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# J

# uristat

Canadian Centre for Justice Statistics



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## **PILOT ANALYSIS OF RECIDIVISM AMONG CONVICTED YOUTH AND YOUNG ADULTS - 1999/00**

*by Mikhail Thomas, Howard Hurley, and Craig Grimes*

### **Highlights**

- In 1999/00, 60% of the nearly 57,000 convicted offenders between 18 and 25 years of age had at least one previous conviction, either in adult criminal court or youth court. Among recidivists, 28% had one prior conviction and 72% had multiple prior convictions.
- Recidivist property offenders had the highest proportion of prior convictions of the same offence type with 80% having had at least one prior property crime conviction. Among this group, 37% had one prior property crime conviction, 21% had two earlier property crime convictions and 42% had three or more previous property crime convictions.
- As males are more likely to commit crimes, they are also more likely to be recidivists, with 62% having a prior conviction compared to only 48% of female offenders.
- The mean number of prior convictions for recidivists appeared to be associated with their age at the time of their first conviction. That is, the younger the offender at age of onset the larger the number of prior offences committed, even when controlling for years at risk. The mean number of prior convictions over a six year period for recidivists first convicted at age 19 was 4.0, compared with 7.7 for those first convicted at age 12.
- Among all recidivists, 37% had custody as the most serious sentence for the last conviction in 1999/00, compared to 12% of first-time offenders.
- Longer criminal histories tended to correspond with higher incarceration rates. Recidivists with multiple adult convictions had an incarceration rate nearly twice as high (41%) as recidivists with a single adult conviction (22%).
- Incarceration rates were higher for repeat offenders with an early age of first conviction. Recidivists who were 12 years of age at the time of their first conviction had an incarceration rate of 59%, compared to 35% for recidivists whose age of onset was 17 years of age.
- The mean length of a probation term for first-time offenders was 423 days and the mean length of probation term for recidivists was 466 days.



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## Introduction

Recidivism - the extent to which offenders re-offend - is an important issue for policy-makers and the public. With the changes in crime rates in recent decades and increasing public concern about the personal and economic costs of crime, a better understanding of criminal behaviour and patterns of repeat offending is needed.

This report has several objectives. First, it attempts to gauge the prevalence of recidivism in young adults by examining the conviction histories of young adults convicted in Canadian criminal courts in 1999/2000 (See **Box 1**). Secondly, it examines the transition from youth to adult offending, including patterns of re-offending, and differences in conviction histories by age of onset. Finally, the impact of conviction history on court sentencing outcomes is examined.

### Box 1: About the surveys

The analysis in this report is based on data from the Adult Criminal Court Survey (ACCS) and the Youth Court Survey (YCS). Data on federal statute charges completed in criminal court are collected by the Canadian Centre for Justice Statistics (CCJS) in collaboration with provincial and territorial government departments responsible for adult and youth criminal courts.

The primary unit of analysis is the case, which is defined as one or more charges against an individual that are disposed of in court on the same day. The ACCS includes cases involving persons 18 years or older at the time of the offence, youths who have been transferred to adult criminal court, and businesses. The YCS collects data from youth courts on persons aged 12 to 17 appearing on federal statute offences.

In 1999/00, adult criminal courts in seven provinces and two territories reported to the ACCS. Reporting jurisdictions include: Newfoundland and Labrador, Prince Edward Island, Nova Scotia, Quebec, Ontario, Saskatchewan, Alberta, Yukon, and the Northwest Territories. In addition, Alberta and the Yukon report Superior Court data to the ACCS. These jurisdictions represent approximately 80% of the national adult criminal court caseload. The adult court information presented in this report covers only these nine participating jurisdictions.

All youth courts in Canada representing all provinces and territories have reported data to the YCS since 1991/92. However, youth court data from New Brunswick, Manitoba, British Columbia, and Nunavut (1999/00) were excluded from the study since these jurisdictions did not report to the ACCS in 1999/00.

### Scope of the Report

Recidivism can be studied using a variety of definitions, information sources, and methodological approaches. Researchers have measured recidivism using offender self-reports, arrest records, conviction records, and prison admission records. Depending on the objectives of the analysis, definitions of recidivism can count any subsequent offence, or count only a subsequent offence that is of comparable nature to the first offence (*e.g.*, subsequent property crimes by a property offender). Some studies discount administrative offences, such as parole or probation violations.

In its broadest sense, recidivism is very difficult to measure because not all criminal offences come to the attention of the justice system. This makes it virtually impossible to construct a complete criminal history for all offenders (see **Box 2**). However, it is possible to measure the extent to which an offender's reversion to criminal behaviour results in one or more subsequent criminal court convictions.<sup>1</sup>

This report examines the conviction profiles of persons, 18 to 25 years of age, who were found guilty of at least one charge in adult criminal court in fiscal year 1999/00. Recidivists were defined as those individuals with at least one prior conviction in criminal court, irrespective of the relationship between the current and prior conviction. To be defined as a recidivist, the offender would have at least one conviction in 1999/00, and at least one more conviction in an adult court since 1994/95 or youth courts

<sup>1</sup> This report studies the chronological sequence of convictions, and therefore does not necessarily relate to the chronological sequence of offences. Thus, in a small number of cases the offence date for which there is a conviction in 1999/00 could fall before the offence date of a prior conviction. For more information on data processing, please see the methodology section at the end of this report.

since 1991/92 within the same province or territory.<sup>2</sup> In so doing, it profiles a select group of individuals going through the court system at a given point in time. As a consequence of survey implementation dates, adult court convictions prior to 1994/95, and youth court convictions prior to 1991/92 were not available for analysis. Recidivism across provincial and territorial jurisdictions was not examined.

**Box 2: Note on study limitations**

There are three types of limitations the reader should consider when reviewing this report. The first is a consequence of the availability of historical data for analysis. The second deals with the fields used for matching offenders with prior convictions to create criminal histories, and the third is related to survey coverage. These limitations are briefly described below, and they are discussed more fully in the methodology section at the end of this report.

As a function of survey implementation dates, adult court data prior to 1994/95, and youth court data prior to 1991/92 were not available for analysis. This means that the earliest portion of conviction histories was not available for the oldest offenders covered by this study. As a consequence, the full extent of recidivism among these offenders is slightly understated.

Variations in the capture of an offender's name or date of birth in court information systems may result in multiple convictions against the same individual not obtaining a match, thereby producing an undercount of recidivists. Related to this point is the issue of inter-jurisdictional matching. Because of differences in reporting encrypted offender names, it is not possible to match offender records across all provinces and territories. Therefore, offenders convicted of offences in more than one province may not be identified as recidivists, resulting in a somewhat lower rate of recidivism than might otherwise be the case.

Finally, survey coverage issues will impact recidivism estimates. The absence of superior court data will result in a slight under estimate of recidivism because convictions in these courts are not available to construct complete criminal histories. Also, the absence of municipal court data in Quebec (representing approximately 20% of criminal court cases in that province) will result in a more substantial under estimate of recidivism in that province.

Because one of the key objectives of this report was to explore the relationship between youth and adult convictions, the focus has been restricted to adults who would have a chance of at least one youth court conviction during the study period. For this reason, analysis was confined to offenders between 18 and 25 years of age at the time of the offence.<sup>3</sup> For example, a 25-year-old offender convicted in adult criminal court in 1999/00 would have been 17 years of age in 1991/92. If this person committed an offence as a 17 year-old, the case would have been heard in youth court in 1991/92 (the first year in which comprehensive YCS data were available for jurisdictions covered by this study), or later, thus ensuring that all such offenders would have a chance of a youth court conviction during the study period.

In 1999/00, a conviction was recorded in 228,267 of the 378,586 cases heard in the adult criminal courts of participating jurisdictions. Of these convictions, 176,345 related to unique convicted offenders. Information about these unique offenders was then matched with offender information in case files from previous years to construct individual criminal histories. (Figure 1).<sup>4</sup>

The reader should keep in mind that not all criminal offences committed result in a charge being laid, and approximately one-third of those heard in court do not result in conviction. Consequently, this study provides a conservative estimate of the extent of repeat criminal acts by offenders. Further, this study does not identify offenders with prior convictions who did not have at least one conviction in 1999/00. For example, it is possible for an offender to have multiple prior convictions without being convicted in 1999/00. This approach, then, is not a count of the number of recidivists across the history of the criminal court surveys. The approach presented in this Juristat is an examination of the offender profiles of individuals convicted in adult criminal court in 1999/00.

**OVERVIEW**

**Offender Profile**

In order to explore the basic characteristics of recidivists, this study employs an "offender profile" based on the frequency of prior convictions and whether such convictions occurred in adult criminal court or youth court. The following profiles are used throughout this report to describe the criminal histories of offenders convicted in the reference year.

**First-time offender:** The offender was convicted in adult criminal court in 1999/00, and had no known prior convictions either in adult criminal court or youth court in the same province or territory during the study period.

**Recidivist:** The offender was convicted in adult criminal court in 1999/00, and had at least one prior conviction in adult or youth court, or both, during the study period. Recidivists are divided between those with a single adult conviction and those with multiple adult or youth convictions.

**Recidivists with a single adult conviction:** The offender was convicted in adult criminal court in 1999/00, had no other known convictions in adult criminal court during the study period, but had at least one prior conviction in youth court during the study period. This category is sub-divided between offenders with only one prior youth court conviction and those with multiple prior youth convictions.<sup>5</sup>

**Recidivists with multiple adult convictions:** The offender was convicted in adult criminal court in 1999/00, and had at least one prior conviction in adult criminal court during the study period. This category is sub-divided into three groups: offenders with no known prior youth convictions; offenders with one prior youth conviction; and offenders with multiple prior youth convictions.

<sup>2</sup> Record matching has been restricted to prior convictions within the same province or territory because of jurisdictional differences in reporting the encrypted name of the offender. The name of the offender is encrypted using the Henri code in Quebec, and the Russell Soundex code elsewhere.

<sup>3</sup> Complete adult conviction histories were not available for 24 and 25 year-olds in the study. For example, 25 year-old offenders convicted in 1999/00, would have been 20 years of age in 1994/95, and 24 year-old offenders in 1999/00 would have been 19 years of age in 1994/95. See methodology section for more information.

