degree murder group, compared to under 6 percent of the rest of the population.

With regard to demographic characteristics, there were some differences between the murder population and those imprisoned for an offence other than murder, in terms of age, racial origin and language spoken (French or English), but these differences were relatively minor. In addition, a

slightly higher proportion of the murder group were female (3.5 percent) compared to their proportion in the general penitentiary population (2 percent). In terms of marital status, under half of the murder group reported being single, a smaller proportion than among either long term prisoners, or those imprisoned for an offence other than murder. Twice as many of those admitted for 1st degree murder were married (26 percent) compared to those admitted for 2nd degree murder. When the 'married' and 'common-law' categories were collapsed, the difference was reduced considerably, but still revealed that more of those in the 1st degree murder group reported having a relationship of some continuity than among any of the other prisoner groups.

No analysis of previous criminal convictions or provincial prison terms was conducted because of incomplete data. With regard to previous federal terms of imprisonment, 62 percent of the 1st degree murder group, and 78 percent of the 2nd degree group had not been previously admitted to a federal penitentiary, compared to 62 percent of those imprisoned for an offence other than murder. Among those in the 1st and 2nd degree murder groups who were recorded as having 5 or more previous admissions, a preliminary review of available data indicated that the great majority of these previous admissions resulted from revocation of parole or mandatory supervision. Where a new offence was involved, this appeared most frequently to not involve violence.

While a number of prisoners among the murder population have been involved in incidents of violence, escape attempts, etc., no automated data was available to determine whether the group was disproportionately involved in security incidents relative to other prisoners.

Projected Size of the Murder Population

Few forecasting models can yield completely accurate results, because many variables may change in unpredictable ways during the forecast period. Forecasting the future size of the murder population is particularly difficult, because there are only a few years of data to draw upon, and it is not possible to forecast the impact of 15-year judicial review. Other factors such as legislative change could intervene during the forecast period. Despite these limitations, however, forecasts must be undertaken in order to provide some basis for future planning.

~~*~~ } A number of projection exercises have been undertaken in different agencies of the Ministry in the past few years. These exercises have forecast a total murder population ranging from approximately 2000 to 2700 by the year 2001. The 1st degree murder group is projected to number between 800 and 1000, while the 2nd degree group is forecasted at between 1200 and 1700. The models used slightly different assumptions about admission levels and parole release rates, and these account for the differences in the projected population sizes. These estimates should probably be regarded as conservative, particularly if annual admissions continue to increase.

Future Directions

IMPORTANT } The report identifies the development of a data base on security incident involvement as a major priority. Information as to whether or not the murder population, and especially those serving the minimum 25-year sentence, are more violent or present more management problems than other prisoners is not presently available. Such information is essential to policy and program planning for long term prisoners.

Information is also needed on the experience to date with present security classification practices for the murder group. This, together with information on prisoners' expectations and needs with regard to such factors as family relationships, education and work will provide CSC with a more informed base from which to develop institutional programs which incorporate both security considerations and the needs of long term prisoners.

Other areas identified as warranting further investigation relate in particular to the application of the murder legislation. Questions here include whether there is a reasonable degree of consistency in the relative use of the 1st and 2nd degree murder charges, in terms of offence circumstances. Related to this is whether there is consistency in the courts in the establishment of parole eligibility for 2nd degree murder, taking offence details, and previous criminal and correctional history into account. Canada's murder laws continue to be a matter of public and parliamentary concern and such information would enable a more informed discussion of the issue.

I. INTRODUCTION

Long term imprisonment was identified as an issue for special focus in the Ministry of the Solicitor General following the 1976 abolition of the death penalty and the introduction of a life sentence with an unprecedented mandatory minimum 25-year period of parole ineligibility for conviction of 1st degree murder, and the possibility of a similar period of parole ineligibility for 2nd degree murder. (The legislative amendments are fully described in Section II).

While long term prisoners are by no means a new phenomenon in Canadian prisons, the 1976 legislative amendment will have broad consequences, with implications for researchers, policy-makers, and administrators in the criminal justice system.

GOOD
↓

The principal consequence is the general lengthening of sentences, because of the additional minimum time to be served before parole consideration. Prior to 1976, capital-commuted murderers were eligible for parole consideration after from 10 to 20 years (depending on year of conviction), and non-capital murderers were eligible after 7 to 10 years (again depending on year of conviction). Research has shown that of those released on parole during the period 1970 to 1982, capital-commuted murderers had served an average of 14.7 years, and non-capital murderers had served an average of 10.2 years, although it should be kept in mind that there was a wide range among years served, and that not all eligible murderers were released. The 1976 amendment established life sentences with 25 years until parole eligibility for first degree murder, and 10 to 25 years until parole eligibility for second degree murder. From 1988 (when those who were first convicted under the new legislation will have served at least 11 years), the average time served will increase steadily.

INTERESTING POINT

A second consequence of the legislation will be a substantial increase in the number of long term prisoners. The first prisoners sentenced to 25 years minimum will not be eligible for parole release until the year 2001. As a result, there will be a steady increase in the number of long term prisoners until that year, when releases should again balance admissions (i.e., if years of parole ineligibility have not been reduced by judicial review, if prisoners are released at time of parole eligibility, and if admission levels remain the same over time).

②

IMPORTANT

The implications of the legislative changes relating to murder are of concern in various quarters of the criminal justice system, and fall into two major categories: the first relates to the management of correctional facilities; the second to concerns about the welfare of these long term prisoners.

*** In the past, many prison administrators have observed that the institutional behaviour of long term prisoners tends to be more stable than that of short term prisoners. Research findings have not been conclusive on the reasons for this phenomenon, but there is general agreement that it is related to a) the inherent characteristics of this group of prisoners (i.e. age, type of crime committed), b) the length of the sentence, and c) a fundamental human tendency to adapt to the basic realities of life, however monumental (and perhaps the more monumental, the more pronounced the need and ability to adapt).

*** It is incumbent on those involved with the planning or administration of correctional institutions to consider the impacts and effects of the changes in numbers, and length of time to be served, of long term prisoners. Questions to be asked include the following: What will be the effects on the stability of this group? Will there be an increase in violent acts or escape attempts? Will specialized facilities or institutions be required? Should special policies and programs be developed?

In order to respond knowledgeably to the above questions, basic statistics on long term prisoners are required. The data base summarized in this report will hopefully provide a preliminary framework for future decisions on the administration of the sentences of long term prisoners.

*** The concerns regarding the prisoners themselves are related to the assumed debilitating effects of extremely long sentences. The first consideration is whether the despair at the possibility of spending at least a third of one's natural life in prison will produce a sense of hopelessness that may lead to psychological disturbances or suicide. The second consideration relates to eventual reintegration into society. Since it is one of the fundamental aims of corrections to prepare prisoners for return to society, it is necessary to consider the effects of longer sentences in this regard.

As a result of these kinds of concerns, and the development of a number of related projects in different offices of the Ministry, a Ministry-wide Committee on Long Term Imprisonment was established in 1980, with representatives from the Correctional Service of Canada, the National Parole Board, and the Secretariat.

The Committee's mandate, as approved by these agencies in late 1981, is to "consider issues, policy questions and operational matters related to Long Term Imprisonment and Long Term Prisoners... (and to) play a consultative, coordinating, data collection, monitoring, advisory and investigative role with regard to such issues, within the Ministry".

Over the past year, considerable work has been done to develop a data collection capability within the Committee. This has primarily been through one of its members working with CSC's automated information systems. Effort has also been put into identifying information which is not available or not automated, and beginning the processes necessary to have this information available in a form which is amenable to analysis. The two major areas of information in this category are information on previous criminal offence convictions, and involvement in institutional incidents. It is expected that automated information on institutional incidents will be available before the end of this year. — ~~AK~~

The present report updates an internally-circulated 1980 report on characteristics of the 1st and 2nd degree murder population¹, but also provides considerable additional analysis of information on this population. Data on the total long term prisoner population, along with comparative data on other prisoner groups, have also been included.

II. MURDER LEGISLATION

i) Legislative Amendments

Legislation relating to murder in Canada has undergone several revisions during the past two decades, culminating in the abolition of the death penalty on July 26, 1976.² Prior to September 1961, a murder conviction carried an automatic death penalty, although this could be, and frequently was, commuted to life imprisonment. On September 1, 1961, the crime of murder was redefined as "capital" or "non-capital": capital murder was defined as planned or deliberate murder, the murder of a police or corrections officer on duty, or murder occurring during the course of certain crimes of violence; all other murders were defined as non-capital. The penalty for capital murder remained the death sentence with the possibility of commutation to life imprisonment and eligibility for parole after 10 years. The penalty for non-capital murder was life imprisonment, with eligibility for parole after 7 years. On December 29, 1967, a Statute was enacted, to be in effect for five years, limiting capital murder (and the death penalty) to the murder of a police or prison officer, or contract murder (more specifically defined than in 1961). The same statute increased to 10 years the period to be served before parole eligibility for non-capital murder. On December 29, 1972 the 1967 Statute was renewed. On January 1, 1974, a legislative amendment increased the period before parole eligibility for both commuted capital and non-capital murder to between 10 and 20 years, the exact period to be specified at time of sentencing. On July 26, 1976, the death penalty was abolished by proclamation of the Criminal Law Amendment Act (No. 2), and the sections of the Criminal Code which define and prescribe the punishment for murder were amended.

The last execution in Canada took place on December 29, 1962, although 69 death sentences were handed down during subsequent years prior to abolition. At the time of abolition, there remained 11 convicted capital murderers whose death sentence had not been commuted, and under the new legislation, all eleven received automatic commutations to life imprisonment for 1st degree murder. One of those convictions has since been reduced on appeal to 2nd degree murder.

