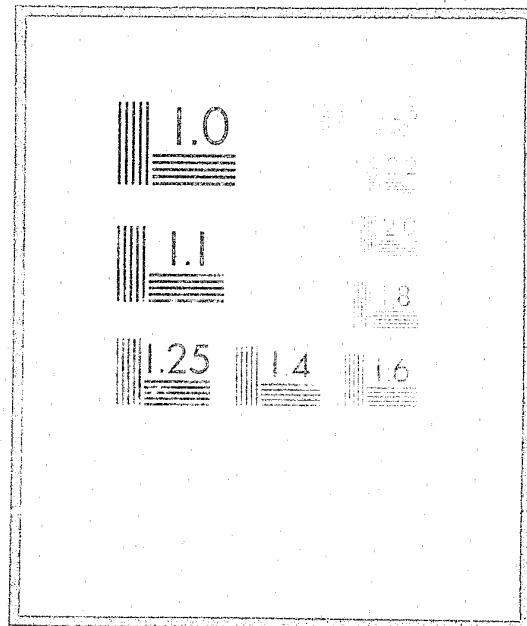


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## RECIDIVISM AND ITS MEASUREMENT IN ONTARIO

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Ontario

MINISTRY OF  
CORRECTIONAL  
SERVICES

Honourable John Smith  
Minister  
Glenn R. Thompson  
Deputy Minister

40613  
1971

## A C K N O W L E D G M E N T S

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ACQUISITIONS

#### ABSTRACT

This report is the first of a series that examine various aspects of recidivism among young adult offenders who are incarcerated for the first time. This document reviews the utility and problems involved in the measurement of crime and recidivism. The usefulness of specific crime and recidivism indices are considered and the development of a recidivism index applicable to Canadian jurisdictions is outlined.

In addition, recidivism rates for a sample size of 775 male first incarcerates sentenced to provincial reformatory between the periods 1970-1972 are reported. After two years the recidivism rates were lower than expected as 60.9% of the sample were not reimprisoned two years after release. Only 6.7% received penitentiary sentences in the two year period after release. These recidivism rates challenge the current popular notions that correctional institutions are necessarily "schools for crime", e.g., (Clarke, 1970).

As correctional systems come under closer scrutiny in regard to their effectiveness recidivism has become the most valued outcome measure in evaluations of correctional agency programs for offenders. Given that the valid measurement of recidivism is so vital it would be expected that the concept itself would have been the subject of a good deal of research. However, the paradox remains that recidivism is one of the least understood and elusive of measures employed in criminal justice research.

#### The Criteria for All Seasons

As Sarri and Selo (1974) have noted recidivism has been a criterion for all seasons. First, the meaning of the of the concept varies with the criminal justice system involved (Blumstein & Larson, 1972). For example, the police define recidivism as "rearrest", some correctional agencies view it as "reincarceration". Second, individual investigators employ a wide variety of operational definitions. These can range from allegations by correctional authorities that the clients' behavior was unsuitable, breach of probation, to rearrests, court convictions or imprisonment. Indeed, even the latest literature concerned with recidivism is surprisingly casual. Consider that in recent prediction studies (Carlson, 1973; Cymbalisky, Schuck and Dubeck, 1975; Ganzer & Sarason, 1973; Mack, 1969; Roberts, Erikson, Riddle and Bacon, 1974; Simith and Lanyon, 1968) and treatment investigations (Alexander & Parsons, 1973; Chandler, 1973; Cohen & Filipezak, 1971; Davidson II & Robinson, 1975; Fo & O'Donnell, 1975; Jessness, 1975, 1976; Ostrom, Steele, Rosenblood, and Mirelo, 1971; Phillips, Phillips, Fixen & Wolf, 1973; Ross & McKay, 1976; Sarason & Ganzer, 1973; Tharp & Wetzell, 1969; Truax, Wargo & Volksdorff, 1970) recidivism is based on all-or-none criteria of success/failure. Moreover, these latter studies demonstrated a wide variety of operational definitions of success and/or failure.

