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**Workshop on  
Collecting Race and Ethnicity Statistics  
in the Criminal Justice System**



**Centre of Criminology  
University of Toronto**

**1991**

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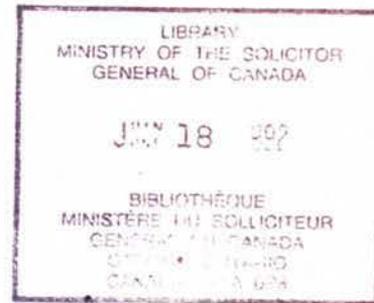
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Centre of Criminology  
University of Toronto  
16 October 1991

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November 1991

for the Ministry of the Solicitor General, Canada  
as part of the Centre of Criminology's responsibilities under the  
Contributions Programme of that Ministry\*

with financial support from the Department of Justice, Canada

\* The views expressed or implied in this report do not necessarily reflect the views of the Ministry of the Solicitor General, Canada, or any other government department or ministry.

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University of Toronto  
Toronto, Canada  
Printed in Canada

ISBN 0-919584-69-1

### **Canadian Cataloguing in Publication Data**

Workshop on Collecting Race and Ethnicity Statistics in the  
Criminal Justice System (1991 : University of Toronto)

Workshop on Collecting Race and Ethnicity Statistics  
in the Criminal Justice System, Centre of Criminology,  
University of Toronto, 16 October 1991

ISBN 0-919584-69-1

1. Discrimination in criminal justice administration - Canada -  
Statistical methods - Congresses. 2. Criminal justice,  
Administration of - Canada - Statistical methods - Congresses.  
3. Race discrimination - Canada - Statistical methods - Congresses.  
4. Canada - Race relations - Statistical methods - Congresses.  
I. Doob, Anthony N. II. University of Toronto. Centre of Criminology.

HV9960.C2W67 1991 364.3'4'0072071 C92-093152-9

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## Preface

This is a report of a workshop organized by the Centre of Criminology, University of Toronto, in conjunction with the annual contribution made to the Centre by the Ministry of the Solicitor General, Canada<sup>1</sup>. The Centre of Criminology invited approximately a dozen members of the academic community -- largely criminological researchers -- from across Canada to the workshop. The Ministry was responsible for inviting government policy people. About twenty people from a variety of government departments attended. The workshop took place at the University of Toronto on 16 October 1991. A full list of participants is contained as an appendix to this report.

The purpose of the workshop was to discuss the general topic of "Collecting race and ethnicity statistics in the criminal justice system." Participants were told that the purpose was "to identify and discuss the issues that should be considered in dealing with this topic." The academic participants were each expected to make a few brief comments in the beginning of the proceedings to outline the issues that each saw as important. The rest of the day was spent discussing a limited number of specific questions that seemed to warrant more discussion. All participants were told that there was no expectation that a consensus would be arrived at by the end of the day. Rather it was hoped that the issues that the group thought should be considered would be fully discussed.

This report represents an attempt to organize the various points made throughout the day into a somewhat coherent whole. In addition, I have included in this report points that were made by various participants after the conference was over. It does not purport to be a "proceedings" of the day's discussion. I felt it was more important to try to include as many ideas and perspectives as possible rather than stick strictly to the formal contents of each person's comments. Where it appeared to me that there was consensus on a point among the academic participants, I will sometimes indicate this. Such indications of consensus should be interpreted with caution, however. For one thing, there was no attempt to make the selection of academics at the workshop be "representative" of anything. Second, no attempt was made to determine the views of the group as a whole on every issue. It must also be kept in mind that the interests of the academic/research community are only one set of interests that have to be considered in this debate. There are other considerations that are likely to be important. The views and concerns of the various interested groups have to be considered.

It should be remembered that only a small amount of information is collected about suspects, accused persons, and victims in the criminal justice system. In view of this, some might wish to question whether there is other information apart from race/ethnicity that is more important

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1. The Centre of Criminology wishes to thank all of the participants and the Ministry of the Solicitor General, Canada, for their help in making this workshop possible. In addition, we would like to thank Ms. Cathy Gainer for her enthusiastic and efficient support of this workshop. The views expressed in this report do not necessarily reflect the views of any government department, nor, of course, do they necessarily reflect the views of the preparer of the report. If you wish to cite the document, it should be made clear that the views expressed are those of one or more conference participants. One formula for citation might be to say something like "At a recent workshop, the view was expressed that...."

to collect. This latter topic was not dealt with at the present workshop. The group addressed only the case of the collection of information about race and ethnicity.

I have used the term "race-crime statistics" as a proxy for a longer and more awkward term -- "criminal justice statistics concerning the race and/or ethnicity of those committing crime and/or being processed by the criminal justice system." At times, it will be clear I am referring to only one part of the larger issue. Generally one can substitute the word "ethnicity" for "race" in the discussion that follows.

This report, and the workshop on which it is based, is not meant to be the "final word" on this topic. It is meant to be -- and it should only be interpreted as being -- a report of ideas of those who attended the workshop. *Nothing* in this report should be seen as a formal statement of the views of the participants.

Though the criminological research community may have been well represented at this meeting, specialists in the disciplines which deal with matters of race relations were not as well represented. It was suggested that those responsible for developing policy in this area should, consult with this community as well.<sup>1</sup> The issues surrounding race and ethnic relations encompass a vast body of scholarship and knowledge. Hence there exists an academic and bureaucratic resource which should be included in discussions of policies on matters such as these.

I hope -- as I believe the workshop participants hoped -- that the report will help those interested in the issue of "race-crime statistics" think about the issue. If it succeeds in doing that, the workshop will have been a success.

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1. Professor Frances Henry, a participant in this workshop, suggested that some of the people who might be able to assist policy makers in this area would include the following: Dr. Charles Ungerleider, Faculty of Education, UBC; Dr. Peter Li, Sociology, University of Saskatchewan; Dr. Norman Buchnigani, Anthropology, University of Lethbridge; Dr. Leo Driedger, Sociology, University of Manitoba; Dr. Jeffrey Reitz, Sociology, University of Toronto; Dr. A. H. Richmond, Sociology, York; Dr. Lawrence Lam, Sociology, York; Dr. John Berry, Psychology, Queen's; Dr. Subchas Ramcharan, Sociology, Windsor; Dr. Pierre Ancil, Anthropology, McGill; Dr. Fred Wien, Social Work, Dalhousie.

## Summary <sup>1</sup>

--"Race-crime statistics" in the criminal justice system need to be collected in order to understand whether the criminal justice system is treating people of different "racial" or "ethnic" groups fairly. Collecting "race-crime statistics" throughout the criminal justice process can be justified because it will further the goal of equality of treatment in the criminal justice system. There are, therefore, strong non-racist reasons to collect "race-crime statistics" at various stages of the criminal justice system. The concerns listed below, and the difficulties involved in the collection and interpretation of the data should be understood within the overall context of the legitimate usefulness of such information.

--"Race-crime statistics" can be useful in uncovering discrimination in the treatment of people within the criminal justice system. They can be helpful in determining what kinds of programs (or personnel) would be most useful within the correctional system or in other areas of the process. They can even be used to identify groups who -- for one reason or another including the possibility of their higher level of offending -- are most likely to be coming into the criminal justice system. Such information may be useful in considering other alternative methods of dealing with disorder outside of the criminal justice process. Exactly what form the collection of "race-crime statistics" should take, however, depends on how the data are going to be used.

--On the other hand, for the most part "race-crime statistics" collected by the police cannot and should not generally be used as indicators of the level of involvement in crime of various groups. For reasons made quite clear in the body of this report, they are not useful for this purpose. Other data, collected in other ways, are much more likely to be useful for understanding the involvement of various groups in crime.

--More generally, using police/UCR (Uniform Crime Reporting Survey) data to describe "crime" is, in most circumstances, naive and deceptive. These data are useful for many purposes but not generally for describing crime in the community. Hence, looking at police/UCR data to find out about "crime committed by different groups in society" is very likely to be seriously misleading. Aside from anything else, the "missing data problem" (large numbers of crimes not being reported to the police and large numbers of those reported not being "cleared"), makes the data on "accused persons" virtually uninterpretable for the purpose of finding out what "race" committed "crimes." There are too many "offenders" who never become "accused persons" to allow one to generalize from "accused persons" to "offenders."