Legislative changes relating to the offence of murder since 1961 are summarized in Table 1.³

Table 1

MURDER PENALTY AMENDMENTS IN CANADA SINCE 1961

Date	Event	Offence	Penalty	Parole Eligibility
1961 and prior		Murder (death occurring from an act known to be likely to cause death).	Death - commutable to life imprisonment	Open, if commuted
1961 (Sept.)	Legislative amendment created Capital and Non-Capital Murder categories	Capital murder (planned and deliberate, or murder of police or prison officer)	Death	10 years if commuted
		Non-capital murder	Life imprisonment	7 years
1962 (Dec. 29)	Last execution in Canada			
1967 (Dec. 29)	Legislative amendment introduced a 5 year trial of restricted capital punishment	Capital murder (murder of police or prison officer, or "contract" murder)	Death	10 years, if commuted
		Non-capital murder	Life imprisonment	10 years
1972 (Dec. 29)	1967 Legislation renewed, and Capital and Non-Capital Murder replaced by "Murder punishable by death" and "Murder punishable by life imprisonment."	Murder punishable by death	Death	10 years, if commuted
		Murder punishable by life imprisonment	Life imprisonment	10 years
1974 (Jan. 1)	Legislative amendment allowed court to set parole eligibility between 10 and 20 years.	Murder punishable by death	Death	10 up to 20 years, if commuted, at discretion of court
		Murder punishable by imprisonment for life	Life imprisonment	10 up to 20 years, at discretion of court
1976 (July 26)	Legislative amendment abolished the death penalty, created 1st and 2nd degree murder offences, and introduced judicial review of parole eligibility after 15 years, where applicable.	1st degree murder (police officer, prison staff, planned and deliberate, contract, death during kidnapping, hijacking or sexual offence, and any second murder)	Life imprisonment	25 years
		2nd degree murder	Life imprisonment	10 up to 25 years, at discretion of court.

ii) Current Definition

Under present legislation (Criminal Code sections 214(1) through (6)), murder is defined as 1st degree when it is planned and deliberate, or when the victim is a police officer or person working in a prison or penitentiary, or when the murder occurs during the course of committing or attempting to commit an aircraft hijacking, sexual assault, kidnapping or forcible confinement. In addition, murder is 1st degree when the offender has previously been convicted of either 1st or 2nd degree murder. Under section 214(7), 2nd degree murder is any murder which is not 1st degree.

iii) Penalty

Conviction for either 1st or 2nd degree murder carries an automatic sentence of life imprisonment (section 218) with a mandatory restriction on parole eligibility (section 669). In the case of 1st degree murder, the prisoner must serve 25 years before becoming eligible for parole, and for 2nd degree murder, the minimum period to be served before parole eligibility is 10 years, unless a longer period, up to 25 years, is set by the court at the time of sentencing. Where the period to be served before parole eligibility is more than 15 years, and after 15 years have been served, the convicted person may apply to the Chief Justice in the province or territory where the conviction took place for a review by judge and jury of the years of parole ineligibility (section 672), and this may lead to an earlier parole eligibility date. Persons serving a sentence for 1st or 2nd degree murder are not eligible for parole by exception, and are not eligible for an unescorted temporary absence or day parole until three years before they are eligible for full parole (section 674). With respect to all forms of conditional release except escorted temporary absences, the authority to grant release rests solely with the Parole Board. Full parole, if granted, is normally for life.⁴

III. DEFINITION OF LONG TERM IMPRISONMENT

While the Ministry is faced with particular concerns in regard to the post-1976 murder population, because of the introduction of the lengthy mandatory minimum sentences, there are other prisoners who are also expected to serve, or who have already served a long sentence. Concern about the possible effects of long term imprisonment also applies to these prisoners, along with the need to consider the development of special approaches in program planning and release preparation. It is necessary, then, for at least some purposes, to work with a more comprehensive definition of long term imprisonment.

The current population of federal prisoners includes a number of sentence type groups which could reasonably be included in a definition of long term prisoners, on the basis of minimum or maximum time to be served.⁵ These would be (a) all prisoners serving a life sentence; (b) all prisoners serving an indefinite sentence regardless of parole eligibility; (c) those serving a definite sentence of at least 21 years (and for whom the parole ineligibility period is therefore at least equivalent to the shortest parole ineligibility period for a life sentence, i.e. 7 years); and (d) all other prisoners who have served at least seven consecutive years (and who have therefore served the equivalent of the shortest parole ineligibility period for a life sentence). The inclusion of these four categories of sentence types provides the greatest possible consistency in terms of a lower limit on expected time to be served, or actual time served, given the various types of conditions that apply to sentences in Canada. The Ministry Committee on Long Term Imprisonment's definition of long term imprisonment includes these four broad categories, although a sub-group may be the distinct focus at any time, depending on the particular concern being addressed. The release criteria applying to each of these groups are presented in Table 2.

THE FOUR
GROUPS WHO
COMPRISE
LONG TERM
OFFENDERS

Table 2
YEARS TO BE SERVED BEFORE PAROLE ELIGIBILITY,
BY SENTENCE TYPE

Sentence Type	Years to be Served
<u>Life</u>	
1st degree murder	25
2nd degree murder	10 - 25 ⁶
Capital murder (commuted on July 26, 1976)	25
Capital murder (commuted prior to July 1976)	10 - 20 ⁷
Non-capital murder	7 - 20 ⁷
Other	7
<u>Indefinite/Indeterminate⁸</u>	
Dangerous Offenders	3
Dangerous Sex Offenders	1
Habitual Offenders	1
Lieutenant Governor's Warrant	N/A ⁹
<u>Definite</u>	
21 years or more	At least 7 years, but varies according to sentence length ¹⁰
At least 7 years served on a definite sentence of less than 21 years	Varies according to sentence length ¹⁰

IV. SOURCE AND LIMITATIONS OF DATA

METHODOLOGICAL
SMUFF!!

The data presented in this paper have been drawn from the Correctional Service of Canada's (CSC) Offender Information Systems, unless noted otherwise. Access to these systems has been with the permission and assistance of the Operational Information Services Division in CSC's Policy, Planning and Administration Branch. Unless otherwise specified, the data were extracted so as to be current as of 30 June 1983.

These information systems were developed initially to provide management information, and were not intended for use as a data base for research purposes. Consequently, the reliability of the data is subject to certain real or potential limitations and conclusions must be made cautiously. Caution is of particular importance when the data are subjected to refined analysis.

Limitations result from factors such as possible variation in the quality of information coding at the many points of input across the country, lag time in data currency (which varies depending on input location), the use of self-reported data, the strain on resources created by rapid growth in both the size and number of data bases and the automation of manually-collected information from years prior to the introduction of the automated systems, and the usual range of growing pains that accompany automation. Data quality control procedures and other steps to improve the quality of the systems are ongoing, as part of overall maintenance.

Despite these potential causes of unreliability, CSC's information systems provide the best available data at this time, allowing for preliminary interpretation of descriptive information with a reasonable degree of confidence. More rigorous analysis would first require a systematic review of the data.

The above caution, then, should be kept in mind in considering these data, and explains why many aspects of the data have not been interpreted more extensively. Notwithstanding the foregoing caution, it should be noted that the data relating to prisoners serving a sentence for murder are estimated by those managing the information systems to be of higher accuracy overall than those relating to almost any other special prisoner group. These prisoners form one of the most frequently studied groups, so that data inconsistencies are more likely to be detected and corrected. The relatively small size of the group also allows for easier validation of the data from other sources.

IMPORTANT
NOTE

V. OVERVIEW OF LONG TERM PRISONER POPULATION

As of 30 June 1983, there were 1826 prisoners who fell within the previously described definition of long term prisoners, representing over 16% of the total federal prison population of 11,323. The long term prisoner population is presented by sentence type in Table 3.

Table 3

PROPORTION OF LONG TERM PRISONERS BY SENTENCE TYPE, AS OF JUNE 30, 1983

Sentence Type	No.	% of Long Term Prisoners	% of Total Prisoners
<u>Life</u>			
1st degree murder	199	10.9	1.8
2nd degree murder	640	35.0	5.7
Capital murder (commuted on July 26, 1976)	10	0.5	0.1
Capital murder (commuted prior to July 26, 1976)	28	1.5	0.2
Non-capital murder	447	24.5	3.9
Other	100	5.5	0.9
	1,424	77.9	12.6
<u>Indefinite/Indeterminate</u>			
Dangerous Offenders	33	1.8	0.3
Dangerous Sex Offenders	47	2.6	0.4
Habitual Offenders	34	1.9	0.3
Lieutenant Governor's Warrant	11	0.6	0.1
	125	6.9	1.1
<u>Definite</u>			
21 years or more	122	6.7	1.1
At least 7 years served on a definite sentence of less than 21 years ¹¹	155	8.5	1.4
	277	15.2	2.4
TOTAL	1,826	100.0	16.1

Clearly, this total group of "long term prisoners" is by no means homogeneous, even in terms of sentence length. However, from the simple perspective of time served, or to be served, these data illustrate that long term prisoners comprise a sizeable proportion of the total population and it can be expected that their numbers will increase. Firstly, new admissions will not be offset by releases, because of the lengthy parole ineligibility periods involved for most of them. Secondly, any shift at all in the system towards a reduced use of imprisonment, or earlier release; is unlikely to affect this group, the great majority of whom have been convicted of what the courts would view as a serious offence, usually involving personal injury.

In terms of offence type involved, almost three-quarters (1324) of the total group of long term prisoners are currently imprisoned for murder. More detailed analysis than is permitted by information in the automated data system would be required to determine how many of the remainder are imprisoned for an offence involving violence (i.e. injury, or threat of injury, to another person).

