

————— **Research Brief** —————

**Federal Offenders with Criminal  
Organization Offences: A Profile**

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**FEDERAL OFFENDERS WITH CRIMINAL  
ORGANIZATION OFFENCES: A PROFILE**

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## **Introduction**

In 1997, the Government of Canada took action against organized crime by amending the *Criminal Code* which made participation in a criminal organization an indictable offence and enhanced the investigative powers of police. On 18 December 2001, a strong new legislation (Bill C-24) to fight organized crime received Royal Assent. Bill C-24 further amended the Criminal Code to: 1) *introduce three new offences and tough sentences that target various degrees of involvement with criminal organizations*; 2) *improve the protection of people a role in the justice system from intimidation against them or their families*; 3) *simplify the definition of “criminal organization” in the Criminal Code*; 4) *broaden powers of law enforcement to forfeit the proceeds of crime and, in particular, the profits of criminal organizations and to seize property that was used in a crime*; and 5) *establish an accountability process that establishes immunity from criminal prosecution for law enforcement officers when they commit certain acts that would otherwise be considered illegal during the course of criminal investigations*. The focus of this research brief is on the new offences.

By making participation in a criminal organization an offence, the provisions of C-24 could target anyone who knowingly became involved in activities that further the organization’s criminal objectives. First, this means new offences would target anyone who participates in or contributes to activities that help a criminal organization achieve its criminal objectives. The offence could include people who recruit others to join a criminal organization or who facilitate the illegal transactions of a criminal organization. The maximum penalty for this offence is five years. Secondly, it would target anyone who is involved in committing indictable offences for the benefit of criminal organizations. The maximum penalty for this offence is 14 years. Thirdly, it would target anyone who is a leader of criminal organization who instructs another person to become involved in a criminal offence. This offence would carry a maximum penalty of life imprisonment. It is important to note that sentences for these offences would be served consecutively not concurrently. In addition, offenders convicted of criminal organization offences would have to serve at least half their term before they are eligible to apply for parole, unless the court directed otherwise.

With the assistance of the Corrections Policy Unit of Public Safety and Emergency Preparedness Canada, the Research Branch of Correctional Service Canada (CSC) set out to develop a research framework and to conduct preliminary analyses of available information related to exploring the impact of the legislation in general, and offenders who are required to serve sentences for organized crime offences, in particular.

The interpretation of these findings must be prefaced with a caveat concerning the limitations associated with available data on which the analyses are based. As one might appreciate, the three years since the legislation came into effect is relatively recent such that definitive statements are difficult to ascertain about the full impacts that may be occurring in the long run.

### **Key Issues**

Previous research on Canadian legislation that places people convicted for organized crime offences into prison does not exist. Moreover, there seems to be no evaluative work to be found of a single jurisdiction's experience with such an approach. Either from the vantage point of the convictions for organized crime offences or those most affected by the sentencing, the offenders, there appears to be no background research upon which one draw upon. Nevertheless, each of these areas was examined to ascertain impacts of sentencing as well as identify areas for further research and highlight correctional policy concerns.

## **Methodology**

### ***Research Framework***

Whenever profiling research is being undertaken for a specified correctional population (e.g. federal offenders with organized crime offences) analyses are conducted in relation to operationally relevant criteria. If possible, attempts are made to explore admission trends, sentence lengths, related offences, demographics (gender, age, ethnicity), criminal history background and criminogenic factors (e.g., criminal associations, drug abuse, etc.).

### ***Sample Construction***

The criteria used to construct the specified population involved the selection of all admissions to federal corrections serving sentences for organized crime offences since 1997, both pre-Bill C-24 (1997 to 2001) and post-Bill C-24 (2002 to 2004). Admission data was drawn from the Service's automated Offender Management System (OMS) over an eight-year period. A total of 220 cases met the initial criteria for selection into the study using the *Criminal Code* descriptions for organized crime offences in OMS. It should be noted that Bill C-24 (2001) introduced three new Criminal Code offences (s.467.11, s.467.12, and s. 467.13) which replaced the one offence that was in place. More specifically, 134 (61%) were identified for participation in a criminal organization, 16 (7.3%) for participation in activities of a criminal organization (467.11); 62 (28.2%) for commission of offence for criminal organization (467.12); and 8 (3.6%) for instructing commission offence for criminal organization (467.13).

### ***Admission Trends***

Table 1 displays the distribution of cases admitted each with criminal code offences for organized crime offences. As Table 1 shows, the majority of cases (61%) were convicted for participation in criminal organization. However, since Bill C-24 there has been a substantial number of cases (n= 62) admitted to federal custody serving sentences for commission of offence for criminal organization (s. 467.12). Consequently, there have been approximately 50 new admissions to federal custody per year with criminal organization offences. This represents about one percent of new admissions to federal corrections. A closer examination of the 220 cases identified with criminal organization at intake revealed 85% (or 187) had one criminal organization offence, 11% (24) had two and 4% (8) had three or more.