Unfortunately, all-or-none classifications of recidivism have definite limitations. Foremost is that the convictions offenders receive and their criminal histories do not fit simple classifications. Glaser's (1964) classic study of prison releases demonstrated that the range of convictions received by his sample varied considerably. While 52% had no further criminal record the remainder ranged from felonies, misdemeanors and parole violators all with different dispositions, i.e., length of sentence, fines, non-prison sentences. Glaser, in his survey did not include absconders and technical violators of parole which are more common now. Second, many offenders do not experience a total conversion to non-criminal patterns. Moberg & Ericson (1972) have noted that most offenders progress in a stepwise series from serious felonies to misdemeanors to no contact with the law.

Even more important on all-or-none view of recidivism has contributed to the "nothing works" doctrine current in criminal justice (Lipton, Martinson & Wilks, 1975; Martinson, 1974). This view has been translated into a doomsday pessimism whenever criminologist gather<sup>1</sup>. In part, this demand for "cure-alls" has been promulgated by the crude measurement yardsticks currently in use which ignore the degree of success of rehabilitation efforts. Accordingly, there should be a recognition that there is more than one absolute measure of recidivism needed, (Cavior, & Cohen, 1975; Hackler, 1967; Mcberg & Ericson, 1972). In many cases it may be unrealistic to expect total conversion. Thus, recidivism should be conceptualized as more than a binary classification but rather multi-dimensional with different probabilities associated with different programs and individuals.

Failure to measure the degree of recidivism may do an injustice to two types of recidivism research. Most affected are treatment studies. That is, delinquent behaviours are some of the most difficult to program for and applied behavioural research with offenders is still in its infancy. In addition, while treatment programs may alter specific behavioural deficits such behaviours may not be entirely related to the reasons why an individual does or does not become involved in criminal activities. Thus the most sensitive outcome measure is needed. In several recent studies (Alexander & Parsons, 1973; Chandler, 1973; Craft, et al., 1964; Fo & O'Donnell, 1975; Jessness, 1975; Ostrom, et al., 1971; Sarason & Ganzer, 1973) the treatment groups showed improved recidivism rates, however, the effects were statistically marginal. If these investigators had employed something other than an all-or-none recidivism measure the magnitude of the treatment effects reported could well have been strengthened.

The second type of research affected are prediction studies. One continuing goal in this area is the maximize correlations of various variables with outcome. It could be possible that recidivism measured on a multi-dimensional scale may provide better predicative equations than two-way classifications have to date.

In summary, given the current state of affairs, what quantifiable measures are available that will provide more sensitive, valid measures of what is commonly known as recidivism? At present there are three measures of recidivism two of which are also commonly used to measure crime rates. Two of these measures have been adapted for use in Canada.

<sup>1</sup> See for example, the report of the proceedings of the Crime prevention workshop (1975). Many participants lamented the fact that there were no guaranteed "cures" for all offenders.

For the interested reader, Adams (1975, 1976) and Palmer (1975) have provided strong rebuttals to the Lipton *et al* (1975) and Martinson (1974) position.

## Crime & Recidivism Indices

### Uniform Crime Reports

The Uniform Crime Reports (1972) or UCR is the national index of crime published annually by the FBI for the United States. The UCR combines new crime and recidivism. The UCR is a nominal scale made up of 22 offences ranging from murder to violation of municipal by-laws. A common modification of the UCR is to index seven offences, i.e., homicide, aggravated assault, forcible rape, robbery, burglary, larceny of \$50 or more and auto theft. Thus, to obtain a yearly crime index the UCR sums each of the seven index crimes.

The validity of the UCR has been vigorously questioned particularly in regard to unreported crimes, bias in police department reportings, and statistical deficiencies (e.g., Wolfgang, 1963). However, the most enduring criticism to date of the UCR index has been that it fails to account for the seriousness of the offences or the "quality" of criminality. The UCR weights the theft of a \$50 item the same as a homicide. Critics of the UCR have argued that as burglaries are much more frequent than homicides, a slight increase in the former could mask a significant change in homicides. This criticism is particularly germane to the study of crime rates and is also applicable to recidivism studies of correctional programs. For example, recidivists who committed petty larcenies and severe assaults would be classified as "equal" failures

### Sellin-Wolfgang Index of Delinquency

The Sellin-Wolfgang Index (1964) attempted to compensate for the limitations of the UCR. This index categorizes each criminal event as to personal injury to one or more of the victims, theft of property, property damage and/or a combination of the three. Thus any score represents "the gravity involved...registers an estimated degree of seriousness of deviation" (Sellin & Wolfgang, 1964, p.291).