VI. COMPARATIVE ADMISSION DATA ON THE MURDER POPULATION AND OTHER PRISONERS

i) Definition of Comparison Groups

The following sections present comparative descriptive data on several prisoner groups. In all cases, separate data are included on the 1st and 2nd degree murder groups - i.e. all new admissions under Criminal Code sections 218.1 and 218.2 since July 26, 1976, up to June 30, 1983. In most cases, comparative data are also presented for the rest of the long term prisoner population excluding 1st and 2nd degree murder. This group is referred to as 'Other Long Term Prisoners'. Finally, in all cases, comparative data are presented for all prisoners who are serving a sentence for an offence other than murder. This last group, referred to as the "Non-Murder Population", represents the total federal prison population excluding the first five life sentence groups listed in Table 3 (all of whom are imprisoned for a murder conviction), and its composition therefore overlaps to some extent (by the remaining groups listed in Table 3) with that of "Other Long Term Prisoners". 12

ii) Annual Admissions for 1st and 2nd Degree Murder

The group of major concern and focus at this time are those admitted for murder since the 1976 murder legislation amendments.¹³

As illustrated in Table 4, the relative proportions of annual admissions for 1st and 2nd degree murder have remained relatively stable over the years, with the exception of 1980, when there was a decrease in respect of 1st degree murder. Data for the first six months of 1983 suggest that there will be a slight increase in the proportion of 1st degree admissions for this year. However, any prediction about the full year on the basis of mid-year data is very tenuous, given the seasonal fluctuations in court schedules.

While the relative proportions of 1st and 2nd degree murder admissions have not varied greatly, there has been considerable fluctuation in the total number of admissions from year to year. For 1983, the full year's total on the basis of mid-year data would be 162, representing an 8.7% increase over 1982.* While it is of interest to note that

* Information as of February 1984 indicated that during 1983 there was a total of 175 admissions - 50 (28.6%) for 1st degree murder, and 125 (71.4%) for 2nd degree murders. This represents an increase of 17.4% over 1982 admissions.

Table 4

**1ST AND 2ND DEGREE MURDER ADMISSIONS
AS OF JUNE 30, 1983**

Year of Admission ¹⁴	1ST DEGREE		2ND DEGREE		TOTAL	
	No.	% of Year's Total	No.	% of Year's Total	No.	% Change Over Previous Year ¹⁸
1976 <i>15 Jan Feb, March</i>	4 <i>16¹¹</i>	23.5	13	76.5	17	-
1977	30	25.6	87	74.4	117	-
1978	29	22.8	98	77.2	127	+8.5
1979	28	22.2	98	77.8	126	-0.8
1980	13	12.9	88	87.1	101	-19.8
1981	32	26.4	89	73.6	121	+19.8
1982 <i>17 April, May, June</i>	39	26.2	110	73.8	149	+23.1
1983	24	29.6	57	70.3	81	-
TOTAL	199		640		839	
%	23.7		76.3		100.0	

these fluctuations bear some resemblance to yearly changes in the murder rate (police-reported murders per 100,000 population - see Table 20, pg.35), it needs also to be stressed that reported murders do not necessarily correlate with murder convictions, and nor do 'year of offence' and 'year of admission' for conviction of that offence necessarily correspond to each other. Further review and analysis of many factors would be required before any reasonable explanation of the variations could be offered.

iii) Parole Restriction for 2nd Degree Murder¹⁹

One of the elements of the murder legislation most open to discretion in its application is the court's decision as to the appropriate period of parole ineligibility for persons convicted of 2nd degree murder.

Table 5 presents the distribution of parole ineligibility periods. Table 6 presents the same information, but some of the years of parole ineligibility have been collapsed into periods of several years, in order to better illustrate certain patterns.

The great majority (almost 76%) of those admitted for 2nd degree murder have received the minimum period, and close to 84% have received less than 15 years. Overall, courts have increasingly chosen to set parole eligibility at

Table 5

**PAROLE RESTRICTION FOR 2ND DEGREE
MURDER, BY YEAR OF ADMISSION**

Year of Admission ¹⁴	Years to be Served before Parole Eligibility																TOTAL
	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	
1976 ¹⁵	10					2										1	13
1977	62		4		5	9			2		4					1	87
1978	68	1	6	1	1	8	1	1	1		5					5	98
1979	70	1	5		2	13		2	2		2					1	98
1980	67	1	3	1	3	7			1		3					2	88
1981	67		1	1	7	8		1	1		3						89
1982	88		4	3	2	9		1	1		1					1	110
1983 ¹⁷	51			1		3					1					1	57
TOTAL	483	3	23	7	20	59	1	5	8	0	19	0	0	0	0	12	640
%	75.5	0.5	3.6	1.1	3.1	9.2	0.1	0.8	1.3	0.0	3.0	0.0	0.0	0.0	0.0	1.9	100.1

Table 6

**GROUPED DISTRIBUTION OF YEARS OF PAROLE
RESTRICTION FOR 2ND DEGREE MURDER, BY YEAR OF ADMISSION**

Year of Admission ¹⁴	Minimum Period		11 to 14 Years		15 Years		16 to 19 Years		20 Years		21 to 24 Years		25 Years	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
1976 ¹⁵	10	76.9	0	0.0	2	15.4	0	0.0	0	0.0	0	0.0	1	7.7
1977	62	71.3	9	10.3	9	10.3	2	2.3	4	4.6	0	0.0	1	1.1
1978	68	69.4	9	9.2	8	8.2	3	3.1	5	5.1	0	0.0	5	5.1
1979	70	71.4	8	8.2	13	13.3	4	4.1	2	2.0	0	0.0	1	1.0
1980	67	76.1	8	9.1	7	8.0	1	1.1	3	3.4	0	0.0	2	2.3
1981	67	75.3	9	10.1	8	9.0	2	2.2	3	3.4	0	0.0	0	0.0
1982	88	80.0	9	8.2	9	8.2	2	1.8	1	0.9	0	0.0	1	0.9
1983 ¹⁷	51	89.5	1	1.8	3	5.3	0	0.0	1	1.6	0	0.0	1	1.6
TOTAL	483	75.5	53	8.3	59	9.2	14	2.2	19	3.0	0	0.0	12	1.9

the minimum period of 10 years. Excluding 1976 and 1983 (which are not full 12-month reporting periods), the percentage of cases receiving the minimum ineligibility rose from 71% in 1977 to 80% in 1982. When parole ineligibility periods that are longer than the minimum have been assigned, they have either been less than 15 years (8.3%), or otherwise tended to fall at the 15 year (9.2%), 20 year (3%) or 25 year (1.9%) interval. Since 1978, the percentage of those receiving 15 years or more has steadily decreased each year, from over 21% to just under 12% in 1982.

The Warrant of Committal received by the Correctional Service of Canada for each newly admitted prisoner does not provide an explanation for the parole ineligibility period. In fact, the court is not required to give reasons for extending the parole ineligibility period beyond the minimum. It is not possible, therefore, to provide an assessment of even the explicit reasons which account for their variation.

iv) Province of Conviction ✱

Data on the province in which conviction and sentencing took place for prisoners admitted to a federal penitentiary for murder provides some basis for assessing the geographic distribution of murder offences.²⁰ This factor is also of relevance to the 15-year judicial review, as the applicant's hearing must take place in the province where she or he was convicted. As mentioned earlier, those who are required to serve more than 15 years before parole eligibility are entitled to apply for a judicial review of their eligibility date after they have served 15 years. This entitlement, then, extends to all those convicted of 1st degree murder, as well as some of those in the 2nd degree murder group. Table 7 provides information separately on the 1st degree murder group, those in the 2nd degree murder group with a parole ineligibility period of more than 15 years, and the 2nd degree murder group as a whole. Similar information on current federal prisoners who have been admitted for an offence other than murder has been provided for comparative purposes. In addition, the provincial distribution of the Canadian population is included, in order to assess the extent to which the distribution of admissions across provinces resembles the distribution of the Canadian population.

Table 7

FEDERAL PRISONERS, BY PROVINCE OR TERRITORY OF CONVICTION

21 Province	1st Degree Murder		2nd Degree Murder with > 15 years before PED		All 2nd Degree Murder		1st and 2nd Degree Murder		Non-Murder Population		Canadian Popula- tion 22
	No.	%	No.	%	No.	%	No.	%	No.	%	%
Nfld.	3	1.6	1	2.2	7	1.1	10	1.2	132	1.3	2.1
P.E.I.	0	0.0	0	0.0	9	1.4	9	1.1	33	0.3	0.5
N.S.	6	3.2	3	6.7	17	2.7	23	2.8	598	5.8	3.4
N.B.	4	2.1	0	0.0	13	2.0	17	2.1	316	3.1	2.8
Quebec	61	32.3	22	48.9	180	28.2	241	29.1	3,204	31.3	26.7
Ontario	62	32.8	10	22.2	185	29.0	247	29.9	2,291	22.4	35.7
Man.	5	2.6	0	0.0	27	4.2	32	3.9	478	4.7	4.2
Sask.	11	5.8	2	4.4	31	4.9	42	5.1	305	3.0	3.9
Alta	19	10.0	3	6.7	66	10.3	85	10.3	1,453	14.2	9.0
B.C.	16	8.5	3	6.7	94	14.7	110	13.3	1,344	13.1	11.0
Yukon	0	0.0	0	0.0	1	0.2	1	0.1	18	0.2	0.1
N.W.T.	2	1.1	1	2.2	8	1.3	10	1.2	55	0.5	0.2
Outside Canada	3	-	0	-	0	-	3	-	22	-	-
Unknown	7	-	0	-	2	-	9	-	18	-	-
TOTAL	199	100.0	45	100.0	640	100.0	839	100.1	10,267	100.0	100.1

It is of interest to note the variation between province of conviction and sentencing for those admitted for murder, and those admitted for an offence other than murder. Among those admitted for murder - 1st or 2nd degree - there is a higher proportion who were convicted in Ontario than is the case among those who were admitted for an offence other than murder. On the other hand, the proportion of those admitted for 1st degree murder who were convicted in British Columbia is lower than that for admissions for either the 2nd degree murder or the non-murder group. The proportion of admissions who were convicted in Nova Scotia is lower for both 1st and second degree murder than for the non-murder group, although the small numbers for those convicted of murder in Nova Scotia advise against any unqualified inference from the data.