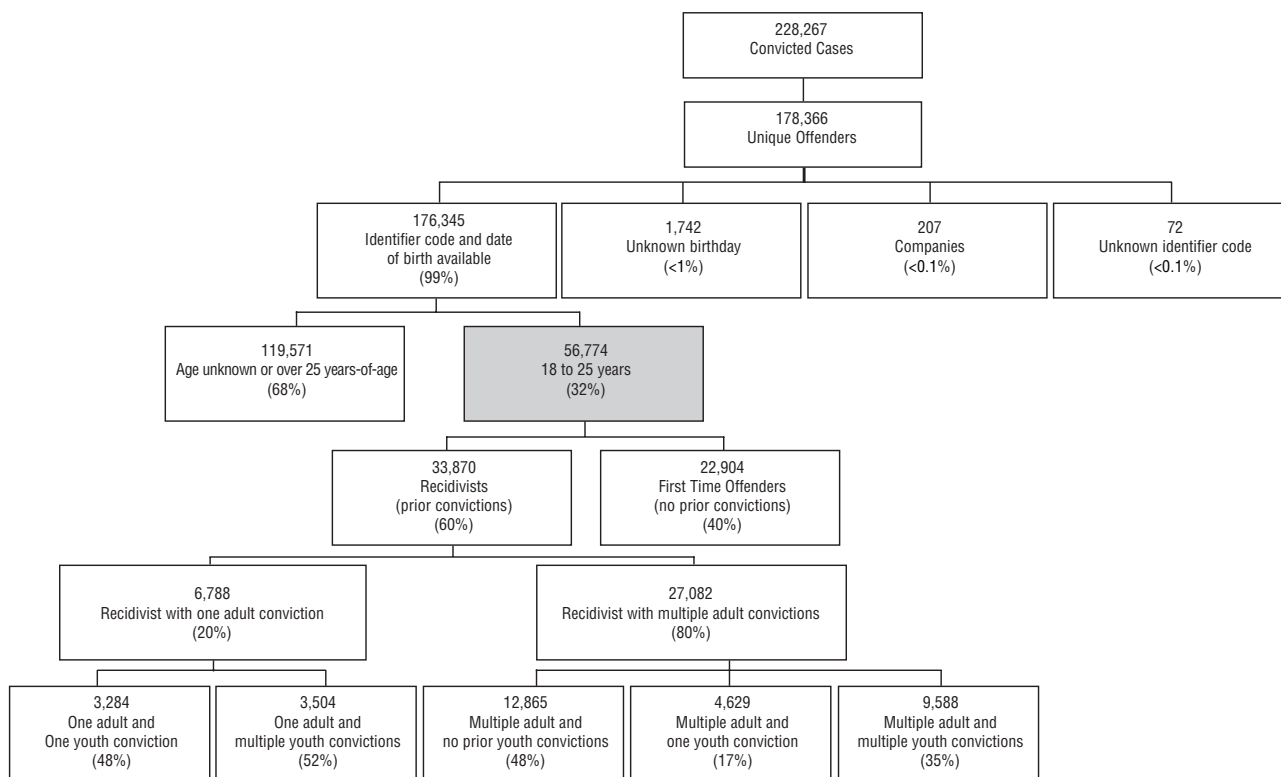
<sup>4</sup> In the reference year there were 2,021 cases excluded from the study. See the Methodology section for more information on these cases, along with more details about the record matching process.

<sup>5</sup> By definition, a recidivist requires at least one prior conviction. Since the only conviction in adult criminal court is the current conviction, a single adult conviction recidivist must have at least one prior conviction in youth court.

Figure 1



**Profile of convicted cases in adult criminal court,  
Nine provinces and territories in Canada, 1999/00**



**Notes:**

Excludes New Brunswick, Manitoba, British Columbia, and Nunavut.

Recidivists are defined as 18-25 year-olds convicted in 1999/00 who had one or more prior convictions.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey, Adult Criminal Court Survey.

**Recidivists represented 60% of convicted offenders**

In 1999/00, 60% of convicted offenders in the provinces and territories covered by the study between 18 and 25 years of age had at least one previous conviction, either in adult criminal court or youth court. Among recidivists, 28% had one prior conviction and 72% had multiple prior convictions. The mean number of prior convictions for all recidivists was 4.2.

**Theft was the most frequent offence for recidivist**

In 1999/00, the most frequently occurring offences for recidivists were theft (10%), common assault (8%) and administration of justice (8%).<sup>6</sup> With few exceptions, the distribution of offences was similar for recidivists and first-time offenders (offenders with no known prior convictions) (See **Table 1**). However, convictions for impaired driving offences were more common for first-time offenders (19%) than recidivists (7%) (**Figure 2**).

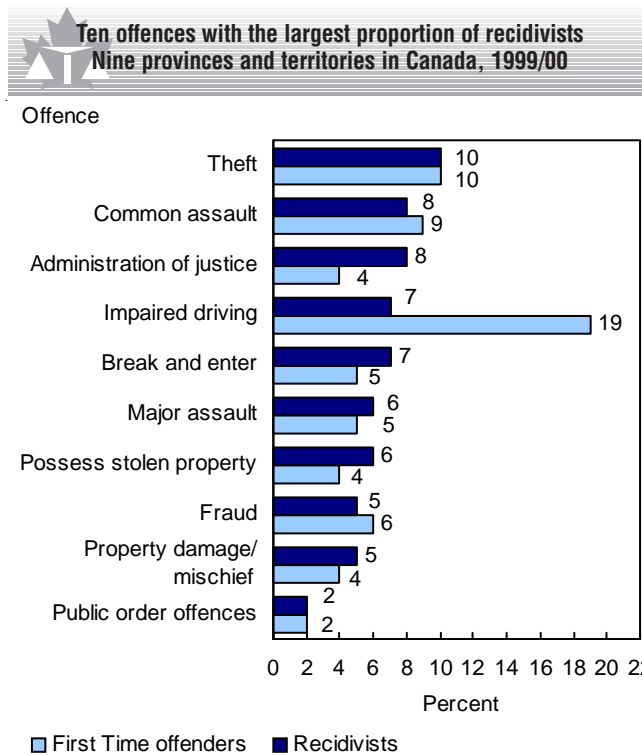
**Recidivists convicted in property cases had the highest levels of prior convictions for offences of the same type**

The vast majority (80%) of recidivists convicted in *Crimes Against Property* cases had at least one prior property crime conviction.<sup>7</sup> Of these, 37% had one prior property crime conviction, 21% had two earlier property crime convictions and 42% had three or more previous property crime convictions.

<sup>6</sup> The administration of justice offence category comprises offences such as failure to appear in court, and failure to comply with a probation order. For more information on the inclusion of administration of justice offences in this study, please refer to the methodology section at the end of this report.

<sup>7</sup> The extent of prior property convictions, or other conviction types, may be understated because each case is represented by the most serious conviction. The number and type of less serious convictions in multiple conviction cases (38% in 1999/00) are not presented in this report. For more information on counting procedures, please see the methodology section at the end of this report.

Figure 2



**Notes:**  
Excludes New Brunswick, Manitoba, British Columbia, and Nunavut.  
Recidivists are defined as 18-25 year-olds convicted in 1999/00 who had one or more prior convictions.  
Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey, Adult Criminal Court Survey.

No other offence group had as large a proportion of recidivists with prior convictions for the same offence type. Recidivists convicted in 1999/00 for *Crimes Against the Person* offences comprised the second highest proportion (53%) of recidivists with at least one prior conviction in the same offence category.

Regardless of the offence category in which recidivists were convicted in 1999/00, *Crimes Against Property* represented an important component of their criminal history. More than one-third (38%) of all recidivists were convicted most recently of *Crimes Against Property*. At the same time, there was some evidence of consistency in repeat offence patterns. For example, 27% of recidivists convicted of *Criminal Code Traffic* offences in 1999/00 had a conviction for a *Criminal Code Traffic* offence as their most recent prior conviction (See **Table 2**).

**Males were more likely to be recidivists**

As males are more likely to commit crimes, they are also more likely to be recidivists, with 62% having a prior conviction compared to only 48% of female offenders. However, one factor that may lead to an underestimate of female recidivism relates to the practice of adopting a spouse's surname at marriage.<sup>8</sup> Identifying recidivists in this study involved matching prior

conviction information using an encryption of the offender's name. If an offender's surname changed between convictions, then that individual may be incorrectly designated as two different first-time offenders, rather than as one offender with a prior conviction. The extent to which the study results are affected by changes in the legal name of offenders, male or female, is not currently known.<sup>9</sup>

**Offence patterns similar for male and female offenders**

The types of offences accounting for the largest percentage of convictions were similar for male and female recidivists, with three of the top five offences being the same. In 1999/00, the three most common offences for recidivists were theft, common assault and administration of justice violations. These offences accounted for 34% of convictions against female recidivists and 26% of convictions against male recidivists.

The fourth and fifth most common convictions were for fraud (9%) and major assault (6%) for female recidivists, while impaired driving (8%) and break and enter (7%) convictions were more common with male recidivists. It should also be noted that a majority of recidivists convicted of theft in 1999/00 had a prior theft conviction. This finding held true for both males (54%) and females (58%).

**Top Five Offences for Recidivists by Sex  
Nine provinces and territories in Canada, 1999/00**

Sex of Offender	Estimated % of Caseload
<b>Males</b>	
Theft	10
Common assault	8
Administration of justice	8
Impaired driving	8
Break and enter	7
<b>Females</b>	
Theft	16
Common assault	9
Administration of justice	9
Fraud	9
Major assault	6

**Notes:**  
Excludes New Brunswick, Manitoba, British Columbia, and Nunavut.  
Recidivists are defined as 18-25 year-olds convicted in 1999/00 who had one or more prior convictions.  
Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey, Adult Criminal Court Survey.

<sup>8</sup> The extent to which the recidivism rate is affected by the practice of adopting a spouse's surname after marriage is believed to be low, as approximately 15% of women between the ages of 15 and 24 are married.

<sup>9</sup> The courts make every effort to identify the legal name of each accused appearing in court, and sometimes use an alias file to assist in this process. The aliases used are linked to the accused's legal name. The alias file can then be used to convert a known alias into the legal name of the accused for identification and processing.

### The majority of recidivists had prior convictions in youth court

The majority of recidivists (62%) convicted in adult criminal court in 1999/00 had been previously convicted at least once in youth court.<sup>10</sup> Among this group, 38% had one prior conviction in youth court while 62% had multiple prior youth convictions. This finding highlights the value of including youth court convictions in the construction of adult criminal history profiles. Overall, 20% of recidivists between 18 and 25 years of age would have been designated as first-time offenders had their prior youth convictions not been included.

### Recidivists with multiple prior convictions had shorter time between convictions

As would be expected, the elapsed time between convictions was shortest for recidivists with the largest number of prior convictions and longest for recidivists with the fewest number of prior convictions.<sup>11</sup> Recidivists with multiple prior convictions had a mean elapsed time between convictions of 402 days. This was about one-third shorter than the elapsed reconversion time for offenders with a single adult conviction (1,177 days). Recidivist with one adult conviction and one prior youth conviction (i.e., the offender profile most closely resembling first-time offenders) had the longest mean time to reconversion (1,422 days).

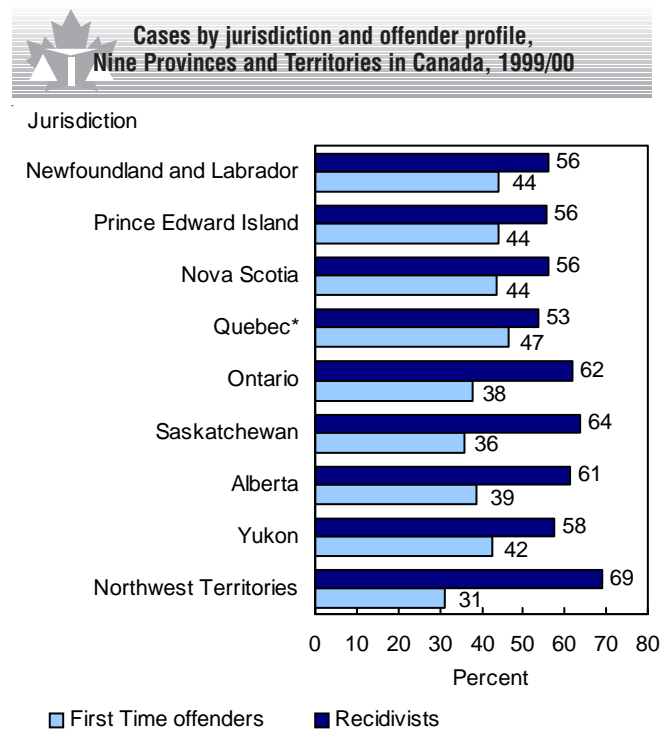
### Little variation in recidivism rates among jurisdictions

Overall, recidivists represented 60% of offenders in the nine jurisdictions included in the study. The Northwest Territories had the highest proportion of offenders with repeat convictions (69%) but also had the lowest mean number of prior convictions for recidivists (3.1 mean prior convictions) (**Figure 3**). The highest mean number of prior convictions was in Alberta (4.7).