--The decisions involved in collecting "race-crime statistics" at any stage of the criminal justice process are not simple. Those who have a professional/academic interest in matters related to race relations also have expertise and views that need to be considered. Also, the views and interests of the affected groups themselves obviously must be listened to and taken into account.

--It is unfortunate that the political discussion of "race-crime statistics" has sometimes

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1. In the full report, I have tried to capture, and to some extent organize, the main points that were made on the issue of "race-crime statistics." In this section, drawing from the report as a whole, I will list what appear to me to be as the main issues to be considered and/or addressed in drawing policy conclusions. Clearly I am summarizing what is already a summary of a day long discussion. This summary should be interpreted with that in mind.

deteriorated into a debate that cannot be separated from the underlying racist attitudes of some of those most vocal on the issue. In the 1991 municipal elections in Toronto, support for the collection of "race-crime statistics" at the police level "to find out about crime" seemed to be a socially acceptable proxy for attracting votes from those who hold the view that people of races other than white are largely responsible for violence in Canada. It is ironic, therefore, that those in the academic community most in favour of collecting "race-crime statistics" want to do so in order to determine whether already disadvantaged race or ethnically defined groups are being further disadvantaged by the criminal justice system. The past and potential misuse of such statistics by some people in some parts of the country should not be used as an excuse for not collecting the relevant data in the country as a whole.

--In understanding the issues surrounding decisions concerning "race-crime statistics," the public generally has been very poorly served by most mass media organizations and many politicians.

--The issue should not be thought of as "all or none." There are multiple purposes to which such data could be put; and there are a large number of different statistics that find themselves under the umbrella of "race-crime statistics." Indeed, it is unfortunate that the focus has been on probably the most problematic use of these statistics: the use of police occurrence statistics to describe crime.

--For many or most purposes, it would be dramatically more useful to have data collected at a number of stages of the criminal justice system than just one. However, it is equally important that comparable (or the same) definitions be used at all data collection points. Statistics on race/ethnicity on police reports of crime will be of little use, and will potentially be subject to misinterpretation and misleading conclusions, unless we have data on race/ethnicity at other stages of the criminal justice system. Clearly such data must be collected using comparable definitions. One cannot talk about proportions of different groups having certain actions imposed on them unless the numerator and denominator of the fractions are based on the same definitions. Similarly, having data on the race/ethnicity of those arrested in the absence of other social characteristics (size and age structure of the population, income, education, labour force participation, etc.) will make it impossible to interpret the police data on their own.

--The argument that the usefulness of "race-crime statistics" goes up dramatically as such data are collected at various stages of the process should not be used to suggest that we must begin by collecting the data at all stages or none at all. If data were collected at the level of police charges, then an independent study could examine whether people of different racial/ethnic origins were being treated equivalently at later stages of the system. One has to start somewhere. The fact that a "second step" might be difficult does not mean that the "first step" should not be taken.

--Part of the reason that "comparable" definitions at all stages of the criminal justice process, and in the collection of other social statistics, are important is that they allow one to think in terms of "rates." For "rates" (e.g., of imprisonment) to be meaningful, one needs to have similar definitions. For example, we often talk about the "over-representation of aboriginal people in prison." It would be more helpful in understanding the figures on this if all definitions of who is an "aboriginal person" were the same.

--If data are to be collected, data collection is not going to be easy. There are a number of points that need to be considered. First of all, there may be systematic bias in the assessment

or race/ethnicity. Second, there may be high levels of unreliability (or random error) if data are collected from the perspective of the decision maker in the system. Third, if data are to come from victims or offenders, there may be reluctance to disclose data or purposive misattribution of crime from one group to another. Data from criminal justice personnel may necessitate "training." Though training may be necessary, it may not be sufficient to achieve reasonable data.

--Since the collecting of "race-crime statistics" puts certain vulnerable groups at risk of negative treatment by dominant Canadian society, it is important to show that there will be some benefit to these groups (and presumably to society in general) that could flow from the collection, etc., of the data.

--To the extent that the cliché "knowledge is power" is correct, it is important that if such data are collected, serious attempts should be made to ensure that the data are broadly available. The idea of limiting access to the data to certain groups is likely, in the end, to be a policy that favours powerful individuals and groups. Indeed in an era of electronic communications and cheap photocopying, there is no such thing as a "confidential" document. Highly controlled data such as these are likely to be released selectively by those motivated to make them public. One might as well face reality and give everyone an equal opportunity to give their own interpretation to the figures.

### **What is the origin of the concern about race-crime statistics in the criminal justice system?**

--The decision by the Canadian Centre for Justice Statistics (CCJS) to include race information on suspects/accused persons as reported in the July 1990 *Juristat* made a number of people aware of the fact that an attempt was being made to collect "race" data. A full description of this history is given in an appendix to this report as is the specification of the variable in the survey instrument.

--A number of participants noted that the collection of information about race and ethnicity is mandated by a number of federal and provincial acts (e.g., employment equity laws as well as some legislation involving multi-cultural groups). Hence this is a matter that is part of the public agenda in various non-criminal justice areas and perhaps we can gain from the experience that others have had.

--One commentator noted that about twenty years ago, statistics on native persons in the criminal justice system were quite easily available in at least one province. More recently, however, when plans were being made to collect victimization data as part of the General Social Survey, race data were not collected. The effect of the shift away from collecting data that can easily be misused may be unfortunate. Problems that members of groups like aboriginal people have with the criminal justice system cannot adequately be understood. Having access to information about "race" or "ethnicity" can be helpful. Projections of the numbers of aboriginal people in prison, for example, may be helpful in looking for ways of keeping aboriginal persons out of prison.

--In the 1991 City of Toronto municipal elections (and the few months prior to it) "race-crime statistics" has been a political issue. Also in Toronto, during the summer of 1991 public assertions were made by a police officer -- based on his own personal assessment of crime -- that certain kinds of crimes in the Asian community were disproportionately committed by people of a particular national origin. He suggested that the solution, in large part, lay in the changing of immigration policy.

--Some participants noted that outside of central Canada, the issue of "race-crime statistics" is most likely to be thought of in terms of identifying aboriginal people.

--It was noted that in the past the issue of race and crime often involved a comparison between such groups as the Irish and those of English or German origins. Blaming newer immigrant groups for crime is not a new phenomenon. At the turn of this century in Toronto,

the official policy of the city government and the police was one of intolerance toward vice and immorality....

Behind the Progressives' preoccupation with moral order lay fears of degeneration -- in particular the corruption of white, Anglo-Protestants. Thus, when newspaper headlines of the 1910s referred to "White Slavery", or the supposed international sexual trade, what followed were racist stories of innocent white women lured away by Asians, Jews and Italians -- each group a new element of Toronto's ethnic mix in that era. Like the Irish before them, they were tagged as the source of Toronto's apparent moral decline.

An extensive 1915 investigation into Toronto's alleged "white slave" trade produced

evidence neither of the practice nor the involvement of "foreigners".<sup>1</sup>

--Toronto was not the only place to have a history of blaming immigrant groups for its crime. Another example was cited in a recent Toronto *Star* article<sup>2</sup>:

Linking vulnerable groups to crime is not something invented by our own political heavyweights. There is a long tradition of this. In New York City during the first few decades of this century, crime was attributed to the politically and socially vulnerable Jewish community. In 1908, for example, New York's police commissioner, armed with impressive looking statistics, estimated that half of all New York criminals were Jews and asserted that 85% of the city's criminals were foreign born, or as he put it "of exotic origin." He suggested that "The Russian Hebrews... are burglars, firebugs, pickpockets and highway robbers -- when they have the courage, but... pocket picking is the one to which they seem to take most naturally." The fact that a careful contemporaneous account shows that New York Jews were less likely to be convicted of a felony than would be expected from their numbers in the city as a whole would suggest that the good Commissioner was a bit quick with his assertions. In fact, shortly after making his statement, he repudiated his own figures, suggesting that his motive for making the statement was to get additional funding to deal with crimes committed by foreigners.

