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Research
Centre
Report

2

Department
of the
Solicitor General
Canada

1972

**A Study of
the Deterrent Effect
of Capital Punishment
with Special Reference
to the Canadian Situation**

by Ezzat Abdel Fattah

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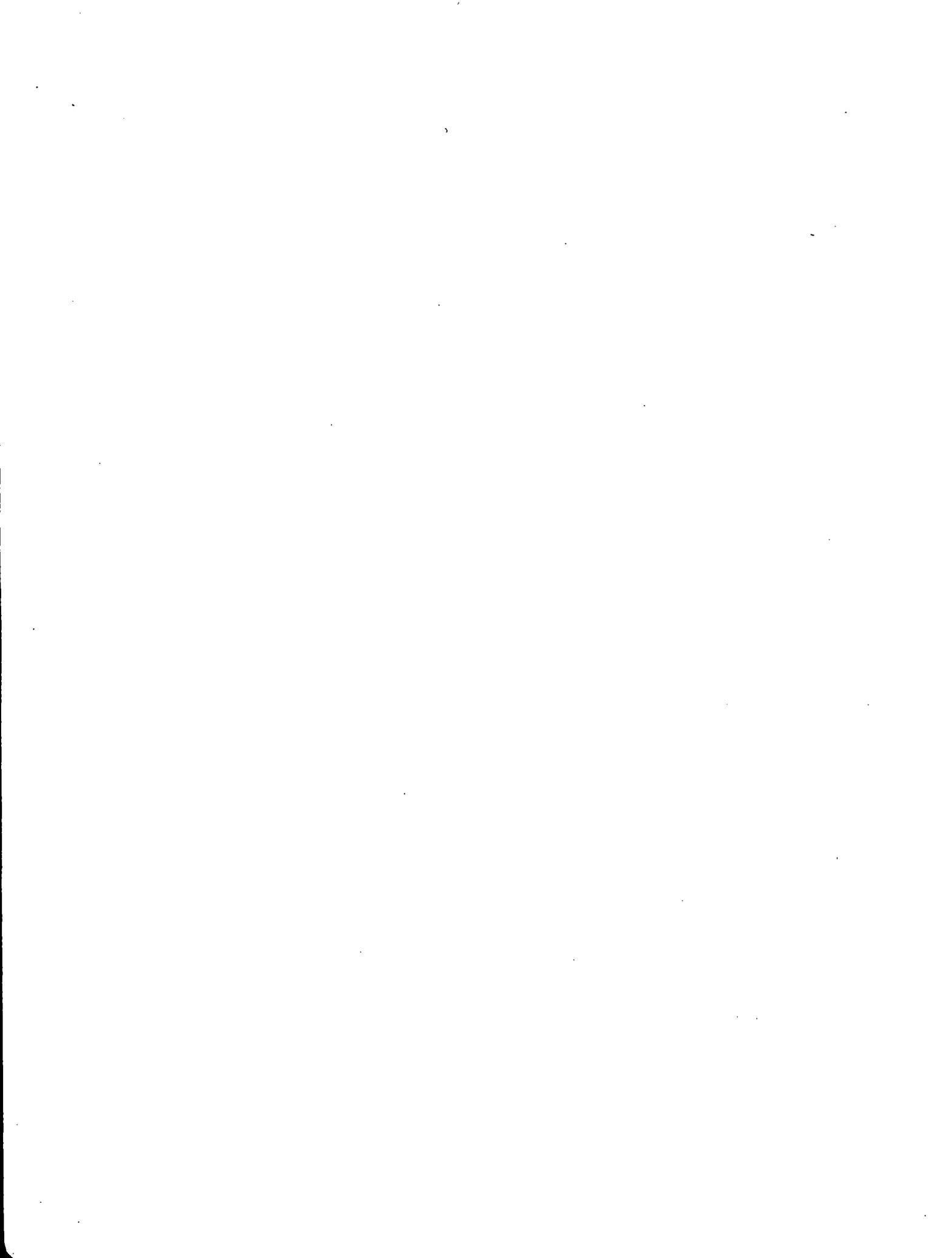
He finally wishes to thank Miss Marie-Claire Lalande for the nice job she did in typing the report.



“If the beast who sleeps in man could be held down by threats — any kind of threat, whether of jail or of retribution after death — then the highest emblem of humanity would be the lion tamer in the circus with his whip, not the Prophet who sacrificed himself”.

Boris Pasternak

Doctor Zhivago
Pantheon Books, Inc., N.Y. 1958.



FOREWORD

The matter of how to define murder and of deciding whether it is capital murder or non capital murder has been brought up twice in Parliament in the last ten years.

On another instance, it was debated extensively when a private bill to abolish capital punishment was introduced individually by a certain number of Members.

Finally, in 1967, it was agreed to take a free vote and, consequently, since December 29 of the same year, pursuant to the Act, chapter 15 of the Statutes of Canada, 1967-68, capital punishment has been applied only to persons who have been convicted of killing peace officers or members of prisons' staff.

The present Act shall be in force until December 29, 1972, unless before that date, a joint resolution of the House of Commons and the Senate provides for the Act to be kept in force. It had been decided, moreover, that when the present Act ceases to be in force, the former Act would be substituted and become operative again.

There is no doubt, consequently, that before the end of 1972, this matter will be taken up again in Parliament and Members once more will be called upon for a decision.

The matter, admittedly, has been greatly controversial and the present study offers precisely a scientific approach to one of the most often quoted arguments, that is, whether capital punishment has a deterrent effect on crime.

Such matter implies a most subjective element bearing on the conscience of each individual, man and woman alike. I am sure the present study carried out by Dr. Fattah, a Professor in the Department of Criminology of the University of Montreal, will provide valuable information and thus enable us to clarify several issues on capital punishment.

Jean-Pierre Goyer,

Solicitor General of Canada



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PREFACE

If the daily press were a safe index to the moral and spiritual life of our nation we might well feel alarm for the future¹. The mass media has, of late, given the impression that the incidence of crimes against the person, especially murder, has been increasing at an alarming rate. This, of course, has led to great uneasiness and even anxiety among a large proportion of the population. Such anxiety has been reflected in certain opinion polls on capital punishment² which revealed that a considerable segment of the population still sees safety in a death sentence imposed by courts and carried out in prisons.

Allusions to a certain relationship between the partial suspension of the death penalty in Canada for a trial period and the assumed increase in killings, were explicitly or tacitly made. Criminal statistics were quoted to indicate trends or to support the arguments for the reintroduction of capital punishment. A critical and scientific approach to the statistics quoted in newspapers and in public debates is clearly required.

And as McClintock (1963) points out, one cannot stress too strongly the danger which may arise out of false conclusions being drawn from the use of vague words and inappropriate figures in statements about the incidence of such crimes, particularly when they may lead to proposals for changes in penal policy.

The purpose of this study is to test scientifically the assertion that murder is increasing in Canada and that such an increase is attributable to the partial suspension of capital punishment. Such a study, we believe, would make recourse to speculation less justifiable.

We will try to measure, by other methods as well, the usefulness of the death penalty as a deterrent as well as its effectiveness as an instrument to control and reduce crime. However, we are aware that the question of capital punishment will not be settled solely on the basis of the argument of deterrence. Other moral, ethical, and theological arguments are involved in the issue and will be taken into account when the time comes for the final decision on capital punishment in Canada. It is obvious that scientific research can do little or nothing at all to measure the moral or theological arguments. But even if the present study is limited to the problem of deterrence, we do hope that it will help at least to shed some light on the question which is gradually becoming the crucial issue in the arguments for or against the death penalty.

If this report succeeds in defining the real issues in the whole controversy and in providing data on which public opinion can form a balanced judgement on capital punishment, then our effort will have been amply rewarded.

¹ See Sellin, Th. "Is murder increasing in Europe?" *The Annals of the Academy of Political and Social Science*, Vol. 214, p. 29, (1926).

² For example the poll conducted by the newspaper "La Presse" in the Province of Quebec, Saturday August 14, 1971.

INTRODUCTION

The rationale for punishment

"On ne corrige pas celui qu'on pend; on corrige les autres par lui".

Montaigne

In the course of history, mankind has invented a wide variety of ingenious punishments to inflict on convicted offenders: death, torture, imprisonment, banishment, fines, confiscation, degradation, maiming, whipping, branding, exposure to public ridicule, etc. In the name of justice or self-defense, society has spared no effort to invent or to find ways of inflicting pain, suffering, humiliation and degradation on those who violate its laws.

Since punishment, any punishment, involves the infliction of suffering on the wrong-doer, it is an evil and as such needs to be justified. Over the years, many theories were advanced in an attempt to justify punishment or to explain its goals: vengeance, retaliation, retribution, atonement, expiation, incapacitation, etc. However, it is the classical school (Beccaria, Bentham, Romilly) that promulgated the doctrine of deterrence as a counter philosophy in an attempt to stop the excesses that were practiced under the wide discretion of the pre-classical judges to mete out individualized, retributive punishments (See Tappan, 1960).

According to this doctrine, the objective of punishment should be to deter actual and potential offenders. The severity of penalties should be no greater than necessary to prevent the occurrence of crime.

Up till now the doctrine of deterrence remains the corner stone of our penal thinking and our penal philosophy. Advocates of punishment in modern society usually discard vengeance and retribution as aims of punishment and invoke incapacitation and deterrence as being the two major for punishing offenders. They claim that the evil of punishment is thus justified to prevent a greater evil. crime.

The idea of punishing offenders to prevent crime is by no means new. It is mentioned in Greek philosophy and is basic in the writings of Beccaria, Bentham and many others. Thus, according to Plato:

"No one punishes a wrongdoer on account of his wrongdoing unless one takes unreasoning vengeance like a wild beast. But he who undertakes to punish with reason does not avenge himself for the past offense since he cannot make what was done as though it never came to pass; he looks to the future and aims at preventing that particular person and others who see him punished from doing wrong again".

A similar view is expressed by Beccaria in his monograph on "Crimes and Punishments":

Le but de la peine n'est ni de tourmenter et affliger un être sensible, ni de faire qu'un crime déjà commis ne l'ait pas été . . . le but des châtements ne peut être dès lors que d'empêcher le coupable de causer de nouveaux dommages à ses concitoyens et de dissuader les autres d'en commettre de semblables".

But Beccaria was quick to admit that it is not the severity of punishment but its certainty that is susceptible to achieve this objective.

"Un des moyens le plus sûr de réprimer les délits, ce n'est pas la rigueur des châtements,

mais leur caractère infaillible . . . La certitude d'une punition, même modérée, fera toujours plus d'impression que la crainte d'une peine terrible si à cette crainte se mêle l'espoir de l'impunité . . . Les pays et les époques où l'on infligeait les supplices les plus atroces ont toujours été ceux où se commettaient les actions les plus sanglantes et les plus monstrueuses . . . L'atrocité même des supplices fait naître l'impunité".

Bentham adopting a rationalistic conception of man and of human behavior claimed that:

"The value of punishment must not be less in any case than what is sufficient to outweigh that of the profit of the offense . . . The punishment should be adjusted in such manner to each particular offense, that for every part of the mischief there may be a motive to restrain the offender from giving birth to it".

At the present time, deterrence seems to be the main, if not the only, justification for punishment in general and for capital punishment in particular. Yet so little is known about whether the threat of punishment does in fact prevent crime by acting as a deterrent, and if it does so, to what extent? How does such deterrence operate, in what circumstances, under what conditions and for which offences?

For many centuries, public as well as police, judges and criminal lawyers accepted the principle of deterrence without argument although there is no scientific evidence to support such a general assumption.

There is a dictum ascribed to Judge Buller that when a man remonstrated against being hanged for sheep-stealing, he replied:

"Men are hanged not because they have stolen sheep, but that sheep may not be stolen".

Only recently has the concept of deterrence been subjected to critical and scientific scrutiny. Deterrence research is still in the initial stages of development. Problems of methodology have not been adequately resolved and many research findings are inconclusive. Many criminologists deplore the lack of research in a field of prime importance to the elaboration of penal policies.

Professor Andenaes of Norway (1968) writes:

"To deter people from conduct considered anti-social is traditionally considered a major aim, perhaps *the* major aim of criminal law. But our knowledge of how this works is dim and fragmentary and very little is being done to make up for the deficiency. Research in the field is almost non-existent. What knowledge we have is based mostly on chance observations and commonsense psychological reasoning".

Is the fear of repealing capital punishment warranted?

"Then general conclusion which we have reached is that there is no clear evidence in any of the figures we have examined that the abolition of capital punishment had led to an increase in the homicide rate or that its reintroduction had led to a fall".

Royal Commission on Capital Punishment, Great Britain (1949-1953).

The abolition of the death penalty in most of the civilized countries was not accomplished without years of arduous struggle. At each successive repeal in former days of the death penalty, it was asserted that if the code was made more humane, crime would increase and the security of society would disappear. Yet

these predictions and forebodings of evil were all falsified. Speaking in the House of Commons in 1878, Sir Joseph Pease said:

"The continual mitigation of law and of sentences has been accomplished with property quite as secure, and human life quite as sacred"¹

Great Britain, which used to have more offenses punishable by death than any other western country, offers a striking example of the type of opposition with which every Bill to abolish capital punishment for a certain offense was met.

It was said that the inevitable effect of abolishing the death penalty in the cases of forgery would be "the destruction of trade and commerce". In 1811, the Recorder of London objected to the punishment by death being done away for the crime of pick-pocketing. In 1813, the Lord Chancellor regretted the removal of the capital penalty for the offense of stealing property to the amount of five shillings from a dwelling house!²

As late as 1832, Sir Robert Peel declared that he was by no means decided as to the policy of an immediate and absolute remission of capital punishment in the case of horse-stealing; and, as to the taking away of the punishment of death for stealing in a dwelling house above five shillings, "he looked upon this as a most dangerous experiment"³

When, in 1810, Sir Samuel Romilly brought a proposal before the House of Commons to abolish capital punishment for shoplifting to the value of five shillings and upwards, he was met with strong opposition. Shortly afterwards, in the Lords' debate on the same proposal, Lord Ellenborough, Chief Justice of the King's Bench, said:

"I trust your lordships will pause before you assent to an experiment pregnant with danger to the security of property, and before you repeal a statute which has so long been held necessary for public security. I am convinced with the rest of the Judges, public expediency requires there should be no remission of the terror denounced against this description of offenders. Such will be the consequence of the repeal of this statute that I am certain depredations to an unlimited extent would be immediately committed"⁴.

Then he intervened a second time in the debate with the following appeal:

"My Lords, if we suffer this Bill to pass, we shall not know where to stand; we shall not know whether we are upon our hands or our feet. Repeal this law and see the contrast - no man can trust himself for an hour out of doors without the most alarming apprehensions that, on his return, every vestige of his property will be swept off by the hardened robber"⁵.

Actually the measure was defeated by 31 votes to 11.

We can afford to smile at such utterances now, yet how similar they are to what we hear nowadays concerning the repeal of capital punishment for murder. The fears expressed by Lord Ellenborough and his fellow judges have been proved by experience to be quite groundless, and his pompous prophecies concerning the increase in crime which would follow abolition, were completely falsified by subsequent history (See Calvert).

¹ Report from the *Select Commission on Capital Punishment* p. 94, London, H.M.S.O., (1930).

² *Ibid*, p. 10.

³ *Ibid*, p. 10.

⁴ R. Calvert (1927).

⁵ *Ibid*, p. 8.

The effect of the repeals was altogether advantageous, as noted in the second report of His Majesty's Commissioners on Criminal Law (1836):

"It has not, in effect, been found that the repeal of Capital Punishment with regard to any particular class of offenses has been attended with an increase of the offenders. On the contrary, the evidence and statements . . . go far to demonstrate that, as the proportion of those actually executed for to those actually convicted of any particular class of crime has become less, the absolute number of the offenders has diminished".

Roy Calvert (1927) gives the following table in support of this argument.

Number of Persons Committed in England and Wales for Various Crimes During the Three Years Immediately Preceding the Repeal or Discontinuance of the Capital Punishment for each Offence, and the Three Years Immediately Subsequent

Crimes	Last Execution	Three years before repeal, etc. Committed Executed		Three years after repeal Committed
Cattle stealing, three years ending	1820	113	3	67
Horse stealing do.	1829	500	22	566
Sheep stealing do.	1831	787	7	793
Stealing in dwelling houses do.	1831	422	4	520
Forgery do.	1829	213	15	180
Coining do.	1828	39	7	14
Letter stealing do.	1832	11	1	14
Sacrilege do.	1819	24	2	25
Housebreaking do.	1833	2103	8	2410
Burglary do.	1836	787		
Robbery do.	1836	1053	5	889
Arson do.	1836	191	17	113
Riot and felony do.	1832	208	6	60
Piracy do.	1830	52	2	2
Attempts to murder do.	1841	661	2	707
(Capital) assaults on females do.	1836	174	5	185
Other offences do.	1835	69	9	75
TOTAL		7,497		6,620

DECREASE 877

Few people, if any, would seriously maintain that capital punishment is a good thing in itself, to be encouraged for its own sake. Those who support and defend the death penalty admit that it is a horrible and revolting practice but one which is necessary to protect society. They claim the death penalty to be a necessary deterrent, without which there would be more murders. If such a claim were true, it would be a powerful argument for the retention of the death penalty. However retentionists have never produced any empirical evidence to prove that capital punishment is a deterrent and that it is a superior deterrent to life imprisonment.

"It is important to realize that this same plea about the protection of society was invariably used to justify the infliction of all the barbarous punishments of the past, for offenses many of which were so trivial that magistrates would dismiss them today with a fine. Experience has shown that the discontinuance of these terrible penalties was accompanied by none of the evil consequences which their champions foretold, yet they were always justified 'in order to protect society' ". (R. Calvert, p. 3-4).



PART I

THE DETERRENT EFFECT OF CAPITAL PUNISHMENT A WORLD PERSPECTIVE



Chapter 1

ON DETERRENCE IN GENERAL

"Punishment is before all things deterrent, and the chief end of the law of crime is to make the evil doer an example and a warning to all who are like minded with him".

Sir John Salmond

The retributive view of punishment, whether based on the revenge theory or the expiation doctrine, has in recent years given way to the utilitarian or preventive position. Its premise is that punishment, as an infliction of pain (or death) is unjustifiable unless it can be shown that more good is likely to result from inflicting than from withholding it. The good that is thought to result from punishing criminals is the prevention or reduction of a greater evil crime (See Parker, 1968).

The Subcommittee on Moral Arguments For and Against the Death Penalty (Massachusetts, 1958) has stated that:

"The only moral ground on which the State could conceivably possess the right to destroy human life would be if this were indispensable for the protection or preservation of other lives. This places the burden of proof on those who believe that capital punishment exercises a deterrent effect on the potential criminal. Unless they can establish that the death penalty does, in fact, protect other lives, at the expense of one, there is no moral justification for the State to 'take life'".

Protection of society and prevention of crime by means of punishment can be achieved in different ways such as:

– Incapacitation: rendering the criminal through death, incarceration, castration, etc., incapable of repeating his offense or of committing further crimes. Incapacitation is only necessary for dangerous offenders. Thus the argument for capital punishment as a means of incapacitating the murderer is invalidated by the fact that murderers, as shown by various studies, have one of the lowest rates of recidivism of any criminal group¹.

– Education: the criminal law, by prescribing punishments to certain anti-social acts, is supposed to exercise a moral and educative effect on the community at large.

– Deterrence: deterrence can be achieved either by actual or threatened punishment.

The moral or educative function of the criminal law is usually overlooked in discussions on general prevention which quite often put the emphasis on the issues of general and special deterrence.

Aschaffenberg (1913) has pointed out that the deterrent effect of punishment should be active in two directions. It must impress itself on the consciousness of the people at large and thus act as a

¹ See for example the studies by the following authors: G.I. Giardini, and R.G. Farrow (1952), Richard C. Donnelly and Carroll W. Brewster (1961), J. Stanton (1969), and C. Sheppard (1971). See also the Staff Research Report No. 46 on Capital Punishment (Ohio Legislative Service Commission), 1961. See also the British White Paper on Capital Punishment (1948). Figures given show that released murderers rarely commit fresh crimes of violence. Of 174 life-sentence murderers convicted between April 1, 1928 and March 31, 1948, 112 had been released by May, 1948; only five of them had been convicted of serious offenses up to that date, and only one of murder. See also Appendix 15 to the British Royal Commission Report on Capital Punishment (1953).

preventive, and, through the punishment, it must be a warning to the individual and thus restrain him from further evil deeds. General prevention, writes Aschaffenberg, operates rather quietly, slowly, and penetratingly, making the consciousness of right sharper, intensifying the general feeling for right and wrong, and is thus rather educative than directly deterrent.

Professor Andenaes (1968) is critical of the term "general deterrence" which he finds too narrow in so far as it seems to exclude this moral or educative influence. He prefers to speak of general preventive effects of punishment.

The moral or educative effect of the criminal law has been stressed in the writings of many lawyers and criminologists. Hellmuth Mayer (1936) thus asserts that "the basic general preventive effect of criminal law does not at all stem from its deterrent but from its morality-shaping force . . . Nothing is so convincing to man as power, provided it appears as expression of a moral order".

In Canada, Morton (1962) claims that "the most important function of the criminal law is that of education or conditioning".

The importance of sanctions for normative stability has been stressed by Durkheim (1893) who noted that the deterrent effect of formal sanctions occurs not so much by means of the direct impact they may have on potential offenders, but more through their indirect effect in strengthening and buttressing social norms. "Punishment", he writes, "does not serve, or else serves quite secondarily, in correcting the culpable or intimidating possible followers. From this point of view, its efficacy is justly doubtful, and, in any case, mediocre. Its true function is to maintain social cohesion intact, while maintaining all its vitality in the common conscience".

According to Durkheim, the deterrent effect of punishment is quite secondary to its role as a means of expressing "social disapproval" of the act for which it is proscribed, by affirming the rule which has been transgressed and by restoring the unanimity of the collective sentiment.

"The sanctions' primary effect is through their capacity to strengthen the normative climate of the community - to reinforce and mobilize informal social disapproval" (Coser, 1967; Toby, 1964; Salem and Bowers, 1970).

If it is true that the major goal of punishment is one of education then we have to admit that the death penalty does not serve such a goal for its effect on the public mind is one of brutalizing and not of humanizing. It is a method of vengeance rather than a means of expressing social disapproval. The only justification that would remain is that of deterrence and it becomes imperative to establish scientifically whether capital punishment is really an effective deterrent or not.

I. Types of Deterrence

Deterrence is usually defined as the preventive effect which actual or threatened punishment of offenders has upon potential offenders (Ball, 1955). According to Zimring (1971) the deterrent effect of a particular threat is the total number of threatened behaviors it prevents. Such a definition would make the quantitative assessment of the deterrent effect of any punishment quite impossible, for it can never be known how many persons are actually deterred by threat of punishment, whether capital or otherwise.

Theoretical discussions on the nature of deterrence distinguish between "general deterrence" and "special deterrence".

Andenaes (1968) considers *general deterrence* to mean the threat of punishment and its restraining effect with regard to criminal conduct. Thus, it refers to the use of punishment to demonstrate to others what they can expect if they follow the offender's example.

Special deterrence or intimidation is, on the other hand, achieved by the actual experience of punishment. It refers to the use of punishment to prevent the offender from repeating his offence.

easier to measure than general.
In other words, it can be said that the threat of punishment can have special and general effects. Special effects are the reactions that a threat produces among those who have been previously punished and who, for that reason, may react differently to threats than the rest of the population. The general effect of a threat is the response it produces among persons who have not been punished. For this group, the threat and the example of the punishment of others must influence behavior independent of any personal experience with the threatened consequences (Andenaes, 1966; Zimring, 1971).

Logically, special deterrence should be, everything else being equal, stronger than general deterrence since the actual experience must be a much stronger deterrent than the theoretical knowledge of punishment. "However, on examination, the deterrent effect of punishment on the offender himself appears to be less sure than the doctrine assumes. The high degree of recidivism among Canadian offenders is in point. The magistrate experiences, day after day, the return of familiar names and men who have done their time in prison and are again before him on a new charge. Of prisoners in Canadian penitentiaries, four-fifths have served at least one prison sentence in a penal institution; many have served repeated terms. In large cities with mobility of population and division of courts, this parade of repeaters may be less apparent, but the magistrate cannot overlook the growing length of the previous record sheet from the Bureau of Criminal Identification presented to him before sentence is pronounced. This obvious failure of deterrence on the offender himself must be recognized by the law. The constantly repeated fact of recidivism negates much of the legal theory of the effect of punishment in deterrence. Yet the doctrine continues without being seriously challenged on its validity". (Jaffary, 1963).

Measuring the *special* deterrent effects of punishment is a lot easier than measuring its general effects. Recidivism is a good indication that punishment has failed to exercise the desired special deterrent effect on the offender. On the other hand, rehabilitation does not necessarily mean that punishment has been effective or has succeeded to prevent recidivism, since the resocialization of the offender can be due to many factors other than the experience of actual punishment.

The failure of punishment as a special deterrent does indicate that its general deterrent effect cannot be as powerful as its proponents pretend. Since this study is about capital punishment, the question of special deterrence can only be of secondary importance, since of all punishments, the death penalty is the only one which can be claimed to be a general but not an individual deterrent.

II. Variables Related to the Effectiveness of Deterrence

Acts punishable by the criminal law are by no means homogeneous. They may have nothing in common except that they are all threatened by legal sanctions. Motivations and temptations to commit crimes vary in strength from one person to the other, from one offence to the other and from one situation to the other. It follows that the deterrent effect of punishment cannot be the same in all cases and it is logical to presume that there is no uniform response to the threat of punishment and that deterrent threats function differently with respect to various types of threatened behaviors.

Even the most ardent advocates of the deterrent effect of punishment admit that general deterrence works well in some fields and works poorly or not at all in other fields. (Andenaes, 1968).

According to Ball (1955) the deterrent effect of a particular type of punishment is an empirical variable dependent on several factors which include:

1. The social structure and the value system under consideration;

2. The particular population in question;
3. The type of law being upheld;
4. The form and magnitude of the prescribed penalty;
5. The certainty of apprehension and punishment; and
6. The individual's knowledge of the law as well as the prescribed punishment, and his definition of the situation relative to these factors.

In our own view, any realistic study of general deterrence should pay special attention to the following:

- the differences among potential offenders;
- the applicability and the credibility of the threat;
- the distinction between various types of norms, the circumstances motivating transgression in each particular type, as well as the emotional climate of different crimes.

In the following, we will try to examine briefly some of the variables which are said to affect the deterrent effect of punishment and in particular, the deterrent effect of capital punishment. These factors are:

- A) Severity of punishment;
- B) Certainty of punishment;
- C) Publicity of punishment;
- D) Celerity of punishment;
- E) Frequency of punishment.

A. Severity of punishment as a deterrent influence

"Cruel punishments have an inevitable tendency to produce cruelty in the people".

Samuel Romilly

"It is certain that severity of punishment when carried too far defeats its purpose and tends to impunity".

His Majesty's Commission on Criminal Law

Although Beccaria had insisted over two hundred years ago that the real deterrent is not the severity of punishment but its certainty, one still hears many arguments about the need for heavier penalties and for exemplary sentences. When confronted with a crime problem, legislators often agree that the best hope of control lies in "getting tough" with criminals by increasing penalties. When yielding sentences, judges often make declarations emphasizing the need for exemplary and harsh penalties to counteract the mounting rate of crime. When the police fail in reducing crime or in controlling a certain type of criminality, they put the blame on mild penalties, on the leniency of judges or they attribute it to the present conditions in prisons and penitentiaries, which, according to them, have become places for comfort instead of repentance. If the crime is murder and if capital punishment is still in existence, then it is not applied as frequently as it should be, if it has been abolished or suspended then it is this abolition or suspension which is responsible for the increase in murder!

People seem to believe that the severity of a punishment is relevant to its degree of deterrence in some sort of a mathematical equation.

Zimring (1971) has very well described this common belief in the following way:

" . . . People more often seem to think in a straight line about the deterrent effect of sanctions: if penalties have a deterrent effect in one situation, they will have a deterrent effect in all; if some people are deterred by threats, then all will respond; if doubling the penalty produces an extra measure of deterrence, trebling the penalty will do still better. Carried to what may be an unfair extreme, this style of thinking imagines a world in which armed robbery is similar to illegal parking, burglars think like district attorneys, and the threat of punishment produces an orderly process of elimination which diminishes the crime rate as the penalty scale increases by degrees from small fine to capital punishment, with each step upward as effective as its predecessor".

A fact which is commonly ignored is that there is a "critical point" in punishment beyond which increasing severity is unnecessary because it has no effect on the crime rate. Once this critical point of severity is passed, any excessive punishment is tyrannical and pointless.

It is absurd to present high penalties combined with low crime rates as proof of deterrence. On the other hand, increased crime rates after harsher penalties have been introduced, are not necessarily a proof that these new penalties are of no deterrent effectiveness since we have no way of knowing what the increase rate would have been had the new penalties not been introduced.

There are innumerable examples where increasing the penalty for the crime has not produced the desired effect. One of the recent examples in the use of marijuana. In California in 1961, the penalties were significantly increased for possession, yet use increased at an explosive rate, thus rendering legislative action ineffective. Although this, as we have said before, is no proof that severe punishments are no deterrent, it shows without any doubt that the increase in the incidence of this offense as well as many others, is related to factors other than punishment, no matter how severe or cruel it is (California Assembly Office of Research, 1968).

A study of the incidence of rape in Philadelphia was undertaken to analyze the effectiveness of a new law which has increased sanctions. Statistical data from the period before and after the enactment of the new law indicated no decrease in the commission of this type of offense by adults or juveniles, and no diminution of violence accompanying the offenses committed. The study concluded that since intensified police control would hardly affect the incidence of rape, which is typically committed on private premises, social prevention appeared as the only means of combating the crime (Schwarz, 1968).

A study prepared for the California Committee on Criminal Procedure by the Assembly Office of Research², dealt with the effectiveness of California penalties and correctional programs for adult offenders. An analysis was made of national and state statistics on crime rates, penalties, parole programs, and related material.

No evidence was found to show that more severe penalties deter crime more effectively than less severe penalties. High and low crime rates were found at both ends of a scale of median time served in prison in the fifty states. The median stay in California prisons is thirty weeks, fifth highest in the United States. Thus the State of California was found to maintain one of the most expensive correctional systems in the country, implementing a penalty policy of entirely unproven effectiveness. There was evidence that

² California Assembly Office of Research. *Crime and Penalties in California*, Sacramento, California Legislature, 1968. See also "The deterrent effect of legal punishment: A review of the literature," by Eugène Doleschal, *Information Review on Crime and Delinquency*, Vol. 1, No. 7, June 1969.

critical deterrents vary according to the type of individual and the type of offense. Some offenders respond to external police controls, others to internal moral restraints.

There was evidence that fear of arrest, conviction, and imprisonment deter many persons from many types of crimes but there was no evidence to indicate that fear of lengthy imprisonment affects a significant number of criminal decisions. From this it was concluded that time served can be reduced without increasing recidivism.

Using the statistics published in the U.S.A., including Uniform Crime Reports and National Prisoner Statistics, Tittle (1969) constructed four types of indexes: certainty indexes, severity indexes, deviance indexes, and control indexes. Examining the different associations he concluded that "In general it appears that the greater the severity of punishment, the greater the crime rate is likely to be", and that "popular proposals for increasing the severity of punishment as a method of controlling deviance would seem to have more limited validity. The pattern of findings implies that this technique may be useful only in very select circumstances".

If with regard to certain offenses, the severity of punishment does not enhance the effectiveness of deterrence, this does not mean that for all offenses it is ineffective.

Chambliss (1967) made an intensive study of parking violations and found that, at least in this limited area, an increase in the severity *and certainty* of punishment does act as a deterrent to further violations.

However, another study on bad checks by Beutel (1957) yielded different results. Beutel compared the penalties provided by law in several American states for passing a bad check with the actual number of cases in those states of checks drawn against insufficient funds or no funds at all. He was led to the conclusion "... that the severity of the penalties has nothing to do with the number of bad checks. This ratio seems to be determined by factors wholly outside the law or its methods or its enforcement". Beutel also found that the statistics "... showed almost conclusively that the fact that the charge against a bad check writer may be a tort, a misdemeanor or a felony will have no appreciable effect upon the size of the check he writes. He is going to get all that he thinks he can for his immediate purpose, and even the professional seems to pay no attention to the state of the penal law".

B. Certainty of punishment as a deterrent influence

"The chief deterrent to crime is not barbarity of punishment but certainty of conviction. The former only results in decreasing the latter and is therefore futile".

Samuel Romilly

Criminologists agree that in the field of deterrence the degree of prospect of conviction is of much more importance than the degree of punishment. Temple (1934) has pointed out that "the effectiveness of a deterrent is derived less from its severity than from its certainty". For this reason police are often advised by criminologists to put less emphasis on the degree of punishment and more emphasis on strict law enforcement. For we have reason to believe that there is a strong positive correlation between the certainty of punishment and lower crime rates. However this correlation varies according to the type of offense.

The findings of Tittle (1969) suggest:

"that certainty of punishment may have a general deterrent effect but may be operative primarily in those situations in which negative sanctions are most likely to have implications for the total life circumstances and patterns of interpersonal interaction".

However, in his interpretation of the data, Tittle notes that it is possible that the two factors are not related to each other but are both caused by a third factor such as consensus about norms.

"Thus, greater agreement about norms might produce lower crime rates and greater certainty of punishment in case of violation, as well as more citizen participation in the enforcement process. The negative association between urbanization and certainty of punishment does point up this possibility".

Tittle concludes that since the data show that greater certainty of punishment is, in almost all cases he examined, associated with lower offense rates, it would seem that proposals to reduce crime by improving law enforcement are reasonable.

The probability of detection and apprehension varies widely with the degree of urbanization, police efficiency, public attitudes, and, above all, with the nature of the offense. For many offenses (such as the so-called crimes without victims - prostitution, gambling, abortion, homosexuality, etc) the probability is very low and it can be fairly assumed that deterrence in these fields is at its lowest level.

There are also reasons to believe that deterrence is equally low with regard to impulsive crimes and crimes of passion even if the certainty of punishment is high.

Jaffary (1963) affirms that:

"Certainty of arrest on commission of a crime and certainty of conviction would be strong deterrents to certain kinds of crime; it is doubtful, however, even with these certainties, whether crimes of passion would be much affected. But the gap is very wide between the commission of an offense and the conviction for it. The offense has first to be known, and many offenses are not known. If known, the victim or the observer of the offense has to report it to the police; this step occurs in only a part of offenses committed and known. The offense then has to be sufficiently serious and have sufficient evidence available to make prosecution justifiable. And prosecution may not result in conviction".

The fact that certain crimes and especially homicide, are neither affected by the certainty of punishment nor by strict law enforcement is well illustrated in the experience undertaken by the police of New York during the last four months of 1954 in an attempt to show the effectiveness of strict law enforcement and the utility of increasing police forces.

"In a precinct containing about 165,000 people, the police quadrupled the size of the foot and motor patrol, added a special squad of sixteen patrolmen for the evening and early morning hours, almost doubled the detective squad and set up a special unit of the Juvenile Aid Bureau; this saturation of the area by the police had some interesting effects on the frequency of crimes of various kinds during the experimental period when compared with what had occurred during the corresponding months of the previous year. Assaults, robberies, burglaries, auto thefts and grand larcenies known to the police declined, and certain other offenses rose (carrying of offensive weapons, drugs, disturbing the peace). But what is important in this connection is that eight persons were murdered in the precinct during the saturation period compared with six during the same period the year before. The increased risk of discovery due to the greatly strengthened police surveillance in the precinct played no deterrent role".³

intensity

There are many reasons why strict law enforcement and certainty of punishment do not always deter people from committing crimes

The drive toward the threatened behavior may be so strong and the motivation so powerful that the individual may be willing to risk the consequences, no matter how certain or severe they may be. This is particularly true in cases of addiction and alcoholism and can partly explain why heavier penalties or strict law enforcement are not effective in these cases.

³ See Sellin, Th. "L'effet intimidant de la peine", *Revue de Science Criminelle et de Droit Pénal Comparé*, pp.579-593. (1960). Also Sellin, Th. Capital Punishment in *The Death Penalty*. Anglican Church of Canada, (1965).

The effect of the degree of unpleasantness of the consequences (punishment) vary from one person to the other. Prison for one person can be highly traumatic experience while for another it may mean food and shelter. Even death is not always an undesired or an unpleasant occurrence. Sometimes it is consciously or unconsciously longed for. Justice Charles Boeitel has pointed out:

"I think there are other men, to whom the fear of death is relatively unimportant, and I am quite confident that the psychiatrists are quite correct when they say there are many men, among criminals, too, who actually have a death wish".⁴

The subjective judgment of the risk of being detected, caught, and punished does not always correspond to the objective probability of punishment. Though the objective probability that the commission of a crime will lead to imposition of consequences is of unquestioned importance to deterrence and will help to explain why some threats operate more effectively than others, predictions based on objective probabilities of apprehension alone may be inaccurate. Subjective judgements about personal chances of being caught, rather than the cold mathematics of crime, will determine how an individual responds to the threat of consequences and the relationship between such judgments and objective probabilities is imperfect (see Zimring, 1971).

Zimring (1971) notes that:

"people may underestimate or overestimate the probability that they will be caught because of incomplete information about impunity rates for a particular crime. In addition, factors other than objective probability, such as personal feelings of optimism or pessimism, or propaganda about the chances of apprehension, may play an important role in personal judgements about the element of risk in a specific crime".

The persistent optimism of many potential offenders is in many cases a plausible explanation for the failure of punishment as a deterrent.

From what we have said on the certainty of punishment we can draw the following conclusions.

Certainty of punishment is more significant than the magnitude of penalties.

Even when punishment is a certainty, there are people who will not be deterred by it.

The greater the uncertainty of punishment, the less its deterrent effect.

In light of these conclusions, the deterrent value of capital punishment needs to be judged by the degree of certainty by which it follows the perpetration of murder. In recent years the application of the death penalty in the Western countries which still retain it has on the whole been slow, sparing and haphazard. Official statistics from those countries show that in only a very small percentage of those murders known to the police is the death penalty actually inflicted. As for Canada, capital punishment, as we shall see in the second part of this report, as it has been applied, falls very far short of a threat of instant and certain death to every murderer.

C. Publicity of punishment as a deterrent influence

"The more publicity punishments have, the more they may avail as an admonition and warning".

Seneca

There is no doubt that the communication of the threat is of importance to its effectiveness. Such a communication involves two things:

⁴ State of New York Temporary Commission on Revision of the Penal Law and Criminal Code, Special Report on Capital Punishment, March 1965, p. 31.

Information about the threat: if threats are to have any effect on members of an audience, information about the threat must be communicated to that audience (Zimring, 1971).

Information about the application of the threat: if audience members are to be deterred from committing a threatened behavior because they fear the imposition of consequences, they must believe that the threatening agency is capable of catching and punishing some offenders (Zimring, 1971).

Publicity of punishment was always thought to be an important factor in deterring people from crime. The death penalty as well as corporal punishment used to be given great publicity in the belief that the more people witnessed them, the greater would be their salutary effect.