In Saskatchewan, 68% of recidivists had at least one prior conviction in youth court, which was the highest proportion of prior youth convictions in the nine jurisdictions studied. In comparison, Yukon was the only jurisdiction where a minority (49%) of recidivists had at least one prior conviction in youth court (See **Table 3**).

There are several factors that may influence crime rates, police charge rates, court workload, and conviction rates, and these factors will affect the interpretation of the variation in recidivism rates across jurisdictions. First, some jurisdictions use diversion and alternative measures to a greater extent, which affects the number and types of cases that proceed to court, especially youth court.<sup>12</sup> Second, the use of pre-charge screening by the Crown, which occurs in Quebec, may also affect the percentage of convictions.<sup>13</sup> For example, prosecutors may not approve formal charges in jurisdictions where pre-charge screening is used (i.e., the charge does not appear in court), and the same information presented in court may result in charges stayed or withdrawn in jurisdictions without pre-charge screening. Third, survey coverage may have an impact on match rates and thereby prior conviction rates. Data on Criminal Code convictions from Quebec's municipal courts (representing approximately

Figure 3



**Notes:**  
 Includes cases completed in superior courts in Alberta and Yukon.  
 Excludes New Brunswick, Manitoba, British Columbia, and Nunavut.  
 Recidivists are defined as 18-25 year-olds convicted in 1999/00 who had one or more prior convictions.  
 \* Information from Quebec's municipal courts (which account for approximately 20% of Criminal Code charges in that province) is not yet collected. The exclusion of convictions in these courts accounts, to some extent, for the lower recidivism rate calculated for Quebec.  
 Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey, Adult Criminal Court Survey.

20% of Criminal Code charges) are not yet collected by the ACCS. The exclusion of convictions registered in these courts will contribute to the lower recidivism rate for that province. In contrast, the inclusion of convictions registered in Superior Courts in Alberta and Yukon may contribute to an increase in the overall rate of recidivism in these jurisdictions.

<sup>10</sup> The proportion of recidivists with a prior youth conviction increases to 74% for those age groups (i.e., 18, 19 and 20 years of age) where a complete youth conviction history is possible.  
<sup>11</sup> The "time to reconversion" refers to the elapsed time (in days) between the date of disposition for the most recent conviction, and the date of disposition for the most recent prior conviction.  
<sup>12</sup> Alternative measures and diversion programs are used to deal with offenders without invoking the judicial procedures of the Criminal Code. Charges are dismissed when the accused follows the conditions of the alternative measures or diversion program (CCC s.717).  
<sup>13</sup> New Brunswick and British Columbia also have pre-charge screening, but these jurisdictions did not report to the ACCS in 1999/00.

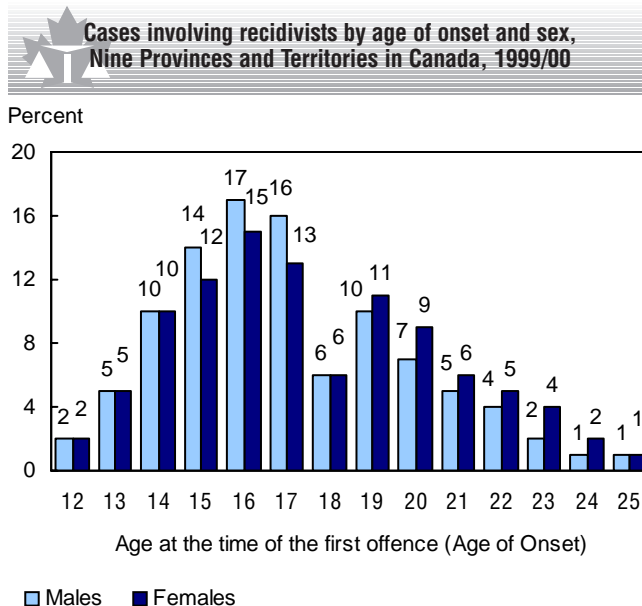
## AGE OF ONSET

The age of onset refers to the age of the offender at the time of the offence leading to their first conviction. For recidivists in this study, the age of onset ranged from 12 to 25 years of age in 1999/00.<sup>14</sup> The objective of the analysis is to highlight how differences in age of onset affect the nature and frequency of convictions for repeat offenders.

### Sixteen was the most common age of first conviction

Most male recidivists (64%) and female recidivists (57%) convicted in 1999/00 had been convicted at least once for an offence committed prior to turning 18 years of age. Sixteen years of age was the most common age of onset for both males (17%) and females (15%).<sup>15</sup> Seventeen years of age was the next most common age of onset (*Figure 4*).

Figure 4



**Notes:**

Age is the age of the offender at the time of the offence.  
 Excludes New Brunswick, Manitoba, British Columbia, and Nunavut.  
 Recidivists are defined as 18-25 year-olds convicted in 1999/00 who had one or more prior convictions.  
 Complete adult conviction histories were not available for 24 and 25 year-olds in the study. This reduces the possibility of an age of onset of 18 or 19 years for 25 year-olds, and an age of onset of 18 years for 24 year-olds. Consequently, the proportion of recidivists with an age of onset of 18 or 19 years is slightly understated.  
 Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey, Adult Criminal Court Survey.

Repeat offenders whose age of onset was 18 represented a comparatively small percentage of recidivists, regardless of sex.<sup>16</sup> However, this pattern reflects the normal age distribution of convicted offenders in adult criminal court. ACCS data indicate that persons 18 years of age consistently comprise a smaller percentage of the caseload in adult criminal court

compared to their 19 year-old peers. One possible explanation for this anomaly is the use of pre-charge alternative measures or diversion programs. Police and Crown prosecutors may consider offenders who are 18 years of age, with no prior convictions, to be particularly suitable for diversion or alternative measures programs.<sup>17</sup>

### Younger offenders are more frequent recidivists

As indicated above, the age of onset for recidivists in this study ranged from 12 to 25 years of age. However, because recidivists who were first convicted at a young age would have more time to accumulate additional convictions during the study period, the remainder of the age of onset analysis examines criminal histories according to eight distinct age cohorts. They range from offenders who had an age of onset of 12 (18 years old in 1999/00), to offenders who had an age of onset of 19, (25 years old in the reference year). This approach helps to create a consistent basis for comparison, as the selected offenders in each cohort will have had an equal number of years (six) from age at the time of first conviction, to age in the reference year.<sup>18</sup>

The mean number of prior convictions for recidivists appeared to be associated with their age at the time of their first offence. That is, the younger the offender at the time of first offence resulting in conviction (age of onset), the larger the number of prior offences committed. For example, the mean number of prior convictions for recidivists who had an age of onset of 19 (were 25 years old in the reference year), was 4.0 (*Figure 5*). In contrast, for recidivists who had an age of onset of 12 (were 18 years old in the reference year), the mean number of prior convictions was 7.7. Thus, recidivists with an age of onset of 12 had nearly double the mean number of prior convictions than recidivists with an age of onset of 19 (See *Table 4*). The increased number of prior convictions for early onset offenders may be influenced by a number of factors. For example, as offenders age they tend to commit fewer offences. Also, adult offenders can be sentenced to longer terms of custody once convicted, thereby reducing opportunities to commit new offences.

<sup>14</sup> The processing time lags between offence date and conviction date create the possibility for an accused that was 25 years of age in the reference year to have an age of onset prior to the nine years covered by this study. Excludes 728 recidivists where the age of onset for the recidivist was unknown. See methodology section for more information.

<sup>15</sup> The age of onset refers to the age of the accused at the time of the offence for their first conviction, and the case information presented reflects the characteristics of their adult criminal court conviction in 1999/00. Reconviction patterns for offenders between the ages of 21 and 25 years may be influenced by the offending patterns of individuals in this age range. As individuals age, the type of convictions may change, the number of convictions may be reduced, and the time between convictions may increase.

<sup>16</sup> Complete adult conviction histories were not available for 24 and 25 year-olds in the study. This reduces the possibility of an age of onset of 18 or 19 years for 25 year-olds, and an age of onset of 18 years for 24 year-olds. Consequently, the proportion of recidivists with an age of onset of 18 or 19 years is slightly understated. See methodology section for more information.

<sup>17</sup> Offenders 18 years of age comprised less than 10% of first-time offenders; yet 19 year-old first-time offenders accounted for 19% of the study group.

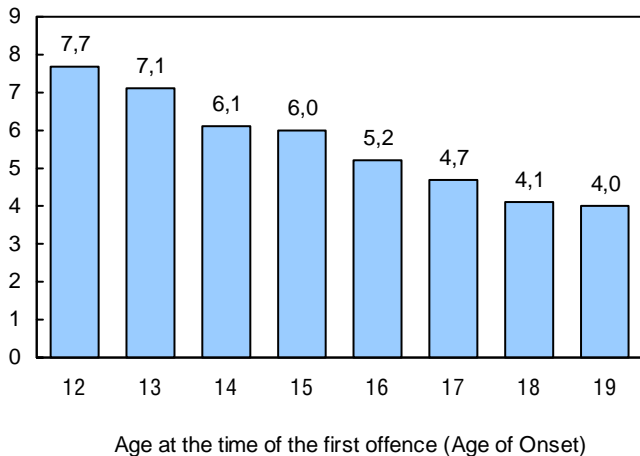
<sup>18</sup> The age at the time of the offence may not be the same as the actual age of the accused at the time of the conviction. For more information please see the methodology section at the end of this report.



Figure 5

**Mean number of prior convictions against recidivists by age of onset, Nine provinces and territories in Canada, 1999/00**

Mean number of prior convictions



**Notes:**

Age is the age of the offender at the time of the offence. Excludes New Brunswick, Manitoba, British Columbia, and Nunavut. Recidivists who were first convicted at a young age would have more time to accumulate additional convictions during the study period. This chart examines criminal histories according to eight distinct age cohorts. They range from offenders who had an age of onset of 12 (18 years old in 1999/00), to offenders who had an age of onset of 19, (25 years old in 1999/00). Complete adult conviction histories were not available for 24 and 25 year-olds in the study. This reduces the possibility of an age of onset of 18 or 19 years for 25 year-olds, and an age of onset of 18 years for 24 year-olds. Consequently, the proportion of recidivists with an age of onset of 18 or 19 years is slightly understated. Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey, Adult Criminal Court Survey.

**Early age of onset recidivists had more charges per case**

Generally, the younger the age of onset, the higher the number of charges per case. For example, the mean number of charges per case varied from 3.1 for recidivists with an age of onset of 12, to 2.6 charges per case for recidivists with an age of onset of 19. Because the number of charges in a case can be used as an indicator of case severity, the higher mean number of charges suggests that recidivists with an earlier age of onset tend to be involved in more serious cases.