### Understanding the context of this issue: The U.K. experience

--This whole issue -- the collection and the use of crime statistics by race, ethnicity, citizenship, length of time in the country, and other variables -- should, in the first instance, be studied in those countries which have had a longer history in dealing with these issues than we have. The U.K. and the U.S. are but two examples. It also would make sense to look at Europe and Australia.

--Conference participants noted that one place to examine in detail would be the U.K.<sup>3</sup> For one thing, they have had a relatively similar immigration pattern, though somewhat earlier than Canada's. The collection and use of "race-crime statistics" is an issue that has not yet been solved in the U.K., but they are further along in pinpointing and analyzing the problems. This issue is having an impact on the public and on the way in which race questions are being dealt

1. Carolyn Strange *Imposing Goodness: Crime and Justice in "Toronto the Good", 1793 - 1953*. p. 26. Catalogue published (1991) in conjunction with the exhibition of the same name at The Market Gallery of the City of Toronto Archives (2 November 1991 to 23 February 1992).

2. Anthony Doob *Crime, race, and politics*. The Toronto *Star*, Thursday, October 17, 1991. p. A29.

3. One may be able to obtain some written material, and/or some more current references on this issue from the Policing Research Unit of the Home Office in London. In addition, interested people might want to look at the following publications (suggested by Professor Frances Henry): Commission for racial equality "Why keep ethnic records?" (London: Commission on Racial Equality, 1984). "Fair cop: Policing and racial equality", a publication of the Greater London Action for Race Equality, 1988. Leach, K. "A question in dispute: The debate about the ethnic question in the census." (London: The Runnymede Trust, 1989). Smith, Susan "Race and crime statistics" (Race relations fieldwork background paper #4, Home Office, 1982).

with within institutions. In addition, it was noted that they are apparently having serious problems in getting reasonably accurate and appropriate data on the race of victims and offenders. Allegations have been heard that the identification process itself is linked to the racism of those collecting the data (e.g., the police may be likely to identify someone as being "black" when the identification is questionable. Yet when an offender is "thought to be" white, no racial identification is recorded).

--In the U.K., there is legislative sanctioning (dating from the late 1960s<sup>1</sup>) for the collection of social statistics on race and ethnicity. This is not too dissimilar from acts now in effect in Canada (e.g., employment equity legislation) that mandate that similar data be collected. In the U.K. the targeted groups have fears and suspicions which are similar to those expressed here in Canada.

--The new U.K. criminal justice bill empowers the criminal justice system to collect what information is necessary in order for the system to carry out its responsibility without discrimination. Presumably this will mean that information about race will be included. Links are expected to be made with the census definitions.

--However, in the U.K., a number of different definitions of "race" and/or "ethnicity" are being used by different social agencies. Hence comparability of data has not yet been achieved.

--In the 1981 U.K. census there was an attempt to collect data on race, but the attempt was not very successful. It is expected that the 1991 attempt will be more successful. In some areas it is now almost routine to collect race/ethnicity data since one of the purposes is to ameliorate discrimination. There have been attempts by the extreme right to use the data to support their agenda. Overall, however, the view was expressed that the potential misuse shouldn't mean that the data should not be collected. Collecting information about race and ethnicity, some argue, is an inevitable consequence of diversification in society.

--There are also concerns being expressed in the U.K. by some groups that people with quite different kinds of problems (e.g., South Asians and blacks, or blacks from the Caribbean and blacks from Africa) are being lumped together into a single group. Such pooling of groups tends to obscure differences among them.

--At the moment in the U.K., we were told that "race-crime statistics" are only being collected in London and, in London, the categorization is a mixture of race and country of origin. The feeling apparently is that the collection of race data as part of the police occurrence record -- and the analyses that have been made public -- are of questionable value in that the statistics do not support the interpretations sometimes derived from them.

--There is hope that in the next few years a more uniform and appropriate system of recording race will be developed.

--The belief in the U.K. seems to be that the race statistics collected since 1985 at the prison level are the only credible race statistics at the national level. Attempts are being made to relate these definitions to the census definitions.

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1. This began in 1968 and was refined in the 1976 Act.

--Recently, the probation service has tried to collect race/ethnicity information on its clients. This has proved difficult in part because probation officers from various groups are afraid that certain groups will be over-represented among their clients and that this will reflect badly on the group as a whole. The probation officers also do not like the categories used in the breakdown of "race."

--In contrast with the U.K., it appears that many other European countries have taken the position that information on the race of accused people should *not* be collected. France, we are told, has an explicit policy stipulating that data on race *not* be collected in the criminal justice system.

### Some general views

#### Should "race-crime statistics" be collected?

--There was broad consensus among the participants that "race-crime statistics" should be collected within the criminal justice system. Most participants felt that such statistics were not only useful but were *necessary* in order to determine whether people of varying backgrounds were being treated fairly by the system. Most of the points that were made concerned the manner in which the statistics should be collected rather than whether or not they should be collected.

--Concern was expressed by participants from outside of Toronto that decisions on this issue might well be determined by concerns specific to Toronto. The concerns -- and the specific sensibilities of members of racial and ethnic minorities in Toronto -- may not be those of racial and ethnic minorities (or aboriginal people) in other parts of Canada.

--The issue of "race-crime statistics" is inherently a political issue more than a research issue. Most researchers, as already noted, believe that such information will help us understand how the criminal justice system deals with people of different groups. If the political decision is made to collect the data, then various research questions -- e.g., how to collect the data -- will need to be answered.

#### Why should we collect "race-crime statistics"?

--As already noted, the main reason given for collecting "race-crime statistics" is that the information will help understand the manner in which the criminal justice system deals with various groups in society.

--Statistics of this sort can also be useful in terms of providing services and opportunities to those involved in the system.

--Social scientists may be interested in "race-crime statistics" for a fairly straightforward reason. "Race" or "ethnicity" may be used as a surrogate measure for "culture." The problem, of course, is that most police-based statistics about crime may not be a good surrogate for "crime" as it occurs in society as a whole.

--Although most of the public discussion of "race-crime statistics" has focussed on statistics

collected at the police level, the issue is not limited to this one point in the criminal justice system. When one considers looking at additional sources of data -- victimization surveys, self-report studies, etc. -- it is evident that it becomes plausible to understand the involvement of people of different races/ethnic origins in certain kinds of crime.

--The view was expressed by some that if data could be collected that would describe reasonably accurately the involvement of various groups in crime (or even a subset of crimes) it would be better to know about the differential involvement of various groups than not to know. Knowledge can help guide intervention. Lack of knowledge -- or trying to suppress statistics if they were to exist -- can promote racism as easily as making such knowledge public.

--There was a good deal of support for collecting "race-crime statistics" on victims as well as on offenders. Such data might be collected from victimization surveys (e.g., the General Social Survey when victimization questions are asked). Apparently on some victimization surveys offender "race" information is collected from the victim if the victim purports to have such information. Concern was expressed, however, about the quality of this information.

--A better description of the distribution of crime and crime victims (geographically or by race/ethnic group) might be useful in reducing fear levels in our society.

-- Most of the discussion about "race-crime statistics" seems to focus on adult offenders. Are the issues different for juveniles? It appears that the arguments are broadly the same as with adults. At least one person expressed the view that the issues for juveniles should be considered in much the same way as they are for adults.

**What kinds of concerns are there about collecting "race-crime statistics"?**

--Clearly a major concern is that such statistics will be misinterpreted (willfully or through ignorance) and will be used to further disadvantage already disadvantaged groups.

--It was pointed out that the impact of collecting "race-crime statistics" varies with the power that the group has in the community. The difficulty is that those groups who are most vulnerable (e.g., to prejudiced treatment or policies) may be those who are most likely to suffer from inappropriately interpreted statistics.

