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**LA THÈSE A ÉTÉ
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HOMICIDES IN CANADIAN PENITENTIARIES

1967-1981

Phyllis Doherty

1983

"Submitted to the Department of Criminology, University of
Ottawa, in partial fulfilment of the requirements for the
degree of Master of Arts."



UNIVERSITÉ D'OTTAWA
UNIVERSITY OF OTTAWA

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The problem with much research done on aspects of imprisonment is that the researcher often sadly lacks the practical experience, so important to understanding the phenomenon. Cognisant of this handicap the author sought interviews with people more familiar with the facts behind the figures. These interviews made revelations of a real life situation that was horribly fascinating. The description of the vicious attacks that inmates experience

was horrible and the insight that went into the explanations of them - a subculture that is awfully different from what the vast majority of Canadians will ever know - was fascinating. They provided the author with a knowledge that permitted the author to get a slightly better understanding of prison murder. To those who provided this information - Peter Twyman and John Harris, the author is grateful.

Peter Twyman is a man who spent 18 years in the penitentiary service, first as a guard and presently as the Chief, Segregation Population Management Section in Correctional Services, Ministry of the Solicitor General.

John Harris is also a former guard with the Canadian Penitentiary Service and is currently the Intelligence Evaluator, Correctional Services, Ministry of the Solicitor General.

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"It is sobering to reflect that after so many thousands of years, after landing on the moon, mining the seas and exploring Saturn, and despite all our centuries of applied human wisdom, we are still unable to stop Cain or to protect Able."

William Clifford
Director of the Australian
Institute of Criminology
in his opening address to
participants at the National
Symposium on Victimology
Adelaide South Australia
September 15-17, 1981

CHAPTER I

STUDIES IN PRISON HOMICIDES

Advocates of capital punishment argue that confining a convicted murderer to life in prison is not a sufficient deterrent to those who may contemplate murder. They go even further: they imply that life imprisonment could actually promote murder. Once incarcerated, their reasoning continues, there is nothing to prevent a convicted murderer from murdering again. Thus, they become a threat to the life and safety of those who are charged with their care while incarcerated for "life". The supposedly harsher punishment of defining life as a 25 year minimum sentence, has presumably aggravated the situation.

Bill Westlake, who began his career with the Canadian Penitentiary Service as a CX-1 (prison guard) in 1948 and went on to become Senior Deputy Commissioner said on retiring in September 1981: "We would have been much wiser to stick with the straight life sentence. Inmates could expect to get out in 16 to 18 years, or probably less and every inmate could cling to this idea. But today, the 25-year minimum sentence has taken away that

hope, and when you do that, you don't leave inmates with much. They tend to revert to violence which was the problem which put them in prison in the first place. As we get more and more 25-year inmates, we'll create a potentially explosive environment. It is the CX's, the classification officers and the shop instructors (not the police or the public or the politicians) who have to cope with inmates on a daily basis. There's no protection for staff. If someone is hurt or taken hostage, inmates know that nothing worse can happen to them other than receiving another 25-year sentence and many inmates don't expect to survive the first one". (22, p.3). His 32 years experience in contact with inmates, line staff and political leaders should, perhaps, provide credibility to his beliefs about the effects of a minimum 25-year sentence for first degree murderers.

It is also argued that violent offenders, sentenced to long terms in prison, constitute a special danger to other inmates. Committed to a violent way of life, the argument goes, they would not hesitate to resort to violence whenever the occasion arises. As if to provide

empirical evidence for this contention, is the increasing number of prisoners who seek and who obtain protective custody in the Canadian Penitentiary System. Since the abolition of Capital Punishment in Canada, the number of protective custody cases has increased. Not only has the total number increased, their proportion of the total prison population has also increased. In 1972 there were 210 persons in protective custody in Canada - 2.5% of the prison population. In 1975 this number had increased to 368 - 4.25% of the prison population, while in 1979, the number was estimated as 662 or 6.89% of the prison population. (23).

A study commissioned by the Canadian Penitentiary Service discovered that there were usually three types of individuals who are found in protective custody in an institution. There were first those individuals who were considered in danger in the penitentiary because of the type of crime that they had committed. Into this category fell those who had committed sex crimes and drug offences. Then there were the individuals who had become endangered because of the nature of their crime related activities. Policemen, other law enforcement and criminal

justice personnel, as well as informers and crown witnesses fall into this category. Third, there were those individuals who were considered to be in danger because of special problems related to their institutionalization. This study also discovered that the increase in the number of individuals in protective custody was attributable to three causes. First, there were the humanitarian conditions outside the penitentiary which prompted humanitarian concern of prisoners by their custodians. Second, there was the increasing availability of protective custody facilities which prompted more and more prisoners to seek and obtain them. Third, there was the changing nature of the prisoner which made it increasingly difficult for him, as an inmate, to cope with prison conditions.(3). These findings suggest that protective custody is sought because of a hypothetical danger perceived by a potential victim rather than an actual danger posed by a potential offender. However, as the perception of an individual, whether it is real or imaginary, from an objective point of view, plays so dominant a part in the behaviour of the individual, the threat to the inmates must be considered real because they are necessarily real in their consequences. In such a situation, a question of relevance is the nature of the individual who poses the threat.

In a study of homicide in Philadelphia, Wolfgang found that the values of the group to which an individual belonged played a predominant part in the homicide drama. He points out "... the significance of a weapon in the hands of an adversary are stimuli differentially perceived and interpreted by Negroes and whites, males and females. Social expectations of response in particular types of social interaction result in differential "definitions of the situation. A male is usually expected to defend the name and honor of his mother, the virtue of womanhood... and to accept no derogation about his race (even from a member of his own race), his age, or his masculinity. Quick resort to physical combat as a measure of daring, courage, or defense of status appears to be a cultural expression, especially for lower socio-economic class males of both races. When such a culture norm response is elicited from an individual engaged in social interplay with others who harbor the same response mechanism, physical assaults, altercations, and violent domestic quarrels that result in homicide are likely to be common. The upper-middle and upper social class value system defines and codifies behavioral norms into legal rules that often transcend subcultural mores, and considers

many of the social and personal stimuli that evoke a combative reaction in the lower classes as "trivial". Thus, there exists a cultural antipathy between many folk rationalizations of the lower class, and of males of both races, on the one hand, and the middle-class legal norms under which they live, on the other". (24, p.188-189).

This idea has been further developed by Wolfgang and Ferracuti in the concept of a subculture of violence. They use this concept to explain "... the passion crimes, the violent slayings that are not premeditated or psychotic manifestations". (25, p.273). They argue, "There is a preponderance of homicide, or highest rates of homicide, among a relatively homogenous subcultural group in any larger urban community. The value system of this group, we are contending, constitutes a subculture of violence". (25, p.274). They claim "... the greater the degree of integration of the individual into this subculture the higher the likelihood that his behavior will often be violent; or we may assert that there is a direct relationship between rates of homicide and the degree of integration of the subculture of violence to which the individual

belongs". (25, p.274). The value system of members of this subculture, they contend, is different from that of the main culture. Wolfgang and Ferracuti believe that the more thoroughly integrated the individual is into this subculture, the more intensely he embraces its proscriptions of behaviour. The carrying of knives may become necessary in a milieu where individuals are willing to respond in violent ways. They contend that higher rates of assault, rape and persistency of arrests for assaults (recidivism) among people who commit homicide are empirical evidence of this group's adherence to a subculture of violence. (25).)

The subculture of violence hypothesis provide a rough and ready explanation for the alleged increase in the dangerousness of prison for prison inmates. Firstly, homicide offenders, because they have, at least once, committed an act of violence, supposedly contribute to the subculture of violence, and would readily resort to violence, behaving according to the dictates of the culture to which they belong. Secondly, and perhaps more importantly, is the fact that the increase in the number of homicide offenders in prison, occasioned by their long

term incarceration, tends to make the dominant subculture in the prison, a subculture of violence. An increasingly large number of prisoners are those who believe in violence as a way of life.

However, homicide offenders are thought to be one time offenders, generally personable individuals who made a single mistake. Bernardo de Quiros claims, "Both before and after a murder, the perpetrator thereof is usually quite an ordinary human being, personable and common place as the case may be, a dullard, a genius, a scholar, a gentle man or even a hero... A wife does not poison her husband for the joy of seeing him die. She does it for his money, for a lover or to be free of his cruelty. Beyond this slight defect in her social scheme, she may be a loving mother, a good housewife and an excellent cook, except upon the day she puts in the arsenic". (13). More recently, almost the same sentiments were expressed by West (21), Turk (17). Yet, homicides are committed in prison, sometimes by offenders who have committed a previous homicide and sometimes by those who have not.

Studies on homicide in prison are rare. In one of the first such conducted, Jayewardene argued: "If murderers are particularly dangerous it would be expected that a ~~murderer~~ in prison would be liable to commit acts of violence against the person more often than non-murderers. Thus, homicide and aggravated assault in prison should be more often met with, in prisons in States that have abolished the death penalty, than in States that have not. Again, those convicted of murder would be more likely to inflict more serious injuries than non-murderers; homicide in prison would be the acts of those convicted of murder more than the acts of those who have been convicted of any other crime. And, if the contention that murderers pose a "peculiar" hazard to prison officials is correct, it would be expected that prison officials would more often be the victims of the acts of violence committed by those convicted of any other crime". (8, p.33-34). To test these hypotheses "Information regarding acts of violence of a serious nature committed in prison during 1949-1958 was obtained from seven State Penal Institutions in the United States of America". (8, p.34). There were 110 instances of homicide and aggravated assault reported.

The analysis of these cases revealed that the incidences of violence did not differ significantly between Abolitionist and Retentionist States: they were only slightly more likely to occur during attempts to escape in abolitionist states. Then, non-homicide offenders, whether in abolitionist states or not, were only slightly more likely to inflict the more serious injuries. Finally, prison officials were significantly less frequently the victims of homicide convicts. Jayewardene concluded "The data analysed in this study does not support the contention that murderers are more dangerous than non-murderers. The severity of the injury inflicted on another in prison and the choice of the victim, prisoner or official, is not dependent on the previous criminal history of the offender". (8, p.34). He, however, cautions against broad generalizations due to the small, non-random sample on which the study was based.

Sellin studied the incidence of homicide in American prisons in 1964, sending out a questionnaire early in 1965 to the Federal Bureau of Prisons and all State prison administrations, requesting information on homicides occurring in their institutions in 1964. Nine states,

including Florida, Louisiana, Maryland and New York did not respond. A total of 31 homicides were reported - 3 in Federal Institutions and 28 in 15 States. All but one of the States in which the homicides occurred were retentionist States. In the Abolitionist State there were two homicides, one committed by an offender serving a sentence for manslaughter and the other by an offender serving a sentence for armed robbery. In the retentionist jurisdictions two were serving sentences for capital murder and two for non-capital murder. All in all, 15 of the killers were in prison for crimes of violence against the person while 16 were serving sentences for property crimes. (14).

In 1965, Thorsten Sellin repeated the study. On this occasion he obtained data on assaults and/or homicides from 45 states, the District of Columbia and the Federal Bureau of Prisons. Alabama, Arizona, Arkansas, Idaho and Maine failed to provide any data at all. Louisiana, Tennessee, South Carolina, Virginia and the Federal Bureau of Prisons provided no data on assaults. There were a total of 603 victims of assault, of whom 61 died (8 staff and 53 inmates). In 9 cases the assailant was unidentified. The other 52 killings were perpetrated

by 59 assailants in 46 incidents. When the criminal history of the assailants were considered it was found that 43 of them were serving sentences on conviction of a crime of violence. Sixteen of the assailants had been convicted of murder, five of them not punishable by death because they occurred in abolitionist states or because they were second degree murders. However, those serving sentences for robbery constituted the most likely group to commit murder in prison - they were responsible for 32% of the murders as compared to 27% committed by those serving sentences for some form of homicide. As to motive, homicides most often followed an altercation. This was the position in 22 cases. Four cases involved homosexuality and revenge, two arose from racial conflict, one involved a disciplinary action, one a gang fight and one a riot. Two were reported to be the result of a mental disturbance. The weapon in 76 percent of the cases was a knife (35 out of 46). The data showed that there were 1.25 prison murders per abolitionist state and 1.70 per retentionist state (including the Federal System), not a significant difference. Sellin concludes: "The hazards of life in prison have just been illustrated. To imagine that they can be completely removed is visionary, but it

is equally visionary to believe that the threat of the death penalty could play any role in reducing them". (14, p.159).

Dogan D. Akman investigated the incidence of assaults and murders in Canadian penitentiaries in 1964 and 1965. Although at that time Capital Punishment was still in effect for capital murder, no one had been executed for murder since 1962. Over this two year period there were 102 assault occurrences, 89 percent in maximum security institutions where one would expect the more violent inmates to be housed. The majority of assaults occurred against inmates (65 percent). Age was found to be an important predictive variable, 60 percent of assaulters were between 20 and 29 years old. Neither the victims nor the perpetrators were distinguishable by the type of offence for which they were currently serving their sentence: both were most likely to be serving time for robbery or theft. For those cases for which a motive could be determined, the majority were due to personal complaints (48 events). Cutting and stabbing instruments were used as the weapon in a third of the assaults. Half of the events involved bodily assault. (1).

Akman's sample included 2 homicides: one guard and one inmate, both perpetrated by inmates serving sentences for robbery with violence and armed robbery. The inmate victim was also serving a sentence for robbery. The murderers were young, 18 and 27 years old. Akman did not find any evidence to support the theory that inmates serving sentences for murder are likely to be more violent and dangerous to the staff and inmates. "The examination of the consequences of the assaults according to the victims' offences of conviction indicates that robbers and thieves not only caused the most harm but also sustained most of the injuries". (1, p. 164). "...with respect to officer killings, the records going back as far as 1945 indicated that until 1964, only three guards had been killed, none by a lifer convicted of homicide. One was killed in 1948 by a robber, one in 1961 by an unknown offender and, finally, one in 1963 by fellow officers when in a panic they blindly fired into a cell where the victim was held hostage by two inmates convicted for robbery". (1, p.166).

Akman concludes: "... within the limitations of this study, the argument that the commutation of death sentences increased the life and occupational hazards in

prison finds no empirical support. Not only has commutation not led to further violence by those whose sentences have been commuted, but the attenuation of the threat of the death penalty resulting from an unprecedented high rate of commutations has not resulted in a general increase of homicidal and assaultive behavior in Canadian prisons". (1, p.168).

Data on prison homicide were collected again in the United States of America by Sylvester and his colleagues in an extensive nationwide investigation conducted in 1973. This investigation collected data from institutions housing adult male felons having populations of 200 or more felons. Thus, both federal and state institutions were included. The authors conclude that deaths by homicide in prisons are about what would be expected in the free world (general population) given the same age, sex and racial characteristics of those in prison.