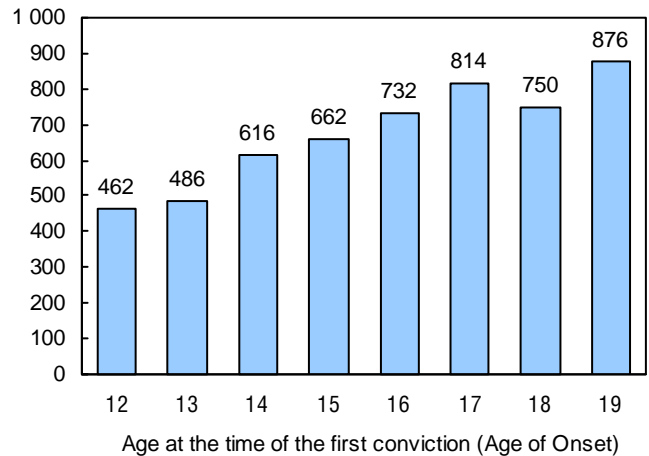
**Early age of onset recidivists had shorter time to reconviction**

As with the number of prior convictions and the number of charges in a case, elapsed time to reconviction is associated with the age of onset. Recidivists with an age of onset of 19 had the longest mean elapsed time between convictions (876 days or 2.4 years). On the other hand, recidivists with an age of onset of 12 had the shortest mean elapsed time between convictions (462 days or 1.3 years) (**Figure 6**).

Figure 6

**Mean elapsed time between convictions for recidivists by age of onset, Nine provinces and territories in Canada, 1999/00**

Mean elapsed time between convictions (days)



**Notes:**

Age is the age of the offender at the time of the offence. Excludes New Brunswick, Manitoba, British Columbia, and Nunavut. Recidivists who were first convicted at a young age would have more time to accumulate additional convictions during the study period, this chart examines criminal histories according to eight distinct age cohorts. They range from offenders who had an age of onset of 12 (18 years old in 1999/00), to offenders who had an age of onset of 19, (25 years old in the reference year). Complete adult conviction histories were not available for 24 and 25 year-olds in the study. This reduces the possibility of an age of onset of 18 or 19 years for 25 year-olds, and an age of onset of 18 years for 24 year-olds. Consequently, the proportion of recidivists with an age of onset of 18 or 19 years is slightly understated. Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey, Adult Criminal Court Survey.

**SENTENCING OF FIRST-TIME OFFENDERS AND RECIDIVISTS**

After the seriousness of the offence, an offender's criminal record is the most important factor determining the severity of sentencing.<sup>19</sup> While the court cannot sentence the offender a second time for a past conviction, it may consider the criminal history of the accused and any other aggravating or mitigating factors before sentencing.<sup>20</sup>

This section presents comparisons of the sentences imposed on first-time offenders (offenders with no known prior adult or youth convictions in the nine-year study period) and recidivists between 18 and 25 years of age convicted in adult criminal court in 1999/00. The purpose of the analysis is to assess how the number and type of prior convictions may influence sentence type and severity for convictions in the reference year.

<sup>19</sup> See G. Campbell. 1993. *An Examination of Recidivism in Relation to Offence Histories and Offender Profiles*. Ottawa: Statistics Canada.  
<sup>20</sup> *Criminal Code of Canada*, sections 718 to s.727.

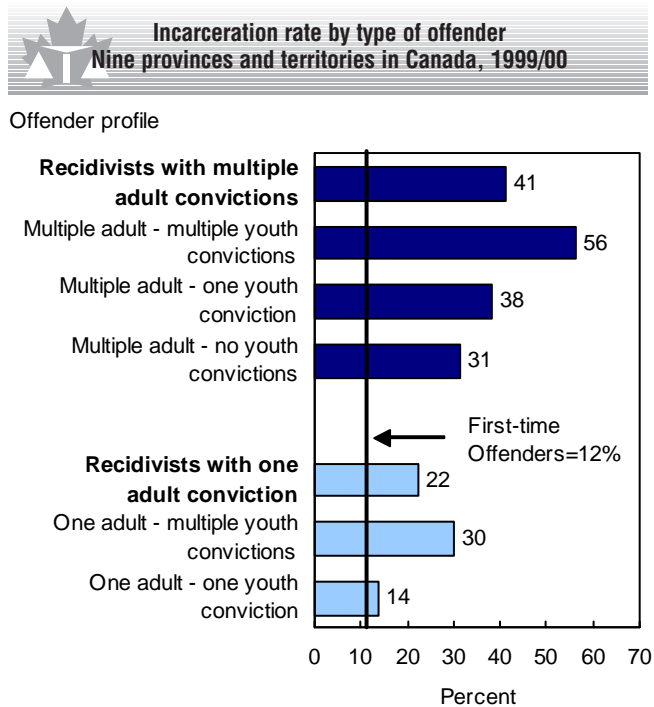
### Recidivists three times more likely to be sentenced to custody than first-time offenders

Custody was used most frequently as a sanction against recidivists.<sup>21</sup> Among total recidivists, 37% had custody for the last conviction in 1999/00, while 12% of first-time offenders had a sentence of custody. In comparison, first-time offenders tended to receive either probation or a fine as the most serious sentence, each comprising the most serious sentence in 39% of convictions.

### Incarceration used more frequently for repeat offenders

Among all recidivists, relatively longer criminal histories tended to correspond with higher incarceration rates.<sup>22</sup> Recidivists with multiple adult convictions had an incarceration rate (41%) nearly twice as high as did recidivists with a single adult conviction (22%) (Figure 7).<sup>23</sup> Offenders with the largest number of prior convictions - recidivists with multiple adult convictions and multiple youth convictions - had the highest overall incarceration rate (56%).

Figure 7



**Notes:**  
Excludes New Brunswick, Manitoba, British Columbia, and Nunavut.  
Recidivists are defined as 18-25 year-olds convicted in 1999/00 who had one or more prior convictions.  
Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey, Adult Criminal Court Survey.

### Recidivist with multiple adult convictions are more frequently sentenced to custody

In general, prior convictions in adult criminal court appeared to have more influence on incarceration rates than did prior convictions in youth court. The incarceration rate for recidivists

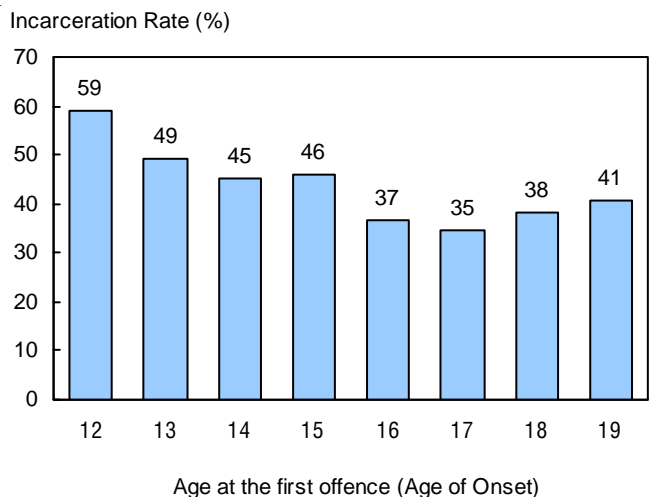
with multiple adult convictions and a single prior youth conviction was 38%, compared to 30% for recidivists with a single adult conviction and multiple prior youth convictions. This finding held for almost all offence categories.

### Early age of onset recidivists had higher incarceration rates

Incarceration rates were higher for repeat offenders with an early age of onset.<sup>24</sup> Recidivists who were 12 years of age at the time of their first conviction had an incarceration rate of 59%, compared to 35% for recidivists whose age of onset was 17 years of age (Figure 8, and Table 5). As discussed earlier,

Figure 8

Incarceration rate for recidivists by age of onset, Nine provinces and territories in Canada, 1999/00



**Notes:**  
Excludes New Brunswick, Manitoba, British Columbia, and Nunavut.  
Recidivists are defined as 18-25 year-olds convicted in 1999/00 who had one or more prior convictions. Age is the age of the offender at the time of the offence. Recidivists who were first convicted at a young age would have more time to accumulate additional convictions during the study period, this chart examines criminal histories according to eight distinct age cohorts. They range from offenders who had an age of onset of 12 (18 years old in 1999/00), to offenders who had an age of onset of 19, (25 years old in the reference year). Complete adult conviction histories were not available for 24 and 25 year-olds in the study. This reduces the possibility of an age of onset of 18 or 19 years for 25 year-olds, and an age of onset of 18 years for 24 year-olds. Consequently, the proportion of recidivists with an age of onset of 18 or 19 years is slightly understated.  
Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey, Adult Criminal Court Survey.

<sup>21</sup> Courts may impose more than one sentence upon convicting an offender. As a result, when presenting sentencing information it is possible to adopt two perspectives. One perspective is to apply the Most Serious Sentence rule where more than one sentence is associated with the case. Sentences are ranked from most to least serious as follows: custody; probation; fine; restitution; other (conditional sentence, absolute or conditional discharge, suspended sentence, other). A second perspective is the Type of Sentence imposed, which considers the combination of sentences imposed on the offender. When using this perspective, sentence types presented are not mutually exclusive and will not add to 100%. Unless otherwise stated, the analysis in the sentencing section uses the Type of Sentence approach.

<sup>22</sup> The incarceration rate is defined as the proportion of convicted court cases sentenced to a term of prison.

<sup>23</sup> See Box 2 for definitions of each offender profile.

<sup>24</sup> This analysis examines criminal histories according to eight distinct age cohorts. They range from offenders who had an age of onset of 12 (18 years old in the reference year), to offenders who had an age of onset of 19, (25 years old in the reference year).

offenders with an early age of onset had a significantly higher mean number of prior convictions than offenders with a later first conviction. A higher number of convictions would contribute to a higher incarceration rate.

### Incarceration rate for first-time offenders highest in Prince Edward Island

In every jurisdiction reporting to the survey, first-time offenders had the lowest incarceration rates while offenders with the most priors, recidivists with multiple adult convictions and multiple prior youth convictions, had the highest incarceration rates. The highest overall incarceration rate for recidivists was in Prince Edward Island (62%), while the lowest incarceration rate for all recidivists was in Saskatchewan (27%). Prince Edward Island also had the highest incarceration rate for first-time offenders (44%); Nova Scotia (5%), Newfoundland and Labrador (7%), and Saskatchewan (7%) had the lowest incarceration rate for first-time offenders.

The proportion of first-time offenders and recidivists incarcerated in Prince Edward Island is largely a function of the incarceration rate for impaired driving. For example, first-time offenders convicted of impaired driving are frequently sent to prison. Since this offence category accounts for 30% of the cases against first-time offenders, and 16% of the cases against recidivists, the proportion of cases sentenced to prison in Prince Edward Island will be higher than the national average.