"But so far from fulfilling this high purpose, they developed, in many cases, into scenes of profligacy and impiety, properly described as 'saturnalia of the gallows'. They proved to be degrading spectacles, occasions of vulgar witticisms and coarse ribaldry, in which not infrequently the condemned man became the hero of the crowd. To many, an execution was the most attractive of entertainments. It did not reform; it brutalised. It became the parent, and not the destroyer of crime. It proved inefficacious, demoralising, contaminating. Even when pocket-picking was a capital offense, pick-pockets plied their trade in the crowd around the gallows, for they accounted executions their best harvest".⁵

The Select Committee related the story of a prison chaplain who gave evidence before the Royal Commission in 1866, when executions were still carried out in public. The chaplain's work consisted in visiting prisons all over the country and he inquired of convicts under sentence of death whether they had ever witnessed an execution. Of one hundred and sixty-seven, all but three replied that they had.

In the end, public executions were as strongly condemned by the supporters as by the opponents of capital punishment. Indeed, in the Commission of 1866 it was the supporters who voted for putting an end to public executions, and the opponents, with one other, who declared against private executions.⁶

Little empirical research has been done to assess the impact of publicity on deterrence. In 1935 a special study was made in Philadelphia on the problem. Professor Dann who conducted the research argued that if the death penalty is a deterrent, its greatest effect should be shown through executions which are well publicized. Furthermore, the effect should be more noticeable in the community where the offense occurred, where the trial aroused wide publicity and the offender lived and had relatives, friends and acquaintances.

The dates of the executions of Philadelphia residents were secured for a period of several years. Because it was necessary to have cases which not only met the conditions mentioned above but also occurred as somewhat isolated events, numerous cases had to be eliminated. There remained, finally, five cases which met the specifications and which stood sufficiently alone to provide 60-day free periods before and after the date of execution, i.e. periods free from any other execution of local interest, although it was impossible to find such periods during which there were no executions in the entire state.

Three of the five cases were of great notoriety. In one case, a bank robbery, four men were executed in succession and one local newspaper gave its entire front page to the event.

The choice of cases having been made (from 1927, 1929, 1930, 1931, and 1932), all homicide deaths listed in the records of the Coroner during the 60 days before and after each case were studied. Accidental, justifiable and excusable homicides were eliminated, as well as deaths due to abortion. The

⁵ Report from the Select Committee on Capital Punishment. p. 12, London, H.M.S.O., (1930).

⁶ Ibid, p. 13.

remaining cases were examined to ascertain the date when they occurred; they were also checked with the prosecutor's office. The purpose was to retain only those cases which might represent homicides punishable as crime, whether the offender was unknown, committed suicide, or was dealt with by the courts.

The dates of the homicides were then marked on a calendar and analysed statistically. On the assumption that deterrence should manifest itself by a decline or at least a temporary drop in homicides, various tables were prepared. It was found for instance, that if the five 120-day periods were combined there were a total of 105 days *free from homicides* during the 60-day periods before the executions and 74 in the periods after the executions. There were a total of 91 homicides in the "before the execution" periods and 113 in the "after" periods.

The number of days *free from homicides* in the 10-day periods before and after the executions was:

Days	Before	After
1 - 10	9	16
11 - 20	24	15
21 - 30	11	27
31 - 40	17	9
41 - 50	17	0
51 - 60	27	7
	105	74

Of the 204 homicides included in the study, 19 resulted in sentences for murder in the first degree. Nine of them had occurred during the 60-day periods preceding and ten in the corresponding periods following the executions. During the ten days just before the executions there were two, and during the ten days immediately following there were three such first degree murders in Philadelphia.⁷

Another more recent study, also in Philadelphia, was undertaken by Professor L.D. Savitz (1958). The study was predicated on the assumption that at the point of maximum publicity, through the various media of mass communication, the greatest deterrence occurs, and in capital cases, at least since 1944, the greatest publicity came with the trial, conviction and sentencing to death. The execution itself, in recent years, usually takes place a year or more after the sentencing and receives rather perfunctory notice in the newspapers.

A list of all 20 convicted felons who had received the death sentence in Philadelphia from 1944 to 1954 was obtained. When the individual cases were examined, 16 had to be eliminated because they did not meet the specific conditions set for research. The four remaining offenders were all "felony murderers" whose trial and sentencing received from 30 to 75 inches of print in the *"The Philadelphia Inquirer"*. Professor Savitz then proceeded to determine the number of murders committed in an eight-week period prior and an eight-week period subsequent to each of the dates of sentences in the four cases. Only first degree murders were taken into account since in Pennsylvania the death penalty can be applied only for that crime. However, these were divided into definite capital crimes and possible capital crimes.

Professor Savitz concluded that from his study, no pattern emerges that would indicate deterrence and that the assumption that the deterrent effect of the imposition of the death penalty might be felt

⁷ Robert H. Dann (1935). *The Deterrent Effect of Capital Punishment*. Friends' Social Service Series, Bulletin No. 29, third month, 1935 This account is given by Professor Th. Sellin in his report for the Model Penal Code Project of the American Law Institute entitled *"The Death Penalty"*. See also the Report of the Joint Legislative Committee on Capital Punishment (General Assembly of Pennsylvania) p. 26-28, June 1961.

shortly after the date of sentencing is not borne out by the data. He further concludes that on the basis of his data "there was no significant decrease or increase in the murder rate following the imposition of the death penalty on four separate occasions".⁸

D. Celerity of punishment as a deterrent influence

"... le châtime est plus utile quand il est prompt, parce que moins il se passe de temps entre le délit et la peine, plus forte et plus durable est dans l'esprit l'association de ces deux idées de *délit* et de *peine*, si bien qu'insensiblement l'un est considéré comme la cause et l'autre comme l'effet nécessaire et infaillible".

C. Beccaria

The celerity of punishment is another factor which is strongly correlated with the effectiveness of punishment as a deterrent. The argument goes that if the actual application of the legal threat is to be associated in the minds of potential offenders with the type of behavior threatened, then such infliction of punishment has to be prompt and to take place immediately or a short time after the crime has been committed.

Mattick (1966) points out that the basic notion underlying the deterrent effect of the death penalty is that the stimulus or awareness of capital punishment will elicit the response of non-murder in the mind of a would be murderer, or in the minds of the general public. Such a result can be achieved through the mechanism of conditioning and such conditioning is brought about only if the stimulus and response are closely and invariably related.

If it is true that the promptness and swiftness of punishment are important factors to its effectiveness⁹ then capital punishment should be the least effective since the time span between a murder that is committed and the execution that follows upon it is usually much longer than the time lapse between other crimes and the punishment following them. It would also follow that the fear of lynching should be much more effective as a deterrent than the death penalty.

It is often argued that the non-swiftness of the death penalty is not a criticism of the punishment itself but of the way it is administered and that this can be counteracted by avoiding the lengthy procedures which are responsible for the long time lapse between the crime and the execution. This argument overlooks the fact that since a human life is at stake and since the death penalty is irrevocable, it can not be made swift without doing away with many of the existing safeguards and only at the expense of many innocent lives. The slowness of capital punishment is something inherent in its very nature and cannot be avoided without a great risk of judicial errors.

Death penalty delays are a common occurrence in the Western countries that still retain capital punishment. The Chessman case, in which about twelve years elapsed between crime and punishment is often given as an example. But even if we admit that the Chessman case was exceptional we still have to admit that the death penalty is in general the slowest of all punishments.

⁸ Leonard D. Savitz. "A Study in Capital Punishment," *Journal of Criminal Law, Criminology, and Police Science*. Volume 49, pp. 338-341. Mattick (1966) examined the publicity hypothesis on the basis of data for Chicago. Although he does it in a less systematic way, he arrives at the same conclusions. See pp. 12-15.

⁹ Psychological research on variables determining the effectiveness of punishment have shown that maximum effectiveness can only be insured if the punishing stimulus is delivered immediately after the reference response. Under non-immediate conditions response recovery can occur. With immediate punishment, indefinite reduction and even complete suppression has been reported. (See Estes, 1944, Hunt and Brady; 1955; Azrin, 1956, 1958; Kelleher and Cook, 1959; Chopra, 1969).

According to Mattick (1966) if we average out the elapsed time between the death sentence and the execution of the 15 men who were executed in the United States in 1964, or the same period between sentence and December 1964 for the 315 persons awaiting execution in the U.S.A. at that time, we find that, *on the average*, 27 months have elapsed between stimulus and response. He comments that a period of 27 months is an impossible time span over which to expect the stimulus-response pattern to be effective, either in the mind of a particular murderer or in the mind of the public at large.

Death penalty delays in the United States

The following table contains data showing the time between the date of sentencing and the date of execution for 326 prisoners executed from 1956 to 1961.

It shows that 136 or 41.7% of the prisoners were executed within twelve months or less *after sentence* by the court. The remaining 190 persons or 58.3% were put to death one or more years *after sentence*. Of these, 39 were executed two to three years, 16, three to four years, and 19, four or more years, after sentence had been pronounced. Of the 42 offenders executed in 1961, one had been sentenced to death in 1954. There was, therefore, a time lapse of seven years between the sentence and the execution. In 1961 the median time between the sentence and the execution in all cases was 16.2 months¹⁰.

Table 1

Time Between Sentence and Execution for 326 Prisoners
in the United States: 1956-1961

Time in months	Number (a)	Per cent
3 or less	33	10.1
4 to 6	19	5.8
7 to 12	84	25.8
Total	136	41.7
13 to 18	74	22.7
19 to 24	42	12.9
25 to 36	39	12.0
37 to 48	16	4.9
49 or more	19	5.8
Total	190	58.3
Total	326	100.0

(a) *National Prison Statistics*, 1959, Bureau of Prisons, No. 23, 1960, No. 26, 1960, No. 28, 1962, Washington, D.C.

¹⁰ See Walter A. Lunden. "Death Penalty Delays," *Police*, July-August 1963, pp. 18-22. According to recent statistics reported by Hugo Adam Bedau the *average* time under death sentence has more than doubled during the decade 1960-1970, from 14.4 months to 32.6 months. See H.A. Bedau (1971). *The Death Penalty in America, Federal Probation*, Vol XXXV, No.2 (June) pp. 32-42.

It is obvious that the lapse of time between the commission of the crime and the execution is far greater than the periods mentioned here which are calculated from the date of sentence.

Time lapse in Canada

Professor Luden (1963) notes that the time lapse between the sentence and execution in Canada is much less than in the United States. The following table shows the time lapse between sentence and execution for 81 persons executed in Canada during eight years, 1945, 1949 and 1950 to 1955.

Table 2

**Time Lapse Between Sentence and Execution For
81 Persons in Canada: 1945, 1949 and 1950 to 1955**

Time between sentence and execution (in months)	Number of persons (a)	
1	0	
2	8	36 (44.4%)
3	28	
4	13	
5	8	25 (30.9%)
6	4	
7	1	
8	2	
9	2	
10	5	14 (17.3%)
11	2	
12	2	
More than 12	6	6 (7.4%)
Total	81	81 (100%)
Average	5.58 months	

(a) *Statistics of Criminal and Other Offences*, Bureau of Statistics, Judicial Statistics Section, Ottawa, Canada. Reports for respective years supplied by W.A. McGill, Chief Judicial Section.

In the eight years, 1945, 1949, and 1950 to 1955, 81 defendants were executed in Canada, all for the crime of murder. The average time between sentence and execution was 5.58 months. The range varied from 2 to 22 months.

Of the 81 executions, 36 or 44.4% of the offenders were executed within three months or less after sentence; 25, or 30.9% within four to six months; 14 or 17.3% within six to twelve months; and six or 7.4% within one year or more (three within 13 to 18 months, and three within 19 to 24 months)¹¹.

¹¹ Luden, op. cit., p. 21.

Table III gives information for the time lapse between the date of murder and the pronouncement of sentence of death for the eighty one offenders executed.

Table 3

Time Between Crime and Sentence in Court for Eighty-one Offenders
Executed in Canada: 1945, 1949, and 1950 to 1955 (a)

Time in months	Number	
1	3	
2	11	26 (32.1%)
3	12	
4	15	
5	3	32 (39.5%)
6	14	
7	2	
8	2	
9	3	14 (17.3%)
10	4	
11	1	
12	2	
More than 12	9	9 (11.1%)
Total	81	81 (100%)
Average	6.37	

(a) *Statistics of Criminal and Other Offenses*, Bureau of Statistics, Judicial Statistics Section, Ottawa, Canada. Reports for respective years supplied by W.A. McGill, Chief Judicial Section.

The average time between the murder and the sentence in court was 6.37 months, arying from one month to 32 months; of the 81 offenders, 26, or 32.1% were sentenced in three months or less after the crime. Thirty-two offenders, or 39.5%, were sentenced from four to six months after the murder, whereas 14, or 17.3% were sentenced within seven to twelve months. Nine, or 11.1% of the total were sentenced after more than one year¹².

During the same eight years, the Canadian courts commuted 39 sentences for murder to life imprisonment. The average time between the sentence and the commutation was four months with a range of one to twelve months. Of the total, 22 were commuted within three months or less¹³.

Whether these time patterns are still valid cannot be said unless a further study is made on the years following 1955.

¹² Lunden, *ibid*, p. 21.

¹³ *Ibid*.

E. Frequency of punishment as a deterrent influence

“Ne remarquez-vous pas que les pays où la routine de la loi étale les plus affreux spectacles, sont ceux où les crimes sont le plus multipliés? N’êtes-vous pas persuadés que l’amour de l’honneur et la crainte de la honte sont de meilleurs moralistes que les bourreaux? Les pays où l’on donne des prix à la vertu ne sont-ils pas mieux policés que ceux où l’on ne cherche que des prétextes de répandre le sang, et d’hériter des coupables?

Voltaire

If punishment is really a deterrent, then a wide use of it would certainly be more effective than a scarce or a sporadic use.

Psychological studies show that for punishment to be effective its frequency should be as high as possible. With only some responses punished, a positive acceleration of response rate is reported in the period between successive deliveries of the punishing stimulus (Azrin, Holz and Hake, 1963). The frequency of responding appears to be an inverse function of the frequency of punishment. The greater the proportion of responses punished the greater the response reduction (Zimmerman and Ferster, 1963).

However, with regard to criminal punishment and penal sanctions the situation is completely different. Here again, the above mentioned distinction between special deterrence and general deterrence becomes important.

The frequency of criminal punishment applied to the same person reduces to a minimum if not eliminates its effectiveness as a special deterrent. This is mainly due to the fact that one of the most powerful factors associated with the deterrent effect of legal penalties is the risk of stigmatization. This risk is usually eliminated after the first penalty has been applied. This explains why in many cases the experience of punishment, instead of strengthening the offender’s fear of the law, works the other way. Once convicted, he may have less to fear from a new conviction since his reputation is already tarnished. It has often been claimed that the offender’s fear of imprisonment is much reduced once he has become acquainted with it (Andenaes, 1968).

Aschaffenberg (1913) in explaining the reasons why punishment fails, pointed out that one of the main reasons is in the execution of the sentence itself, which, looked at closely, loses much of its horror.

In fact, special deterrence can be greatly reduced or eliminated by the repetition of punishment as often observed in the case of habitual offenders or drunkenness offenders. But sometimes it is argued that the frequent use of punishment, though it may reduce the special deterrent effect, does enhance the effectiveness of general deterrence. This argument has been voiced by many of the advocates of the death penalty. When confronted with the results of empirical studies showing that the abolition or the reintroduction of the death penalty do not have any relevance on the rates of murder, they often attribute the ineffectiveness of capital punishment to its infrequent use. They claim that if capital punishment was more frequently applied this would greatly heighten its deterrent value and would strengthen the fear of it.

If capital punishment is really a deterrent then there is no doubt that a scarce and sporadic use of it would weaken its deterrent value by reducing the probability of execution. It is in this fact that the real paradox of capital punishment lies. If it is used lavishly, it loses its horror, people become accustomed to it and are no longer affected or deterred by it; if it is rarely applied, then the probability of incurring it sinks to insignificance in the minds of potential offenders. Professor Sellin (1932) has declared that “the death penalty probably can never be a deterrent. Its very life seems to depend on its rarity and therefore on its ineffectiveness as a deterrent”.

A comparison between the number of executions and the number of homicides in any given year, whether in Canada or abroad, shows beyond any doubt that the application of the death penalty is becoming less and less frequent all the time. Without questioning the right or wrong of such practice, we cannot help realizing that it is a general trend. The only conclusion that emerges is that if capital punishment is a deterrent then its effectiveness at the present time, in the countries where it is still retained, is at its lowest level, since the probability of incurring it is very low and the chance for a murderer being executed is quite remote indeed.

A study by Glaser (1959) quoted by Mattick (1966) shows that during the years 1945-1958 there was a total of 1,045 capital convictions in Illinois (1,022 for murder) and of these only 13 were executed. Thus, the rational would-be murderer in Illinois could readily calculate that the odds against his being executed would be 83.1 in his favor (in many countries the odds against being executed are even higher).

A similar calculation on a national scale for the year 1964 shows that the odds are even greater. In 1964 there was a total of 9,149 homicides and 15 executions in the United States. Simple division of these numbers by a rational, risk-calculating, would-be murderer would indicate that the ratio of executions to murder was 1 to 616.

From this brief survey of the five objective factors that, according to rational thinking, are highly relevant to the deterrent effect of punishment (severity, certainty, celerity, publicity and frequency), capital punishment can have claim only to the first (severity). Its certainty is more than doubtful, its execution is no longer public, its application is far from being swift and it is becoming less and less frequent.

III. The Limits of Deterrence

"I hate the death penalty because it is not the deterrent to crime that its advocates claim I have yet to meet the man who let the thought of the gas chamber stop him from committing murder".

Clinton Duffy

Most legislators, jurists and law enforcement officers continue to place confidence in the legal penalties as deterrents in spite of the innumerable examples of the failure of punishment. History is full of examples of people who were not deterred by the prospect of the most severe and the most cruel punishments. The torment of hell does not restrain religious-minded people from criminal acts. The death penalty did not restrain hangmen from committing crimes punishable by death. In his testimony before the mixed Committee on Capital Punishment, Lottery and Corporal Punishment, Professor A. Morris supported his argument by the story of three English hangmen from the period 1714 to 1750 who later were found guilty of criminal acts. At least in the case of two of them, if not of all three, the crimes committed were ones punishable by death.

An Ohio convict named Charlie Justice devised the clamps that held the condemned man in the electric chair. After his release, he was convicted of murder and electrocuted.

A similar fate befell Alfred Wells, who helped install San Quentin's gas chamber in 1938. It was his conversational cachet around the prison yard, usually with the moral: "That's the closest I ever want to come . . .". Four years later, back at San Quentin for a triple killing, he was sealed in the chamber to die.

The numerous examples in which punishment fails as a deterrent do not nullify the theory, they only indicate that deterrence has its limits. As Hans Mattick (1966) puts it:

"The kind of rationality assumed by the deterrent theory of capital punishment may be present in the minds of legislators at the time of their deliberations about crime and punishment and may even be present in the minds of most persons *in their reflective moments*. To attribute the qualitative thinking of a deliberative body to the participants in an emotional situation that leads to murder, however, is gross oversimplification of the psychological forces involved in homicide. Deliberative bodies and persons detached in reflection are not likely to get into situations that lead to murder".

Usual methods of deterrence proceed from the assumptions that: men know in every case what is harmful to them; men are in every case frightened by danger; men realize in every case the correct steps to avoid peril (See Von Hentig, 1938).

Von Hentig notes that all these suppositions assume the behavior of the average man under average conditions of life. In many cases they do not come true. The exceptions to the rule may be classified into psychological or normal stages of non-deterrence, and pathological stages of fearlessness. Beside the inborn or acquired indifference to danger situations, Von Hentig indicates other complications:

First, we should not expect that the state punishment can possibly frighten the experienced criminal. What we do know is that the detection rate of the serious crimes is rather low. Crime pays, as far as the theory of probabilities is concerned, and no movie propaganda can alter the true picture. The criminal is much better acquainted with the inefficiency of our detection machinery than professors of criminology or social statistics. Undetected crimes do not add to the deterrence of severe laws.

Secondly, the retreating, the avoiding, dodging, shrinking of the frightened individual represents only **one** of many reactions of threatened individual. There are other shifts: seeking help or protection, for example. The criminal relies on the formation of gangs or on "fixing" cases. He does not retreat, he improves his technique and gets away with it.

A *third* form of behavior when menaced is protective aggression. A new criminality is created by excessive deterrence and superimposed on the primary criminal reactions: the girl is raped **and** strangled. the man is robbed **and** shot. Arrest is resisted by force, and even in prisons criminal deeds such as riots, breaks, assaults, killings are perpetrated (Von Hentig, 1938).

If rational and common sense arguments about deterrence in general and about the deterrent effect of capital punishment in particular are contradicted by the practical failure of these punishments, it is simply because such arguments fail to take into consideration the various limits of deterrence which can be summarized as follows:

1. Deterrence is irrelevant to the bulk of the population, to the mass of people who have introjected the moral norms of their society (and) cannot commit crimes because their self-concepts will not permit them to do so. Toby (1964) has declared that the "socialization process keeps most people from committing crimes, not the police". Kirchwey (1911) spoke of deterrence as being inapplicable to "those of us who have high standards and much personal pride, and who are law abiding any way". The same idea is expressed by Spratt (1965) when he says:

"By and large most people are deterred by the effect of the socialization process which they have undergone and do not refer at all to the risks of legal punishment. If punishment is a deterrent, then its deterrent effect is limited to a small number of people since . . . in a well-ordered society, the majority of people are unconsciously deterred from wrong-doing by the very fact that laws exist which they are psychologically conditioned to accept, and would be ashamed to break, or rather, perhaps, to be caught breaking". (Sington and Playfair, 1965).

In any society, the majority of people are those highly socialized, law-abiding citizens who do not need the threat of law to keep them on the right path. However, the size of this group which needs no deterrent to refrain from violating a social norm varies largely from one society to the other, from one period to the other, and above all with regard to the different types of offenses. With regard to wilful homicide, the large majority of the population refrains from killing because of moral and religious convictions and out of deep-rooted respect for human life. This majority does not make a conscious calculation of the consequences of killing a human being and the number of this majority will not be reduced if the death penalty is abolished.

2. Deterrence cannot be effective in the case of certain acts of impulsive nature, acts where high emotions or strong motivations are involved. A large number of homicides, as we shall see later, fall within this category. In fact homicide is considered by many to be the least deterrable of all crimes.

3. Deterrence cannot be effective for certain categories of criminals such as insane, abnormal, impulsive, or compulsive offenders. Neither can it be effective in the case of those who, out of guilt feelings or masochistic tendencies or for any other reason, are consciously or unconsciously seeking to be punished. In some cases the challenge of punishment can be an incitement to crime. Some criminals are motivated by a certain desire to feel superior to the law enforcement machinery, to commit the "perfect crime".

4. The death penalty, in particular, cannot be an effective deterrent, as we have noted earlier, for those who are not afraid of death or those who have a conscious or unconscious desire to die. Murderers who commit suicide fall into this category.

5. Deterrence cannot be effective in the cases where punishment can be avoided. It follows that the uncertainty of punishment sets a serious limitation to the effectiveness of deterrence. But even if punishment were certain its deterrent effect, as had been pointed out earlier, cannot be complete for various reasons:

(a) the subjective evaluation of the risk of punishment does not always correspond to the objective risk as illustrated by the actual probability of application of this punishment. The hope of escaping justice may be a stronger feeling than the fear of pain (Meyer, 1968).

(b) many criminals, especially professional criminals, instead of being deterred by punishment consider it a professional risk in the same way a physician considers the risk of contamination or an aviator the risk of a plane crash.

(c) Often punishment, instead of deterring, develops a sense of caution in the criminal. He will not refrain from acting but will try to contrive methods of evading the punishment or detection. In this way, punishment has neither reformed nor deterred the criminal, it has merely taught him to be more cautious and to develop practices to evade detection.

This survey of the limits of deterrence clearly shows that if capital punishment really acts as a deterrent, its effectiveness as such is so limited (because of what is mentioned above) that its abolition cannot have any serious effect on the incidence of murder.

IV. For Whom is the Threat of Punishment Intended?

When considering the effectiveness of a deterrent measure, a definite population must be specified and it is necessary to state whether the criminal or non-criminal population is referred to (See Ball, 1955). We have already mentioned that special deterrence refers only to the criminal population whose members have actually been subjected to punishment. The problem is more complicated when one tries to specify the population with regard to the concept of general deterrence. What has been said concerning the limits of deterrence clearly shows that it would be incorrect to claim that the deterrent measures are intended for the whole population regarded as potential offenders. Such measures are in fact intended only for a small

group of inadequately socialized members of society who are likely to commit anti-social acts. This small group is often referred to as "would-be offenders", "possible offenders", "potential criminals", or the "prospective offenders", etc.

Since deterrence is based on the assumption that human behavior can be influenced through fear, a deterrent measure can only be intended for those who:

- (a) are likely to commit the undesirable act;
- (b) are likely to be deterred by the threat of punishment.

This excludes two major groups from the realm or the perspective of deterrence:

(1) Those who do not need a deterrent to refrain from a certain anti-social behavior. This refers to the members of society who are unconsciously deterred by the mere fact of the law's disapproval and who fear the mere disgrace of being caught out in violation of the law more than they fear the punishment itself.

(2) Those who are not or cannot be deterred by the threat of punishment or even by the experience of actual punishment. The fact that we have crime in spite of the threat of punishment and the fact that some people repeat their offenses in spite of the application of punishment, indicates that in every society there is a group of people who are neither deterred by the threat nor by the actual punishment.

Between the group of law abiding citizens for whom deterrence is not necessary and the group of citizens for whom deterrence is ineffective, exists a third group or the "marginal group", so called by Zimring and Hawkins, (1968). This group consists of the entire class of persons who are objectively on the margin of a particular form of criminal behavior, in other words, the class of persons "next most likely" to engage in the criminal behavior in question.

According to Zimring and Hawkins there are at least five respects in which the "marginal group" concept is directly related to the operation of criminal sanctions:

(1) The concept of a group of people on the margin of criminal activity (smaller than the general population) suggests that the utility of severe threats designed to prevent specific serious crimes depends on the effect of the threat on that limited marginal group.

(2) The predication of the existence of criminal and marginal groups significantly different from the general population suggests as a corollary that normal patterns of response to threats should not necessarily be anticipated from such groups.

(3) Insofar as the concept of marginal groups focuses attention on the crucial differences between criminal and marginal groups, it also provides insight into the likely effects of changes in punishment policy.

(4) In the postulation of criminal and marginal groups, the existence of a susceptibility to criminal behavior is implied, which has significant penological implications.

(5) By focusing attention on particular categories of offenders and potential offenders, this approach provides a specificity and definition hitherto lacking in discussions of this subject.

As with the other two groups, the size of the marginal group varies from one society to another, from one period to another and from one offense to another. Although the determination of the size of the marginal group is by no means easy, the concept makes it clear that deterrence is limited to a small group of the population and that any change in policy regarding punishment can only affect the members of this group and not the entire population as it is often asserted; any increase or decrease in the incidence of offenses for which there has been penalty changes will depend only on the size of the marginal group.

A hypothetical example may help in clarifying what has just been said. Let us suppose that in a given population at a given time the number of the marginal group with regard to murder (those who are susceptible to or most likely to commit murder) is one hundred persons. This means that any changes in the punishment prescribed for murder either by rendering it more lenient or more severe can only influence, if at all, the behavior of these one hundred persons. It will not affect the behavior of those who refrain from killing regardless of punishment and will not interfere with the behavior of those who are not deterred by punishment, be it mild or severe.

Chapter 2

THE DETERRENT EFFECT OF CAPITAL PUNISHMENT

I. Common Sense Reasoning on the Deterrent Effect of Capital Punishment

"I am absolutely convinced — I know — that fear of violent death is a deterrent, and no statistics, no argument whatever will convince me that it is not".

Sir Patrick Spens

Arguments for capital punishment as a deterrent are usually based on common sense reasoning rather than empirical data since such data give support to the counter argument. Schuessler (1952) has stated that "statistical studies have uniformly concluded that the death penalty is inconsequential as a deterrent and that the relative frequency of murder in a given population is a function of the cultural conditions under which the group lives".

A. Capital punishment is the most effective deterrent: the assumption of rational choice

Advocates of capital punishment claim it to be the most powerful of all deterrents. They argue that human behavior can be influenced through fear; people refrain from crime because they fear punishment; since the fear of death is the most intense of all fears, the death penalty is the greatest of all deterrents.

Involved in this argument is the assumption that men deliberately choose among rival courses of action in the light of foreseeable consequences, the criterion of choice being personal gratification.

Schuessler (1952) notes that this psychological hedonism is not in accord with modern psychology and sociology which see human behavior as largely unplanned and habitual, rather than calculated and voluntary. The late American psychiatrist Dr. Roche (1958) author of the "Criminal Mind" has responded to this argument in the following way:

"The argument that capital punishment deters may be a valid assertion so long as it rests upon a hypothetical state of mind which is a fictional invariable. But it is not verified by experience which tells us that in a given community there will be found a segment of its population predetermined with pathological and criminal potentials transcending the deterring effect of any punishment including capital punishment. The psychological and sociological sciences do not support the belief that the fear of death is an effectual deterrent to crime. On the contrary, we more often encounter the opposite effect; the death penalty may be an incentive to murder, and here indirectly capital punishment tends to lower the respect for human life. The number of murderers who are mentally unstable is larger than we wish to admit. Even in some instances they are attracted to the spectacle of their own execution and attempt to secure it to insure their own destruction".

The argument of the advocates of capital punishment places too much faith in the power of fear. Fear does not make people refrain from doing things they are willing to do. The prospect of immediate pleasure largely outweighs the remote risk of death. We should not forget that life is full of risks for every person; the risk of being killed or injured by motor vehicles, the risk of being killed by accidents in certain occupations such as mining, skyscraper construction, auto racing, etc. The prospect of lung cancer does not prevent people from smoking. Others still drink themselves to death or indulge in other vices that may lead to the same end. Policemen and firemen face daily risks in their professions, yet do not

hesitate to enter them. Fearful people ride in airplanes often for no better reason than to get there quickly. Fear has no power to sway men's minds in direct disproportion to the opposite need of urge (Pennsylvania Committee, 1961).

Man is characterized by an inability to conceive his own death. Furthermore there will always be people who have lost all interest in life, so that the prospect of death, whether by suicide or execution, will not be an effective deterrent to them. In fact, as we shall see later, many murderers fall into this category as is shown by the proportion of those who commit suicide immediately after the crime. Some who are fearless and adventuresome would be more attracted to the crime if the punishment is death.

The impulsive character of many murderers speaks against the argument of deterrence. The argument of deterrence is based on Bentham's hedonistic calculus which conceives of man as a rational being acting only upon reflection and after measuring and balancing the consequences of his acts. But many acts of murder are impulsive, committed in the heat of passion or on a mild or strong provocation. Alcohol, which plays a major role in homicide (as well as other crimes of violence) reduces the reasoning powers of the individual.

Premeditated, carefully planned murders are, on the other hand, frequently committed by mentally sick or mentally abnormal offenders who are either unable to foresee the consequences, unafraid of death or are driven by an unconquerable impulse or an irresistible urge to commit the crime.

The optimism of the potential offender can also overcome the fear of being caught.

If capital punishment is to be the unique and most effective deterrent, it has to pose an actual threat to the lives of potential murderers; the weak probability of being sentenced to death and executed has the inevitable result that any possible deterrent effect is obviated by the odds against execution.

The death penalty as it is now applied, in the countries that still retain it, does not fulfill the most important condition of effective deterrence: a high degree of certainty of application. The very general nullification of the intent of the law reduces the efficacy of the death penalty as an instrument of general prevention (See Tappan, 1960).

B. The struggle of those on Death Row for commutation

Another argument, frequently advanced by the proponents of capital punishment as being a proof of its unique deterrent effect, is the fact that almost every prisoner under sentence of death sought a reprieve, and welcomed it when it came. This shows, so the argument goes, that men fear death more than anything else and more than life imprisonment.

It is clear that this argument overlooks one compelling difference, viz., the state of mind in contemplation of death before committing the crime and the contemplation of death afterwards. In the former state, the existence of the death penalty does not mean certainty of death, here and now; only fortuitous death in the future (See Roche, 1958).

This contrast between death remote and death imminent is well brought out by the Reverend Edward Irving in a discourse delivered when he was minister of the Caledonian Church, London, England. He contrasts the capital offenders' defiance and scornful attitude to death when they are engaged in their crimes with the frantic effort made by them, or on their behalf, when they are in the shadow of the scaffold. He speaks from his own experience of condemned men in their last hours:

"There are no practical despisers of death like those who touch and taste and handle death daily, by daily committing capital offenses. They make a jest of death; all its forms and all its terrors are in their mouths a scorn. Now it has been my lot to attend on the

condemned cells of prisoners and to note the effects when they were kept cool in body and mind and saw that enemy at hand whom they affected to despise when at distance" (quoted after the Select Committee on Capital Punishment, 1930).

The British Royal Commission on Criminal Law has also pointed out that:

"It is a matter of ordinary observation that the fear of death, however strong when the event is near and certain, has no proportionate influence when the event is remote and uncertain. Daily experience proves that men are constantly induced to engage in the most hazardous occupations without regard to peril of life".

Where murders are premeditated, the fear of capital punishment (or any other penalty) is often overcome by the assurance of escape. "In proportion to the fear of death", says Gibbon Wakefield, "is the delusion of hope".

Roche (1958) has asserted that among criminals hope and futurity diminish differences between capital punishment and imprisonment and such hope is not irrational because of the weak probability of being executed.

It seems then fallacious to assume from the terror of death experienced by the unrerieved murderer during his last days on earth that the same fear was operative in his mind as a deterrent at the time of the crime.

We can thus conclude that the so-called common sense arguments on which the death penalty is so often assumed to be uniquely deterrent are psychologically unsound¹.

II. How Effectively Can the Potential Murderer Be Deterred?

"My conclusions are that man is an emotional animal rather than a reasoning one . . ."

Charles Burr

"There is no passion in the mind of man so weak that it meets and masters the fear of death . . . revenge triumphs over death, love slights it, honor aspireth to it, grief flieth to it, fear preoccupateth it".

Bacon

We have already explained that deterrence cannot be effective in all fields and that the deterrent effect of punishment varies widely from one offense to another. Murder seems to be one of the first offenses for which the deterrent effect of punishment is the least effective. It is universally recognized that this offense is most frequently an emotional and impulsive crime, rarely subject to control by reason or by fear of consequences. Often the victim is closely associated with the offender. Commonly the crime is committed by psychological deviates or under the pressure of unusual circumstances (See Tappan, 1960).

In 1951, the late Dr. Philip Q. Roche, American psychiatrist and author of the book "The Criminal Mind" submitted a questionnaire on capital punishment to 150 American psychiatrists; 86 responded. The group representing this sampling, according to Roche, is a highly selected segment of North American psychiatry which devoted itself to the study of human individual and group reactions, of mental processes, and especially of the emotions in both normal and abnormal behavior. All except four resided in

¹ Many commissions of inquiry on capital punishment have reached the same conclusion. See for example the Ceylon Commission, 1959, p. 50.

jurisdictions which imposed capital punishment. In this sampling the responses weighed on the side of caution. It is noted that one third to one half of the respondents frankly stated that their experiences did not enable them to make either yes or no replies. Of those who felt qualified to answer, only one out of three could say that capital punishment influences the frequency of murder in general, and only one out of 10 could say that capital punishment influences the frequency of so-called crimes of passion. Only one out of seven believed that the abolition of capital punishment would increase the frequency of murder, and four out of five stated that the effect would be indifferent.

In 1951 the rate of murder in America to executions was 3000 to 180. Only one out of 11 of the respondents could say that more executions would reduce the frequency of murder. Only one out of five believed that capital punishment had a salutary effect upon the law-abiding.

A. The impulsive character of many murders

"The failure of the death penalty as a deterrent to murder appears to be inherent in the passionate nature of both the murderer and his crime".

Roy Calvert

The act of murder has received more attention from researchers than any other crime. Studies of murder and experience with murderers show that the majority of such acts are the result of sudden impulse or over-mastering passion, into many of which, if not all, the thought of the penalty (whether death or otherwise), could hardly have entered. Actually most murders are committed under conditions which preclude an adequate consideration of consequences.

Bernard Hollander, an American psychiatrist, states that:

"the majority of authors of violent and reckless crimes, especially homicide, manslaughter, and serious assaults are under such influence of passion as to obscure reason and reflection for the time being, . . . they are not thinking at all at the moment of the consequences of their acts".

Cuthbert (1970) expresses a similar view. According to him the act of murder is usually impulsive and dictated by chance operating at a time when a vulnerable personality is subject to stress factors which are intolerable to him personally. Many murderers are people so constituted that by nature and nurture they are unable to solve their problems by any other means than those of direct and often violent action.

After a study of all persons convicted of murder in England and Wales during the twenty years ending in 1905, Sir John MacDonal concluded his survey in the following words:

"I hesitate to draw any conclusions from imperfect data as to matters of great complexity, but I am inclined to think that this crime is not generally the crime of the so-called criminal classes but is in most cases rather an incident in miserable lives in which disputes, quarrels, angry words, and blows are common. The short history of the large number of cases which have been examined might be summed up thus: — domestic quarrels and brawls; much previous ill-treatment; drinking, fighting, blows; a long course of brutality and continued absence of self-restraint. This crime is generally the last of a series of acts of violence. There is, however, a clearly marked class of murders, of rare occurrence, the motive of which is robbery, committed by habitual criminals and forming the climax, and usually the termination, of a career of crime".²

² Prepared by Sir John Macdonald, C.B.; L.L.D. Master of the Supreme Court, Criminal Statistics for 1905, quoted after E. Roy Calvert (1927). *Capital Punishment in the 20th Century*. London and New York: G.P. Putman's Sons, p. 32.

Clearly the nature and character of murder have not changed over the years as is shown by recent studies on murder in Great Britain.

The recent report on murder in England and Wales by the Home Office Statistical Division (1969) states that the motives for normal murder are as follows:

"Murders of women and children were mainly due to rage, quarrel or jealousy. Sexual motives and motives of gain accounted for most of the remainder. Motives of murder for men were more varied, but also largely emotional. Rage, quarrel, jealousy and revenge accounted for about half the known motives. Theft or other gain was next in importance; it showed no general upward trend. In recent years, feuds and murders while escaping or resisting arrest become more common, though still only a small proportion of the total" (p. 59).

With regard to abnormal murder (insane murder or suicide murder) the report states that motives could not be analysed although it was apparent that family stress, depression and despair played a large part. Where a motive could be attributed to section two – "manslaughter", it was almost emotional, and the most frequent was rage or quarrel, often due to family stress.

Studies undertaken in the United States show similar results. Gillin (1946) in his analysis of 96 Wisconsin murderers, found that most of their killings were "crimes of passion, explosive reactions to a difficult situation".

