

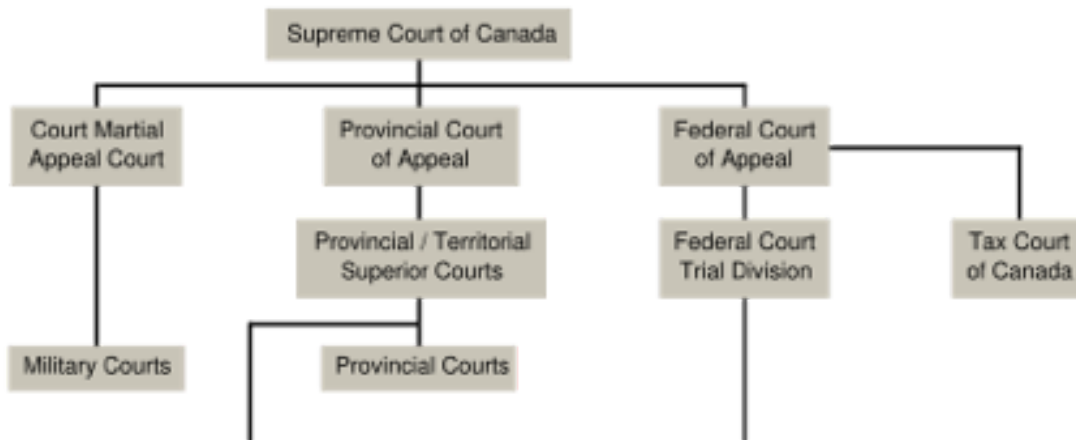
## Unit 8- Mentally Disordered Offenders

### Canadian Criminal Justice System

#### Introducing the Canadian Criminal Justice System

Federal (Sentenced 2+ years)	<ul style="list-style-type: none"> <li>● Department of Justice (Supreme Court, judges, federal statutes, prosecutions)</li> <li>● Department of Public Safety (RCMP, Correctional Service of Canada, National Parole Board, Canadian Security Intelligence Service, Canada Border Services/ Agency)</li> </ul>
Provincial/ Territorial (Sentenced < 2 years)	<ul style="list-style-type: none"> <li>● Administration of justice, provincial correctional institutions</li> <li>● Regulatory laws</li> <li>● Provincial probation/ parole</li> <li>● Provincial Police</li> <li>● Implements youthful offender sentencing</li> </ul>

#### Canadian Criminal Court System

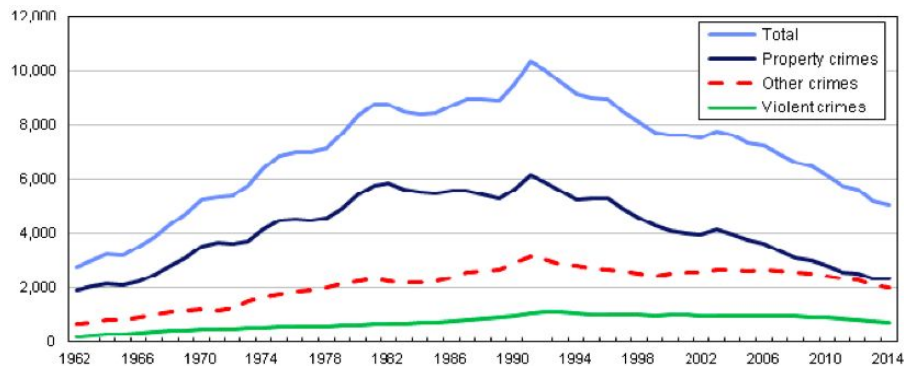


## Nature of Crime in Canada

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### Police reported crime in Canada (1962-2014)