### First-time offenders had longer mean length of custody

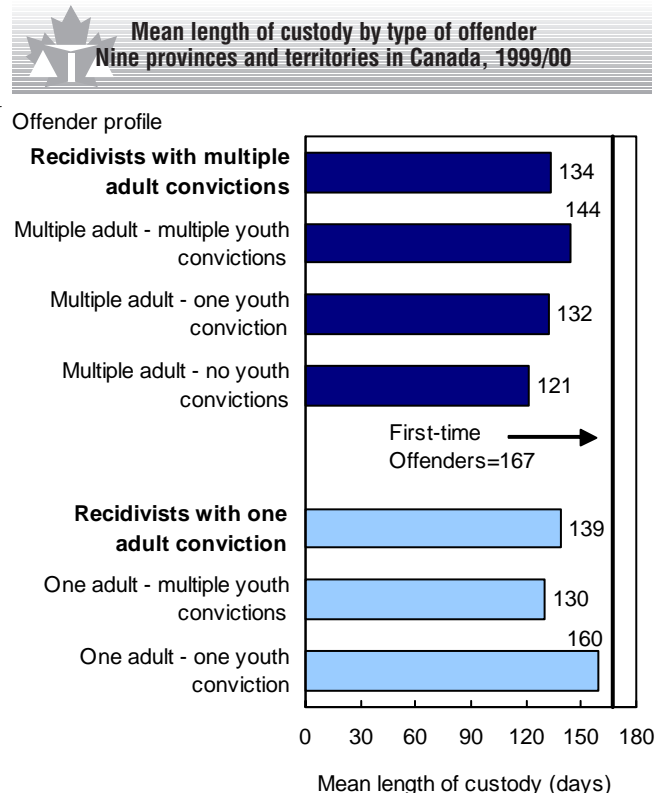
The mean length of custody for first-time offenders, at 167 days, was higher than for recidivists, at 135 days (**Figure 9**).<sup>25</sup> This finding held across most offence categories. The difference was highest for *Criminal Code Traffic* offences, where the mean length of custody for first-time offenders (159 days) was over twice the length of custody for recidivists (64 days). For *Crimes Against Property* offences and *Administration of Justice* offences, recidivists had a higher mean length of custody. However, the difference for *Administration of Justice* offences was only one day (See **Table 6**).

Mean length of custody data must be interpreted within context of the difference in incarceration rates of first-time offenders (i.e., offenders with no known prior convictions) and recidivists. Because the incarceration rate for first-time offenders is significantly lower than for recidivists, the data on mean length of custody for first-time offenders represent a relatively smaller subset of convictions. Incarceration was used as a sanction in a fraction of all cases against first-time offenders (12%), and may indicate particularly aggravating circumstances, other than a criminal history, that merited lengthy custody sentences. Conversely, the much larger number of cases resulting in incarceration for recidivists may have the effect of moderating the influence of those cases against recidivists that received lengthy custody sentences.

Additional evidence of this may be found by examining the mean custody lengths for recidivists with very short criminal histories. For example, recidivists with a single adult conviction and a single prior youth conviction had the second lowest incarceration rate (14%) among all offenders. However, these recidivists had a mean custody length of 160 days, which was second highest among all offenders.

The effect of a higher incarceration rate moderating mean custody sentence lengths diminished for the most prolific offenders. Recidivists with multiple adult and youth convictions had the highest overall incarceration rate and the third highest mean length of custody (144 days).

Figure 9



Notes:  
 Excludes New Brunswick, Manitoba, British Columbia, and Nunavut.  
 Recidivists are defined as 18-25 year-olds convicted in 1999/00 who had one or more prior convictions.  
 Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey, Adult Criminal Court Survey.

### Custody sentences frequently coupled with probation terms

The Criminal Code specifies that the court may impose probation in addition to custody when the term of custody does not exceed two years, and where no minimum punishment is required.<sup>26</sup> In 1999/00, a probation term accompanied 46% of custody sentences imposed on first-time offenders, and 42% of custody sentences imposed on recidivists.

<sup>25</sup> The mean length of prison sentence is calculated using the sentencing details from the most serious charge in the case. The calculation excludes cases where the prison sentence length was not known, and where the length was indeterminate. Cases where the prison sentence was captured as greater than fourteen years have been re-coded to 5,111 days (fourteen years plus one day) and life sentences have been re-coded to 9,125 days (25 years).

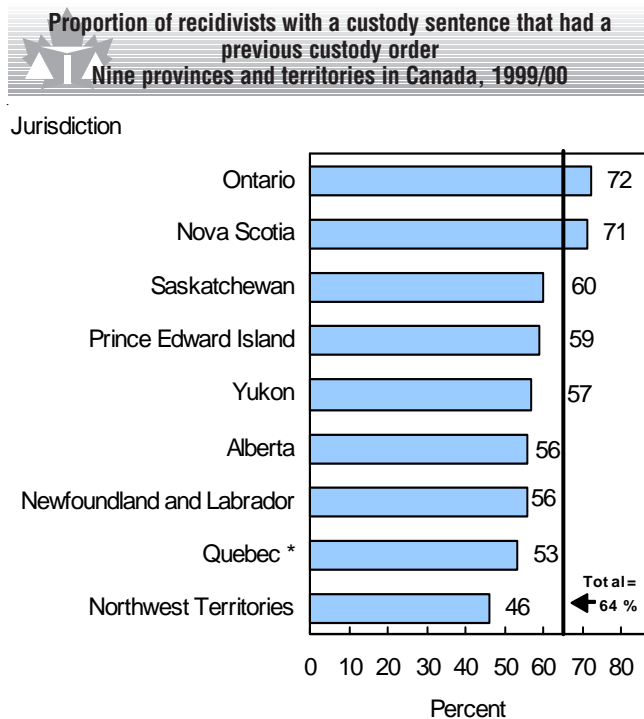
<sup>26</sup> Criminal Code of Canada, section 731(1)(b).

### Nearly two-thirds of recidivists sentenced to custody had been incarcerated before

Nearly two-thirds of recidivists sentenced to custody in 1990/00 had been previously incarcerated, twenty percent having been sentenced to custody four or more times.

Among jurisdictions, the highest percentage of incarcerated recidivists with a prior custody sentence was in Ontario (72%), while the lowest percentage was in Northwest Territories (46%) (**Figure 10**). Differences in prior incarceration rates will be a function of differences in the proportion of offenders in each jurisdiction who are recidivists, as well as differences across jurisdictions in incarceration rates generally.

Figure 10



Notes:  
 Excludes New Brunswick, Manitoba, British Columbia, and Nunavut.  
 Recidivists are defined as 18-25 year-olds convicted in 1999/00 who had one or more prior convictions.  
 \* Information from Quebec's municipal courts (which account for approximately 20% of Criminal Code charges in that province) is not yet collected. The exclusion of convictions in these courts accounts, to some extent, for the lower recidivism rate calculated for Quebec.  
 Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey, Adult Criminal Court Survey.

### Use of probation

#### Probation terms for recidivists frequently coupled with custody sentences

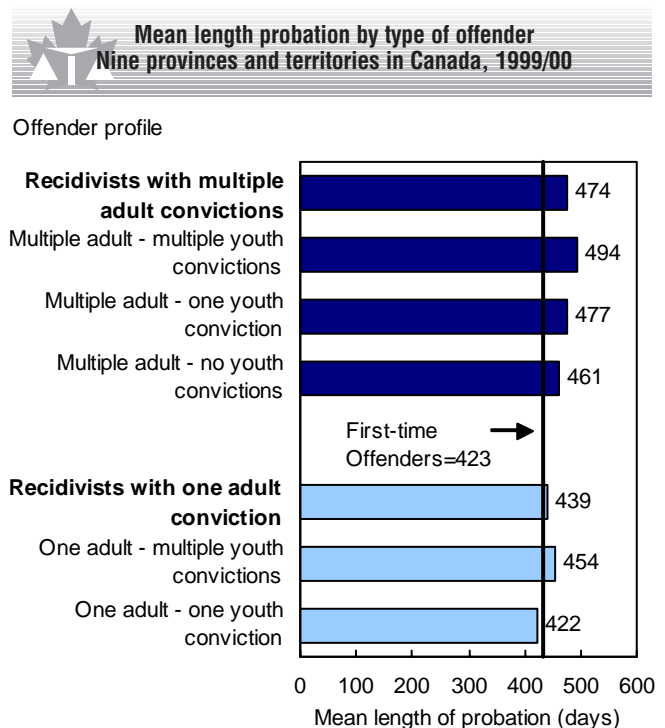
In 1999/00, a custody sentence accompanied 12% of probation terms imposed on first-time offenders, and 34% of probation terms imposed on recidivists. Combined sentences of probation

and custody indicate a more severe sanction than a stand-alone probation order, or that the offender required treatment or ongoing support. This combination of sanctions was used most frequently in cases against offenders with multiple prior convictions. For example, in 1999/00, half (52%) of probation terms imposed on recidivists with multiple adult convictions and multiple prior youth convictions accompanied a custody sentence.

#### Recidivists sentenced to longer probation terms

Overall, recidivists received longer probation terms than did first-time offenders. The mean length of probation term for first-time offenders was 423 days and the mean length of probation term for recidivists was 466 days (**Figure 11**).

Figure 11



Notes:  
 Excludes New Brunswick, Manitoba, British Columbia, and Nunavut.  
 Recidivists are defined as 18-25 year-olds convicted in 1999/00 who had one or more prior convictions.  
 Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey, Adult Criminal Court Survey.

The mean length of probation term was longer for recidivists than first-time offenders for most offence categories. The longest probation terms were usually imposed for the most serious offence categories in cases against recidivists. For example, the mean length of probation term for recidivists convicted of *Crimes Against the Person* was approximately 17 months (514 days), while the mean length of probation term for first-time offenders was 15 months (452 days). Exceptions were convictions for *Criminal Code Traffic* and *Administration of Justice* offences, which had longer mean lengths of probation terms for first-time offenders (See **Table 7**).

Longer probation terms for first-time offenders convicted of these offences may be influenced by mandatory minimum sentencing provisions (e.g. a higher proportion of repeat offenders would be sentenced to prison for offences like impaired driving), but also by the sanctions given in combination with probation. For example, when a probation term was imposed on first-time offenders convicted of *Criminal Code Traffic* offences, it was combined with custody in slightly less than one-quarter of these convictions (23%), and as the most serious sentence in almost three-quarters (73%) of cases.<sup>27</sup> In contrast, almost two-thirds (63%) of probation terms imposed on recidivists convicted of *Criminal Code Traffic* offences were combined with imprisonment, and slightly more than one-third (35%) represented the most serious sentence in the case. In this example, the mean length of probation term was longer for first-time offenders convicted of *Criminal Code Traffic* offences, but it was the most serious sentence in almost three-quarters of the cases with probation.

### Use of Fines

A fine was the most frequently imposed sanction for first-time offenders, occurring in almost half (47%) of these convicted cases. In contrast, 38% of recidivists were ordered to pay a fine. The mean fine amount imposed on first-time offenders (\$464) was \$100 more than the mean amount of fine imposed on recidivists.

### Fines rarely imposed with custody

Unlike probation, fines were rarely imposed along with custody. This held for all types of offenders. For example, of fines imposed on first-time offenders, only 1% accompanied custody.<sup>28</sup> The equivalent figure for recidivists was 3%. A more frequent scenario was a fine being imposed in conjunction with probation. Here again, there was not a large difference among offender profiles. Fifteen percent of fines imposed on first-time offenders and 19% of fines imposed on recidivists accompanied a probation term.

### Fines imposed more often for offenders with short criminal history

The length of the recidivist's criminal history may have had an impact on the use of fines as a sanction. A fine was imposed more often in cases against recidivists with one adult conviction (42%) than in cases against recidivists with multiple adult convictions (36%). The lowest proportion of fines imposed (29%) were ordered in cases against the most prolific offenders, recidivists with multiple adult and multiple youth convictions. Offenders with this profile also had the highest incarceration rate.

### First-time offenders and recidivists sentenced to pay similar amounts of fines

In comparing the mean amount of fine, the difference between the first-time offenders and recidivists was less than \$50 for most offence categories. The only exception was for *Other Federal Statutes*, where the mean amount of fine imposed on first-time offenders was \$461, compared to \$334 for recidivists (See **Table 8**).

