

# The validity of the Custody Rating Scale for the initial security classification of Aboriginal women

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*It has been observed that Aboriginal women incarcerated in federal correctional facilities tend to be placed at higher levels of security than non-Aboriginal women. Although this observation has raised concerns that security classification procedures might not be equitable for Aboriginal women offenders, it remains to be verified that there is systematic bias. This article examines one component of the custody classification process in federal corrections, the application of the Custody Rating Scale for initial security placement.*

## Offender Intake Assessment process

According to Section 30 of the *Corrections and Conditional Release Act (CCRA)*, all offenders must receive a security classification of minimum, medium or maximum. One of the overarching principles, 4(d), set out in the *CCRA* provides that the Correctional Service of Canada (CSC) must use the least restrictive measures consistent with the protection of the public, staff members and offenders. Similarly, Section 18 of the *Corrections and Conditional Release Regulations (CCRR)* mandates that the rating must reflect the level of supervision and control that is necessary to safely detain the offender. However, Section 17 enumerates factors that must be considered during the security classification process such as the severity of the inmate's crime, and the inmate's social and criminal history.

## The Custody Rating Scale

The Custody Rating Scale (CRS) is an objective classification instrument that embodies some of the legislated criteria for security classification as set out in Section 17 of the *CCRR*. The CRS is administered to both men and women offenders upon admission to federal corrections. The CRS consists of two subscales: the Institutional Adjustment (IA) subscale, and the Security Risk (SR) subscale. The IA subscale gauges five factors that have been associated with institutional misconduct: history of institutional incidents, escape history, street instability, alcohol/drug use, and age. The SR subscale consists of seven factors shown to be related to future re-offending: number of prior convictions, most serious outstanding charge, severity of current offence, sentence length, street instability, prior parole or statutory release, and age. It should be noted that, within each scale, each item is weighted differently.

Consequently, certain items have more weight in the scoring process than do others. Each subscale provides an initial security rating of minimum, medium or maximum.

## Caseworker review

The CRS is administered by caseworkers (parole officers) at intake. However, all CRS designations are reviewed by correctional caseworkers. If the caseworker is of the opinion that the offender *cannot* safely be managed at the recommended level of security, he/she has the authority to override the CRS. Similarly, if the caseworker believes that the offender *can* safely be managed at a lower level of security, then he/she has the ability to under-ride the CRS. Accordingly, caseworker reviewer discretion, independent of the CRS designation itself, could contribute to the overrepresentation of Aboriginal women at higher levels of security.

## Study sample

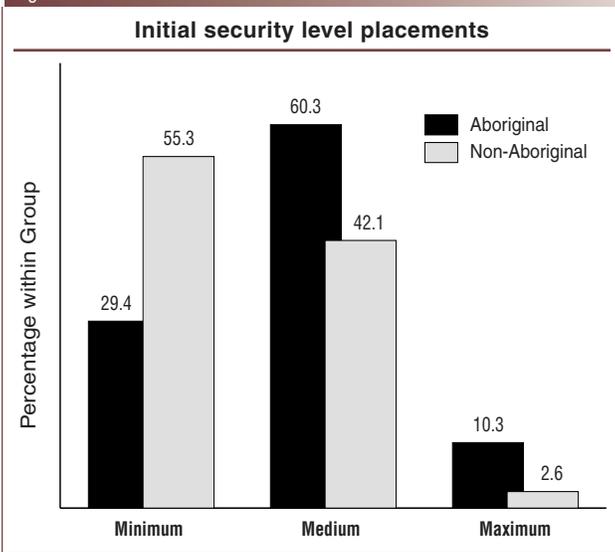
A study sample was created of 334 federally sentenced women offenders who were admitted to Canadian federal custody between January 1997 and January 1999. Over one-half of the sample were Caucasian (53%), 21% were Aboriginal (<1% Inuit, 6% Métis, 15% First Nations), 15% were Black, and 10% comprised other ethnic groups. For the analyses, Aboriginal women offenders ( $n = 68$ ) were compared with non-Aboriginal women offenders ( $n = 266$ ). The average age of Aboriginal women offenders (32.0 years,  $SD = 8.4$ ), did not significantly differ from that of non-Aboriginal women (33.4 years,  $SD = 9.9$ ).