**Table 1. National Distribution of Annual Federal Admissions with Criminal Organization Offences (1997 to 2004)**

	1997	1998	1999	2000	2001	2002	2003	2004
Participation in a criminal organization	4 (100%)	0	4 (100%)	5 (100%)	33 (97.1)	27 (71.1%)	33 (38.8%)	28 (56%)
Participation in activities of a criminal organization	0	0	0	0	0	6 (15.8%)	5 (5.9%)	5 (10.0%)
Commission of offence for criminal organization	0	0	0	0	0	5 (13.2%)	41 (48.2%)	16 (32.0%)
Instructing commission of offence for criminal organization	0	0	0	0	1 (2.9%)	0	6 (7.1%)	1 (2%)
<b>Total</b>	<b>4</b>	<b>0</b>	<b>4</b>	<b>5</b>	<b>34</b>	<b>38</b>	<b>85</b>	<b>50</b>

In Table 2, we present the distribution of cases admitted with organized crime offences for each of the five administrative regions of CSC across the calendar years 1997 to 2004. As Table 2 indicates, from 2001 on, the Quebec region has had the largest number of new admissions serving sentences for organized crime offences. Interestingly, there have been no cases admitted with organized crime offences in the Pacific region.

**Table 2. Regional Distribution of Annual Federal Admissions with Criminal Organization Offences (1997 to 2004)**

	1997	1998	1999	2000	2001	2002	2003	2004
Atlantic	0	0	0	0	1 (2.9)	7 (18.4%)	3 (3.5%)	0
Quebec	3 (75%)	0	1 (25%)	1 (20%)	31 (91.2%)	29 (76.3%)	74 (87.1%)	43 (86.0%)
Ontario	1 (25%)	0	1 (25%)	0	1 (2.9%)	1 (2.6%)	4 (4.7%)	1 (2.0%)
Prairies	0	0	2 (50%)	4 (80%)	1 (2.9%)	1 (2.6%)	4 (4.7%)	6 (12%)
Pacific	0	0	0	0	0	0	0	0
<b>Total</b>	<b>4</b>	<b>0</b>	<b>4</b>	<b>5</b>	<b>34</b>	<b>38</b>	<b>85</b>	<b>50</b>

The distribution of cases admitted for each of the organized crime offences across the five administrative regions of CSC is presented in Table 3. As we can see in Table 3, the majority of cases admitted to federal custody with organized crime offences are in the Quebec region (82.7%). Of particular note, a substantial percentage of cases (5 out of 16) admitted to federal custody serving sentences for participation in activities of a criminal organization (s. 467.11) are in the Atlantic region (31.3%).

**Table 3. Regional Distribution of Federal Admissions with Criminal Organization Offences**

	<b>Atlantic</b>	<b>Quebec</b>	<b>Ontario</b>	<b>Prairies</b>	<b>Pacific</b>
Participation in a criminal organization	2 (1.5%)	115 (85.8%)	6 (4.5%)	11 (8.2%)	0
Participation in activities of a criminal organization	5 (31.3%)	8 (50%)	0	3 (18.8%)	0
Commission of offence for criminal organization	0	7 (87.5%)	0	1 (12.5%)	0
Instructing commission of offence for criminal organization	4 (6.5%)	52 (83.9%)	3 (4.8%)	3 (4.8%)	0
<b>Total</b>	<b>11 (5%)</b>	<b>182 (82.7%)</b>	<b>9 (4.1%)</b>	<b>18 (8.2%)</b>	<b>0</b>

Table 4a displays the distribution of cases admitted with organized crime offences across five selected categories of sentence lengths for those specified offences. It would appear that the majority of new admissions with criminal organization offences received sentences of less than three years (60%) followed by three to six year sentences (27%).

*Sentence Lengths*

**Table 4a. Distribution of Specified Sentences for Federal Admissions with Criminal Organization Offences**

	<b>&lt; 3 years</b>	<b>3 – 6 years</b>	<b>6 – 10 years</b>	<b>10+ years</b>	<b>Life/Indet.</b>
Participation in a criminal organization	70 (52%)	39 (29%)	19 (14%)	6 (5%)	0
Participation in activities of a criminal organization	10 (63%)	5 (31%)	1 (6%)	0	0
Commission of offence for criminal organization	48 (77%)	13 (21%)	1 (2%)	0	0
Instructing commission of offence for criminal organization	5 (63%)	1 (13%)	1 (13%)	0	0
<b>Total</b>	<b>133 (60%)</b>	<b>59 (27%)</b>	<b>22 (10%)</b>	<b>6 (3%)</b>	<b>0</b>

The aggregate sentence lengths of cases admitted with organized crime offences are presented in Table 4b. It is observed from Table 4b that new admissions with criminal organization offences also receive additional sentences for other offences resulting in the majority of cases serving sentences of more than three years (80%).