## METHODOLOGY

### Data sources used in the study

The purpose of the Adult Criminal Court Survey (ACCS) is to provide a national database of statistical information on the processing of cases through the adult criminal court system. The survey is intended to be a census of *Criminal Code* and other federal statute charges dealt with in provincial/territorial adult criminal courts. The Youth Court Survey (YCS) is a census of *Criminal Code* and other federal statute offences heard in youth court for persons aged 12 to 17 (up to the 18th birthday) at the time of the offence.

Though respondents and the Canadian Centre for Justice Statistics (CCJS) make every effort to ensure complete survey coverage, slight under-coverage may occur in some jurisdictions.

### Coverage

Some limitations on coverage of the ACCS should be noted. Three provinces and one territory (New Brunswick, Manitoba and British Columbia and Nunavut) did not report to the ACCS in 1999/00.<sup>29</sup> Survey data are available from Newfoundland and Labrador, Prince Edward Island, Nova Scotia, Quebec, Ontario, Saskatchewan, Alberta, Yukon, and the Northwest Territories (including Nunavut 1994/95 to 1998/99) from 1994/95. ACCS data do not include Northwest Territories for 1996/97 and include two fiscal quarters of data for the territory in 1994/95 and three fiscal quarters of data in 1999/00. These nine jurisdictions represent approximately 80 percent of national adult criminal court coverage.

All youth courts in Canada have reported complete data to the YCS since 1991/92.<sup>30</sup> However, youth court convictions in New Brunswick, Manitoba and British Columbia, and Nunavut were excluded from the study due to the unavailability of ACCS data.

### Counting procedures

The basic unit of count for this study is the convicted case. A convicted case is defined as one or more charges against an offender disposed of on the same date, with at least one charge resulting in a conviction. Charges are matched to a case on the basis of jurisdiction, the accused identifier (i.e., a provincial/territorial reference number is used to match charges with an accused) and the date of the last court appearance. The study counts more than one case against an individual when charges against the accused are completed on different dates.

<sup>27</sup> Some cases (4%) have a probation order with a conditional sentence. The *Criminal Code* specifies that the offender report to a supervisor, who is responsible for monitoring compliance with the optional conditions, and the existence of a probation order may indicate that Correctional Services has been directed to monitor these conditions.

<sup>28</sup> This analysis does not include cases sentenced to custody in default of fine payment. When an accused fails to pay the imposed fine in the required time, the court may sentence the accused to a term of custody in default of that fine. CCC s.734 (3).

<sup>29</sup> New Brunswick and British Columbia have recently completed interface development projects and will be part of the ACCS for 2001/02.

<sup>30</sup> Youth Court data are complete for 1991/92 with the exception of a 15% under-coverage for Ontario in that year.

### Factors influencing the number of charges laid

Charging policies are determined individually by provinces and territories. In Quebec for example, the police must obtain the approval of the Crown prosecutor before a charge is laid. In provinces and territories where pre-charge screening is not used, the police have exclusive responsibility for the laying of a charge.<sup>31</sup> These differences may affect the number and nature of charges laid across the country.

### Methodology used for this study

This report examines the conviction profiles of persons, 18 to 25 years of age, who were found guilty of at least one charge in adult criminal court in fiscal year 1999/00. Recidivists were defined as those individuals with at least one other conviction in an adult or youth court in the same jurisdiction during the nine years covered by the study.

Prior convictions were ordered in chronological sequence based on conviction dates, and therefore do not necessarily relate to the chronological sequence of date of offence. As such, a small number of offence dates for reference year convictions could fall before the offence date of a prior conviction. This data processing approach was taken to maintain the standard case definition used by the court surveys, which may have multiple charge convictions with different offence dates.

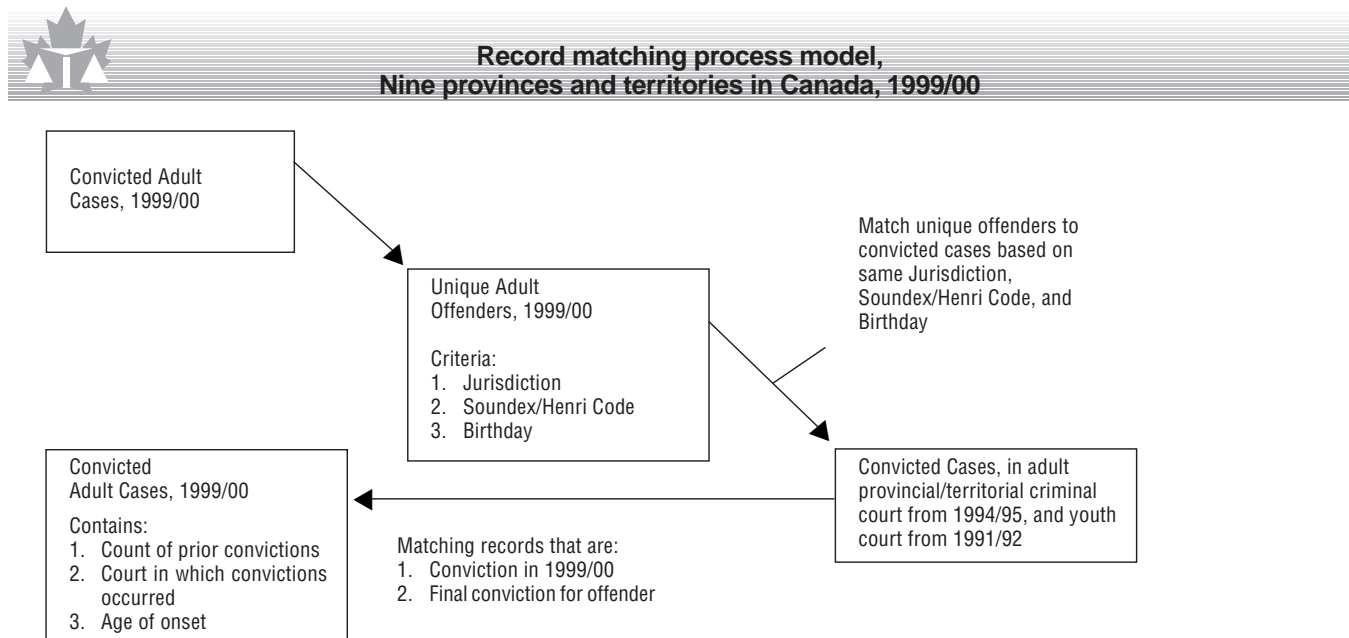
Individual adult offenders in 1999/00 were identified for each jurisdiction using the accused's date of birth, and encrypted name (Henri Code in Quebec and Russell Soundex Code in all other jurisdictions).<sup>32</sup> Adults convicted in 1999/00 were then matched to all convicted cases within the same jurisdiction – using birth date and encrypted accused name of the accused – in the Adult Criminal Court Survey (ACCS) and the Youth Court Survey (YCS) back to 1991/92 for YCS and 1994/95 for ACCS. In this manner, the criminal history of each reference year offender was constructed to trace the number of prior convictions (if any), the courts in which these convictions occurred, and the age of the offender at the time of the offence leading to their first conviction (**Figure 12**).

The courts make every effort to identify the legal name of each accused appearing in court, and sometimes use an alias file to assist in this process. Aliases are matched to the accused's legal name, and the alias can then be converted into the legal name of the accused for identification and processing.

The construction of the criminal history file and the subsequent matching of prior convictions for each offender allowed for the possibility of multiple convictions in a single year, including 1999/00.

<sup>31</sup> New Brunswick and British Columbia also have pre-charge screening, but these jurisdictions did not report to the ACCS in 1999/00.  
<sup>32</sup> Jurisdictions that provide data to the ACCS and YCS through automated extracts from justice information systems do not report the name of the offender. The Henri code used in Quebec, and the Russell Soundex code used elsewhere, encrypts the name of the offender.

Figure 12



**Notes:**  
 Excludes New Brunswick, Manitoba, British Columbia, and Nunavut.  
 Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey, Adult Criminal Court Survey.

The sex of offender was not used for identifying and matching individuals. The accused was male in the vast majority (84%) of cases heard in adult criminal courts in 1999/00.<sup>33</sup>

### Administration of justice offences

While sometimes excluded from recidivism analysis, administration of justice offences, (e.g. escape custody, breach of probation, and fail to appear in court) have been included in this study for several reasons. First, administration of justice infractions related to previous convictions are frequently part of a larger case which can also include one or more new charges against an offender. For example, if an accused on probation for a previous conviction is caught committing a theft, a breach of probation charge could be added to the current theft case. However, because administration of justice offences are often sentenced more severely than many other crimes (and case data are processed and stored according to the most serious offence in the case)<sup>34</sup>, excluding such cases would result in the loss of cases that contain entirely new non-administration of justice offences.

Secondly, many charges for administration of justice offences are added to an existing case dealing only with new offences. For instance, if an accused is involved in a court case related to a theft incident and fails to appear in court, a “fail to appear” charge can be added to the existing theft charges. Again, because administration of justice offences have a high severity ranking, this case would be stored in the court database as an administration of justice case. Thus, in this example, excluding administration of justice cases from the study would result in the loss of what started out as a theft case.

Finally, a conviction on a stand-alone administration of justice offence (based on a previous non-administration of justice violation) can result in a change in sentence status. For example, if an accused is sentenced to a term of probation for a theft conviction, and later breached the conditions of his/her probation sentence, a breach of probation charge could be laid. A conviction on this new charge could result in a prison sentence. As such, the original probation sentence for the theft conviction would be replaced by a prison sentence, creating a change in sentence status. Excluding administration of justice offences would mean that all such changes in sentence status would be lost, thus reducing the capacity of the study to support the analysis of sentencing. Since developing an improved understanding of sentencing patterns and outcomes (including incarceration histories) is fundamental to the analysis of court data, convictions on administration of justice offences were included in the study.

### Age at the time of the offence

Age data presented in this study reflect the age of the accused at the time of the offence, which can be different than the age of the accused at the time of the conviction. While it is possible for the police to apprehend the accused immediately following an offence, and for the court to dispose of the case in a matter of days, most cases take more than a few days to proceed from offence to case completion.

Overall, variations in the way an offender proceeds from offence to case completion make it possible for the study to include convictions for offences that occurred more than nine years

apart. For example, it is possible for an accused to be apprehended many months after the commission of the offence, and for the courts to take several more months to convict the accused. In this way it is possible for an accused's conviction age to be six to 12 months older than the age at the time of the offence. In a small number of cases the difference could be two years or more. As such, the study period could encompass nine years of the accused's conviction history, but more than nine years of the accused's offence history. The impact of these time lags should be considered when analysing cases by age of on-set.

### Recidivism Study Limitations

- There were 72 convicted cases excluded due to a missing code for the encrypted name (Russell Soundex/Henri Code).
- Variations or errors in the capture of an offender's name in jurisdictional court information systems would result in multiple convictions against the same individual not obtaining a match, thereby producing an undercount of recidivists. Conversely, the number of recidivists may be over-counted as a result of “false positives” (e.g., two individuals with the same encrypted name and birth date having convictions within a jurisdiction). The extent of these occurrences is not known at this time.
- There were 1,742 convicted cases excluded due to a missing birth date for the accused. The birthday is a key matching variable and the removal of cases with a missing date of birth results in an undercounting of the number of convicted cases in the reference year.
- Information from Quebec's municipal courts (which account for approximately 20% of Criminal Code charges in that province) is not yet collected. The exclusion of convictions in these courts accounts, to some extent, for the lower recidivism rate calculated for Quebec.
- With the exception of Alberta (reporting superior courts since 1998/99) and the Yukon (1999/00), data are not currently reported from superior courts. Since some superior court cases will result in a conviction, the absence of these data will result in a slight underestimation of recidivism rates.
- Complete conviction histories were available for 18, 19 and 20 year olds in the study, but because comprehensive YCS data are not available prior to 1991/92, complete youth conviction histories for 21-25 year olds were not obtainable. For example, 25 year-old offenders (17 years of age in 1991/92) would have had only one year in the youth system, 24 year-old offenders would have had two years in the youth system, etc. Consequently, the total number of prior youth convictions for these offenders may be understated.

