



Research at a glance

Who is Detained Past Statutory Release?

High risk/need offenders with poor institutional behaviour are the most likely to be detained.

Why we did this study

Federal inmates who are not granted early discretionary release must be released to community supervision after serving two-thirds of their sentence (known as the Statutory Release Date [SRD]). This facilitates gradual community reintegration.

However, the Correctional Service of Canada (CSC) may detain offenders past their SRD if certain conditions are met. Detention is intended for offenders serving a determinate sentence for a violent offence causing death or serious harm, a sex offence against a child, or a serious drug offence, and who are considered likely to recommit such an offence before their sentence expires.

The purpose of the current study was to examine what factors predict detention decisions and to explore whether detention decisions differed between Aboriginal and non-Aboriginal offenders after controlling for differences in risk.

What we did

The study included offenders with an SRD between April 1, 2004 and March 31, 2014. Analyses examined sex offenders (5,653) and non-sexually violent offenders (21,323) separately, and examined diverse predictors of detention such as static and dynamic risk factors, offence information, demographics, and institutional behaviour.

What we found

Overall, 6.1% of non-sexually violent offenders were detained, and 14.7% of sex offenders were detained.

The vast majority of the risk factors (static and dynamic) and institutional behaviour variables (e.g., treatment participation, institutional incidents, segregation placements) examined predicted detention decisions for both non-sexual violent offenders and sex offenders. The strongest predictors of detention tended to be low reintegration potential, low motivation, and high levels of risk and need.

Generally, the most recent assessment (prior to release or to SRD) was a stronger predictor of detention decisions than the intake assessment. Additionally, most risk/need and institutional behaviour factors were more predictive of detention decisions for sex offenders compared to non-sexually violent offenders, suggesting that detention decisions for sex offenders are more strongly linked to risk factors.

After controlling for key predictors of detention, for non-sexual violent offenders, Aboriginal offenders were significantly more likely to be detained than non-Aboriginal offenders. In contrast, Aboriginal sex offenders were significantly less likely to be detained compared to non-Aboriginal sex offenders, after controlling for predictors of detention.

What it means

Given that gradual reintegration to the community has been demonstrated to have beneficial effects, detaining inmates past their SRD should be reserved for only the highest risk offenders. The current study confirms that high risk/need offenders with poor institutional behaviour are the most likely to be detained. Additional research is needed to understand differences in detention rates for Aboriginal offenders.

For more information

Schultheis, E., & Helmus, L. M. and Johnson, S. (2017). *Who is detained past statutory release?* (Research Report R-380). Ottawa, Ontario: Correctional Service of Canada.

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