--If the "race-crime statistics" are to be collected, there is a need first to demonstrate their usefulness to the affected groups. However, it should not be assumed that any one group -- e.g., police, or particular minority groups in society -- are united in their views that collecting such information is or is not a good idea.

--The collection and use of "race-crime statistics" with respect to aboriginal people (in contrast to more recently arrived ethnocultural and racial minority populations) need to be separated for analytic as well as practical purposes.

**Should "race-crime statistics" be collected on an ongoing basis, or should they be collected only in "special studies"?**

--A broad question that needs to be addressed is whether data on such matters as race should be

collected on an ongoing basis or whether it should be the focus of "special studies" carried out in a relatively small number of locations for a relatively short period of time. The argument in favour of special studies is, among other things, that training and cooperation would be more likely to be accomplished if compliance were not necessary "forever." The need for compliance could be communicated as fulfilling a specific short-term need.

--Another advantage of special studies is that methodologies can be developed appropriate to the question being asked rather than tacking questions about race onto a data collection instrument already in place for another purpose. To the extent that such studies are local in their focus, the data collected can be tailored to specific needs.

--A major disadvantage of collecting race/ethnicity data only on a "special study" basis is that the data would not be available for "monitoring" purposes, nor would the data be available for purposes that might not warrant the costs and lead time for a "special study." In addition, of course, "special studies" by their very nature are likely to involve the collection of data that are not comparable across time, locations, and studies.

### **Protecting the privacy of individuals and groups**

--It was pointed out that most of our western values with respect to privacy and confidentiality relate only to individuals. Hence we have elaborate rules both at the university level and at the governmental level about releasing data about individuals or concerning the identification of individuals. However, for many groups other than white (male) Canadians, "collective identity" is also an issue. For members of certain groups in our society, collective identity may be important in much the same way as individual identity is to many other people.

--One problem is "who speaks for the collective?" Notions such as informed consent become much more difficult. In aboriginal communities, for example, there might be direct conflict between the interests of the political leaders and those of aboriginal women in discussing or releasing information about assaults within the family or sexual assault in the community. One cannot assume in a small community that the "collective" is any more likely to be represented on all issues by an elected official than one can assume that the "collective" views of all Canadians are adequately represented by the views of a single elected official, such as the Prime Minister.

## **The politics of "race-crime statistics"**

### **The characterization of the issue as "all or none"**

--The issue of "race-crime statistics" is sometimes talked about as if one is talking only about one type of statistic. All statistics are not the same. Data obtained from victims through surveys (e.g., the General Social Survey) could, conceivably, provide one kind of data on race and crime -- race of victims. Other types of data that might be collected could include race of suspects, race of accused, race of those charged, convicted, sentenced; race of those in various correctional programmes, race of those granted parole, etc. The issues and the problems related to collecting statistics at each level are probably different. Clearly legitimate uses for every type of statistic can be found.

--The "all or none" manner in which this question has been discussed makes it difficult for policy makers (e.g., at the federal level) to assess the issue. The manner in which the issue is

discussed makes it seem, sometimes, as if one is being forced to make a choice between racism and ignorance. The misuse of statistics by politicians and others in the criminal justice system (e.g., police spokespersons who equate crime as reported to the police with crime as experienced by victims) puts those who discuss the statistics in terms of what they actually show on the defensive. The emotional and political nature of this issue should not be underestimated. References to apparently high levels of aboriginal involvement as suspects and as victims of homicide in the context of understanding other phenomena have led on occasion to accusations of racism. More generally, it seems that pointing out differences between groups that *could* be interpreted as showing a disadvantaged group in an unfavourable light can lead to accusations of racism.

--"Race-crime statistics" have been used recently in Toronto in such a manner that almost uniformly is designed to bring certain groups into disrepute in the community. Part of the problem is that the police, media, and politicians may focus on "race" rather than on other social conditions as "explanations" for crime. Thus a great many people are understandably concerned that official statistics would only be used against them. Academics, as well, may fuel the misinterpretation of "race-crime statistics" in the sense that they sometimes will be seen as equating police occurrence statistics and crime, or they tacitly accept such a view as expressed by others.

--People are lined up by the media as being either "for" or "against" the collection of all types of information for all possible purposes. Two recent examples illustrate this problem.

Five days after the workshop was held, I was called by a television station to see if I would be on a panel on "race-crime statistics." The "researcher" who telephoned indicated that they already had someone who was "for" the collecting of "race-crime statistics." She indicated that she was inviting me because she understood I was "against" it. I explained that I was "against" the way in which people were interpreting police occurrence statistics but I thought that the data could be useful for other purposes. She quickly withdrew her invitation indicating that she really needed someone who was "clearly" against the collecting of "race-crime statistics."

A couple of days after the workshop, the Centre of Criminology received a fax from CTV's "Audience participation talk show" entitled "Shirley." It was advertising for people to be part of its "live studio audience" in a program on "Crime and Race" to be taped on Halloween evening, 1991. The invitation indicated that the "question" which was to form the basis of the show is as follows:

"Should data on the incidence of crime among ethnic groups be officially collected and released?"

"Join us when we debate whether collecting ethnically based data to describe crime patterns will decrease crime in Canada or will it cause increased racism."

It is clear that the producers of "Shirley" had no notion that the data that they are most likely referring to will not describe the incidence of crime and that the effects of the decision to collect certain data are unlikely to be restricted only to decreased crime or increased racism.

### The dangers of ignorance and of knowledge

--In the absence of hard publicly accessible data about race and crime, policy and public prejudice may be driven by rumours. Hence one position is that "race-crime statistics" should be collected *systematically and publicly* in order to be able to counteract the rumours or irresponsible assertions being made. The alternative is that one is at the mercy of those who will assert correlations without data.

--Lurking behind the debate on "race-crime statistics" is the view, held by some (largely outside the criminology research community) of a genetic explanation for crime. If such data are collected, there will always be some who will try to use the statistics to support such an "explanation" about crime. We may be about to enter the twenty-first century, but such nineteenth century thinking is alive, though not necessarily very well, in some quarters (e.g., the views of P. Rushton).<sup>1</sup>

--Participants noted that the issue of whether data should be collected at certain points of the system had to be thought of, in part, in terms of how they are likely to be used. Motives of those in control of the data were seen as being relevant.

--Some of the opposition to the collection of "race-crime statistics" appears to derive from notions that such statistics will invariably show vulnerable groups to be over-represented in crimes reported to the police. One participant pointed out that experience suggests that this is not always true. Hence in some cases, stereotypes can be countered by collecting such data, even on "police reported" crimes.

-- "Over-representation" of a group in crime can easily be misinterpreted. Explanations for the apparent over-representation may not be examined. One problem of interpretation of "over-representation" in crime is that even if a group is "over-represented" in police reports of crime, this group may still account for only a very small portion of all of that type of crime reported to the police. For example, if people from X-community constitute 2% of the population of Toronto but are implicated in 4% of the robberies reported in Toronto, they would be seen, according to police statistics to be "over-represented" (i.e., they would be appearing "twice as frequently" as their numbers in the community would suggest). However, even if members of X-community were to be targeted for intervention and their involvement were to be completely eliminated, it would only account for 4% of the robberies. The other 96% would go completely untouched. One has to be careful to distinguish, therefore, between over-representation in police statistics, and the usefulness of interventions to deal with an apparently very small portion of the social problem.

--There is *always* the risk that "race-crime statistics", if collected, will be misused and can be used to hurt members of specific groups. There can never be guarantees that the data will only be used appropriately. This, in itself, however, should not be used to justify the non-collection of the data.

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1. See the exchange between Julian Roberts and Tom Gabor on the one hand, and P. Rushton on the other in the *Canadian Journal of Criminology*, April 1990, Volume 32(2).