<sup>33</sup> The sex of the accused was not known in 6,042 (3%) of all convicted cases in 1999/00.

<sup>34</sup> The case definition used by the ACCS and YCS is based on the most serious offence rule, which orders charges in a case by the severity of the offence. The most serious offence is then used to represent that case in the database. Since administration of justice offences have a high severity ranking, they will be designated the most serious offence in a large number of cases with multiple charges.

- Complete adult conviction histories were not available for 24 and 25 year-olds in the study. For example, 25 year-old offenders convicted in 1999/00, would have been 20 years of age in 1994/95, and 24 year-old offenders in 1999/00 would have been 19 years of age in 1994/95. This reduces the possibility of an age of onset of 18 or 19 years for 25 year-olds, and an age of onset of 18 years for 24 year-olds. Consequently, the proportion of recidivists with an age of onset of 18 or 19 years is slightly understated.
- Convictions are sequenced in order of their conviction date rather than the offence date. Re-ordering convictions according to the offence date would result in a change in the chronology of a small number of convictions, producing slightly different results.

### Alternative methodologies

A range of methodological approaches for processing and analysing data on recidivism were discussed during the development of this study. All of the alternative approaches were either narrower in focus or required significant changes to established survey definitions or data processing methods. However, one or more of the following approaches could be undertaken in future recidivism studies.

- Developing a recidivist database arranged and analysed according to the age of offenders at the time of the conviction rather than age at offence.
- Exploring cross-jurisdictional matching of conviction records to develop a more complete picture of recidivism and to assess the degree of geographic mobility among recidivists.
- Investigating a broader definition of recidivism by including cases that did not result in conviction. The objective of this approach would be to measure “contacts with the justice system”.
- Using a prospective approach, select a cohort study of individuals born in a given time period and follow the conviction histories of these individuals through the justice system over time.
- Using a sentenced and released cohort to investigate the impact of community and institution based rehabilitative programming and the success of assessing the possibility of subsequent re-offending by paroled or released offenders.

Table 1

Offence Group	Current conviction by type of offence Nine provinces and territories in Canada, 1999/00				
	Total offenders	First time offenders		Recidivists	
	#	#	%	#	%
<b>Total Offences</b>	<b>56,774</b>	<b>22,904</b>	<b>100</b>	<b>33,870</b>	<b>100</b>
<b>Criminal Code Total</b>	<b>47,380</b>	<b>18,315</b>	<b>80</b>	<b>29,065</b>	<b>86</b>
<b>Crimes Against the Person</b>	<b>9,244</b>	<b>3,615</b>	<b>16</b>	<b>5,629</b>	<b>17</b>
Homicide and related	35	14	0	21	0
Attempted murder	20	4	0	16	0
Robbery	865	254	1	611	2
Kidnapping	16	5	0	11	0
Sexual assault	361	156	1	205	1
Sexual abuse	106	61	0	45	0
Major assault	3,015	1,127	5	1,888	6
Abduction	3	3	0	0	0
Common assault	4,823	1,991	9	2,832	8
<b>Crimes Against Property</b>	<b>17,276</b>	<b>6,456</b>	<b>28</b>	<b>10,820</b>	<b>32</b>
Break and enter	3,371	1,033	5	2,338	7
Arson	105	34	0	71	0
Fraud	2,871	1,314	6	1,557	5
Possess stolen property	2,687	805	4	1,882	6
Theft	5,795	2,353	10	3,442	10
Property damage/mischief	2,447	917	4	1,530	5
<b>Other Criminal Code Violations</b>	<b>12,905</b>	<b>3,477</b>	<b>15</b>	<b>9,428</b>	<b>28</b>
Weapons	1,101	422	2	679	2
Administration of justice	3,795	972	4	2,823	8
Public order offences	1,157	418	2	739	2
Morals-sexual	1,104	465	2	639	2
Morals-gaming	17	16	0	1	0
Unspecified Criminal Code	5,731	1,184	5	4,547	13
<b>Criminal Code Traffic</b>	<b>7,955</b>	<b>4,767</b>	<b>21</b>	<b>3,188</b>	<b>9</b>
Other Criminal Code traffic	1,039	333	1	706	2
Impaired driving	6,916	4,434	19	2,482	7
<b>Other Federal Statute Total</b>	<b>9,394</b>	<b>4,589</b>	<b>20</b>	<b>4,805</b>	<b>14</b>

**Notes:**

Excludes New Brunswick, Manitoba, British Columbia, and Nunavut.


Prior conviction(s) for recidivists are not necessarily of the same offence type as the current conviction.

Recidivists are defined as 18-25 year-olds convicted in 1999/00 who had one or more prior convictions.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey, Adult Criminal Court Survey.



Table 2



**Cases against recidivists by type of current conviction and type of preceding conviction  
Nine provinces and territories in Canada, 1999/00**

Offence group on most recent preceding conviction

Offence Group on Current Conviction	Offence group on most recent preceding conviction						
	Total	Crimes Against the Person	Crimes Against Property	Administration of Justice	Criminal Code Traffic	Other Criminal Code Violations	Other Federal Statute Total
	Percent of Cases						
	#	%	%	%	%	%	%
<b>Total</b>	<b>33,870</b>	<b>16</b>	<b>38</b>	<b>12</b>	<b>7</b>	<b>14</b>	<b>12</b>
Crimes Against the Person	5,629	26	30	14	6	14	10
Crimes Against Property	10,820	13	49	13	5	11	9
Administration of Justice	2,823	16	34	18	6	14	12
Criminal Code Traffic	3,188	11	31	7	27	11	13
Other Criminal Code Offence	6,605	17	37	12	5	20	9
Other Federal Statute Total	4,805	14	34	10	5	12	24


**Notes:**

Excludes New Brunswick, Manitoba, British Columbia, and Nunavut.

Recidivists are defined as 18-25 year-olds convicted in 1999/00 who had one or more prior convictions.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey, Adult Criminal Court Survey.

Table 3



**Offender profile by jurisdiction,  
Nine provinces and territories in Canada, 1999/00**

Offender profile	Total Cases resulting in conviction		Newfoundland and Labrador		Prince Edward Island		Nova Scotia		Quebec <sup>2</sup>		Ontario		Saskatchewan		Alberta <sup>3</sup>		Yukon <sup>3</sup>		Northwest Territories	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
	<b>Total offenders</b>	<b>56,774</b>	<b>100</b>	<b>1,301</b>	<b>100</b>	<b>389</b>	<b>100</b>	<b>2,131</b>	<b>100</b>	<b>13,302</b>	<b>100</b>	<b>24,097</b>	<b>100</b>	<b>4,996</b>	<b>100</b>	<b>10,078</b>	<b>100</b>	<b>193</b>	<b>100</b>	<b>287</b>
<b>First time offenders</b>	<b>22,904</b>	<b>40</b>	<b>572</b>	<b>44</b>	<b>172</b>	<b>44</b>	<b>933</b>	<b>44</b>	<b>6,188</b>	<b>47</b>	<b>9,170</b>	<b>38</b>	<b>1,801</b>	<b>36</b>	<b>3,897</b>	<b>39</b>	<b>82</b>	<b>42</b>	<b>89</b>	<b>31</b>
<b>Recidivists<sup>1</sup></b>	<b>33,870</b>	<b>60</b>	<b>729</b>	<b>56</b>	<b>217</b>	<b>56</b>	<b>1,198</b>	<b>56</b>	<b>7,114</b>	<b>53</b>	<b>14,927</b>	<b>62</b>	<b>3,195</b>	<b>64</b>	<b>6,181</b>	<b>61</b>	<b>111</b>	<b>58</b>	<b>198</b>	<b>69</b>
Single adult conviction recidivists	6,788	12	198	15	52	13	250	12	1,230	9	2,980	12	711	14	1,305	13	22	11	40	14
single prior youth conviction	3,284	6	95	7	24	6	157	7	616	5	1,519	6	319	6	527	5	7	4	20	7
multiple prior youth convictions	3,504	6	103	8	28	7	93	4	614	5	1,461	6	392	8	778	8	15	8	20	7
Multiple adult convictions recidivists	27,082	48	531	41	165	42	948	44	5,884	44	11,947	50	2,484	50	4,876	48	89	46	158	55
no prior youth convictions	12,865	23	243	19	71	18	466	22	3,327	25	5,472	23	1,036	21	2,108	21	57	30	85	30
single prior youth conviction	4,629	8	98	8	32	8	197	9	985	7	2,134	9	423	8	720	7	6	3	34	12
multiple prior youth convictions	9,588	17	190	15	62	16	285	13	1,572	12	4,341	18	1,025	21	2,048	20	26	13	39	14

<sup>1</sup> Recidivists are defined as 18-25 year-olds convicted in 1999/00 who had one or more prior convictions.

<sup>2</sup> Information from Quebec's municipal courts (which account for approximately 20% of Criminal Code charges in that province) is not yet collected. The exclusion of convictions in these courts accounts, to some extent, for the lower recidivism rate calculated for Quebec.

<sup>3</sup> Includes cases completed in superior courts.

Excludes New Brunswick, Manitoba, British Columbia, and Nunavut.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey, Adult Criminal Court Survey.

Table 4

**Mean number of prior convictions for recidivists by age on current conviction and age of onset, Nine provinces and territories in Canada, 1999/00**

Age of Onset	Age on current conviction																	
	Total		18		19		20		21		22		23		24		25	
	#	Mean	#	Mean	#	Mean	#	Mean	#	Mean	#	Mean	#	Mean	#	Mean	#	Mean
<b>Total</b>	<b>33,142</b>	<b>4.2</b>	<b>2,616</b>	<b>3.5</b>	<b>5,312</b>	<b>3.8</b>	<b>5,073</b>	<b>4.2</b>	<b>4,758</b>	<b>4.4</b>	<b>4,376</b>	<b>4.5</b>	<b>4,045</b>	<b>4.7</b>	<b>3,749</b>	<b>4.5</b>	<b>3,213</b>	<b>4.1</b>
12	769	8.8	139	7.7	264	7.9	232	9.8	114	10.2	19	9.5	0	0.0	1	3.0	0	0.0
13	1,709	7.6	287	6.0	450	7.1	390	7.5	355	8.1	186	10.1	39	10.2	2	6.0	0	0.0
14	3,149	6.5	405	4.6	726	5.5	642	6.1	554	7.2	478	7.8	293	8.8	50	10.9	1	7.0
15	4,458	5.8	487	3.7	910	4.2	738	5.1	668	6.0	571	6.3	626	7.6	393	8.8	65	8.4
16	5,481	4.7	516	2.7	937	3.3	784	4.0	709	4.6	641	5.2	675	5.6	741	6.2	478	6.6
17	5,188	3.7	545	1.9	906	2.4	704	3.2	611	3.5	568	4.2	552	4.7	606	4.9	696	5.3
18	2,039	2.6	237	1.4	487	1.8	388	2.4	319	2.8	291	3.4	222	3.8	73	4.1	22	4.2
19	3,351	2.5	..	..	632	1.6	726	1.9	579	2.3	511	2.8	402	3.4	370	3.7	131	4.0
20	2,521	2.5	..	..	..	..	469	1.4	475	1.8	427	2.2	366	2.7	400	3.2	384	4.0
21	1,722	2.2	..	..	..	..	..	..	374	1.4	376	1.9	297	2.1	295	2.5	380	3.3
22	1,219	2.1	..	..	..	..	..	..	..	..	308	1.4	301	1.9	287	2.2	323	2.8
23	795	1.9	..	..	..	..	..	..	..	..	..	..	272	1.4	270	1.9	253	2.5
24	518	1.7	..	..	..	..	..	..	..	..	..	..	..	..	261	1.6	257	1.8
25	223	1.7	..	..	..	..	..	..	..	..	..	..	..	..	..	..	223	1.7

.. not applicable

**Notes:**

Age is the age of the offender at the time of the offence.