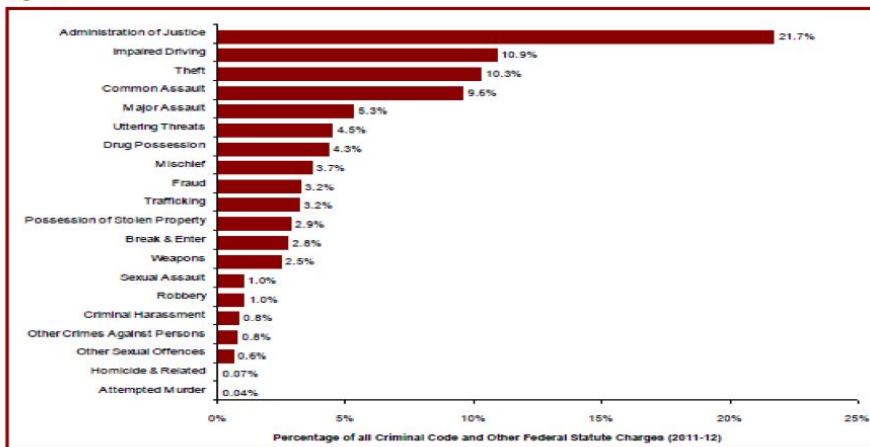
- Is crime increasing or decreasing in Canada?
  - Crime since the early 90's have been decreasing



- What is the most common type of crime heard in adult courts?
  - Administration of justice offence, someone can only be charged with if they have committed a crime previously
    - Missed court, skipped bail hearing, failed drug test
  - Impaired Driving is the second

### ADMINISTRATION OF JUSTICE CASES ACCOUNT FOR 22% OF CASES\* IN ADULT COURTS

Figure A5

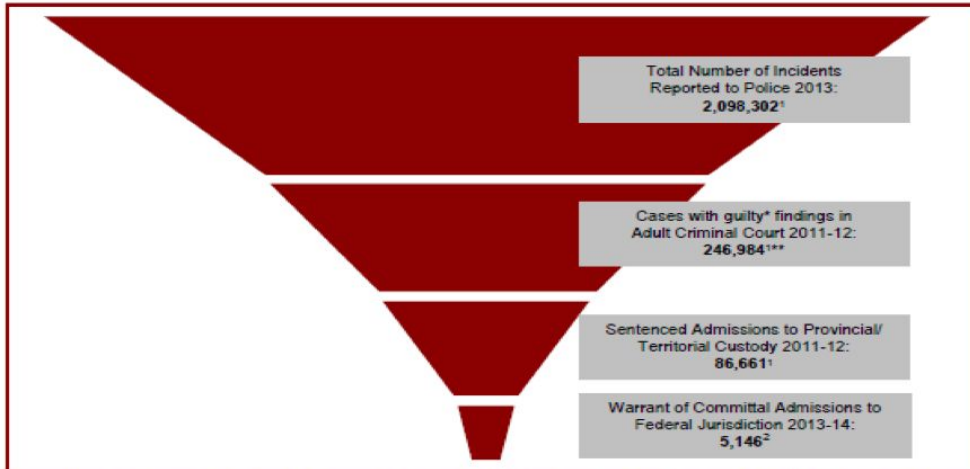


Source: Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

- How many crimes are reported to police annually?
  - Over 2 million reported incidents
- How many result in incarceration?
  - Approximately 4 %