### Collecting "race-crime statistics" carefully: Some general issues

--The critical question that has to be answered before one goes very far on this topic is "why" the data might be collected. There are a number of important reasons why one would want to have data on race and crime in the criminal justice system. These are discussed elsewhere in the report. Most of the participants in the workshop appeared to take the view that these reasons, taken individually or as a whole, provided more than ample justification for collecting information concerning race and crime (among other things) on accused persons and victims in the criminal justice system. However, the exact race/crime data that one would want to collect depend, in large part, on the exact purpose to which they are to be put. Unless one first decides what the purpose or purposes are for collecting "race-crime statistics", one cannot adequately answer the political, ethical, technical, and research questions. We won't know what other data should be collected; we won't know what other questions have to be answered. Even as researchers, we would be likely to be interested in collecting "race-crime statistics" for a variety of quite different reasons. By being clear on what we would use such data for, we will be in a stronger position to answer other questions concerning the exact nature of the data to be collected.

--If an integrated set of recommendations is made by some group or agency to collect "race-crime statistics", government might be selective in its acceptance of the complete set of recommendations. For example, the recommendation might be made to collect certain data *on the condition that* the data were to be broadly accessible. Concern was expressed that the government might only act on the first part and ignore the second half of the recommendation.

--One approach to deciding policy would be to collect "race-crime statistics" at various points in the criminal justice system for a limited time with the commitment to review the policy at a fixed point in the future -- e.g., five years after the beginning of the collecting of the data. At that time, the usefulness of the data might be assessed.

--Academic researchers are likely to favour broad availability of information. The problem is that certain groups in the criminal justice system -- e.g., the police and judiciary in some areas -- directly and indirectly act in such a way that they monopolize certain knowledge. However, it should not be assumed that the police (or other criminal justice groups) are the only ones to misuse data. One argument that can be made is that if the data are to be collected, they should be widely available. It should be noted that the mass media are not necessarily interested in the quality of the information that they communicate. By making the data widely available, misinterpretations of the data can be challenged.

#### **The importance of consulting the affected groups on this issue. What should be the mechanism of consultation?**

--Neither policy nor collection procedures should be attempted without substantial input from the affected communities.

--It was pointed out that some of the groups who are likely to be described by data on "race" or "ethnicity" are very uncomfortable with a decision being made on the collection of such data. Among other things, they are concerned about the uses to which such data could be put.

--In particular, it is important that in the consultation process, the various groups be made aware of the positive and negative impact that such data might have on their lives.

--Mechanisms for ethnocultural community consultations are well known and have been used for many different purposes by several agencies and ministries in all three levels of government. Consultations need to be meaningful and not simply "for show."

**For what purposes would it be useful to collect race/ethnicity information on victims and offenders?**

--There was general acceptance of the view that statistics about the race of those caught up in the criminal justice process would be useful in evaluating how the criminal justice system deals with accused people. More generally, over the years in jurisdictions where such data are available, having information about race has helped social scientists understand the operation of the criminal justice system. Thus if one were to know the race of all of those thought by the police to have committed crimes, one could determine (perhaps with the addition of other data) whether the police were treating people of different race/ethnicity differently.

--A number of participants added the qualification that the data would have to be collected effectively in order for them to be useful.

--Generally speaking, for evaluating whether the criminal justice system was dealing fairly with various groups, it is important to have race/ethnicity data at all (or most) decision points in the criminal justice process.

--It was pointed out that the Manitoba Aboriginal Justice Inquiry noted that they were aware of the concerns of people who suggest that keeping "race-crime statistics" could lead to certain problems. Nevertheless, they recommended that "data gathering to determine the impact of the justice system on aboriginal people should be done systematically" (p. 671). A similar recommendation was apparently made in one of the Alberta justice enquiry reports.

--It was pointed out that in some jurisdictions in the U.S. there are formal guidelines that certain information including race cannot be used to make decisions (e.g., on sentencing). At the same time, information about the race of sentenced individuals is routinely collected precisely in order to determine whether such guidelines are being followed.

--Having information about the race of people being processed by the criminal justice system can help understand both where there are (apparent) problems and where there are not. Having information on blacks and aboriginal persons in the criminal justice system can help us to monitor whether or not they are being treated fairly. Not only can such information help groups document problems if they exist, such data can help locate the point at which such mistreatment occurs within the system. Data of this kind can, then, be used to put pressure on governments to act.

--For example, a study showing that aboriginal persons were disadvantaged at the plea bargaining stage of proceedings could be used to help structure plea bargaining and/or legal aid decisions so as to reduce the disadvantage suffered by aboriginal persons. Similarly, an over-representation of aboriginal women in the criminal justice system (at the charge level or at other levels) may be indicative of a problem worthy of additional attention.

--Another example cited by a number of participants was the over-representation of native

people in prisons. The lack of data on the number of aboriginal people present at various stages in the system makes it difficult to know why this over-representation exists. Again, this is an example where it appears to be important to have the information at all levels and to have common definitions of race/ethnicity throughout.

--It was noted in particular that information about "race" in the United States has been used repeatedly -- e.g., in the capital punishment debate -- to demonstrate discrimination in the criminal justice system.

--Knowing about the race of those going through the criminal justice system could conceivably be useful in terms of criminal justice programming (e.g., community sanctions might be tailored to the particular ethnic group in the community).

**What has to be done to make these data useful?**

--The practical problems in collecting the data should not be minimized, especially where there is opposition from various criminal justice personnel to collecting the information. This type of use of the data, however, virtually necessitates deciding on a common set of definitions of what is being collected.

--Some felt that in order for "race-crime statistics" to be useful, other demographic data would also need to be collected simultaneously on those in the criminal justice system. This would allow any differences between groups to be more fully understood. The opposing perspective was that if race/ethnicity information showed there to be something unusual, it would be better to collect the additional information as part of a "special study" rather than collect it routinely for all cases.

--Collecting data on race and ethnicity in other areas of society outside of the criminal justice system would increase the usefulness of "race-crime statistics." Links could be made between "race" and/or ethnicity and other social-economic factors. Having crime *and* other socio-economic indicators available by race would allow one to understand better any race-crime relationships (or lack thereof) that were found.

--The fact that other data would enhance the value of "race-crime statistics" should not be taken as an excuse to do nothing until procedures to collect "race-crime statistics" at all stages of the criminal justice system are in place. Similarly, the fact that comparable race/ethnic data are not being collected along with other socio-economic indicators does not mean that "race-crime statistics" should not be collected in the criminal justice system. One has to start somewhere. Properly collected data would allow others to build on the first steps that were being taken.

--For example, it was suggested that if one of the problems that occurs is that certain groups are not yet as assimilated into Canadian society as others, it would be useful to have, in addition to "race" or "ethnicity", some measure of how long a person has been in the country.

--It was pointed out that "race-crime statistics" collected as part of the UCR (Uniform Crime Reporting) survey could be more useful if there were to be similar "race-crime statistics" collected at subsequent stages of the criminal justice system.

--In terms of charting the total impact of race/ethnicity on the way in which criminal justice decisions are made throughout the system, the use of the same definition of "race" and

"ethnicity" would be very helpful, if not crucial. In particular, charting "cumulative" impacts becomes very problematic if the definitions of race and ethnicity change.

**Are police/UCR data useful for describing crime?**

--It was pointed out that behaviour differs across cultures. Given the rather arbitrary distinctions that often exist between "crime" and "non-crime", there is every reason to believe that different groups in society would be differentially responsible for what we call crime. It would be useful to document variation across groups especially if knowing about it would allow us to develop a non-criminal justice way of dealing with the problem.

--For describing most crime, one has to concern oneself with a number of problems, including the completeness of the data and the accuracy of the individual data elements. The issue of "completeness" is not unique to the discussion of "race-crime statistics". Indeed, in the criminal justice area, we deal with the problems of completeness by looking outside of the normal UCR/official police statistics for descriptive information about crime (e.g., to victimization and self-report studies). One major concern is that the limitations of any set of data -- especially those collected by the police -- are often not known by many who cite such data.

--In principle, then, one can be "for" collecting "race-crime statistics" to describe crime, but at the same time highly skeptical about the use of UCR/police statistics for this purpose. The problem of "accuracy" is one that is, probably, more difficult, but is not unique to the crime area. As pointed out elsewhere, part of the problem of "accuracy" is that we don't have a simple answer to what we mean by an "accurate" assessment of race (or for that matter of crime).