Excludes 728 cases where the age of onset for the recidivist was unknown.

Recidivists are defined as 18-25 year-olds convicted in 1999/00 who had one or more prior convictions.

Complete adult conviction histories were not available for 24 and 25 year-olds in the study. This reduces the possibility of an age of onset of 18 or 19 years for 25 year-olds, and an age of onset of 18 years for 24 year-olds. Consequently, the proportion of recidivists with an age of onset of 18 or 19 years is slightly understated.

Excludes New Brunswick, Manitoba, British Columbia, and Nunavut.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey, Adult Criminal Court Survey.

Table 5

**Incarceration rate for cases against recidivists by age on current conviction and age of onset, Nine provinces and territories in Canada, 1999/00**

Age of Onset	Age on current conviction																	
	Total incarcerated		18		19		20		21		22		23		24		25	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
<b>Total</b>	<b>12,321</b>	<b>38</b>	<b>995</b>	<b>38</b>	<b>1,982</b>	<b>38</b>	<b>1,918</b>	<b>38</b>	<b>1,749</b>	<b>37</b>	<b>1,586</b>	<b>37</b>	<b>1,480</b>	<b>37</b>	<b>1,382</b>	<b>37</b>	<b>1,229</b>	<b>39</b>
12	433	57	82	59	144	55	130	57	66	59	10	53	0	0	1	100	0	0
13	851	50	142	50	220	49	189	49	170	48	110	60	19	49	1	50	0	0
14	1,432	46	162	40	309	43	284	45	248	45	242	52	156	53	30	61	1	100
15	1,904	43	186	39	351	39	315	43	300	46	229	41	291	47	201	52	31	48
16	2,044	38	186	36	337	36	288	37	259	37	230	37	260	39	266	36	218	46
17	1,777	35	164	30	273	30	248	35	199	33	196	35	190	35	227	38	280	41
18	630	31	73	31	151	31	120	31	80	25	96	33	71	32	28	38	11	50
19	1,030	31	..	..	197	32	204	29	182	32	146	29	121	30	127	35	53	41
20	810	32	..	..	..	..	140	30	146	31	135	32	111	31	143	36	135	36
21	525	31	..	..	..	..	..	..	99	27	106	29	77	26	83	28	160	43
22	389	32	..	..	..	..	..	..	..	..	86	28	101	34	102	36	100	31
23	263	33	..	..	..	..	..	..	..	..	..	..	83	31	99	37	81	33
24	162	31	..	..	..	..	..	..	..	..	..	..	..	..	74	28	88	35
25	71	32	..	..	..	..	..	..	..	..	..	..	..	..	..	..	71	32

.. not applicable

**Notes:**

Age is the age of the offender at the time of the offence.

Recidivists are defined as 18-25 year-olds convicted in 1999/00 who had one or more prior convictions.


Complete adult conviction histories were not available for 24 and 25 year-olds in the study. This reduces the possibility of an age of onset of 18 or 19 years for 25 year-olds, and an age of onset of 18 years for 24 year-olds. Consequently, the proportion of recidivists with an age of onset of 18 or 19 years is slightly understated.

Excludes 728 cases where the age of onset for the recidivist was unknown.

Excludes New Brunswick, Manitoba, British Columbia, and Nunavut.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey, Adult Criminal Court Survey.

Table 6



**Mean length of custody by offender profile and current conviction offence type,  
Nine provinces and territories in Canada, 1999/00**

Offender profile	Offence Type													
	Total		Crimes Against the Person		Crimes Against Property		Administration of Justice		Criminal Code Traffic		Other Criminal Code Violations		Other Federal Statute Total	
	#	Days	#	Days	#	Days	#	Days	#	Days	#	Days	#	Days
<b>Total offenders</b>	<b>14,486</b>	<b>140</b>	<b>3,150</b>	<b>261</b>	<b>5,025</b>	<b>136</b>	<b>1,509</b>	<b>32</b>	<b>828</b>	<b>85</b>	<b>2,520</b>	<b>72</b>	<b>1,454</b>	<b>157</b>
<b>First time offenders</b>	<b>2,531</b>	<b>167</b>	<b>631</b>	<b>291</b>	<b>810</b>	<b>123</b>	<b>283</b>	<b>31</b>	<b>189</b>	<b>159</b>	<b>295</b>	<b>102</b>	<b>323</b>	<b>221</b>
<b>Recidivists</b>	<b>11,955</b>	<b>135</b>	<b>2,519</b>	<b>253</b>	<b>4,215</b>	<b>138</b>	<b>1,226</b>	<b>32</b>	<b>639</b>	<b>64</b>	<b>2,225</b>	<b>68</b>	<b>1,131</b>	<b>139</b>
Single adult conviction recidivists	1,424	139	344	274	468	123	183	19	51	48	167	78	211	128
single prior youth conviction	431	160	126	312	111	111	42	13	27	44	53	92	72	147
multiple prior youth convictions	993	130	218	251	357	127	141	21	24	52	114	71	139	119
Multiple adult convictions recidivists	10,531	134	2,175	250	3,747	140	1,043	34	588	65	2,058	67	920	141
no prior youth convictions	3,804	121	751	236	1,184	115	375	33	370	67	797	73	327	160
single prior youth conviction	1,679	132	368	288	548	123	188	34	102	41	321	56	152	129
multiple prior youth convictions	5,048	144	1,056	247	2,015	160	480	35	116	78	940	66	441	130

**Notes:**


Mean calculations exclude unknown sentences.

Excludes New Brunswick, Manitoba, British Columbia, and Nunavut.

Recidivists are defined as 18-25 year-olds convicted in 1999/00 who had one or more prior convictions.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey, Adult Criminal Court Survey.

Table 7



**Mean length of probation by offender profile and current conviction offence type,  
Nine provinces and territories in Canada, 1999/00**

Offender profile	Offence Type													
	Total		Crimes Against the Person		Crimes Against Property		Administration of Justice		Criminal Code Traffic		Other Criminal Code Violations		Other Federal Statute Total	
	#	Days	#	Days	#	Days	#	Days	#	Days	#	Days	#	Days
<b>Total offenders</b>	<b>25,753</b>	<b>449</b>	<b>6,703</b>	<b>488</b>	<b>10,521</b>	<b>457</b>	<b>743</b>	<b>380</b>	<b>869</b>	<b>326</b>	<b>4,126</b>	<b>426</b>	<b>2,791</b>	<b>412</b>
<b>First time offenders</b>	<b>10,489</b>	<b>423</b>	<b>2,820</b>	<b>452</b>	<b>4,480</b>	<b>424</b>	<b>239</b>	<b>390</b>	<b>325</b>	<b>357</b>	<b>1,370</b>	<b>416</b>	<b>1,255</b>	<b>384</b>
<b>Recidivists</b>	<b>15,264</b>	<b>466</b>	<b>3,883</b>	<b>514</b>	<b>6,041</b>	<b>482</b>	<b>504</b>	<b>376</b>	<b>544</b>	<b>308</b>	<b>2,756</b>	<b>431</b>	<b>1,536</b>	<b>435</b>
Single adult conviction recidivists	3,429	439	910	490	1,399	444	95	341	68	356	447	430	510	368
single prior youth conviction	1,666	422	467	467	645	421	42	315	37	368	230	428	245	361
multiple prior youth convictions	1,763	454	443	514	754	464	53	362	31	342	217	433	265	374
Multiple adult convictions recidivists	11,835	474	2,973	521	4,642	493	409	384	476	301	2,309	431	1,026	468
no prior youth convictions	5,987	461	1,492	503	2,294	479	192	370	306	282	1,196	426	507	480
single prior youth conviction	2,125	477	529	520	815	501	82	415	85	319	424	431	190	460
multiple prior youth convictions	3,723	494	952	549	1,533	510	135	385	85	348	689	441	329	455

**Notes:**

Mean calculations exclude unknown sentences.

Excludes New Brunswick, Manitoba, British Columbia, and Nunavut.

Recidivists are defined as 18-25 year-olds convicted in 1999/00 who had one or more prior convictions.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey, Adult Criminal Court Survey.

Table 8

Offender profile	Mean amount of fine by offender profile and current conviction offence type, Nine provinces and territories in Canada, 1999/00													
	Offence Type													
	Total		Crimes Against the Person		Crimes Against Property		Administration of Justice		Criminal Code Traffic		Other Criminal Code Violations		Other Federal Statute Total	
	#	\$	#	\$	#	\$	#	\$	#	\$	#	\$	#	\$
<b>Total offenders</b>	<b>22,629</b>	<b>411</b>	<b>1,521</b>	<b>380</b>	<b>4,101</b>	<b>304</b>	<b>1,554</b>	<b>166</b>	<b>6,991</b>	<b>604</b>	<b>3,101</b>	<b>276</b>	<b>5,361</b>	<b>400</b>
<b>First time offenders</b>	<b>10,471</b>	<b>464</b>	<b>592</b>	<b>384</b>	<b>1,426</b>	<b>275</b>	<b>432</b>	<b>157</b>	<b>4,509</b>	<b>594</b>	<b>737</b>	<b>299</b>	<b>2,775</b>	<b>461</b>
<b>Recidivists</b>	<b>12,158</b>	<b>365</b>	<b>929</b>	<b>377</b>	<b>2,675</b>	<b>319</b>	<b>1,122</b>	<b>169</b>	<b>2,482</b>	<b>624</b>	<b>2,364</b>	<b>269</b>	<b>2,586</b>	<b>334</b>
Single adult conviction recidivists	2,730	373	192	350	608	336	202	165	705	630	289	254	734	268
single prior youth conviction	1,450	376	103	335	281	273	93	180	441	632	139	223	393	275
multiple prior youth convictions	1,280	369	89	366	327	390	109	153	264	627	150	283	341	259
Multiple adult convictions recidivists	9,428	363	737	384	2,067	315	920	170	1,777	621	2,075	271	1,852	360
no prior youth convictions	5,137	371	384	385	1,108	304	448	168	1,112	613	1,089	272	996	369
single prior youth conviction	1,691	344	139	351	360	305	168	179	296	611	383	249	345	340
multiple prior youth convictions	2,600	360	214	406	599	341	304	168	369	653	603	283	511	356

**Notes:**

Mean calculations exclude unknown sentences.

Excludes New Brunswick, Manitoba, British Columbia, and Nunavut.

Recidivists are defined as 18-25 year-olds convicted in 1999/00 who had one or more prior convictions.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey, Adult Criminal Court Survey.

## Canadian Centre for Justice Statistics

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