At this point in time the scale has been primarily used in cross-cultural comparative studies (cf. Figlio, 1975). To the authors knowledge the Sellin-Wolfgang Index has not been used as an outcome measure to assess correctional programs.

The face-validity of the seriousness index is appealing. It is a ratio scale thus being amenable to more powerful statistical analysis for program assessment purposes. The notion of measuring seriousness of crime is also a worthwhile goal. Unfortunately there still appears to be some drawbacks in the use of the scale. In some cases the scale needs further research and refinement.

First, the assumptions underlying the scales use

for cross-cultural comparisons are questionable (Pease, Ireson, & Thorpe, 1975) and as a measure of aggregate crime rates the scale is no better than the UCR as an index (Blumstein, 1974). At the event level, the one of most concern to us, the scale should demonstrate additivity. The scale was originally based on the measurement of a single offender committing a single offence. But is it applicable where an offender commits multiple offences or where several offenders commit single or multiple offences? Or as Blumstein (1974) puts it are three rapes more serious than one murder? Two studies have focused on this question. While Wellford and Wiatrowski (1975) present evidence the index is additive, Pease, Ireson & Thorpe (1974) stated that only 32% of their subjects regarded two offences twice as serious as one.

Third, the seriousness index basis as a ratio scale is tenuous. The argument is complex and we will try to briefly summarize it for the purpose of the paper. The index was based on Stevens (1956) magnitude estimation procedure which Stevens originally used to develop ratio scales of judgements of perceptual stimuli. Proponents of the scale (e.g., Ackman & Normandeau, 1968) favor the argument that since the early psychophysical work of Stevens (1956) remains inviolate this offers validity to the Sellin-Wolfgang approach. This is a naive view of psychophysical research. One cannot infer from early psychophysical law that magnitude scales constructed utilizing Steven's procedure will produce ratio scales, particularly as Steven's used physical continuum, i.e., loudness, unlike seriousness of crime. Indeed, the upshot of recent psychophysical work is that there is no such thing as Steven's law, especially as he originally stated it (e.g., Duda, 1975; Rule, Curtis, & Markley, 1970). Finally, a ratio scale demands subjects make similar judgements and do not vary in these judgments. Clearly, people do not have substantial consensus regarding seriousness of crime thus it now appears the Sellin-Wolfgang index is at best in ordinal measure (Lesieur & Lehman, 1975).

The pragmatics of the index are onerous. In order for any event to be scored all pertinent information for scoring has to be acquired. Unfortunately many court and correctional records frequently fail to specify the seriousness of the harm done in assaults and the precise value of stolen objects. Practical experience in quantifying these two types of variables has often been found to be virtually impossible even after several types of records were gathered with the result subject dropouts were common (Moberg & Ericson, 1972). The end result has been that with few exceptions (e.g., Heller & McEwen, 1973), the index has been rarely used for applied purposes.

Fifth, the index is not a general index of crime. It omits crimes such as disorderly conduct, intoxication, illegal possession of liquor, escape from custody, drug offences and attempted, alleged or suspected offences. Certainly within many jurisdictions today the first five

crimes are quite frequent particularly drug-related offences. Recently, Lesieur & Lehman (1975) found narcotics offences were the hardest to estimate on a scale of seriousness.

#### Recidivism Outcome Index

Moberg & Ericson (1972) constructed a recidivism index that was based upon the disposition of the offender. In line with previous attempts to quantify recidivism on a continuum (e.g., Glaser, 1964; Mandel et al., 1965; Warren, 1966) the scale reflects an ordinal progression of degrees of seriousness of offences. It has 11 categories ranging from felonies, misdemeanours, absconders, fines, to no record. The advantages of the scale are that it can classify all of the various types of convictions meted out and can assess the degree of success of rehabilitation efforts. The scale can be adapted to the laws of other jurisdictions<sup>2</sup> unlike simple classifications which impose an arbitrary standard ignoring state and country differences. The authors comment that "to the extent the penalties imposed for known offences are correlated with societies interpretation of their seriousness" the scale can also be considered a measure of seriousness. It is the rare case where conviction of a homicide or armed robbery would be penalized less than conviction of, for example, larceny.