--Even a cursory examination of the UCR categories of "race" (see the appendix to this report) makes it clear that very different cultural groups are being combined into single categories of "race." In addition, of course, the measures of "race" contained in the new UCR survey are ones that are based on subjective judgements of police officers.

--Most criminologists accept the view that police-based "official" statistics do not do an adequate job of describing most "crime." Hence "crime statistics" which include information about the race of any suspects collected at the police occurrence level, by definition, cannot be adequate for describing crime committed by people of different races. The public -- and clearly a large number of those who lead public opinion such as media reporters, police spokespersons, etc. -- need to be educated on this.

--Criminologists, and government officials, have instead turned to other measures such as victimization surveys to understand better the nature and distribution of individual victimization in Canadian society. Indeed, recently, victimization questions were included as part of the General Social Survey (in 1988). And, in order to be able to make more meaningful cross-national comparisons, Canada was recently an active participant in a multi-national victimization survey.

--An exception to the generalization that police-based statistics are not very useful in describing the frequency or distribution of crime is homicide. A number of examples of findings from studies on homicide illustrate the value of collecting such data. Examples where the homicide

data base has been useful in "describing crime" would include the following<sup>1</sup>:

Though the homicide victimization rate for children is lower than that for adults, the victimization rate for very young children (under two) is roughly the same as that for adults. Thus if interventions are being considered to deal with serious violence against children, the very young would appear to warrant attention.

Aboriginal people are over-represented as offenders and as victims in the homicide data base. This is true of both male and female offenders. Aboriginal women, however, are apparently less likely than non-aboriginal women to kill their children. Again, the implications for interventions are such that if one is interested in addressing aboriginal homicides, one has to know what they look like.

The homicide rate in Canada generally peaked around 1975 and 1979. These peaks are approximately the same for aboriginals and non-aboriginals. Such information may help us understand the reasons for the overall pattern of homicide rates in Canada. (Data apparently also suggest that aboriginal suicide rates are higher than the rates for non-aboriginal people.) Knowing this fact, again, is relevant for assessing the importance of interventions.

--If data could be collected on other offences that were thought to be as representative of the overall problems as are the homicide data, then one could use these data to help describe the areas where interventions are necessary.

--Potential misuse of the data is, again, not a matter that is unique to the discussion of "race-crime statistics." Indeed, one sees, virtually every day, misuse of "crime statistics" in the mass media (e.g., the equating of official reports of crime with "crime" *per se*). In any case, not collecting the data is not going to make the problem go away.

--Although homicide statistics are often treated as if they describe the population of homicides reasonably accurately, there seemed to be almost no support for the view that police-based statistics about all other crime should be used to describe crime in a community. In the case of "race-crime statistics", the problem of inferring *who* commits crime is even more problematic. These statistics are a product of decisions by the community to invoke the criminal justice system. And, after the criminal justice system is invoked, it is clear from the police data themselves, that only a (sometimes small) portion of offences are "cleared" by the police. If the police do not have a suspect (as they often do not for many crimes) one cannot be very certain of knowing the race of the offender. Indeed the new UCR survey does not record the race of the accused unless a charge is laid or a person is identified as the offender but an explicit decision is made not to lay a charge. The "opinion" piece in the *Toronto Star* referred to earlier noted that:

A few years ago, Statistics Canada carried out a nationwide survey asking respondents if they had been victims of certain crimes. Those who had been crime victims were asked questions about how they had responded to their victimization. The results of this survey

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1. Not all of these examples, of course, involve race. It is easy to imagine, however, how they could be extended to an exploration of race.

were consistent with surveys carried out earlier in Canada and elsewhere in the world. The data showed that only 32% of the robberies that victims indicated happened to them in the previous year were reported to the police. It is important to consider this finding in conjunction with data from other sources showing that police generally "clear" (charge or otherwise identify a suspect) only 35% of those robberies that are reported to them. This means that the police have direct information -- on race or any other characteristic -- for only 11 robbery suspects for every 100 robberies that take place.

Those eleven "cleared" robberies will not be representative of the 100 robberies that took place. Studies have shown that those robberies reported to the police are different from those where the victim decided not to report the incident to the police.

Moreover, the police have limited resources to use to investigate crimes. They use these resources selectively, once again producing a bias in the types of suspects who are processed through the system.

Many other crimes show similar trends -- assaults for example. Only 30% of victim-defined assaults are reported to the police, but most of those that are reported -- 79% by one estimate -- are "cleared" by the police. The reason for the high "clearance" rate is that most victims know, or live with, those who assault them. But even so, this means that the police will be able to describe characteristics of only about 23% of those who have committed assaults.

A third example, comes from one of our most lucrative economic crimes -- tax evasion. It is estimated that Revenue Canada loses between ten and twenty billion dollars from tax evasion. Survey evidence demonstrates that almost 20% of taxpayers admit to evading income tax. It is clear, however, that the few *hundred* people who are charged with income tax evasion are not representative of the *millions* of people known to evade paying their full share of taxes.

### **How could police/UCR data be useful for crime prevention or for designing programmes to deal with crime?**

--Generally speaking, most people appeared to be of the view that there were better ways of describing the distribution of "crime" (overall, or divided by race or ethnicity) than to use police occurrence (or UCR) data. These would include such well known research techniques as victimization surveys or self-report studies. However, police/UCR data do tell us who reports victimizations to the police and who is identified *by the police* as an accused person. Hence in designing programs *for these people*, information about the victims and accused persons is very important.

--The "denominator" problem was raised a number of times in somewhat different contexts. Often one is interested in finding out whether a particular group is "over-represented" (or under-represented) in some legal category. Thus people are interested in knowing if aboriginal people are "over-represented" as homicide victims and offenders; a Toronto mayoralty candidate is interested in asserting that certain groups of "blacks" are over-represented as offenders in Toronto; a social scientist might be interested in whether "blacks" (or aboriginal people) are less likely than others to exercise their right to a jury trial for a particular offence. The problem is that all such assertions involve notions of "rates". But in order for these rates to be meaningful, the same definitions must be used in the numerators (i.e., those who are the

focus of the assertion) as in the denominator (i.e., the portion of that group in the community). If different definitions are used for the two parts of the figure, the "rate" is uninterpretable and probably meaningless. Clearly this is a problem that can be solved; it is likely to mean, however, that certain compromises will need to be made in order to ensure that the same definitions are used at various points in the system.

--Police based crime occurrence data, in conjunction with other data, *could* be useful in focusing resources. For example, a change in the number of calls from the public might be used as an indicator of the inability of a community to handle a problem internally. On the other hand, it was suggested that for many interventions, the postal code of the suspect might be more useful than the suspect's race in terms of targeting resources.

### **Interpreting UCR data: The risk of misinterpretation**

--To the extent that data *could* be collected which would be capable of suggesting differences in types of criminality across groups, concern was expressed about the way in which such data could be communicated. In particular, there is always the risk that data of that sort would be interpreted as demonstrating genetically determined differences. Used properly, such data might be used to identify social needs within the relevant groups. Yet the tendency might be to use these data for more punitive purposes (e.g., to argue for immigration restrictions or harsher penalties for members of such groups).

--One argument in favour of collecting reasonable data for describing crime apparently committed by various groups is that poor data are presently being collected and used for this purpose. Hence the choice may *not* be between having no data and having some data, but rather it may be between having poor or deceptive data on the one hand and relatively reliable and useful data on the other.

--Whatever the policy decision might be on the collection of police occurrence data on the race of the suspect (e.g., the new UCR data), one has to face the fact that there have been serious quality problems with the data already collected as part of the new UCR. Thus far, the level of cooperation in collecting the data has apparently been low. This does not mean necessarily that such data should not be collected. One could conclude instead that more care has to be taken in determining how best to collect the data.