However, several differences were found in the time of day, day of week and type of weapon used in prison homicide as compared to homicide in the free world. All these differences can be seen to be related to inmate

lifestyle and availability of opportunity and weapon. For example, prison homicides were more likely to occur in the afternoon rather than at night, not on a weekend, and with a stabbing instrument rather than a gun. These were also more likely to occur in the victim's cell. Homosexuality and snitching were the two most common motives, although this cannot be fully accepted as no motive could be ascertained in nearly one quarter of the cases. There were differences in motive depending on whether the homicide was a single or multiple-assailant event. In single-assailant events the three leading motives were homosexuality, arguments and debts. In multiple-assailant events the leading motives were snitching, "gang phenomena" and drug quarrels. (15).

In their study, Sylvester and his colleagues attempted to relate the likelihood of prison homicide to prison size. In doing so, institutions were divided into two groups - whether they had any homicides or no homicides. There was no control for the age of the prison, inmate/staff ratio, the overcrowding and urban/rural location, and a number of other relevant factors. Yet, the authors conclude that the size of the institution was

the most important environmental characteristic in predicting homicide status, contending that smaller prisons would help reduce prison homicides. (15). In this contention it is interesting to note that Farrington and Nuttall claim that there is no evidence in the North American or European literature that prison size influences behaviour inside or after leaving the prison. Their analysis of British prison statistics failed to turn up any association between prison size and inmate violent behaviour which might support the widespread belief that larger prison size is related to inmate violent behaviour. They caution however: "This does not necessarily mean that the widespread belief is incorrect, since there is an absence of evidence, rather than evidence that size has no effect". (7, p.17).

In 1978 Wolfson analyzed again the data collected in 1973 for the Sylvester study. She did so paying attention to the deterrent effect of the death penalty. There were a total of 128 killings - 4 by guards in excusable or justifiable homicides and 124 by inmates. In 36 cases the assailant was unknown. Fifty-three killings resulted from

single-assailant assaults and 35 from multiple-assailant assaults involving a total of 99 assailants. Of the 152 known assailants; 47 were serving a sentence for first or second degree murder or non-negligent manslaughter; 80 for attempted homicide, aggravated assault, rape or armed robbery; 15 for burglary, break and enter or arson; and 9 for drug offences. (26).

She compared homicides in prison with homicides in the general population. To analyze the difference in weapons she excluded homicides committed with firearms by both groups, and then re-calculated the rates by "method of homicide". When this was done, she found there was far less difference in the weapons used by the two populations: 79 percent of the prison homicides and 60 percent of the general population homicides involved a stabbing weapon. As to motive, she did not follow the Sylvester method by using the motive supplied by the prison staff. Instead, she tried to ascertain motive herself and was forced to conclude that in over one third of prison homicides, motives were impossible to reconstruct. When the motive can be determined, Wolfson finds that it was most likely to be a "trivial altercation" or "informing".

Unlike Sylvester et al. who found homosexuality to be highly represented in motives, Wolfson found it to be only 7 percent, and rape 6 percent, of motives. (26). This finding directly contradicts the common assumption that the fatal assault in prison tends to be homosexually motivated.

There are a number of reports that suggest that prison homicide, prison assault, and prison violence tend to be sexually motivated. Ellis C. MacDougall, the Commissioner of Corrections in Connecticut, observed that "...80 to 90 percent of prison murders are the result of homosexual situations, i.e. fighting over a third inmate". (11). Another report states that prison assaults appear to be sexually motivated, (20) a third claims that prison homosexuality often leads to prison violence (16), while a fourth study finds homosexuality to be a major motivation in prison homicide. (12). Similar claims have been made in other studies as well. (10;5).

As to characteristics of victims and assailants, Wolfson found both were concentrated in the age group 20-24, and both were distinguished by a differential

criminal record. "A higher proportion of victim records were characterized by offences against property and a higher proportion of assailant records were characterized by offences against the person". "... Regardless of the earlier patterns of offence type, by the time of current incarceration, the assailant was more likely than the victim to be under sentence for a more serious offence." She concludes then, that the prison condition itself did not lead to attacks and homicides: what did was the factor of previous violent history. (26). Here the findings seem to be at odds with the findings in the Sylvester study.

✓ In that study the claim was made that the influences of physical, social and cultural environments in prison and the characteristics of the individuals involved, were all interactive factors in determining homicidal acts by inmates. (15). In neither study, however, was multivariate analysis conducted to attempt to provide a more substantiated conclusion.

Wolfson found prison homicide adjudication to be only one percentage point different from clearance and conviction rates in the Uniform Crime Reports for the same year (i.e. general population homicides). She also found

that "... the inmate was much more likely than the custodial guard to be murdered in prison". (26, p.144). As in the Sylvester study, Wolfson found "... when auto accidents are excluded and adjustments made for the unusual age - race - sex distribution of the prisoner population, the number of observed inmate homicides did not exceed the number expected". (26, p.162). Yet, she concludes "The thrust of this study is that the act of prison homicide is best understood in reference to the culture of violence in prison. It is acknowledged, however, that biological and physical factors, in addition to the cultural supports of personal violence, may also have contributed to prison homicide". (26, p.188). Finally, the author claims, as revealed by a comparison of the death penalty status of the jurisdictions where prison homicide occurred, that capital punishment did not act as a deterrent to prison homicides in 1973. (26).

Wolfson's study, as well as the Sylvester study, analyzes data which only cover one year. The absence of a difference between prison homicide rates in abolitionist and retentionist States, and between homicide rates in

prisons and the general population in 1973, does not necessarily spell the absence of a difference in any other year.

Buffum conducted a review of prison homicide rates in various countries. (2) He commented on data collected by Sellin on prison homicides in Pennsylvania which occurred in 1964 and 1965. Sellin had indicated that nearly all the offenders were characterized by a prior history of assault behaviour, but only 27 percent were actually serving sentences for murder at the time of the killing. (14). Buffum found that this figure rose to 46 percent in Pennsylvania from 1964-1973. (2).

He refers to one study on prison homicide available from England: "Murders of English Prison Service Staff since 1850" which shows eight staff were killed - five prior to 1900, three prior to 1973. There were no staff killed in the last 100 years in any prison. The three deaths which occurred after 1900 took place in Borstal Institution, a juvenile institution. No data are presented on the incidence of inmates killing inmates. (2).

Also referred to was a study done by the Pennsylvania Prison Society. In 1973 they contacted key officials in seventeen countries by mail: seven responded. From Norway and Denmark came the response that there were no known studies of prison homicides. Japan reported prison killings between 1964 and 1973. There were fourteen inmate killings and 2 staff killings in institutions housing approximately 50,000 persons. Belgium with a prison population of about 6,000 reported no prison killings in the same ten years. Australia's then Assistant Director of Research at the Australian Institute of Criminology, David Biles, claimed that there were no inmate homicides in 20 years due, he believed, to the high level of surveillance maintained by the staff. Finally, South Africa reported 19 prison homicides during the fiscal year 1973, claiming a rate of 4.3 per 100,000, which was erroneously calculated on the basis of total admissions rather than a daily average population. (2) Buffum concludes that his survey offers no support for the death penalty as a deterrent to murder, although he concedes that other arguments may exist to refute this. (2).

Jilek and Roy conducted an investigation of Canadian Indians in the British Columbia penitentiary population who had been convicted of homicide. The authors collected their data from the files of inmates admitted between August 1974 to February 1975. They found Canadian Indians to be over-represented in the penitentiary population, and most Indian homicide offenders were serving sentences for manslaughter, more so than White homiciders. This study is not specifically a study of inmate homicide; it deals with homicides which Canadian Indians commit. There were 22 Canadian Indian subjects incarcerated for homicide in British Columbia during this period. Among them, the authors could not find any who had a history, or symptoms of, psychotic illness. "Also, none of the homicidal activity of the Canadian Indian subjects took place in the context of homosexual or pedophilic tendencies which are recorded in the files of some White homiciders". (9, 209).

Their results indicate that homicidal acts committed by Indian offenders tend to lack purpose and to be alcohol related. Their comparison of Canadian Indian homiciders to a matched group of White homiciders revealed that:

"(a) Whites kill Whites and Indians tend to kill Indians more readily than Whites.

- (b) If the victim of an Indian homicider is of Indian race, then that victim tends to be of female sex and a kin person, and the homicidal act is most likely alcohol connected;
- (c) If the victim of an Indian homicider is of White race, then that victim tends to be of male sex and a stranger; the homicidal act may be alcohol connected". (9, p.210).

Based on these characteristics of the homicidal act, one might postulate that Canadian Indians would not be very likely to become involved in homicide in penitentiary because the profile of the victim and the motive are not readily found in penitentiary. When Indians are involved in prison homicide we would also expect to find alcohol to be a factor more often than in prison homicides committed by non-Indians.

The studies that indicate homicide committed in prison by homicide convicts is a rare event, were conducted when the death penalty existed and was practiced. Later studies conducted when the rate of execution declined, and the number of homicide offenders incarcerated

increased, seem to indicate that a number of homicides have been committed by them in prison. In consequences, the claims that homicide offenders are unlikely to kill when incarcerated may not be quite accurate.

Today in Canada, as a result of Bill C-84 being passed into law on July 26, 1976 abolishing the penalty of death, we have a population of inmates serving "life" terms for first and second degree murder.

First degree murder includes:

- (a) planned or deliberate murder, including "contract" killing;
- (b) the murder of a police officer, or of an employee of a penitentiary or prison, while in the line of duty;
- (c) murder committed in the course of an aircraft hijacking, a kidnapping, and certain sexual offences including rape and attempted rapes; and
- (d) murder committed after a person has been previously convicted of first or second degree murder. (4, s.214).

Second degree murder includes all other murders. Persons convicted of first or second degree murder must be sentenced to imprisonment for life. Persons convicted of first degree murder must serve twenty-five years of imprisonment before they are eligible for parole; persons convicted of second degree murder must serve at least ten years. (4, s.214).

These changes to the legislation have resulted in changes to the prison population. Durie conducted an investigation into characteristics of the population of murderers sentenced to serve life sentences from July 1976 up to December 31, 1979 (Bill C-84 population.) Among other things, she found that of 367 prisoners, 104 (28 percent) had no previous convictions, violent or otherwise. However, 164 (45 percent) had at least one previous violent conviction. Durie also found the Bill C-84 population to be young, 52 percent were 20 to 29 years old at the time of their sentence. (6).

Durie did not investigate the likelihood of the Bill C-84 population to commit assaults or murder. However, she does say "While complete information on this

question will not be available for a year or so, it is already known that among a small sample of Bill C-84 prisoners in Ontario, up to early 1979, several incidents of stabbings and other assaults, and involvement in a hostage-taking and escape incident had occurred. There have since been at least 5 escapes (subsequently recaptured) among the Bill C-84 group, and other incidents have also been noted". (6, p.10).

National data from the Correctional Service of Canada indicate that as of September 1, 1979 one Bill C-84 inmate had been murdered and another was suspected of institutional murder. Other incidents of inmate violence by these inmates are listed, and the conclusion states that the experience to date tends to support the conclusion that these inmates are no more violent or more difficult to handle than other maximum security inmates. (6). Because no comparable data on non-Bill C-84 population inmates is supplied, one must be wary in accepting the conclusion.

Studies on homicide in prison have usually been conducted with the idea of finding out whether homicide offenders are particularly dangerous within a prison

setting. This is a pertinent question in Canada today because of the long term incarceration to which convicted murderers are condemned, since the abolition of the death penalty. When the conviction is of first degree murder, parole eligibility occurs only after 25 years; when it is of second degree murder the eligibility is after 10 years. The possibility exists that the prison, because of the increasing number of these types of prisoners, is becoming an extremely dangerous place for the staff as well as for other inmates. As a sort of mute reminder of the damaging nature of the prison population and the potential for violence in the prison environment, more and more ordinary, run of the mill prisoners are seeking to be kept in protective custody while they serve their prison terms. This explanation for homicide in prison sees the prison being converted slowly but surely into a subculture of violence. Other explanations attribute prison homicides to the sexual deprivation inherent in the prison situation and the consequent homosexuality that characterizes prison life, as well as to the natural revulsion that people feel towards certain kinds of people and the inability of prisoners to avoid interaction with them in the prison situation, as could be done in the society at

large. Whatever the explanation may be, verification of it and the formulation of a program of action to control the phenomenon, calls for basic information regarding the homicide drama and the actors involved in it. Existing studies tend to suggest that there are similarities and dissimilarities between homicides in prison and homicides in the society at large. Yet the only bit of definitive information that exists, is that the preferred weapon is the knife - a fact that is attributable to the absence of lethal weapons in the prison.

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CHAPTER II

METHODOLOGY

Early studies on prison homicide have sought to test the hypothesis that convicted murderers are not particularly dangerous to either prison officials or to other prison inmates. This hypothesis derived from the claim that the abolition of the death penalty and the consequent incarceration of convicted murderers would make prison particularly dangerous. The studies hence have been geared to comparing the incidence of homicides and assaults in prison in abolitionist and retentionist states, as well as comparing the crimes for which the prison homicide and assault offenders were serving their sentence. The American pioneer of prison homicide research, Thorsten Sellin, in the two studies conducted by him, sent a questionnaire (schedule) to prison administrators in the United States requesting information on fatal and non-fatal assaults in their institutions during a particular year. The information sought dealt with the crimes for which the offenders were serving sentences when they

committed the homicides in prison, the apparent motive for the homicide, the weapon used and the security classification of the institution. (6).

A student of his, Jayewardene, also studying the problem in the United States, sent questionnaires to institutions in that country, to obtain information regarding acts of violence of a serious nature committed during the decade 1949-1958. The information he requested dealt with the circumstances and nature of the act, the type of victim and offender and whether the incident occurred in a retentionist or abolitionist state. (4).

Another student of Sellin, Akman, studied the problem in Canada, where a moratorium on the penalty of death saw the incarceration of convicted murderers. His main question was whether sentencing murderers to life imprisonment, as opposed to executing them, created additional safety hazards for both prison staff and inmates. He sought data from all Canadian federal institutions regarding assaults occurring during the period 1964-1965. Federal institutions house inmates serving two

years or more in prison. Akman sought information on offenders and victims, causes and circumstances of assaults, weapons used, physical consequences of assaults and disciplinary measures taken against offenders. (1).