Over a period of 11 years, Roche (1958) had an opportunity to study a fair sample of convicted felons. A large number of those were men convicted for first degree murder among whom were several condemned persons. The following is a summary of his findings:

1. The largest segment of the murder group was comprised of men whose homicide was a first offense. The homicide represented a critical turning point in an otherwise non-criminal life. In every one the analysis of the psychological elements in the case revealed an underlying mental morbidity descriptive of what is commonly recognized as depression. In this mental state the crime represents a breaking through of intense hostile impulses no longer successfully repressed and absorbed. Those hostile impulses are often delicately pivoted between killing oneself and killing another. In this mental state fortuitous conditions often determine which way the impulses go. In this state of mind the individual's life and thinking is centered on the emotional contemplation of death rather than the avoidance of it. In these cases the fear of death has no meaning. The homicide (suicide) is an imperative. The penalty is embraced within the same mental state as an internally imposed justice and it is a commonplace observation that after the crime even the condemned murderer experiences a kind of relief and an emotional reintegration. Only after the crime do some persons regain some degree of insight. From these cases it is clear that the fear of death is not a deterrent and that the knowledge of capital punishment as a certain penalty is unlikely to stay the morbid preoccupations with destruction turned inward or outward.

2. In the so-called impulsive homicide there is a deeply rooted morbid mental process which is almost always significantly associated with a disturbance of the consciousness of the moment. Impulsive killers almost invariably declare loss of memory for this moment and this is almost invariably disregarded as being untrue. The evidence at hand is highly suggestive that in impulsive killing a kind of memory blank is genuine³, that the impulsive act is similar in character to that observed in the phenomena of epileptics, likewise in whom social sanctions have no deterrent value.

³ Many psychiatrists who have studied large numbers of murderers and their crimes came to the same conclusion. Guttmacher (1960, 1967) studies a group of 175 murderers. From these, 105 were non-psychotic (at the time of murder), 53 psychotic, and 17 seriously abnormal but no psychotics. He found that more than a third of the psychotic group were partially or completely amnesic for the crime. He also found that nearly half of the "normal murderers" had been drinking heavily before the crime.

3. It is clear from the study of a good number of murderers that in their liminal thoughts at the moment of the killing the knowledge of capital punishment is not an effective deterrent. In them, capital punishment no doubt exists as an acknowledged abstraction but its cogency is real only after the killing. The concept of death exists in a good many murderers as a morbid anticipation rather than something to be dreaded. The murderer almost invariably expresses his contemplation of death with the statement, "At the time I didn't care what happened to me".

The well known and often quoted study by Wolfgang (1958) on homicide in Philadelphia shows, in accordance with British studies, that criminal homicide usually results from a vaguely defined altercation, domestic quarrel, jealousy, argument over money and robbery. These five motives were involved in eight out of every 10 cases. Furthermore, Wolfgang found that either or both the victim and the offender had been drinking immediately prior to the slaying in nearly two thirds of the cases.

A detailed study of homicide and of murder in Canada has to be undertaken to establish whether the general patterns follow those observed elsewhere (especially in the United States and Great Britain). Such a study would show the number and percentage of homicide which were the outcome of sudden and violent passion, those that were committed as a reaction to provocation, under the influence of alcohol or by the "mentally abnormal" offenders.

The above mentioned studies give a clear indication that in the majority of murders punishment, whether death or life imprisonment, is not as effective as it is claimed to be because of the following:

1. The impulsive character of many murders precludes an adequate consideration of consequences. In the estimation of the British Royal Commission, roughly 80% of murders involve an element of sex and passion. Such crimes are usually committed regardless of the possible punishments.

2. Abnormal offenders, those reacting to provocation and those acting under the influence of alcohol cannot or do not consider what the consequences are likely to be.

3. A certain type of murderer is actually attracted by the prospect of death. Another type is attracted by the notoriety which the principal actor in a murder trial enjoys, and for the former as well as for the latter the death penalty has a certain morbid fascination.

4. Only a small percentage of murders are truly thought out and premeditated. This small number is often perpetrated by abnormal persons so convinced of their ability to escape detection as to rule out all thought of consequences. In this class of deliberate murders, whatever fear there may be is more than balanced by the belief on the part of the criminal that he will not be caught. In fact, one of the most common characteristics exhibited by the murderer who commits an apparently cold-blooded crime is an exaggerated sense of confidence in his ability to escape detection (See Calvert, 1927).

"... the motivations for killing are seen by the potential killer as sufficiently strong to justify his action and he most carefully plans to avoid detection and conviction, whatever the punishment for his act. It would be most exceptional for a man to be insufficiently sane and normal to be deterred by the risk of a sentence of protracted imprisonment but yet sufficiently sane and normal to be deterred by the risk of his own execution, when both risks are at a level of contingency which he is doing his utmost to avoid". (The Ceylon Commission of Inquiry on Capital Punishment, 1959).

B. Man's inability to conceive of his own death

"The theory of capital punishment is the most conspicuous instance of hedonistic rationalizations and the most convincing example of its fallacious nature. the failure of capital punishment as a deterrent is rooted in a peculiar aspect of human psychology. I refer to man's inability to conceive of his own death"

George Devreux

The murderer's attitude toward death has not been the subject of many studies. Schilder (1936-37) published a series of studies on persons' attitudes toward death. In regard to the rather typical young slayer, the hold-up man, the killer after an insignificant quarrel, Schilder made this observation:

"It is rather that life and death do not seem to play an important part in the manifest content of psychic life. Persons of this kind seemingly kill as easily as children in their play, and they are not more concerned about their own death than children are. It almost seems that these 'normal murderers', who are otherwise not so badly adapted to their reality, show particular infantile trends in their reaction to life and death. One may say they kill because they do not appreciate the deprivation they inflict upon others".

The Select Committee on Capital Punishment slightly touched upon the problem and stated that:

"The mass of mankind put death in the far distance and push it into the doubtful future. Men peril it for trifling aims. Some are reckless of others, reckless of life itself. Be its consequences what they may, they will take them. Some dodge death and think they can evade all its penalties; and flatter themselves that, whatever the penalty, they will never be found out".

The American psychiatrist George Devreux (1942) has very well explained in psychological terms why offenders in general are not deterred by the prospect of punishment and why murderers in particular are not deterred by the threat of capital punishment. The following is a brief summary of this theory:

Remote events, however certain, do not have the same force or "pull" as have actual, present situations.

Pre-experience or anticipation does not have the same force or "pull" as have concrete events, present here and now, because of man's limited force of imagination.

Criminal activity is one involving emotional strain and new experience. One of the significant aspects of situations of strain is that internal stimuli (instinct, push) and stimuli originating in the proximate segments of the life-space, take precedence over stimuli originating in the more remote segments of the life-space, (pull).

The criminal is not capable of responding to anticipation and to factors remote in his life-space to the same extent as the average individual. The social conditioning of the criminal is such, and his psychic state during and prior to the commission of a crime is of such a nature that he can respond only to stimuli originating within him or within the most proximate (in time and in space) regions of his life-space as a whole. The outstanding psychological characteristic of the criminal is that because of his general insecurity and because of the professional risks of his occupation, he tends to respond primarily to proximate and internal stimuli, while responding mainly on the fantasy level to remoter stimuli.

The prospect of punishment and the risk of arrest elicit merely techniques of avoiding them but do not inhibit criminal conduct.

The effectiveness of capital punishment and damnation is diminished by man's inability to anticipate his own death, by the remoteness on the social scale of human and divine agents of punishments and the remoteness from human imagination of a state (death) which can be defined only in terms of non-experience (Devreux, 1942).

We can thus conclude that the improbability of capital punishment (as illustrated by the rates of execution), the remoteness of the death penalty in the time dimension together with man's inability to conceive of his own death, as well as the murderer's indifferent attitude towards death are combined factors which reduce to a minimum (if not eliminate) any deterrent effect capital punishment may have on the

potential murderer. In fact, if there is any contemplation of the consequences, the struggle will not be between two remote stimuli (capital punishment vs. life imprisonment) but rather between a present and strong stimulus and a rather remote and weak stimulus (punishment).

C. Murderers' indifference to death as shown by those who commit suicide

"Murder and suicide are complementary phenomena: the total amount of available destructiveness is discharged in two psychologically similar, socially distinct Gestalten".

Von Hentig

Homicide and suicide are two similar acts. Both are aggressive acts characterized by a lack of respect and appreciation for human life. The only difference lies in the target of the aggression. In suicide the target of aggression is the self. In homicide the target of aggression is another person.

Ruth Cavan (1928) claims that in the majority of cases murder and suicide seem part of the same act. She points out that:

"the person interprets his difficulty as sufficient to prohibit adjustment; he has, he believes, reached the end of the way, and suicide is a means of solution for him. But his happiness has been ruined or is prevented by some person. Before he kills himself, he kills that person, in anger and revenge, or in jealousy and to prevent another from succeeding where he has failed".

Suicide following murder is not rare. More murderers kill themselves than are executed. The rate of murder-suicide varies from one country to another and in some countries it runs as high as 40% of the murders.

It seems fair to assume that the potential killer who is likely to commit suicide after slaying his victim cannot be deterred by the fear of capital punishment.

The British Royal Commission on Capital Punishment (1953) gives statistics on murder-suicide for England and Wales. From 1900 through 1949 there were 7,454 murders known to the police. Suspects of these murders who committed suicide numbered 1,674 or 22%. Excluding those cases involving victims less than one year of age, 31% of the murder suspects committed suicide. There were 2,834 persons arrested for murder during this period, and the ratio of persons arrested to those suspects who committed suicide was only 1.7 to 1 (Royal Commission on Capital Punishment, 1949-1953, Appendix 3, Table 1, pp. 298-301).

In their study of murder in England and Wales in the years 1952-1960, the Home Office researchers, Gibson and Klein, mentioned that in each year, about one third of all suspects in cases finally recorded as murder committed suicide. In over half the murders known to have been committed by women, suicide follows the crime. For this reason a substantial proportion of murderers never come to trial (See West, 1965, p: 2).

According to Dr. West (1965) something like half of the murders in England are followed by the suicide or the attempted suicide of the aggressor.

More recent figures on murder-suicide cases in England and Wales are given in Table 4 reproduced from a Home Office Study by Gibson and Klein (1969) which shows that in 1962 the percentage was as high as 44.2%.

Table 4

Murder Followed by Suicide

Proportion of Victims, Incidents and Suspects

- Column (1) – Number of murders known to the police (including those not cleared up)
- Column (2) – Number of murders known to the police in which the suspects committed suicide
- Column (3) – Column (2) as a percentage of Column (1)
- Column (4) – Number of incidents of murder (including those not cleared up)
- Column (5) – Number of incidents of murder in which the suspects committed suicide
- Column (6) – Column (5) as a percentage of Column (4)
- Column (7) – Number of murder suspects (cleared up offences only)
- Column (8) – Number of murder suspects who committed suicide
- Column (9) – Column (8) as a percentage of Column (7)

	1	2	3	4	5	6	7	8	9
1957	135	55	40.7	113	39	34.5	99	40	40.4
1958	114	44	38.6	101	37	36.6	90	38	42.2
1959	135	50	37.0	113	35	31.0	107	35	32.7
1960	123	45	36.6	110	37	33.6	122	39	32.0
1961	118	42	35.6	107	34	31.8	105	34	32.4
1962	129	57	44.2	117	46	39.3	115	46	40.0
1963	122	48	39.3	104	36	34.6	98	36	36.7
1964	135	49	36.3	116	31	26.7	108	31	28.7
1965	135	50	37.0	120	40	33.3	112	40	35.7
1966	122	29	23.8	114	25	21.9	105	25	23.8
1967	154	52	33.8	130	35	26.9	124	35	28.2
1968	148	45	30.4	135	38	28.1	134	39	29.1

R.W. McKenzie, in a study of murder records in New South Wales, found that the proportion of suicidal murderers was slightly smaller than the figures for England and Wales. Of 767 persons (616 male) considered by the police to be responsible for murders in the period 1933 to 1957, 21.6% (125 male and 41 female) killed themselves afterwards and a further 4% (17 male and 14 female) made suicidal attempts (Quoted after West, p.7).

The figures published for Scotland (Home Office Document, 1969, p.79) show also a lower incidence of murder-suicide than for England and Wales.

Siciliano (1965) surveyed all homicides in Denmark (as defined by Act 27 of the Danish Penal Code) over a period of 28 years. Excluding political killings and those committed by the German occupying forces during the last war, he found 545 cases of homicide. Of the Danish killers (34.6% of them women) 42.2% killed themselves subsequently, and a further 9.6% made a serious suicidal attempt. The incidence was particularly high among female offenders, 63.9% killing themselves and 16.1% making serious suicidal attempts.

In contrast, murder followed by suicide seems to be a relatively unusual sequence of events in the United States. In a study of 621 murderers, Wolfgang (1958) found that 24 (4%) of the murderers later killed themselves; 22 of the 24 were men. The ratio of persons arrested for criminal homicide to those suspects who killed themselves was 25 to 1. Wolfgang does not quote corresponding figures for suicidal attempts.

T.C.N. Gibbens (1958), in a study in New Jersey, found that 6% of a sample of offenders charged with homicide had attempted suicide unsuccessfully following the crime, although less than 4% had actually killed themselves.

It is obvious that the rate of homicides followed by suicides in the United States is much lower than in England, Wales, and Denmark.

West (1965) notes that a significant variation in sex distribution of murder-suicide offenders accompanies the variation in frequency of these cases. Also in the two countries with very high suicide-murder ratios, England and Denmark, where suicides are respectively 30 times and 40 times more common than homicides, the percentage of offenders who kill themselves is very high. In the U.S.A., where suicide is not much more than twice as common as homicide, the percentage of suicidal murderers is small. In Australia the figures are in all respects intermediate. As for Canada, the figures will be examined in the second part of this report.

Dr. West gives the following table:

Table 5
Murder followed by suicide in certain countries

Annual number per 100,000 of population of:	Homicide offenders ¹	Homicide offenders who kill themselves	Suicides ²	Suicide-Murder Ratio ³
England and Wales	0.27	33% = 0.09	8.5	0.97
Denmark	0.53	42% = 0.22	21.0	0.98
U.S.A.	4.5 approx.	4% = 0.18	10.0	0.69
Australia	1.7	22% = 0.36	11.0	0.87

¹ Figures taken from Interpol: *International Crime Statistics for years 1959-1960*.

² Figures for year 1959 taken from World Health Organization *Epidemiological and Vital Statistics, 1961*.

³ This ratio represents the number of suicides divided by the total of suicides plus murders.

D. Murder as a means of indirect suicide

There is still another category of potential murderers who are not deterred by the death penalty. For this category the existence of capital punishment can be the direct incentive to murder. Certain individuals wishing to commit suicide but having scruples against it feel that the best way to do so is to commit murder so that they will be hanged.

Abrahamsen (1944) and Hurwitz (1952) refer to the epidemic of indirect suicides which took place in Norway and Denmark in the seventeenth and eighteenth centuries, when depressed people committed murder in order to be put to death, since they would not commit suicide for religious reasons. These cases were so frequent that a special law had to be passed excluding these individuals from the death penalty in order to stop this particular type of homicide⁴. The law passed in Denmark in 1767 abandoned the death penalty in cases where "melancholy and other dismal persons (committed murder) for the exclusive purpose of losing their lives".

Some cases of this kind were referred to in the report of the British Royal Commission on Capital Punishment (1953):

- (1) "The oldest American case I know of occurred in my home town of Philadelphia about the time of the Revolution. A young officer decided that he was tired of life and was going to end it all, but he had scruples against suicide. So after having said farewell to his existence in a tavern, he made up his mind that he was going to go out and kill the first person whom he met and thereby make certain that he would be hanged. He left the tavern and met old Dr. Cadwallader, a character of the city, who doffed his hat to him with such courtesy that he did not have the nerve to kill him, but killed the next man and was duly hanged".
- (2) "Doctor Locard, director of the police laboratory in Lyons in France, reported in the late thirties in an Italian journal, a most curious case that had occurred in the city of Lyons at a theatrical performance. One evening, just as the curtain went up on the first act, a woman sitting in one of the parquet rows was seen to slump forward and her husband seated beside her found that she had a knife in her back. The performance was, of course interrupted, the lady was carried out and died a few minutes afterwards in the foyer. A man sitting behind her was arrested by the police and questioned, and he admitted quite freely that he had killed her. 'What did she do to you?' 'Nothing'. 'Did you know her?' 'No, she was a perfect stranger'. 'What is the motive?' He refused to answer. He was committed for trial. His behavior was regarded as so strange that a mental examination was ordered, something which he very strongly opposed, claiming that he was sane. The psychiatrists who examined him saw nothing wrong with him and agreed that he was sane so far as the law was concerned. Before he was executed he gave us this explanation of his conduct: 'I do not want to commit sin. For some time I had felt impure temptations. I was afraid that I could no longer remain chaste. I could not think of suicide, a sin more awful than fornication. I therefore decided to commit a capital crime. This would give me time to repent before being put to death and I would arrive in Heaven immaculate'."
- (3) "There was a case in 1929 of a young man who gave himself up for a murder at Reading, although he had nothing to do with it. Early in 1930, he stabbed a girl he did not know in broad daylight on Dartford Common and killed her. In his trial the prosecuting counsel gave as the motive for murder a morbid desire to be hanged. The murderer was executed. In 1925 Ernest Rose, who murdered a girl in Kensington by cutting her throat, was found to possess detailed newspaper cuttings

⁴ See Ferracuti, F. (1963). The Psychology of Criminal Homicide. *Revista Juridica de la Universidad de Puerto Rico*, Vol. XXXII, no. 4, pp. 569-605.

of two previous murders by Mahon and Thorne, and had referred to Thorne as a hero".⁵

III. Can Severity and Certainty of Punishment be Reconciled?

"The certainty of a small punishment will make a stronger impression than the fear of one more severe, if there is a reasonable chance of escaping it".

C. Beccaria

"I have given the subject of capital punishment much consideration, and have no hesitation in saying that I do not regard the Death Penalty as essential to the security and well-being of society; on the contrary, I believe its total abolition, and the greater certainty of conviction which would follow, would tend to diminish rather than increase the crimes it is intended to prevent".

Whittier

We have already pointed out that certainty of punishment is one of the most important factors associated with deterrence. Experience shows that severity and certainty of punishment cannot go hand in hand. In fact there is some sort of inverse relationship between the two concepts. The point was well stated in what is known as the "Rejected Preamble" of Sir Samuel Romilly's Bill of 1808:

"Whereas the extreme severity of penal laws has not been found effectual for the prevention of crimes; but, on the contrary, by increasing the difficulty of convicting offenders, in some cases affords them immunity and in most cases renders their punishment extremely uncertain".

The idea that severity of punishment prevents convictions and results in impunity for the offender has been expressed by the French penal reformer Charles Lucas in his attack on capital punishment. He maintained three fundamental principles.

- (a) that the efficacy of penalties depends on the certainty and proximity of repression;
- (b) that the certainty is in inverse relationship with the severity of penalties; and
- (c) that, in this perspective, the death penalty was, of all penalties, the least repressive.

Lucas then proceeded to prove these assertions by some statistical data related to the number of indictments and accused, acquittals, condemnations and commutations, about capital crimes in France for the years 1825 and 1826. If, by chance, the offender was arrested, there was a 50% chance that he would be acquitted. Condemned, he had again a 50% chance that death would not be pronounced in his case. Even if condemned to death, he had a 20% chance of being pardoned. All in all, a capital offender had less than one chance out of ten to die under the guillotine and over nine chances out of ten of escaping the death penalty (See Normandeau, 1970).

⁵ A large number of cases are cited in H. VAN Weber's "Selbstmord als Mordmotiv" in *Monatsschrift für Kriminalbiologie und Strafrechtsreform*, Vol. 28, p. 161-181, April 1937.

There are other examples and references in the Minutes of Proceedings and Evidence, No. 17, June 1945, of the Canadian Parliamentary Committee on Capital and Corporal Punishment and Lotteries in a section titled "Capital Punishment as a Cause of Murder"

The difficulty of securing convictions in death penalty cases is not limited to one country. It seems to be a general problem in all jurisdictions retaining the death penalty and more so in those where the sentence of death is mandatory upon conviction of murder.

In 1830 a petition was signed and presented to the British Parliament by 1000 bankers from 214 different towns, stating that they had found by experience that the infliction of death, or even the possibility of death, prevents the prosecution, conviction and punishment of the criminal, and thus endangers the property it is intended to protect and therefore, requested that forgery be removed from capital cases.

In the introduction to the British Criminal Statistics furnished by the Home Office in 1924 one could read the following statement:

"In consequence of the strong proof of guilt necessary for conviction of crimes punishable by death, the proportion of acquittals for murder is higher than for most other crimes, and an acquittal in such a case does not necessarily imply failure to detect the perpetrator of the crime".

In the recent study on murder in England and Wales by the Home Office Statistical Division (1969) it is reported that:

"The analysis suggests that juries were reluctant to convict of capital murder and that they found to be 'non-capital' a number of offenses which would have been classified 'capital' if estimates had been necessary".

In the United States the problem was stated before the House of Representatives of the State of Pennsylvania on January 19, 1834. In order to statistically demonstrate the efficacy of the penalty of life imprisonment in relation to the death penalty in securing convictions in homicide cases, an abstract of data on 238 cases of homicide in Pennsylvania was read into the record of the House:⁶

	<u>Number</u>	<u>Total</u>	<u>Percent</u>	<u>Total</u>
(a) Number of acquittals of murder in the first degree	113		87%	
(b) Number of convictions of murder in the first degree.	17	130	13%	100%
(c) Number of acquittals of murder in the second degree	9		15.5%	
(d) Number of convictions of murder in the second degree.	49	58	84.5%	100%
(e) Number of acquittals of manslaughter	21		42%	100%
(f) Number of convictions of manslaughter	29	50	58%	
Total	238			

These figures clearly show that the highest rate of *acquittal* was for murder in the first degree where the percentage goes up to 87% whereas for murder in the second degree the percentage of *convictions* is as high as 84.5%.

In a study published in 1909, Shipley reports some interesting statistics on the rates of conviction and acquittal in the States that abolished the death penalty in the 19th century or early in the 20th century. The statistics showed that:

⁶ See Savitz, L.D. (1958). A brief history of capital punishment legislation in Pennsylvania, *The Prison Journal*, Vol. XXXVIII, no. 2, October, p. 51.

During a period of three years 28.2% of the 138 persons indicted on a charge of murder in the first degree in Michigan (where capital punishment is abolished) were convicted, while in Massachusetts during the same time, only 10% of such indictments resulted in convictions of murder in the first degree, and in Ohio the percentage was still lower (both Massachusetts and Ohio and the death penalty).

Official statistics compiled by the Attorney General show that of 227 persons on trial for homicide during the 17 years from 1860 to 1876, only 35 or 15.4% were convicted; while during a period of 20 years subsequent to the abolishment of capital punishment in 1876, the proportion of convictions to prosecutions rose to 64.5%. This record may be better appreciated when it is stated that in the U.S. courts the ratio of convictions to trials for homicide averaged only 16.6% during the three years ending 1892. In the State and Federal Courts of the entire United States convictions follow homicides in about 25% of the cases reported.

In Colorado, with an annual average of 252 homicides, the yearly number of culprits sentenced to death during the years 1889 to 1897 was less than four, while the total number of legal executions during the entire decade was only 12. Meanwhile the number of homicides was about 2,500.

In Chicago, with a record of 2,113 homicides for the 29 years ending December 1, 1906, the number of persons hanged during this period was only 38, or 1.3% of the murders committed.

Shipley comments on these statistics in the following way:

"From the facts already presented with reference to the administration of justice before and after abolishment of capital punishment in Michigan, Wisconsin, Rhode Island, Maine and Colorado, it seems evident that convictions followed murder with greater certainty after life imprisonment was made the supreme penalty".

The reason why capital punishment prevents convictions was well explained by Thomas Davis who stated that:

"A jury drawn on a murder trial is often so awed by the responsibility placed upon them that rather than render a verdict that will take the man's life, for fear that there is a faint possibility that he is innocent, although they know he isn't, will disagree or bring in a verdict of not guilty, and thus the ends of justice are not attained".

Professor Francis Wayland has also declared:

"It will, we think, be conceded by the vast majority of those who have had occasion to be familiar with proceedings in criminal courts as well as by our most competent penologists, that the difficulty of securing convictions in capital cases arises almost exclusively from reluctance to take human life. In many instances, . . . this feeling has been so strong as to override all evidence, and set at defiance inevitable inferences from undisputed facts".

According to Professor Tappan (1960):

"it is quite apparent that juries are less willing to convict and prosecutors more ready to take a lesser plea in states where capital punishment is used. It is clear that the death penalty is rarely applied in cases where it is applicable. (In 1950, 1,556 prisoners were received in state and federal correctional institutions for murder and 82 were executed). Thus, it does not fulfill one important condition of effective deterrence, i.e. a high degree of certainty of application".

In 1922 capital punishment was abolished in Queensland (Australia) after having been in abeyance since 1915. On the basis of statistical data Barber and Wilson (1968) have tried to verify the hypothesis that capital punishment acts as a deterrent on juries in capital cases. For murder, a comparison was made between the conviction and execution rates from 1860 to 1914, and between the conviction rate for murder and that for manslaughter in both the 1860-1914 and the following "non-hanging" periods. The conviction and execution rates for rape during the 1860-1899 and 1900-1909 periods were also examined.

Their data seems to support the proposition that juries were less ready to convict a man of murder when the chances of his being hanged, as indicated by the execution rate, were high. This conclusion is given further support by the fact that, during the four years 1896-1899 in which no executions were carried out the conviction rate rose to 55.2% whereas it had been only 35.4% during the preceding four year period (1892-1895) when the execution rate had been 43.5%.

Barber and Wilson also found that in each of 11 five-year periods except the first and the last (i.e. 1860-1864 and 1910-1914) the conviction rate for manslaughter was higher than the corresponding one for murder. This would tend to support the argument that juries were not only less willing to convict for the capital offense (murder) than they were for manslaughter, but also were, seemingly, more inclined to bring in a conviction for manslaughter when the charge was murder.

The data also tended to support the argument that juries were more likely to bring in a conviction for murder than one for manslaughter in murder trials after capital punishment ceased to be operative in Queensland.

With regard to rape, Barber and Wilson observed that after the execution for rape of the first white man in 1882, the conviction rate for rape underwent a rapid decline. They concluded that after 1882, juries were most reluctant to convict in rape cases if there was any reasonable likelihood of the convicted man being executed. Indeed, in the two three-year periods following the last two executions for rape (1884-1887 and 1894-1897) there were no convictions at all for rape while there were 13 and seven acquittals respectively.

Barber and Wilson conclude that the cumulative evidence appears to indicate that capital punishment acted as a deterrent on juries against their convicting for either murder or rape, where the probable consequence of such conviction would be the prisoner's execution.

The findings of this study as well as those mentioned above are as interesting as they are important. They clearly show that the menace of the death penalty tends more to protect the accused prisoner through intimidation of the jury, than to protect society through the conviction of the murderer and through the deterrent effect upon the would-be assassin.

This conclusion can also be derived from the experience of New Zealand. A speaker in the debate on the restoration of capital punishment in 1950 in the New Zealand House of Representatives commented on the proportion of convictions to acquittals since capital punishment was abolished:

"The total convictions on the charge of murder between the years 1920 and 1941 were 57, while the total acquittals were 17. There was therefore approximately one acquittal for every 3.3 convictions. Since abolition of capital punishment, the total convictions for murder have been 41 and the total acquittals, 10 approximately one acquittal for every 4.1 convictions. It may be argued of course that there are other inferences - that we have a more efficient police force; that the type of crime is varying but at least the inference I draw is possible that juries are more reluctant to convict on the murder charge when capital punishment is in vogue. Lawyers freely recognize that it is easier to get an acquittal because of the greater scope for defending counsel on the capital charge".

The same speaker compared the percentages of convictions for murder and for manslaughter in cases where persons were charged with murder in the following terms:

"During the period 1920-1941, the percentage of verdicts of manslaughter was 44, and 56 for murder. That is, on conviction on murder charges, the juries brought in almost equal numbers of verdicts of manslaughter and murder. Since 1941 (year of abolition) there has been more certainty of conviction for murder. The percentage of convictions for murder

since the abolition of capital punishment has risen to 71, and the percentage of convictions for manslaughter has fallen to 29".⁷

IV. The Odds against Incurring the Death Penalty

"Few people who discuss the deterrent effect of the death penalty realize that a criminal exposes himself to a much greater risk of being killed while committing a crime or while being arrested than of being executed?

Thorsten Sellin

The risk of execution, as reflected by the figures of those executed and the rate of execution to homicide, is very slight risk indeed. Such a risk is so much smaller than the risk of the potential murderer being killed by his intended victim, by the police, or by some bystander during or after the crime. The fact that the odds against execution are too high speaks against any deterrent effect capital punishment may have. Furthermore, since the other risks the potential murderer takes are much higher than the risk of being executed, he who would not be deterred by such risks would neither be deterred by the threat of capital punishment.

To show that the odds against being executed, in the United States, for premeditated murder are quite high, Judge Kavanagh made the following statement before the British Select Committee on Capital punishment (1930):

"If one with premeditation commits a murder in the United States, if he is careful, the chances are six to one that he will never be arrested; twelve to one that he will never be convicted; and one hundred and twenty to one that he will never die for his crime" (p. 68)

The same committee quoting statistics for Canada gives the following figures: during the years 1916-1921 and 1926-1928 (figures for the year 1922-1925 were not available to the committee) there were 505 arrested on charge of murder; 455 brought to trial and 171 sentenced to death. The number of executions (not mentioned in the report) during that period was 80. This means that the chances for a person arrested on a charge of murder of not being executed were over six to one. Recent statistics, as we shall see in the second part of this report, showed that the odds against being executed were even higher in more recent years.

According to Professor Hart (1957), in the 50 years from 1900 to 1949 inclusive, a total of 7,454 murders were known to the police in England and Wales. This included 2,001 babies under the age of one year. The annual average figure of murder known to the police for these 50 years is 149 (to the nearest unit), and the actual figure for each of these 50 years is quite frequently near the average. In the same period of 50 years in England and Wales, 1,210 persons were sentence to death for murder but only 632 were executed. This is an annual average of 24 death sentences and 13 executions. In rough figures, therefore, in England and Wales during this period one person was executed for every 12 murders known to the police, and one person was convicted for every six murders known to the police.

Quoting figures for the United States, Professor Hart (1957) notes that during the 10 year period between 1945 and 1954, 775 persons were executed for murder by the civil authorities, an average of 77 per year. This, compared with the annual average estimated number of murders and non-negligent manslaughters for those years (7,268) gives a ratio of less than 1 to 100; in England the ratio of executions to murders known to the police for the 50 year period of 1900-1949 was about 1 to 12.

⁷ Parliamentary Debates, House of Representatives, Nov. 17, 1950, pp. 4,334-5; also quoted in Appendix 6 to the *Report of the British Royal Commission on Capital Punishment* (1953) p. 343.

The ratio for the United States means that during the period under consideration, if a potential murderer contemplated the possible consequences of his crime, he would discover that he had 99 chances out of 100 of escaping the death penalty.

The chances of escaping the death penalty have even increased in the following years: the total number of cases of murder and non-negligent manslaughter known to the police in 1956 was 6,970. The total number of executions for murder was 52. The total number of cases of murder and non-negligent manslaughter known to the police in 1957 was 6,920. The total number of executions for murder in 1957 was 545⁸.

In 1958 there occurred in continental United States, according to the F.B.I., a total of 8,222 murders and voluntary manslaughters and in 1959 the corresponding figure was 8,853. In 1958 there were 48 executions and in 1959 there were 49 in all the states combined, and not all of them were for murder⁹.

These figures again show that the risk of being executed in the United States for a killing is minimal and with the increasing number of homicides and the decreasing number of excutions, the risk has even been declining. In 1964 there were 15 executions in the United States, in 1965 there were 7, and only 1 in 1966.

Table 6, compiled by Hans Mattick (1966) illustrates the situation for Chicago.

Table 6

Number of Homicides and Executions in Chicago 1952-1964

Year	Homicides	Executions
1952	289	4
1953	291	1
1954	277	0
1955	292	0
1956	293	0
1957	296	0
1958	305	1
1959	330	0
1960	365	0
1961	365	0
1962	386	2
1963	355	0
1964	391	0

To show that the other risks the potential murderer takes are far greater than the risk of the death penalty, Professor Sellin (1959, 1961) notes that:

"During the period 1934-1954, in Chicago, for instance, policemen killed 69 and private citizens 261 criminals or suspects involved in homicide, or a total of 330. During the same period there were 45 persons executed for murder in the Cook County Jail. In other words, there were nearly 8 times as many homicidal offenders killed unofficially, so to

⁸ This data is to be found in the Report of the Special Commission on the Death Penalty (Massachusetts, 1958), p. 18.

⁹ See the Report of the Joint Legislative Commission on Capital Punishment (General Assembly of Pennsylvania, 1961) p. 29.

speak, as were those electrocuted. There were 5,132 murders and non-negligent manslaughters known to the police during those years. In connection with 6.45% of these homicides, a criminal or suspect met his death at the hands of police or citizens, while 0.88% were put to death in the electric chair".

Table 7, compiled by Hans Mattick (1966) gives the figures for a longer period and for all criminals killed by the police or by citizens in Chicago.

Table 7
Criminals Killed by the Police or Citizens
and Executions in Chicago 1923-1954

Year	Police	Citizens	Total	Executions
1923	10	26	36	1
1924	28	35	63	2
1925	38	30	68	3
1926	37	74	111	8
1927	42	68	110	3
1928	52	55	107	0
1929	38	41	79	4
1930	48	69	117	6
1931	62	58	120	4
1932	48	56	104	3
1933	55	64	119	2
1934	43	65	108	7
1935	46	41	87	1
1936	32	37	69	2
1937	28	44	72	6
1938	28	34	62	2
1939	21	37	58	3
1940	12	37	49	4
1941	24	4	28	2
1942	22	23	45	3
1943	14	10	24	1
1944	13	12	25	2
1945	16	14	30	1
1946	16	23	39	0
1947	27	30	57	2
1948	19	15	34	0
1949	25	7	32	1
1950	15	14	29	3
1951	16	9	25	0
1952	12	11	23	4
1953	20	10	30	1
1954	20	13	33	0
Total	927	1,066	1,993	81

If the potential killer is not deterred by the *greater* threat of being killed by his intended victim, by the police, or by some bystander during or after the crime, it cannot be claimed that he will be deterred by the *minor* threat of being executed. The fact is that the potential murderer rarely contemplates the consequences of his acts, calculates the risks involved or makes a rational consideration of gain or loss.

If criminals were the kind that calculate the risks of the ultimate consequences of their acts to themselves, they would never shoot to escape arrest for a robbery or a burglary whether capital punishment exists or not. The fact that a burglar or a hold-up man shoots with intent to kill at the policeman or the bystander trying to arrest him, thus risking like imprisonment to avoid a possible sentence of two, five, or ten years in a penitentiary is an ultimate proof that no calculation of risks or consequences is made, that whether capital punishment exists or not this will be inconsequential on the number of such cases.

V. Does Capital Punishment Give Maximum Protection to Policemen and Prison Guards?

"A deep reverence for human life is worth more than a thousand executions in the prevention of murder; and is, in fact, the great security of human life. The law of capital punishment whilst pretending to support this reverence, does in fact tend to destroy it" ..

John Bright

"Criminals are not tougher than the society which faces them. The unarmed English police face unarmed criminals. The gun-toting, itching-trigger-finger American police face criminals as tough as themselves" ..

George Devreux

According to Goetz (1961) the chief forces against the elimination of the death penalty in the American states which have not yet abolished it, are police officers and law enforcement agents. Their main contention is that the life of a policeman will become hazardous if the criminal knows that he can kill and not face a death sentence. Police authorities state that the threat of death exerts an important influence on many situations prior to the final moment when a crime is committed. This threat, it is said, is what leads robbers, for example, to use unloaded guns, and persuades burglars to go unarmed.

This argument is not limited to the United States. Police officials in other countries, at least in those retaining the death penalty, usually oppose abolition. In 1954 the president of the Chief Constables Association of Canada made the following statement before the Joint Committee of the Senate and the House of Commons on Capital Punishment.

"Our main objection is that abolition would adversely affect the personal safety of police officers in the daily discharge of their duties. It would be interesting to know, and if time had permitted I would have tried to obtain the vital information as to the number of policemen murdered in the execution of their duty in those parts of the world where capital punishment has been abolished. I submit that it will be found the number is much higher than in those countries where the death penalty is still in effect, and this point is the main one in our submission that our government should retain capital punishment as a form of security" ..

The Canadian Association of Chiefs of Police has repeatedly protested against the commutation of death sentences before the suspension of the death penalty in 1967 and more recently has asked for its reintroduction.

Empirical studies do not lend support to the argument that capital punishment offers better protection to policemen in the execution of their duties.

Father Donald Campion, S.J. (1956) made a study of 24 American police forces, 18 of which represented death penalty states and six of which represented abolition states. The full study, which covered the 50 year period from 1905 to 1954, took many factors into account, such as the varying sizes of the police forces and populations that they served. The general results of the study may be summarized in Table 8.

Table 8*

Number of State Policemen Killed by Weapons
in the Hands of Criminals, 1905-1954

Number killed:	
In 18 death penalty states	71
In 6 non-death penalty states	6
In 18 full jurisdiction states	71
In 6 limited jurisdiction states	6
In 15 death penalty, full jurisdiction states	65
In 3 non-death penalty, full jurisdiction states	6
In 3 death penalty, limited jurisdiction states	6
In 3 non-death penalty limited jurisdiction states	0

*Derived from Donald Campion, S.J., "The State Police and the Death Penalty". *Congressional Record*, March 6, 1956 A 2076-2080. (Also Appendix F of the Minutes of Proceedings and Evidence No. 20, Joint Committee of the Senate and the House of Commons on Capital Punishment, Ottawa, 1955).

After a full consideration of his studies on the question of police safety and the death penalty, Father Campion concluded that they:

"do not lend empirical support to the claim that the existence of the death penalty in the statutes of a State provides a greater protection to the police than exists in States where the penalty has been abolished".

Sellin (1955, 1967) made a study of 183 cities in 11 capital punishment states and 82 cities in six abolition states as to the police homicide rates over a 25 year period. The general results of the study demonstrated that between the years 1919 and 1954 the cities in the capital punishment states had a police

homicide rate of 1.3 per 100,000 population, while the cities in the abolition states had a police homicide rate of only 1.2 per 100,000 population. Commenting on his results Sellin writes:

"It is obvious from an inspection of the data that it is impossible to conclude that the states which had no death penalty had thereby made the policeman's lot more hazardous. It is also obvious that the same differences observable in the general homicide rates of the various states were reflected in the rate of police killings".

Because Chicago proved to have had more policemen killed *than all other cities* combined, Professor Sellin did not include it in the tables and separately analysed the concerning data. He remarks that "An examination of the data suggests that it would be indiscreet for anyone to claim that the death penalty in Chicago discouraged the killing of policemen in that city".

He concluded that:

"the claim that if data could be secured they would show that more police are killed in abolition states than in capital punishment states is unfounded. On the whole, the abolition states, as is apparent from the findings of this particular investigation, seem to have fewer killings but the differences are small. If this, then, is the argument upon which the police are willing to rest their opposition to the abolition of capital punishment, it must be concluded that it lacks any factual basis".