--One problem that has occurred in dealing with police/UCR "race-crime statistics" is that assertions that have been made about racial or cultural differences in certain types of crime have focused only on the race/ethnicity of suspects/offenders. It may well be that certain groups are also more likely to be victimized. In homicide statistics, for example, the data suggest an over-representation of aboriginal people as suspects *and* as victims. The same may be true within urban non-aboriginal groups. More detailed information about victims and suspects -- probably collected through the use of survey instruments -- might well be useful in identifying groups in need of certain services.

## Ensuring that "race-crime statistics" will be useful

### Defining race and ethnicity

--Definitions have to be determined which derive from and are consistent with the purpose of collecting the data. As noted above, if one is interested in "rates" one must ensure that similar definitions are used in estimating the numerators and the denominators.

--A basic unresolved question is whether one wants to try to create an "objective" measure, or if one wants to use "self-definitions" or subjective judgments by criminal justice personnel. These different definitions of race/ethnicity may well serve different purposes. Hence it may not be the case that one is automatically better for all purposes than the other.

-- "Self-definitions" of race/ethnicity and definitions by others (e.g., victims or police) are each potentially useful, but for quite different purposes. This is an illustration, perhaps, of why the specific *purposes* for collecting the data have to be identified first.

--It was pointed out that a "self-definition" of race makes the system very vulnerable to manipulation by various groups. If one accepts strictly a "self-definition" of race/ethnicity, one runs the risk of certain groups (majority or minority) falsely attributing crime to groups other than their own.

--The problem of what race "groupings" to use is not easy to resolve. In particular, the appropriate groupings may vary in different parts of the country. One approach would be to have some broad general groupings (e.g., by colour) which could then be divided into "finer" categories in particular locations according to the specific needs of that community.

--It may be that it is possible only to collect data on very broadly defined visible groups (e.g., groups such as white, black, Asian, South Asian, aboriginal people, etc., as described in the appendix to this report). If so, the notion that such information could be useful in determining how to target interventions, would come into serious question.

--On the other hand, concern was expressed about large groupings such as "visible minorities" which lump, into one category, people with widely varying backgrounds.

--As a general rule, the view was expressed that data collected at the police level (e.g., as part of the new UCR system) must be kept simple. At later stages, it is possible that more complete data could be collected.

--On the other hand, some people felt that there may be a tendency to over-emphasize the complexity of collecting the data, and to worry too much about collecting only extremely highly reliable data. Somewhat lower reliabilities on some data may be a reasonable tradeoff against the situation we are in now of having no data at all.

--One point made by a number of participants was the difficulty (expressed as an "impossibility" by some) in training field-level officers to collect race/ethnicity data in an adequate fashion. When there is discussion about collecting the data, it is important to consider these difficulties. One example is in collecting information on victims. The idea that the police officer in the field will collect any kind of detailed "race" or "ethnicity" information on victims

ignores the social situation that the officer is in. For example, it seems unlikely that an officer interviewing a victim of a serious violent attack (or even a homeowner whose house had just been broken into) would be willing to ask the kind of detailed ethnicity questions sometimes contained on census forms. Hence we may be limited to a coding system like that in the revised UCR survey.

--It was pointed out that some anthropologists consider "race" (and also gross notions of "ethnicity") to be not very useful in describing the multi-dimensional nature of one's background. Two people whose biological origins are identical may differ dramatically on how long they have been in Canada, how identified they feel with Canada, whether they speak the language of their "ethnic" origin, etc. But white Canadians might react to the two people in an identical manner. Thus, the concepts of race and ethnicity may be useful in understanding *reactions* to people more than they are in understanding the behaviour of the people themselves. In that sense, "race" cannot be ignored as a construct.

--There are very serious problems in defining who the relevant groups are. Employment equity legislation defines one target population as those who define themselves as being members of "visible minority" groups. For crime purposes, this may be a grouping of little or no value because of the vast amount of variation within it. On the other hand, if criminal justice decision makers respond to people in terms of simple definitions of "race" (e.g., black, oriental, South Asian, Aboriginal), then such a categorization *for that purpose* could be useful.

--The problem with current Canadian census data is that visible minority status has to be inferred from a variety of different questions on the census form. Indeed, one participant noted that two federal government departments currently use different definitions.

### Collecting reliable and valid data

--There seemed to be few participants who were optimistic about the accurate collection (in the short term) of "race-crime statistics" in the field (particularly at the UCR level). For this reason, a number of people suggested that the categories be broad and crude since to do otherwise would imply a level of specificity that went beyond the data. It was pointed out by at least one participant, that even though there might be some definitional and assessment problems, at a very gross level, such statistics might be useful in describing whether certain racially defined groups were being treated unfairly by the system.

--It was pointed out that in the revised UCR survey, information about "race" is collected in a data field that is not mandatory. The data are not submitted by most police forces. Even with those that do submit data, we have no idea of the quality of these data. The view was expressed by some that our limited experience with this *form* of collecting should not be used as a sufficient justification for not collecting "race-crime statistics" at the police level or at other levels of the criminal justice system. The fact that the data cannot be collected *in this way* does not mean that the data are inherently uncollectable.

--If "race-crime statistics" are collected at any stage of the criminal justice process, it is clear that serious efforts have to go into the training of the personnel who are responsible for collecting the data. In addition, serious thought must go into the manner in which the data are interpreted and made available. Concern was expressed, for example, that some forms of making the data available can, in effect, make them inaccessible for all but the most

sophisticated people or groups.

--One view that was expressed is that we should begin by collecting information on race as defined by observers -- as in the Revised UCR survey. The reason may be simple: it may be the only data it is practical to collect. The collection of data on ethnicity, then, would have to be delayed.

--It was noted that the issue of how to collect the data (and such questions as the importance of the distinction between "race from the perspective of the decision maker" and "race as defined by the individual in the system") are, themselves, research questions. Hence studies could be carried out on the ability of the system to collect certain data.

**At what stage in the criminal justice system should "race-crime statistics" be collected?**

--The answer to this question will be determined, to some extent, by the purposes to which the data are to be put.

--Even if it is thought to be desirable to collect certain information at a particular level, it may be practically impossible to organize its collection in a satisfactory manner.

--Though there may be a special set of difficulties associated with collecting "race-crime statistics" at the point where police first become involved in a case, it is possible that at later stages of police, or other criminal justice processing, such data could be collected.

--Serious attempts should be made to use similar definitions throughout the system.

### **The dissemination of information about race and crime/criminal justice**

--If "race-crime statistics" are to be collected, the view was expressed that they should be broadly available. At the moment, it was noted that the police have such statistics and they become public -- or assertions about statistics become public -- from time to time, notwithstanding attempts by certain police departments to withhold these data. Many people expressed the view that the only way for the data to be interpreted adequately -- and for inadequate interpretations to be attacked -- would be if the data could be as widely available as possible.

--The opposing view, that information about race and crime should be available only to a privileged few, appeared to be rejected by those who spoke on the issue. Indeed, the view was expressed that such an approach would most likely end up further disadvantaging already disadvantaged groups.

--It was also suggested that when agencies like the CCJS release data that are particularly prone to misinterpretation, extra efforts should be made to make it difficult for the data to be interpreted inappropriately. At times this means making unambiguous statements about the limits of their usefulness so as to discourage people from taking them out of context.

--It was suggested that the *Juristat* format often has provided an excellent way of disseminating statistics with enough commentary to discourage misuse. At the same time *Juristat* descriptions

of findings have managed to avoid being criticized as being partisan or political interpretations of the findings.

--General pessimism was expressed by some participants about the likelihood that "race-crime statistics" would be interpreted appropriately by the media even if guidelines were developed.

--Policy should not be guided solely by the belief that the media are incapable of explaining "race-crime statistics." If we were guided by such beliefs in other areas, we would not, for example, collect *any* police occurrence statistics.

--Guidelines could be developed for official release of "race-crime statistics" such that warnings could be included (as footnotes, for example) which would warn the user about the limits of their use. For example, if, along with police occurrence statistics (concerning race of offender) data on reporting rates and "clearance rates" were included, it *might* minimize the likelihood that the data would be used out of context.

--The dissemination of sensitive information about race and crime should be seen as a research challenge in itself. In other words, systematic attempts should be made to understand how best to disseminate such information so as to decrease the likelihood of it being used to misinform members of the public.