**RELATIVELY FEW CRIMES RESULT IN SENTENCES TO FEDERAL PENITENTIARIES**

Figure A7

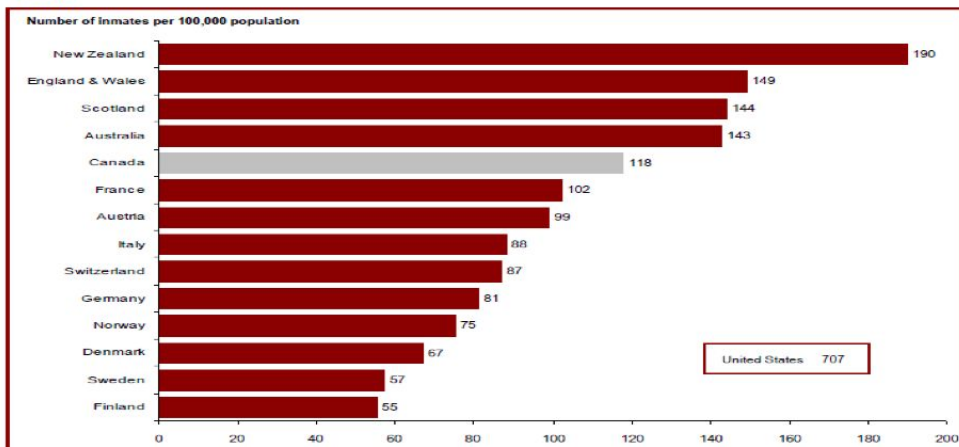


Source: <sup>1</sup> Uniform Crime Reporting Survey, Adult Criminal Court Survey, and Adult Correctional Services Survey, Canadian Centre for Justice Statistics, Statistics Canada; <sup>2</sup> Correctional Service Canada.

- How does Canada’s incarceration rate compare worldwide?
  - Relative to other countries our rate is pretty high
  - US cannot go onto the graph

**CANADA’S INCARCERATION RATE IS HIGH RELATIVE TO MOST WESTERN EUROPEAN COUNTRIES**

Figure A3

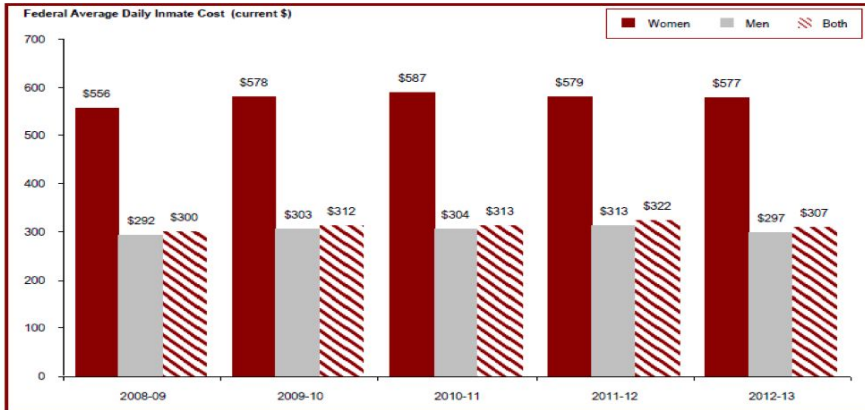


Source: World Prison Population List online (retrieved December 8, 2014 at <http://www.prisonstudies.org/world-prison-brief>)

- How much does it cost to incarcerate an offender?
  - 300\$ a day
  - On average a male offender 100k dollars and females 200k
  - Have someone on parole 30k a year

**THE COST OF KEEPING AN INMATE INCARCERATED**

Figure B3

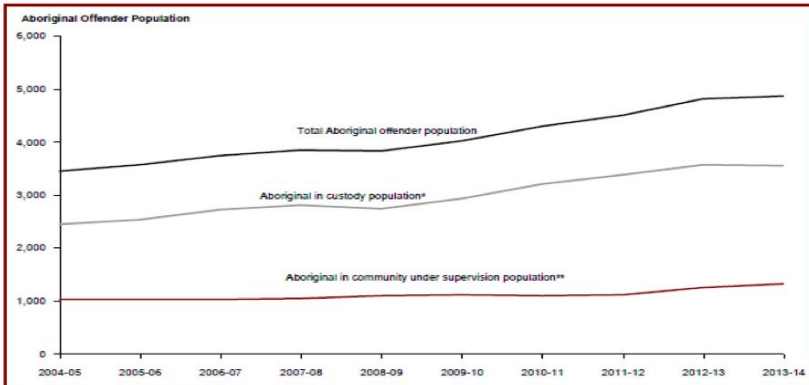


Source: Correctional Service Canada.

- What is the status of Aboriginal offenders in the correctional system?
  - Aboriginal offenders overrepresented
  - Number has been increasing, despite the measures put forth to stop them
  - 3% of the Canadian population are aboriginal
  - 35% in the incarceration for female, 22% for males

**THE NUMBER OF ABORIGINAL OFFENDERS HAS INCREASED**

Figure C16



Source: Correctional Service Canada.

