

————— **Research Brief** —————

**Prison Careers of Federal  
Offenders with Criminal Organization  
Offences: A Follow-up**

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**Prison Careers Of Federal Offenders With  
Criminal Organization Offences: A Follow-up**

Laurence L. Motiuk

&

Ben Vuong

Research Branch  
Correctional Service of Canada

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## Introduction

The Federal Government of Canada has taken action against organized crime by amending 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*.

In 2005, the Research Branch of Correctional Service Canada (CSC) with the assistance of the Corrections Policy Unit of Public Safety and Emergency Preparedness Canada set out to develop a research framework and to conduct a series of analyses of available information related to exploring the impact of the legislation in general, and federal offenders who are required to serve sentences for organized crime offences, in particular. At that time, however, any interpretation of findings had to be prefaced with a caveat concerning the limitations associated with available data on which waves of analyses were to be based. As one might appreciate, the three years since the legislation had come into effect was recent so definitive statements were difficult to ascertain about the full impacts of the legislation that may be occurring in the long run.

So far, 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 of criminal code offences coupled with other offences, mainly drug offences and in some instances serious violent crimes. As a group, they were found to present 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 (be married, employed and healthy) than their correctional counterparts. However, a longitudinal follow-up of their

correctional careers is required before such a conclusion can be drawn. The focus of this research is on their experience while in prison.

***Key Issues***

There continues to be limited research on Canadian legislation that places people convicted for organized crime offences into prison. To date, there is one study profiling federal offenders convicted for organized crime offences. The present study follows a sample of federally incarcerated offenders who were convicted of organized crime offences during their stay in federal custody.

## **Methodology**

### ***Research Framework***

The study focused on a sample of 220 federally sentenced adult offenders who were identified as meeting the criteria for having been convicted and sentenced with an organized crime offence. These organized crime cases were identified as part of an earlier study conducted by the CSC (Motiuk and Vuong, 2005). A group of 220 similarly situated federal offenders who were not convicted any organized crime offences were used to conduct comparative analyses.

### ***Matching Procedure***

First, the criteria used to construct the sampling populations 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). Federal 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. By October 2005, a total of 114 (or 50%) of the 220 had been released from prison.

Second, to construct a matched group for the 114 released offenders with organized crime offences, criteria were applied as follows. A sampling population was created of federal offender who had been released between 1997 and 2005 without organized crime offences or gang affiliations. For each federal offender with an organized crime offence, a similarly situated federal offender without an organized crime offence was identified based on year of admission, sentence group (< 3 years, 3-6, 6-10, 10+, life/indeterminate), admitting region, gender and Aboriginal status. The average age for both groups was 33 years of age.

### ***Release Trends***

Table 1 displays the distribution of cases with criminal code offences for organized crime admitted and released between 1997 and 2005. Note that these figures do not represent the same cases but admission and release trends. As Table 1 shows the majority of released cases in this study sample are in the most recent years. This is consistent with previous findings that the

majority of cases admitted with organized crime offences had received sentences of less than 3 years. Consequently, there appears to be both a lag in the release trends and a build-up in the numbers.

As a group, those with organized crime offences were found to be statistically more likely to be released later than the matched group without organized crime offences. A closer examination of the released organized crime cases revealed 55% had been granted a discretionary release versus 66% of the matched group. Not surprising, a higher percentage of the organized crime cases had been released on statutory release than the matched group (45% and 33%, respectively).

Table 1:

*National Distribution of Admissions (1997-2004) and Released Cases (1997 to 2005) Identified with Criminal Organization Offences*

	1997	1998	1999	2000	2001	2002	2003	2004	2005
<b>Admissions</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>	<b>-</b>
<b>Releases</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>8</b>	<b>16</b>	<b>40</b>	<b>43</b>

The distribution of released cases with organized crime offences across the five administrative regions of CSC is presented in Table 2. As previously reported, the majority of cases admitted to federal custody with organized crime offences were in the Quebec region (82.7%). As expected, the greatest percentage of released cases with organized crime offences was in the Quebec region (76.3%).

Table 2:

*Regional Distribution of Released Cases Identified at Federal Admission with Criminal Organization Offences*

	Atlantic	Quebec	Ontario	Prairies	Pacific
<b>Released</b>	<b>6 (5.3%)</b>	<b>87 (76.3%)</b>	<b>9 (7.9%)</b>	<b>12 (10.5%)</b>	n/a

## Results

### *Prison Adjustment Measures*

Tables 3a, b, c, d and e present the distribution of a variety prison adjustment measures (security level, incidents/segregation, transfers, temporary absences and programming) for cases admitted with organized crime offences and their matched counterparts without such offences.

Table 3a-1 and a-2 displays the distribution of security levels placements initially and at release. Statistically significant differences emerged between the group of federal offenders with organized crime offences and their matched counterparts on initial security level placement. No differences were observed at time of release.