As this index is relatively new little follow-up data is available. Moberg & Ericson (1972) have provided information as the scales face validity, ease and reliability of scoring and applicability to other jurisdictions.

#### The Development of Canadian Crime & Recidivism Indices

As late as 1961 there existed a conspicuous lack of information regarding the incidence of crime in Canada (Edwards, 1961). Finally, in 1962 the Dominion Bureau of Statistics instituted a new series of police statistics based on the UCR format of the FBI in the U.S. The Canadian UCR (CUCR) has, as with the UCR, very obvious limitations (Ackman & Normandeau, 1968, p.151-158).

From the point of view of comparative statistics for crime rates the CUCR and UCR are not exactly comparable. For reasons unclear the CUCR places less emphasis (by ranking of crimes) on forcible rape, aggravated assaults, burglary, frauds, robbery and sexual offences. The CUCR does not include two categories the UCR has, and records one the UCR does not have. The CUCR also groups attempted and completed acts. The CUCR also has some amusing classification oddities. Seduction under promise of marriage

<sup>2</sup> This is important in the U.S., where unlike Canada, differences in state laws are sometimes notable.

is ranked as more serious than any kind of robbery. While the UCR is indexed into seven offences for statistical purposes the CUCR has not been. However, as a two-way classification of recidivism the CUCR is as adequate as the UCR, and, of course, the only dichotomous crime index for this country.

The Sellin-Wolfgang (1964) scale of seriousness has been applied to Canada. Ackman and Normandeau (1968) undertook an extensive and valued replication of the scale. They used student samples across Canada as their normative base for ranking seriousness of offences. As they pointed out in 1968 the scale will need updating as attitudes regarding seriousness may change over time. It should be noted that the Canadian version was based on students primarily enrolled in Sociology and English, not the most representative student sample. The scale is limited to only male offenders and like the U.S. scale is not a general index of crime. These problems are, however, empirically resolvable although to the authors knowledge no attempts are underway for revising the scale. The questions pertaining to the scales additivity, whether it is a ratio or ordinal scale, and its pragmatic value still apply to the Ackman and Normandeau version.

The Canadian Recidivism Index

Because of the need for comparison data of crime rates in Canada with other jurisdictions, the fact that correctional programs were being initiated elsewhere in Canada, and the fact that research studies have increasingly emphasized measures of post-release performance, it was felt advisable to develop a recidivism index.

In most respects the Moberg and Ericson (1972) index appeared to meet most of the objections noted about all-or-none classification procedures such as UCR-like scales. While conceptually interesting the Sellin-Wolfgang index had practical and theoretical limitations that eliminated it from our consideration. In revising a Canadian index that would be comparable to the Moberg and Ericson scale our main task was to translate U.S. legal dispositions to Canadian terms along a dimension of severity of disposition.

At the maximum end of the scale U.S. felonies are comparable to Canadian indictable offences with the exception that felonies are not less than one year while indictable can be, although it is uncommon. U.S. misdemeanours are comparable to crown electives, summaries and consecutive summaries. Crown elective make up about 50% of all cases, i.e., theft, possession under \$200 and on most occasions the Crown opts for a summary which carries a maximum of 6 months or \$500 fine.

We made some structural changes particularly in regard to Moberg & Ericsons categories 6-7-8-9. They used three separate absconder ("wanted" in Canada) categories. Absconders are uncommon in Canada, however, we included one category to include "offenders" who might fall in that category<sup>3</sup>. Moberg & Ericson also used a category that consisted of "offenders arrested and temporarily jailed without charges supported by ... evidence ... or no fine more than \$25." This category does not exist in Canada and was eliminated.