--The academic community itself should take some responsibility for attempting to educate the public about matters such as "race-crime statistics." In addition, it was suggested that there could be closer coordination between those in government releasing statistics and those in the academic community who could comment publicly on the meaning of the statistics (e.g., by arranging for simultaneous release to key academics).

**Workshop on  
Collecting Race and Ethnicity Statistics  
in the Criminal Justice System**

**Centre of Criminology  
University of Toronto  
16 October 1991**

**List of participants**

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**Report from the  
Canadian Centre for Justice Statistics  
on the  
"Racial Origin" variable in the Revised UCR Survey**

At the outset [it should be noted that] no other data element in the survey precipitated as much discussion or developmental difficulty as the "Racial Origin" variable. Although [the CCJS] did not organize a separate consultation exercise for this variable, it occupied a very significant amount of time during [its] discussions with both the providers of and the users of UCR Survey information. At the very end of the process of specifying the contents of the Revised UCR Survey, the project team remained split with regard to its inclusion. Finally, in spite of concerns about the imperfection of the categories of the variable, it was decided to include the element because "imperfect" information would be better than "no" information.

This variable was seen as another descriptor of the population which was involved with the police sector of the criminal justice system, whether as victims or as accused persons. It was thought to be useful to be able to produce measures of the level of involvement by different parts of the population. If there was an emphasis, it was on the victim side of this variable, in order to be in a position to detect the existence of different rates of victimization and thus to facilitate the creation of special programs for crime prevention.

As suggested in the paragraph above, the variable was intended to apply to both victims and accused. More specifically, "racial origin" was to be collected for all persons for whom a victim record was created, that is, all victims of violent crime, and for all persons accused by the police with the commission of an offence. Note that this latter group includes those persons against whom charges are laid as well as those against whom charges would be laid if some external condition did not prevent this (This is the difference between "Persons charged" and "Persons Processed by Other Means".) But "Racial Origin" information would definitely not be collected for "suspects" because there is no category in the Revised UCR Survey for this group of persons.

In addition, the "racial origin" variable is considered to be an observational variable; that is, in the normal course of events, the question would never be posed by a police officer, but he would record the information on the basis of his observations. This characteristic of the data collection methodology had a considerable impact on the approach which was adopted for this variable and the level of detail of the categories, because we knew that there would be some 40,000 police officers across the country involved in the data collection and it was important that the variable be defined rather simply. With this number of persons involved in the process of data collection, the issue of data reliability is of concern.

The data requirements for the Revised UCR Survey were discussed on several occasions with the POLIS Committee of the Canadian Association of Chiefs of Police and with the Liaison Officers Committee during 1985 and also 1986. Finally, in the spring of 1987, the data requirements and the proposed implementation strategy were approved by the POLIS Committee, by the Liaison Officers Committee and subsequently by the Justice Information Council. After these approvals, it was possible to start the process of implementing the new survey. Unfortunately, between the time of the start of the implementation and the publication of the Juristat which initiated the difficulties with the "racial origin" variable in May 1990, we had not accumulated a sufficient [amount] of data on this variable to allow an assessment of its accuracy and reliability. Since the start of intense discussions surrounding the "racial origin" variable in May of 1990, the process of implementing the Revised Survey with this data element has become more complicated, but until such time as there is a clear decision on the issue, we continue to take the position that the "racial origin" variable remains a part of the national data requirements.

At the moment, eleven police departments have been completely accepting as respondents to the Revised UCR Survey. This means that their data [have] been carefully examined and [are] certifiably free of errors. These departments collectively account for approximately 15% of the volume of UCR data. All of these departments are sending us data on the "racial origin" variable, and while not perfect, the average level of completion of this information is quite high. By the end of fiscal year 1991/92 we expect to have 24% of the volume of UCR data in the format of the revised survey.

(13 November 1991)

### **Survey Specification of "Racial Origin"**

Record: Person Level.

Field Length: One field, alpha.

General definition: Race is defined as both a group of persons of common descent and as a class of persons with common features. Racial origin does not refer to citizenship, nationality, or cultural identity. People are commonly grouped into one of three racial groupings: Caucasian, Negroid or Mongoloid. Below, the categories listed cover these three basic groupings.

Coding Options:

'Blank' not applicable: The accused is a company.

- A. Unknown: The race of the person, victim or accused, could not be determined.
- B. European "White": Includes persons whose origins are either in Western, Eastern, Central, Northern or Southern Europe, e.g., British, French, German, Finnish or Spanish. (For example, this category would include a South or Central American whose predominant origins are Spanish). This category of persons, together with the C. South Asians, constitute the whole of the Caucasian grouping mentioned above.
- C. South Asian: Includes persons whose origins are in the Southern part of Asia, i.e., East Indian, Pakistani, Punjabi, Sri Lankan, Tamil, Bengali, Bangladeshi. This category of persons, together with B. European "White", constitute the whole of the "Caucasian" grouping mentioned above.
- D. Negroid "Black": Includes persons of Negro, Melanesian, Pygmy Black and Bushman origins i.e., African Black, Caribbean Black, American Black, Canadian Black. This category of persons constitute the whole of the Negroid "Black" grouping mentioned above.
- E. East/South East Asian "Yellow": Includes persons of Mongolian and Malaysian origins, members of Asian people, e.g., Japanese, Chinese, Vietnamese, Korean, Filipino, Indo-Chinese, Malaysian. This category of persons, together with Aboriginal Peoples, F., South and Central American Origins, G., constitute the whole of the "Mongoloid" grouping mentioned above.
- F. Aboriginal Peoples: Descendants of the original inhabitants of North America. Three categories are outlined below, North American Indian, Inuit (or Eskimo) and Métis. It has been found that a "native" in the Northwest Territories or a "mixed breed" in

Quebec will identify themselves specifically as an Inuit or Métis respectively, rather than under the general classification of "North American Indian".

This grouping of North American aboriginal peoples (F.) together with E. East/South East Asian and G. Latin, South and Central American Origins constitute the whole of the "Mongoloid" groupings mentioned above.

North American Indian: Includes status Indians: persons registered or entitled to be registered as an Indian according to the Indian Act.

(Note: Approximately 50 per cent of the status Indians in Canada are treaty Indians, that is, persons who belong to a body or band of Indians who were signatories to a treaty with the Crown).

Includes non-status Indians: Indian peoples or those descended from them who, for one reason or another, have lost their right to be registered as Indians as defined by the Indian Act. This group includes Indian women who have married non-Indian men.

Inuit (Eskimo): The Inuit are the aboriginal inhabitants of Northern Canada who generally reside north of the 60th. parallel, although some live in Northern Québec and Labrador. The federal government's power to make laws in respect to "Indians", and lands reserved for Indians was interpreted to extend to Inuit by the Supreme Court of Canada in 1939. However, Inuit are not covered by the Indian Act.

Métis: Are descendants of people of mixed Indian and European ancestry who formed a distinct socio-cultural entity in the 19th. century. The Métis have gone on to absorb the mixed offspring of Native Indian people and groups from all over the world.

G. Central and South American Origin: Includes aboriginal peoples of Central and South America, e.g., the Mayans of Mexico, Guatemala, etc. This category of persons, together with E., East/South East Asian, and Aboriginal peoples, F., constitute the whole of the "Mongoloid" grouping mentioned above.

Z. Other: Includes persons who are not classified in categories above, i.e., Arab, Egyptian, Turk, Armenian.

Scoring Rule: none

[Note: A comment on the collection of this data element. It is likely that the order of criteria which an officer will use to code this data element for a victim and/or accused will be the person's skin colour, the language they speak or their last name, or a combination of the above.)

Survey Edits:

<u>NDR#</u>	<u>Description</u>	<u>Edit Type</u>
	(Victim Record)	
4	Cannot be blank	Mandatory
	(Accused Record)	
5	Can be blank if accused is company	Mandatory

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1991      justice system.(1991 : Univ.  
            of Toronto).  
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            Race and Ethnicity ...