Some years later, Professor Sellin (1967), using the statistics of policemen criminally killed in the United States by offenders or suspects during 1961-1963 (140 policemen) and using as a base the number of police in the 15 states where the killings occurred according to the 1960 census, found that the annual average risk for the three years was 1,312 per 10,000 police in the abolition states and 1,328 in the bordering states. There was, then, no significant difference.

Professor Sellin noted that although police work is hazardous, many other occupations are more hazardous. To support his argument he notes that in 1960, there were 225,000 police in the United States. In addition to the 140 police killed criminally in 1961-1963, 37 died in accidents - a total of 237. This means an average annual rate of 3.1 per 10,000 police. The corresponding risks of being killed on the job by accident were 11 in the mining industries, 7.7 in contract construction, 6.5 in agriculture, and 4.2 in transportation and public utilities. During 1963, 5 of every 10,000 male workers between 20 and 64 years of age in the United States died because of homicide or accidents at work. Had the same rate applied to policemen, 127 instead of the actual 69 would have died from homicide or work injuries.

Carderelli (1968), analysing the same data (police killed by criminal action from 1961-1963) came to the conclusion that the data 'lend no weight to the argument that the death penalty states afford *more* Robin (1963, 1967) found that in any given year policemen in the United States are approximately six times more likely to kill than to be killed in the course of their duty; at the same time the probability of either event occurring is very small.

"In this connection, there is reason to maintain that the popular conception of the dangerous nature of police work has been exaggerated. Each occupation, "notes Robin, "has its own hazards. The main difference between police work and other occupations is that in the former there is a calculated risk, . . . while other occupational hazards are accidental and injuries usually self-inflicted".

Comparing the occupational risks in law enforcement with those in major industry groups Robin concludes that:

"half of the major occupations had higher fatality rates than that of police officers. This is not to suggest that courage is not an important prerequisite in a police officer. Undoubtedly this very quality is largely responsible for keeping police fatality rates as low as they are. Rather it is to suggest that the general belief that the law enforcement activity is one of extreme peril is not confirmed by an analysis of the facts".

Table 9

Rates in Abolition and Death Penalty States for
Police Killed in the Period 1961-1963^(a)

	Police killed	Rate per 1,000,000 Population ^(b)	Total no. of employed police	Death rate per 1,000 employed police
Abolition States				
Maine	...	...	1,050	...
Rhode Island	....	...	1,524	...
Michigan	2	.256	11,023	.181
Wisconsin	4	1.012	5,172	.773
Minnesota	2	.586	3,439	.582
North Dakota	1	1.582	665	1.504
Totals	9	.510	22,873	.393
Death Penalty States				
Massachusetts	4	.777	10,642	.376
New Hampshire	...	...	647	...
Connecticut	1	.394	4,131	.242
Ohio	5	.515	10,813	.462
Indiana	4	.858	5,556	.720
Illinois	4	.397	17,079	.234
Iowa	3	1.088	2,345	1.279
South Dakota	...	...	600	...
Montana	...	...	903	...
Totals	21	.570	52,716	.398

^(a)Death penalty states used are those bordering the abolition states.

^(b)Based on 1960 census.

Prison Homicides

Another argument in defense of the death penalty is that it is an indispensable measure to safeguard the lives of inmates and staff in penal institutions. Those who advance this argument believe that murderers who are sentenced to life imprisonment or receive a commutation of their death sentences, will be deterred by the threat of execution from committing a homicide in prison even though that threat did not prevent them from killing someone in the first place.

Professor Sellin (1967) attempted to test the validity of this argument by studying homicides that took place in state and federal prisons in the United States during 1965. A schedule was sent to prison administrators and there were returns from 45 states. A total of 603 persons were reported as victims of

assaults in 37 jurisdictions. Of the 603 victims, 61 – 8 staff members and 53 inmates – died. Nine of the inmates were slain by unidentified persons (all in jurisdictions having the death penalty). There remained 52 victims whose killers were known; These victims were slain in 46 incidents, in which a total of 59 assailants were identified. The incidents occurred in 23 states and the federal system. The 59 assailants, altogether, were serving sentences for:

Murder	16
Manslaughter	1
Assault to murder	2
Rape	1
Assault	3
Kidnapping	1
Robbery	19
Burglary	4
Theft	7
Selling narcotics	1
Dyer Act violation	2
Possessing sawed-off shotgun	1
Delinquency	1
	<hr/>
Total	59

The striking feature in this enumeration, as Sellin points out, is that 43 of the offenders were in prison for crimes of violence against the person. Only 11 had been sentenced for burglary or theft and five for miscellaneous crimes. The largest single group of offenders was the robbers, followed closely by those guilty of some form of homicide.

Five of the 16 murders had not been punishable by death. There were no fatal assaults in the abolitionist states of Alaska, North Dakota, Oregon, Rhode Island, West Virginia and Wisconsin. Maine supplied no data. On the other hand, four such states reported a total of eight killings, of which two were committed by prisoners serving time for felony murder (Iowa) or second degree murder (Michigan).

Of jurisdictions having the death penalty, 17 were reported free from prison homicides in 1965. Nineteen retentionist states and the federal system reported 53 homicides.

Professor Sellin comments on his findings by stating that there are many hazards involved in prison life. 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. They can be lessened only by institutional management.

An earlier study by Professor A. Morris (1955) of the assaults in the penal institutions of 26 states, covering a period of 10 years and based on data supplied by the wardens, indicates that these assaults occur more frequently in prisons in states that have the death penalty than those that do not. For example, of 121 assaults believed to be with intent to kill committed between 1940 and 1949, none was committed by a prisoner originally sentenced to death for murder but whose sentence had been commuted to life imprisonment; 10 were committed by prisoners originally sentenced to life imprisonment for murder; and 111 were committed by prisoners sentenced for other offenses.

A study of homicides and assaults in Canadian penitentiaries was undertaken by D. Akman (1966, 1967). The data cover the years 1964 and 1965 and are based on reports from all Canadian penitentiaries. During the two years a total of 102 assaultive events occurred involving 106 offenders and 107 victims, (37 officers and 70 inmates). The offenders included six women. The identity of 19 offenders remained

unknown. Most of the assaults occurred in maximum-security institutions, where there were 91 victims (32 officers and 59 inmates).

In terms of their offenses of conviction, most of the offenders were serving time for robbery or theft. The robbers accounted for one third of the assaults on officers and inmates and the thieves for one third of the assaults on officers and nearly half of the assaults on inmates. In total they accounted for over 70% of the assaults as the following distribution shows:

Homicide	5
Rape	2
Robbery	29
Theft	37
Assault	5
Fraud	4
Other	5
	<hr/>
Total	87

During 1964 and 1965 two homicides occurred. The first involved a guard fatally assaulted by an 18-year-old inmate serving a 12 year sentence for violent robbery. The second occurred in 1965 and involved an inmate victim who was assaulted by a 27-year-old fellow prisoner serving time for armed robbery.

Akman notes that an examination of the assaults in terms of age and offense of conviction of the offenders indicates harmfulness to be predominant among inmates between the ages of 20 to 29 and those convicted of robbery or theft. Those committed for manslaughter (3), attempted murder (1) and non-capital murder (1) inflicted only three minor injuries on three officers and one minor injury (requiring medical aid only) and three more serious injuries (resulting in hospitalization and temporary disability following hospitalization) to three inmates. Such a finding, notes Akman, is remarkable when contrasted with the record of the robbers and thieves. Akman concludes his study by stating that:

"... within the limitations of this study, the argument that the commutation of death sentences increases 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 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".

We can thus conclude this chapter by two remarks:

1. Empirical data does not lend support to the argument that capital punishment offers superior protection to policemen, prison guards or inmates.

2. It is obvious that those who present the greatest danger to the security of policemen or custodial officers are insane murderers. Yet those murderers are not liable to the death penalty and nobody is asking for their execution as a means of protection for the staff or the patients of psychiatric institutions.

Chapter 3

CAPITAL PUNISHMENT AND HOMICIDE RATES

"Murder is a complex sociological event rather than a simple response controlled altogether by the deterrent influence of the death penalty".

Karl Schuessler

It seems reasonable to assume that if the death penalty exercises a deterrent or preventive effect on prospective murderers, the following propositions would be true:

(a) An inverse relationship should exist between executions and homicides in death penalty jurisdictions: that is, homicide should become less frequent as executions become more frequent and should go up as executions become less frequent.

(b) Jurisdictions which abolished the death penalty should show an increased annual rate of criminal homicide after abolition while jurisdictions which reintroduced the death penalty should show a decreased annual rate of criminal homicides after reintroduction.

(c) Death penalty jurisdictions should have a lower annual rate of criminal homicides than abolition jurisdictions; given two contiguous jurisdictions differing chiefly in that one has the death penalty and the other does not, the latter should show a higher annual rate of criminal homicide.

The only way of testing the correctness of the above assumptions is by the use of statistics. This is not without difficulty since criminal statistics are subject to the influence of many factors such as changes in reporting systems, rate of detection, etc.

Another major difficulty specific to the question of capital punishment is the absence of reliable statistics on *capital* murder. In most countries such statistics do not exist. The United States is a good example. To counteract such difficulty, rates of deaths due to willful homicide are generally used as an index to capital murders, on the assumption that the *proportion* of capital murders, hidden among these homicides, remains constant from year to year. An increase or decrease in the total homicide death rate in a state from one year to another is then assumed to reflect a proportionate increase or decrease in the number of murders in that state (See Sutherland, 1925 and Sellin, 1959, 1961).

I. The Effect of a Declining Rate of Executions on Homicide Rates

If capital punishment is a deterrent to murder, then a declining use of it, reflected by a decrease in the number of executions (which necessarily means an increase in the chances of escaping it), should be followed or accompanied by an increase in the rates of murder (homicide). However, statistics available from many countries, and particularly the United States, provide evidence that this is not true. In fact they indicate that murder rates have remained constant or declined despite trends away from the use of capital punishment.

Chambliss (1967) explains the situation for the United States in the following manner:

"In the United States the trend away from capital punishment has taken several forms. To begin with, there has been a rapid decline in the number of States where capital punishment is mandatory if an accused is found guilty; in 1924, the death penalty was mandatory in eight states; but by 1964 it was not mandatory in any. There has also been

a tendency to impose the death sentence less and less frequently. Eighty per cent of those persons sentenced to death in 1933-1934 were ultimately executed; the figure was 81% in 1940-1945. But from 1960 to 1964 only 34% of the persons sentenced to death have been executed.

There has also been a steady increase in the number of states that have abolished capital punishment for various crimes. In 1920, only six states had abolished capital punishment; by 1957, the number of such states had risen to eight; and by 1965, 13 states had formally abolished capital punishment. Perhaps even more significant is the rapid decline in the number of persons actually executed. In 1951, there were 105 executions in the United States. The number of executions has steadily and precipitously declined since that time. With 15 executions in 1964, 7 in 1965, and only 1 in 1966. In 1967 there were two executions in all the United States.

Thus we see in the United States a steady and rapid alteration in the propensity to administer capital punishment. From the standpoint of deterrence, the significance of this trend is that during the same period we find *no significant change* in the murder rate (See Table 10). It would seem that if the presence of capital punishment, either in principle or in fact, were a deterrent to murder then the murder rate should have gone up as both the potential and the actual use of capital punishment declined".

Table 10

Comparison of Prisoners Executed Under Civil
Authority and Murder Rate, 1951-1966
(United States)

Year	Number of persons executed	Murder rate per 100,000 population
1951	105	4.8
1952	83	5.0
1953	62	4.8
1954	81	4.8
1955	76	4.8
1956	65	4.9
1957	65	4.9
1958	49	4.7
1959	49	4.8
1960	56	5.1
1961	42	4.7
1962	47	4.5
1963	21	4.5
1964	15	4.8
1965	7	5.1
1966	1	5.6

A study in Ohio tested the relationship between execution rates and homicide rates. Both executions and homicide death rates for the entire state for the period 1909-1959, a half-century, were computed. If an inverse relationship exists between the executions and homicides, then the sequence of ups and downs in execution rates and homicide rates over an extended period of time should show that as execution rates rise, homicide rates fall. The rates were compared statistically by subsequently overlapping two-year periods. Because the average lapse of time between the pronouncement of a death sentence and a

resulting execution is about twelve months in Ohio, it was thought that the overlapping two-year periods would provide some statistical compensation for the carry-over of death-sentence-execution cases from one year to the next. This procedure provided comparisons, in rates per 100,000 population, first of executions carried out during the two years 1909-1910, with homicides committed during the two years 1910-1911, then successively overlapping two-year periods through 1959.

This statistical correlation of Ohio execution rates with Ohio homicide death rates for 50 years did not indicate that homicides have increased as executions have decreased, or the reverse. Any correlation between execution rates and homicide rates seemed to be direct rather than inverse, indicating only that homicide rates and execution rates have risen and fallen together.

It was concluded that statistical analysis of Ohio execution and homicide rates over a 50 year period reveals no evidence that executions have any discernible effect on homicide rates¹.

Another study in Australia by Barber and Wilson (1968) shows that although Queensland had had a higher execution rate than the other Australian states over a long period of time (1860-1915) the murder rate in Queensland during the preabeyance period (1901-1914) was also considerably greater than in New South Wales and South Australia. The authors conclude that:

"The apparently disproportionately high frequency of executions in Queensland during this period would not, then, seem to have had a very great deterrent effect on potential murderers in Queensland. Indeed the evidence is more supportive of Sir Samuel Romilly's contention that brutal punishments accustom people to brutality, and tend to create attitudes conducive to the commission of violent crimes".

II. The Effect of Repeal and Reintroduction of Capital Punishment on Homicide Rates

If capital punishment is a deterrent to murder then its abolition or suspension should be followed by an increase in murder rates. These rates should also show a decrease when capital punishment is restored. However, statistics available from certain countries which abolished capital punishment, (whether definitely or to be restored later) show clearly that this is not the case.

It would have been interesting to examine all the statistics of the countries which have abolished capital punishment to see whether this abolition has had an effect on homicide rates or not. Unfortunately this is not possible for many reasons. It has been agreed that the number of murders known to the police would provide the most accurate basis for any statistical assessment of the death penalty. However, these statistics are kept only in Great Britain, some Commonwealth states and countries, a few states of America, and, in recent years, in some European countries like Denmark and Sweden.

A further difficulty relates to the selection of a starting point for any statistical inquiry. In most countries, the formal abolition of capital punishment has been preceded by a period in which no executions in fact took place. This is illustrated by Table 11 reproduced from the report of the British Royal Commission on Capital Punishment.

The long periods between the last execution and abolition in some countries make it difficult to select any one year as the datum point for a statistical examination of the effect of dispensing with capital punishment. In Denmark, for example, the actual abolition of capital punishment in 1933 could not have weakened any deterrent value there may be in that punishment; any person who might have considered the commission of a murder in 1932 would have known that there was no likelihood of his being executed. Thus the year 1932 cannot be taken as the datum point and the alternative would seem to be the first year

¹ Staff Research Report No. 46, "Capital Punishment", Ohio Legislative Service Commission, January, 1961, p. 45-47.

in which a person committing a murder could be reasonably sure that he would not be executed. That can be determined only by guesswork and must vary according to the circumstances of the country².

Table 11

Dates of Last Execution and of Abolition
of Capital Punishment in Certain Countries

Country	Date of the last execution	Date of abolition of capital punishment
Europe:		
Belgium	1863	Still in force
Denmark	1892	1933
Italy ^(a)	1876	1890
Netherlands	1860	1870
Norway	1876	1905
Sweden	1910	1921
Switzerland ^(b)	1924	1942
Commonwealth:		
New Zealand ^(c)	1935	1941
Queensland	1913	1922

^(a)In Italy capital punishment was restored in 1931 and again abolished in 1944.

^(b)Previously abolished in 1874 with limited restoration in 1879.

^(c)Capital punishment was restored in 1950 and abolished again in 1961.

Table 12 gives the data on homicide in Denmark from the year of abolition (1933) till the year the second world war began (1939).

Table 12

Homicides Known to the Police in Denmark 1933-1939

Year	Homicides known to the police	Homicides known to the police per 100,000 population
1933	20	0.5
1934	16	0.4
1935	19	0.47
1936	29	0.72
1937	20	0.5
1938	15	0.37
1939	11	0.27

The data show clearly that there has been a significant decrease in the rates of homicide in spite of the abolition of capital punishment. This of course does not suggest a causal link between the abolition and

² Report of the British Royal Commission (1954) pp. 340-341.

the decrease in homicide but it indicates that fluctuations in homicide rates are due to other factors than the existence or the abolition of the death penalty.

Sweden formally abolished the death penalty in 1921, but the last execution occurred in 1910, this being the only one since 1900. During the preceding period, 1869-1900, there were 12 executions, roughly averaging four per decade. Table 13 gives the annual average homicide rate from 1754 to 1942.

Table 13
Annual Average Homicide Rate per 100,000
population of Sweden from 1754-1942^(a)

Period	Homicide Rate
1754 – 1763	0.83
1775 – 1792	0.66
1793 – 1806	0.61
1809 – 1830*	1.09
1831 – 1845	1.47
1846 – 1860	1.24
1861 – 1877	1.12
1878 – 1898	0.90
1899 – 1904	0.96
1905 – 1913	0.86
1914 – 1916	0.72
1920 – 1932	0.52
1933 – 1938	0.46
1939 – 1942	0.47

*Exclusive of 1814 and 1818

^(a)This table is given in Schuessler, K.F. (1952). The deterrent influence of the death penalty. *The Annals of the American Academy of Political and Social Science*. Vol. 284, Nov. 1952, p. 59.

There is nothing in the Swedish homicide series to suggest that its movement has in any way been conditioned by the abandonment of the death penalty during the twentieth century.

In the Netherlands there were no executions in the 10 years preceding the last executions in 1860 (two persons were executed in that year). Capital punishment was abolished in 1870. Homicide rates are not available and conviction rates are compared in Table 14.

Although there was an upward trend in the murder and attempted murder conviction rate in the 20-year period immediately following abolition, during this period the rate never attained the level of 1860-1870 when the death penalty was still legally in force. The rate reached its lowest level in the 1920's when the death penalty was, of course, not in effect. Moreover, the decade immediately following abolition, 1870-1879, was the lowest but one in the approximately eight-decade period covered by this series (See Schuessler, 1952).

Another fact as well should not be overlooked. Since the rates are for convictions and not for homicides known to the police, it is quite possible that the rise in the number of convictions after the abolition may well be the result of juries being less unwilling to bring in a verdict of guilty when the death sentence cannot be imposed.

Table 14

Annual average murder and attempted murder conviction rates per million inhabitants in the Netherlands, 1850-1927^(a)

Period	Rate per million inhabitants
1850 – 1859	0.96
1860 – 1869	1.46
1871 – 1880	0.83
1881 – 1890	1.17
1891 – 1900	1.41
1901 – 1910	1.25
1911 – 1920	1.32
1921 – 1927	0.60

^(a)Schuessler, K. (1952). The deterrent influence of the death penalty, *The Annals of the American Academy of Political and Social Science*, Vol. 284, November 1952.

In Italy, from 1876 to 1890, the death penalty was in abeyance, the sentence of death being still pronounced but always commuted by executive action. In 1890 it was abolished by law. The average number of homicides, including murder, manslaughter, and the like, for the seven years 1880 to 1886, was 4,692 per annum; for the next three years to 1889 inclusive, it was 4,089 per annum; and for the three years 1890-1892, it was 3,933.

To give the homicide rate: from 1880 to 1884 the annual average rate per 100,000 of the population was 10.64; it came down gradually until from 1910 to 1918 it was 3.93; in 1919 it was 2.74; and in 1920 it was 3.48³.

Capital punishment was abolished for the whole of Switzerland by the federal government in 1874. Five years afterwards it was reinstated to the extent that cantons were given liberty of action in the matter. This action was not taken because of any noticeable increase of crime during the five years in which there was abolition. It is hard to make comparisons because, even before 1874, in most of the cantons there had been no executions for many years. But, during the 23 years immediately before abolition in 1874, there were 33 convictions for murder or attempted murder, and exactly the same number for the 23 years thereafter, giving per 100,000 of the population a homicide rate of 9.13 for that period before, and 8.37 for the same period after abolition⁴.

Ten cantons, containing about 25% of the population, reintroduced it; 15 cantons did not. Capital punishment was finally abolished throughout Switzerland by the Penal Code of 1939, which came into operation in 1942. Executions in the cantons that retained capital punishment between 1879 and 1942 were rare; the last execution took place in 1924 after 29 years without one.

The British Royal Commission on Capital Punishment (1954) noted that a statistical survey of the position in Switzerland is complicated by the need to consider the cantons separately and by the fact that no recent statistics are available.

The Commission compiled the data in Table 15 which shows the average annual number of deaths reported as due to homicide per one million inhabitants over ten-year periods in the cantons with and without capital punishment respectively.

³ See Report of the British Select Committee on Capital Punishment (1930), p. 80.

⁴ *Ibid*, p. 83.

Table 15
Average annual number of deaths reported as due to homicide
in Switzerland per 1,000,000 inhabitants 1881-1920

Years	Cantons with capital punishment	Cantons without capital punishment
1881-1890	2.5	2.8
1891-1900	2.3	2.4
1901-1910	2.4	1.8
1911-1920	1.5	1.6

In Norway the last execution took place in 1875 and capital punishment was abolished in 1905. According to the report of the British Select Committee on Capital Punishment, the homicide rate in Norway, including manslaughter and infanticide, shows a consistent and gradual decline from 1.21 per 100,000 of population per annum in the years 1856-1865, to 0.63 in the years 1916-1925; while the rate for murder alone shows the same uniform trend from 0.35 per annum in the 10 years 1846-1855 to 0.07 in the 10 years 1915 to 1924 and to 0.064 in 1925-1929.

Austria abolished the death penalty in 1919, restored it in 1934 and abolished it again in 1950. The statistics in Table 16 show that homicide rates following the abolition have been comparatively low.

Table 16
Homicides known to the police of Austria 1947-1957^(a)

Year	Murder and Manslaughter	Attempted Murder	Total
1947	274	248	522
1948	227	162	389
1949	155	121	276
1950	101	110	211
1951	120	103	223
1952	83	84	167
1953	83	113	196
1954	91	93	184
1955	96	73	169
1956	120	86	206
1957	92	93	185

^(a)Grassberger, R. (1958). Der Ruf nach der Todesstrafe. *Juristische Blätter*, 80: 429-436

In Queensland, Australia, the last execution took place in 1913 and formal abolition of capital punishment took place in 1922. Table 17 gives the average annual number of murders known to the police per million of the population.

This table indicates that the murder rate in Queensland was falling throughout the period of 1901-1931. This trend began prior to both abeyance and abolition (1922). Neither of these happenings would appear to have altered this trend to any marked degree. Thus the alleged deterrent value of capital punishment is not supported by the Queensland experience.

Table 17
Average annual number of murders known to the police per million
of the population 1901, 1911, 1921, and 1931^(a)

Queensland, Australia

Year	Number
1901	28.4
1911	21.3
1921	18.4
1931	14.0

^(a) Barber and Wilson (1968). Deterrent Aspect of Capital Punishment and its Effect on Conviction Rates: the Queensland Experience. *Australian and New Zealand Journal of Criminology*, vol. 2, p. 101-108.

With regard to the United Kingdom figures, an article commenting on criminal statistics for 1966 said:

"In the statistics covering the first year since the suspension of the death penalty, the murder figures naturally attract particular attention. The murders recorded during the year numbered 143 which was 10 less than in 1965 and 12 fewer than 1964. Such a variation is within the normal range of variations in the crime over the years, and appears only to confirm the experience of this and other countries, that the presence or absence of capital punishment makes little difference to the number of murders committed"⁵.

The effect of reintroduction of capital punishment on homicide rates

Professor Sellin (1969) has examined the question thoroughly. The following is a summary of his findings:⁶

Eleven American states have experimented with abolition for periods of time varying in duration — the death penalty has been temporarily removed by the statutes and not merely by practice. These states are Arizona, Colorado, Delaware, Iowa, Kansas, Maine, Missouri, Tennessee, Oregon, South Dakota, and Washington.

Arizona had no death penalty for murder from December, 1916 to December, 1918. The governor of the state reported to the British Select Committee on Capital Punishment in 1930 that 41 murderers were convicted in the two years before abolition, 46 during the abolition years, and 45 during the following two years.

Colorado abolished capital punishment in 1897 and returned to it in 1901. Homicide rates are not available, but murder convictions provide a rough measure. The average annual numbers of convictions for murder during the five years before abolition, the abolition years and the five years following were, respectively, 15.4, 18, and 19. The corresponding figures on convictions for manslaughter were 2.6, 4.0, and 1.5.

Delaware abolished the death penalty on April 2, 1958 and reinstated it in December, 1961. The average annual number of murders and non-negligent manslaughters was 22.3 during 1956-1958 and 14.3 during 1959-1961⁷.

⁵ Dawtry, Frank (1967). Criminal Statistics, 1966. *Justice of the Peace and Local Government Review*, Sept. 2, p. 543-544.

⁶ See also the Staff Research Report No. 46, Ohio Legislative Service Commission, January 1961, p. 43-45.

⁷ In 1962 there were 18 murders and non-negligent manslaughters for a rate of 3.8 per 100,000 of population and in 1963 there were 22 for a rate of 4.6.

Iowa had no death penalty from 1872 to 1878. During the seven years before abolition the average annual number of convictions for murder was 2.6. This figure rose to 8.8 during abolition and to 13.1 during the following seven years. The death penalty was again abolished in 1965.

Kansas lacked a death penalty between 1907 and 1935. The five years before 1935 showed an annual average homicide rate of 6.5; in the next five years this rate was 3.8.

Maine first tried abolition during 1876-1882 but the lack of data made any useful comparisons fruitless. Final abolition came in 1887.

Missouri abandoned the death penalty in 1917 and brought it back in 1919. The homicide death rate per 100,000 population during 1911-1916 averaged 9.2 a year, and during abolition, 10.7; during 1920-1924, it was 11.

Tennessee abolished capital punishment for murder in 1915 but retained it for rape. Reinstatement of the punishment came in 1919. Homicide death rates are available beginning with the year 1918, when the rate was 6.9 for whites and 29.2 for the coloured population. Except for a slight drop in 1920 for the white race, both rose steadily after the introduction of the death penalty to 10.8 for the whites and 52.5 for the coloured population in 1924.

Oregon had no death penalty during 1915-1920. Information supplied to the British Select Committee on Capital Punishment in 1930 indicated that 59 "murderers" were committed to the state penitentiary during the five years before abolition and 36 during the abolition years.

South Dakota reintroduced the death penalty in 1939, having abolished it in 1915. Identical average annual homicide rates were reported during the five years before and the five years after the restoration (the rate was 1.4).

Washington was without the death penalty during 1913-1919. The average annual rate of deaths due to homicide was 6.5 during 1908-1912. In 1913 it was 6.5, but it rose in 1914 to 10 and then gradually fell to 8.9, 5.5, 5.5, and 4.2 (1918). The year the death penalty was again introduced, the rate rose to 7.5 but during the next five years, 1920-1924, it was 5.1, 5.9, 5.2, 4.7, and 6.2. The average annual rate was 6.8 during the period of abolition and 5.8 during the first six years after the reintroduction of the death penalty⁸.

Professor Sellin (1969) comments by saying that:

"if any conclusion can be drawn from all the above data, it is that there is no evidence that the abolition of the death penalty generally causes an increase in criminal homicides or that its reintroduction is followed by a decline. The explanation of changes in homicide rates must be sought elsewhere".

New Zealand abolished capital punishment in 1941, restored it in 1950 and again abolished it in 1961. During the 1961 debate on the Crimes Bill, the Minister of Justice, the Hon. J.R. Hanan, noted that although the penalty for murder changed three times, in 1935, in 1950, and in 1957, the figures for murder were not affected. During seven years of capital punishment (1951-1957) 22 murderers were convicted. Eight of the murderers were hanged. In the nine years following the suspension of capital punishment the figure was 24⁹.

In New Zealand, from 1936 until 1941 the death penalty was never carried out in practice. If as a starting datum the year 1936 were taken, then it would be found that in the 15 year period during which

⁸ The Annals of the American Academy of Political and Social Science, 284, Nov. 1952.

⁹ See *Crime in New Zealand* (1968) Wellington: Department of Justice, p. 21.

the death penalty was not imposed in New Zealand (1936-1950) there were 148 murders; in the 15 year period before 1936 there were 154. In other words, there was a reduction of six in the number of murders after executions had stopped. This figure is very significant if examined in relation to what has happened to the population of New Zealand. At the beginning of the 30 year period in 1920, the population was approximately 1,250,000, and in 1950, the end of the 30 year period, the population was about 2,000,000. Such an increase demonstrates that the decline in the murder rate was substantial although the difference in the number was only six¹⁰.

III. Homicide Rates in Abolition and Death Penalty States

If capital punishment is a deterrent to murder, then death penalty jurisdictions should have a lower annual rate of criminal homicide than abolition jurisdictions. But this is not the case. In fact it appears that the reverse is true.

Comparisons between different countries have been severely criticized because of differences of culture, character, behavior, overlook, because of varying legal definitions of murder and criminal homicide as well as varying methods of compiling statistics. Because of all these reasons it is agreed that comparisons between states in the same country yield better results. But even then one should not ignore the great differences among states in the nature of their populations and their economic, social, and political conditions. Comparisons should, therefore, be done only among contiguous states who are nearly alike in these respects.

Professor Sellin (1961, 1969) has undertaken the task of comparing homicide rates for states with similar outlook in the United States.

Professor Sellin selected five sets of three states each and compared crude homicide death rates. Brought down through 1963, these comparisons cover a 43-year span for each set of states, extending from 1920. In each set, at least one of the three states did not provide the death penalty for all or a part of the period, while the others did provide it. Each of the three states in each set borders one or both of the other two. The immediate proximity of the states compared, it was believed, tends to reduce as much as possible the impact of differences among the states in possible other social factors affecting homicide rates. Crude homicide death rates were compared because they are the most readily available and most dependable statistics covering an extended period. It was assumed that within the gross numbers of homicides the proportion of actual capital murders remained reasonably constant. The following charts show the variations. Maine, Vermont and New Hampshire are compared together. The first is an abolitionist state, while the two others retain the death penalty¹¹. Rhode Island, another abolitionist state is compared with Massachusetts and Connecticut. Minnesota and Wisconsin, both abolitionist states are compared with Iowa, where the death penalty is still retained¹². Michigan, one of the first abolitionist states in America is compared with the neighboring states of Indiana and Ohio. Kansas, which was an abolitionist state until 1935 is compared with Montana and Colorado and finally, North Dakota, which is considered an abolitionist state is compared with South Dakota, abolitionist until 1939, and Nebraska.

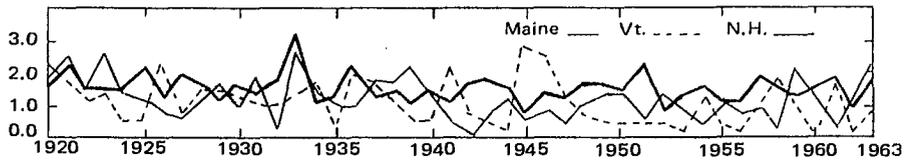
The figures show clearly that homicide death rates in all the states have followed the same trends, whether or not the death penalty was provided. In all of the fifteen states covered by these comparisons, homicide death rates reached peaks in the 1920's and early 1930's, then followed a general downward trend, leveled out in the 1940's and continued through 1960 at about that level. Comparisons of trends and rates reveal no differences among adjacent states with and without the death penalty which can be ascribed to either its presence or absence.

¹⁰ See the Abolition of Capital Punishment. *Canadian Bar Review* (1954) Vol. XXXII, p. 487.

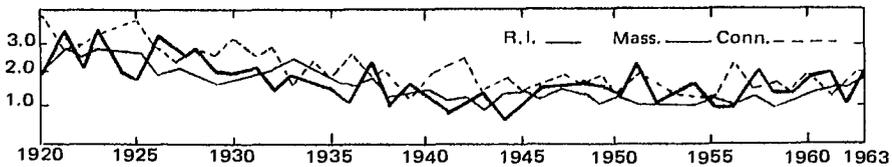
¹¹ Vermont abolished the death penalty in 1965.

¹² Iowa abolished the death penalty in 1872, restored it in 1878, and re-abolished it in 1965.

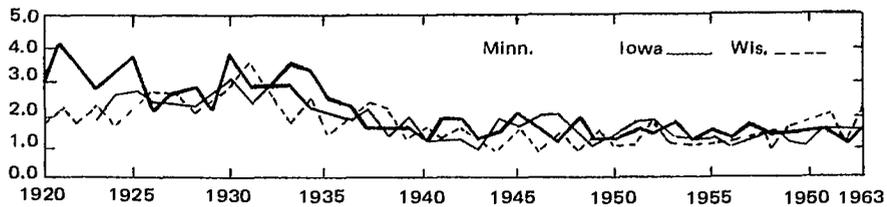
*Homicide Death Rates (per 100,000 Population) in Contiguous
Abolitionist and Retentionist States
1920-1963*



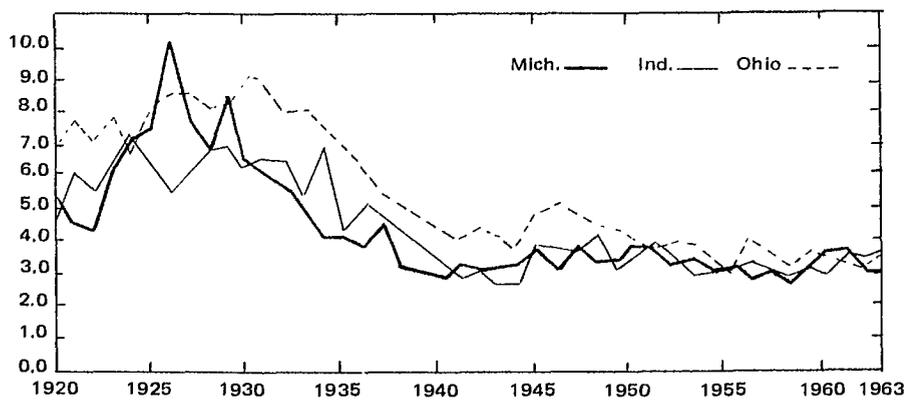
Maine is an abolitionist state.



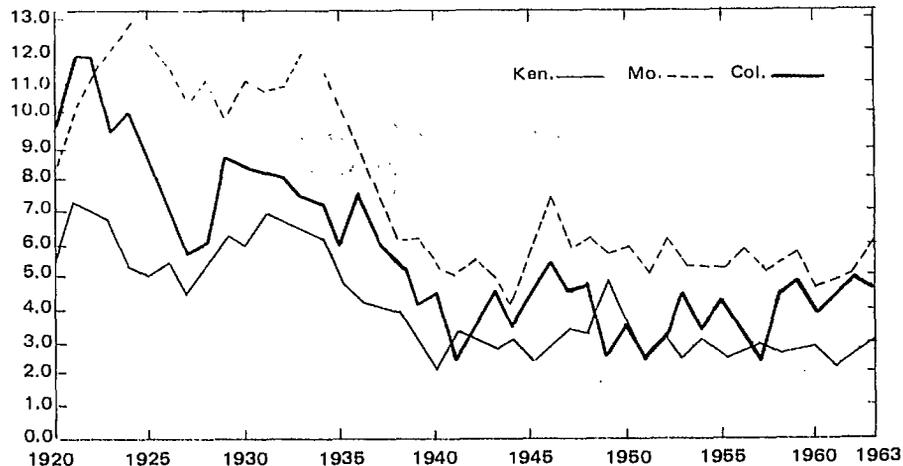
Rhode Island is an abolitionist state.



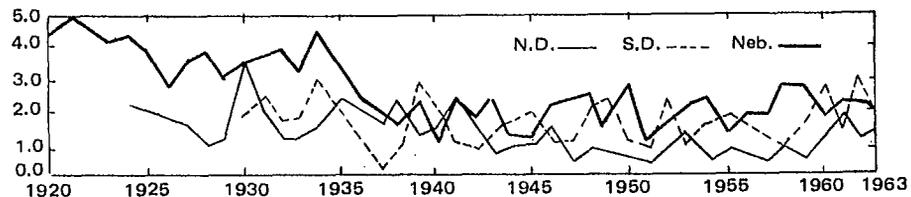
Minnesota and Wisconsin are abolitionist states.



Michigan is an abolitionist state.



Kansas was an abolitionist state until 1935.



North Dakota is considered an abolitionist state.
South Dakota was abolitionist until 1939.

The comparison of homicide rates between Massachusetts and Connecticut, both with the death penalty, and Rhode Island, without it, is especially meaningful. These three states are more nearly alike in respects believed to influence homicide rates most heavily than are any of the other states compared in the other figures. These three states are all small in area, and are all highly urbanized, industrial and commercial, with population densities among the highest in the United States. The comparison of crude homicide death rates for these three states reveals even less deviation between Massachusetts and Connecticut on the one hand, and Rhode Island on the other, than is the case with the other sets of states compared. It should be recalled that homicide rates in New England generally are the lowest in the U.S.A., in states of that region both with and without the death penalty. Of additional interest is the fact that Massachusetts had no executions between 1948 and 1960, while Connecticut had six (see Ohio Report, 1961).

Professor Sellin notes that an inspection of the figures shows:

1. That the level of the rates is not the same in all regions;
2. That within each group of contiguous states it would be impossible to identify the abolitionist state, were it not designated as such; and
3. That the trends of the rates of the states compared are similar.

The conclusion is inevitable that the presence of the death penalty — in law or in practice — does not influence homicide death rates.

“The important thing to be noticed is that, whether the death penalty is used or not, or whether executions are frequent or not, both death penalty States and abolition States

show rates which suggest that these rates are conditioned by other factors than the death penalty”.

Professor Reckless (1969), using the data from the 1967 *Uniform Crime Reports*, prepared Table 18 which groups nine abolition states with nine contiguous death penalty states to compare the ratio for murder, aggravated assault, and the combined major crimes of violence (including murder, forcible rape, robbery and aggravated assault). For Alaska, since contiguity cannot apply, the comparison is with a geographically large state having a small population, Nevada.

Table 18
 Nine abolition states compared with contiguous death penalty states on rates for murder, aggravated assault, and combined major crimes of violence

Abolition State	Comparison	Retention State
Alaska	Very close on murder and on aggravated assault	Nevada
Oregon	Close on all three rates	Washington
Minnesota	Lower on murder and on aggravated assault	South Dakota
Iowa	Lower on all three rates	Nebraska
Michigan	Much higher on aggravated assault and major crimes of violence	Ohio
Vermont	Higher on murder but lower on the other two rates	New Hampshire
New York	Much higher on all three rates	New Jersey
West Virginia	Much lower on all three rates	Virginia

Reckless notes that comparisons of this sort are not completely justified but, even if they are only partly justified, the abolition states have won the argument against deterrence five to two, with two ties; which might be considered a seven-to-two score for abolition.

IV. Conclusions of various commissions as to the deterrent effect of capital punishment

British Select Committee on Capital Punishment (1930)

“Our prolonged examination of the situation in foreign countries has increasingly confirmed us in the assurance that Capital Punishment may be abolished in this country without endangering life or property, or impairing the security of society.

Further, we have repeated assurances from the Home Office itself that Abolition of the death penalty will not bring with it any serious or insoluble problem of administration . . .