After these revisions our Canadian Recidivism Index consisted of 8 categories that were defined as follows:

RECIDIVISM OUTCOME INDEX

SCORE

- 1. Re-imprisoned: Convicted of an offence for which a sentence of 2 years or more has been imposed - includes persons on parole with additional conviction(s) carrying the above disposition.
- 2. Re-imprisoned: Convicted of an offence for which a sentence of 2 years less a day or less but more than 90 days has been imposed - includes persons on parole with additional conviction(s) carrying the above disposition.
- 3. Re-imprisoned: Convicted of an offence for which a sentence of 90 days or less, with or without a fine, has been imposed.
- 4. Re-imprisoned: Technical parole violation accompanied by further charges which carried no conviction - i.e., returned to serve balance of parole, or, with no allegation of further law violations.
- 5. Absconder: Arrested for one or more law violations with no conviction and no disposition as result of absconding, i.e., wanted.
- 6. Offender: Convicted of an offence and sentenced to probation and/or a suspended sentence with or without a fine or to a fine of \$100.00 or more.

(cont'd.)

<sup>3</sup> Subsequently we found two men, in a follow-up of 775 cases, who were classed as absconders. The category we feel is worth keeping as now with increasing court loads, more crime in urban areas committed by transients, the incidence of Sec.133 cases, i.e., fail to appear, should increase.

- 7. Offender: Convicted of an offence for which a fine of \$25.00 - \$100.00 has been imposed.
- 8. No illegal activities of any kind on any available (FPS) records.

As we have noted the relative absence of research on the measurement of recidivism it is not surprising to find that basic information as to recidivism rates of incarcerated offenders is not well documented, particularly in Canada. Indeed, there have been, to the author's knowledge, only two published descriptions of recidivists and recidivism in Canada (Blum & Chagnon, 1967; Carlson, 1973). In the absence of such vital information attempts to assess patterns in crime rates and the degree of effectiveness of correctional programming is made more difficult.

Recidivism Rates of First Incarcerate in Ontario

This section of the paper documents recidivism rates for a sample of first incarcerates in Ontario. First incarcerates were chosen as they in comparison to most recidivists/re-incarcerates, represent the most obvious target group, i.e., less criminal history, for correctional programming. In addition, given the current view that prisons are schools for crime (cf. Clark, 1970; Edwards, 1972) it might be expected that first incarcerates would be most susceptible to being "prisonized" by association with criminal others, hence and returning to crime upon release.

The sample size was 802. The average age was 20.01, SD = 4.91. The follow-up period was for two years. This period was chosen as recidivism studies invariably report that of those who recidivate the majority do so within the first two years (e.g., Carlson, 1973). The recidivism measure used was our Canadian adaptation of Moberg & Ericson's (1972).

The rates of recidivism are shown in Table 1.

Table 1

Recidivism Rates for First Incarcerates in Ontario

Index No.		Frequency	Percentage*
0	- No FPS available	29	-
1	- 2 years or more	52	6.7
2	- 90 days - 2 years less a day	174	22.5
3	- 90 days or less	57	7.4
4	- Technical parole violation which carried no conviction	19	2.5
5	- Wanted/Absconder	2	0.3
6	- Probation/SS/Fine	52	6.7
7	- Fine up to \$100	21	2.7
8	- No illegal activities recorded on the FPS	396	51.2

\*note that percentages are based on the 773 on whom data was available rather than the full sample of 802.

Of those ex-inmates who received reconviotions and/or reincarceration the point in time which they do so is depicted in Figures 1 and 2. As can be seen, in the majority of cases (approximately 70%), reconviotion and/or reincarceration occurred within a year of release.

These results are of particular interest from two points of view. First, there is the commonly accepted view that correctional institutions are "breeding places of crime" (Clark, 1970; Edwards, 1972). These kinds of spectacular statements while rarely defined are unfortunately supportive of the view that correctional agencies are failures with unacceptably high recidivism rates (cf. Tittle, 1974). In the absence of any definitions of what a "high" recidivism rate should be it is worth noting that only 6.7% of the present sample went on to receive a penitentiary sentence of two years or more. Given the fact that the sample consisted of first offenders who might be reasonably expected to be "prisonized", 6.7% is far from convincing evidence. Furthermore, 70.8% of the sample received lesser sentences (categories #3-8) than originally. Of this group 72% had no illegal activities on their FPS records 2 years after release.