## Results

### Initial security level placements

As a group, Aboriginal women offenders were more likely than non-Aboriginal women offenders to be placed at higher levels of custody. Figure 1 clearly shows that fewer Aboriginal women offenders were placed at minimum security when compared to their non-Aboriginal counterparts (29% versus 55%). On the other hand, larger proportions of Aboriginal women offenders were placed at medium (60% versus 42%) and maximum (10% versus 3%) security. Overall, federally sentenced Aboriginal women were classified as requiring higher levels of custody and control upon admission.

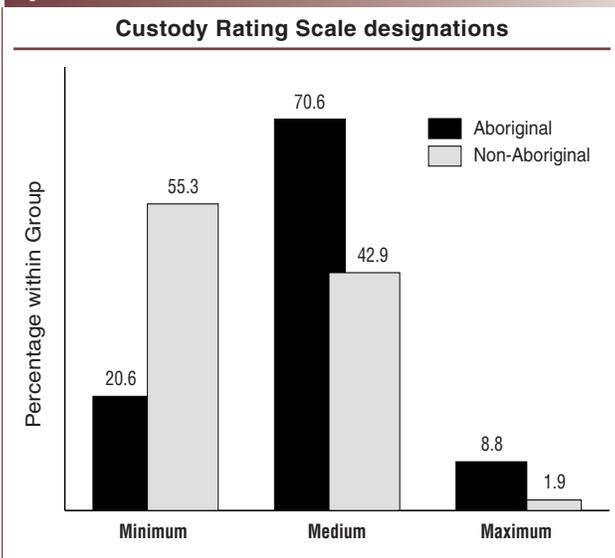
Figure 1



### Custody Rating Scale designations

Aboriginal women offenders, as a group, scored higher on the CRS than non-Aboriginal women. As Figure 2 shows, Aboriginal were less likely than non-Aboriginal women offenders to obtain a CRS security designation of minimum (21% versus 55%), and more likely to obtain a designation of medium (71% versus 43%) or maximum (9% versus 2%). This finding is consistent with their actual security level placements.

Figure 2



### CRS subscales

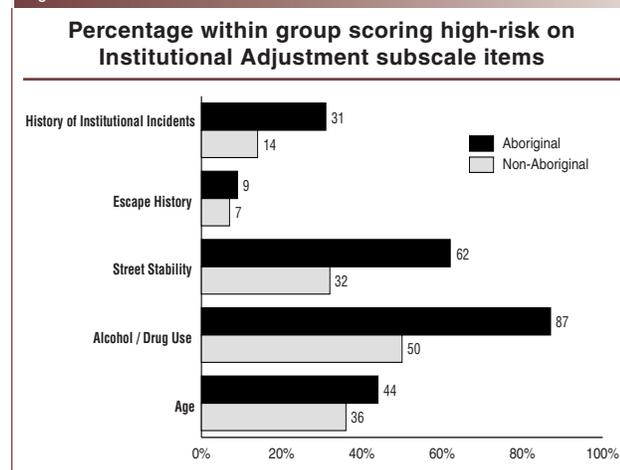
On average, Aboriginal women offenders scored higher on the IA subscale ( $M = 48.56, SD = 29.43$ ) than non-Aboriginal women ( $M = 29.72, SD = 20.54$ ). Similarly, Aboriginal women offender scored higher on the SR subscale ( $M = 70.24, SD = 17.18$ ) than non-Aboriginal women ( $M = 58.74, SD = 24.92$ ).

Notably, substantially more Aboriginal than non-Aboriginal women offenders received maximum-security designations on the IA subscale (9% versus 1%). However, within the SR subscale distribution, Aboriginal women offenders were more likely to receive a designation of medium security (76% versus 44%), and less likely to receive a designation of minimum (23% versus 56%), compared to non-Aboriginal women.