. . . . we venture to . . . say that, as in the past, there will come, through the carrying into law of the proposals we are about to make, an ever increasing security and an ever increasing respect for human life. Humanity and security, indeed, will walk hand in hand. And as it is the more humane spirit in our people that makes a more humane penal code possible; so, on the other hand, in humanising our punishments, we will yet further humanise our people. On the one side, and on the other, humanity will beget humanity, as nobleness enkindleth nobleness''.

British Royal Commission on Capital Punishment (1949-1953)

The most exhaustive consideration of the deterrent effect of capital punishment is to be found in the Report of the Royal Commission on Capital Punishment 1945-1953. The Commission analysed in various ways the vast amount of statistical material it had gathered and finally expressed its agreement (Report, p. 23) with Professor Sellin's conclusion that:

"Whether the death penalty is used or not and whether executions are frequent or not, both death penalty States and abolition States show rates which suggest that these rates are conditioned by other factors than the death penalty".

The Commission went on to state:

"Whatever date may be selected, it cannot safely be assumed that variations in the homicides rate after the abolition of capital punishment are in fact due to abolition and not to other causes, or to a combination of abolition and other causes. There is some evidence that abolition may be followed for a short time by an increase in homicides and crimes of violence, and *a fortiori* it might be thought likely that a temporary increase of this kind would occur if capital punishment were abolished in a country where it was not previously in abeyance but was regularly applied in practice; but it would appear that, as soon as a country has become accustomed to the new form of the extreme penalty, abolition will not in the long run lead to an increase in crime. The general conclusion which we have reached is that there is no clear evidence in any of the figures we have examined that the abolition of capital punishment has led to an increase in the homicide rate, or that its reintroduction has led to a fall".

Commission of Inquiry on Capital Punishment, Ceylon (1959)

Here are some excerpts from the report:

"In our view, the statistics amassed in other countries and in Ceylon go further than merely to leave the question open; they tend to prove the case against the general deterrent effect of the death penalty. In any one country statistical information could not do this, but when the experience of many countries is strikingly similar more confident conclusions can be drawn.

In any one country, even if the homicide rate increased upon suspension of the death penalty, it could not confidently be concluded that suspension had played a part in the increase, because other factors in the community might account for the increase. If the homicide rate decreased upon suspension, it still could not confidently be concluded that capital punishment does not deter some potential murderers, because other factors in the community might account for the decrease, and it could be contended (but not established) that had capital punishment been retained the decrease may have been steeper. But more confident conclusions can be drawn if there are similar tendencies in the movement of the homicide rate in groups of countries which abolished or suspended capital punishment.

Thus though statistics in one country prove nothing concerning the general deterrent effect of capital punishment, those statistics, when they coincide with statistics in other

countries, do tend to show that capital punishment is not a uniquely effective deterrent, and to justify a belief that too much has been uncritically claimed for its efficacy as a preventive of homicide.

It is therefore our view that the statistics of homicide in Ceylon, when related to the social changes since the suspension of the death penalty in Ceylon and when related to the experience of other countries, tend to disprove the assumption of the uniquely deterrent effect of the death penalty, and that, in deciding on the question of the reintroduction or abolition of capital punishment, reintroduction cannot be justified on the argument that it is a more effective deterrent to potential killers than the alternative of protracted imprisonment”.

The Special Commission for the Study of Abolition of Death Penalty in Capital Cases, the State of Florida (1963-1965)

“What all the studies tend to show is that there seems to be very little, if any, relationship between the presence or absence of the death penalty in a state and the homicide rate. This may not prove that long term imprisonment is as effective a deterrent to potential murderers, but it does seem to cast some doubt on the widely accepted assumption that the death penalty is a more effective deterrent. All but one of the governmental reports published in recent years on capital punishment have reached the conclusion that these data provide no evidence to support the death penalty as a deterrent superior to imprisonment for the crime of murder. The exception is Canada” (Report, p. 16).

The Special Commission established for the purpose of investigating and studying the abolition of the death penalty in capital cases, The Commonwealth of Massachusetts, December 30, 1958

“The commission can . . . conclude that the claims that the abolition of the death penalty would increase the dangerousness of police work is not supported by the evidence. On the contrary, the evidence indicates that no increase in the dangerousness of police work would follow abolition . . .

The rates of murder and non-negligent manslaughter presented in this report show clearly that the rates in Massachusetts, with capital punishment, and Rhode Island, without it, are not appreciably different. The rates in other abolition States are as low or lower than those of neighboring capital punishment States . . .

There appears, in fact, to be no greater deterrent effect in capital punishment than in a sentence of life imprisonment . . .

The Commission is persuaded that the social usefulness of capital punishment is insignificant and is far outweighed by its considerable social damage.

Capital punishment is not a better protection against murder than a sentence of life imprisonment. Its deterrent effect is slight and is offset by its encouragement to unstable individuals to commit murder.

It does not contribute to the reduction of murder; it is simply an easy and harmful way of satisfying the need to ‘do something about it’.

It is the swiftness and certainty of punishment and not its severity that deters. There is reason to believe that trials would be shorter, and conviction more stiff and certain, if life imprisonment rather than death with the maximum penalty . . .

The existence of capital punishment tends to cheapen human life. It tends to encourage both children and adults to believe that physical violence, the ultimate form of which is putting an individual to death, is a proper method of solving social and personal conflict” (Report, p. 40-45).

Senate Concurrent Resolution - Serial No. 101 - February 1961 - Joint Committee to Study Abolition of Capital Punishment - Pennsylvania

“At present there are nine states and forty foreign countries which have abolished capital punishment. A recent survey indicates that of the ten states which have the fewest

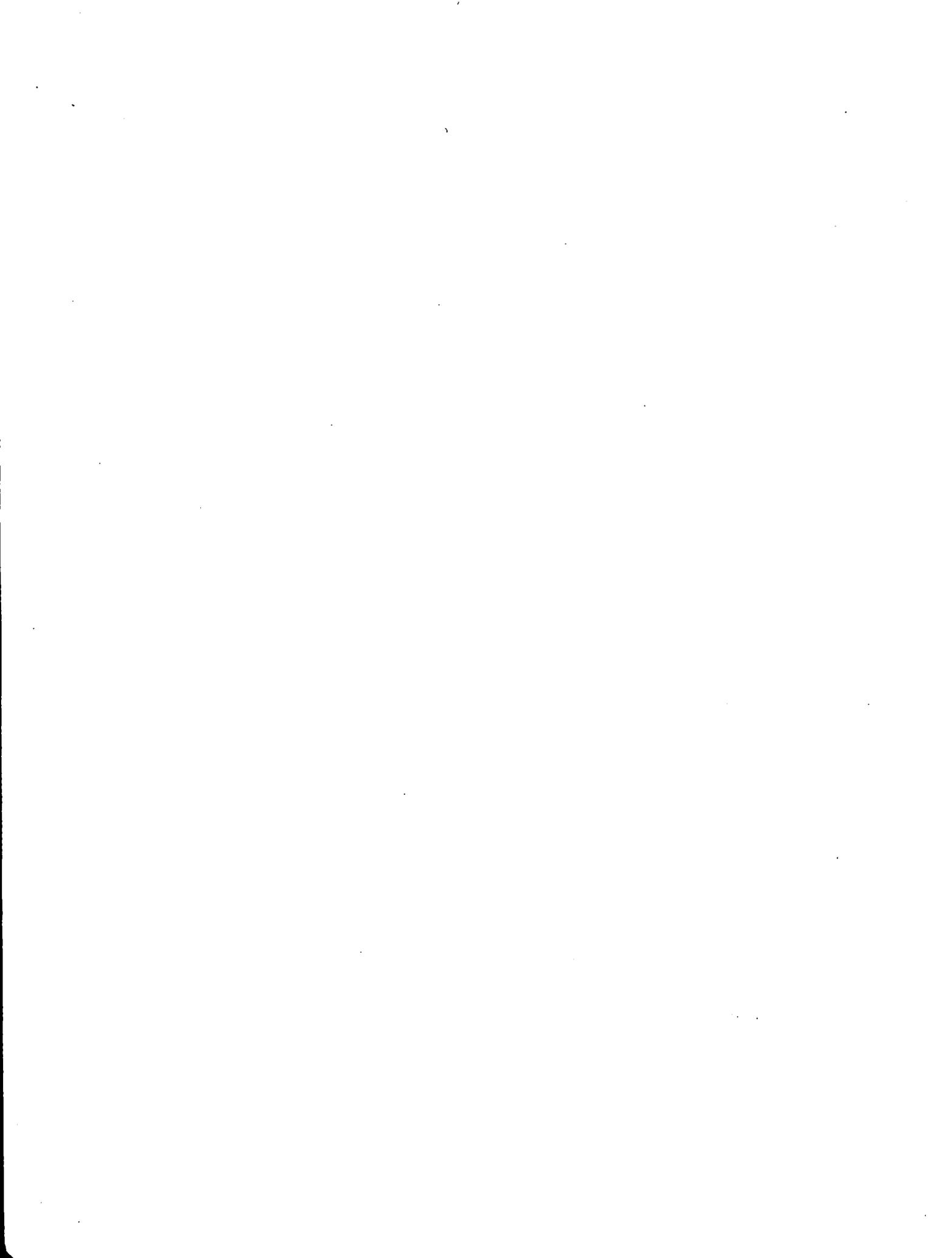
murders, four have abolished the death penalty and of the ten states which had the most murders, all of them enforced the death penalty.

Recent indications in Pennsylvania seem to prove that the imposition of the death penalty in murder cases has been a complete failure in acting as a deterrent to the crime of murder. In spite of the imposition of the death penalty, murder has been on the increase. It is further said that in a number of states, where the death penalty has been removed as a possible punishment, more convictions were secured and there were fewer delays in enforcing the punishment. It is the swiftness and certainty of the punishment and not the severity that deters". . (Report 31).

PART II

CAPITAL PUNISHMENT AND HOMICIDE RATES

THE CANADIAN EXPERIENCE



Chapter 1

THE DATA

SOURCES OF DATA

The sources of data for this study are nearly all federal government publications, mostly the publications of Statistics Canada.

– *Statistics of Criminal and Other Offences*, Annual since 1926 (Ottawa, Queen's Printer);

– *Criminal Statistics*, annual 1876 to 1925 (Ottawa, King's Printer), published annually 1917 to 1925 by Dominion Bureau of Statistics, published annually 1876 to 1917 by various departments and found in the Sessional Papers of Canada until 1922.

- From 1876 until 1911 published by the Minister of Agriculture
- From the years 1912 to 1916 the annual reports were published by the Minister of Trade and Commerce
- From 1917 published by the D.B.S., in 1926 the title of the annual reports was changed from *Criminal Statistics* to *Statistics of Criminal and Other Offences*.
- Until the report of 1950 (75th annual report), the year for reporting was the judicial year (Oct. 1st to Sept. 30th). This was reversed to the calendar year. To make this adjustment, the report for 1950 contains data for a 15 month period.

– *Police Statistics*, published annually by the D.B.S. from 1920 to 1959. Starting with the 1960 issue, this information is organized in a separate bulletin, *Crime Statistics*, and the other information on police matters is published in two companion volumes, *Police Administration Statistics* and *Traffic Enforcement Statistics*.

– *Murder Statistics*: published annually by Statistics Canada. The first report was published in February 1966 but contains data for the years 1961–1964.

– *Vital Statistics*: published annually by Statistics Canada since 1921.

– *Canada Year Book*, annual since 1905, Ottawa, Queen's Printer.

– *Population 1921–1966*, published by the D.B.S. (revised annual estimates of population by sex and age, Canada and the Provinces). Data up till 1970 is available in separate bulletins.

– *Mortality by Detailed Cause of Death 1950–1955*, Reference Paper no. 65 published by the D.B.S. (Catalogue No. 84-502).

– *Causes of Death, Canada, 1950–1960*, occasional, published by the D.B.S. (Catalogue No. 84-514).

OTHER PUBLICATIONS

– *Minutes of Proceedings and Evidence of the Joint Committee of The Senate and House of Commons on Capital Punishment, Corporal Punishment and Lotteries*. Ottawa, Queen's Printer, 1954, 1955.

— *Reports of the Joint Committee of the Senate and House of Commons on Capital Punishment, Corporal Punishment and Lotteries*, Ottawa, Queen's Printer, 1956.

— *Capital Punishment: Material Relating to Its Purpose and Value*. Guy Favreau, Minister of Justice. Ottawa, Queen's Printer, 1965.

— C.W. Topping: The Death Penalty in Canada. *Annals of the American Academy of Political and Social Science*. Vol. 284, Nov. 1952, pp. 147-157.

Historical Remarks on the Sources of Data

References:

- The above mentioned reports.
- *Dominion Bureau of Statistics: History, Function, Organization*, Oct. 1st, 1952 (Ottawa, Queen's Printer).
- Nicolas Zay: Gaps in available statistics on crime and delinquency in Canada. *Canadian Journal of Economics and Political Science*. Vol. XXIX, no. 1, Feb. 1963, pp. 75-89.
- Nicolas Zay: Section Y: Justice. In *Historical Statistics of Canada*. M.C. Urquhart & H.A.H. Buckley (eds). Toronto: Macmillan Company of Canada (1965). pp. 634-659.
- Frank A. Morrow: *The Role of the D.B.S. as it Related to the Police*. Paper delivered at the 15th Annual Conference of Ontario Association of Chiefs of Police. London, Ontario, June 9, 1966.
- P.J. Giffen: Rates of Crime and Delinquency. In *Crime and Its Treatment in Canada*, ed., W.T. McGrath. Toronto: The Macmillan Company of Canada (1965). Reprinted in *Critical Issues in Canadian Society*, eds. C.L. Boydell, C.F. Grindstaff, P.C. Whitehead. Toronto: Holt, Rinehart and Winston of Canada (1971).
- Lynn McDonald: Is the Crime Rate Increasing? A Statistical Test. *The Canadian Review of Sociology and Anthropology*, Vol. 6, no. 4 (1969). Reprinted in *Critical Issues in Canadian Society*. Toronto: Holt, Rinehart and Winston of Canada (1971).

Court Statistics

In Canada, basic statistics on crime have been collected and published on a nationwide basis since 1876. Chapter 13 of the Statutes of 1876 made specific provisions for the furnishing of information by the various trial courts of general jurisdiction on their criminal business and by wardens of penal institutions on their inmates to the Minister of Agriculture who published, until 1911, an annual report based on these returns. The first report, entitled "*Criminal Statistics*" shows the number of charges, acquittals and convictions by judicial district, by class of offences and by disposition, together with other information on each convicted person and on cases in which the prerogative of mercy of the Crown had been exercised. For the years 1912 to 1916, the annual reports were published by the Minister of Trade and Commerce; subsequently, they were published by the Dominion Bureau of Statistics. The Statistics Act of 1918, which provided for the establishment of the Bureau, consolidated the dispositions of the former law concerning the centralized collection of statistics by requiring that information on court business be transmitted to the Dominion Statistician. In 1926 the title of the annual reports was changed from *Criminal Statistics* to *Statistics of Criminal and Other Offences* (Zay, 1965).

As a result of a Dominion—Provincial Conference, held in Ottawa in May, 1949, some major changes were introduced:

1) The judicial year of Oct. 1st to Sept. 30th as the basic time period for the reports was substituted by the calendar year. This took place starting from the 1950 report.

2) The person has been the basic unit of tabulation of Canadian criminal statistics until 1895. Starting from that year the basic unit became offence. At the Dominion-Provincial Conference (1949) it was proposed that the basic unit of compilation become "the person". However, in order to make historical comparisons possible, the D.B.S. continued to publish a limited number of tables showing figures based on offences.

3) Raw data started to be manipulated and tabulated mechanically, permitting more detailed comparisons for a given year but making more difficult comparisons with earlier years.

The Criminal Code of Canada was proclaimed in Newfoundland on August 1st, 1950 and statistics for that province were included in the Statistics of Criminal and Other Offences starting from 1951.

The last report published when this study was undertaken is the report for 1967.

In summary, statistics for convictions, acquittals, commutations and executions are available for a period extending over 80 years.

Police Statistics

Until 1920, the only statistics relating to crime and criminality collected and published in Canada were confined to cases dealt with in the courts. These statistics do not represent, by any means, the total number of offences known to the police nor the total number of offenders (not to speak about hidden criminality). It was soon realized that an accurate assessment of actual crime conditions needs another type of crime statistics showing the total number of "offences known to the police". Thus, nation-wide collection of statistics on police activities was initiated by the D.B.S. in 1920. At the beginning, a modest program was undertaken when 104 cities and towns of over 4,000 population were asked to submit returns, of which 88 supplied satisfactory records for the first year. The scope and coverage increased tremendously in the intervening years. Until 1957, police statistics surveyed the activities of municipal forces of incorporated urban centres of 4,000 population or more, of the Ontario Provincial Police, the Royal Canadian Mounted Police and the Railway Police in areas under their jurisdiction. In 1957, the processing of statistics was reorganized and their coverage extended to include data on the activities of municipal forces in urban centres of 750 population and more. Left uncovered are urban communities which have a police force although their population is less than 750; communities without a police force although their population exceeds 750; communities with police departments and populations over 750 but for which the police department did not report to the D.B.S.

The substantial increase in the reporting forces over the years largely affects the figures and makes the data prior to 1962 unsuitable for trend studies.

Whereas in 1956 only 276 police departments reported, the number increased to 767 departments in 1960. The situation was described as follows in the introduction to *Crime Statistics, 1960*.

"Monthly reports were received from 767 departments representing 80.6% of potential contributors. There were 108 departments or 11.3% who submitted less than twelve monthly reports and 77 departments or 8.1% who did not report".

Efforts to improve the data continued until 1961 when the product of these efforts, the *Uniform Crime Reporting Program* was adopted at the Annual Conference of the Canadian Association of Chiefs of Police and was initiated by the Dominion Bureau of Statistics on January 1, 1962.

Furthermore, Statistics Canada has instituted a quality control program to ensure, insofar as possible, that statistics reported by the police are compiled in accordance with the requirements of the Uniform Crime Reporting System.

Until 1962 the Quebec Provincial Police did not report to the D.B.S., a fact which makes any national comparison with years prior to 1962 inaccurate.

As of December 31, 1969, there were 572 urban communities with a population of over 750 operating their own police forces, compared with 602 in 1968 and 651 in 1967. In 1969, reports were received from 98.3% of these communities although some respondents submitted reports for only part of the year (Police Statistics, 1969).

According to the introduction to crime statistics (1969), a number of factors influence the coverage and quality of the data in the report. With the commencement of Uniform Crime Reporting on January 1, 1962, a new system for collecting, classifying and reporting data was introduced for use by the police and it could be expected that there would be some difficulty in achieving uniformity of data reported in the earlier years of the new program.

Police forces at all levels had to develop or adjust their methods of recording and reporting crimes in order to comply with the rules and definitions of the Uniform Crime Reporting Program. The changeover to the new method of reporting statistics coupled with the change in record-keeping practices presented a major challenge to many police forces because of staff shortages and lack of facilities.

Police Administration Statistics

Published separately from 1960, they provide, among other things, data on police killed on duty in Canada by criminal action from 1955 to 1970.

Murder Statistics

They were first published in 1966 but covered the years from 1961-1964. They include a table showing the number of murders reported to D.B.S. and homicidal deaths as well as rates per 100,000 population 7 years of age and over. The data starts from 1954. From 1954 to 1960 adjustments are made in previously published figures as a result of revised R.C.M.P. and Ontario Provincial Police figures on murder offences known to the police, but no adjustments have been made for the non-reporting of the Quebec Provincial Police in these years. From 1961 to 1964 inclusive, the Quebec Provincial Police reported murders known to them to D.B.S. and there were improved data collection techniques to ensure that all murders are reported. Special homicide forms are sent out to police departments requesting details of the reported number, the victim(s) and the accused person(s), whether the incident has been cleared by charge, suicide, or by other means, or is unsolved (Introduction to the Report of 1961-1964, p. 9).

The method used for counting is to count one offence for each victim. However, the number of incidents for Canada and for each province is given as well. This information is not available prior to 1961. Counting one offence for each victim presents certain problems. The most recent example is a case of arson which took place in Notre-Dame-du-lac in Quebec. Forty persons died in the incident which took place in a home for elderly people. Although the arson occurred in 1969, it was reported by the police as murder in 1970 following the decision of a coroner's jury in January 1970, which found the accused to be criminally responsible for murder. This incident is counted as 40 murders, thus inflating the number of

murders in 1970 to 430, whereas the number of incidents reflecting more accurately the size of murder criminality for that year is 351 incidents.

Vital Statistics

Vital statistics published annually since 1921 contain the number of homicidal deaths (Homicide and injury purposely inflicted by other persons—not in war—E 980 to E 985). Included in these homicidal deaths are deaths due to injury by intervention of police and legal executions. The categories have been changed starting from 1969. Homicide and injury purposely inflicted by other persons (E 960 - E 969) is now a separate category from deaths by legal intervention (E 970 - E 978).

Since 1921 vital statistics relating to births, marriages and deaths have been collected by the Bureau of Statistics from all provinces except Quebec which joined in this reporting programme in 1926.

From 1921 to 1944, death statistics were based on place of occurrence. In 1944 this was changed to a place of residence basis and a transfer system with the United States of America was introduced, whereby an American killed in Canada would not be included in Canadian vital statistics homicides.

As noted in the report on murder statistics 1961-1964, statistics relating to murders and homicidal deaths in Canada prior to 1961 cannot be fully integrated. Those based on the judge's reports were submitted to the Department of Justice, for persons convicted of murder and sentenced to death; those based on court returns to D.B.S. concern charges, acquittals and conviction until 1950 at which time they also show persons, and, in 1953, persons convicted of a lesser charge; those based on vital statistics depend on the coroner's report and are not subject to revision; they include deaths which are not a part of the series "Murder Statistics"; finally, until 1962 one of Canada's major police forces did not report crime statistics to D.B.S. (p. 9/10).

Mortality by Detailed Cause of Death 1950-1955;

Causes of Death, Canada, 1950-1960

These two documents contain data on homicide similar to that found in vital statistics. As in the vital statistics, they contain figures on the number of persons killed by intervention of police and those executed. The differences in the totals figuring in both documents for the years 1950-1955 is due to the fact that in the second, figures for the Yukon and the North Western Territories were added.

Population 1921-1966

This report contains estimated of population by sex and age for Canada and the provinces, a necessary information for the computation of annual rates for the different offences.

Limitations of the data

Criminal statistics are essential tools for public information, for administrative guidance and for research.

As Schwarz (1954) pointed out in his paper on the need for statistics on juvenile delinquency, the public is interested in knowing the extent of unlawful activities. Public interest in the statistics is apparently greatest in regard to trends and even to changes from year to year. The motivation behind public interest may range from generalized concern, alarm, and fear, to disciplined efforts at studying, planning, and bringing about effective social action.

Zay (1963) underlines another objective of criminal statistics. They are essential tools for the efficient planning and administration of law-enforcement agencies; trends in data can provide the basis for estimating future needs of personnel and services; work-load data are helpful in indicating staff requirements or in redirecting or refocusing staff assignments or activities.

The third objective of criminal statistics is to provide a basis for research, in particular, research aiming at evaluation of programs, decisions, punishment or treatment.

Although criminal statistics are indispensable tools for research, they have to be handled and used with the greatest care if one is to avoid the common pitfalls characteristic of the use of statistics and if the results are not to be affected by their shortcomings. Criminological research based on crime and criminal statistics in Canada is subject to serious limitations. As a result of the continuous efforts of the Judicial Division of Statistics Canada to improve the quality of criminal statistics, data of recent years are in several ways superior to that of previous years. But there is no way of correcting the data collected and published during the last century or during the first half of this century. In fact many factors contribute to diminish the comparability of data between years.

We will try to summarize briefly the limitations of our data based on Canadian criminal statistics.

The specific character of Canada

The existence of different provinces and the division in jurisdiction between the federal and provincial authorities according to the British North America Act of 1867 is not without effect upon criminal statistics. Moreover, the existence of three different police forces, federal, provincial and municipal, is greatly responsible for the lack of uniform and reliable police statistics prior to 1962.

The fact that statistics for Newfoundland were only added to the national statistics in 1951 makes comparisons on a national level prior to this date somewhat risky.

On the other hand, the fact that the Criminal Code of Canada applies throughout the country constitutes a certain advantage over countries having several different criminal codes, such as the United States.

Changes in the Criminal Code over the years

Another problem with comparative research and trend studies is the changes in offences over the years. Changes in such matters as the legal definition of offences and the meaning attached even to common terms, and in police and court procedure should be taken into account. Murder is a good example of this problem. The Criminal Code definition of murder has changed three times since 1961. Prior to September 1961, all murder was considered capital and the only possible sentence was the death penalty. After September 1961, it was divided into capital and non-capital murder. Capital murder was premeditated murder or the murder of a police officer, prison guard, etc., or murder during the commission of another criminal act. The penalty was death. All other types of murder were considered non-capital, and were punished by mandatory life imprisonment. In December 1967, the Criminal Code sections dealing with murder were amended again, this time for a five-year trial period. Capital murder now refers only to the murder of a "law officer, warden", etc. The penalty is death. Non-capital murder refers to any other kind. Life imprisonment is the minimum penalty.

Changes in the collecting and processing systems

The brief historical background which we gave of Canadian Criminal Statistics shows that there were continuous changes in the collecting and processing systems over the years. Such changes and improvements in collecting and processing source data affect the comparability of criminal statistics between years. Identical standards of technical adequacy cannot be assumed when considering series which cover a long period of time (See Zay, 1965).

When new techniques have been introduced it becomes impossible to determine the amount of increase in crime due to such improvement and the amount reflecting a real change.

The changes in the basic unit of tabulation also makes comparisons difficult and uncertain. An example of this is the change from the judicial year to the calendar year as occurred in court statistics in 1950.

Changes in the number of reporting units

Changes in the number of courts or police forces reporting can produce substantial changes and fluctuations in the data and can falsely give the impression of an increase or a decrease in the volume of crime. The substantial changes were not only in the number of police forces but also in the number of courts. Although in recent years no judicial district in the country has failed to report, according to the statistics, some courts within districts have apparently been remiss. A mimeographed note provided with *Statistics of Criminal and Other Offences, 1959*, indicates this:

"The number of adults appearing before the courts charged with indictable offences in 1959 was 34,812, and apparent decrease from the 1958 figure of 38,415. This may be partially explained by the failure of several courts, including that of a large urban centre, to submit returns to the Dominion Bureau of Statistics".

According to Zay (1965) in 1876, there were 85 judicial districts reporting; in 1945, 1729 reports were received from 159 judicial districts. The number of returns for each year affects the comparability of figures in the sense that a greater number of returns for a year may give the impression of an increase in the amount of crime or in the number of offenders, while a lesser number of returns may give the impression of a decrease.

The changes in the number of police forces reporting have been more substantial. In his paper to the 15th Annual Conference of the Ontario Association of Chiefs of Police, Morrow (1966) pointed out that it was expected with the adoption of the Uniform Crime Reporting System that there would be an overall increase in crime statistics for several years before a levelling off would take place. Such an increase would take place because of several factors, including the improved method of reporting, extended coverage and the results of the D.B.S. editing program, in addition to any real increase in crime from year to year:

"While there is no way of knowing at this time to what extent crime has actually fluctuated during this period, it is believed that part of the increase can be attributed to a statistical rather than an actual increase for the reasons already given".

Since the changes over the years have been toward increasing efficiency and toward more complete reporting, it is only when an increasing rate appears that this increased efficiency poses a problem. A constant or a decreasing rate would suggest that true crime rate is decreasing, or decreasing even more sharply, respectively, than revealed by the data (See also Lynn McDonald, 1969 and 1971).

The dark figure or the hidden criminality

Criminal Statistics and subsequently *Statistics of Criminal and Other Offences* do not represent, by any means, the total number of offences nor the total number of offenders. They relate only to offences which have been prosecuted.

"These are offences which are known only to the offenders; others are known only, besides the offenders, to the victims themselves who do not want to report them. Further, of those known to law enforcement or social agencies, only a portion is prosecuted". (Zay, 1965).

In fact, court statistics based on convictions describe only a sample of the universe of offenders or offences. For this reason, judicial statistics are of limited value in trend studies aiming at discovering the changes in the volume of certain crimes.

On the other hand *Offences Known to the Police*, although by no means covering all offences committed (because of hidden criminality), are the closest available indication on the prevailing volume of crime and delinquency at the local, provincial, and national levels. A comparison of the number of offences reported by the police with those reported by the courts during a given period of time shows that police statistics, although less complete, are much closer to the real amount of crime. For this reason, criminologists generally agree that offences collected at police level are the closest indication of the volume of crime, but the problem of uniformity of reporting at this level, with a great number of agencies engaged in the process of collecting data, is far more acute than at any other level (See Zay, 1965).

Trend studies on the volume of crime and delinquency or on the volume of certain offences are usually made on the assumption that the proportion of known or prosecuted offences in the unknown whole remains fairly constant. This is doubtful however since changes in the efficiency of the police, changes in public attitudes towards the police and toward crime do affect the proportion of detected criminality to hidden criminality.

Because of the serious limitations of the criminal statistics published in Canada, Statistics Canada constantly warns the user of its statistics to exercise caution, especially for making year-by-year comparisons.

Many such warnings can be found in the introduction to the various reports over the years. Here are some examples:

The Department of Agriculture states in Vol. V of *Criminal Statistics* (1892) that "statistics prior to 1882 are likely to be inaccurate owing to the difficulties attendant on the introduction of the new measure for their reporting".

A note in the introduction to *Crime Statistics*, 1961 indicates:

"The data published in the tables of this report leave much to be desired in the way of completeness and uniformity, even though there has been some improvement in recent years".

In his paper delivered at the 15th Annual Conference, Ontario Association of Chiefs of Police (1966) Frank Morrow made the following remark concerning police statistics before 1949:

"although the Bureau provided standard forms for the collection of police statistics and supported these with instructions, the fact was that coverage was incomplete and not all respondents adhered to the requirements of the system. Under these conditions, it was not possible to produce meaningful aggregates for Canada as a whole. Without standard units of count adhered to be all respondents, uniform statistics did not exist".

In the report on *Murder Statistics 1961-1964* with reference to court statistics relating to murder, the D.B.S. notes that:

"Unfortunately, these data are not complete. Further, the statistics do not cover those persons charged with an offence but convicted of a lesser charge until 1953, nor do they give the number of known homicides" (p. 8).

In the same report it is pointed out that:

"A further source of data on murders is crime statistics publications based on police returns, which have been published by the D.B.S. since 1920. Not all police forces reported under this scheme nor was there a standardized reporting system until the introduction of the Uniform Crime Reporting Program which started on January 1st, 1962" (p. 8).

In the introduction to the report on *Murder Statistics 1970* the following caution is given:

"Users of the data should note the following:

- (1) This publication covers murder incidents and victims as reported by the police; however, the police will usually lay the charge of murder only on the instructions of the Crown Prosecutor.
- (2) The Criminal Code definition of murder has changed three times since 1961. Consequently, any "behavioral" research based on these murder statistics will be affected" (p. 7).

In the introduction to *Crime Statistics (1969)* the D.B.S. cautions the users of data against drawing conclusions from comparisons of reported data between areas without first considering the two factors of complete coverage and quality mentioned above and others which may cause variations between areas, whether provincial, metropolitan, communities, etc., such as the density and the size of the population; population mobility, sometimes seasonal variations between areas, population stability within areas; composition of the population, including age, sex and other social characteristics; varying economic and social conditions; strength, training and efficiency of local law enforcement agencies and facilities; variations in attitude regarding the reporting of offences to the police, towards law enforcement and prosecution.

Users are also reminded that data shown in this publication cover reported crimes. This implies that an increase in the number of crimes may indicate an increase in the offences committed or an extension or improvement in reporting practices (p. 10-11).

How can the limitations and shortcomings of the statistical data be overcome?

In spite of continuous efforts of Statistics Canada to improve the criminal statistics in Canada, these statistics still have some inadequacies and shortcomings. However it does not follow that they must be abandoned for research purposes. The nature of the inadequacies and the opportunity for many tests of the hypotheses, justify the use of these statistics, despite their imperfections. We have tried in many ways to

remedy these imperfections and to use the more accurate material for testing our hypotheses. This has been done in the following manner:

1) We have already pointed out that court statistics are not adequate for the study of trends since they describe a smaller sample than the crimes known. There are also the changes over the years in the legal definitions of crimes, in the number of reporting units, etc. All these changes do not at all affect *the proportion of acquittals to convictions*. Thus, Canadian judicial statistics can be used in a very reliable way to establish the rates of convictions and acquittals for the different offences, for the different provinces and these rates can be compared together and from year to year without being at all affected by the changes that took place over the years. This is the way these statistics are used in this study: to establish the actual probability of incurring the death penalty and to compare conviction and acquittal rates for murder with those for other offences in an attempt to determine whether the death penalty actually prevents convictions or at least renders them more unlikely.

2) Since police statistics for the years before 1962 are marked by wide variations in the method of reporting, as well as poor coverage in terms of quantity, any study of trends should take as a basic date the year 1962. The year 1962 is marked by many fundamental changes such as the adoption of the Uniform Crime Reporting System and the beginning of reporting by the Quebec Provincial Police. It also happens that in 1962, the last executions took place in Canada.

According to opinions of the Judicial Division, Statistics Canada, Canadian police statistics before 1962 are not adequate for the study of trends and for year to year comparisons. This is mainly due to the lack of uniformity in reporting and the continuous increase in the number of units reporting which makes it difficult to attribute the increase in figures to a real increase in crime or to increase in coverage.

For these reasons we decided to use 1962 as the base year.

Other studies of trends in Canada

We know of two recent Canadian studies of crime rates in Canada. Unfortunately, both studies are based on court statistics as reported in *Statistics of Criminal and Other Offences*. The first is the study by P.J. Giffen "Rates of Crime and Delinquency" published in 1965. The second is by Lynn McDonald "Is the Crime Rate Increasing? A Statistical Test", published in 1969.

Both studies examined crime trends in general but they also made reference to the trends in crimes of violence. Both came to the conclusion *that there has not been an increase in violent crime in Canada in recent years*. According to Giffen (1965):

"The belief that crimes of violence have increased dramatically is not borne out by (the data). The rate of 'offences against the person' has remained at a low level, which means that such offences are a smaller percentage of the total than in earlier years. Offences against property with violence have apparently increased in recent years, but it should be noted that 90% of the offences thus classified are simple cases of breaking and entering, with no weapons used and without actual violence — an affluent society in which the average householder possess valuable and easily portable goods presents a high degree of opportunity for this type of offence".

Lynn McDonald (1969, 1971) found that the percent annual growth in the crime rate varies from a low of 0.2% for an indicator of serious crime (charges for indictable offences) to a high of 5.5% for a less serious category, convictions for summary conviction offences in the Criminal Code. The other serious indicator, charges for indictable offences, shows a low increase, 0.2%, while the other less serious offences show higher increases, as 5.2% for parking. In other words, references to a sharply rising crime rate are based on trivial infractions only.

Lynn McDonald went on to examine the rates of charges for the five most serious offences of violence: murder, attempted murder, manslaughter, shooting and wounding, aggravated assault. The data shows slight increases for murder and attempted murder, but slight decreases for manslaughter, aggravated assault, and shooting and wounding. The author gives the summary of violent crime rate statistics in the following table:

Table 19
Summary of Violent Crime Rate Statistics*

	Variation Explained by Time		Estimated Percentage Rate of Change per Year in Crime Indicators	Period
	R ²	t		
Murder	0.20	2.21 ^t	0.5	1950 – 1966
Attempted Murder	0.36	3.15 ^t	5.4	1950 – 1966
Manslaughter ^(a)	0.17	-1.82	-0.5	1955 – 1966
Shooting and Wounding ^(a)	0.21	-2.29	-3.0	1950 – 1966
Aggravated Assault ^(c)	0.28	-2.68	-1.6	1950 – 1966

*All supplied privately by D.B.S. Health and Welfare Division, Judicial Section.

^tStatistically significant at the 5 percent level (one-tailed test).

^(a)Manslaughter charges prior to 1955 are omitted as the offence then included criminal negligence in the operation of a motor vehicle causing death. This became a separate offence in 1955.

^(b)Shooting and wounding includes causing bodily harm with intent to wound, maim or disfigure, endanger the life prevent arrest or detention. It includes administering a noxious thing, attempt to choke, suffocate or strangle, administering drugs and traps likely to cause bodily harm (Sections 216, 217, 218, 219 of the 1955 Criminal Code; Sections 273, 276, 277, 278 and 281 of the previous Code).

^(c)Aggravated assault includes common assault, assault causing bodily harm, assault with intent, assault of a public or peace officer, assault to resist arrest, assault on bailiff, and to rescue goods seized (Sections 231 and 232 of the 1955 Criminal Code; Sections 274, 291, 295 and 296 of the previous Criminal Code).

She comments that the slight rise in the murder rate is probably more apparent than real. The yearly figures show a rise after 1961, when murder was subdivided into capital and non-capital murder. Most of the murders after 1961 are in the non-capital category. The manslaughter rate only fluctuates mildly, not increasing, throughout this time. She argues that if there were a real increase in murder we would expect to see an increase in manslaughter as well since the dividing line between the two is not distinct.

“It is possible that some offences that would have been dealt with as manslaughter before 1961 (as hanging was then the compulsory sentence for murder), after 1961 were dealt with as non-capital murder (the sentence being life imprisonment).”

Miss McDonald checked this possibility by fitting a trend line equation to see if the charges for manslaughter and murder taken together increased over the period. She found that the estimated percent annual compound rate of change turned out to be zero and so the hypothesis that the slight increase in the

murder rate may merely reflect a change in classification is at least plausible. In any event, the increase was not great and itself was the exception among the crime rate indicators.

"The general conclusion that the crime rate is not increasing can still stand".

Miss McDonald concludes that the fundamental belief that the crime rate is increasing was found to lack supporting empirical evidence for the period studied, 1950-1966.

"This is not to say that the crime rate is decreasing. The simple conclusion to be drawn is that there have not been changes strong enough to appear in the data. The few trends found were weak and often counteracted by other in the opposite direction. Since the data allowed ample opportunity for findings of meaningful trends, it is fair to conclude that the failure to find them means that they probably do not exist".

Chapter 2

SOME METHODOLOGICAL PROBLEMS

Why did we use "Criminal Homicide" instead of "Murder"?

Criminal homicide or culpable homicide is a category which includes murder and non-negligent manslaughter. There are many reasons why this category is used here instead of the more limited class of "murder".

1) As we have said earlier, we do not have statistics of "murder" as such. Statistics published by the D.B.S. under the title of *Murder Statistics* contain a large number of manslaughter as well¹. The following table shows among other things the percentage of those found guilty of manslaughter or a lesser offence of all those found guilty in cases registered in the statistics as being cases of "murder". During the 10 year period 1961-1970, a proportion varying from 50% to 81.7% of all those found guilty by the courts of a crime registered in crime statistics as murder were convicted on a charge of manslaughter or a lesser offence. Such variations in the percentages make it impossible to make an accurate estimation of the proportion of murder cases to the total published in the murder statistics. Thus the most accurate way to make any assessment of the trends would be to group the statistics published as being "murder statistics" with those published in Crime Statistics under the heading "manslaughter" into one simple category of "criminal homicide". This procedure has been used by the majority of authors, including Sellin.