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## Sentencing

### What is a Sentence?

- Imposition of a legal sanction on persons convicted of an offence

### Purpose of Sentencing

- Specific deterrent
  - Put in jail person will never do it again
- General deterrent
  - To scare the public not to do it
- Denunciation
  - Life without parole
- Incapacitation
  - Prevent you from hurting no one else
- Rehabilitation
  - To treat you so you can live normally in society
- Reparation
  - Giving back to the victim
- Promote responsibility
  - Apologizing to the victim

### Principles of Sentencing

- Proportionate to the gravity of the offence
  - First time offence small time to serve
- Proportionate to degree of offender responsibility
  - Armed robbery and your driving the getaway car should you get the same sentence as everyone else
- Use less restrictive measures (prison is last resort)
- Consider aggravating and mitigating factors
  - Explain why it happened
- Same sentence for same offender, for same crime

- Consecutive sentences should not be overly harsh

### Sentencing Options

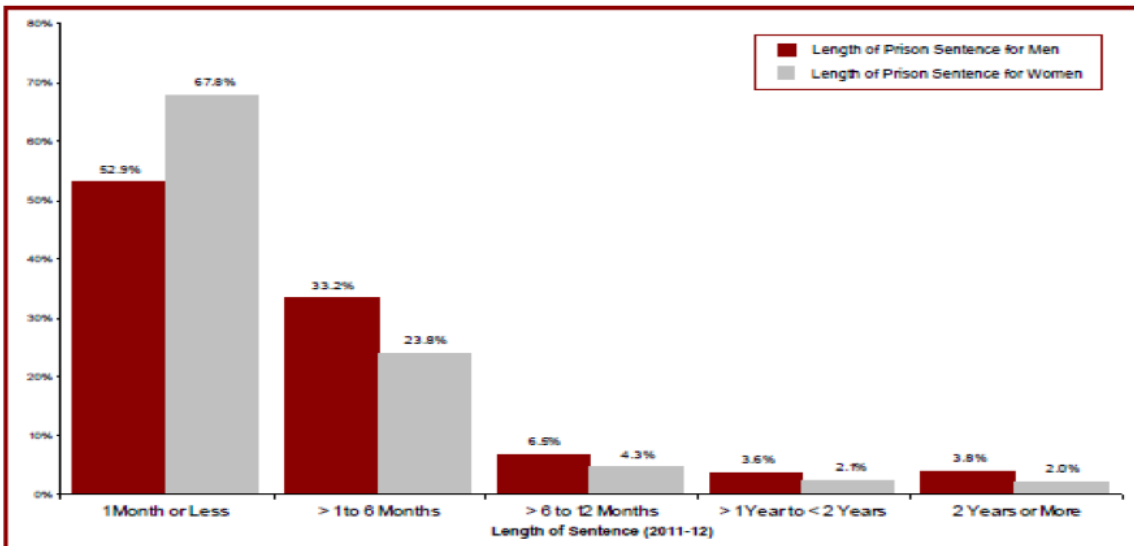
- Absolute/ Conditional Discharge
  - No criminal record or have conditions
- Probation
- Restitution
  - Paying back victim
- Fine/ Community Service
- Conditional sentence
  - Serve in the community
- Imprisonment
  - Dangerous Offender
- Long term supervision order

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### MOST ADULT CUSTODIAL SENTENCES ORDERED BY THE COURT ARE SHORT

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Figure A6



Source: Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

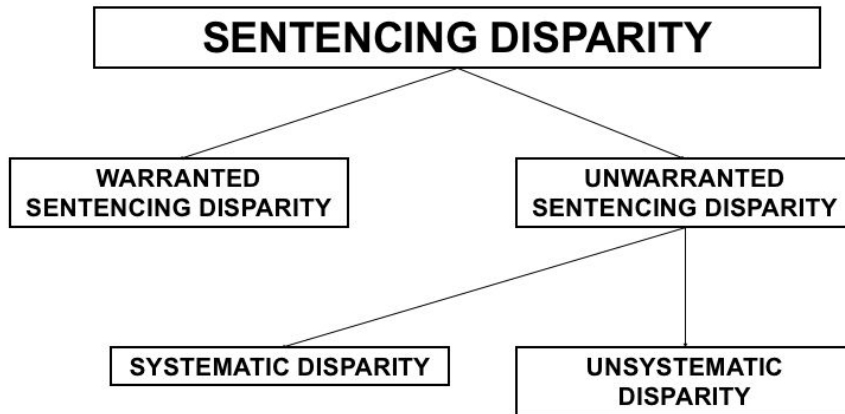
- How long is the typical custodial sentence in Canada?
  - On average the under a month

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## Sentencing Disparity

What is sentencing disparity?