CRS designations are based on the interplay between the IA subscale and the SR subscale. The higher rating between the IA subscale and the SR subscale determines the overall rating. The pattern of results for Aboriginal women offenders provides a clear indication of how each subscale operated. Within the SR subscale, there were many medium ratings but almost no maximum ratings. In the IA subscale distribution, there were relatively few medium ratings, yet there were a considerable number of maximum ratings. Based on the pattern of these results, it is possible to infer that the SR subscale determined medium CRS designations, while the IA subscale determined maximum recommendations.

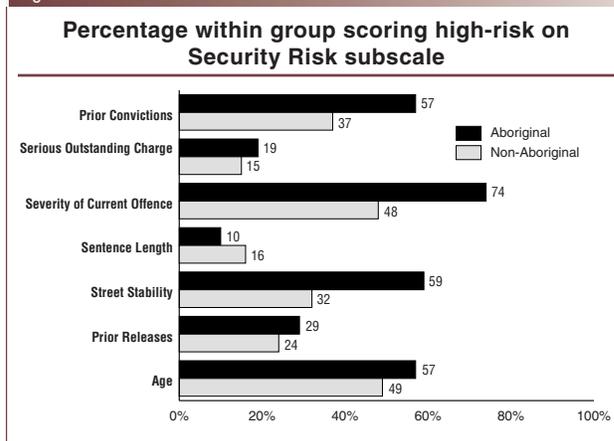
The primary sources of information for the CRS are the individual items within the IA and the SR scales. Figures 3 and 4 display CRS item contrasts between Aboriginal and non-Aboriginal women. The percentages represent the proportion of women within each group who had scores above the overall median.

Figure 3



Within the items that compose the IA subscale, Aboriginal women offenders obtained significantly higher scores than non-Aboriginal women on three factors: history of institutional incidents; street (in)stability; and substance abuse. Within the SR subscale, Aboriginal women offenders also obtained significantly higher scores on three items: severity of current offence; prior convictions; and street instability.

Figure 4



### Caseworker review

Overall, staff overrides to the CRS did not contribute to the disproportionate security classification of Aboriginal women. The rates of CRS overrides were examined for Aboriginal and non-Aboriginal offenders. The percentage of CRS designations that were overridden within the group of Aboriginal women offenders (19%) was not significantly different from that within the non-Aboriginal group (13%).

Additionally, there were no differences with respect to the character of override decisions (up or down) between Aboriginal and non-Aboriginal women. For Aboriginal women, CRS overrides to higher security occurred in 6% of the cases, and overrides to lower security occurred in 13% of the cases. By comparison, 7% of non-Aboriginal women received higher security placements than designated by the CRS, and 6% were assigned to lower security placements.

### Summary

One of the benefits of using an objective classification instrument is that it is possible to observe the way in which security placement decisions are being made. Clearly, the notion of caseworker discretion over-classifying Aboriginal women offenders is not operating here. In fact, the results of this study suggest that the overrepresentation of Aboriginal women offenders at higher levels of initial security is mainly attributable to between-group differences on a number of important custody considerations. Upon intake, Aboriginal women offenders relative to their non-Aboriginal counterparts were more likely to have amassed more institutional incidents, displayed greater street instability, abused drugs and alcohol more often, recorded more prior convictions, be under sentence for more serious offences, and be of a younger age at admission. Throughout the criminological literature, the aforementioned characteristics are well-established predictors and correlates of institutional maladjustment and post-release re-offending. It is, therefore, not surprising to find that the CRS, an instrument designed specifically to reflect these concerns would necessarily yield a substantially greater number of higher initial security level placements for a group with such characteristics. ■

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<sup>2</sup> Blanchette, K. (1997). *Risk and Need Among Federally-sentenced Female Offenders: A Comparison of Minimum-, Medium-, and Maximum-security Inmates*. Research Report R-58. Ottawa, ON: Correctional Service of Canada.

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