2) As has been pointed out earlier the Criminal Code definition of murder in Canada has changed three times since 1961. Prior to September 1961, all murder was considered capital and the only possible sentence was the death penalty. After September 1961, it was divided into capital and non-capital murder. Capital murder was *premeditated* murder or the murder of a police officer, prison guard, etc., or murder during the commission of another criminal act. The penalty was death. All other types of murder were considered non-capital, and were punished by mandatory life imprisonment. In December 1967, the Criminal Code Sections dealing with murder were amended again, this time for a five-year trial period. Capital murder now refers only to the murder of a "law officer, warden, etc." The penalty is death. Non-capital murder refers to any other kind. Life imprisonment is the minimum penalty. In the face of such changes in definition the best way to study the subject would be to group together all forms of *voluntary killing* (except infanticide), that is murder and non-negligent manslaughter. Such a category is not affected by the changes in the definition of murder and permits safe and accurate assessment of trends.

3) The term "murder" is irrelevant to behavioral research since it refers to a *legal* category of culpable homicide. The line that separates murder from manslaughter is not distinct. This is proved by the number of cases in which offenders were accused of murder but convicted of manslaughter. It would therefore be illogical to examine the deterrent effect of capital punishment on the basis of "murder" alone.

If "murder" be given its technical legal meaning, attention would be concentrated on the number of persons each year whose crimes, when tried, proved to be "murder" under sections 201, 202 and 202A of the Canadian Criminal Code. But a study of the deterrent effect of capital punishment cannot be limited to this category. This is not only because many acts of murder are reduced by the courts to manslaughter, but also because such an inquiry should encompass all criminal homicides, that is, all crimes in which the victim is killed by a voluntary act of violence. For if capital punishment is a deterrent, it will clearly be relevant to all forms of voluntary killing.

¹ The French title of this publication (Catalogue No. 85-209) is more accurate than the English one; it reads "*La Statistique de l'Homicide*".

Table 20

Number of murders, dispositions, persons charged and outcome: 1961-1970

Year	No. of murders	Cleared by charge or otherwise		Persons charged	Not sent to trial	Sent to trial
		No.	%			
1961	185	173	93.5	146	10	136
1962	217	194	89.4	147	21	126
1963	215	194	90.2	195	31	164
1964	218	198	90.8	170	55	115
1965	243	230	94.7	198	98	100
1966	220	206	93.6	204	119	85
1967	281	251	89.3	193	90	103
1968	314	270	86.9	270	183	87
1969	342	278	81.3	277	156	121
1970	(430)	363	84.4	308	155	153
TOTAL	2,665	2,357	88.4	2,108	918	1,190

Year	Persons sent to trial	Acquitted	%	Guilty	Guilty of manslaughter or a lesser offence	
					No.	%
1961	136	41	30.1	79	50	63.3
1962	126	26	20.6	88	44	50.0
1963	164	43	26.2	104	58	55.8
1964	115	10	8.7	50	32	64.0
1965	100	11	11.0	53	28	52.8
1966	85	13	15.3	51	30	58.8
1967	103	10	9.7	70	47	67.1
1968	87	14	16.1	60	49	81.7
1969	121	14	11.6	85	61	71.8
1970	153	20	13.1	91	56	61.5
TOTAL	1,190	202	17.0	731	455	62.2

It is, therefore, generally accepted that the category of "criminal homicides known to the police" (murder and manslaughter) is much more informative in seeking to ascertain any changes in the rate of lethal criminal attacks on the person than is the murder rate as referring to the number of those convicted of murder by the courts or to the number of cases qualified as "murder" by the Crown prosecutor (See the Report of the Ceylon Commission, p. 16).

We can thus conclude that the criminal homicide rate is adequate for an estimate of the trend of murder. This conclusion is based on the assumption that the proportion of capital murders in the total of such homicides remains reasonably constant.

One may challenge the assumption, but the fact remains that there are no better statistical data on which to base arguments about deterrence. Other statistics, such as conviction statistics, have greater defects (See Sellin, 1958, p. 22).

4) Such grouping overcomes the problem of disparities between provinces due to different attitudes and practices of Crown prosecutors upon whose advice the crime is reported by the police as being "murder" or as "manslaughter".

Number of homicides or rates of homicides?

Although we will be using figures and rates side by side in this study, we would like to insist that rates give a much more accurate picture of the changes in trends over the years. The number of homicides or of any other crime for each year does not take into account the changes in the population. A decrease in the number may camouflage an increase in the rate if there has been a substantial decrease in the population. On the other hand an increase in the number may falsely indicate a rise in the type of crime under study, whereas, in fact, the increase in the population points out to a drop, rather than a rise. For this reason, the convention in studying criminal statistics has been to convert absolute figures to per capita rates.

In refusing to take the number of homicides as a basis for their study, the members of the "Commission of Inquiry on Capital Punishment" in Ceylon supported their decision by the following argument:

"Punishments are aimed at deterring men from crime; they are designed to act on men's minds. Some punishments, it is assumed, act more effectively than others, that is to say, inhibit more people from criminal conduct than others; but what is certainly obvious is that the theory of the general deterrent effect of a particular form of punishment is that punishment aims to deter individuals. Its failure, in this aspect, can only be judged statistically by calculating the *proportion* of individuals it deters and the *proportion* it fails to deter. The whole enquiry is inevitably one in which a rate and not a number must be assessed and we have therefore calculated all the above rates per hundred thousand population, having checked that the total population does not include a disproportionate number of children, women or elderly people who are rarely murderers. To us, a change in the "rate of murders" inevitably involves such a calculation. There would be no need for a Commission of Enquiry to decide if the *number* of murders or homicides had increased, and such a decision would be irrelevant to the formulation of penal policy".

In our opinion this argument is logically and scientifically sound and for this reason, although numbers and rates are given side by side in the different tables, more attention will be paid to the trends as reflected by the rates than to the mere changes in the numbers over the years. The substantial change in Canadian population over the years wholly justifies such a procedure.

The rates are calculated per hundred thousand of population seven years of age and over. Since the figures shown in "homicides known to the police" are based on the number of victims (in this they vary

from court statistics based on the number of persons charged and persons convicted), and since homicide victims include a number of children under seven years of age, it would have been more logical to compute homicide rates per 100,000 of the total population, rather than population seven years of age and over. However, since Statistics Canada has been basing its calculation of the rates for many years on the population seven years of age and over, we were compelled to follow the same procedure in order that the rates figuring in our tables may agree with those figuring in the statistics published by Statistics Canada.

We should point out however, that calculating the rates of homicides on the basis of the population seven years of age and over *increases* unnecessarily homicide rates for Canada which appear in international publications, such as the United Nations Demographic Year Book, etc., and affects the rank Canada occupies in tables grouping nations according to their homicide rates.

Number of victims or number of incidents?

Another question with regard to homicide (or murder) statistics is whether they should be based on the number of victims or the number of incidents. The number of incidents is always lower than the number of victims since in a number of incidents more than one victim is killed.

Since criminal homicide is a relatively rare occurrence, a single incident with a large number of victims would considerably affect the figures and consequently the rates and would inaccurately give the impression that there has been a large increase in the incidence of homicide. For this reason the number of incidents seems to be a more accurate index and a better indicator of the changes in trends.

Murder figures which are usually released to the mass media are based on the number of victims. As a matter of fact, the first table in all murder statistics published by the D.B.S., gives the number of murders reported to D.B.S. on the basis of the number of victims (it gives as well the number of homicidal deaths) and the rates per 100,000 are calculated on the basis of this number. However, in many other tables in the same publication, the number of incidents is also given.

The number of incidents for the years prior to 1961 is not available.

The general public is usually unaware of the number of incidents since figures published and publicized in the mass media are those based on the number of victims. For this reason we have chosen to base our study of trends on the latter figures. However, we were compelled to make a certain correction for the year 1970. As we have explained earlier in this report, a certain incident of arson that took place in a home for elderly people in Notre-Dame du lac, Quebec, claimed 40 lives. This incident, which occurred in 1969, was reported by the police as being arson. Later, when the accused was found to be criminally responsible of murder, it was reported to the D.B.S. as a murder incident with 40 victims. If this incident is counted 40 times it would raise the number of murders in Canada for 1970 to 430 and the rate per 100,000 population 7 years of age and over 2.3. But if it is calculated as one "murder", the number of murders would be 391 and the rate would be 2.1. The same thing goes for the province of Quebec where this incident took place. If it is counted 40 times it would increase the number of murders in the province of Quebec in 1970 to 134 and the corresponding rate per 100,000 population seven years of age and over 2.5. If, however, it is considered as one "murder" the number of murders would be 95 and the corresponding rate would be 1.8.

Throughout our report the calculations are based on the number of victims and no adjustments have been made except for the above mentioned incident which is counted as only one instead of 40 times. This correction, needless to say, applied only to the 1970 figures for Canada and the province of Quebec, but does not affect in any way the figures for the other provinces or for previous years.

Since we are convinced, as we have said earlier, that the number of incidents is a better indicator of the change in trends over the years than the number of victims, separate tables based on the number of incidents are included in the Appendix but no reference is made to these tables in the analysis of data.

Why did we take 1962 as the base year?

Since our study is an examination of the deterrent effect of capital punishment and its relevance to rates of voluntary homicide, and since it was in 1963 that capital punishment was in effect suspended by the exercise of administrative discretion, it seemed logical to take the year 1962, when the last two executions in Canada took place, as the basic year. The choice of 1962 as the base year was also prompted by the fact that the Uniform Crime Reporting System commenced that year and also because it was in 1962, that one of the major police forces in Canada, namely the Quebec Provincial Police, started reporting to the D.B.S.

However, we have judged appropriate to present not only the percent changes over 1962, but also the yearly percentage change from 1962 to 1970.

By taking 1962 as the base year we had a full nine-year period to investigate, which, on the whole, seems ample to assess the changes in homicide rates as well as rates of other crimes of violence. It should also be mentioned that this nine-year period (1962-1970) is the most accurate period for police statistics in Canada.

A special attention will be given to the three-year period (1968, 1969, 1970) during which capital punishment was officially and legally suspended except for the murder of a "law officer, warden, etc".

Figures and rates of homicide will also be examined for the period preceding 1962. This period will start with 1954 which is the first year for which adjustments were made in previously published figures as a result of revised RCMP and OPP figures on murder offences known to the police.

Chapter 3

THE GENERAL PATTERN OF CRIMINAL HOMICIDE IN CANADA 1962 – 1970

The prominence with which murder figures and the facts of selected cases were reported by the press, usually on the front page of newspapers, tended to give the impression that there had been a phenomenal change in the incidence of criminal homicide after the suspension of the death penalty. The objective student who tries to examine trends in homicide is struck by the following facts:

The actual numbers published by the newspapers as being murder figures have been incorrectly reported¹.

The relation between the number of murders and the population is quite often not taken into account so that an increasing *number* is frequently reported as an increasing *rate*.

Murder figures or even murder rates are often examined individually. This is a fallacious and misleading way of exposing the facts. For obvious reasons murder figures or rates have to be examined not only against a background of all homicidal killings, but also against a background of all crimes of violence such as attempted murders, wounding, aggravated assault, etc. Any increase or decrease in murder figures or rates has to be interpreted not separately but against such a background.

The assertion that murder is on the rise means that those who make such an assumption believe that murders have been increasing much more rapidly than the population. But if one, instead of making the assertion, tries to prove it, he soon realizes that the task is not an easy one. For there are no statistics of murder as such. Murders reported to Statistics Canada include a considerable number of manslaughters. Murder is a special form of homicide that no one has succeeded in counting accurately. Murders are hidden in the statistics of homicides and we can only guess at their number by a consideration of the number of homicides or the number of persons convicted of murder. The number of homicidal deaths published in *Vital Statistics* is much higher than that of murders, for it includes, in addition to murder and non-accidental manslaughter, cases as infanticides as well as certain cases of justifiable homicides. On the other hand, the number of those convicted of murder published in *Statistics of Criminal and Other Offences* is much lower than the actual number of murderers since not all murders are followed by convictions. It follows that the figures of convictions for murder are very unreliable as a method of assessing the prevalence of murder or the changes in murder trends.

The way out of this dilemma has been to use homicide figures and rates on the assumption that the percentage of murders among the reported homicides remains fairly constant or at least similar throughout the years (See Sutherland, 1925; Sellin, 1958).

I. Crimes of violence examined in this report

Criminal homicides:

These include murder and manslaughter grouped together.

(a) *Murder* includes capital and non-capital murder as defined in Sections 201, 202 and 202A of the Canadian Criminal Code.

(b) *Manslaughter* is defined in Section 207 C.C. as follows:

"Manslaughter is culpable homicide that is not murder, infanticide, or causing death by criminal negligence".

¹ In an article which was published in *Le Devoir* of March 1971 underlined the inaccuracy of the figures published by *The Gazette* (27 Feb. 1971), by *Le Devoir* (1 March, 1971) and by *La Presse* (March 2, 1971).

Attempted murder:

Under Section 210 C.C. *Attempted Murder* refers to the act of "Everyone who attempts by any means to commit murder".

Wounding and assaults (not indecent):

(a) *Wounding with intent and inflicting bodily harm* includes offences under Sections 216, 217, 218, 219, 220 C.C.

A wounding may be either with or without a weapon or instrument. Includes:

- Causing bodily harm with intent:
 - (i) Wound, maim, disfigure (S. 216(a) C.C.);
 - (ii) Endanger the life (S. 216(b) C.C.);
 - (iii) Prevent arrest or detention (S. 216(c) C.C.).
- Administering noxious thing (poison) (S. 217(a)(b) C.C.).
- Attempt to choke, suffocate or strangle (S. 218(a) C.C.).
- Administers drugs (S. 218(b) C.C.).
- Traps likely to cause bodily harm (S. 219(1)(2) C.C.).
- Interfering with transportation facilities (S. 220 C.C.).

(b) *Assaults (not indecent)* – Defined S. 230 C.C. includes:

- Common assaults (S. 231 (1) C.C.)
- Causing bodily harm (S. 231 (2) C.C.)
- Assault with intent (S. 232 (1) C.C.)
- Public or peace officer (S. 232 (2) (4) C.C.)
- To resist arrest (S. 232 (2) (b) C.C.).
- Assault bailiff (S. 232 (2) (c) C.C.).
- To rescue goods seized (S. 232 (2) (c) C.C.).

Rape:

Rape refers to offences under Sections 136, 137 C.C. Rape is defined in Section 135 C.C. as the act of having "... sexual intercourse with a female person who is not his wife, a) without her consent ...".

Robbery:

Robbery – S. 288, 289, 290 C.C.

Force or threat of force is a necessary ingredient in robbery whereas stealing from the person may be, and usually is, done secretly. Robbery includes stealing with with violence, threats of violence and while armed. Includes:

- Robbery with violence (S. 288 (b) C.C.).
- Robbery (assault with intent) (S. 288 (c) C.C.).

- Armed robbery (S. 288 (d) C.C.).
- Robbery (S. 289 C.C.).
- Stopping the mail (S. 290 C.C.).

II. The General Pattern of Violent Crime in Canada 1962-1970.

The annual number of offences of violence against the person (murder, manslaughter, attempted murder, wounding and assault, rape and robbery) is a very small proportion of the total number of actual offences reported to the police. The following table gives the total actual offences reported, the number of crimes of violence and the percentage of crimes of violence to the total from 1962 to 1970. It also gives the total number of Criminal Code offences and the percentage of crimes of violence to this total.

Table 21

Percentage of Offences with Violence (Murder, Attempted Murder, Manslaughter, Wounding, Assaults, Rape and Robbery) to all Offences and to Criminal Code Offences - Canada 1962-1970

Year	Number of actual offences	Violent offences	Percentage	Number of Criminal Code offences	Violent offences	Percentage
1962	796,675	34,954	4.4%	514,986	34,954	6.8%
1963	874,572	40,818	4.7%	572,105	40,818	7.1%
1964	960,917	48,082	5.0%	626,038	48,082	7.7%
1965	989,451	51,978	5.3%	628,418	51,978	8.3%
1966	1,094,889	61,246	5.6%	702,809	61,246	8.7%
1967	1,190,207	68,640	5.8%	786,071	68,640	8.7%
1968	1,335,444	77,812	5.8%	897,530	77,812	8.7%
1969	1,470,761	85,367	5.8%	994,790	85,367	8.6%
1970	1,574,145	92,373	5.9%	1,109,988	92,373	8.3%
Grand Total	10,287,061	561,270	-	6,832,735	561,270	-
Annual average	1,143,007	62,363	5.5%	759,193	62,363	8.2%

A. The proportion of violent offences to all actual offences

Table 21 shows clearly that violent offences constitute only a very small proportion of the total volume of reported crime. In 1962 violent offences represented a mere 4.4% of the total number of actual offences recorded by the police. From 1962 to 1970, in spite of a large increase in the number of violent offences, their proportion to all actual offences increased only by 1.5%, reaching 5.9% of the total. This indicates that other offences have increased during the last nine years in nearly the same proportion.

For the whole period under study, 1962-1970, the average percentage of violent offences to all actual offences is 5.5%. The percentage shows little variation over the years with a yearly increase varying from 0.1 to 0.3%. In other words the proportion of violent offences to the total has remained fairly constant over the last nine years.

It is clear, therefore, that there is no indication from the Canadian Criminal Statistics that the great increase in the number of actual offences recorded by the police has been accompanied by a vastly disproportionate increase in crimes of violence. Actually, in more than 94% of all actual offences recorded by the police, neither actual nor threatened violence has been used.

B. The proportion of violent offences to Criminal Code offences

As shown in Table 21, violent offences account for less than 10% of all criminal code offences recorded by the police. Actually, in 1962, violent offences accounted for only 6.8% of all criminal code offences. The percentage in 1970 was 8.3% of the total, that is, an increase of 1.5% over nine years. This increase by the way, is identical to the increase in the percentage to the total of actual offences. There were also little variations over the years with an annual increase varying from none to 0.6%. This leads to the conclusion that the large increase in the number of actual Criminal Codes offences recorded by the police has not been accompanied by a vastly disproportionate increase in violent offences.

Yet, the considerable publicity and attention given to crimes of violence does reflect a genuine concern over the increase that has taken place in what is, from a statistical point of view, a comparatively small group of offences (McClintock, 1963).

C. Yearly distribution of violent offences

Table 22 gives the number and the percentage for the following offences: criminal homicide (murder and manslaughter), attempted murder, wounding and assault, rape, and robbery from 1962 to 1970.

We have already observed that the proportion of violent offences to all actual offences recorded by the police and to Criminal Code offences has remained fairly constant from 1962 to 1970. It is even more interesting to observe that the percentage of each violent offence to the total of violent offences has remained fairly constant over the same period.

Table 22 shows that *wounding and assaults* account for the largest portion of violent crime. The percentage varies during the period under study (1962-1970) from a minimum of 83.18% in 1962 to a maximum of 88.99% in 1966. In 1970 this category constituted 85.5% of the total of violent offences. The average for the whole period is 86.18%

Robbery follows wounding and assaults as the second largest group, with a percentage varying from a minimum of 9.32% in 1966 to a maximum of 14.42% in 1963. Although the number of robberies recorded by the police in 1970 was more than double the number recorded in 1962, the percentage of robberies to the total number of violent offences in 1970 is nearly 2% less than the same percentage in 1962. The average percentage of robbery to all violent offences for the period 1962-1970 is 11.78%.

Table 22

Number of specific offences and their percentage to the total of violent offences 1962-1970

Offence	1962		1963		1964		1965		1966	
	Number	%	Number	%	Number	%	Number	%	Number	%
Criminal Homicide	265	0.75	249	0.61	253	0.53	277	0.53	248	0.40
Attempted Murder	83	0.24	108	0.26	121	0.25	111	0.21	131	0.21
Wounding + Assaults	29,076	83.18	34,027	83.36	41,297	85.89	45,373	87.29	45,373	87.29
Rape	579	1.66	549	1.34	745	1.55	641	1.23	652	1.06
Robbery	4,951	14.16	5,885	14.42	5,666	11.78	5,576	10.73	5,710	9.32
Total	34,954	100.00	40,818	100.00	48,082	100.00	51,978	100.00	61,246	100.00

Offence	1967		1968		1969		1970	
	Number	%	Number	%	Number	%	Number	%
Criminal Homicide	337	0.49	374	0.48	386	0.45	425	0.46
Attempted Murder	139	0.20	181	0.23	216	0.25	260	0.28
Wounding + Assaults	60,179	87.67	67,983	87.37	73,718	86.35	78,979	85.50
Rape	773	1.13	892	1.15	1,019	1.19	1,079	1.17
Robbery	7,212	10.51	8,382	10.77	10,028	11.75	11,630	12.59
Total	68,640	100.00	77,812	100.00	85,367	100.00	92,373	100.00

Average rates for the whole period

- Criminal Homicide	0.52
- Attempted Murder	0.24
- Wounding + Assaults	86.18
- Rape	1.28
- Robbery	11.78
TOTAL	100.00

Rape occupies the third place among the five groups of violent offences. However, as indicated by the number and percentage, rape is a fairly rare occurrence. During the period under study it never accounted for more than 1.66% of the total of violent crimes. This was in 1962. The following years show a decrease in the percentage of rape to the total and although in 1970 there were nearly double as many rapes in Canada as in 1962, the percentage to the total decreased from 1.66 to 1.17%. The average percentage is 1.28%.

Murder, manslaughter and attempted murder represent all together less than one percent of the total of violent offences. Criminal homicide (murder and manslaughter) account, during the period under study, for an average of 0.5% of violent crimes, whereas attempted murder represents 0.25% of the total.

The percent of criminal homicides to the total varies from a high of 0.75% in 1962 to a low of 0.40% in 1966. Although the number of criminal homicides in 1970 was 425 against 265 in 1962, the year 1970 marks a substantial decrease in the percentage of the total: from 0.75% to 0.46%. In other words, the percentage of criminal homicide to the total of violent crime decreased more than one-third in 1970 over 1962. This means, of course, that the other categories of violent offences have increased in much larger proportion than has criminal homicide. This will be discussed at length later in this report.

On the other hand, the percentage of attempted murder to the total of violent offences in 1970 (0.28%) shows a slight increase over the same percentage for 1962 (0.24%).

D. The volume of crimes of violence considered in relation to the population

Changes in the group of violent offences from 1962 to 1970 are shown in the following table.

Table 23

Changes in Violent Offences 1962-1970

Year	Total of violent offences	Rate per 100,000 7 years and over	Percent change over 1962	Percent annual change
1962	34,954	226.6	100.0	100.0
1963	40,818	259.6	+ 14.6	+ 14.6
1964	48,082	299.6	+ 32.2	+ 15.4
1965	51,978	316.9	+ 39.8	+ 5.8
1966	61,246	364.6	+ 60.9	+ 15.1
1967	68,640	395.5	+ 74.5	+ 8.5
1968	77,812	437.4	+ 93.0	+ 10.6
1969	85,367	469.0	+ 107.0	+ 7.2
1970	92,373	494.4	+ 118.2	+ 5.4

The above table shows the number of crimes of violence related to the size of population. We have already explained why rates reflect a more accurate picture than numbers do. In 1962 there were 226.6 violent offences per 100,000 population 7 years and over. There has been a steady increase over the years and in 1970 the rate has more than doubled to 494.4 This constitutes an increase of 118.2% over the 1962 rate.

The percent annual increase is shown in the table. The sharpest increase has been recorded in 1963 (14.6%), in 1964 (15.4%) and in 1966 (15.1%). The lowest increase has been recorded in 1970 (5.4%), in 1965 (5.8%) and in 1969 (7.2%).

In general, violent offences in Canada increased in the late sixties at a much slower pace than they did during the early sixties. It is difficult to say what percentage of the increase in the early sixties was due to the new reporting practices following the adoption of the Uniform Crime Reporting System in 1962 and what percentage was due to a real increase in violent crime.

E. The probability of victimization

In 1962 the overall chance of someone in Canada being a victim of a violent offence was less than three in a thousand. This chance has increased in the last decade to five in a thousand. In 1970 the chance of a citizen being personally attacked was one in two hundred. The risk of victimization in Canada is higher than that in the United Kingdom but is lower than the risk in the United States.

"While nobody would wish to belittle the harm to a victim resulting from a grave offence and the distress caused to his relatives, it would appear from these statistics that the general anxiety as to the probability of an ordinary member of the public being attacked is often somewhat exaggerated". (McClintock, 1963).

III. The General Pattern of Criminal Homicide in Canada 1962-1970

Geographical distribution of criminal homicide across Canada

Table 24 gives the population seven years and over and criminal homicide rate for every province for each year from 1962 till 1970. Table 25 gives the average homicide rate (1962-1970) for each province and for each region. These tables show that criminal homicide rates vary across the country but follow in a very interesting and consistent way a certain geographical line by increasing gradually from east to west.

During the period under study, 1962-1970, the Atlantic provinces have always had the lowest criminal homicide rates in Canada. Within the Atlantic provinces, Nova Scotia has always had higher rates than each of the other three provinces (i.e. Newfoundland, Prince Edward Island and New Brunswick)¹. In general, criminal homicide rates for Newfoundland and Prince Edward Island are lower than those for Nova Scotia and New Brunswick.

During the period under study 1962-1970, the eastern provinces (Quebec and Ontario) consistently show intermediate criminal homicide rates: somewhat higher than those for the Atlantic provinces, but substantially lower than the central and the western provinces. Quebec and Ontario have an identical average homicide rate for the period 1962-1970 which is 1.6 per 100,000 population seven years and over.

The central provinces (Manitoba and Saskatchewan) and the Western provinces (Alberta and British Columbia) are the provinces with the highest criminal homicide rates in Canada. This is consistent throughout the period under study 1962-1970. Among these four provinces, British Columbia has the highest rate. In fact, it is most interesting to observe that while the most eastern province, Newfoundland, has the lowest rate, the most western province, British Columbia, has the highest of all rates.

¹ The year 1965 is the only exception. During that year, Nova Scotia recorded nine murders (no manslaughter) for a rate of 1.4 whereas, in Prince Edward Island, there were four murders recorded in the same year (also no manslaughters). Because of the small population of Prince Edward Island the rate was 4.5 per 100,000 population seven years and over.

Table 24

Population 7 Years and Over and Homicide Rates for the Different Provinces 1962-1970

Province	Population 7 years and over 1962	Homicide Rate 1962	Population 1963	Homicide Rate 1963	Population 1964	Homicide Rate 1964	Population 1965	Homicide Rate 1965	Population 1966	Homicide Rate 1966	Population 1967	Homicide Rate 1967	Population 1968	Homicide Rate 1968
Newfoundland ..	374,200	0.0	383,800	0.3	391,700	1.1	398,300	1.1	405,100	0.7	404,800	0.2	412,500	1.2
Prince Edward Island	87,800	1.1	88,500	0.0	88,500	0.0	89,700	4.5	91,000	1.1	91,800	0.0	93,500	0.0
Nova Scotia	619,600	1.6	628,200	1.0	632,400	2.1	635,800	1.6	638,300	1.5	640,400	1.5	647,900	1.4
New Brunswick ..	497,100	1.6	504,400	1.0	507,900	1.0	515,800	0.8	522,400	1.1	520,000	1.0	527,700	1.0
Quebec	4,435,900	1.4	4,535,000	1.5	4,634,100	1.1	4,740,300	1.4	4,850,200	1.1	4,994,300	1.5	5,095,100	2.0
Ontario	5,309,200	1.4	5,403,900	1.4	5,530,200	1.6	5,669,900	1.4	5,838,900	1.2	6,106,100	1.9	6,287,900	1.7
Manitoba	784,200	2.5	798,400	2.0	806,000	2.0	811,400	1.8	811,700	2.0	823,500	1.9	835,800	3.4
Saskatchewan ..	771,600	1.7	775,400	1.0	784,900	2.6	794,800	1.8	802,500	1.9	811,500	3.5	818,900	2.8
Alberta	1,117,000	1.7	1,148,300	2.4	1,171,600	2.1	1,193,600	1.7	1,213,400	1.9	1,249,100	2.6	1,289,800	1.9
British Columbia	1,398,500	3.9	1,432,100	2.5	1,473,000	2.2	1,523,900	3.8	1,595,500	3.0	1,678,400	2.8	1,743,300	4.2

Province	Population 7 years and over 1969	Homicide rate 1969	Population 7 years and over 1970	Homicide rate 1970
Newfoundland ..	422,400	1.4	427,900	0.2
Prince Edward Island	94,100	1.1	94,800	1.1
Nova Scotia	655,900	1.8	663,300	2.2
New Brunswick ..	534,100	0.2	537,500	1.5
Quebec	5,189,900	2.4	5,264,600	1.9
Ontario	6,458,000	1.7	6,660,400	1.7
Manitoba	848,500	3.3	854,600	3.3
Saskatchewan ..	824,400	4.0	816,200	2.9
Alberta	1,331,400	1.7	1,374,900	3.1
British Columbia	1,805,600	2.7	1,877,400	4.1

*Yukon and the North West Territories have been excluded because of their very small populations.

Table 25

Average Homicide Rates per Province and per Region 1962-1970

Province	Average homicide rates per province 1962-1970		Average homicide rates per region 1962-1970		Average homicide rates per region 1962-1970
Newfoundland	0.9				
Prince Edward Island	1.0	Atlantic Provinces	1.1	Atlantic Provinces	1.1
Nova Scotia	1.6				
New Brunswick	1.0				
Quebec	1.6	Eastern Provinces	1.6	Eastern Provinces	1.6
Ontario	1.6				
Manitoba	2.5	Central and Western Provinces	2.6	Central Provinces (Manitoba - Saskatchewan)	2.5
Saskatchewan	2.5				
Alberta	2.1			Western Provinces (Alberta - British Columbia)	2.7
British Columbia	3.2				

- National average homicide rate 1962-1970 = 1.8

- Yukon and the Northwest Territories have been excluded because of the very small number of their population, a fact which largely affects the rates

These geographical variations in the rates of criminal homicide are very clear and eloquent by their consistency. A ranking of the different provinces according to their average criminal homicide rates would give them the following order:

1.	British Columbia	3.2
2.A	Saskatchewan	2.5
2.B	Manitoba	2.5
4.	Alberta	2.1
5.A	Ontario	1.6
5.B	Quebec	1.6
5.C	Nova Scotia	1.6
8.A	New Brunswick	1.0
8.B	Prince Edward Island	1.0
10.	Newfoundland	0.9

If Canada is divided by regions, the average criminal homicide rate would follow the same trend, increasing from the east to the west, and the order would be as follows:

1)	Atlantic Provinces (Newfoundland, Prince Edward Island, New Brunswick)	1.1
2)	Eastern Provinces (Quebec, Ontario)	1.6
3)	Central Provinces (Manitoba and Saskatchewan)	2.5
4)	Western Provinces (Alberta and British Columbia)	2.7

The national average rate for criminal homicide is 1.8. Comparison of the average regional rates with the national rate shows that the four western provinces (Manitoba, Saskatchewan, Alberta and British Columbia) have without exception, higher rates than the national average. Ontario, Quebec and Nova Scotia have an average rate somewhat lower than that of the nation, while the average rates for New Brunswick, Prince Edward Island and Newfoundland are much lower than the national average. British Columbia's average rate is nearly twice that of the nation, while the average rate for Newfoundland is exactly half that of the nation.

How can such regional variations be explained?

Population size and homicide rates

Population size and population density have been mentioned as *partial* explanations for variations in homicide rates in the United States. The Canadian data neither indicates that a large population is concomitant of high (or low) homicide rates, nor that a small population is concomitant of low (or high) homicide rates.

The least populated provinces in Canada, the Atlantic provinces, have the lowest criminal homicide rates. But the most populated provinces, Quebec and Ontario, do not have the highest rates. It is the intermediate provinces with respect to population that have the highest rates of criminal homicide.

One would have expected that Canadian provinces which have numerically similar populations would tend to have similar or identical homicide rates. However, our data show that this is only partially true.

Manitoba and Saskatchewan, with numerically similar populations, have an identical rate. The same is true for Ontario and Quebec. However, Alberta and British Columbia which are close, not only geographically, but also in the number of inhabitants, have very different rates. The average criminal homicide rate for British Columbia (1962-1970) (3.2) is one-and-a-half times that of Alberta (2.1). In fact, the average rate for Alberta comes more closer to those of Quebec and Ontario (both have much larger populations) than it does to that of British Columbia.

Nova Scotia and New Brunswick are not only close geographically but also have numerically similar populations. Yet these two provinces have two different rates of criminal homicide. The average rate for Nova Scotia (1.6) is more than one-and-a-half times higher than that for New Brunswick (1.0).

Geographical proximity is associated with similar or identical homicide rates in some cases but not in all. As mentioned above, Ontario and Quebec have identical rates, so do Manitoba and Saskatchewan. But Ontario's rate is very different from that of the neighboring province of Manitoba, Alberta's rate is very different from its western bordering province, British Columbia. The rate for Nova Scotia is identical with that of Quebec and Ontario but different from its neighboring provinces, Newfoundland, Prince Edward Island, and New Brunswick.

Such variations indicate, of course, that criminal homicide rates are not only a function of population size, population density or geographical proximity but are related to many other factors as well.

Degree of urbanization and homicide rates

If urbanization were concomitant of high rates of criminal homicide one would expect Ontario and Quebec, the two provinces with the highest degree of urbanization and housing the two largest metropolitan centers in Canada, to have the highest homicide rates. This, however, is not true. These two provinces have a relatively low homicide rate when compared with British Columbia which ranks third among the most urbanized provinces. Furthermore, Ontario and Quebec have lower rates than Alberta and Manitoba which are much less urbanized.

But the counter hypothesis: low urbanization is concomitant of low rates of homicide does not find support in the data either. Although a low degree of urbanization in the Atlantic provinces is accompanied by low homicide rates, this does not hold true for Saskatchewan. This province, although ranking second lowest among the ten provinces examined with regard to urbanization, has the second highest rate for criminal homicide in Canada. The following table shows the degree of urbanization and homicide rates for the 10 provinces:

Table 26

Degree of urbanization (1966 census) and homicide rates

Province	Percentage of urban population 1966	Criminal homicide rate 1966	Average criminal homicide rate 1962-1970
Prince Edward Island	36.6	1.1	1.0
Saskatchewan	49.0	1.9	2.5
New Brunswick	50.6	1.1	1.0
Newfoundland	54.1	0.7	0.9
Nova Scotia	58.1	1.5	1.6
Manitoba	67.1	2.0	2.5
Alberta	68.8	1.9	2.1
British Columbia	75.3	3.0	3.2
Quebec	78.3	1.1	1.6
Ontario	80.4	1.2	1.6

Degree of industrialization and homicide rates

The hypothesis that an inverse relationship exists between industrialization and homicide rate (the more industrialized is the province, the less homicide is committed) is not supported by the Canadian data. The provinces with the highest degree of industrialization, Ontario, Quebec, and British Columbia do not have the lowest homicide rates. In fact, as already mentioned, British Columbia, ranking third in industrialization ranks first in homicide.

But the counter hypothesis, that homicide increases with increased industrialization, is not supported either by the data. It is true that the less industrialized provinces, the Atlantic provinces, have the lowest homicide rates in Canada, but it is equally true that the prairies, Manitoba, Saskatchewan and Alberta which are far behind Ontario and Quebec in industrialization, have much higher criminal homicide rates than the two leading provinces.

Homicide rates and economic conditions

If high homicide rates were concomitant of low economic conditions, poverty and high rates of unemployment, one would expect the Atlantic provinces to have the highest criminal homicide rates in Canada. Actually the opposite is true. These provinces have the lowest score on the homicide scale. Should this lead to the conclusion that high homicide rate is rather concomitant of an affluent economy? Ontario, with the highest per capita income in the country, has a lower homicide rate than the national average rate and much lower than the neighboring but less affluent provinces of Manitoba, Saskatchewan and Alberta. Although Ontario has much better economic conditions than British Columbia, its homicide rate is only half that of the latter province.

Degree of population homogeneity and homicide rates

Newfoundland, with 93.67% of its population belonging to the same ethnic group (according to the 1961 census), is the most homogeneous province in Canada, followed by the province of Quebec with 80.64% of its population belonging to the same ethnic group. Prince Edward Island ranks third with 79.80% and Nova Scotia fourth with 71.29%. New Brunswick has two large ethnic groups, British 55.17% and 38.82% French, with the rest distributed among all other ethnic groups and it can be considered as fairly homogeneous.

Saskatchewan is no doubt the most heterogeneous province in Canada with no more than 40.36% belonging to the same ethnic group. Manitoba follows with 43.01% and Alberta with 45.17%.

Ontario and British Columbia occupy an intermediate position, with the first having 59.51% of its population belonging to the same ethnic group and the second having 59.35%.

The most homogeneous province, Newfoundland, has the lowest homicide rate in Canada but the most heterogeneous, Saskatchewan, does not have the highest rate. It ranks second after British Columbia.

In general the more heterogeneous provinces, Saskatchewan, Alberta, and Manitoba have high homicide rates, while the more homogeneous like the Atlantic provinces have a low rate of homicide.

But the hypotheses does not always hold true. Ontario and British Columbia have nearly the same degree of heterogeneity but their homicide rates are very different. Ontario's rate is half of British Columbia. Quebec is much more homogeneous than Ontario but both have identical rates of homicide.

Age distribution and homicide rates

Criminality in general is significantly correlated with age. Age groups 15 to 35 usually account for a much higher share of criminality than their proportion to the general population. The following table is an attempt to test the hypothesis with regard to criminal homicide. The different provinces are ranked according to the percentage of their populations falling within age groups 15-44 years.

Table 27

Age distribution and homicide rates

Province	Percentage of the population 15 to 44 years — 1966 census	Criminal homicide 1966	Average criminal homicide rate 1962 — 1970
Quebec	43.6	1.1	1.6
Ontario	41.8	1.2	1.6
Alberta	41.2	1.9	2.1
British Columbia	40.5	3.0	3.2
Manitoba	39.6	2.0	2.5
Nova Scotia,	39.1	1.5	1.6
Newfoundland,	39.0	0.7	0.9
New Brunswick	38.9	1.1	1.0
Saskatchewan	38.4	1.9	2.5
Prince Edward Island, . .	36.9	1.1	1.0

Quebec has the highest percentage of inhabitants 15 to 44 years of age, followed by Ontario, Alberta and British Columbia. Prince Edward Island has the lowest percentage of population falling within these age groups followed by Saskatchewan, New Brunswick, Newfoundland, Nova Scotia and Manitoba.

All other things being equal, one would expect the provinces with the highest percentage of the population in the 15 to 44 age groups to have the highest or high homicide rates, and the provinces with the lowest percentages to have the lowest or low homicide rates. The table shows, however, that this is not the case. This proves once more that homicide rates are affected not by one or two factors but by several.

Saskatchewan has the second lowest percentage of population aged 15 to 44, but has the second highest homicide rate in the country. Quebec and Ontario have the highest percentage of people within the 15 to 44 age groups but both have low homicide rates, lower than the national average.