- Variation in sentencing severity for similar crimes committed under similar circumstances



- Warranted sentencing disparity- battered woman syndrome
- Concerned about unsystematic disparity

Studying Sentencing

Official Statistics	<ul style="list-style-type: none"><li>• Compare sentences across Canada</li><li>• Substantial discrepancies</li></ul>
Simulation Studies	<ul style="list-style-type: none"><li>• Mock or real judges asked to recommend sentence</li><li>• Substantial disparity and reliability</li></ul>

Simulation Study (Palys & Divorski, 1986)

- 206 Provincial court judges
- Five Cases
  - Assault CBH, Impaired Driving, Armed Robbery, B & E, Theft > \$200
- Judges asked to impose a sentence

- 
- ***Armed Robbery, Indecent Assault, Possession of a Weapon.*** An elderly couple were tied up, threatened, and held at gunpoint in their home, while two persons robbed them of several thousand dollars worth of cash and jewelry. One offender, John, was an 18 year old Aboriginal with a stereotypically deprived background. He had a prior juvenile record, but none as an adult. The second offender, Michael, was a 29 year old Caucasian male who was both married and employed. He had had alcohol problems, was drunk at the time of the offence, and had a prior record of five convictions, although the most recent was 6 years old.

### Results?

- What sentence would you have given John?
  - 2 years
- What sentence did the judge in the study give John?
  - The average sentence 3 years 6 months

### What sentence did the judges give John?

- Range: suspended sentence to 13 years in prison
- Median: 3 year, 6 months

### Future Sentencing Practices in Canada?

- Move towards limiting discretion altogether for serious crimes and repeat offenders
- Increase use of mandatory minimum sentences (MMSs)
- Supreme Court of Canada recently struck down MMSs for gun- related crimes

## **Risk-Need- Responsivity Principles**

### What works in offender rehabilitation?

- Human service interventions that follow the following principles
  - **Risk**
  - **Need**
  - **Responsivity**

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### The Risk Principle- “Who”

- Two parts
  - Risk to recidivate can be reliably assessed
  - Intensity of intervention should match the offender’s risk of recidivism

### The need principle: “What”

- Recidivism rates decrease when interventions target criminogenic needs rather than non-criminogenic needs
- Criminogenic examples
  - Criminal attitudes
  - Criminal associates
  - Substance abuse
- Non- criminogenic examples
  - Self-esteem
  - Anxiety

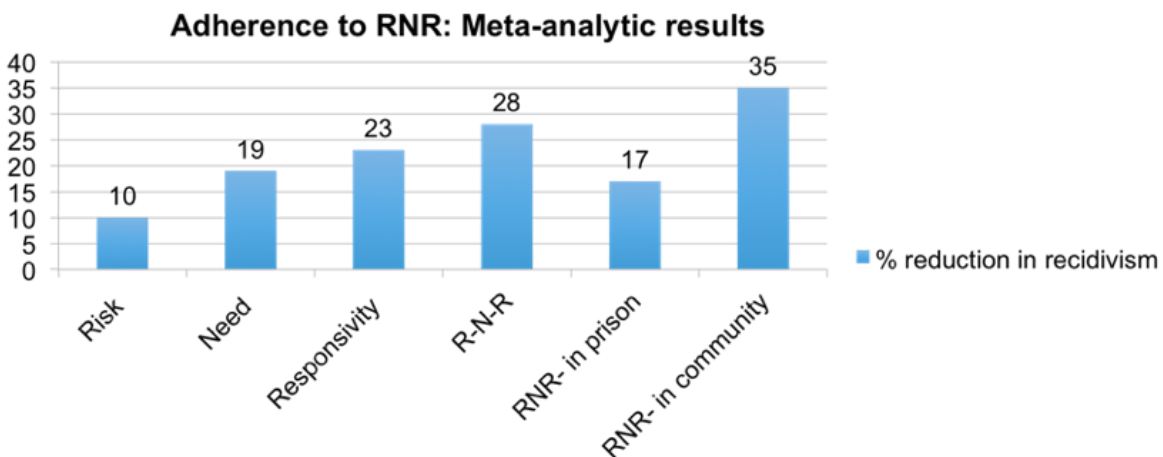
### The Responsivity Principle- “How”