Table 3a-1:

*Group Comparisons: Prison Adjustment (Security Level - initial)*

<b>Group</b>	<b>Security Level [ minimum]</b>	<b>Security Level [ medium]</b>	<b>Security Level [ maximum]</b>
Non-criminal organization	49 (44%)	62 (55%)	1 (1%)
Criminal organization	20 (19%)	84 (79%)	3 (3%)

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

Table 3a-2:

*Group Comparisons: Prison Adjustment (Security Level – at release)*

<b>Group</b>	<b>Security Level [ minimum]</b>	<b>Security Level [ medium]</b>	<b>Security Level [ maximum]</b>
Non-criminal organization	65 (58%)	42 (38%)	5 (4%)
Criminal organization	47 (44%)	50 (47%)	9 (8%)

Table 3b displays the distribution of incidents as well as involuntary and voluntary segregation placements. No statistically significant differences were observed between the group of federal offenders with organized crime offences and their matched counterparts on any of these prison adjustment measures.

Table 3b:

*Group Comparisons: Prison Adjustment (Incidents/Segregation)*

<b>Group</b>	<b>Incident(s)<sup>ns</sup> [ at least one]</b>	<b>Involuntary Segregation<sup>ns</sup></b>	<b>Voluntary Segregation<sup>ns</sup></b>
Non-criminal organization	28 (25%)	22 (20%)	8 (7%)
Criminal organization	25 (22%)	26 (23%)	8 (7%)

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

Table 3c presents the distribution of security level transfers as well as upward and downward directions. Again, no statistically significant differences were observed between the group of federal offenders with organized crime offences and their matched counterparts on these measures.

Table 3c:

*Group Comparisons: Prison Adjustment (Transfers)*

<b>Group</b>	<b>Transfers(s)<sup>ns</sup></b>	<b>Transferred Upward<sup>ns</sup></b>	<b>Transferred Downward<sup>ns</sup></b>
Non-criminal organization offence	101 (90%)	11 (10%)	99 (88%)
Criminal organization offence	107 (94%)	17 (15%)	102 (90%)

*Notes: n's may vary due to missing information, ns= non-significant difference; \*\* P < .01.*

Table 3d shows the distribution of temporary absences as well as escorted and unescorted temporary absences. A statistically significant greater difference was observed between the group of federal offenders with organized crime offences relative to their matched counterparts for unescorted temporary absences.

Table 3d:

*Group Comparisons: Prison Adjustment (Temporary Absences)*

<b>Group</b>	<b>Temporary Absences(s)<sup>ns</sup></b>	<b>Escorted Temporary Absences(s)<sup>ns</sup></b>	<b>Unescorted Temporary Absences(s)<sup>**</sup></b>
Non-criminal organization offence	38 (34%)	38 (34%)	9 (8%)
Criminal organization offence	51 (45%)	47 (41%)	23 (20%)

*Notes: n's may vary due to missing information, ns= non-significant difference; \*\* P < .01.*

In Table 3e, we present the distribution of program participation, educational upgrading and substance programming. A statistically significant lesser percentage was observed between federal offenders with organized crime offences relative to their matched counterparts for program participation. Although no meaningful differences emerged with respect to educational upgrading, the non-criminal organization offence group was more likely to participate in substance abuse programming.

Table 3e:

*Group Comparisons: Prison Adjustment Variables (Programming)*

<b>Group</b>	<b>Program Participation<sup>***</sup></b>	<b>Education<sup>ns</sup></b>	<b>Substance Abuse<sup>***</sup></b>
Non-criminal organization offence	86 (77%)	39 (35%)	37 (33%)
Criminal organization offence	63 (55%)	27(24%)	10 (9%)

*Notes: n's may vary due to missing information, ns= non-significant difference; \*\* P < .001.*

## Summary

The first study found federal offenders with criminal organization offences to be serving medium to long-term sentences for a new category of crimes coupled with other offences, mainly drug offences and in some instances serious violent crimes. These offenders also presented a group with prior criminal records, strong attachments to family and criminal groups. It was also noteworthy that offenders with criminal organization offences demonstrated more lifestyle stability (be married, employed and healthy) than their correctional counterparts. These characteristics suggested a group who at time of admission were likely to present themselves as good “risks” from a traditional corrections perspective.

This follow-up of prison careers found that federal offenders with criminal organization offences were not significantly more likely than their matched correctional counterparts to be involved in security-related incidents, be placed involuntarily or voluntarily in segregation, or be transferred upward in security level. However, these observations may be an artifact of their being placed at relatively higher security levels than their matched counterparts. Similarly, the finding that this group did not participate in programming to the same extent as their matched counterparts may be due to the fact that they do not present as broad an array of criminogenic factors. This is deemed to be consistent with their general lifestyle stability apart from organized crime affiliation.

Federal offenders with criminal organization offences were found to be significantly more likely than their matched counterparts to be released later in their sentence. The added time served in custody might explain why a higher percentage of them were granted escorted temporary absences and they were significantly more likely to be granted an unescorted temporary absence. Again, the aforementioned may be due to longer periods of stay in prison relative to their matched counterparts. It would seem for federal offenders with criminal organization offences that their prison experiences were remarkably uneventful. A longitudinal post-release follow-up is required before such a conclusion can be drawn about their correctional careers.

## References

Motiuk, L.L., & Vuong, B. (2005). Federal offenders with criminal organization offences: A profile. Research Brief B-38. Ottawa: Correctional Service Canada.