Religion and homicide rates

A certain association between religion and the rates of suicide has been claimed by many authors. Statistics show that suicide is less frequent among Catholics than it is among Protestants but a similar hypothesis with regard to criminal homicide is not borne out by our data. The Province of Quebec has a predominantly Catholic population whereas Ontario's population is predominantly Protestant. This difference is not reflected in the rates of criminal homicides. Both provinces have an identical average criminal homicide rate.

Climatic variations and homicide rates

Are homicide rates influenced by climatic conditions? Is homicide more frequent in hot or temperate climates and less frequent in cold climates? The seasonal variations in homicide, usually indicating an increase in hot months and a decrease in cold months, as well as the geographical distribution of criminal homicide in certain countries like France and Italy would make such a hypothesis rather plausible. However, a test of the hypothesis on the basis of the Canadian data sheds a serious doubt on its validity. It is true that British Columbia, with one of the mildest climates in the country, has the highest rate of criminal homicide. But the coldest provinces, the Prairies, do not have the lowest rates. In fact they have the second highest rates ranking immediately after British Columbia.

Homicide rates and divorce rates

British Columbia and Alberta have always had the highest divorce rates among Canadian provinces, with the first province, British Columbia, usually reporting the highest rates during the past 35 years.

The following table gives the divorce rates for the different provinces for the year 1967 as well as the average annual rate for criminal homicide.

Table 28

Divorce rates and average homicide rates for the different provinces

Province	Divorce rate per 100,000 population (1967)	Average annual homicide rate 100,000 population 7 years and over 1962-1970
British Columbia	140.4	3.2
Alberta	116.5	2.1
Ontario	60.8	1.6
Nova Scotia	52.0	1.6
Manitoba	49.5	2.5
New Brunswick	47.1	1.0
Saskatchewan	41.6	2.5
Prince Edward Island	16.5	1.0
Quebec	12.4	1.6
Newfoundland	2.2	0.9
CANADA	54.7	1.8

Newfoundland has the lowest divorce rate and the lowest homicide rate among Canadian provinces while British Columbia has the highest rate for both. Alberta has a high divorce rate and a high homicide rate. Quebec, with more than 80% of its population belonging to the Catholic religion, has a divorce rate one-fifth that of Ontario but both have identical homicide rates. Both Manitoba and Saskatchewan have divorce rates below the national rate but both have a high homicide rate, the second in the nation.

Homicide rate and alcohol consumption

The following table gives the per capita alcohol consumption, the number and percentage of alcoholics as well as the average homicide rates for the different provinces.

Table 29

Alcohol Consumption, Number of Alcoholics and Average Homicide Rates in the Different Provinces*

Province	Per capita alcohol consumption Fiscal Year 1966/67 (in gallons)			Number of alcoholics	Percentage of alcoholics to persons 20 years and over	Average homicide rates 1962-70
	Beer	Wine	Spirits			
British Columbia	15.04	1.00	1.53	34,500	2.5	3.2
Ontario	16.14	0.59	1.22	113,700	2.8	1.6
Alberta	13.76	0.72	1.11	14,100	1.7	2.1
Manitoba	14.45	0.59	1.04	13,200	2.3	2.5
Prince Edward Island . . .	7.47	0.42	1.12	1,000	1.7	1.0
Quebec	15.37	0.62	0.79	89,200	2.7	1.6
Saskatchewan	12.54	0.64	0.99	8,100	1.5	2.5
Nova Scotia	10.21	0.52	1.01	5,500	1.3	1.6
New Brunswick	9.06	0.56	0.84	5,300	1.6	1.0
Newfoundland	8.87	0.12	0.68	3,000	1.2	0.9
CANADA	14.72	0.63	1.06	287,600	2.5	1.8

* Number and percentage of alcoholics: Source: *Definitions and Prevalence of Alcoholism and Drug Abuse*, The Alcoholism and Drug Addiction Research Foundation, Toronto, 1968.

Per capita alcohol consumption: Source: *The Control and Sale of Alcoholic Beverages in Canada*, Bulletin 63-2-2, Dominion Bureau of Statistics. Ottawa: Queen's Printer.

British Columbia has the highest per capita alcohol consumption in all Canada. It also has the highest percentage of alcoholics among Canadian provinces, preceded only by Ontario and Quebec.

Newfoundland has the lowest per capita alcohol consumption, the lowest percentage of alcoholics and the lowest average homicide rate in Canada.

If the association between a high percentage of alcoholics and a high homicide rate holds true for British Columbia, it does not hold true either for Ontario or Quebec. These two provinces having respectively the first and the second highest percentage of alcoholics in the country (2.8% and 2.7%) have a relatively low homicide rate (1.6).

And if the association between a low percentage of alcoholics and a low homicide rate holds true for Newfoundland, it does not hold true for Saskatchewan. Saskatchewan has the third lowest percentage of alcoholics in the nation but the second highest average homicide rate in all of Canada.

Homicide and suicide rates

The following table gives the number of suicides in Canada and in the provinces as well as the rates per 100,000 population for each year from 1961 to 1968.

Table 30

Suicide in Canada 1961-1968, Numbers and Rates per 100,000 Population

Year	Canada	Newfoundland	Prince Edward Island	Nova Scotia	New Brunswick	Quebec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia
1968	2,021 9.7	6 1.2	8 7.3	53 7.0	29 4.6	433 7.3	821 11.2	109 11.2	93 9.7	155 10.2	305 15.2
1967	1,841 9.0	10 2.0	10 9.2	57 7.5	30 4.8	396 6.7	755 10.6	101 10.5	82 8.6	137 9.2	259 13.3
1966	1,715 8.6	15 3.0	8 7.4	69 9.1	25 4.1	365 6.3	661 9.5	102 10.6	77 8.1	146 10.0	240 12.8
1965	1,715 8.8	23 4.6	6 5.6	65 8.5	35 5.6	323 5.7	635 9.4	101 10.5	97 10.2	160 11.0	267 14.9
1964	1,586 8.2	17 3.5	12 11.2	40 5.3	39 6.3	324 5.8	572 8.7	94 9.8	85 9.0	157 11.0	237 13.6
1963	1,436 7.6	16 3.3	6 5.6	46 6.1	29 4.7	262 4.8	574 8.9	81 8.5	91 9.8	107 7.6	221 13.0
1962	1,331 7.2	9 1.9	4 3.8	45 6.0	36 5.9	269 5.0	522 8.2	79 8.4	73 7.8	116 8.5	171 10.3
1961	1,366 7.5	17 3.7	7 6.7	38 5.2	30 5.0	241 4.6	549 8.8	70 7.6	94 10.2	119 8.9	193 11.8

If we take the average for these eight years and if we rank the provinces according to their average annual suicide rate we will get the order shown in the following table.

Table 31

Average Suicide Rate (1961–1968) and Average Homicide Rate
(1962–1970) for Canada and the Provinces

Province	Average annual suicide rate 1961–1968	Average annual homicide rate 1962–1970
British Columbia	13.1	3.2
Manitoba	9.6	2.5
Alberta	9.5	2.1
Ontario	9.4	1.6
Saskatchewan	9.2	2.5
Prince Edward Island	7.1	1.0
Nova Scotia	6.8	1.6
Quebec	5.8	1.6
New Brunswick	5.1	1.0
Newfoundland	2.9	0.9
CANADA	8.3	1.8

Homicide rates seem to be associated with suicide rates. British Columbia has by far the highest of both and Newfoundland has the lowest of both.

Manitoba, Alberta and Saskatchewan have high suicide rates, higher than the national average, and have, as well, high homicide rates, higher than the national average.

The Atlantic provinces, New Brunswick, Nova Scotia and Prince Edward Island, have suicide and homicide rates below the national average.

But Quebec and Ontario, with an identical average homicide rate, have very different suicide rates. The rate for Ontario is 9.4 while for Quebec it is only 5.8. This sharp difference in suicide rates between the two provinces can be related to the difference in religion. Quebec has a predominantly Catholic population while Ontario has a predominantly Protestant population. Suicide is much less frequent among Catholics than it is among Protestants.

An attentive look at Table 31 shows that with a very slight change in the ranking of the provinces, the order of the provinces would be identical on both suicide and homicide rates. Actually, if Saskatchewan is placed at third place between Manitoba and Alberta and if Prince Edward Island is placed after Quebec, the correlation between suicide rates and homicide rates would be perfect.

Chapter 4

CHANGES IN CRIMES OF VIOLENCE IN CANADA 1962 - 1970

We have seen that there has been a general increase in the total of violent offences in Canada over the last decade. We will now examine the individual changes in the specific offences or categories of offences included in the group we called "violent offences".

A. Changes in Criminal Homicide in Canada 1962-1970

The following table gives the number of criminal homicides for each year 1962-1970, the rate per 100,000 population 7 years and over, the percent change in the number as well as in the rate over 1962. It also shows the annual percent change in the number and rate of criminal homicides.

Table 32 shows that the number of criminal homicides in Canada and their rate have not followed any consistent trend during the past nine years (1962-1970). The rate for 1963 shows a decrease of 5.9% over 1962. In 1964 the rate was unchanged from 1963, followed by an increase of 6.3% in 1965. The year 1966 marks a decrease of 11.8% over 1965 but this is followed by a 26.7% increase in 1967. A further increase of 10.5% was recorded in 1968, while in 1969 the rate remained unchanged from the previous year. The last year for which statistics are available is 1970 and it marks an increase of 9.5% over 1969.

Such fluctuations from one year to the other are a solid proof of the absence of any consistent trend. The only pattern that emerges from the criminal homicide picture is that during the four years following 1962, there has been a decrease (or no change as in 1965) in the rates of criminal homicide over that year, whereas from 1967 to 1970 there has been an increase over 1962.

The total increase in the rate over the nine-year period (35.3%) indicates an average annual increase of less than 5% (4.4%). The highest increase during the whole period (26.7%) was recorded during 1967 when capital punishment was still legally in effect. The period during which capital punishment was administratively suspended (that is when all death sentences were systematically commuted) marked, with the exception of 1967, a decrease (or at least no increase) over the year during which the last two executions took place (1962).

Although the first year of legal suspension of capital punishment (1968) marks an increase of 10.5% over 1967, there has been no increase in the rate in the following year. The rate of 1969 was identical to that of 1968.

While on the whole there was a 118.2% percent increase in violent criminality from 1962 to 1970, the overall increase in murder during the same period was only 35.3%.

How does this trend compare with the trend in the U.S.A.?

In the United States, in 1970, there were 7.8 victims per 100,000 inhabitants compared with only 2.3 in Canada. The American rate of 7.8 is a rise from the 7.2 rate recorded in 1969 and represents an 8% increase over the latter. The overall increase in the criminal homicide rate in the U.S.A. from 1960 to 1970 is 56%¹. The increase in Canada from 1962 to 1970 is only 35.3%. In spite of two years difference in the two periods it is safe to say that the increase in criminal homicide in Canada was much less and at a much lower pace than in the United States.

¹ See *Crime in the United States*. Uniform Crime Reports - 1970. FBI, Washington, D.C.

Table 32

Criminal Homicide 1962-1970

CANADA

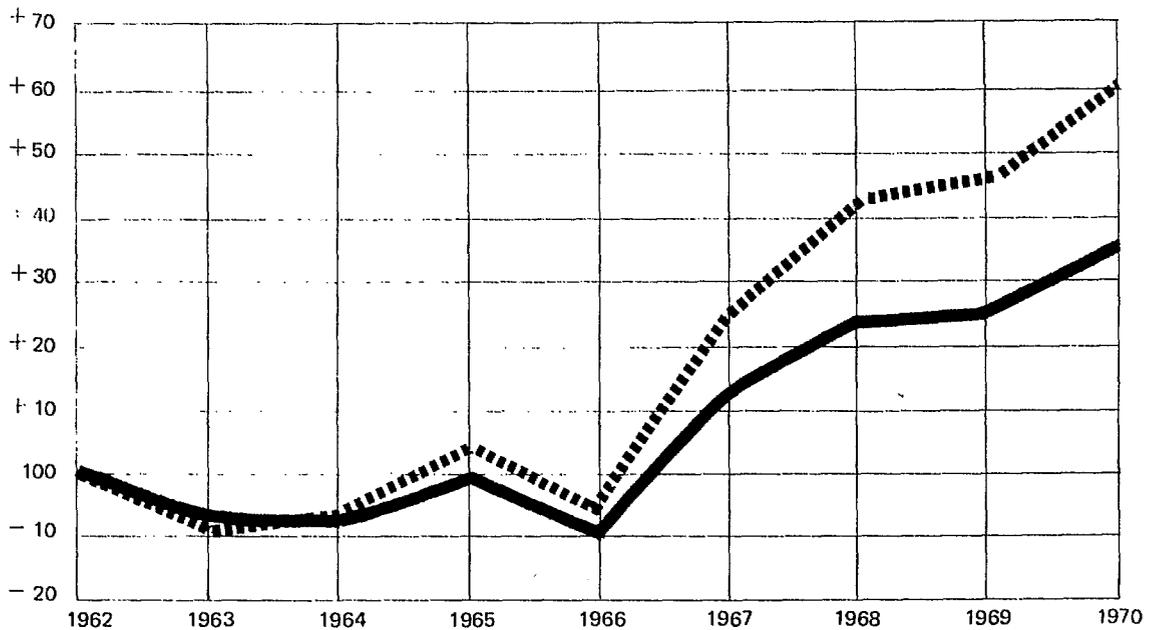
Year	Number	Rate Per 100,000 Population 7 Years and Over	Percent Change Over 1962		Annual Percent Change	
			Number	Rate	Number	Rate
1962	265	1.7	100.0	100.0		
1963	249	1.6	- 6.0	- 5.9	- 6.0	- 5.9
1964	253	1.6	- 4.5	- 5.9	+ 1.6	0.0
1965	277	1.7	+ 4.5	0.0	+ 9.5	+ 6.3
1966	248	1.5	- 6.4	- 11.8	- 10.5	- 11.8
1967	337	1.9	+ 27.2	+ 11.8	+ 35.9	+ 26.7
1968	374	2.1	+ 41.1	+ 23.5	+ 11.0	+ 10.5
1969	386	2.1	+ 45.7	+ 23.5	+ 3.2	0.0
1970	425	2.3	+ 60.4	+ 35.3	+ 10.1	+ 9.5

CRIMINAL HOMICIDE (CANADA)

1962 - 1970

PERCENT CHANGE OVER 1962

NUMBER OF OFFENCES UP 60.4%
 RATE PER 100,000 POPULATION UP 35.3%



B. Changes in Attempted Murder in Canada 1962-1970

Attempted murder as tabulated in the Crime Statistics is a somewhat arbitrary category. If many charges for attempted murder end in convictions for aggravated assault. For this reason, fluctuations in the number and rates of attempted murder may reflect changes in prosecuting practices or prosecutors' attitudes rather than a real increase or decrease in the incidence of attempted murder as such.

The following table gives the number of attempted murders for each year from 1962 to 1970, the rate per 100,000 population 7 years and over, the percent change in the number as well as in the rate over 1962, as well as the annual percent change in the number of attempted murders and in the rate.

Table 33

Attempted Murder — 1962-1970

CANADA

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	83	0.5	100.0	100.0		
1963	108	0.7	+ 30.1	+ 40.0	+ 30.1	+ 40.0
1964	121	0.8	+ 45.8	+ 60.0	+ 12.0	+ 14.3
1965	111	0.7	+ 33.7	+ 40.0	- 8.3	- 12.5
1966	131	0.8	+ 57.8	+ 60.0	+ 18.0	+ 14.3
1967	139	0.8	+ 67.5	+ 60.0	+ 6.1	0.0
1968	181	1.0	+ 118.1	+ 100.0	+ 30.2	+ 25.0
1969	216	1.2	+ 160.2	+ 140.0	+ 19.3	+ 20.0
1970	260	1.4	+ 213.3	+ 180.0	+ 20.4	+ 16.7

Contrary to criminal homicide, attempted murder shows a more consistent trend over the period under study. Although there has been a steady increase over 1962, the percentage of such increase has varied from year to year.

In the year 1962 the rate per 100,000 population 7 years and over for attempted murder in Canada was a remarkably low 0.5. The fact that this rate was less than one third that for criminal homicide indicates clearly how largely the offence "attempted murder" depends upon police and prosecutors' discretion.

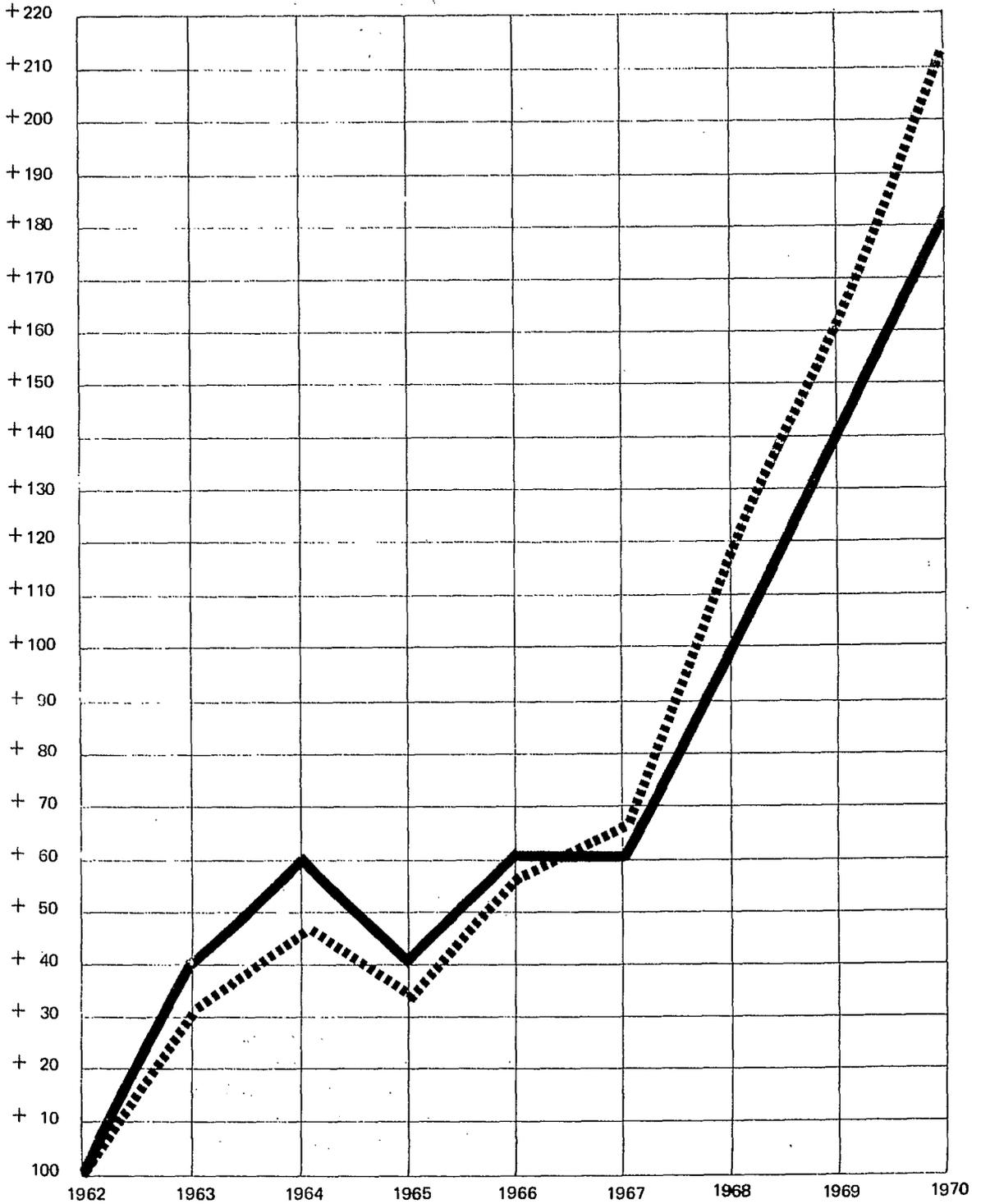
The total increase in the rate of attempted murder during the period under study is 180% or an average annual increase of 22.5%. However as mentioned above, there has been wide variations in the increase from year to year. In 1963 the increase was 40% over 1962, while in 1964, the rate increased by 14.3% over 1963. During the following year the rate decreased by 14.3% and remained unchanged for 1967. In 1968 it increased again by 25%, then by 20% in 1969, and finally by 16.7% in 1970.

ATTEMPTED MURDER (CANADA)

1962 - 1970

PERCENT CHANGE OVER 1962

..... NUMBER OF OFFENCES UP 213.3%
———— RATE PER 100,000 POPULATION UP 180%



C. Changes in Wounding and Assaults in Canada 1962-1970

The following table gives the number of wounding and assaults for each year from 1962 to 1970, the rate per 100,000 population 7 years and over, the percent change in the number as well as in the rate over 1962, as well as the annual percent change in the number and rate of wounding and assaults.

Table 34
Wounding and Assaults 1962-1970
CANADA

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	29,076	188.5	100.0	100.0		
1963	34,027	216.4	+ 17.0	+ 14.8	+ 17.0	+ 14.8
1964	41,297	257.3	+ 42.0	+ 36.5	+ 21.4	+ 18.9
1965	45,373	276.6	+ 56.1	+ 46.7	+ 9.9	+ 7.5
1966	54,505	324.4	+ 87.5	+ 72.1	+ 20.1	+ 17.3
1967	60,179	346.7	+ 107.0	+ 83.9	+ 10.4	+ 6.9
1968	67,983	382.2	+ 133.8	+ 102.8	+ 13.0	+ 10.2
1969	73,718	405.0	+ 153.5	+ 114.9	+ 8.4	+ 6.0
1970	78,979	424.4	+ 171.6	+ 125.1	+ 7.1	+ 4.8

Wounding and assaults as shown in Table 34 show a steady and consistent rising trend during the period under study. The annual percentage change shows relatively little variation when compared to that of attempted murder or of criminal homicide.

The over-all increase in the rate for wounding and assaults from 1962 to 1970 is 125.1%, which means an average annual increase of nearly 15.6% compared to an average of 4.4% for criminal homicide and 22.5% for attempted murder.

The annual percent change varies from an increase of 4.8% in 1970 over 1969 to an increase of 18.9% recorded in 1964 over 1963.

It is interesting to note that the slightest annual increases were recorded in 1969 (6.0%) and in 1970 (4.8%), while the highest annual increase was recorded in 1964 (18.9%) followed by 17.3% in 1966.

D. Changes in Rape in Canada 1962-1970

Table 35 gives the number of rapes for each year from 1962 to 1970, the rate per 100,000 population 7 years and over, the percent change in the number as well as in the rate over 1962, as well as the annual percent change in the number and rate of rapes.

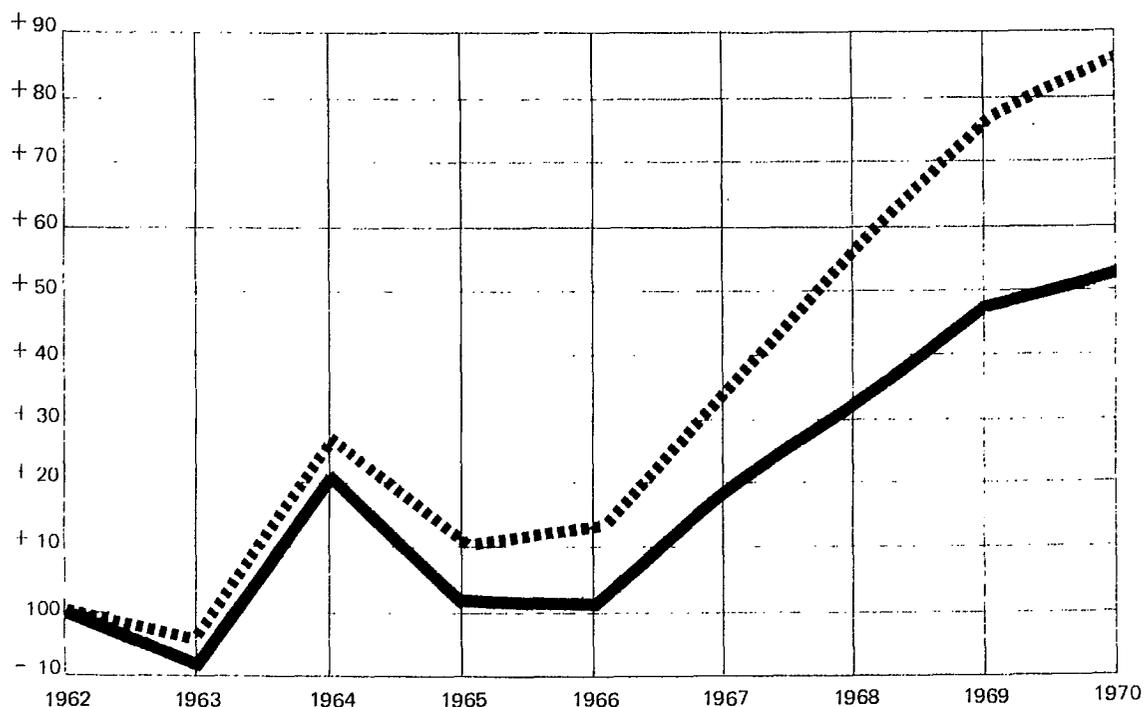
Table 35 shows that the rate for rape decreased in 1963 by 7.9% over 1962, but from 1964 to 1970, the rate steadily marked an increase over 1962. The over-all increase during the eight years following 1962 is 52.6%, or an average increase of nearly 6.6%. The annual percent change shows certain fluctuations: an increase of 31.4% in 1964 over 1963, followed by a decrease of 15.2% in 1965. The rate for 1966 was identical to that of 1965. The following four years show varying degrees of increase, the highest being that of 1967, 15.4% over 1966 and the lowest being that of 1970, 3.6% over 1969.

Table 35
Rape 1962-1970
CANADA

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	5	3.8	100.0	100.0		
1963	549	3.5	- 5.2	- 7.9	- 5.2	- 7.9
1964	745	4.6	+ 28.7	+21.1	+ 35.7	+ 31.4
1965	641	3.9	+ 10.7	+ 2.6	- 14.0	- 15.2
1966	652	3.9	+ 12.6	+ 2.6	+ 1.7	0.0
1967	773	4.5	+ 33.5	+ 18.4	+ 18.6	+ 15.4
1968	892	5.0	+ 54.1	+ 31.6	+ 15.4	+ 11.1
1969	1,019	5.6	+ 76.0	+ 47.4	+ 14.2	+ 12.0
1970	1,079	5.8	+ 86.4	+ 52.6	+ 5.9	+ 3.6

FORCIBLE RAPE (CANADA)
1962 - 1970
PERCENT CHANGE OVER 1962

NUMBER OF OFFENCES UP 86.4%
 RATE PER 100,000 POPULATION UP 52.6%



How does this trend compare with the trend in the U.S.A.?

In Canada the rape rate for 1970 was 5.8 for 100,000 population 7 years and over, whereas, in the United States during the same year, 36 out of every 100,000 *females* were reported forcible rape victims. Since 1962, the rape rate increased in Canada by 52.6%, while in the United States there was in 1970 an increase of 95% over the 1960 rate. In 1970 the rape rate in the United States increased 1% over 1969, while in Canada there was an increase of 3.6% during the same year.

E. Changes in Robbery in Canada 1962-1970

Table 36 gives the number of robberies for each year from 1962 to 1970, the rate per 100,000 population 7 years and over, the percent in the number as well as in the rate over 1962. It also gives the annual percent change in the number and rate of robberies.

Rates for robberies during the period under study show a steady and consistent increase over the 1962 rate. The overall increase during the whole period is 94.7%, or an average annual increase of 11.8%.

Annual percent changes show some fluctuations. In 1963 the rate increased 16.5% over 1962, but during the following three years, 1964, 1965 and 1966, the rates were lower than for 1963 but slightly higher than that of 1962. The years 1967 to 1970 show a continuous increase over 1962, and over each previous year.

How does the trend compare with the trend in the U.S.A.?

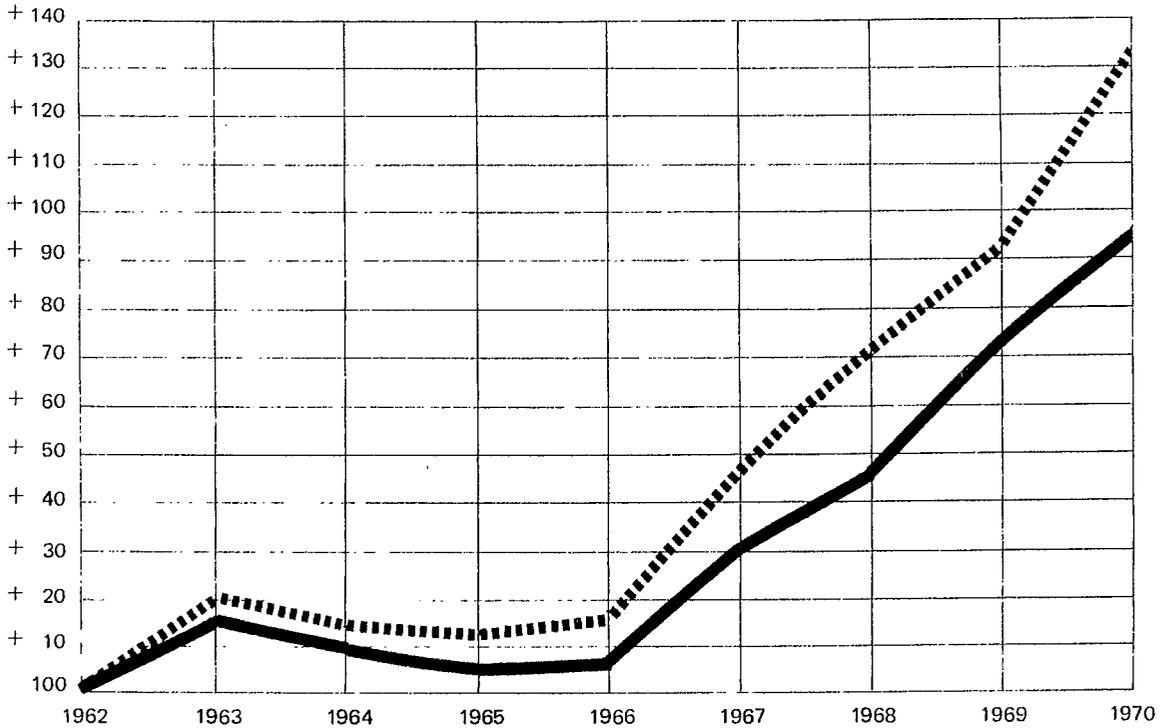
The rate of robbery in Canada was 62.5 per 100,000 population 7 years and over in 1970 compared to a rate of 171 per 100,000 inhabitants in the United States. The rate increases in Canada over 1969 was 13.4% compared with 16% in the United States. During the period of study, 1962-1970, the overall increase in the robbery rate in Canada was 94.7%. This compares favorably with the increase in the United States which, over the period 1960-1970, was 186%.

Table 36
Robbery 1962-1970
CANADA

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	4,951	32.1	100.0	100.0		
1963	5,885	37.4	+ 18.9	+ 16.5	+ 18.9	+ 16.5
1964	5,666	35.3	+ 14.4	+ 10.0	+ 3.7	+ 5.6
1965	5,576	34.0	+ 12.6	+ 5.9	- 1.6	- 3.7
1966	5,710	34.0	+ 15.3	+ 5.9	+ 2.4	- 0.0
1967	7,212	41.6	+ 45.7	+ 29.6	+ 26.3	+ 22.4
1968	8,382	47.1	+ 69.3	+ 46.7	+ 16.2	+ 13.2
1969	10,028	55.1	+ 102.5	+ 71.7	+ 19.6	+ 17.0
1970	11,630	62.5	+ 134.9	+ 94.7	+ 16.0	+ 13.4

ROBBERY (CANADA)
 1962 – 1970
 PERCENT CHANGE OVER 1962

NUMBER OF OFFENCES UP 134.9 %
 RATE PER 100,000 POPULATION UP 94.7 %



F. Changes in Crimes of Violence 1962-1970

We have already explained that an examination of homicide rates separately and independently from other violent crimes is likely to lead to fallacious conclusions. Trends in criminal homicide should be examined against a background of all violent crimes. Only in this manner can the variations and fluctuations in homicide be understood.

The following table gives the number and rate per 100,000 population seven years and over for each of the offences examined as recorded in 1970. It gives as well the percent change over 1969 in the number and the rate and also the percent change over 1962 in the number and the rate. The table thus permits comparisons between the increase in rates for the different offences.

The table shows that the *least* overall increase for the nine year period is that in criminal homicide. While the homicide rate for 1970 was 35.3% higher than the rate for 1962, the rate for rape increased by 52.6% over the same period, robbery followed by an increase in the rate in the amount of 94.7%, then wounding and assaults with a rate increase of 125.1%, and attempted murder with a rate increase of 180%.

The increase in the rate of criminal homicide was two-thirds that of rape, a little over one-third that of robbery, nearly one-quarter that of wounding and assaults and one-fifth of that of attempted murder.

The change in 1970 over 1969 shows that the increase in the rate of homicide was higher than the increase in the rate of rape or that of wounding and assaults, but lower than the increase in rates for attempted murder and robbery.

Table 37 shows clearly that the assumption that homicide is increasing at an alarming rate is unsupported by the data. The data show that although there has been a *slight* overall increase in the rates for criminal homicide over the 1962 rate, this increase has been much less than the increase recorded in *all* other crimes of violence.

Table 37
Changes in Crimes of Violence 1962-1970

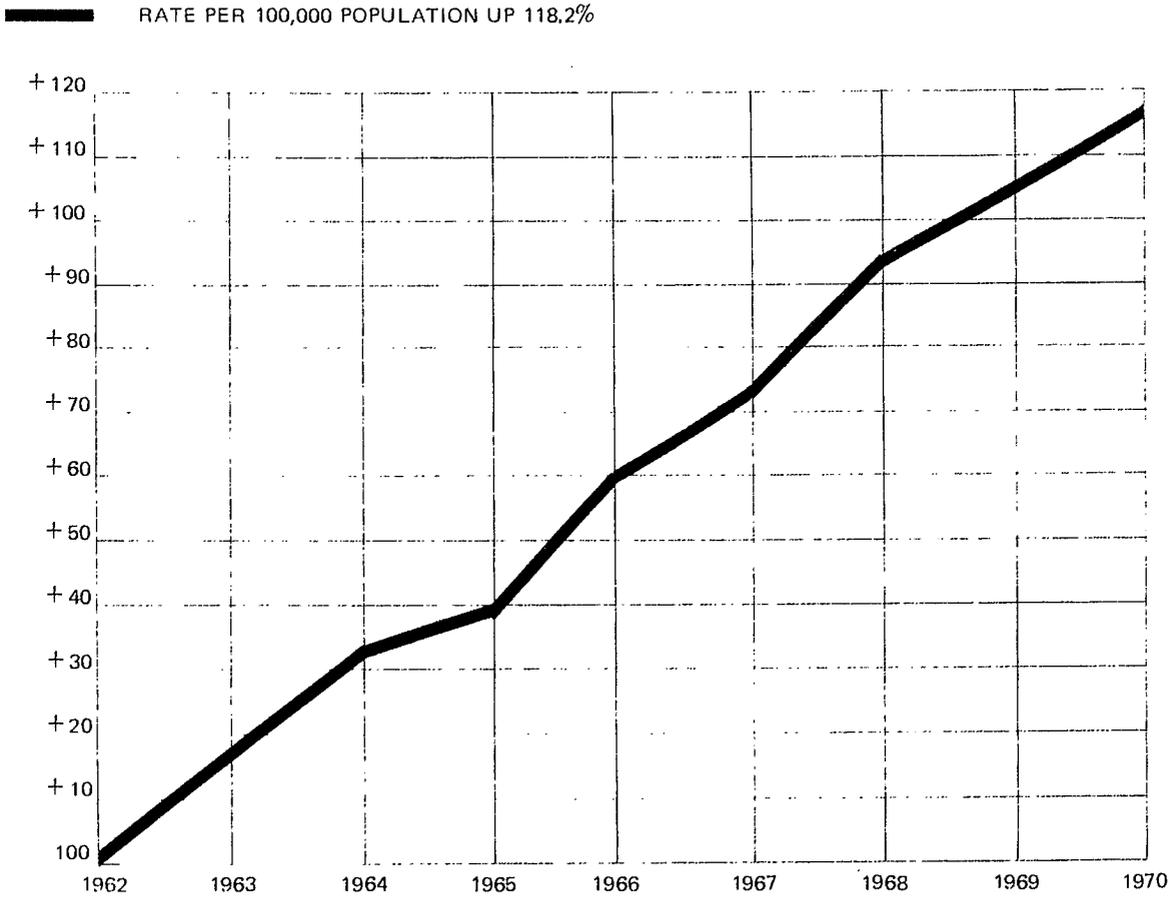
CANADA						
Offence	1970		Percent change over 1969		Percent change over 1962	
	Number	Rate per 100,000 Population 7 years and over	Number	Rate	Number	Rate
Criminal Homicide (Murder and Manslaughter)	425	2.3	+ 10.1	+ 9.5	+ 60.4	+ 35.3
Attempted Murder	260	1.4	+ 20.4	+ 16.7	+ 213.3	+ 180.0
Wounding and Assaults	78,979	424.4	+ 7.1	+ 4.8	+ 171.6	+ 125.1
Rape	1,079	5.8	+ 5.9	+ 3.6	+ 86.4	+ 52.6
Robbery	11,630	62.5	+ 16.0	+ 13.4	+ 134.9	+ 94.7

* Criminal homicides include murder based on number of victims and manslaughter.
 * Murder figures for 1970 were revised by considering the incident of Notre-Dame du Lac as one murder.
 * Murder refers to offences under S. 201, 202, 202A (2) C.C.; attempted murder refers to offences under S. 210 C.C.; manslaughter refers to offences under S. 207 C.C.; wounding refers to wounding with intent and inflicting bodily harm under S. 216, 217, 218, 219, 220 C.C.; assaults (not indecent) refers to offences under S. 230, 231, 232 C.C.; rape refers to the offence under S. 136, 137 C.C.; robbery refers to offences under S. 288, 289, 290 C.C.