- Correctional intervention should match the learning styles of offenders
- General
  - Use structured, cognitive behavioural interventions
- Specific
  - Pay attention to individual characteristics

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## What does Research say about the effectiveness of RNR?

- Summary of a bunch of different studies
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## Parole Decision Making

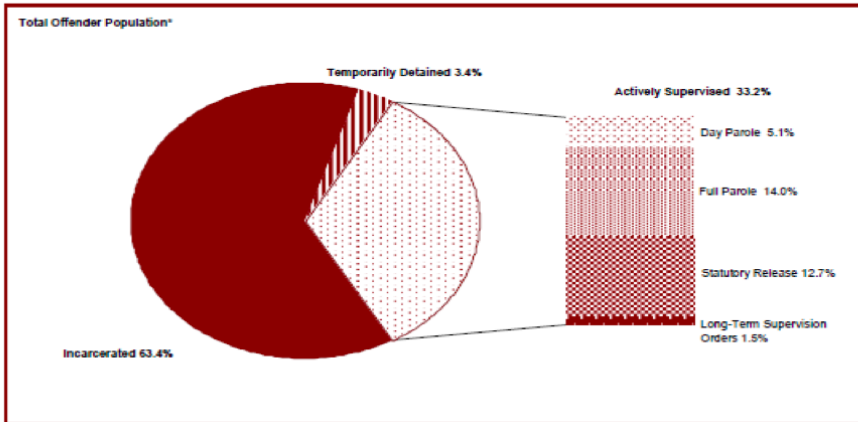
### Types of Release in Canada

- Temporary Absences
  - Serving 5 years, if your mother dies says you can leave to go to the funeral
- Day Parole
- Full Parole
  - Eligible 1/3 of sentence
  - Eligible after 2/3 of sentence
- Statutory Release
  - After serving 2/3 of sentence
- Long Term Supervision Order
  - 2 years or more but they can't hold you but they deem you a risk
  - Report to parole officer for up to 10 years

- 60% of offenders are in custody
- The rest are in the community

**OFFENDERS UNDER THE RESPONSIBILITY OF CORRECTIONAL SERVICE OF CANADA**

Figure C1

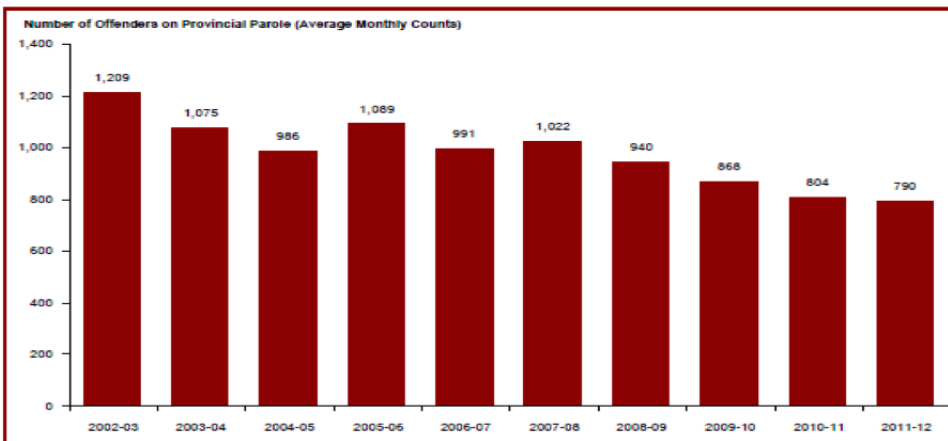


Source: Correctional Service Canada.