A comparison of the percentage distribution of admissions, by province or territory of conviction for each of the admission groups, with the provincial distribution of the Canadian population, also illustrates a few notable patterns.²³ In most cases, any differences are too small to

warrant comment. However, Quebec draws attention in that the proportion of admissions convicted in that province in all categories is higher than is Quebec's share of the population, and the Quebec proportion of 2nd degree murder admissions which received greater than 15 years parole ineligibility is almost twice its population percentage. On the other hand, the proportion of admissions convicted in Ontario is lower for all groups than is Ontario's share of the total population, with the percentages for the 2nd degree murder group with more than 15 years parole ineligibility, as well as the non-murder group, being less than two-thirds of Ontario's population share. In considering the possible implications of these differences it should be kept in mind that they are accentuated by the small number in other provinces.

Table 8 presents the proportion of 2nd degree murder admissions within each province who received a parole ineligibility period of more than 15 years.

Table 8
PAROLE RESTRICTION FOR 2ND DEGREE MURDER
ADMISSIONS, BY PROVINCE OF CONVICTION

Province	10 to 15 Years		More than 15 Years		Total
	No.	%	No.	%	
Nfld	6	85.7	1	14.3	7
P.E.I.	9	100.0	0	0.0	9
N.S.	14	82.4	3	17.6	17
N.B.	13	100.0	0	0.0	13
Quebec	158	87.8	22	12.2	180
Ontario	175	94.6	10	5.4	185
Manitoba	27	100.0	0	0.0	27
Sask.	29	93.5	2	6.5	31
Alberta	63	95.5	3	4.5	66
B.C.	91	96.8	3	3.2	94
Yukon	1	100.0	0	0.0	1
N.W.T.	7	87.5	1	12.5	8
Outside Canada	0	0.0	0	0.0	0
Unknown	2	100.0	0	0.0	2
TOTAL	595		45		640

For most provinces, the numbers are too small to warrant comment, but Quebec again draws attention, in that 12.2%, or almost 1 in every 8, of admissions convicted in that province received a parole restriction of more than 15 years, compared to Ontario, with 5.4% or fewer than 1 in eighteen admissions.

v) Provincial Rates of Admission

Table 9 presents prisoner admissions by province of conviction in terms of the rate per 100,000 of the provincial population, as an additional perspective on provincial patterns.

Because of the extremely small populations in P.E.I., the Yukon and N.W.T., their rates provide a very unsound basis for any inferences. For the remaining provinces, the rates within each of the two murder groups vary relative to each other, but overall fall within an extremely narrow range. The wide variation in rates for the non-murder group would require analysis of a number of factors before any meaningful conclusions could be drawn.

Table 9

**FEDERAL PRISONERS BY PROVINCE OR TERRITORY
OF CONVICTION, PER 100,000 POPULATION²²**

Province	1st and 2nd Degree Murder	1st Degree Murder	2nd Degree Murder	Non-Murder
Nfld	2.6	0.8	1.8	33.8
P.E.I.	10.0	0.0	10.0	37.1
N.S.	3.7	1.0	2.7	94.9
N.B.	3.3	0.8	2.5	62.2
Quebec	4.9	1.2	3.7	65.0
Ontario	3.7	0.9	2.8	34.8
Manitoba	4.2	0.6	3.5	62.1
Sask.	5.9	1.5	4.4	42.8
Alberta	5.1	1.1	4.0	87.6
B.C.	5.2	0.8	4.5	63.6
Yukon	5.0	0.0	6.3	112.5
N.W.T.	33.3	6.7	27.6	196.4
TOTAL	4.6	1.1	3.5	55.7

VII. COMPARATIVE CHARACTERISTICS OF THE MURDER POPULATION AND OTHER PRISONERS

This section presents some descriptive analyses of the murder population and other prisoners with regard to current and past institutional information, and demographic characteristics. The analyses are drawn from available automated information, and present only a limited picture.

i) Security Level and Regional Distribution *MB*

Table 10 presents the relative proportions of prisoners in maximum, medium and minimum security level institutions, for the murder groups in comparison with other prisoners.

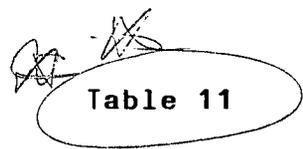
Table 10
SECURITY LEVEL, AS OF JUNE 30, 1983

Security Level	1st Degree Murder		2nd Degree Murder		Other Long Term Prisoners		Non-Murder Population	
	No.	%	No.	%	No.	%	No.	%
Maximum	185	93.0	385	60.2	394	39.9	2,877	28.0
Medium	10	5.0	223	34.8	380	38.5	5,463	53.2
Minimum	1	0.5	24	3.8	203	20.6	1,779	17.3
Provincial	3	1.5	8	1.3	10	1.0	154	1.5
TOTAL	199	100.0	640	100.1	987	100.0	10,273	100.0

Almost all of the 1st degree murder group (93%) were being held in maximum security institutions, as of 30 June 1983. This contrasts significantly but not unexpectedly with just over one-quarter of the non-murder population. The remainder of the 1st degree murder group were being held under medium security with the exception of one in minimum security and three (women) in provincial prisons, under exchange of service agreements.

Security level information on the 2nd degree murder population reveals that the group was also being held at a higher level than the non-murder population, although a far greater number (35%) were being held under medium security than was the case for the 1st degree group.

Table 10 also allows for a comparison of the data for these groups with those for the remainder of the long term prisoner population (as described in Table 3). Clearly,


 Table 11

 SECURITY LEVEL, BY REGION AND INSTITUTION, AS OF JUNE 30, 1983 ²⁴

Region/ Security Level/ Institution	1st Degree Murder		2nd Degree Murder		Other Long Term Prisoners		Non-Murder Population	
	No.	%	No.	%	No.	%	No.	%
<u>ATLANTIC</u>	14	7.0	60	9.4	77	7.8	1,035	10.1
<u>Maximum</u>	14	100.0	49	81.7	39	50.6	343	33.1
Newfoundland	2		1					
Dorchester	12		48					
<u>Medium</u>	0	0.0	9	15.0	20	26.0	454	43.9
Springhill			9					
<u>Minimum</u>	0	0.0	2	3.3			238	23.0
Westmoreland			2		18	23.4		
<u>QUEBEC</u>	55	27.6	156	24.4	252	25.5	3,104	30.2
<u>Maximum</u>	54	98.2	102	65.4	115	45.6	1,075	34.6
Laval	20		55					
Archambault	15		24					
CRR	3		14					
CDC	16		9					
<u>Medium</u>	1	1.8	50	32.1	83	32.9	1,479	47.7
Leclerc	1		15					
CFF			24					
Cowansville			10					
La Macaza			1					
<u>Minimum</u>	0	0.0	4	2.6	54	21.4	550	17.7
Montee St Francois			2					
Ste-Anne des Plaines			2					
<u>ONTARIO</u>	73	36.7	209	32.7	278	28.2	2,552	24.8
<u>Maximum</u>	69	94.5	136	65.1	114	41.0	656	25.7
RPC	2		8					
Kingston	21		33					
Millhaven	42		77					
Prison for Women	4		18					
<u>Medium</u>	4	5.5	66	31.6	119	42.8	1,436	56.3
Collins Bay	3		26					
Joyceville	1		14					
Warkworth			26					
<u>Minimum</u>	0	0.0	7	3.3	45	16.2	460	18.0
Beaver Creek			1					
Frontenac			4					
Bath			2					

Table 11 (Cont'd)

Region/ Security Level/ Institution	1st Degree Murder		2nd Degree Murder		Other Long Term Prisoners		Non-Murder Population	
	No.	%	No.	%	No.	%	No.	%
<u>PRAIRIES</u>	38	19.1	120	18.8	170	17.2	2,054	20.0
<u>Maximum</u>	36	94.7	64	53.3	82	48.2	545	26.5
RPC	2		5					
Saskatchewan	22		33					
Edmonton	12		26					
<u>Medium</u>	2	5.3	55	45.8	43	25.3	1,107	53.9
Drumheller			12					
Bowden			6					
Stony Mountain	2		37					
<u>Minimum</u>	0	0.0	1	0.8	45	26.5	402	19.6
Rockwood			1					
<u>PACIFIC</u>	16	8.0	87	13.6	200	20.3	1,374	13.4
<u>Maximum</u>	12	75.0	34	39.1	44	22.0	258	18.8
RPC	3		11					
Kent	9		23					
<u>Medium</u>	3	18.8	43	49.4	115	57.5	987	71.8
Mountain			5					
Mission	1		17					
Matsqui	2		13					
William Head			8					
<u>Minimum</u>	1	6.3	10	11.5	41	20.5	129	9.4
Elbow Lake			5					
Fendale	1		5					
<u>PROVINCIAL</u> ²⁵	3	1.5	8	1.3	10	1.0	154	1.5
Nova Scotia							5	
Quebec	3		3		5		81	
Manitoba					1		5	
Saskatchewan					1		14	
Alberta			1		1		21	
B.C.			4		1		18	
Yukon							2	
N.W.T.					1		8	
TOTAL	199	99.9	640	100.2	987	99.9	10,273	100.0

this latter group was being held overall at a lower level of security than either of the murder groups, and this may simply be a reflection of the fact that they have been in prison for a longer time. At the same time, a larger proportion of this group (40%) are at a higher level than the non-murder population (28%), although it is of interest to note that a slightly greater proportion were in fact being held in minimum security.

As Table 11 illustrates, there is considerable variation in the regional distribution of prisoners across security levels.

Among the 1st degree murder group, the percentage being held under maximum security ranges from 100% in the Atlantic to 75% in the Pacific. Those in medium security range from 19% in the Pacific to 0% in the Atlantic, and the single prisoner in minimum security is also in the Pacific Region. The small numbers in these two regions should be kept in mind in assessing these differences.