Recent studies on homicides and assaults in prison have tended to ascertain patterns, rather than to test specific hypotheses, though the latter has not been precluded. An American study from which two separate analyses and reports resulted, (7, 8) used a research design which had two stages: 1) a survey of prison homicide statistics and 2) a search of the correctional records maintained on the victim and assailant of homicide. They restricted their survey to state or federal institutions for adult male felons whose average population in 1973 was in excess of 200. A total of 172 penal institutions met the criteria. The authorities of these institutions were mailed questionnaires on inmate population characteristics and the number and type (staff or inmate) of homicides committed in the institution. In order to gather comprehensive information about the patterns of prison homicide, the authors searched the correctional records maintained by the institution in which the homicide occurred, and

recorded it in a "Homicide Case Report Form" designed by Wolfson. The information included characteristics of the event, the victim and the assailant. In order to obtain information about the crime and the assailant, the incident report and personal file on the assailant maintained by the correctional authorities, were examined. The file on the victim was also examined. Inmate files provided, in varying degrees of accuracy, information on the criminal history of the inmate, psychiatric evaluation as well as items of minimal utility to the investigation. The incidence reports varied from one page informal handwritten accounts, to a thirty page, typed report. Some of these included an autopsy, death certificate and standardized investigative report indicating the time, weapon type, location, number of eyewitnesses etc. Information about procedural outcome of the case against an alleged prison homicider was not uniformly reported in correctional records. (8).

One of the main problems encountered in the earlier studies was the low response rate to the mailed questionnaire by the authorities of the penal institutions. Jayewardene, for example, obtained only seven usable

responses. (3). This was perhaps because he sought information on homicides and assaults occurring during a decade. Sellin sought information on incidents occurring in one year. He too, did not receive a 100% return. Usable information was received by him only for institutions in 45 states, the District of Columbia and those under the jurisdiction of the Federal Bureau of Prisons. (6). Akman was successful in obtaining information from all Canadian penal institutions, to which those sentenced to two years or more for criminal code and other serious offences are committed (federal penitentiaries). (1).

Apart from the problem of non-response, there is also the question of the accuracy of the information provided in the response. When the period covered is long, and the officer responding relies on this memory, the chances of inaccuracy are large. The Sylvester and Wolfson study sought to overcome these problems by their two-stage design, collecting the necessary data themselves from official files, after having institutional officers identify the institution as one in which a homicide had occurred. (7, 8).

When a phenomenon is studied, there are three approaches that could be taken. The first, identified as exposé studies, comprises the determination of the parameters of the problem. The second, identified as imposed studies, comprises the formulation of explanations. The third, identified as supposed studies, comprise the testing of specific hypotheses. (2). When little or nothing is known about a phenomenon, a descriptive or exposé study appears to be in order.

This study has consequently been designed primarily as an exploratory study seeking to answer the basic questions of the extent of prison homicide in Canada; who are the suspects and victims, what are the circumstances of the event (time, place, weapon), the motives for prison homicide; and the outcome of legal proceedings against the suspects. Such a study, it was believed, would supply a previously non-existent data base of prison homicide in Canada. Descriptive studies of homicide in the general population have sought to answer the five basic questions, Where? When? Who? How? and Why? in one form or another. Some studies have restricted themselves to doing precisely this, "... while other studies have attempted to achieve

this end by revealing significant relationships of meaningful social attributes and variables...". (3, p.33). In any event, any investigation begins with some apriori knowledge and hypotheses which had to have an accumulation of empirical data. The accumulation of the empirical data could, but generally does not, complete the investigation. The data generate new hypotheses which are tested for significant associations. In addition, the data collected and analysed are cautiously interpreted.

This study, though essentially an exploratory one, would first seek to answer the five basic questions; then test the existence of significant relationships between some of the attributes and variables on which data have been gathered, third, test specific hypotheses that may arise and finally generate hypotheses that could be tested in later research.

Two possibilities for data collection existed. First, there was the possibility that the necessary information could be obtained by writing to the various federal penitentiary authorities, as was done in the earlier studies on prison homicides and assaults. As has been

already pointed out, this method is fraught with problems. More importantly, however, this method might not have yielded information in the depth required. Further, it also denies the researcher the possibility of obtaining information on variables that might not have been considered apriori and that might reveal themselves to be relevant during the data collection process.

The second alternative which was chosen, was to obtain the necessary data from the official records as has been done in the later studies. In these studies, institutions where homicides were committed, were identified by the responses to an initial questionnaire sent out to the different institutions. That procedure, fortunately, had not been followed in this study, because of the centralized administration organization of the Canadian penitentiary system.

The Operational Information Service (O.I.S.) of the Correctional Service of Canada (C.S.C.) had information on those who had been killed in federal penitentiaries. When contacted, they provided a list of murdered inmates by name, date of the murder, federal penitentiary service

inmate number (F.P.S. number) and institution where the murder occurred. As prison officials could also have been killed by inmates, information on prison officials also had to be obtained. The Operational Information Service provided the number of such incidents, the names of the murdered, and dates of the murders. The names of the institutions where these murders occurred were obtained from the Security Service of C.S.C. All this information is readily available to the public. Any further information had to be obtained from C.S.C. documents.

As C.S.C. records of the victim, date and location of inmate deaths only go back to 1970, the victims of prison homicide for the years 1967 to 1969 inclusive, were obtained through special request, from the card index of the Statistics Canada Homicide Program.

Inmates records and incidence reports are held in Ottawa. Current files are held in Headquarters, while dormant files are held in the National Archives, both located in Ottawa. To look into these documents and extract information from them, it was necessary to obtain

special permission. This permission was granted for research purposes, with the stipulation that no inmate would be identified in the final report.

The inmate files contain an admission form; giving the name of the inmate, birthdate, admission date, institution name, sex, ethnic origin, language spoken, length of sentence and F.P.S. number of the inmate. The F.P.S. number is a unique six digit number, or six digits and an alphabetic character, which is assigned to every inmate when he first enters a federal penitentiary. The number is assigned to the inmate for life. Whenever an inmate is re-admitted, he receives the same F.P.S. number. The file is, therefore, a complete history of his entrances to, and exits from federal penitentiaries. The file also contains a record of the inmate's criminal activity, including date of sentence, conviction and sentence length. Whenever an inmate is released from penitentiary, a release form is completed and included in the file. For those inmates whose release type was death (i.e. murder), information was provided on date of death, institution from which he was released, as well as name, birthdate and F.P.S. number.

Whenever a murder or other incident such as an escape or suicide is committed, a special inquiry is conducted. These result in incidence reports which provide a description of the incident, identify accomplices or suspects and contain information on disciplinary action or recommendations. In the case of murders for which a suspect has been identified, these files contain the results of legal proceedings as well. In this way, the suspect could be identified and the motive ascertained. Generally, a brief description of the murder incident is contained on the inmate (victim) file, but the details of the incident must be gleaned from the incident report.

For the collection of the data, the first task was the definition of a prison homicide. A homicide is "the killing of a human being, intentionally or accidentally with or without justification". (5) This definition was adopted for this study. To constitute a prison homicide, it had to be committed within the four walls of a prison. Consequently, inmates who were killed while on a day pass, temporary absence permit, or on parole or mandatory supervision were excluded from the sample.

As those convicted of a violent offence are usually sentenced to terms of imprisonment of two years (or longer), and serve their sentence in a Federal penitentiary rather than in a provincial jail, the term "prison" was defined as describing a Federal Penitentiary. This definition also served an additional function. It eliminated the necessity of obtaining permission from provincial authorities and travelling the length and breadth of the country to extract information from provincial documents.

Inmates who for any reason are transferred from a Federal penitentiary to provincial jails, remain the administrative responsibility of the Federal penitentiary service - Correctional Service Canada. Yet, as they do not meet this definition of "penitentiary inmate within penitentiary walls", the killings of these inmates were not included in the study.

The data were collected with the aid of Schedules (Appendix A and Appendix C) which were pre-coded for computer entry. These Schedules contained information on the perpetrator, the victim and the incident. The basic victim information extracted, comprised just the identification of the perpetrator, if known, as an inmate or an

official and then the demographic characteristics of the victim; age, sex, ethnic origin and languages spoken. The basic perpetrator information extractor, (Appendix C) contained information similar to the victim information. In addition to this basic information, when the suspect or the victim were inmates, the criminal history was ascertained. This comprised data on the length of time they had been in the institution prior to the homicide, the length of their present sentence, and the type of offence for which they were incarcerated at the time of the murder. If the suspect or victim had previous convictions, the total number were recorded by type of offence i.e., Property, Violent, Drug or Other). The most serious offence for which they had ever been convicted and the sentence they received for it were also ascertained.

A third item of information was the length of his criminal career - namely, the length of time that an inmate had been involved with the adult criminal justice system. This was measured by the time lapse between the date of the first conviction and the conviction for which he was in prison at the time of the murder. In the case of a suspect, his criminal career continues after the

murder, but for this analysis it was necessary only to know the length of his criminal career up to the time of the murder.

Incident information comprised a description of the incident in terms of when, where, how and why it happened. The time included the year, month, day and hour. The location of the murder and the type of weapon or other method of murder (i.e., strangulation, beating) were noted. This information also included possible motive, number of suspects and whether or not they were charged and sent to trial and the outcome of the trial. In order to determine whether the security classification and capacity of the institution were related to the incidence of prison murder, the name of the institution was recorded along with its security classification and cell capacity.

The data were analysed to determine percentage distributions, rates and chi-square. Where appropriate, multi-variate analysis were performed to determine relationships among variables which might have a predictive application.

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CHAPTER III

THE PATTERNS OF PRISON HOMICIDE

Between 1967 and 1981 inclusive, there were, in Canadian penitentiaries, 66 inmates and 9 penitentiary staff killed. These include cases of prisoners who were killed while they were attempting to escape or who were killed while they were out on a temporary absence, a day pass or on mandatory supervision or parole, as well as prison officials who were accidentally shot by staff during hostage taking events and shot outside the institution. As these cases do not fit into the definition of a prison homicide used in this study, they have not been included in the analysis. This analysis consequently involves 58 incidents in which 59 inmates were killed and 5 incidents in which 6 penitentiary staff were killed.

The Event

The main characters of a homicide event are the actors involved - the offenders and the victims - for without them the event would not occur. The distinguishing features of these actors will be analyzed in separate

sections dealing with the victim and the offender. In this section dealing with the event, reference to the actors will be limited to their numbers. It, however, will deal with the spatial and temporal patterns of the homicides, the institution in which the homicides were committed, the weapon used and the alleged motive for the act.

The Actors

As has been indicated earlier, the homicides studied comprise 63 incidents. In 58 of these incidents inmates were killed, while in 5 of them there were prison staff killed. In the 58 incidents involving inmates as victims (Table 1) the number of suspected assailants ranged from one to thirteen. The commonest situation was one suspect (43.1%) with a decreasing proportion of cases involving an increasing number of suspects - 19.0% with two suspects, 12.1% with three, and 1.7% each with eight and thirteen suspects. In 13 cases (22.4%) the assailants were unknown. They are, however, assumed to have been fellow inmates.

In the 5 homicide cases involving prison staff as victims, there was a multiple assailant situation in only one case. Four inmates were charged with murder in that instance.

The Location

The location in which prison homicides occurred has been categorized as inmates cell (which includes temporary accommodation), workshop, common room (which is the TV room or the gym during a film or concert), washroom or shower, entrance to the prison, the recreation yard (which includes the gym during a sports event or exercise), the corridor outside the cell, in transit to hospital, the kitchen, the elevator of the pavilion, and the central dome. This categorization has been made to reflect the different activities in which the prisoners are engaged. The data (Table 2) indicates that inmates can be killed in any part of the prison, except, oddly enough the work shops. The most common place, however, was the inmate cell where 50.9% of the homicides occurred. The common room - the T.V. room or the gymnasium during a film, show

or concert was the second most common place, while the recreation yard or gymnasium during a sports event or exercise period was the third.

In the cases where the victims were staff members, two were killed in the workshops - one each in the carpentry shop and the paint shop. Two were killed in the kitchen while one each was killed in transit to hospital, and at the locked entrance to the prison during an escape.

The Time of Day

The time of day is meaningful only to the extent that it reveals the relationship to the type of activity going on, to the normal daily rhythm. Thus the occurrence at 10:45 acquires meaning when it is realized that it was "just after the cell doors had been opened for lunch", and again the occurrence at 15:50 when it was known to be "during the shift change" of the guards. Hence, the time of day was categorized into six four-hour periods to reflect as far as possible these prison activities.

It should perhaps be pointed out that the time of day at which death occurred is not always exact. Although in most cases the body is found soon after the incident, in some cases it is not. In these cases whenever possible, the autopsy report was consulted for a more exact time, which may still be an estimate within half an hour or more.

Table 2 indicates that most prison homicides of staff and inmates occurred between 8:00 P.M. and midnight (29.2%), between 4:00 P.M. and 8:00 P.M. (24.6%) and between 8:00 A.M. and 12 noon (26.2%). The categories however obscure the heavy concentration between 7:00 P.M. and 8:00 P.M., when 5 homicides occurred, between 4:00 P.M. and 5:00 P.M. when 4 homicides occurred, and between 11:00 P.M. and midnight when 4 homicides occurred. These 13 homicides represent 20% of all the homicides. The 7:00-8:00 P.M. period when the most of the homicides occurred is one in which there is recreational activity either in the yard or the gymnasium and consequently a time when prisoners congregate. The period 4:00-5:00 P.M. is the time when the inmates return from their work

assignments and again a time when prisoners tend to congregate. The period 11:00 P.M.-midnight is one in which prisoners are normally in their cells.

In the case of prison staff homicides, 3 occurred in the morning - 10:45, 11:00 and 11:40, 2 occurred in the afternoon - 1:30 and 2:45. These times are high activity hours of maximum contact between staff and inmates.

As has been pointed out earlier, there is a relationship between the time of day and inmate activity within the institution. Consequently the location of the incident may be governed by the time of its occurrence. Of the 5 cases that occurred around 7:00 P.M., only one took place in the inmate's cell. The other four occurred in the common room, the recreation yard, the washroom of the gym and the shower of the gym. Of the four occurring around 11:00 P.M., 2 occurred in the inmate's cell, one in the common room and one in the toilet of the sportsplex. At 4:00 P.M. there is more likelihood of the cell being the location of the murder. In one of 4 cases the T.V. room was the location, 3 occurred in the inmate's cell.

Reduced security due to large numbers of inmates gathered in one location or shift change increase the likelihood of prison homicide. The risk of detection is also reduced in these situations.

The high-risk hours, it is interesting to note, are evenly distributed throughout the weekdays. (Table 3).

The Day of the Week

Most homicides of inmates occurred on Friday (18 cases), Saturday (10 cases) and Sunday (15 cases). These homicides tend to cluster around Friday afternoon. On Saturday and Sunday they are evenly distributed throughout the day. The least likely day for prison homicide is Thursday (3 cases) (Table 3). Sundays and Tuesdays were the days on which most members of the prison staff were killed. There were two killed on each of these days. One member of the prison staff was killed on a Monday and another on a Friday.