The present results afford an approximate comparison with existing recidivism data as most recidivism studies to date have quantified recidivism on nominal dichotomous



FIGURE 1

Reconvictions Cumulating During Two Years Following Release

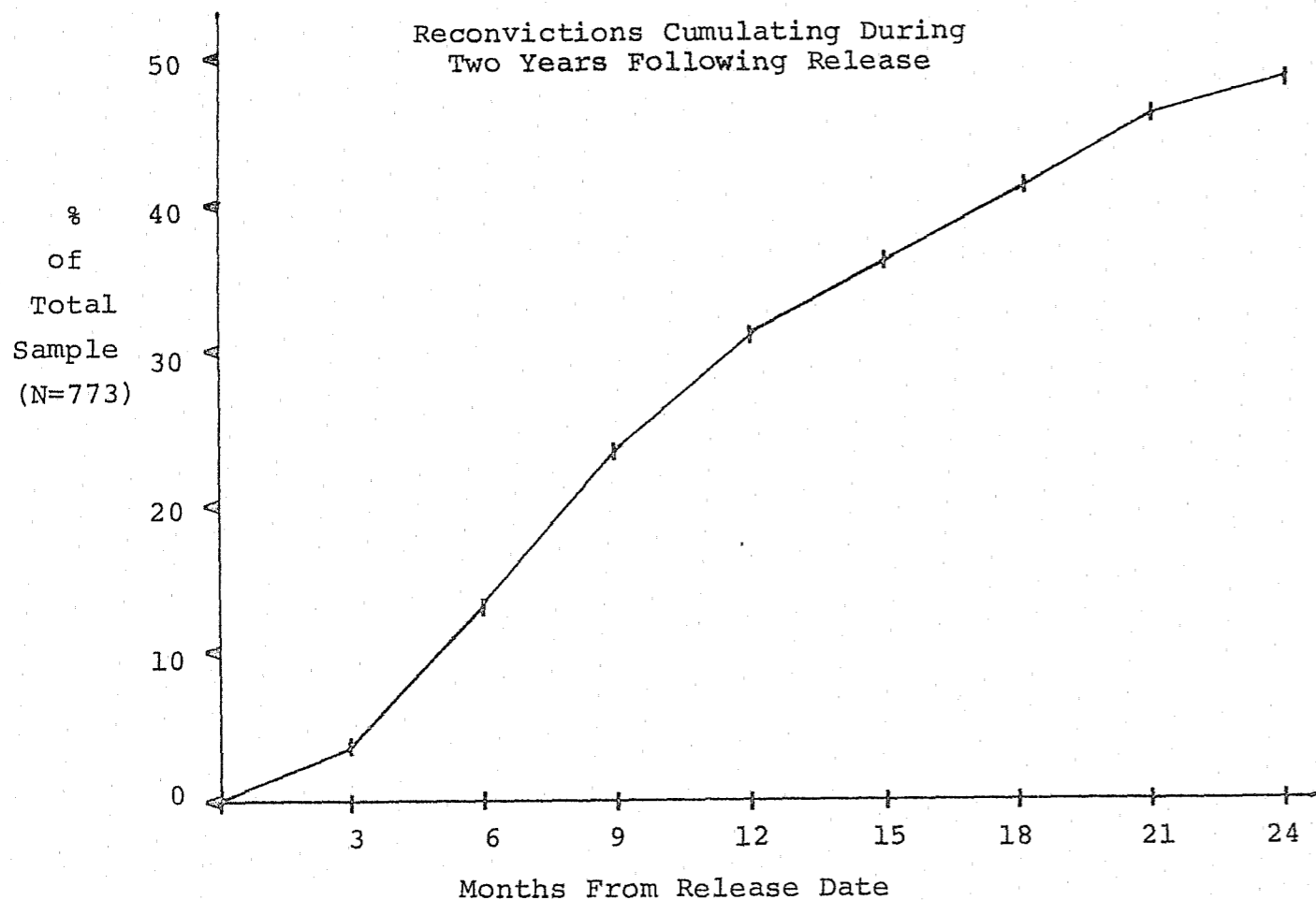
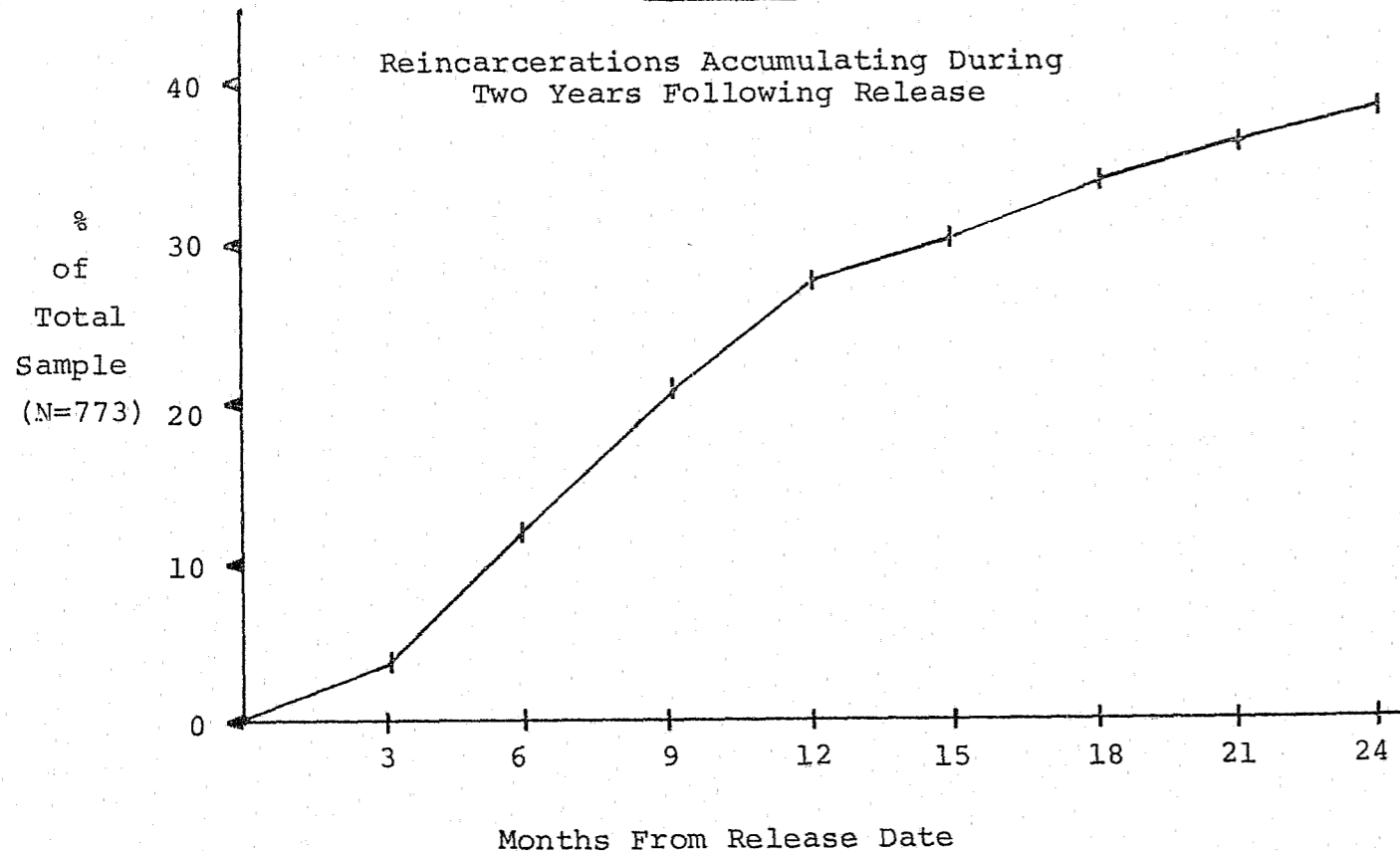