Regional variation in security level is even more apparent for the 2nd degree murder group, again with the Pacific region revealing a higher proportion in lower security classifications than other regions. The proportion being held in maximum security ranges from 82% in the Atlantic to 39% in the Pacific, while those in medium security range from 49% in the Pacific to just 15% in the Atlantic. The proportion of the 2nd degree murder group being held in minimum security ranges from a high of 12% in the Pacific to 1% in the Prairies.

A higher proportion of prisoners being held at lower levels of security in the Pacific Region is also strikingly apparent for both the rest of the long term prisoner population, and the non-murder group.

While these data reveal differences in security level across prisoner groups, a number of factors need to be taken into account in drawing any interpretation or conclusions. Prisoners convicted of murder meet the classification criteria for maximum security placement at time of admission. These criteria include an admitting offence which involved violence, and a long sentence (10 years or more). It is therefore to be expected that a greater proportion of the murder group will be in maximum security than is the case among the rest of the population, given their offence and sentence length, and the fact that they have served a relatively small portion of their sentence.

As time passes, we should expect to find a greater number of the murder group at lower security levels. Other factors to consider include the constraints on movement between security level caused by the recent increase in the number of penitentiary admissions, and the build up of prisoners with long sentences. In assessing regional differences, the number of available cells within the region, and the extent of transfers to other regions should be considered.

Of note, too, is the fact that 13% of the murder group (21.6% of 1st degree, and 10.3% of 2nd degree murder prisoners) are in Kingston and Saskatchewan Penitentiaries, compared to 5.6% of the rest of the population (not shown in Table 11). These two maximum security institutions are specifically designated for holding prisoners in protective custody. Many other institutions have a number of cells for protective custody but prisoners held in these cells cannot be separately identified through automatic data.

In addition to the commonly-used three-level security classification, the Correctional Service of Canada also uses, for some purposes, a 7-level system, which makes further distinctions among institutions within each of the 3 levels.

Table 12

1ST AND 2ND DEGREE MURDER PRISONERS, BY S-LEVEL,
AS OF JUNE 30, 1983

Security Level	1st Degree Murder		2nd Degree Murder	
	No.	%	No.	%
Multi-Level ²⁶	59	29.6	123	19.2
<u>Maximum</u>				
S7	19	9.5	8	1.3
S6	107	53.8	254	39.7
<u>Medium</u>				
S5	8	4.0	91	14.2
S4	2	1.0	112	17.5
S3	0	0.0	20	3.1
<u>Minimum</u>				
S2	1	0.5	24	3.8
S1	0	0.0	0	0.0
Provincial	3	1.5	8	1.3
Total	199	99.9	640	100.1

Table 12 presents the absolute and percentage distribution of 1st and 2nd degree murderers across these 7 levels, as well as those in institutions with more than one security-level (Multi-Level - Prison for Women, and Regional Reception and Psychiatric Centres), and those in provincial institutions. As "S-level" information is not easily available through the automated information system, no comparative information on other prisoner groups is provided here.

ii) **Current Age²⁷**

Table 13 presents the age distribution of the murder population and other prisoners.

Table 13
AGE, AS OF JUNE 30, 1983

Age (in Years)	1st Degree Murder		2nd Degree Murder		Other Long Term Prisoners		Non-Murder Population		Canadian Population ²²
	No.	%	No.	%	No.	%	No.	%	%
16 - 19	7	3.5	11	1.7	0	0.0	484	4.7	10.3
20 - 24	23	11.6	133	20.8	24	2.4	3,043	29.6	12.7
25 - 29	53	26.6	171	26.7	130	13.2	2,573	25.1	11.8
30 - 34	45	22.6	117	18.3	218	22.1	1,703	16.6	11.1
35 - 39	33	16.6	80	12.5	220	22.3	1,094	10.7	8.8
40 - 49	31	15.6	83	13.0	231	23.4	944	9.2	14.1
50 - 59	4	2.0	30	4.8	119	12.1	349	3.4	13.1
60 and over	3	1.5	15	2.3	45	4.5	77	0.7	18.1
TOTAL	199	100.0	640	100.0	987	100.0	10,267	100.0	100.0
Minimum Age	17		16		20		16		
Maximum Age	68		73		83		82		
Modal Age	27		24		36		23		
Mean Age	32.7		32.3		39.0		29.7		
Median Age	30.9		29.7		37.0		27.4		

The 1st and 2nd degree murder groups are older than the non-murder population but, not surprisingly, younger than the rest of the long term prisoner population. Many of this latter group will have already served a substantial portion of their sentence, and this will account for their older average age. The average age of the four groups is 33, 32, 30 and 39 years respectively. The same difference is apparent if the median ages (the mid-point in the distribution of all ages) of each of the groups are compared

(31. 30. 27 and 37 years respectively). It can be expected that the age discrepancy between the murder and non-murder groups will increase until the murder group begins to be released, which will be the mid-80's at the earliest for the 2nd degree group (i.e. earliest year of parole eligibility for the first admissions under current murder legislation), and the late 80's for the 1st degree group (i.e. year of judicial review and possible parole eligibility for the earliest admissions). In terms of the most frequently occurring (modal) age, the 1st degree murder group is several years older than either the 2nd degree murder or the other-than murder groups (27, 24 and 23 years respectively).

While current age is most relevant in terms of policy and program considerations, age on admission to prison for the current conviction is more informative in determining whether age is in any way related to type of offence commission. Data not shown here indicate that both the 1st and 2nd degree murder groups were slightly older on admission relative to the non-murder population, the average ages of the three groups being 29.4, 29.1 and 27.7 years respectively.

iii) Racial Origin²⁸

As Table 14 illustrates, the racial origin of the 1st and 2nd degree murder groups is, overall, very similar to that for the non-murder population.

Table 14

RACIAL ORIGIN

Racial Origin	1st Degree Murder		2nd Degree Murder		Other Long Term Prisoners		Non-Murder Population	
	No.	%	No.	%	No.	%	No.	%
Caucasian	179	89.9	538	84.1	868	87.9	8,805	85.7
North American Indian	6	3.0	43	6.7	59	6.0	649	6.3
Métis	6	3.0	19	3.0	12	1.2	247	2.4
Inuit	0	0.0	0	0.0	0	0.0	22	0.2
Black	1	0.5	8	1.3	17	1.7	203	2.0
Asiatic	5	2.5	19	3.0	8	0.8	64	0.6
Other	2	1.0	6	0.9	7	0.7	142	1.4
Unknown	0	0.0	7	1.1	16	1.6	135	1.3
TOTAL	199	99.9	640	100.0	987	99.9	10,267	99.9

Of the few small differences, the most striking is the higher percentage of prisoners of asiatic origin (also defined for the automated information system as "mongoloid") among the 1st and 2nd degree murder groups relative to the proportion among the "other long term prisoners", and "non-murder" groups (2.5%, 3.0%, 0.8% and 0.6% respectively). As the proportion of asiatic prisoners for all groups is very small, the differences possibly result from the statistically small numbers for the murder groups. In contrast to this finding, it is also worth noting that the proportions of North American Indians and blacks are lower among the 1st degree murder group than for all other groups.

The racial origin categories used by CSC's automated system do not allow for easy comparison with Canadian population data.

iv) Gender

Table 15 presents the proportion of females and males in the murder population, relative to their proportions in other prisoner groups and in the Canadian population.

Table 15

GENDER

Gender	1st Degree Murder		2nd Degree Murder		Other Long Term Prisoners		Non-Murder Population		Canadian Population ²²
	No.	%	No.	%	No.	%	No.	%	%
Female	7	3.5	25	3.9	6	0.6	194	1.9	51.0
Male	192	96.5	615	96.1	981	99.4	10,073	98.1	49.0
TOTAL	199	100.0	640	100.0	987	100.0	10,267	100.0	100.0

The great majority of both the 1st and 2nd degree murder groups is male (96.5% and 96.1% respectively), although these proportions are slightly smaller than those for the rest of the long term or the non-murder population (99.4% and 98.1% respectively).

Among the 32 women in the two murder groups, seven are serving a sentence for 1st degree murder, four of them at the Prison for Women, and the remaining three in provincial prisons. Of the 25 women convicted of 2nd degree murder, 18 are at the Prison for Women, and the remaining 7 are in provincial prisons.

Looking at just those in the Prison for Women (22), they comprise 17.3% of the total population at that institution. Among the 22, all of the 1st degree, and 1 of the 2nd degree murder group are facing a minimum parole restriction of 25 years. Another two of the 2nd degree murder group have a parole restriction greater than 10 years (13 and 20 years). Among the rest of the Prison for Women population, 5 are also serving a life sentence, 4 of them for non-capital murder, and 1 for kidnapping.

In terms of sentence length of the population at the Prison for Women, 27 women, or over 20%, are serving a life sentence with a parole restriction of 10 years or greater.

v) **Language Spoken²⁷**

Table 16 presents data on first language spoken.

Table 16

LANGUAGE SPOKEN

Language	1st Degree Murder		2nd Degree Murder		Non-Murder Population	
	No.	%	No.	%	No.	%
French	40	20.1	102	15.9	1,878	18.3
English	117	58.8	445	69.5	6,617	64.4
Both	37	18.6	92	14.4	1,617	15.7
Neither	2	1.0	0	0.0	155	1.5
Unknown	3	1.5	1	0.2	0	0.0
TOTAL	199	100.0	640	100.0	10,267	99.9

The proportion of 1st degree murder prisoners who reported English as their first language (59%) is considerably lower than the proportion among the 2nd degree murder group (70%), and, to a lesser extent, also lower than among the non-murder population (64%).

As of 30 June 1983, 8 of the 40 self-reported unilingual francophone 1st degree murderers were in institutions outside Quebec, and 2 of the unilingual anglophone group were in Quebec institutions. Among the 2nd degree murder group, 7 unilingual francophone prisoners were outside Quebec, and 9 unilingual anglophone prisoners were in Quebec institutions. Further examination of these cases could determine the particular difficulties that arise from the apparent inability to communicate in the language that predominates in the institution.

vi) **Marital Status** 27

As illustrated in Table 17, there are considerable differences among the four groups with regard to reported marital status.