If the time of the day in which a homicide occurs is meaningful only in terms of the normal daily rhythm, the day of the week on which the homicide occurs is

meaningful only in terms of the weekly rhythm of activity of the individual and the institution. The concentration of homicides around the weekend could perhaps be attributed to the relative inactivity in the prison during these days as well as the reduced number of staff on duty.

The Month and Year

June is the worst month for inmate murders, 8 cases occurred in June (13.6%). October had 7 cases (11.9%) and January, April and July each had 6 (10.2%), May, November and December each had 5 cases (8.5%). In each of the other months there were at least 2 cases, indicating the homicide was not an event exclusive to certain months (Table 4).

One prison staff was killed in April, another in June, 2 in July and 2 in a single incident in November.

Considering seasonal fluctuations, Spring and Fall account for 19 (32.2%) and 17 (28.8%) of inmate cases. There were 11 inmate homicides (18.6%) in the Winter and 12 (20.3%) in the Summer. Two prison staff were each killed in the Spring, Summer and Fall (Table 5).

The distribution of cases by year of occurrence is given in Table 6. The number of prison inmates killed in any one year ranges from 0 to 11. The worst year was 1979 with 11 cases of inmate homicides (19.0%), followed by 1980 and 1981 with 8 cases each (13.6%). There has been an increase in prison homicide from 1970. Trend line analysis for the period 1970-1981 shows a slope of 0.716 and a correlation coefficient of 0.814. In the three years prior to 1970 there was only one case.

Prison staff homicide is a very rare event. In most years no staff are killed. In 1974 there was one incident, there were 2 separate incidents in 1975 and 2 separate incidents in 1978 in which a total of three staff were killed (Table 6).

The Institution of Occurrence

Table 7 shows the institutions where homicides occurred. Most of the homicides (27.1%) occurred in Archambault Penitentiary. Millhaven had the second largest number (10.2%). Both of these institutions are maximum security institutions. The data also show that

the majority of the homicides occurred in the maximum security institutions. Less than a quarter of the homicides occurred in medium security institutions and no homicides occurred in minimum security institutions. Of the medium security institutions, the worst was Matsqui with 6.8% of the homicides and Drumheller with 5.0%.

When the cell capacity of the institution is taken into consideration (Table 8) it will be seen that the rate for the 15 years is greatest for Archambault. Millhaven and Archambault, which have the largest number of homicides, are both not only maximum security institutions but also comparatively large ones with a cell capacity of 461. There are other maximum security institutions with larger populations which have far fewer inmate murders. For example, Laval had five, Saskatchewan had four and Dorchester in the Atlantic region had only one. The correlation coefficient between the size of the institution and the number of homicides (0.272) indicates more homicides in larger institutions, but the relationship is not statistically significant. The rate per 1,000 cell capacity (Table 8) also reveals the same situation.

The Weapon

Weapons are hard to come by in prison and often have to be fabricated with tools and materials available in the workshop. Sometimes they are a tool such a file pilfered from the workshop. These fabricated weapons must not only be lethal they must also be easily concealed and easily disposed of. In consequence, it is not surprising to find that most inmate victims (69.5%) were stabbed to death, either with a knife (32.2%) or other stabbing instrument (37.3%) or were beaten (20.3%) either with a blunt object (16.9%) or even with fists (3.4%) (Table 9).

One assailant strangled his victim. This low incidence of strangulation is possibly because one would have to overpower the victim with pure physical force, and the chance of success would be diminished, given that time is of the essence if one is to avoid detection.

In cases of prison staff homicides, 2 victims were stabbed to death by the same assailant, 2 were shot and 2 were beaten to death with a blunt object.

The Motive

In cases where the assailant(s) could not be determined, the motive for the homicide remains unknown. The motive could also not be ascertained in a number of other cases, making the motive unknown in 42.4% of the inmate victim cases. In cases where motive was ascertained, sex was the most common (10 cases). Revenge and drugs have been cited as motive in 6 cases each (Table 10).

In cases of prison staff homicide, the motive is unknown in 4 homicides and escape was the motive in 2. In 2 homicides committed in the kitchen, the inmate offender was found to be mentally ill - this case appears under the "unknown" category in Table 10.

THE VICTIM

This section of the chapter is devoted to describing the type of inmates as well as the prison staff members who are most likely to become murder victims.

Sex

In the 15 years studied, no female inmate has been murdered in the only federal institution for female inmates - Kingston Prison for Women. All the cases therefore were males.

Women have been employed as custodial officer in penitentiaries for the past few years, none have been killed while on duty.

Age

The average age of the victim at the time of his death was 29.7 years old. The youngest victim was 19; the oldest was 55 (Table 11).

Inmates tend to be murdered at a young age, 42.4% were under 26 years old. This may be due to the fact that inmates in general tend to be young.

Table 12 shows the age distribution of the inmate population in the penitentiaries during the period 1976-1981. The table shows the largest single age group



was the 20-24 years old age group, with the 25-29 year old age group not much smaller. The average age was around 30 years.

Ethnic or Racial Origin

All victims except one, who was an American, were Canadians. Ethnic or racial origin was classified as British Isles ancestry, French, other European, Native Canadians, Asiatic, Negro and Other. Fourteen (23.7%) of the victims were of British Isles ancestry, but almost half of the victims were French Canadian (49.2%). (Table 13). The large proportion of French Canadian victims is to be expected from the fact that the majority of homicides occurred in Archambault, a maximum security institution in Quebec which houses predominantly French speaking inmates. Thirteen of these 16 victims in Archambault were French Canadian ancestry. Although North American Indians make up 9% of the male federal penitentiary inmate population, none was a victim of murder in penitentiary. Neither were there any Metis or Eskimo (Inuit) victims. There were also no Asiatics or Negroes killed.

Previous Criminal History

As juvenile offence histories are not available, this analysis had to be performed on the adult criminal history alone. The data reveal that the victims of homicides in prisons usually began their life of crime early. Table 14 shows the age at first conviction. Most of the homicide victims, over 50%, were between the years 17-19 when first convicted. The youngest was 14 and the eldest was 40. The data also reveal that their criminal career was of a relative short duration (Table 15). The modal time lapse between their first conviction and their last conviction was 1-4 years. In addition to this, 9 homicide victims were killed in their very first incarceration - they had no previous convictions. Length of criminal career, however, is no protection against being killed but the risk of being killed appears to be greater in the earlier stages than in the later ones. A definitive statement in this connection can, however, be made only if information on the criminal careers of all inmates is available. Such however is not the case.

When the number of previous convictions of the homicide victims are considered, it was found that the average was 13.9 ranging from 0 to 40. The mode, however, was 5 or 7 previous convictions (5 offenders each) or 6-15 previous convictions (Table 16). The most serious offense of which they had been convicted were violent offences and among these violence against the person loomed large (Table 17). In addition to this it was found that the offense for which they were serving time when killed was also most frequently a violent offense (Table 18).

The modal sentence being served was both 3-4 years and life (Table 19), indicating that the length of sentence a victim was serving was not a good indicator of the likelihood of his becoming a victim in a prison homicide. They were killed having served 1-3 years (34.5%) or 1-4 months (27.6%) in the institution in which they were killed (Table 20). The time served ranged from 3 days to 8 years.

All the staff victims were experienced personnel. Their number of years of service ranged from 4 to 17

years, two prison employees had served 9 years each, another 10 years and the sixth employee 13 years at the time of their murder.

THE OFFENDER

This section of the chapter is devoted to describing the type of inmate who committed murder or manslaughter while serving a sentence in a federal penitentiary. The six offenders who murdered custodial staff are described first.

Two offenders killed a correctional officer during an escape from a maximum security institution. The first offender was 35 years old. He was serving the fifth year of a life sentence for second degree murder. He was convicted of first degree murder and sentenced to life imprisonment. The second offender was 23, serving the first year of a life sentence for first degree murder. It was his first term in a penitentiary. His 6 adult convictions included 4 violent offences. He too was found guilty of first degree murder and sentenced to life in penitentiary.

A third offender, 33 years old, killed an instructor in the carpenter's shop of a maximum security institution. At the time of the homicide, he had served 9

months of a two year sentence for robbery. This was his first penitentiary term. He was convicted of capital murder and sentenced to death but this was commuted when the death penalty was abolished.

The fourth offender, 19 years old, killed a paint shop instructor in a medium security institution. He was serving his first penitentiary term; the fourth month of a two year sentence for robbery with violence. He was convicted of first degree murder.

The fifth offender, 36 years old, killed a food services officer and a senior correctional officer in the kitchen of a medium security institution. He was serving the first year of a three and one-half year sentence for manslaughter, his second penitentiary term. He was convicted of first degree murder.

The sixth offender, 31 years old, killed a correctional officer while being escorted to the hospital. He was serving the third year of a 25 year sentence for armed robbery and conspiracy. Convicted of capital murder and sentenced to hang, the sentence was later commuted to life imprisonment.

The remaining offenders referred to here only include those who killed an inmate. The aggregate number of assailants is actually a hidden figure due to the number of unsolved cases. There were no suspects in 13 cases (Table 21). In addition to this, some who were suspected of being an assailant ceased to be suspected. In fact, 89 suspects were originally identified in 49 cases. Subsequently there was not enough evidence to proceed against 12 suspects from 9 cases. In 7 cases, as of March 30, 1983, there was no confirmation on whether or not 11 suspects had been sent to trial. The remaining 66 suspects from 30 cases were sent to trial; 4 suspects were found not guilty; 7 were acquitted, 3 were found not guilty by reason of insanity and one was granted a stay of proceedings, 51 suspects were convicted. As 3 inmate files could not be located, 48 offenders will be described here.

Number of Assailants and Location of Homicide

In the homicide cases, as was previously mentioned, the number of assailants varied from 1 to 13. The single assailant, however, was the common pattern. When the

number of assailants is related to the location of the homicide (Table 21) and the type of weapon used (Table 22) no statistically significant relationship is discovered.

Age

The average age of the offender at the time of the prison homicide was 25 years old (Table 23). The median age was 26, the most common age was 24 years old. The youngest offender was 17, the oldest was 36 years old.

Ethnic or Racial Origin

The majority of the offenders were of British Isles or French ancestry (39.6% and 35.4% respectively), four were North American Indians (Table 24). The other ethnic backgrounds included those of Polish, German and Dutch ancestry. North American Indians, who made up approximately 9% of the male penitentiary population, also constitute 8.3% of the prison homicide offenders.

Criminal Career

As in the case of the victims, the juvenile offense records of the offenders were unavailable. Perhaps the most striking feature about the criminal career of the prison homicide offender is the young age at which they generally began their adult criminal careers. Most (85.4%) were 19 years old or younger when they were first convicted of a criminal offense (Table 25). The range is from 15 to 24 years old, the mean age is 17.6 years, while the mode is 16 and 17 years old (13 cases each). These offenders all began their criminal careers at a very early age and as was seen in Table 23, most had committed a prison homicide before their 26th birthday. At the time of the prison homicide 22 offenders were serving their first penitentiary sentence, but the majority 34 (70.8%) had criminal careers that spanned from one to eight years (Table 26). The average was 7.2, the mode was 5 years. In looking at the number of convictions these offenders had received previous to the homicide, we see that 6 offenders had 1 to 5 convictions, 11 had 6 to 10 and 25 offenders had 16 or more convictions (Table 27). The range was 1 to

61, the mean was 16, the mode was 20 previous convictions. Again the majority of these offenders had a violent offense in their criminal history (Table 28). This was to be expected as these inmates were serving sentences in federal penitentiaries. The most common previous conviction in their past was robbery (either armed or unspecified). Eleven offenders had previous convictions for homicide and one had been convicted of attempted murder. The one offender whose most serious previous offense was escaping lawful custody had a history of numerous property offenses and prison breaks with one offense for possession of a weapon. Most offenders (70.8%) were serving a sentence for a violent offense at the time of the prison homicide (Table 29). These were generally lengthy sentences - 26 (54.2%) were 5 years or over, of which 10 were serving life sentences (Table 30). The most common sentence being served by a violent offender was a life sentence, all sentences over five years were for violent offenses. However, few offenders had actually served much of their present sentence prior to committing the prison homicide. Almost half had only been in the institution less than a year and 19 (39.6%) had served between one and two years (Table 31).

Court Adjudication of Prison Homicides

Cases of prison homicide, taken to court, have been generally decided within a year. Only 16.7% of the cases adjudicated took longer than that (Table 32).

Half of the 48 convictions were for manslaughter; the 24 sentences ranged from 2 to 20 years. (Table 33). There were 22 convictions for murder; 4 for capital murder or ~~first~~ degree murder and 18 for non-capital murder or second degree murder, representing 45.8% of the convictions. All of these murder convictions resulted in life sentences. One person was found guilty of conspiracy to commit murder and he was sentenced to 10 years in penitentiary, another was found guilty of assault causing bodily harm and he was sentenced to 2 years in penitentiary.

CHAPTER IV

CONCLUSION

Rarely has the entire population of victims and offenders involved in prison homicide been examined. Although the population of homicide offenders and victims is generally small, most studies have been satisfied with the use of a sample. In this study, the entire known population of homicide offenders and victims was examined. Not all homicide offenders, however, have been identified. Nonetheless, the data obtained in this study permits the description of the phenomenon of homicide in Canadian penitentiaries over a 15 year period in a more or less complete fashion.

Over the 15 year period, homicides in prisons seem to have increased. The 5 year moving average shows an increase from 1 per year in 1967 to 7.8 per year in 1981. However, what is interesting is that the majority of these homicides, over the entire period, were of inmates rather than prison staff. During this period under consideration, there were only 6 prison staff murdered inside the penitentiaries.

Less than 10% of prison homicides victimized staff. Where the victims were staff members, they were experienced institutional staff members with service ranging from 4 to 17 years. Two shop instructors, a food services officer and three correctional officers were the victims. They were all murdered by inmates with a variety of weapons including gun, knife, hammer and steel furniture clamp. Escape was the motive in two incidents, firearms were used in both escapes. These incidents occurred in maximum and medium security institutions in equal proportion. All the institutions were large capacity by Canadian standards, ranging from 458 to 650 cells. All the murders occurred during the normal work hours 8 A.M. to 4 P.M.

When the victims were inmates, they tended to be young (modal age 25 years) and killed in their cells at maximum security institutions. They were slightly more likely to be of French Canadian ancestry. They tended to come from a violent crime background which began at an early age (generally 17 to 19 years old). Their adult criminal career usually lasted from 1 to 4 years before

their murder and involved generally from 6 to 15 convictions. The majority (63.8%) had committed at least one violent offence, and most were serving a sentence for a violent crime at the time of their death, for which they had been sentenced to serve a life sentence.