FIGURE 2

Reincarcerations Accumulating During Two Years Following Release



scales making it difficult to assess the degree of recidivism (Moberg & Ericson, 1972).

Most of the recent U.S. recidivism data is based on juveniles, some of whom have had little involvement with criminal activities, have had the benefit of individual treatment programs and parole services. It should also be noted that juveniles may be re-imprisoned or charged for reasons or offences under entirely different circumstances than that for adults. For these reasons recidivism rates of juveniles vary markedly. For example, the failure rates reported range from 62% after a 6 year follow-up (Cymbalista, Schuck & Dubeck, 1975), 28% after two years (Roberts, Erikson, Riddle, & Bacon, 1974), 40% after one year (Smith & Lanyon, 1968) to 49% after 6 months (Mack, 1969). While only a rough estimate can be made, the failure rates for these studies likely corresponds with recidivism categories #1 and 2 of the present study, which was 29% for a two year period. While it was the first incarceration for our sample, many had previous histories of involvement with the law and only half had the advantage of parole.

For adult offenders some recent recidivism rates have been 69% after 5 years for an English sample (Buikhuisen & Hoekstra, 1974), 44% after three years for a U.S. sample (Kassebaum, Ward & Wilner, 1971) and 62% after 5 years on a sample of first incarcerates admitted to Guelph Correctional Centre in 1965 (Carlson, 1973). The present study can be best compared to the Carlson (1973) and Kassebaum et al., (1971) results. Carlson employed a dichotomous definition of recidivism, i.e., conviction/no-conviction<sup>4</sup> which did not indicate the severity of the courts disposition. From his data (Table 11, p.11) we calculated that 47% of his sample were reconvicted after two years. In the present study 46% were reconvicted (categories 1-3, 6-7). Consistent with Carlson we found a majority of the present sample were reconvicted and/or reincarcerated within one year of release. Kassebaum, et al., (1971) employed a multi-dimensional recidivism categorization similar to ours. The present study compares well as their sample underwent the benefits of an intensive counselling program as well as parole supervision.

Thus, the present results indicate that recidivism rates of first incarcerates in Ontario are lower than might be expected given the current pessimistic expectations. The recidivism rates compare favorably with existing data on recidivism rates of U.S. juveniles and adult samples, many of whom had, compared to the usual institution programs, the benefit of specialized, intensive experimental programs. A rough comparison of recidivism rates collected on a sample 5-7 years previously in Ontario indicates recidivism rates have not increased to any significant degree which

<sup>4</sup> Personal communication, July 27, 1976. Dr. K. Carlson, Guelph Correctional Centre, Guelph, Ontario. Interested readers may write Carlson for his newly developed Programme Rehabilitation Index which is based on the court disposition the offender receives.

is worth noting as the number of offences and convictions have increased in Canada<sup>5</sup>.

It should be made clear the limitations and/or misinterpretations often placed on the meaning of recidivism. Some guidelines that are worth noting in extrapolating upon the results presented in this study are as follows: (cf. Sarri, & Selo, 1974; Thomas, 1970; Tittle, 1974). That is, recidivism rates are not necessarily related to the failure or success of the rehabilitative effects of correctional institutions. Reconviction may not be the consequence of a personal defect. Some offenders become reconvicted because of a variety of situations that bear no relation to programming in institutions.

Second, recidivism rates cannot necessarily be attributed to factors within the prison culture. There is no substantial evidence to indicate that prisons themselves create anti-social values which the inmate carries to the street leading to his reconviction.

Finally, it should be noted that there exists other types of outcomes that are of value and should be employed wherever possible. We should not restrict our post-release measurements to recidivism indices which are, at best, only ordinal measures and often, for practical purposes simple dichotomies. Other alternatives are, for example, behavioural observations of the client in home, school and work settings can often point to beneficial program effects (Alexander & Parsons, 1973; Davidson II & Robinson, 1975; Fo & O'Donnell, 1974; Jessness, et al. 1976; Lambert & Madden, 1976; Tharp & Wetzell, 1969; Patterson, 1974). These types of observations are also pertinent to some prediction studies (Cowden & Pacht, 1967). However, correctional programmers should not underestimate the problem involved in making valid and reliable behavioural observations (Jayaratne, Stuart & Tripodi, 1974) nor should they underestimate the cost and manpower involved in getting these ratings from paraprofessionals, e.g., community volunteers, probation officers.

In the case of the inmates in this study, 50.5% were paroled as opposed to being discharged outright. What this means, is that in only half of the cases do we have a built-in follow-up mechanism in the form of parole surveillance and a parole officer who has insight into the offender's community adjustment and the ability to track down the subject for research interviews, etc. Notwithstanding this practical constraint, there is also the legal and moral issue as to whether we have the right to contact inmates in the community for voluntary cooperation in a research interview when they have in fact satisfied their sentence and thereby all commitments to the Ministry and courts.

<sup>5</sup> Statistics of Criminal & Other Offences. Statistics Canada, Cat.85-201, 1972.

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