Table 17

MARITAL STATUS

Marital Status	1st Degree Murder		2nd Degree Murder		Other Long Term Prisoners		Non-Murder Population		Canadian Population % ²⁹
	No.	%	No.	%	No.	%	No.	%	
Married	51	25.6	83	13.0	182	18.4	1,344	13.1) 60.9
Common-law	29	14.6	112	17.5	122	12.4	2,380	23.2)
Single	93	46.7	310	48.4	564	57.1	5,458	53.2	27.9
Widowed	13	6.5	43	6.7	25	2.5	63	0.6	6.1
Separated	5	2.5	43	6.7	39	4.0	398	3.9	2.5
Divorced	8	4.0	45	7.0	49	5.0	513	5.0	2.7
Unknown	0	0.0	4	0.6	6	0.6	111	1.1	0.0
TOTAL	199	99.9	640	99.9	987	100.0	10,267	100.1	100.1

It is worth noting the difference in the relative proportions of married and common-law prisoners across the four groups, and particularly the inverse proportions for the 1st degree murder and non-murder groups. The explanation for this is not apparent, or necessarily related in any way to the type of offence, as the same proportions do not hold for both of the murder groups. If these two relationship categories are collapsed, in order to consider those who report having a relationship of some continuity, the 1st degree murder group has the highest proportion (40.2%), followed by the non-murder group (36.3%). The 2nd degree murder group and the remainder of the long term prisoner group are very similar, at 30.5% and 30.8% respectively.

It is also of interest to note the considerable variation across groups in terms of the proportion of prisoners who are single. It might be expected that this would to some degree be related to age, and this may possibly explain the difference between the two murder groups and the non-murder group, given that the latter group is younger (see Table 13). However, the same explanation does not hold for the remainder of the long term prisoner group.

Of note, too, is the higher proportion of widowed prisoners among the murder groups.

Comparison of marital status data for prisoners and the Canadian population aged 15 and over reveals that a considerably larger proportion of the latter group are married or living common-law, and conversely, that a smaller proportion are single. The fact that the prison population is considerably younger overall probably accounts for these differences.

vii) Previous Penitentiary Commitments

A previous penitentiary commitment is an admission into the federal prison system prior to the current term. The commitment is not necessarily for a new offence (e.g. it could follow parole revocation). Full information on previous provincial prison terms for federal prisoners is not available in CSC's automated information systems.

Table 18

NO. OF PREVIOUS PENITENTIARY COMMITMENTS

No. of Previous Commitments	1st Degree Murder		2nd Degree Murder		Other Long Term Prisoners		Non-Murder Population	
	No.	%	No.	%	No.	%	No.	%
0	123	61.8	500	78.1	641	64.9	6,374	62.1
1	36	18.1	74	11.6	229	23.2	1,925	18.7
2	19	9.5	43	6.7	98	9.9	1,014	9.9
3	13	6.5	16	2.5	13	1.3	502	4.9
4	5	2.5	5	0.8	4	0.4	233	2.3
5	1	0.5	1	0.2	2	0.2	111	1.1
6 - 9	1	0.5	1	0.2	0	0.0	107	1.0
10 - 15	1	0.5	0	0.0	0	0.0	1	0.0
16 - 20	0	0.0	0	0.0	0	0.0	0	0.0
More than 20	0	0.0	0	0.0	0	0.0	0	0.0
TOTAL	199	99.9	640	100.0	987	99.9	10,267	100.0

The data in Table 18 reveal that a high proportion of persons convicted of 2nd degree murder have served no previous federal term. The proportion of persons in this group with a small number of previous commitments is larger than for any other group, with over 96% having fewer than three, and close to 90% having none or one.

The data for the 1st degree murder group are similar in proportion to those for the non-murder group.

To return to the 2nd degree murder group, a further analysis was made of those 500 persons serving their first federal sentence, in order to make some preliminary assessment of whether the absence of a previous commitment may have had some effect on the length of the period of parole ineligibility set by the court. It was found that 110 (22%) had received more than the minimum 10 year period, 67 (13.4% of the total) received more than 15 years, and 8 (1.6%) received the maximum 25 years. If these data are compared to those for the total 2nd degree murder group (see Table 5), it can be seen that no relationship between number of previous commitments and parole ineligibility is apparent, and it is worth noting that the proportion receiving more than 15 years is in fact higher among these 500 than among the full 2nd degree murder group.

A review was also made of available automated information regarding those sentenced for 1st and 2nd degree murder who were recorded as having 5 or more previous terms, to obtain some indication of the reasons for these previous commitments. While this review was relatively cursory, primarily because the nature of the available information did not allow for systematic examination, it appeared that a great majority of previous commitments resulted from parole or mandatory supervision revocation and did not entail a new offence. Where a new offence was involved, this appeared most frequently to not involve violence.

viii) Deaths

Of those admitted for 1st and 2nd degree murder since July 1976, there have been 18 deaths, as of 30 June 1983 - 5 among the 1st degree murder group (4 in Quebec, and one in Ontario), and 13 among the 2nd degree murder group (6 in the Pacific, 4 in Ontario, 2 in Quebec, and one in the Atlantic Region). No details of the circumstances of these deaths are available from automated data. As mentioned elsewhere (Note 12), these 18 deceased prisoners are not included in the annual admissions in Table 4, or in any of the subsequent analyses.

ix) **Institutional Incidents** → XXXXY

Automated information on involvement in institutional incidents which can be subjected to aggregate analysis is not presently available. Such a system is expected to be available later this year.

← look into this

This area of information is perhaps the most difficult to interpret with clarity and objectivity, although the planned automated system will be based on specific definitions and coding categories, allowing incidents to be defined in a relatively precise manner.

In early 1983, a review was conducted by CSC's Preventive Security Division of file information on prisoners sentenced to the 25-year minimum life sentence, i.e. 1st degree murderers together with a small number of 2nd degree murderers. At that time there were 190 prisoners in this category, and it was found that, during the period 1980 through 1982, 89 of them had been involved in some way in 164 incidents recorded by Preventive Security. Incidents covered included suicide and attempted suicide, riots, murder, hostage-taking, assaults, disturbances, escapes, escape attempts and escape plans, threats, self-inflicted injuries, hunger strikes, possession of contraband or explosives, and incidents involving use of physical restraint or gas by staff. Because of the imprecision of the incident descriptions, the inability to determine from the data, where applicable, whether the prisoner was the victim or perpetrator, and the absence of comparative data on other prisoner groups, these data tell us only that some prisoners in the murder group came to the attention of Preventive Security in connection with an incident.

In order for incident information to be meaningful, details as to the type of incidents, whether violence was involved, the circumstances leading up to the incident, etc., and comparative information on other prisoner groups, would be needed, so as to determine whether there is any basis for anticipating special problems among the murder group. The availability of automated information will enable these types of analyses to be undertaken.

VIII. PROJECTED SIZE OF THE 1ST AND 2ND DEGREE MURDER POPULATION

Even under the best of circumstances, few forecasting models can yield completely accurate results. This is particularly true with regard to human behaviour and social patterns, especially over very long periods during which many variables may change in unpredictable ways. Usually, forecasting models are able only to provide an estimate, or a range of estimates, while acknowledging that on-going adjustments will be required based on emerging knowledge and experience. This is especially true with regard to forecasting the future size of the murder population in penitentiaries, because there are at present only a few years of data to draw upon and it is not possible to foresee the impact of the 15-year judicial review when it comes into play. Other factors such as legislative change could also intervene during the forecast period.

Over the past few years, a number of projection exercises have been carried out, each based on different assumptions.³⁰ The first was done in CSC in 1979, for the 1st degree murder population alone, for the period to 1989. The projections were based on a simple extrapolation from 1978 admissions, assuming constant annual admissions. This method projected a 25 percent higher population for the end of 1982 than was the actual case.

In 1980, the Ministry Secretariat's Research Division developed a model to project the size of the 1st and 2nd degree murder populations up to the year 2001. These projections were based on 1979 admission levels, as well as a number of assumptions about the outcome of parole and judicial reviews and other factors.

In September 1982, these 1980 projections were updated (Projection A in Table 19 below), using essentially the same assumptions about release, but future admissions were based on averaged annual admissions during the previous five years. These revised projections resulted in a forecast for 1982 of 181 1st degree and 566 2nd degree murder prisoners, which was just 3 percent lower than the actual figures for 1982, although the fact that actual figures were available up to 1981 undoubtedly contributed to the degree of accuracy.

In August 1983, CSC's Special Projects Division conducted a projection exercise. Their model borrowed heavily from the September 1982 model, but incorporated a number of revised assumptions, and used alternative

admission and release criteria to arrive at two sets of minimum and maximum population sizes for each of the 1st and 2nd degree murder groups for the year 2001. The lower and upper estimates of the four projections for each group are presented as Projection B in Table 19.

Finally, in January 1984, the Ministry Secretariat's Corrections Policy Division developed projections to the year 2001, based on estimated 1983 admission levels. The results of this exercise are summarized as Projection C in Table 19.

Table 19

**PROJECTED SIZE OF 1ST AND 2ND DEGREE
MURDER POPULATION BY YEAR 2001**

Projection	1st Degree Murder	2nd Degree Murder	TOTAL
A. September 1982	799	1,185	1,984
B. August 1983	804 - 989	1,237 - 1,685	2,041 - 2,674
C. January 1984	877	1,439	2,316

The forecasted growth over time in the total murder population admitted since 1976, up to the year 2001, for each of the projections presented in Table 19, is illustrated in Figure 1.