**Table 4b. Distribution of Aggregate Sentences for Federal Admissions with Criminal Organization Offences**

	<b>&lt; 3 years</b>	<b>3 – 6 years</b>	<b>6 – 10 years</b>	<b>10+ years</b>	<b>Life/Indet.</b>
Participation in a criminal organization	22 (16%)	49 (37%)	26 (19%)	32 (24%)	5 (4%)
Participation in activities of a criminal organization	2 (13%)	5 (31%)	5 (31%)	4 (25%)	0
Commission of offence for criminal organization	20 (32%)	30 (48%)	7 (11%)	4 (6%)	1 (2%)
Instructing commission of offence for criminal organization	0	5 (63%)	1 (13%)	2 (25%)	0
<b>Total</b>	<b>44 (20%)</b>	<b>89 (40%)</b>	<b>39 (18%)</b>	<b>14 (19%)</b>	<b>6 (3%)</b>



Table 5 illustrates the distribution of cases admitted with organized crime offences coupled with other offences across five selected categories of major offences. Perhaps not surprising, a review of Table 5 indicates that the majority of new admissions with criminal organization offences also received sentences for drug offences (80%).

*Other Offences*

**Table 5. Distribution of Major Offences for Federal Admissions with Criminal Organization Offences**

	<b>Homicide</b>	<b>Attempt Murder</b>	<b>Sex Offence</b>	<b>Robbery</b>	<b>Drug</b>
Participation in a criminal organization	6 (4%)	34 (25%)	0	8 (6%)	103 (77%)
Participation in activities of a criminal organization	0	3 (19%)	0	2 (13%)	11 (69%)
Commission of offence for criminal organization	0	3 (5%)	0	0	56 (90%)
Instructing commission of offence for criminal organization	0	0	0	1 (13%)	7 (88%)
<b>Total</b>	<b>6 (3%)</b>	<b>40 (18%)</b>	<b>0</b>	<b>11 (5%)</b>	<b>177 (80%)</b>

## Results

### Descriptive Statistics

Table 6 presents descriptive statistics for each criminal organization offence group on three selected demographic variables: 1) gender, 2) ethnicity (non-Aboriginal versus Aboriginal) and average age at admission (in years). As Table 6 shows, the vast majority of cases serving sentences for organized crime offences in this study are men (98%), non-Aboriginal (95%) and averaging 36 years of age (ranging from 19 to 64). Essentially, women and Aboriginal offenders are under-represented in organized crime offences relative to their proportion in the general federal admission population (5% and 18%, respectively).

**Table 6. Criminal Organization Offence Group Comparisons: Demographic Variables**

Offence Group	Gender		Ethnicity		Age
	Men	Women	Non-Aboriginal	Aboriginal	M Range
Participation in a criminal organization	131 (98%)	3 (2%)	119 (72%)	9 (28%)	36 (19-64)
Participation in activities of a criminal organization	16 (100%)	0	15 (93%)	1 (7%)	35 (20-54)
Commission of offence for criminal organization	61 (98%)	1 (2%)	61 (100%)	0	37 (19-57)
Instructing commission of offence for criminal organization	8 (100%)	0	7 (87%)	1 (13%)	40 (28-59)
<b>Total</b>	<b>216 (98%)</b>	<b>4 (2%)</b>	<b>132 (95%)</b>	<b>11 (5%)</b>	<b>36 (19-64)</b>

Note: n's may vary due to missing information.

### *Criminal Background*

In Table 7, we present the criminal background for the four criminal organization offence groups. We found that there are no statistically significant differences among the criminal organization offence groups in relation to previous youth and adult criminal history. One-quarter of the study sample had a previous youth criminal history and 85% had a previous adult record. More than two-thirds of those admitted with criminal

organization offences has served a prior provincial term and nearly one-quarter a previous federal term.

**Table 7. Criminal Organization Offence Group Comparisons:  
Criminal Background Variables**

Offence Group	Previous Youth		Previous Adult		
	Record <sup>ns</sup>	Custody <sup>ns</sup>	Record <sup>ns</sup>	Provincial <sup>ns</sup> Custody	Federal <sup>ns</sup> Custody
Participation in a criminal organization	31 (26%)	12 (10%)	105 (87%)	80 (66%)	27 (22%)
Participation in activities of a criminal organization	4 (31%)	3 (23%)	12 (92%)	10 (8%)	2 (15%)
Commission of offence for criminal organization	16 (28%)	11 (19%)	45 (79%)	32 (56%)	17 (30%)
Instructing commission of offence for criminal organization	1 (2%)	0	8 (100%)	7 (88%)	0
<b>Total</b>	<b>52 (26%)</b>	<b>26 (13%)</b>	<b>170 (85%)</b>	<b>129 (65%)</b>	<b>46 (23%)</b>

Notes: n's may vary due to missing information. ns=non-significant difference.