However, the majority of victims had not been in the institution very long before their death. Twenty victims had served from 1 to 3 years, 16 had served 1 to 4 months.

Almost a quarter (23.7%) of the victims were killed by unidentified assailants, another 39% were killed by a single assailant. The method of committing homicide is most often stabbing (69.5%), whether the assailants are unknown or whether there were one to three assailants.

When the offenders are considered, we find that they were, like the victims, relatively young: 20.8% were 16-20 and 39.6% were 21-25 years old. The majority (39.6%) were of British Isles ancestry, as opposed to the French ancestry of the victims. However, 35.4% were French ancestry and 4% were North American Indians. Offenders, like victims, began an adult career of crime at

an early age; 85.4% were under 20 years old at the time of their first adult conviction. The majority, 70.8%, had a criminal career of less than 9 years. Their number of previous convictions was most likely 16-20 or 6-10. As with victims, the majority of offenders (77.1%) had at least one conviction for a violent offence, and 70.8% were serving a sentence for a violent offence. At the time of the homicide, 20.8% of the offenders were serving a life sentence for a violent offence, 33.3% were serving lengthy sentences from 5 to 25 years. Like the homicide victims, the majority of homicide offenders had served a relatively small part of their term: 85.4% had only served up to 2 years before they were involved in a prison homicide.

The data, thus, suggests that homicide in Canadian penitentiaries is a phenomenon involving young men who have already demonstrated a proneness to violence. That the incident occurs at a point of time relatively early in the sentence of the participants suggests that the contribution of prison conditions to the drama is relatively minor.

Once apprehended, the offenders were sent to trial and convicted within 18 months of the time of the homicide. Half of the offenders were convicted of manslaughter, 45.8% were convicted of murder.

The situation in the United States does not appear to be much different. In one of the few existing studies on prison homicide in that country, Wolfson found that murderers were characterized by relative youth and that they had an overrepresentation of homicide and assault offences, in their past criminal history. She also found that neither the homicide victim nor the offender were likely to be first offenders. On these points the prison homicides in the U.S.A. resemble those in Canada. In the present study it was found that more of the victims than offenders had been convicted of a homicide or an assault; 27.6% of victims and 22.9% of offenders had committed a homicide, 19.0% of the victims and 8.4% of the offenders had committed an assault. This contradicts Wolfson's finding that the offender was more likely than the victim to be a violent offender, assuming that ones criminal convictions are a good measure of same.

Although some studies conclude that race is an important variable in prison victimization (20, p.232). Wolfson did not find this to be the case in her study. She found that the racial characteristics of the victims and the assailants are quite similar but non-whites predominate as victims and assailants. (20, p.71). With race or ethnicity measured in terms of French or Canadian origin, the present study did not find it to be an important variable, although it is commonly believed to be so (12;13).

Seven victims had rape or another sexual offence as their most serious offence and were serving a sentence for a sexual offence at the time of their murder. It was the first penitentiary term for all of them. Analyses of these cases reveal the role that sex plays in the prison homicide drama.

One victim was called a "skinner" (child sex offender) by the other inmates. He was knocked unconscious while in his cell and sprayed with a combustible material, then set on fire. The cell door was closed, and locked. A blanket was stuffed under the door to prevent smoke from

escaping. The victim had been transferred to a medium security institution and had been there only 2 months before his death. The three assailants' previous records and general institutional adjustment did not show a propensity to violence. Officials reported that it was surprising, on the basis of classification and psychological assessments, that they would be involved in a murder.

A second victim had been convicted of rape and indecent assault. He and an accomplice had raped two 15 year old school girls and an 18 year old girl, leaving them naked and abandoned. He was serving his first penitentiary term and was known as a whiner who filed many grievances. He had been apparently involved in a homosexual relationship with his assailant. The victim had been at the institution 4 years before the murder. Although he had been in protective custody at his own request due to verbal abuse from other inmates, he had returned to the general population at the time of his death.

A third victim had been transferred and served two months in the institution before his death. He had been kept in protective custody while in the reception centre because he had a threatening note pinned to his door. His crimes were rape and indecent assault on a 3 year old girl. No assailant was charged due to lack of evidence.

The fourth victim was a sex offender whose crimes included molesting 5 young girls age 8 to 14. He had been in segregation for a while (reason unknown); when offered protective custody he refused it. He was frequently assaulted because of his overt sexual behaviour. He was also known to inform on other inmates during previous incarcerations. He had been in the institution only 15 days before he was stabbed to death. An assailant was identified but there was insufficient evidence to charge.

The fifth victim had been convicted of attempted rape. At the inquiry an inmate testified that the victim was considered a "rat", "stoolie", "diddler", "rapee" and "undercover man" by fellow inmates. Some weeks before his death he had been beaten by 4 inmates but he refused protective custody. He had previously been transferred

for his own protection. He was booked for sick bay the day following his murder because he complained of having trouble with his back and his nerves. No charges were laid due to lack of evidence on 3 suspects.

The last two victims were sex offenders who were killed during the riot at Kingston penitentiary. They had been in protective custody with 13 other inmates. However, during the four day riot the inmates gained access to the protective custody wing and systematically tortured the 15 protective custody inmates in the Centre Dome of the institution. These two inmates died from their injuries. One had tortured his 5 children and the other had an extensive history of molesting young girls.

The above descriptions serve to show that while most sex offenders and child abusers who were killed were killed mainly because their crimes made them despicable to other inmates, there was the possibility that there were other factors involved as well. For example, in one case the victim was a "rat" and his informer status was the main reason for the murder, and in another case there was the suggestion of a homosexual relationship.

The data obtained in this study does not support the theory that a homosexual lifestyle leads to sexual rivalry and jealousy and ultimately to murder. It may be that it leads to other forms of aggression, but only 5 cases of homosexual relationships were identified in the 59 victims of prison homicide.

Seven victims had been in the institution less than one month before they were murdered. One victim was serving a sentence for murder and was involved in drug trafficking in the institution before, during his six years there. He was transferred but sent back after getting into trouble with drug trafficking. Once he was returned to the first institution it appears his past caught up with him. Another inmate also had a drug debt. The third was a hapless victim in a hostage taking in an attempt to get into a hospital for drugs. He was serving a 5 year sentence, his first at age 40, for theft over \$100,000. Eight inmates beat him up in the gym washroom and refused to give up his body to the guards. Their plan was to accompany him to the hospital where they could take hostages and then break into the drug cabinet.

A fourth victim was in the institution one day when he was murdered in the recreation yard by two other inmates. The victim was serving his first penitentiary term for five years for accomplice to murder. The motive was unknown. However, an interesting turn of events is that subsequent to this event one of the assailants murdered the second assailant because he was afraid he would tell about this murder.

The fifth incident involved a victim who had been at the institution only 16 days. He was serving his first penitentiary sentence, 10 years, for manslaughter. He was the accomplice in murder to the inmate that subsequently killed him. It would appear to be a case of revenge as the victim had testified against his assailant and could be said to be the reason for the assailant's life sentence.

The sixth incident was basically a case of mistaken identity. An inmate with the same family name arrived at the institution on the same day as the victim. A contract had been arranged by people outside the institution to have the inmate killed because of a drug debt. When the

two assailants heard of the arrival of the victim they mistook him for the intended drug debt victim and subsequently murdered him. The victim was serving a two year sentence for property offences.

The seventh victim was serving a minimum 15 year life sentence for two offences of murder, which involved the brutal murder of two women, one of whom was under 20 years old. His manner was haughty and arrogant, and he showed no remorse for his senseless offences. His character indicated he would have problems being accepted by other inmates. He died of multiple stab wounds to the neck and chest. Although over 60 inmates were in the gym when he was killed in the adjacent washroom, no one saw anything and no suspects were identified. It was strongly suspected that he was disliked by the Native population because his young victim had been a Native.

All the above accounts tend to suggest that there is no relationship between a person's offence, the reason he is in prison, and the reason for his murder while there. In only 2 of the 7 cases can any connection be made to the offence the victim had committed and his quick demise upon arrival at the institution.

In the study of individual violence in prison, the phenomenon has been defined in such a manner as to include such events as the loss of self-esteem experienced by the inmate on first having his head shaved at admission, to the raw physical abuse of receiving 20 stab wounds from a fellow prisoner. It can, of course, be argued that the first example cannot be justifiably included as the physical survival or integrity of the inmate is not at stake and as it is imposed by a legitimate power.

However, in these days of sophisticated tortures designed to leave no physical evidence, all acts of aggression, physical or psychological, designed to degrade, demoralize or inflict harm on another must be considered under the definition of violence, whatever the source. In this vein, the constant irritant of being subjected to a fellow cell-mate's loud rock music may conceivably be viewed as grounds for complaint about physical and psychological violence.

The more conventional definitions usually encompass only the more tangible acts of aggression of one inmate against another, inmate against guard and guard against

inmate. These are physical assaults using fists, other parts of the body, or weapons such as home-made knives or razor blades, or any loose piece of material at hand such as a piece of pipe or wood. However, even in the restricted space of a prison, man's ingenuity to fashion violence is undaunted. Actually, it can be enhanced. Lighter fluid and a match can be obtained to create a human torch, or one can be forced to ingest an overdose of illegally obtained or carefully hoarded sleeping pills. In prison, as in free society, the extent of injury inflicted on another can range from mild discomfort to death. Next to murder, homosexual rape is perhaps the most abhorant form of personal violence in prison, though it is not the most common. (9).

As well as physical violence there is also psychological victimization among inmates and staff, usually called "con games". Three forms are described by Heise in a booklet entitled Prison Games. This can take the form of accusing a fellow inmate of being an informer, which is intolerable under the inmate code and may ultimately put the inmate's life at stake. The accused is thereby forced into a direct physical confrontation to clear his name. A

more subtle model is to say something like "You knew that guy there is a punk, didn't you?", thereby indirectly inciting the accused. A third form of psychological abuse is verbal mistreatment of another, used to enhance one's own status to other inmates. (17).

Another form of psychological victimization is achieved by providing a new inmate with free canteen items and other favours to befriend him. Then after an accomplice has threatened to rape him, the aggressor defends him and the victim becomes even more psychologically dependent, resulting in being a "kept man" by the aggressor. (19). Other forms of psychological manipulations and humiliations are described in Toch's book Living in Prison, The Ecology of Survival. The picture is one of constant tension and fear. At its worst psychological victimization can lead an inmate to self-mutilation or suicide.

Economic victimization among prisoners is possible because of the extreme limits placed on the items made available to inmates. Cigarettes are common currency. Pioneers in describing prison culture (e.g. Clemmer and

Sykes) recognized the existence of economic victimization. Inmates steal from each other or rob from each other with violence. An undesirable described by Sykes is the "peddler" who increases his economic wealth at the expense of his fellow prisoners. Information can also be used in exchange for favors or goods. Loansharking goes on in prison just as in the free community. Inmates can also be set up to lose at gambling, resulting in assaults, requests for protection and in general a number of unpleasant experiences for the victim who is unable to pay.

Social victimization, or discrimination, can occur because of racial, ethnic, religious, ideological or offence related status. Those of favoured status usually escape victimization, while those in the unfavoured groups can become targets for physical and psychological abuse. Typically, sex offenders and child molesters are singled out for aggression by other inmates. Their physical separation from the general population has long been recognized as imperative for their physical safety - Kingston Penitentiary recently became an institution for the exclusive custody of such inmates. Indeed, their

lives have been lost simply because of their status, particularly during prison riots such as in the Kingston Penitentiary riot of 1971.

Any and every form of victimization that can occur in free society can occur in a prison. The frightening reality though is that in prison, inmates are under the care of the State and should receive its protection. As such, the State is more bound to prevent violence in prison than it is bound to prevent violence in the free society.

There have been two schools of thought on the cause of prison violence and lately Toch has combined them to propose a possible third. The first school holds that the violence is due to the personal characteristics of the violent participants which are imported into the prison. The second holds that there are the internal pressures of incarceration, rooted in the structure and function of the prisons which allows, even fosters, violence. The first theory is often referred to as the disposition theory, the individual violence theory, the diffusionist or importation, or ethological theory, while the second can be

called a situational theory, a learning theory or an institutional product theory. Toch (18) prefers to see prison violence as an interaction between violence-prone personal dispositions and the situational stimuli that invoked these dispositions.

Under individual, personal characteristics of violent inmates, one can list such things as previous penitentiary violence or serious disciplinary infractions, age, race, past and present offences, age at time of first incarceration, rural-urban background, mental illness, personality types (as measured by MMPI, Buss-Durkee Inventory, California Psychological Inventory, Rorschach, Holtzman Ink Blot, Hand Test, etc.) biological variables (XYY karyotype, neuropsychological abnormalities, epilepsy), drug use, educational level, attitudes to staff, etc. As can be seen from the extensive list, this theory is extremely difficult to assess, and in fact few have done so successfully.

There is little consistent evidence that inmates who behave violently are different from non-violent inmates in ways that can be detected.

However, youth has been identified as a variable associated with increased prison violence. Younger prisoners were more likely than older prisoners to be involved in homicides (16;20), assaults (1;2;5) and self-injury (17;18); Lockwood found younger prisoners were disproportionately likely to be the victims of sexual aggression, but relatively unlikely to be the sexual aggressors. (9).

Ellis et al. (5) suggest that younger prisoners are more prone to acts of violence because of peer pressure, they are less likely to be deterred by punishment, they have more opportunities for aggression and custodial staff are more tolerant of aggressive behaviour by younger inmates.

There is some evidence that a previous record of violence in prison and serious infractions of regulations are predictive of future prison violence. Sylvester found that 41% of prison killers had serious disciplinary records. Further serious infractions of prison disciplinary rules and records of assaultive behaviour in prison appeared quite frequently in the histories of assaulters

of prison staff (16). The Sylvester study also found that of the 24 inmates identified as participants in the killings of guards, 22 (91%) were serving sentences for "serious crimes against the person". Thus, in addition to youth, a proneness to violence evidenced in previous behaviour appears to be a potent factor.

Marital history, family background, educational level, drug use and employment history have been found to show slight correlations to inmate violent behaviour (2;8;17). However, before any of these variables are considered viable predictors of violence in prison, it must be recognized that in research pointing the accusing finger at them the interaction affects of variables have often been overlooked. Thus, for example, where drugs are found related to the violence, it is possible that it was drug debts rather than the use of drugs that determined the inmate's violence, but this item of information may never come to the attention of the researcher if it is not built into the original study design. Indeed, Sylvester et al found many premeditated prison homicides were of victims who had not kept their part in drug deals. (16).