- How often is parole used in Canada?
  - Population of offenders in the jurisdiction

**THE NUMBER OF OFFENDERS ON PROVINCIAL PAROLE HAS DECREASED OVER THE PAST DECADE**

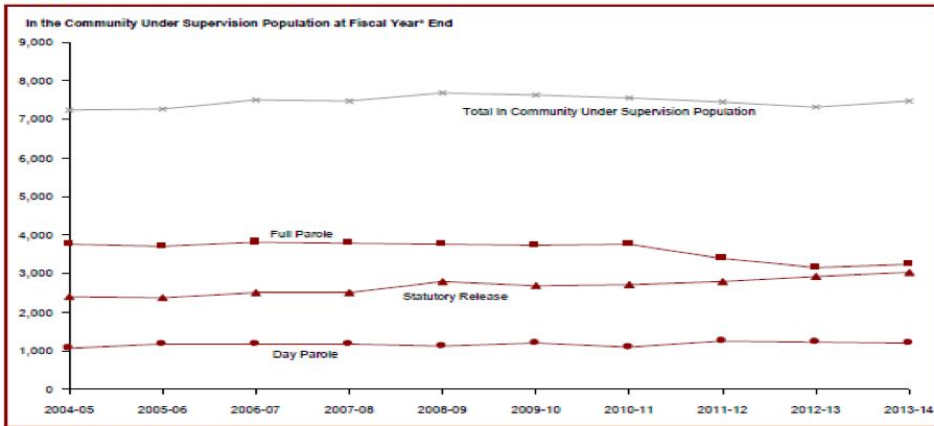
Figure C23



Source: Corrections Key Indicator Report for Adults and Youth, Canadian Centre for Justice Statistics, Statistics Canada

**THE POPULATION OF OFFENDERS IN THE COMMUNITY UNDER SUPERVISION  
HAS DECREASED IN THE PAST 5 YEARS**

Figure C21

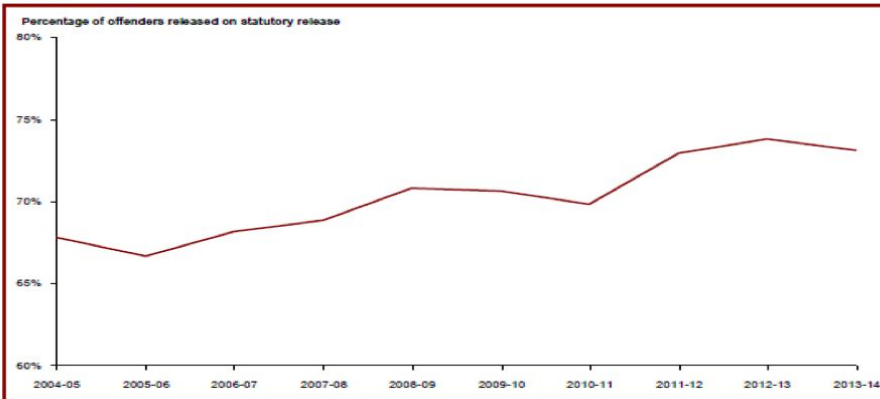


Source: Correctional Service Canada.

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**THE PERCENTAGE OF OFFENDERS RELEASED FROM FEDERAL PENITENTIARIES  
AT STATUTORY RELEASE IS INCREASING**

Figure D1

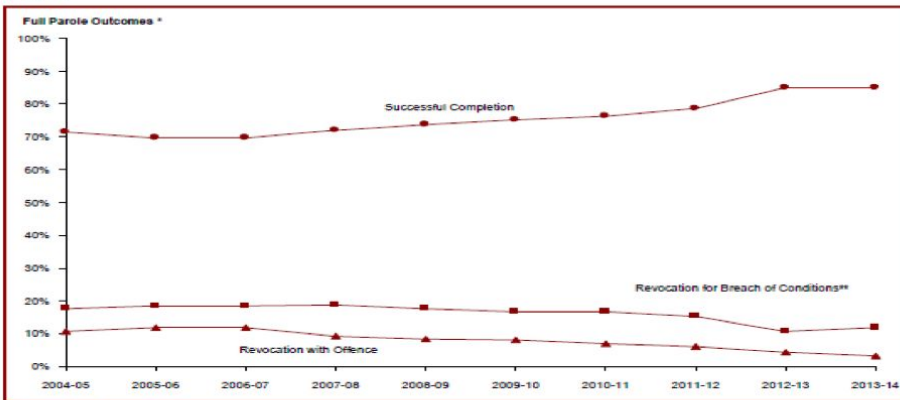


Source: Correctional Service of Canada.