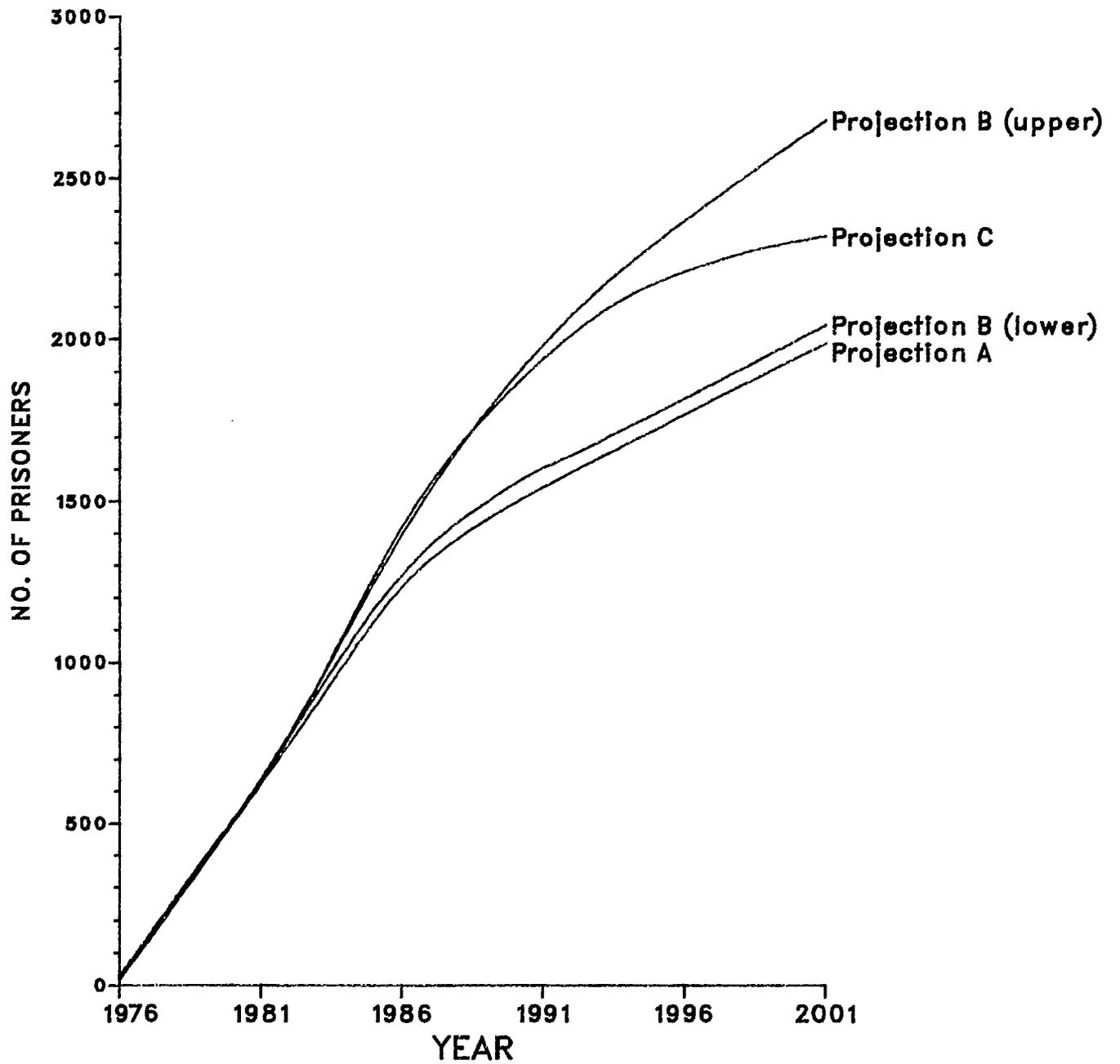
The different estimates produced by these separate projection exercises result from differences in assumed admission and release levels. These differences are summarized below.

Projection A

Admissions: Stable annual rate/100,000 population, calculated by converting the average number of annual admissions during the period 1977 to 1981 to a rate/100,000 for 1981, and using Statistics Canada population projections for converting rates into numbers of admissions for subsequent years. The rate/100,000 is 0.12 for 1st degree murder, and 0.38 for 2nd degree murder.

Figure 1

PROJECTED GROWTH OF 1ST AND 2ND DEGREE MURDER POPULATION



Releases: 1st Degree: no releases until after the year 2001, when the 1976 admissions become eligible for parole.
2nd Degree: releases begin in 1986, when some of the 1976 admissions become eligible for parole. All prisoners are released in year of parole eligibility. The same distribution of years of parole ineligibility pertaining to and averaged for admissions during the years 1977 to 1981 was assumed to continue for subsequent years.

Projection B

Admissions: The lower estimate uses the same method for projecting admissions as Projection A. While a slightly different period (1977-1982) was used as the basis for calculating the rate/100,000, the rates themselves are the same. The higher estimate projects a continuation of the 1982 rate/100,000 admissions. The 1982 rate/100,000 is higher than that for the period 1977-1982 used in Projection A, at 0.15 for 1st degree murder, and 0.46 for 2nd degree murder.

Releases: 1st Degree: The lower estimate projects release on parole after 15 years for one-third of eligible prisoners. The higher estimate uses the same release assumption as Projection A, i.e. no releases until after the year 2001.
2nd Degree: The lower estimate is based on the same release assumption as Projection A, i.e. 100% release at time of parole eligibility. The higher estimate projects one-third release at time of parole eligibility. As with Projection A, both estimates assume a continuation of the same distribution of parole ineligibility periods as during earlier admission years.

Projection C

Admissions: Annual continuation to the year 2001 of the number of admissions in 1983.

Releases: 1st Degree: Release of one-third of prisoners after serving 18 years (i.e. assuming most favourable judicial review and subsequent parole review decisions, for one-third of eligible prisoners, but allowing three years for these reviews to take place and release to occur).
2nd Degree: Release on parole after serving 10 years for one-third of eligible prisoners.

In both Projections B and C, where one-third of eligible prisoners are released, the eligible but unreleased two-thirds are added to the group under consideration the subsequent year, and from which one-third are again released.

Some of the limitations of the various admission and release assumptions are described below, but it should also be noted that all of the models implicitly assume that the size of the murder population over time will not be affected by a number of other factors. These include the assumptions that there will be no deaths or other attritions, such as successful appeals, and that there will be no changes in the murder legislation which would alter the judicial review or parole eligibility criteria.

A few comments are in order with regard to the admission and release assumptions used for these projections. Firstly, for all models, it is implicit not only that the admission rate will remain stable, but that the annual proportion of 1st and 2nd degree murder admissions relative to each other will remain the same over time; secondly, that the annual distribution of parole ineligibility periods for 2nd degree murder admissions will remain the same; and thirdly, for Projections A and B, that the Canadian population will grow at the officially-projected rate. Particularly given the long period for which the projections are made, it is highly unlikely that these assumptions will be confirmed by actual experience.

With regard to assuming a stable admission rate, it should be noted, as Table 20 shows, that during the period 1975 to 1981, the number of reported murder incidents was highest in 1975, and the rate of murder offences per 100,000 population has decreased in 4 of the 6 years from 1976 to 1981 and has remained below the 1975 rate through this period. While the relationships between reported murder incidents, offence rate and murder admission rates are by no means direct, because of a number of intervening factors, there is necessarily some degree of relationship, so that the predicted stable murder admission rate is highly unlikely to occur. In the absence of a more sound basis for prediction, however, a stable rate would seem to be the most justifiable assumption.

TABLE 20
MURDER OFFENCES AND RATES, 1974-1981 ³¹

Year	Number of Murder Offences	Rate Per 100,000 Population	Rate % Increase (+) % Decrease (-)
1981	599	2.48	+ 1.64%
1980	493	2.06	- 15.57%
1979	587	2.48	- 1.64%
1978	592	2.52	- 3.28%
1977	628	2.70	+ 10.66%
1976	614	2.66	- 9.02%
1975	636	2.79	+ 14.34%
1974 ³²	548	2.44	

Because of the great uncertainty about future admissions, there is no sound basis for attributing higher validity to any one of the projection models in terms of its projected admission level.

With regard to the various release assumptions, the projected release of one-third at time of parole eligibility, which is incorporated into Projection B's lower estimate, and Projection C, is probably the most justifiable. The parole release rate over recent years has been around 30 percent for all reviewed prisoners, and there are indications that the rate for prisoners with lengthy sentences is higher.³³ Projection C's assumption that, even when favourable, the judicial review and parole review processes will take three years to result in release, probably makes this projection more justifiable in terms of projected releases.

In summary, the projections forecast a 1st degree murder population of between 800 and 1000 by the year 2001, and a 2nd degree murder population of between 1200 and 1700, for a total murder population of between 2000 and 2700. Under all projections, the population would continue to grow after the year 2001, but at a decreasing rate. The rate of growth will depend primarily on admission and release levels over time. Of the three projections presented above, Projection C might be viewed as the best-case projection under present legislation and practices.

IX. FUTURE DIRECTIONS FOR RESEARCH AND POLICY

The preceding statistical analyses suggest a number of questions which, if pursued further, would provide a more informed base from which to consider policy and program issues relating to the current murder legislation and long term imprisonment. Some of the analyses provide preliminary indications of some differences between the 1st and 2nd degree murder population and the rest of the population. Validation of some data elements in particular would be necessary in order to have full confidence in these differences. Other questions have arisen which would need more extensive study using data that is not available through CSC's automated systems. Some of the most obvious or significant issues for further examination are described below.

i) Application of the Murder Legislation Over Time

A comparison of 1st and 2nd degree murder annual admissions levels since 1976 with capital and non-capital admissions during previous years, together with data on manslaughter and other homicide admissions over the same period, could provide a useful perspective on whether the 1976 legislative amendments appear to have led to significant changes in the type of conviction resulting from a homicide incident.