Under the situational, structural or functional variables one can list the subculture of violence (inmate code), living conditions, forced interactions without recourse to escape, lack of privacy, limited hope, few rewards for pro-social behaviour, prison size, crowding, prisoner/staff ratios, age and design of prison, privileges (visits, telephone rights, privacy of mail), presence of educational and recreational facilities, determinate or indeterminate release dates, lack of recourse to legitimate channels to settle grievances (particularly over illicit commerce), lack of a sense of community between staff and inmates.

A number of studies have examined these variables. Sylvester et al (16) using a data base of 180,000 inmates and 170 prisons, found some interesting prison characteristics to be more frequently associated with prison homicide. Homicides were more frequent:

- 1) in older and larger prisons (i.e. over 51 years old, with over 1,000 inmates);

- 2) in institutions that used solitary confinement and restrictions of privileges as disciplinary measures;
- 3) in institutions which had an industry program.

Farrington and Nuttall found little relationship between prison size per se and reported assault rates. However crowding was a factor - among overcrowded training prisons the assault rate varied directly with prison size. (6).

Wolfson found that institutions with unlimited telephone rights were slightly less apt to have homicides than those with severe restrictions. (20).

There are however several problems with these studies. These studies conceptualise the problem in terms of its magnitude under varying conditions. Variations in the reported rates of violence can be due to varied reporting practices among institutions. As in the individual correlates, the one-to-one association is weak, and again confounding is an issue. For example, crowding is

not one problem but many. With crowding comes more personal interactions, more opportunities for violence, more annoyances, less segregation by security level, age, etc. All these variables may interact to increase the level of tension among inmates, leading to increased violence.

Also, facilities or programs in an institution tells us nothing of their accessibility to the individuals who are "perceived" to be a violence risk.

Ellis et al interviewed inmates on their perceived reasons for individual inmate violence. (5). Their findings suggest that inmates view aggression as one way of getting something they or their friends want, or of getting rid of someone/something that is "bugging" them or their friends. This tends to lend credence to those who blame the lack of legitimate means of recourse as the cause of inmate aggression.

As to why some inmates are more violent than others, inmates reported differential gains and losses contingent on the overt expression of aggression. That is "For some inmates, the gratifications contingent on behaving aggressively - deference from inmates and/or staff,

acquiring a sex partner, recovering a gambling debt - outweigh such ~~costs~~ as bringing "heat" down on an inmate group, getting hurt oneself, losing a desirable job, cell assignment, or "good-time" days, and/or being denied visitors or parole. For other inmates, the costs outweigh the gratifications". (5, p.31).

This explanation tends to hold weighty arguments in favour of those who believe that the individual characteristics must be seen in conjunction with the situational characteristics if we are to understand acts of inmate violence.

The purpose of scientific study of a phenomenon is its better understanding and its better control. The prison homicides studied here have been seen to indicate that they are random and highly unpredictable. These characteristics do not permit the correctional authorities to anticipate and consequently prevent them.

It would seem that there will always be a small segment of the offender population who do not value human life because they have not learned to respect others and

when they are placed in a stressful situation their learned behaviour is physical violence. To these inmates, the gains are perceived to outweigh the costs - that is, their motive for murder is sufficiently important to them that any punishment, if detected, apprehended and convicted, would be worth the risk. Given the low rate of detection and lower rate of conviction, the risk may justifiably be perceived as small. In consequence, prevention could perhaps be achieved through greater surveillance in the cells, the area of greatest risk. This could be accomplished with a system of electronic surveillance, but that only at great financial cost and the risk of adding more pressure to an already stressful living condition. The greater use of protective custody is a second strategy that could be adopted. This too has the same drawbacks. Housing inmates in super-maximum institutions is only a stop gap measure which does not address the main issue of how to stop inter-personal conflicts from becoming escalated and dealt with in a violent fashion by people who have never learned any other way of dealing with conflict. One of the victims in this study was in a Special Handling Unit (S.H.U.) when he was killed.

The present inmate code tends to separate guards from inmates in a we/they philosophy, thereby making it difficult for inmates to bring potential problems to the attention of staff. Staff and inmates both have a stake in maintaining peace and harmony in the institution. In order to reach this objective staff and inmates must foster a sense of common interests and open up the lines of communication. Further, inmates must become a more cohesive group by fostering a feeling of "shared fate" so that violence is no longer an acceptable means of achieving ends. To achieve this end inmates must be given a legitimate channel to air their grievances and settle disputes. Inmate committees would seem to serve this function very well.

Such an approach was successfully tried at Soledad, a large maximum security facility in California. Sumner describes this Social Catalyst program as being successful in reducing violence tremendously. (15). However, it is not merely the increased rapport between the staff and a selected group of inmate leaders which was responsible for the reduction of violence. At the same time institutional variables were changed. Inmates were allowed to wear

personal clothing, hair and moustache regulations were relaxed, radios and TV's were permitted in the cells and a number of house trailers were brought onto the grounds for family visits. Penitentiaries in Canada tend to be moving in that direction over the past few years and this could possibly decrease the number of homicides in prisons in Canada. This is a hypothesis that could be tested in future research.

Although the present study does not provide unequivocal support for either the subculture of violence (or the importation theory) or the environmental (situational) theory, it does point to the importance of the two theories in determining the continuation of a violent lifestyle in an environment which is dependent on the violence-prone inhabitants for its ultimate character.

A more thorough examination of the phenomenon of prison homicide would entail complete personality profiles on the offenders before and after the homicide to determine the role that personality factors, abnormal or psychopathological behaviour contributed to the act of prison homicide. Situational factors which might be

relevant for the testing of the theory of a subculture of violence in prison such as inmate norms, the inmate economy, the stress of the environment and the inmate-staff relationships are worthy of examination. Further research should concentrate on these factors for a more definitive answer to what leads to prison homicide. One special study that could be made should be directed at answering the question "What's Wrong at Archambault?"

Archambault has been the location of 16 inmate deaths over the 15 year period under investigation, and more since 1981. In 1982 it was the scene of the most vicious attack on guards in the Canadian history of penal corrections. Table 34 illustrates the distribution of inmates murdered in all institutions and in Archambault. Since 1977, 14 murders have been committed there.

On July 26, 1982 a one-hour rampage at this maximum institution resulted in inmates killing three unarmed guards and injuring seven other guards, some critically. Two inmates attempted to escape by taking guards as hostages. Other prisoners joined in the riot that ensued.

They were returning from a recreation period at 10:30 p.m. Sunday. Two inmates committed suicide by swallowing poison. All of the guards were killed with home-made weapons. One guard was strangled with a length of wire, another guard was disembowelled. This was the worst violent attack on guards in the history of the Canadian Penitentiary Service.

A study to determine the cause of so many deaths would have to concentrate not only on the characteristics of victims and offenders, but also on the dynamics of inmate/staff relations. This may be a very profitable venture in determining the dynamics of inmate murders and suggesting ways to reduce them.

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Table 1
 Number of Suspected Assailants Involved in Cases of Prison Homicide
 1967 - 1981

No. of Suspected Assailants	No. of Cases Victim: Inmate	No. of Cases Victim: Staff	Total
Unknown	13 (22.4)	0 (-)	13 (20.6)
One	25 (43.1)	4** (80)	29 (46.0)
Two	11 (19.0)	0 (-)	11 (17.5)
Three	7 (12.1)	0 (-)	7 (11.1)
Four	0 (-)	1 (20)	1 (1.6)
Eight	1 (1.7)	0 (-)	1 (1.6)
Thirteen	1 (1.7)*	0 (-)	1 (1.6)
Total	58	5	63

Figures in parenthesis are percentages.

* This one case involved the murders of two inmates.

** One case involved the murders of two prison staff members.

Table 2
Hour and Location of Prison Deaths: Victims: Inmate and Prison Staff
1967 - 1981

Hour	Cell	Workshop	Common Room	Washroom or Shower	Entrance to Prison	Recreation Yard or Gym	Corridor Outside Cells	In Transit to Hospital	Kitchen	Elevator of Pavillion	Centre Dome During Riot	Total
Mid-night 3:59	1										2	3 (4.6)
4:00												
7:59	0									1		1 (1.5)
8:00												
11:59	8	1*				3	2	1*	2*			17 (26.2)
12:00												
15:59	3	1*	3		1*				1			9 (13.9)
16:00												
19:59	7		3	3		2	1					16 (24.6)
20:00												
23:59	11	/	4	1		1	2					19 (29.2)
Total	30	2*	10	4	1*	6	5	1*	3*	1	2	65

* indicates existence of a case where the victim was a member of the prison staff.

Figures in parentheses are percentages.

Table 3
Hour and Day of Prison Homicide
1967 - 1981

Hour	Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.	Total
Midnight - 3:59	2					1		3 (4.6)
4:00 - 7:59	0	0	1	0	0	0	0	1 (1.5)
8:00 - 11:59	3	4	3	1	0	4	2	17 (26.2)
12:00 - 15:59	4	1	1	1	0	0	2	9 (13.9)
16:00 - 19:59	2	2	0	2	1	7	2	16 (24.6)
20:00 - 23:59	4	1	1	1	2	6	4	19 (29.2)
Total	15* (23.1)	8* (12.3)	6* (9.2)	5 (7.7)	3 (4.6)	18* (27.7)	10 (15.4)	65 (100)

Figures in parenthesis are percentages.

* Indicates inclusion of a case where the victim was a member of the prison staff.

Table 4
 Month of Prison Homicide
 1967 - 1981

Month	Victim: Inmate	Victim: Staff	Total
January	6 (10.2)	0	6 (9.2)
February	3 (5.1)	0	3 (4.6)
March	2 (3.4)	0	2 (3.1)
April	6 (10.2)	1 (16.7)	7 (10.8)
May	5 (8.5)	0	5 (7.7)
June	8 (13.6)	1 (16.7)	9 (13.8)
July	6 (10.2)	2 (33.3)	8 (12.3)
August	2 (3.4)	0	2 (3.1)
September	4 (6.8)	0	4 (6.2)
October	7 (11.9)	0	7 (10.8)
November	5 (8.5)	2 (33.3)	7 (10.8)
December	5 (8.5)	0	5 (7.7)
Total	59	6	65

Figures in parenthesis are percentages.

Table 5
 Seasonal Fluctuations in Prison Homicide
 1967 - 1981

Season	Victim: Inmate	Victim: Staff	Total
Spring	19 (32.2)	2 (33.3)	21 (32.3)
Summer	12 (20.3)	2 (33.3)	14 (21.5)
Fall	17 (28.8)	2 (33.3)	19 (29.2)
Winter	11 (18.6)	0	11 (17.0)
Total	59	6	65

For simplification, Spring includes April, May and June; Summer includes July, August and September; Fall includes October, November and December; and Winter includes January, February and March.

Figures in parenthesis are percentages.

Table 6
 Year of Occurrence of Prison Homicide
 1967 - 1981

Year	Victim: Inmate	Victim: Staff	Total
1967	1 (1.7)	0	1 (1.5)
1968	0	0	0
1969	0	0	0
1970	1 (1.7)	0	1 (1.5)
1971	5 (8.5)	0	5 (7.7)
1972	1 (1.7)	0	1 (1.5)
1973	2 (3.4)	0	2 (3.1)
1974	3 (5.1)	1 (16.7)	4 (6.2)
1975	3 (5.1)	2 (33.3)	5 (7.7)
1976	4 (6.8)	0	4 (6.2)
1977	7 (11.8)	0	7 (10.8)
1978	5 (8.5)	3 (50.0)	8 (12.3)
1979	11 (19.0)	0	11 (16.9)
1980	8 (13.6)	0	8 (12.3)
1981	8 (13.6)	0	8 (12.3)
Total	59	6	65

Figures in parenthesis are percentages.

Table 7

Number of Homicide Victims by Institution and Security Classification

1967 - 1981

Security Class.	Institution	Victim: Inmate	Victim: Staff	Total
Maximum	Archambault	16 (27.1)	1 (16.7)	17 (26.2)
	B.C.	3 (5.0)		3 (4.6)
	Dorchester	1 (1.7)		1 (1.5)
	Kent	2 (3.4)		2 (3.1)
	Kingston	2 (3.4)		2 (3.1)
	Laval	5 (8.5)	1 (16.7)	6 (9.2)
	Millhaven	6 (10.2)		6 (9.2)
	Reg. Recep. Centre (Ont.)	1 (1.7)		1 (1.5)
	Saskatchewan	4 (6.8)		4 (6.2)
	Stony Mt.	4 (6.8)	1 (16.7)	5 (7.7)
	Reg. Psych. Centre (B.C.)	1 (1.7)		1 (1.5)
Medium	Collins Bay	2 (3.4)	2 (33.2)	4 (6.2)
	Cowansville		1 (16.7)	1 (1.5)
	Drumheller	3 (5.0)		3 (4.6)

Table 7

(Continued)

Security Class.	Institution	Victim: Inmate	Victim: Staff	Total
Medium	LaMacaza	1 (1.7)		1 (1.5)
	Leclerc	1 (1.7)		1 (1.5)
	Matsqui	4 (6.8)		4 (6.2)
	William Head	1 (1.7)		1 (1.5)
	Joyceville	1 (1.7)		1 (1.5)
	Quebec Training Centre	1 (1.7)		1 (1.5)
Total		59	6	65 (100.0)

Figures in parentheses are percentages.

Total may not add to 100% due to rounding.

Table 8

Cell Capacity of Institutions and Rate of
Inmate Homicide Victims per 1,000 Cells

1967 - 1981			
Institution	Cell Capacity	Homicides	Rate per 1,000 Cells
<u>Maximum Security</u>			
Archambault	461	16	34.71
B.C. *	148	3	20.27
Dorchester	513	1	1.95
Kent **	201	2	9.95
Kingston ***	967	2	2.07
Laval	650	5	7.69
Millhaven	461	6	13.02
Regional Reception Centre (Ontario) ***	66	1	15.15
Saskatchewan	589	4	6.79
Stony Mountain	522	4	7.66
Regional Psychiatric Centre (B.C.)	120	1	8.33
Sub-Total	4,698	45	9.6

Table 8

(Continued)

Institution	Cell Capacity	Homicides	Rate Per 1,000 Cells
<u>Medium Security</u>			
Collins Bay	458	2	4.37
Drumheller	443	3	6.77
LaMacaza ****	167	1	5.99
Leclerc	556	1	1.80
Matsqui	396	4	10.10
William Head	155	1	6.45
Joyceville	490	1	2.04
Quebec Training Centre	403	1	2.48
Sub-Total	3,068	14	4.6
TOTAL	7,766	59	7.6

Correlation coefficient 0.272

* Closed December, 1975, opened April, 1979,
closed February, 1980.