### ***Correctional History***

The correctional histories of the criminal organization offence groups are presented in Table 8. We note that there are no statistically significant differences among the criminal organization offence groups in relation to previous escape history, placement in disciplinary segregation, and revocation of conditional release. For all three correctional history variables, offenders admitted with the new offence *commission of an offence for criminal organization, (s. 467.12)* are more likely to have had negative responses to correctional supervision than the other offence groups. This finding seems to indicate that the separation of the criminal organization offences into three separate offences may have some practical utility from a correctional perspective.

**Table 8. Criminal Organization Offence Group Comparisons:  
Correctional History Variables**

<b>Offence Group</b>	<b>Prior Escape<sup>ns</sup></b>	<b>Prior Segregation<sup>ns</sup></b>	<b>Previous Revocation<sup>ns</sup></b>
Participation in a criminal organization	15 (13%)	22 (19%)	25 (21%)
Participation in activities of a criminal organization	1 (8%)	1 (8%)	2 (15%)
Commission of offence for criminal organization	11 (19%)	12 (22%)	16 (28%)
Instructing commission of offence for criminal organization	0	1 (13%)	1 (13%)
<b>Total</b>	<b>27 (14%)</b>	<b>36 (19%)</b>	<b>44 (22%)</b>

Notes: n's may vary due to missing information, ns= non-significant difference.

### ***Criminogenic Factors***

At time of admission, data is systematically being gathered on each federal offender in relation to a comprehensive set of criminogenic factors. No statistically significant differences were found among the four criminal organization offence groups in relation to marital status (27% were single), family dysfunction (25%), and criminal family (35%). An inspection of Tables 9 and 10 reveals no statistically meaningful differences among the criminal organization offence groups for unstable employment patterns (55%), having mostly criminal friends (86%), gang affiliation (97%), drug abuse (41%), impulse control problems (40%) and current mental health diagnosis (<1%). A closer look at the criminal organization coupled with the gang affiliation variable at intake revealed that 71% were identified as being involved with motorcycle gangs, 14% were not identified with gang type, 12% with traditional organized crime, and the remainder made up by Aboriginal gangs (3%), Asian gangs (1%) and street gangs (<1%). Particularly noteworthy, with the exception of pro-criminal associations, the criminal organization offence groups appear to display more lifestyle stability prior to admission than the general federal offender population.

**Table 9. Criminal Organization Offence Group Comparisons:  
Criminogenic Factors**

<b>Offence Group</b>	<b>Unstable Employment</b>	<b>Mostly Criminal Friends</b>	<b>Gang Affiliation</b>
Participation in a criminal organization	65 (54%)	105 (88%)	116 (98%)
Participation in activities of a criminal organization	8 (67%)	10 (77%)	12 (92%)
Commission of offence for criminal organization	31 (56%)	47 (82%)	55 (97%)
Instructing commission of offence for criminal organization	4 (50%)	8 (100%)	7 (88%)
<b>Total</b>	<b>108 (55%)</b>	<b>170 (86%)</b>	<b>190 (97%)</b>

Notes: n's may vary due to missing information, ns= non-significant difference.

**Table 10. Criminal Organization Offence Group Comparisons:  
Criminogenic Factors (cont'd)**

<b>Offence Group</b>	<b>Drug Abuse</b>	<b>Impulsivity Problem</b>	<b>Mental Health Diagnosis</b>
Participation in a criminal organization	53 (44%)	57 (48%)	0 (1%)
Participation in activities of a criminal organization	5 (39%)	5 (38%)	0
Commission of offence for criminal organization	19 (33%)	16 (28%)	0
Instructing commission of offence for criminal organization	5 (63%)	2 (25%)	1 (13%)
<b>Total</b>	<b>82 (41%)</b>	<b>80 (40%)</b>	<b>1 (&lt;1%)</b>

Notes: n's may vary due to missing information, ns= non-significant difference.

## **Summary**

When describing federal offenders with criminal organization offences it can be said that they are a group serving medium to long-term sentences for a new set or category of offences coupled with other offences, mainly drug offences and in some instances other serious crimes. As a group, they present with prior criminal records, strong attachments to family and criminal groups. Particularly noteworthy, however, is the finding that offenders with criminal organization offences demonstrate more lifestyle stability (more likely to be married, employed and healthy) than their correctional counterparts. Taken together, these characteristics suggest a group of offenders who at time of admission are likely to present themselves as good “risks” from a traditional corrections perspective. However, a longitudinal follow-up of their correctional careers is required before such a conclusion can be drawn.