While the 1976 legislation's definition of 1st degree murder is broader than under previous murder legislation, the 1976 legislation was primarily promoted as intending to replace the death penalty with a minimum 25-year sentence. As the annual number of 1st degree murder admissions is reaching close to the total number of capital murder admissions during the previous ten years, an analysis of homicide convictions over time would help to explain this significant change which, among other implications, will increase the number of long term prisoners.

ii) Application of Current Murder Definitions

Because of the wide interpretation that can be given to the planned and deliberate clause of Criminal Code section 214.(2), the question arises as to whether the 1st and 2nd degree murder groups are different in terms of the actual nature of their offence. An analysis of the circumstances of homicides leading to a 1st degree murder conviction under this clause compared to the circumstances of homicides leading to a 2nd degree murder conviction would provide the basis for determining whether there is relatively standard practice in applying the two murder categories.

Such an analysis would contribute to an information base for possible future murder legislation initiatives. It would also assist in the consideration of security and program questions in relation to the 1st and 2nd degree murder population.

iii) Parole Eligibility for 2nd Degree Murder

Analysis of the circumstances of homicides leading to a 2nd degree murder conviction could help to explain the wide variation in parole restriction periods set by the court. Such an analysis would also indicate whether regional differences in parole restriction periods can be explained by offence circumstances or whether there is regional disparity in the use of this discretion.

iv) Security Level

Further examination of a number of factors is needed to explain regional variations in level of security under which 1st and 2nd degree murderers are being held. These would include looking at relative numbers of available cells across regions, possible differences in application of the classification process, and use of and reasons for transfer. An assessment of the experience in the Pacific region, where a number of murder prisoners are being held at a lower security level than elsewhere, would also be useful. The experience with this group is so far relatively brief. Regularly collected data on security level movement over time for this group in comparison with the rest of the population would indicate whether security practices are in fact different for this group.

could adapt into my study

Other security-related questions that warrant further consideration, in order to determine special needs, are the number of 1st and 2nd degree murder prisoners in psychiatric centres, in segregation, and in protective custody. There is a need for more complete information, in terms of both numbers and reasons, on the use of protective custody in particular. The implications for future programming and management could be significant, given the lasting limitations that usually apply to the movement of any prisoner held in protective custody.

A more in-depth assessment of the security needs of the murder population is integral to the development of planning and program approaches for this group.

v) Marital Status

The large proportion of 1st and 2nd degree murder prisoners who report married or common-law status is a highly relevant factor in program considerations. Discussions with this group in terms of their hopes and expectations with regard to maintaining family contact would provide the most useful information from which to assess the priority that should be given to family contact in developing overall program approaches.

Conversely, consideration has to be given to how personal human relationships can be facilitated for those who report no marital relationship.

vi) Previous Commitments

The indication from automated data is that a very high proportion of the murder group has had very few or no previous federal prison terms. Analysis of file information could determine whether these prisoners have served time in provincial prisons, whether they have a previous offence record and whether violence was involved. It could also contribute to a more systematic assessment of whether previous criminal and correctional history affect parole ineligibility for 2nd degree murderers.

Information on these questions, along with others identified, will assist in determining the most appropriate security and program approaches.

vii) Institutional Incidents

The development of automated information on involvement in institutional incidents is probably of greatest priority at the present time. One of the most frequently raised questions, and the concern that most affects security and program planning, is whether the murder group, and particularly those serving the minimum 25-year sentence, pose particular problems in terms of violent behaviour, whether self- or other-directed. The number of deaths that have already occurred also warrants particular attention. Information is urgently needed which will allow a comparison of this group with others serving shorter sentences, or admitted for non-violent offences. The issue is of particular importance given the potential problems that may arise as a result of the increasing size of the murder group.

The type of information also needs to be supplemented with information on questions such as program participation, and behaviour in general, so as to provide a more comprehensive picture of the group.

viii) Projected Population Growth

Given the relatively brief experience on which the projections in this report have been based, and the likelihood of changes in various factors which affect the size of the group, regular projection exercises need to be conducted for long term planning, as well as for the development of relevant data in support of possible legislative or policy initiatives. Agreement on a forecasting model should be reached, so that uniform projection figures can be used across the Ministry.

Further work on the issues and information needs identified above will add to the information base required for policy and program development with regard to long term prisoners. Such an information base will provide the necessary background from which further questions can be identified, and more complex issues can be explored. It will also complement other related work, such as the Research Division projects on the effects of long term imprisonment, and CSC's consideration of education and employment needs.

X. NOTES

1. Durie. H. Characteristics of Prisoners Convicted of Murder under Bill C-84 from July 1976 to December 31, 1979. Research Division, Ministry of the Solicitor General, August 1980. Unpublished.
2. The penalty of death is still retained in the National Defence Act for certain offences committed by military personnel.
3. For a fuller explanation and discussion of legislative changes prior to abolition of the death penalty, see Capital Punishment - Material Relating to its Purpose and Value, Queen's Printer, Canada, 1965 and Capital Punishment - New Material: 1965-1972, Information Canada, 1972.
4. See Criminal Law Amendment Act (No. 2), 1976, for full details of the legislation.
5. The Council of Europe, for example, in its report on the Treatment of Long Term Prisoners (Strasbourg, 1977), defined long term imprisonment to include "sentences of five or more years' deprivation of liberty... regardless of the time actually served and of possible conditional release". (p.7)
6. Exact period established by judicial discretion.
7. Between 1969 and 1974, the parole eligibility rules were amended on more than one occasion, so that an individual's period of parole ineligibility depends on the year of conviction as well as judicial discretion.
8. This category includes sentences which have no predetermined definite length, as with life, but the release eligibility conditions differ from those for a life sentence. The number of prisoners within the four sentence types in this category represent a very small proportion of long term prisoners (see Table 3). It should also be noted that the Dangerous Sexual Offender and Habitual Offender sentence types were removed from the Criminal Code in August 1977, at which time the Dangerous Offender provisions were enacted (section 688).

9. Under the Criminal Code (section 543(6)), persons in custody under a Lieutenant Governor's Warrant are held "until the pleasure of the Lieutenant Governor of the province is known". They are therefore not under the jurisdiction of the National Parole Board, and do not become eligible for parole .
10. Definite sentence prisoners are eligible for parole after serving one-third of their sentence or 7 years, whichever is less, except where the sentence is five years or more and the offence involved physical or psychological harm to another person, in which case parole eligibility is after one-half of sentence or 7 years, whichever is less.
11. Another 90 prisoners who are unlawfully at large are technically in this category in that they have not been officially released. They are not included here.
12. The data on "Other Long Term Prisoners" and the "Non-Murder Population" presented in the following analyses vary slightly from data presented earlier, in Section V, because of a slight delay in data system access. A further negligible difference in the size of the "non-murder population" for security level data occurred for the same reason.
13. Admission data and subsequent analyses exclude 18 prisoners who have died since being admitted - 5 1st degree murder (admitted in 1978-1, 1980-2, 1981-1, 1982-1), and 13 2nd degree murder (admitted in 1977-1, 1978-4, 1979-4, 1980-1, 1982-3).
14. Year of Admission indicates the year that the prisoner was admitted to the penitentiary. This is not necessarily the year during which the murder offence or conviction occurred. In most cases, prisoners admitted for murder have already spent a number of months in provincial custody during the remand, trial and appeal periods. In a small number of other cases, the murder conviction occurred when the prisoner was already in a penitentiary for a separate conviction, and in these cases, the year of admission will refer to the year that the prisoner was admitted for the earlier conviction.
15. Last five months only, subsequent to legislative amendment of 26 July, 1976.

44.

16. There are an additional 11 prisoners who were previously admitted and whose death sentence was automatically commuted to life imprisonment for 1st degree murder on 26 July 1976.
17. First six months only.
18. Not calculated for 1977 and 1983 because of incomplete annual data.
19. CSC's information systems provide for an automatic default to 10 years parole ineligibility when no specific period is entered. While errors of omission could inflate the proportion of those indicated as receiving the minimum period, manual verification of these data in the past has indicated an extremely high level of accuracy.
20. Data on province of conviction for persons admitted to federal penitentiaries are drawn from an OIS data element defined as "the location where the court passed sentence...". This information also indicates the province where conviction occurred and, with statistically insignificant exceptions, the province where the offence occurred. (For example, out of a total of nearly 15,000 criminal cases in Montreal in 1983, 48 involved offences committed outside Quebec. In the case of murder, conviction cannot occur in another province, under Criminal Code s.434.) The data do not necessarily indicate the province of residence of the person convicted of the offence.
21. Provincial % calculations exclude convictions in the "Outside Canada" and "Unknown" categories.
22. Based on 1981 Census data, for the population aged 16 and older.
23. As noted in 19 above, province of conviction does not necessarily indicate province of residence for the person convicted. The presentation of population data together with province of conviction data serves to illustrate the relative proportions of federal prisoners by province of conviction in comparison with relative provincial population sizes. It does not provide the basis for assessing the extent to which provincial residents are convicted of criminal charges or admitted to federal penitentiaries.

24. Regional percentages indicate proportion within national total for the group. Security level percentages indicate proportion at that security level within each region. Totals may not add to 100, due to rounding.
25. Prisoners serving a federal sentence in a provincial prison.
26. All prisoners shown here are being held in the maximum security area of the institution.
27. These data are based on information reported by prisoners at time of admission. The information is not subjected to any independent verification.
28. As with age data, the data here are based on self-reported information, and not subject to independent verification. Limited confidence in their accuracy arises in particular from the fact that the definitions of at least some of the categories lack precision and can be misunderstood.
29. Based on 1981 Census data, for the population aged 15 and over. Marital status data for persons aged 15, who comprised 2.3% of the population, could not be separated out from available data.
30. None of these projections has been officially endorsed by any agency of the Ministry. They should in no way be considered as final or official.
31. Source: Statistics Canada: Homicide Statistics 1981, Table 2, p. 28, "Number and Rate of Homicide Offences by Legal Type, Canada 1961-1981".
32. Base Year
33. See, for example, Solicitor General's Study of Conditional Release, Report of the Working Group, March 1981, p.39.