** Opened August, 1979.

*** Kingston Penitentiary closed in 1972, re-opened 1973
as Regional Reception Centre, Ontario with 351 cells.

**** Opened August 30, 1977.

Table 9

Method of Inflicting Prison
Homicide by Type of Weapon

1967 - 1981

Method	Victim: Inmate	Victim: Staff	Total
Stabbing - Knife	19 (32.2)	2 (33.3)	21 (32.3)
- Other stabbing instrument	22 (37.3)	0 (-)	22 (33.8)
Shooting - Gun	0 (-)	2 (33.3)	2 (3.1)
- Other firearm	0 (-)	0 (-)	0
Beating - Blunt Object	10 (16.9)	2 (33.3)	12 (18.5)
- Fists	2 (3.4)	0 (-)	2 (3.1)
Strangulation	1 (1.7)	0 (-)	1 (1.5)
Fire	1 (1.7)	0 (-)	1 (1.5)
Drug overdose	0 (-)	0 (-)	0 (-)
Combination of Methods *	4 (6.8)	0 (-)	4 (6.2)
Total	59 (100.0)	6 (100.0)	65(100.0)

* Includes other stabbing instrument and blunt object
(2 cases) other stabbing instrument and beating
(1 case) and fire and blunt object (1 case).

Figures in parentheses are percentages.

Table 10
 Motive for Prison Homicide
 1967 - 1981

Motive	Victim: Inmate	Victim: Staff
Revenge	6 (10.2)	0
Informant	3 (5.1)	0
Drugs	6 (10.2)	0
Altercation	4 (6.8)	0
Sex	10 (16.9)	0
Bad Debts	2 (3.4)	0
Other	3 (5.1)	0
Unknown	25 (42.4)	4 (66.6)
Escape	0 (-)	2 (33.3)
Total *	59	6

Figures in parentheses are percentages.

Table 11
 Age of Victim at time of Prison Homicide
 1967 - 1981

Age	Victim: Inmate	Victim: Staff
16-20	4 (6.8)	
21-25	21 (35.6)	
26-30	10 (16.9)	(This information is not available from Security Services)
31-35	12 (20.3)	
36-40	3 (5.1)	
41-45	6 (10.2)	
46-50	0 (-)	
50-55	3 (5.1)	
Total	59	

Mean = 29.7

Standard Deviation = 8.678

Mode = 25

Table 12
Age Distribution of Inmate Population
1976 - 1981*

Age	1976	1977	1978	1979	1980	1981
Less than 20	580	535	548	514	457	435
20 - 24	2530	2667	2684	2568	2627	2676
25 - 29	2307	2398	2302	2302	2373	2423
30 - 34	1390	1584	1695	1656	1720	1687
35 - 49	1779	1862	1949	1950	1911	1936
50 +	450	436	437	465	457	468
Total	9036	9482	9615	9455	9545	9625

* As of 31 March each year.

Source: Ministry of the Solicitor General,
Operational Information Services,
Offender Information System on
December 17, 1981.

Table 13
 Ethnicity and Institution
 of Prison Homicide Victims

1967 - 1981

Ethnic Background

Institution	British Isles	French	Other European	Total
Archambault	2	13	1	16
B.C.	2	1	0	3
Collins Bay	0	1	1	2
Dorchester	1	0	0	1
Drumheller	1	0	2	3
Kent	1	0	1	2
LaMacaza	0	1	0	1
Laval	0	5	0	5
Leclerc	0	1	0	1
Matsqui	1	0	3	4
Millhaven	2	3	1	6
Ont.. Reg. Rec. Centre	1	0	0	1
Saskatchewan	1	0	3	4
Stony Mountain	1	1	2	4
William Head	0	0	1	1
Other	1	3	1	5
Total No.	14	29	16	59
%	23.7	49.2	27.1	100.0

Table 14

Age at First Conviction of Prison Homicide Inmate Victims
1967 - 1981

Age (in years)	No. of Victims	% of Victims
14 - 16	7	11.9
17 - 19	31	52.5
20 - 22	10	16.9
23 - 25	3	5.1
26 - 28	3	5.1
32 - 34	2	3.4
38 - 40	2	3.4
Unknown *	1	1.7
Total	59	100.0

* One victim's offence record was missing from the file.

Table 15

Length of Criminal Career of Prison Homicide Inmate Victims

1967 - 1981

Length of Criminal Career (in years)	No. of Victims	% of Victims
Less than 1 year	9	15.5
1 - 4	22	37.9
5 - 8	6	10.4
9 - 12	5	8.6
13 - 16	7	12.1
21 - 24	4	6.9
25 - 28	4	6.9
37	1	1.7
Total *	58	100.0

* One victim's offence record was missing from the file.

Table 16
Number of Convictions of Prison Homicide Inmate Victims
1967 - 1981

Number of Convictions	No. of Victims	% of Victims
Present convictions only	5	8.6
2 - 5	10	17.2
6 - 10	11	19.0
11 - 15	11	19.0
16 - 20	5	8.6
21 - 25	5	8.6
26 - 30	6	10.3
31 +	5	8.6
Total *	58	100.0

* One victim's offence record was missing from the file.

Table 17

Most Serious Offence of Prison Homicide Inmate Victims

1967 - 1981

Most Serious Offence	Number of Victims	% of Victims
<u>Violent</u>		
1st degree and cap. murder	1	1.7
2nd degree and non-cap. murder	7	12.1
Manslaughter	6	10.4
Homicide (undeterminable)	2	3.4
Attempted Murder	3	5.2
Armed Robbery	4	6.9
Other Robbery	2	3.4
Robbery (undeterminable)	1	1.7
Assault on a Police Officer	1	1.7
Assault Causing Bodily Harm	3	5.2
Rape	4	6.9
Other Sexual Offences	3	5.2
Sub-Total	37	63.8
<u>Property</u>		
Breaking and Entering	11	19.0
Theft	1	1.7
Fraud (false pretenses)	1	1.7
Sub-Total	13	22.4
<u>Drug</u>		
Possession	1	1.7
Trafficking	6	10.4
Importing	1	1.7
Sub-Total	8	13.8
Total *	58	100.0

* One victim's offence record was missing from the file.

Table 18

Offence for which Inmate Victim was Serving
a Sentence at the Time of Death

1967 - 1981

Offence for which Serving Sentence at Time of Death	Number of Victims	% of Victims
<u>Violent</u>		
1st degree and capital murder	2	3.4
2nd degree and non-capital murder	8	13.5
Manslaughter	5	8.5
Attempted Murder	4	6.8
Armed Robbery	4	6.8
Other Robbery	1	1.7
Robbery (undeterminable)	2	3.4
Assault on a Police Officer	1	1.7
Assault Causing Bodily Harm	2	3.4
Rape	2	3.4
Attempted Rape	1	1.7
Other Sexual Offences	3	5.0
Sub-Total	35	59.3
<u>Property</u>		
Breaking and Entering	4	6.8
Theft	3	5.0
B & E and Theft	5	8.5
Fraud (false pretenses)	1	1.7
Extortion	1	1.7
Sub-Total	14	23.7
<u>Drugs</u>		
Possession for purpose of trafficking	2	3.4
Trafficking	4	6.8
Importing	2	3.4
Sub-Total	8	13.6

Table 18

(Continued)

Offence for which Serving Sentence at Time of Death	Number of Victims	% of Victims
<u>Other</u>		
Dangerous use of a firearm	1	1.7
Driving while impaired	1	1.7
Sub-Total	2	3.4
Total	59	100.0

Table 19

Length of Sentence for Present Conviction
of Prison Homicide Inmate Victims

1967 - 1981

Length of Sentence (to nearest year)	No. of Victims	% of Victims
1 - 2	9	15.3
3 - 4	12	20.3
5 - 6	10	16.9
7 - 8	3	5.1
9 - 10	6	10.2
11 - 12	2	3.4
13 - 14	1	1.7
15 - 16	3	5.1
24	1	1.7
Life	12	20.3
Total	59	100.0

Table 20

Length of Time Served in
Institution Before Being Murdered

1967 - 1981

Length of Time	No. of Victims	% of Victims *
Less than 1 month	7	12.1
1 to 4 months	16	27.6
5 to 8 months	5	8.6
8 to 11 months	2	3.4
1 to 3 years	20	34.5
4 to 6 years	6	10.3
7 to 9 years	2	3.4
Total **	58	100.0

* Percentages may not add to 100 due to rounding.

** Length of time served prior to murder was unknown in one case.

Table 21
 Number of Assailants and Location of Prison Homicide
 1967 - 1981

No. of Assailants	Cell	Common Room	Other	Total	Percent
1	9	3	11	23	39.0
2	6	1	4	11	11.0
3	4	1	1	6	10.2
5	0	0	1	1	1.7
6	1	0	0	1	1.7
8	0	0	1	1	1.7
13	0	0	2	2	3.4
Unknown	9	2	3	14	23.7
Total	29	7	23	59	100.0
%	49.2	11.9	39.0	100.0	

Table 22
 Number of Assailants and Type of Murder Method
 Used in Murder of Prison Homicide Victims

1967 - 1981

Murder Method	Number of Suspects					Total	%
	1	2	3	5+	Unknown		
Stabbing	16	8	4	1	12	41	69.5
Beating	6	2	1	3	0	12	20.3
Strangulation	1	0	0	0	0	1	1.7
Fire	0	0	1	0	0	1	1.7
Combination	0	1	0	1	2	4	6.8
Total No.	23	11	6	5	14	59	100.0
%	39.0	18.6	10.2	8.5	23.7	100	

Table 23
Age of Offender at Time of Prison Homicide
1967 - 1981

Age	Number	Percentage
16 - 20	10	20.8
21 - 25	19	39.6
26 - 30	12	25.0
31 - 35	6	12.5
36 - 40	1	2.1
Total	48	100.0

Table 24
Ethnicity of Prison Homicide Offenders
1967 - 1981

Ethnicity	Number	Percentage
British Isles	19	39.6
France	17	35.4
North American Indian	4	8.3
Other European	3	6.3
Other	5	10.4
Total	48	100.0

Table 25

Age at First Conviction of Prison
Homicide Offenders

1967 - 1981

Age (in years)	Number	Percentage
14 - 16	16	33.3
17 - 19	25	52.1
20 - 22	5	10.4
23 - 25	2	4.2
Total	48	100.0

Table 26
Length of Criminal Career of Prison
Homicide Offenders

1967 - 1981

Length of Criminal Career (in years)	Number	Percentage
Less than 1 year	0	(-)
1 - 4	15	31.2
5 - 8	19	39.6
9 - 12	7	14.6
13 - 16	3	6.2
17 - 20	2	4.2
21 - 24	2	4.2
Total	48	100.0

Table 27
 Number of Convictions* of Prison
 Homicide Offenders
 1967 - 1981

Number of Previous Convictions	Number	Percentage
Present conviction only	1	2.1
2 - 5	5	10.4
6 - 10	11	23.0
11 - 15	6	12.5
16 - 20	13	27.1
21 - 25	6	12.5
26 - 30	3	6.2
31 +	3	6.2
Total	48	100.0

* Excluding the prison homicide.

Table 28
Most Serious Offence of Prison
Homicide Offenders

1967 - 1981

Most Serious Offence	Number	Percentage
<u>Violent</u>		
1st degree and capital murder	0	0
2nd degree and non-capital murder	6	12.5
Manslaughter	3	6.2
Homicide (undeterminable)	2	4.2
Attempted Murder	1	2.1
Armed Robbery	10	20.8
Robbery (undeterminable)	10	20.8
Forcible Confinement	1	2.1
Assault on a Police Officer	1	2.1
Assault Causing Bodily Harm	1	2.1
Rape	1	2.1
Wounding	1	2.1
Sub-Total	37	77.1
<u>Property</u>		
Possession of Stolen Property	2	4.2
Breaking and Entering	2	4.2
B & E and Theft	3	6.2
Fraud (false pretense)	0	0
Sub-Total	7	14.6
<u>Drugs</u>		
Trafficking in a controlled drug or narcotic	2	4.2
Sub-Total	2	4.2
<u>Other</u>		
Escaping Lawful Custody	2	4.2
Sub-Total	2	4.2
Total	48	100.0

Table 29

Offence for which Offender was Serving a Sentence
at the Time of the Prison Homicide

1967 - 1981

Offence	Number	Percentage
Violent	34	70.8
Property	10	20.8
Drugs	2	4.2
Other	2	4.2
Total	48	100.0

Table 30
Length of Sentence for Present Conviction of
Prison Homicide Offenders

1967 - 1981

Present Offence	Total	Length of Sentence (years)										Life
		1	2	3	4	5	7	8	10	15	25	
Violent	34	0	4	2	2	5	2	4	3	1	1	10
Property	10	1	3	4	2	0	0	0	0	0	0	0
Drugs	2	0	0	1	1	0	0	0	0	0	0	0
Other	2	0	0	1	1	0	0	0	0	0	0	0
Total	48	1	7	8	6	5	2	4	3	1	1	10

Table 31
Length of Time Served in Institution Before
the Prison Homicide Offence

1967 - 1981

Time Served	Number	Percentage
Days 1-29	1	2.1
Months 1-3	9	18.7
4-6	8	16.7
7-9	4	8.3
Years 1-2	19	39.6
3-4	5	10.4
5-6	1	2.1
7	1	2.1
Total	48	100.0

Table 32
Length of Time Between Homicide and Conviction
1967 - 1981

Months	Convictions	Percentage
2	2	4.2
3	5	10.4
4	3	6.2
5	4	8.3
6	1	2.1
7	13	27.1
8	3	6.2
9	1	2.1
12	8	16.7
13	1	2.1
15	4	8.3
16	1	2.1
18	2	4.2
Total	48	100.0

Table 33

Conviction for Prison Homicide by Length of Sentence

1967 - 1981

Conviction	Sentence Length in Years to Life														Total
	2	3	4	5	6	7	8	10	11	12	15	18	20	Life	
Capital Murder & First Degree														4	4 (8.3)
Non-Capital Murder & Second Degree														18	18 (37.5)
Manslaughter	2	4	2	2	3	1	1	1	3	1	1	1	1		24 (50.0)
Conspiracy to Commit Murder															1 (2.1)
Assault Causing Bodily Harm															1 (2.1)
Total	3	4	2	3	3	1	1	2	3	1	1	1	1	22	48 (100.0)

Table 34

Inmate Murders in All Penitentiaries and in
Archambault by Year of Occurrence

1967 - 1981

Year	Murders	Five Year Moving Average	No. of Murders in Archambault*
1967	1	1.0	0
1968	0	0.5	0
1969	0	0.3	0
1970	1	0.5	0
1971	5	1.4	1
1972	1	1.4	1
1973	2	1.8	0
1974	3	2.4	0
1975	3	2.8	0
1976	4	2.6	0
1977	7	3.8	5
1978	5	4.4	1
1979	11	6.0	6
1980	8	7.0	2
1981	8	7.8	0
Total	59		16

* Archambault opened in October 1969.

As of July 27, 1982 three inmates have been murdered,
none in Archambault.