- Does parole work?
  - The majority who are on parole are successful and after their sentence expires the day it just says on average the offenders on parole are successful over 70%

**THE MAJORITY OF FEDERAL FULL PAROLES ARE SUCCESSFULLY COMPLETED**

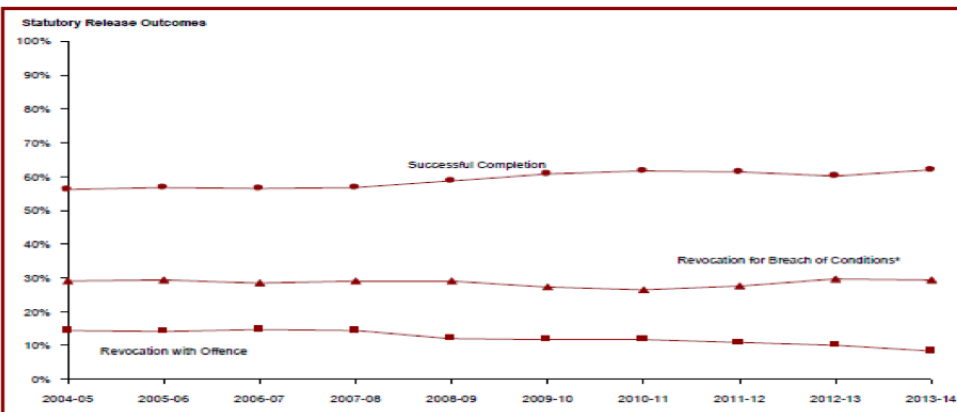
Figure D9



Source: Parole Board of Canada.

**STATUTORY RELEASES HAVE THE LOWEST RATES OF SUCCESSFUL COMPLETION**

Figure D10



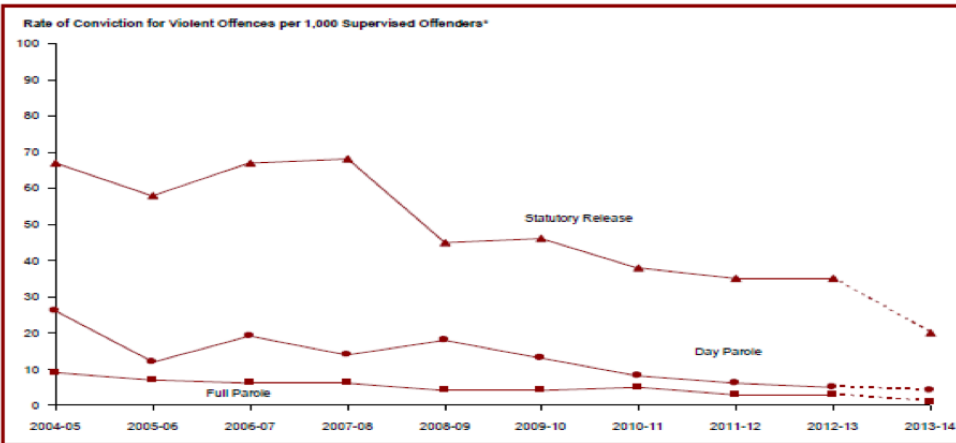
Source: Parole Board of Canada.

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OVER THE PAST DECADE, THE RATE OF VIOLENT CONVICTION FOR OFFENDERS  
WHILE UNDER SUPERVISION HAS DECLINED

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Figure D11



Source: Parole Board of Canada.

### How does parole decision making work?

- Parole board members evaluate the risk that an offender might present to society upon release
  - Risk Assessment
- What are some factors to consider?
  - Number of offences
  - Treatment performance while in prison
  - How did they get along with other inmates and staff