APPENDIX A

DESCRIPTION OF SUSPECT/VICTIM1-2 CASE NO. _____3 SUSPECT _____ VICTIM _____
(1) (2)4-9

Day	Month	Year
Date of Birth		

10-16 _____

F.P.S NUMBER

17-18 Age _____19 Sex _____
(M=1) (F=2)

Suspect _____	of _____
#	#
Victim _____	of _____
#	#

20SUSPECT _____
status21VICTIMS _____
status
 Status: Inmate = 1
 Prison Off. = 2
 Unknown = 3

22-23 Ethnic or Racial Origin: (01) British Isles _____ (06) Métis _____
 (02) French _____ (07) Eskimo _____
 (03) Other European _____ (08) Asiatic _____
 (04) N.A. Indian _____ (09) Negro _____
 (05) Other _____ (10) Not stated _____

24-29 Time served in present institution _____
 To the nearest day/month/or year Days Months Years

30 Language: English _____ French _____ Both _____ Neither _____
 (1) (2) (3) (4)

<u>31</u>	Previous Conviction (1) Yes _____ (2) No _____	<u>32</u> First Penitentiary term: Yes (1) _____ No (2) _____
<u>33-34</u>	Total Number of Convictions _____ incl. last conviction	
<u>35-36</u>	Number of Property Offences _____	
<u>37-38</u>	Number of Violent Offences _____	<u>43-45</u> Most serious offence: _____
<u>39-40</u>	Number of Drug Offences _____	(Code) _____
<u>41-42</u>	Number of Other Offences _____	<u>46-47</u> Sentence _____
		(years) (Life=99)

<u>48-53</u>	Date of last conviction _____ Day Month Year	<u>60-61</u> Length of Criminal Career _____ years
<u>54-59</u>	First conviction _____ Day Month Year	(Less than 1=1)

62 Present Conviction: (1) Property _____
 (2) Violent _____
 (3) Drugs _____
 (4) Other _____

63-64 Length of Sentence (present conviction) _____ years (life = 99)

DESCRIPTION OF INCIDENT

65-74 Time of Incident: Year _____ 75 Day of the Week _____
 Month _____ (Sun.=1 - Sat.=7)
 Day _____
 Hour _____

76 Location of Incident: (1) cell _____
(2) workshop _____
(3) common room _____
(4) other _____

77-78 Type of weapon: (01) Knife _____
(02) other stabbing instrument _____
(03) gun _____
(04) other firearm _____
(05) blunt object _____
other method: (06) strangulation _____
(07) fire _____
(08) drug overdose _____
(09) beating _____
(10) other _____

<u>79-84</u>	<u>Security Class.</u>	<u>Institution</u>	<u>Code</u>	<u>Capacity</u>
—	<u>1</u>	Archambault	(01)	461
—	<u>1</u>	B.C. Pen	(02)	148
—	<u>2</u>	Collins Bay	(03)	458
—	<u>1</u>	Dorchester	(04)	513
—	<u>2</u>	Drumheller	(05)	443
—	<u>1</u>	Kent	(06)	201
—	<u>2</u>	LaMacaza	(07)	167
—	<u>1</u>	Laval	(08)	650
—	<u>2</u>	Leclerc	(09)	556
—	<u>2</u>	Matsqui	(10)	396
—	<u>1</u>	Millhaven	(11)	461
—	<u>1</u>	Reg. Psych. Centre	(12)	112
—	<u>1</u>		(13)	Kingston 140
—	<u>1</u>	Reg. Rec. C.	(14)	Laval 340
—	<u>1</u>		(15)	Ontario 66
—	<u>1</u>		(16)	Pacific 188
—	<u>1</u>	Saskatchewan	(17)	Quebec 589
—	<u>1</u>	Stony Mountain	(18)	522
—	<u>2</u>	William Head	(19)	150
—	—	Other	(20)	

max.=1
med.=2
min.
or
ccc =3

85 Possible motive: (1) escape _____ (2) sex _____ (3) drugs _____
(4) bad debts _____ (5) altercation _____ (6) informant _____
(7) revenge _____ (8) other _____ (9) unknown _____

86 Suspect(s) Charges: (1) Yes _____ (2) No _____ (3) N/A _____

87 Sent to Trial: (1) Yes _____ (2) No _____ (3) N/A

88 Outcome: (1) Convicted _____ (2) Dismissed _____ (3) Acquitted _____
(4) Other _____ (5) Not known _____

89-90 Number of Suspects: (unknown = 99)

91-92' Number of victims: .

93 Type of Incident:

1 = Single	victim/single suspect
2 = Single	victim/multiple suspects
3 = Multiple	victims/single suspect
4 = Multiple	victims/multiple suspects
5 = Single	victim/unknown suspect

NARRATIVE:

[illegible]

APPENDIX B

OFFENCE LISTING

I. CRIMINAL CODE

CODE

1. HOMICIDE

- | | |
|--|-----|
| 1) First Degree Murder and Capital Murder | 011 |
| 2) Second Degree Murder and Non-capital Murder | 012 |
| 3) Manslaughter | 013 |
| 4) Infanticide | 014 |
| Accomplice to murder and Undeterminable category | 019 |

2. ATTEMPTED MURDER 020

3. SEXUAL OFFENCES (& ATTEMPTS)

- | | |
|-------------------------------|-----|
| 1) Rape | 031 |
| 2) Indecent Assault on Female | 032 |
| 3) Indecent Assault on Male | 033 |
| 4) Other Sexual Offences | 034 |
| Undeterminable category | 039 |

Violent
Offences

4. ASSAULTS (& ATTEMPTS) (not indecent)

- | | |
|-----------------------------------|-----|
| 1) Wounding | 041 |
| 2) Causing Bodily Harm | 042 |
| 3) To a Police Officer | 043 |
| 4) To Other Peace-Public Officers | 044 |
| 5) Other Assaults | 045 |
| Undeterminable category | 049 |

5. ROBBERY (& ATTEMPTS)

- | | |
|---------------------------------------|-----|
| 1) With Use of Firearm | 051 |
| 2) With Use of Other Offensive Weapon | 052 |
| 3) Other Robbery | 053 |
| Undeterminable category | 059 |

6.	BREAKING AND ENTERING (& ATTEMPTS)		
1)	Of Residence	061	
2)	Other Break and Enter	062	
	Undeterminable category	069	
7.	MOTOR VEHICLE THEFT (& ATTEMPTS)		
1)	Theft of Automobile	071	
2)	Theft of Truck	072	
3)	Theft of Motorcycle	073	
4)	Other Motor Vehicle	074	
	Undeterminable category	079	
8.	THEFT (& ATTEMPTS)		
1)	Theft from Motor Vehicle	081	
2)	Shoplifting	082	Property
3)	Other Thefts	083	Offences
	Undeterminable category	089	
9.	POSSESSION OF STOLEN GOODS	090	
10.	FRAUDS (& ATTEMPTS)		
1)	Forgery and Uttering	101	
2)	Offences Relating to Currency	102	
3)	False Pretences	103	
4)	Other Frauds	104	
	Undeterminable category	109	
11.	PROSTITUTION (& ATTEMPTS)		
1)	In Relation to Bawdy House	111	
2)	Procuring	112	
3)	Other Prostitution (including solicitation)	113	
	Undeterminable category	119	
12.	GAMING AND BETTING	120	Other
13.	OFFENSIVE WEAPONS		Criminal
1)	Explosives	131	Code
2)	Prohibited Weapons	132	
3)	Restricted Weapons	133	
4)	Other Offensive Weapons	134	
	Undeterminable category	139	

CRIMINAL CODE (Continued)CODE

14. TRAFFIC

- | | |
|---|-----|
| 1) Criminal Negligence Causing Death ----- | 141 |
| 2) Criminal Negligence Causing Bodily Harm ----- | 142 |
| 3) Criminal Negligence in Operation
of a Motor Vehicle ----- | 143 |
| 4) Fail to Stop or Remain at the Scene
of an Accident ----- | 144 |
| 5) Dangerous Driving ----- | 145 |
| 6) Driving and Alcohol ----- | 146 |
| 7) Driving While Disqualified or While License
License Suspended/Cancelled ----- | 147 |

Other
Criminal
Code
(Cont'd)

15. OTHER CRIMINAL CODE (& ATTEMPTS)

- | | |
|---|-----|
| 1) Arson ----- | 151 |
| 2) Bail Violations ----- | 152 |
| 3) Disturbing the Peace ----- | 153 |
| 4) Escaping Custody/Unlawfully at Large ----- | 154 |
| 5) Kidnapping ----- | 155 |
| 6) Public Morals ----- | 156 |
| 7) Obstruct Public/Peace Officer ----- | 157 |
| 8) Wilful Damage, Private and Public Property ----- | 158 |
| 9) Other Criminal Code Offences Not Previously
Listed [all others] ----- | 159 |
- Conspiracy - Possession of a particular kind
of tool, vagrancy, bribery, etc.

II. FEDERAL STATUTES

16. BANKRUPTCY ACT	160	
17. CANADA SHIPPING ACT	170	
18. CUSTOMS ACT	180	
19. EXCISE TAX	190	
20. IMMIGRATION ACT	200	
21. JUVENILE DELINQUENTS ACT	210	
22. RCMP ACT	220	
23. DND ACT	230	Other (Cont'd)
24. TRAFFIC		
1) Parking	241	
2) Other	242	
25. FOOD AND DRUG ACT		
1) Controlled Drugs - trafficking (see schedule G)	251	
2) Restricted Drugs - possession (see schedule H)	252	
3) Restricted Drugs - trafficking (see schedule H)	253	
Undeterminable category	259	Drugs
26. NCA - HEROIN/COCAINE/CANNABIS/OTHER		
1) Possession	261	
2) Trafficking and Possession for the purpose of Trafficking	262	
3) Importation	263	
27. OTHER FEDERAL STATUTES NOT PREVIOUSLY LISTED	300	
II. PROVINCIAL STATUTES	400	
V. MUNICIPAL BY-LAWS	500	
V. FOREIGN OFFENCES	600	

APPENDIX C

DESCRIPTION OF OFFENDER

1 - 2 CASE NO. _____3 SUSPECT 14-9

Day	Month	Year
Date of Birth		

10-16

F.P.S. NUMBER _____

17-18 Age _____19 Sex _____
(M=1) (F=2)Suspect _____ of _____
#20 SUSPECT _____
Status _____

Status: Inmate	= 1
Prison Off.	= 2
Unknown	= 3

21 VICTIM _____
Status _____22-23 Ethnic or Racial Origin:

(01) British Isles	_____	(06) Métis	_____
(02) French	_____	(07) Eskimo	_____
(03) Other European	_____	(08) Asiatic	_____
(04) N.A. Indian	_____	(09) Negro	_____
(05) Other	_____	(10) Not Stated	_____

24 Language: English _____ French _____ Both _____ Neither _____
(1) (2) (3) (4)25-30 At time of Prison Murder:

Time served in present
institution - To the nearest
day/month/or year

Days _____ Months _____ Years _____

31 First Penitentiary Term (1) Yes _____ (2) No _____

PRIOR TO PRISON MURDER:

<u>32-33</u>	Total Number of Convictions	<u>42-44</u> Most Serious offence: <u>45-46</u> Sentence (years) (Life=99)		
<u>34-35</u>	Number of Property Offences			
<u>36-37</u>	Number of Violent Offences			
<u>38-39</u>	Number of Drug Offences			
<u>40-41</u>	Number of Other Offences			
<u>47-52</u>	Date of last conviction	Day	Month	Year
<u>53-58</u>	First conviction	Day	Month	Year
<u>59-60</u>	Length of Criminal Career: _____ (less than one year = 01) (years)			

		TYPE	OFFENCE CODE
<u>61-64</u>	Present Conviction: (1) Property	_____	_____
	At time of (2) Violent	_____	_____
	Prison Murder (3) Drugs	_____	_____
	(4) Other	_____	_____

65-66 Length of Sentence (at time of prison murder) _____ (years, life = 99)

<u>67</u>	Suspect(s) Charged: (1) Yes _____ (2) No _____ (3) Unknown _____
<u>68</u>	Sent to Trial: (1) Yes _____ (2) No _____ (3) Unknown _____
<u>69</u>	Outcome: (1) Convicted _____ (2) Not guilty by reason of insanity _____ (3) Case still before the court or to be sent to court _____ (4) Other _____

AS A RESULT OF PRISON MURDER:

<u>70-72</u>	Convicted of:	_____	(Offence)	_____	(Code)
<u>73-74</u>	Sentence	_____	(Life = 99)		
		(year)			
<u>75-80</u>	Date of Sentence	_____	Day	_____	Month
				_____	Year
<u>81-86</u>	Time between offence and sentence				
	to the nearest day/month/or year		Day	_____	Month
				_____	Year

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SUMMARY

Not only is the penitentiary population increasing, but the proportion of inmates admitted for violent offences has increased. With the 1976 legislation requiring minimum 10 year sentences for second degree murderers and minimum 25 year sentences for first degree murderers, a higher proportion of the inmate population will be serving longer sentences. This is coupled with a slight trend toward a decrease in the parole release rate over the last decade, increasing the proportion of inmates who will be serving long sentences. This situation adds up to a more violent, long-term inmate population which has less hope for early release, which in turn has every indication of leading to increases in violent incidents in penitentiary.

The purpose of this research is to explore the phenomenon of homicide in Canadian penitentiaries in the years 1967 through 1981, with a view to answering basic questions as to what types of inmates are committing homicide in penitentiary and what types of inmates are

being killed, what are the situational characteristics of the event and what are the motives for such acts of violence. Once these answers are obtained, suggestions are made as to some countermeasures that might be taken to prevent homicides in penitentiaries.

Chapter I reviews other research findings on the topic. There is a striking lack of concrete statistics on the subject. Theories as to why murders occur in penitentiary include the subculture of violence theory and the belief that abolition of the death penalty has led to housing more inmates together who have already demonstrated a willingness and an ability to take human life.

Two data collection instruments were designed and used to record information on inmate victims and assailants in prison homicide and details of the event. Results of subsequent trials were also obtained. This information was obtained from inmate files and security inquiries held by Correctional Services, Ministry of the Solicitor General, Ottawa.

The findings are presented in 34 tables and discussed in Chapter III. Age and previous criminal history are found to be strongly associated with inmate murders - for both the offender and the victim. The location of the homicide is most often the victim's cell. ~~The~~ weapon is most often a home-made knife (shiv). Detection is rare, resulting in a low conviction rate. Maximum security institutions, particularly Archambault, have higher incidence rates.

Chapter IV concludes that the prison homicide is an unpredictable event, making anticipation and prevention very difficult. Some suggestions are made to improve detection and prevent violence from escalating to the point of murder.