CHANGE IN VIOLENT OFFENCES

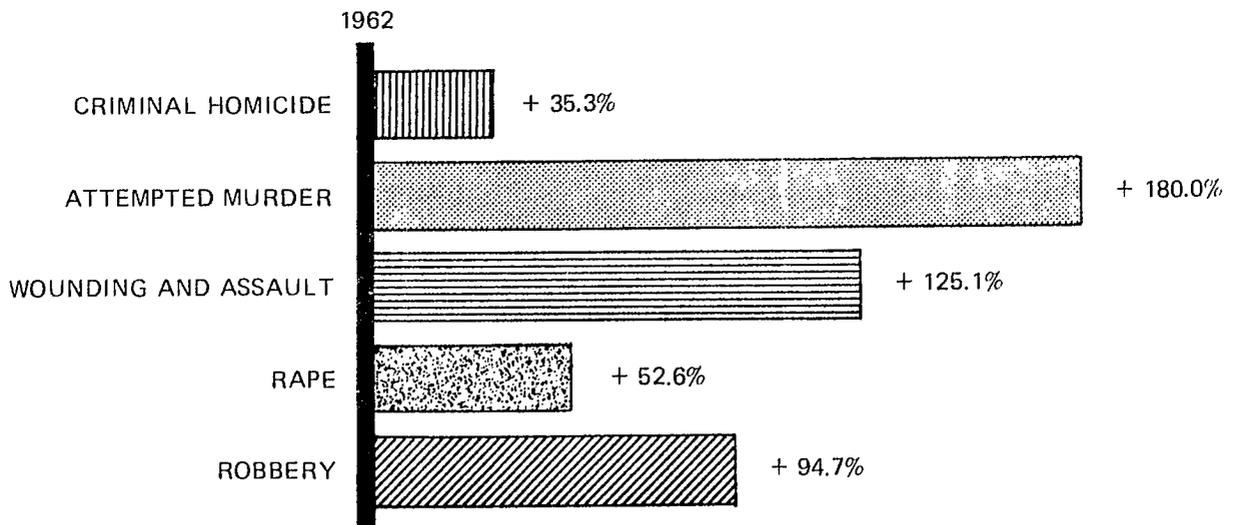
1962 - 1970

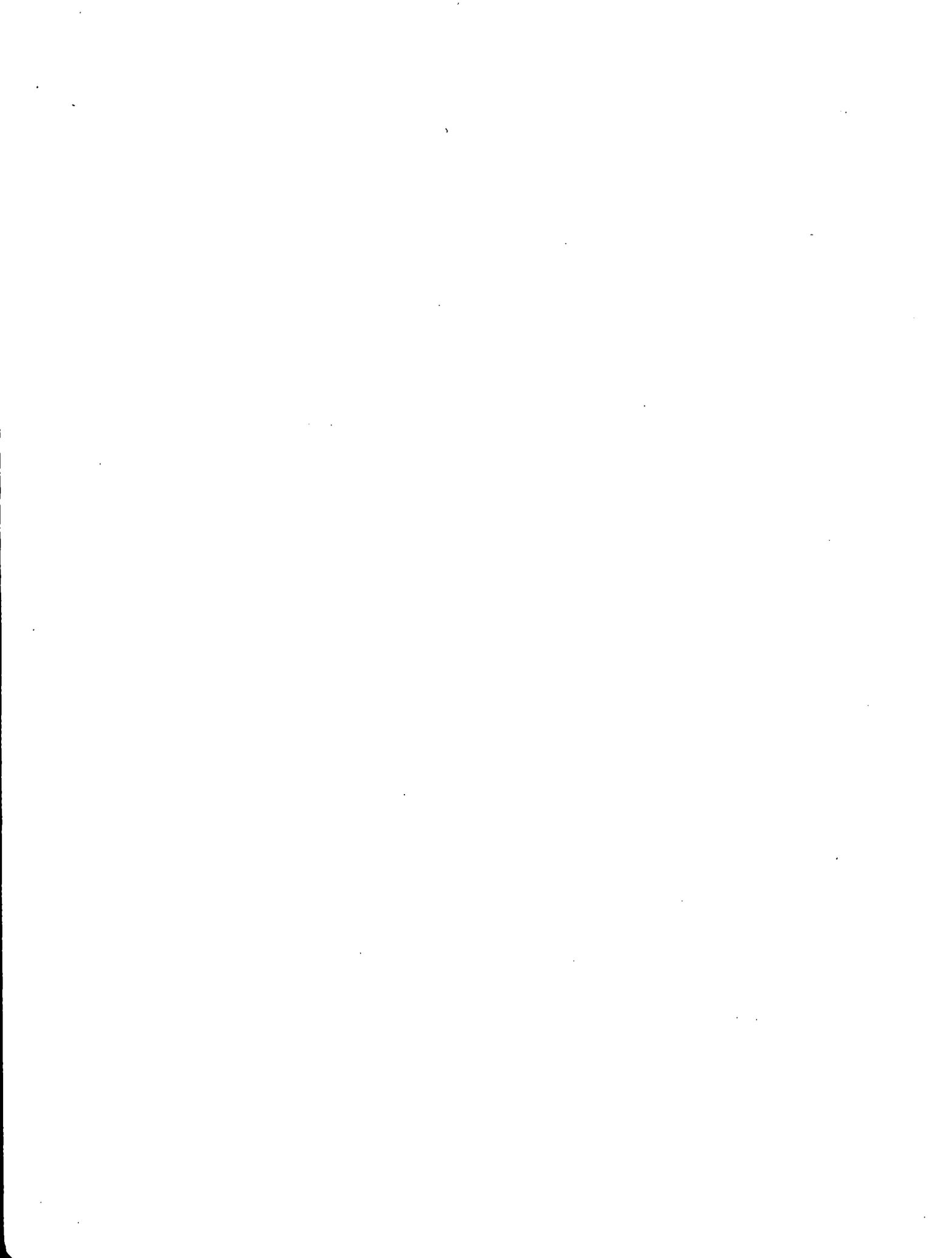
PERCENT CHANGE OVER 1962



THE INCREASE IN CRIMES OF VIOLENCE

CANADA 1962 - 1970





Chapter 5

CHANGES IN CRIMES OF VIOLENCE IN DIFFERENT CANADIAN PROVINCES 1962-1970

The present chapter deals with changes in crimes of violence in different Canadian provinces. The provinces included are Nova Scotia, Quebec, Ontario, Manitoba, Saskatchewan, Alberta and British Columbia. Newfoundland, Prince Edward Island, New Brunswick, the Yukon and the Northwest Territories are excluded either because of the small number of the population, or the small number of criminal homicides to an extent which does not permit a statistical evaluation.

A. Nova Scotia

Changes in criminal homicide 1962-1970

The following table gives the number of criminal homicides in Nova Scotia for each year from 1962 to 1970, the rate per 100,000 population 7 years and over, the percent change in the number as well as in the rate over 1962. It also shows the annual percent change in the number and the rate of criminal homicides.

Criminal homicide in Nova Scotia has not followed any consistent trend during the nine year period 1962-1970. Neither the number nor the rate show any consistent increase or decrease during the past decade.

Table 38

Criminal Homicide 1962-1970

NOVA SCOTIA

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	10	1.6	100.0	100.0		
1963	6	1.0	- 40.0	- 37.5	- 40.0	- 37.5
1964	13	2.1	+ 30.0	+ 31.3	+ 116.7	+ 110.0
1965	10	1.6	0.0	0.0	- 23.1	- 23.8
1966	9	1.5	- 10.0	- 6.2	- 10.0	- 6.2
1967	10	1.5	0.0	- 6.2	+ 11.1	0.0
1968	9	1.4	- 10.0	- 12.5	- 10.0	- 6.7
1969	12	1.8	+ 20.0	+ 12.5	+ 33.3	+ 28.6
1970	14	2.2	+ 40.0	+ 37.5	+ 16.7	+ 22.2

Taking 1962 as the base year, we notice a sharp decrease in the criminal homicide rate in the following year, 1963. The decrease amounts to 37.5%. This is followed by a sharp increase in 1964 of 110%. No increase has been recorded during the following four years; in 1965 a decrease of 23.8% over 1964, in 1966 a decrease of 6.2% over 1965, in 1967 the rate was identical to that of the previous year, and in 1968 a decrease of 6.7% over 1967. The last two years in the period mark an increase; 28.6% in 1969 and 22.2% in 1970.

The overall increase during the whole period is 37.5%, which amounts to an annual increase in the rate of 4.7%. This is slightly higher than the national increase which is 35.3% for 1962-1970.

During the period under study, five years had lower homicide rates than 1962, while three years showed higher homicide rates than that for the base year. The years during which capital punishment was administratively suspended (that is when death sentences were commuted systematically) 1963-1967 were marked, with the exception of 1964, by a decrease in homicide rates over 1962.

The first year of legal abolition (1968) was also marked by a decrease in both the number and the rate over 1962 and 1967.

However, because of the small number of criminal homicides in Nova Scotia (although they are the highest in the Atlantic provinces) statistics for this province should not be taken at face value.

Changes in attempted murder 1962-1970

Figures for attempted murder in Nova Scotia are too small to be statistically significant. The highest number recorded was 5 in 1969.

Changes in wounding and assaults 1962-1970

The following table gives the number of wounding and assaults in Nova Scotia for each year from 1962 to 1970, the rate per 100,000 population 7 years and over, the percent change in the number as well as in the rate over 1962. It also gives the annual percent change in the number and the rate of wounding and assaults.

Table 39
Wounding and Assault 1962-1970

NOVA SCOTIA						
Year	Number	Rate per 100,00 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	1,498	241.8	100.0	100.0		
1963	1,675	266.6	+ 11.8	+ 10.3	+ 11.8	+ 10.3
1964	2,129	336.7	+ 42.1	+ 39.2	+ 27.1	+ 26.3
1965	2,089	328.6	+ 39.5	+ 35.9	- 1.9	- 2.4
1966	2,282	357.5	+ 52.3	+ 47.8	+ 9.2	+ 8.8
1967	2,252	351.7	+ 50.3	+ 45.5	- 1.3	- 1.6
1968	2,455	379.0	+ 63.9	+ 56.7	+ 9.0	+ 7.8
1969	2,657	405.0	+ 77.4	+ 67.5	+ 8.2	+ 6.9
1970	2,829	426.5	+ 88.9	+ 76.4	+ 6.5	+ 5.3

Although wounding and assaults in Nova Scotia show a steady increase over 1962, there have been many fluctuations from year to year.

The overall increase during the period under study, 1962-1970, is 76.4% compared with 125.1% for all of Canada. The average annual increase in the rate for wounding and assaults in Nova Scotia is 9.5% compared with 15.6% for the whole country. This means that wounding and assaults have increased in Nova Scotia during the past nine years in a lower proportion than in some other provinces.

The yearly changes in the rate show a rise in 1963, 1964, 1966, 1968, 1969 and 1970. In 1965 the rate decreased over 1964 and in 1967 the rate was lower than it was in 1966. The sharpest increase was recorded in 1964 when the rate rose by 26.3% over the previous year.

Changes in rape 1962-1970

The following table gives the number of rapes in Nova Scotia for each year 1962-1970, the rate per 100,000 population 7 years and over, the percent change in the number as well as in the rate over 1962. It also shows the annual percent change in the number and the rate of rape.

Table 40 shows, that although during the whole period under study, 1962-1970, there has been an overall increase in the incidence of rape in Nova Scotia, there have been wide yearly variations and no consistent pattern.

The overall increase in the rate is 100% compared with 52.6% for Canada. The average annual increase in the rate of rape for Nova Scotia is 12.5% compared with 6.6% for the whole nation. This indicates that rape has increased in Nova Scotia at a quicker pace than it did in some of the other provinces.

Table 40

Rape 1962-1970

NOVA SCOTIA

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	11	1.8	100.0	100.0		
1963	12	1.9	+ 9.1	+ 5.6	+ 9.1	+ 5.6
1964	21	3.3	+ 90.9	+ 83.3	+ 75.0	+ 73.7
1965	26	4.1	+ 136.4	+ 127.8	+ 23.8	+ 24.2
1966	17	2.7	+ 54.5	+ 50.0	- 34.6	- 34.1
1967	14	2.2	+ 27.3	+ 22.2	- 17.6	- 18.5
1968	29	4.5	+ 163.6	+ 150.0	+ 107.1	+ 104.5
1969	32	4.9	+ 190.9	+ 172.0	+ 10.3	+ 8.9
1970	24	3.6	+ 118.2	+ 100.0	- 25.0	- 26.5

Annual percent changes show a rate increase in the years 1963 (5.6%), in 1964 (73.7%), in 1965 (24.2%), in 1968 (104.5%) and in 1969 (8.9%). The years 1966, 1967 and 1970 marked a decrease in the rate in the order of 34.1%, 18.5% and 26.5% respectively.

The year 1968 shows the sharpest increase when the number of rapes in Nova Scotia and the 100,000 population rate more than doubled over the previous year.

Changes in robbery 1962-1970

The following table gives the number of robberies in Nova Scotia for each year from 1962 to 1970, the rate per 100,000 population 7 years and over, the percent change in the number as well as in the rate over 1962. It also gives the annual percent change in the number of robberies and in the rate.

Table 41
Robbery 1962-1970

NOVA SCOTIA

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	89	14.4	100.0	100.0		
1963	87	13.8	- 2.2	- 4.2	- 2.2	- 4.2
1964	97	15.3	+ 9.0	+ 6.3	+ 11.5	+ 10.9
1965	133	20.9	+ 49.4	+ 45.1	+ 37.1	+ 36.6
1966	109	17.1	+ 22.5	+ 18.8	- 18.0	- 18.2
1967	147	23.0	+ 65.2	+ 59.7	+ 34.9	+ 34.5
1968	146	22.5	+ 64.0	+ 56.3	- 0.7	- 2.2
1969	163	24.9	+ 83.1	+ 72.9	+ 11.6	+ 10.7
1970	134	20.2	+ 50.6	+ 40.3	- 17.8	- 18.9

Robbery as can be seen in Table 41, like the other offences shows an overall increase over 1962, but also many yearly variations with no consistent pattern or trend.

The overall increase from 1962 to 1970 is 40.3% compared with a rate increase of 94.7% for the whole country. The average yearly increase is 5.0% compared with an annual average increase of 11.8% for all of Canada. This again indicates that robbery in Nova Scotia did not increase as fast as it did in other provinces.

Annual percent changes show four years with increased rates over preceding years, 1964, 1965, 1967, and 1969. On the other hand in 1963, in 1966, in 1968 and in 1970 the rate decreased over the immediately previous years.

Changes in crimes of violence 1962-1970

Table 42 gives the number and rate per 100,000 population seven years and over for each of the offences examined as recorded in 1970. It gives, as well, the percent change over 1969 in number and rate and also the percent change over 1962 in number and rate. The table thus permits us to compare the changes in the offences over the years.

Table 42

Changes in Crimes of Violence 1962-1970

NOVA SCOTIA

Offence	1970		Percent change over 1969		Percent change over 1962	
	Number	Rate per 100,000 Population 7 years and over	Number	Rate	Number	Rate
Criminal Homicide (Murder and Manslaughter)	14	2.2	+ 16.7	+ 22.2	+ 40.0	+ 37.5
Attempted Murder*	5	0.8	0.0	0.0	+ 400.0	+ 300.0
Wounding and Assaults	2,829	426.5	+ 6.5	+ 5.3	+ 88.9	+ 76.4
Rape	24	3.6	- 25.0	- 26.5	+ 118.2	+ 100.0
Robbery	134	20.2	- 17.8	- 18.9	+ 50.6	+ 40.3

*Figures for attempted murder are too small to be statistically significant but are included as indicators.

The table shows that the *least* increase registered since 1962 is that in criminal homicide. The rate for criminal homicide increased over 1962, a period of eight years, by 37.5% in Nova Scotia. But the rate for robbery increased over the same period by 40.3%, the rate for wounding and assaults increased by 76.4%, the rate for rape by 100.0%.

Thus the increase in criminal homicide rate was half the increase in wounding and assaults and a little over one third the increase in rape.

The annual change from 1969 to 1970 shows that the increase in the rate for criminal homicide was higher than that for the other offences. This however is not a part of a general and consistent trend as has already been explained.

B. Quebec

Changes in criminal homicide 1962-1970

Table 43 gives the number of criminal homicides in Quebec for each year from 1962 to 1970, the rate per 100,000 population 7 years and over, the percent change in the number as well as in the rate over 1962. It also shows the annual percent change in the number and the rate of criminal homicides.

Table 43

Criminal Homicide 1962-1970

QUEBEC						
Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	62	1.4	100.0	100.0		
1963	69	1.5	+ 11.3	+ 7.1	+ 11.3	+ 7.1
1964	52	1.1	- 16.1	- 21.4	- 24.6	- 26.7
1965	63	1.4	+ 1.6	0.0	+ 21.2	+ 27.3
1966	55	1.1	- 11.3	- 21.4	- 12.7	- 21.4
1967	75	1.5	+ 21.0	+ 7.1	+ 36.4	+ 36.4
1968	101	2.0	+ 62.9	+ 42.9	+ 34.7	+ 33.3
1969	123	2.4	+ 98.4	+ 71.4	+ 21.8	+ 20.0
1970*	101	1.9	+ 62.9	+ 35.7	- 17.9	- 20.8

*The figure for 1970 has been adjusted as already mentioned in this report.

Criminal homicide in Quebec has not followed any consistent trend during the nine-year period 1962-1970. Neither the number nor the rate show any consistent increase or decrease during the past decade.

Taking the year 1962 as a base year, we notice that criminal homicide rate marked an increase of 7.1% in 1963. But in 1964 there was a decrease of 21.4% over 1962 and a decrease of 26.7% over 1963. In 1965, the criminal homicide rate was identical to that of 1962 and again there was a decrease in 1966 to the amount of 21.4%. The next three years, 1967, 1968, and 1969, show an increase. In 1967, the increase was 7.1% over 1962 and 36.4% over 1966. In 1968, the increase was 42.9% over 1962 and 33.3% over 1967. In 1969, the increase was 71.4% over 1962 and 20.0% over 1968.

The last year of the period under study, 1970, shows again a decrease in criminal homicide rates over the previous year in the order of 20.8%.

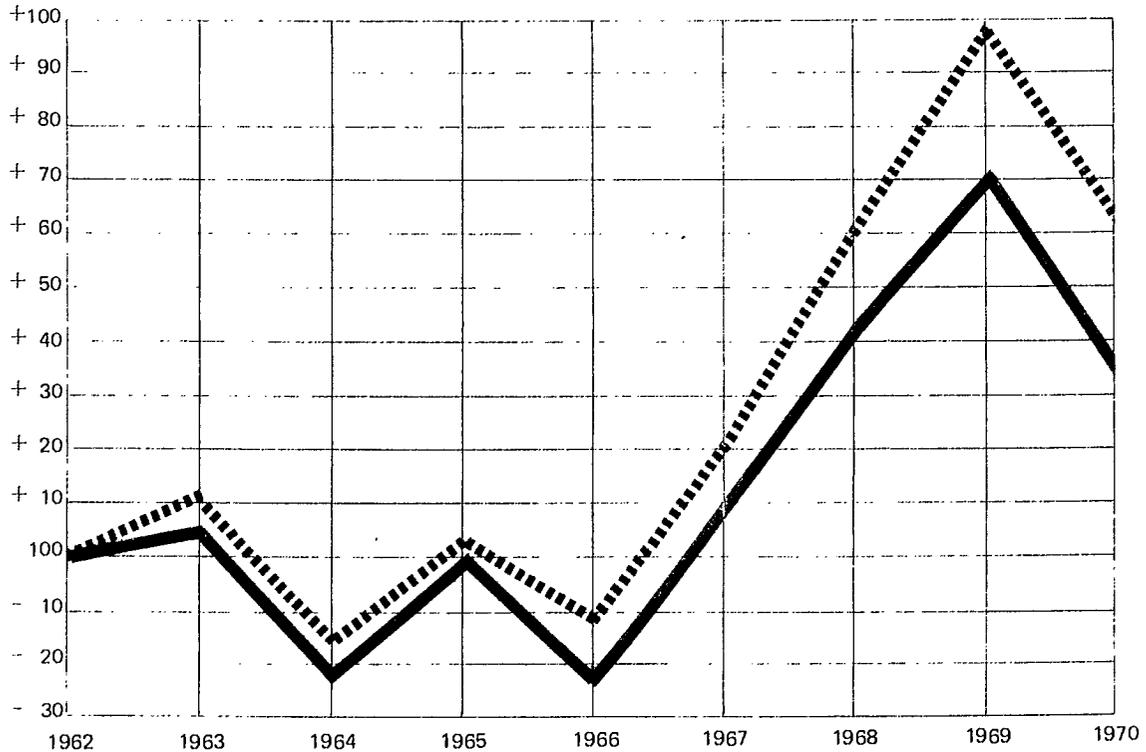
The overall increase during the whole period is 35.7% which amounts to an annual increase of about 4.5%. This is slightly higher than the average annual increase in the national rate which is 4.4% for 1962-1970.

CRIMINAL HOMICIDE (QUÉBEC)

1962 – 1970
PERCENT CHANGE OVER 1962

NUMBER OF OFFENCES UP 62.9 %

 RATE PER 100,000 POPULATION UP 35.7 %



During the nine year period, five years showed higher homicide rates than that for 1962, while three years showed lower homicide rates than that for 1962.

During the years 1964, 1965, 1966, capital punishment was administratively suspended but they were marked by a decrease in criminal homicide rate over 1962 or by identical rates.

The first two years of legal suspension of the death penalty witnessed an increase in homicide rates in the province of Québec. But the third year, 1970, shows a rate which is lower than that for 1968 and for 1969.

Changes in attempted murder 1962-1970

Table 44 gives the number of "attempted murder" incidents in the province of Québec for each from 1962 to 1970, the rate per 100,000 population 7 years and over, the percent change in the number as well as in the rate over 1962. It also gives the annual percentage change in the number and the rate of attempted murder.

As Table 44 indicates, attempted murder shows a trend which is somewhat more consistent than that for criminal homicide. There has been a steady increase over 1962 but the annual changes show substantial variations.

The overall increase in the rate of attempted murder during the period under study, 1962-1970, is 162.5% or an average annual increase of 20.3% which is 2.2% lower than the average annual increase recorded for the whole nation.

Table 44

Attempted Murder 1962-1970

QUEBEC						
Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	34	0.8	100.0	100.0		
1963	43	0.9	+ 26.5	+ 12.5	+ 26.5	+ 12.5
1964	52	1.1	+ 52.9	+ 37.5	+ 20.9	+ 22.2
1965	51	1.1	+ 50.0	+ 37.5	- 1.9	0.0
1966	59	1.2	+ 73.5	+ 50.0	+ 15.7	+ 9.1
1967	54	1.1	+ 58.8	+ 37.5	- 8.5	- 8.3
1968	86	1.7	+ 152.9	+ 112.5	+ 59.3	+ 54.5
1969	101	1.9	+ 197.1	+ 137.5	+ 17.4	+ 11.8
1970	113	2.1	+ 232.4	+ 162.5	+ 11.9	+ 10.5

The yearly changes in the rate show a rise in 1963, 1964, 1966, 1968, 1969 and 1970. In 1965 the rate was identical to that of the previous year and in 1967 it was lower than that of 1966.

The sharpest increase was recorded in 1968 (54.5%) but the two following years show a moderate increase: 11.8% and 10.5% respectively.

Changes in wounding and assaults 1962-1970

Table 45 gives the number of wounding and assaults in the province of Quebec for each year from 1962 to 1970, the rate per 100,000 population 7 years and over, the percent change in the number as well as in the rate over 1962. It also gives the annual percent change in the number and the rate of wounding and assaults.

As Table 45 shows, there has been a marked and steady increase in the rate of wounding and assaults in the province of Quebec over the last decade. The only exception to this trend is the year 1970 which shows a slight decrease in wounding and assaults over the preceding year.

The overall increase over 1962 is 145.2% or an average annual increase of 18.1% which is 2.5% higher than the average annual increase registered for the whole country. Quebec, in fact, had the highest increase in wounding and assaults during the period under study.

The rate for wounding and assaults in the province of Quebec increased sharply during 1964, 1965 and 1966, but starting from 1967 the pace of the increase slowed sharply until it decreased in 1970.

Table 45
Wounding and Assault 1962-1970
QUEBEC

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	3,213	72.5	100.0	100.0		
1963	3,555	78.4	+ 10.6	+ 8.1	+ 10.6	+ 8.1
1964	4,664	100.7	+ 45.2	+ 38.9	+ 31.2	+ 28.4
1965	5,988	126.3	+ 86.4	+ 74.2	+ 28.4	+ 25.4
1966	7,883	162.5	+ 145.3	+ 124.1	+ 31.6	+ 28.7
1967	8,765	175.5	+ 172.8	+ 142.1	+ 11.2	+ 8.0
1968	9,444	185.4	+ 193.9	+ 155.7	+ 7.7	+ 5.6
1969	9,914	191.0	+ 208.6	+ 163.4	+ 5.0	+ 3.0
1970	9,364	177.8	+ 191.4	+ 145.2	- 5.5	- 6.9

Changes in rape 1962-1970

The following table gives the number of rapes in the province of Quebec for each year from 1962 to 1970, the rate per 100,000 population 7 years and over, the percent change in the number as well as in the rate over 1962. It also shows the annual percent change in the number and the rate of rape.

Table 46
Rape 1962-1970
QUEBEC

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	187	4.2	100.0	100.0		
1963	184	4.1	- 1.6	- 2.3	- 1.6	- 2.3
1964	205	4.4	+ 9.6	+ 4.8	+ 11.4	+ 7.3
1965	174	3.7	- 7.0	- 11.9	- 15.1	- 15.9
1966	160	3.3	- 14.4	- 21.4	- 8.0	- 10.8
1967	207	4.1	+ 10.7	- 2.3	+ 29.4	+ 24.2
1968	236	4.6	+ 26.2	+ 9.5	+ 14.0	+ 12.2
1969	260	5.0	+ 39.0	+ 19.0	+ 10.2	+ 8.7
1970	255	4.8	+ 36.4	+ 14.3	- 1.9	- 4.0

As Table XLVI indicates, the rate for rape in the province of Quebec does not show a consistent trend during the last nine years. Some years, like 1964, 1968 and 1969, have witnessed an increase over previous years, while other years, such as 1963, 1965, 1966, have marked a decrease over the years before.

During the nine-year period there has been an overall increase of 14.3% or an average annual increase of 1.8%. This is much lower than the average annual increase for the whole country which is 6.6%. In fact, Quebec had the lowest increase in rape among the provinces studied.

The year 1969 shows the sharpest increase over 1962 (19.0%), whereas the year 1967 shows the sharpest annual increase recorded during the period (24.2%). The sharpest decrease was registered in 1965 and 1966 where the number and rate of rape was lower than it was in 1962.

Changes in robbery 1962-1970

Table 47 gives the number of robberies in the province of Quebec for each year from 1962 to 1970, the rate per 100,000 population 7 years and over, the percent change in the number as well as in the rate over 1962. It also gives the annual percentage change in the number of robberies and in the rate.

Robberies in Quebec show a 1970 rate which is 62.2% higher than that recorded in 1962. This is an average annual increase of 7.8% compared to 11.8% for Canada. This indicates that robbery increased in other provinces at a higher pace than it did in Quebec.

Among the eight years following 1962, six years show rates higher than that of 1962, while the years 1965 and 1966 show a lower rate than that for the base year.

Annual percent changes show that the sharpest annual increase was registered in 1963 (23.2%) and in 1969 (24.6%). The slightest increase was in 1970 (9.1%). Each of the years 1964, 1965 and 1966 show a rate lower than that of the immediately preceding year with the sharpest drop registered in 1964 where the rate decreased by 18.2% over the previous year.

Table 47
Robbery 1962-1970
QUEBEC

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	2,712	61.1	100.0	100.0		
1963	3,414	75.3	+ 25.9	+ 23.2	+ 25.9	+ 23.2
1964	2,853	61.6	+ 5.2	+ 0.8	- 16.4	- 18.2
1965	2,782	58.7	+ 2.6	- 3.9	- 2.5	- 4.7
1966	2,616	53.9	- 3.5	- 11.8	- 6.0	- 8.2
1967	3,168	63.4	+ 16.8	+ 3.8	+ 21.1	+ 17.6
1968	3,715	72.9	+ 37.0	+ 19.3	+ 17.3	+ 15.0
1969	4,712	90.8	+ 73.7	+ 48.6	+ 26.8	+ 24.6
1970	5,215	99.1	+ 92.3	+ 62.2	+ 10.7	+ 9.1

Changes in crimes of violence 1962-1970

Table 48 gives the number and rate per 100,000 population seven years and over for each of the offences examined as recorded in 1970. It gives as well the percent change over 1969 in number and rate and also the percent change over 1962 in number and rate. The table thus permits us to compare the changes that took place in each offence over the years.

Table 48
Changes in Crimes of Violence 1962-1970

QUEBEC

Offence	1970		Percent change over 1969		Percent change over 1962	
	Number	Rate per 100,000 Population 7 years and over	Number	Rate	Number	Rate
Criminal Homicide (Murder and Manslaughter)	101	1.9	- 17.9	- 20.8	+ 62.9	+ 35.7
Attempted Murder	113	2.1	+ 11.9	+ 10.5	+ 232.4	+ 162.5
Wounding and Assaults	9,364	177.8	- 5.5	- 6.9	+ 191.4	+ 145.2
Rape	255	4.8	- 1.9	- 4.0	+ 36.4	+ 14.3
Robbery	5,215	99.1	+ 10.7	+ 9.1	+ 92.3	+ 62.2

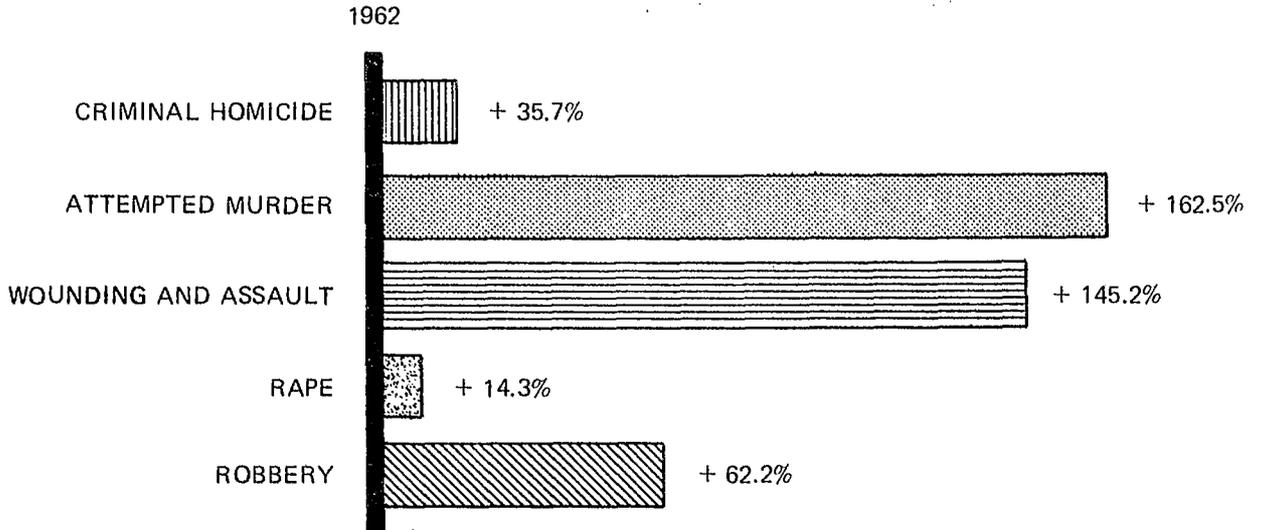
Rates for attempted murder in Ontario as shown in Table 50 do not reflect any consistent trend.

Rates for crimes of violence in Quebec as recorded in 1970 show, without exception, an increase over the rates registered in 1962. The slightest increase is in rape (14.3% over 1962), followed immediately by criminal homicide (35.7% over 1962). Robbery shows an increase in rate over 1962 which is nearly twice the increase in criminal homicide, while the rates for wounding and assaults and for attempted murder show an increase more than four times that for criminal homicide. The increase in the criminal homicide rate was then the second lowest among the offences studied.

The immediate change from 1969 to 1970 shows that there was a decrease in three offences, homicide, wounding and assaults and rape, and an increase in two offences, attempted murder and robbery. However, the sharpest decrease recorded is that in criminal homicide; 20.8% as compared with that in rape, 4.0%, and in wounding and assaults, 6.9%.

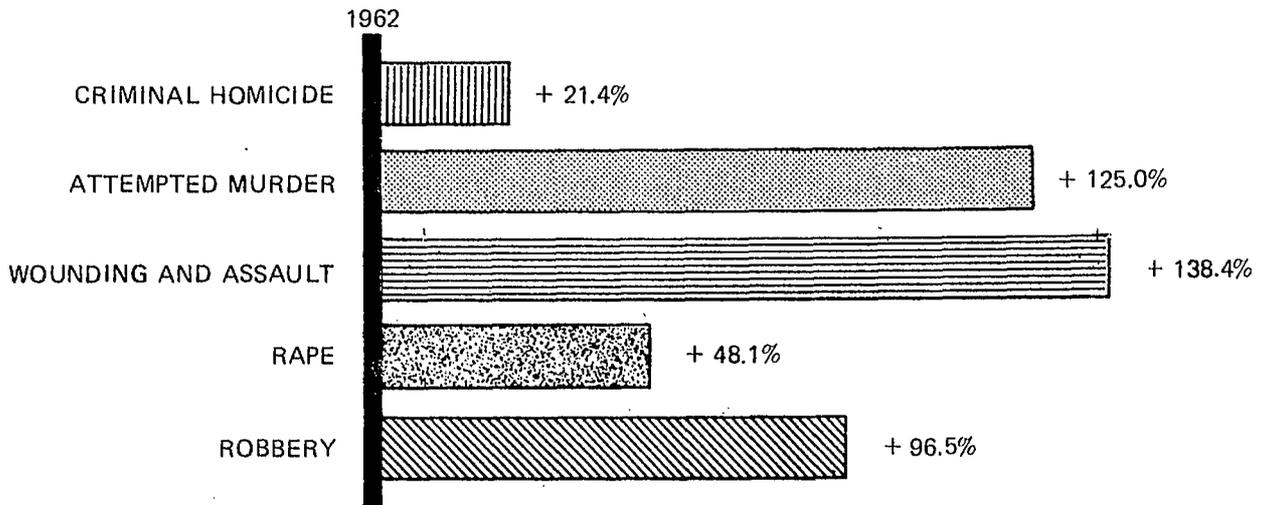
THE INCREASE IN CRIMES OF VIOLENCE

QUEBEC 1962 – 1970



THE INCREASE IN CRIMES OF VIOLENCE

ONTARIO 1962 – 1970



C. Ontario

Changes in criminal homicide 1962-1970

The following table gives the number of criminal homicides in the province of Ontario for each year from 1962 to 1970, the rate per 100,000 population 7 years and over, the percent change in the number as well as in the rate over 1962. It also shows the annual percent change in the number and in the rate of criminal homicides.

Table 49

Criminal Homicide 1962-1970

ONTARIO

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	76	1.4	100.0	100.0		
1963	76	1.4	0.0	0.0	0.0	0.0
1964	81	1.6	+ 6.6	+ 14.3	+ 6.6	+ 14.3
1965	77	1.4	+ 1.3	0.0	- 4.9	- 12.5
1966	70	1.2	- 7.9	- 14.3	- 9.1	- 14.3
1967	114	1.9	+ 50.0	+ 35.7	+ 62.9	+ 58.3
1968	104	1.7	+ 36.8	+ 21.4	- 8.8	- 10.5
1969	109	1.7	+ 43.4	+ 21.4	+ 4.8	0.0
1970	115	1.7	+ 51.3	+ 21.4	+ 5.5	0.0

As in the other Canadian provinces, no consistent trend appears in the statistics of criminal homicide in Ontario as indicated in Table 49. However, it is important to see that since the legal suspension of the death penalty, the criminal homicide rate has remained unchanged at 1.7 per 100,000 population 7 years and over. If the abolition of capital punishment leads to an increase in criminal homicide, this would necessarily have been reflected in the rates registered in the Ontario, most populated province in Canada, and such is not the case.

During the whole period under study there was an overall increase in the criminal homicide rate of 21.4% which means an average annual increase of 2.7% compared to 4.4% for all of Canada.

The study of the annual percent changes since 1962 shows that only two years witnessed a higher criminal homicide rate than that recorded in the immediately preceding years. These were 1964 with an increase of 14.3% over 1963, and 1967 where there was an increase of 58.3% over 1966.

On the other hand, six years either show a decrease or an identical rate to that of the preceding year. The sharpest annual decrease was registered in 1966 (14.3% over 1965) and in 1965 (12.5% over 1964). The first year following the legal suspension of capital punishment (1968) also shows a decrease in the order of 10.5% over 1967.

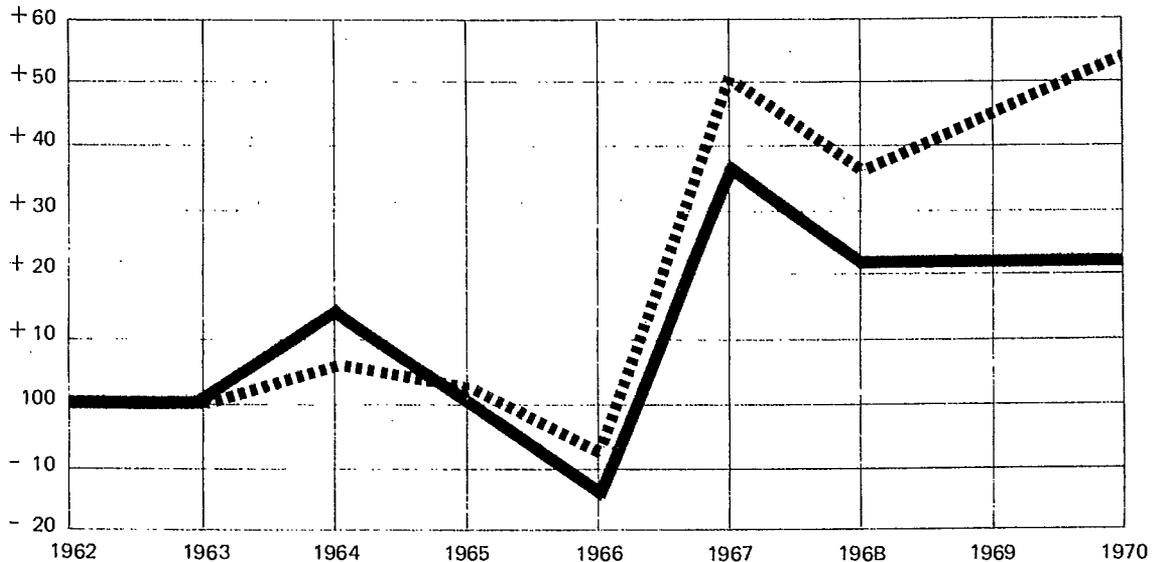
CRIMINAL HOMICIDE (ONTARIO)

1962 - 1970

PERCENT CHANGE OVER 1962

NUMBER OF OFFENCES UP 51.3%

 RATE PER 100,000 POPULATION UP 21.4%



Changes in attempted murder 1962-1970

The following table gives the number of "attempted murders" in the province of Ontario for each year 1962-1970, the rate per 100,000 population 7 years and over, the percent change in the number as well as in the rate over 1962. It also gives the annual percent change in the number and the rate of attempted murder.

Table 50
Attempted Murder 1962-1970

ONTARIO

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	21	0.4	100.0	100.0		
1963	29	0.5	+ 38.1	+ 25.0	+ 38.1	+ 25.0
1964	25	0.5	+ 19.0	+ 25.0	- 13.8	0.0
1965	20	0.4	- 4.8	0.0	- 20.0	- 20.0
1966	32	0.5	+ 52.4	+ 25.0	+ 60.0	+ 25.0
1967	27	0.4	+ 28.6	0.0	- 15.6	- 20.0
1968	34	0.5	+ 61.9	+ 25.0	+ 25.9	+ 25.0
1969	51	0.8	+ 142.9	+ 100.0	+ 50.0	+ 60.0
1970	58	0.9	+ 176.2	+ 125.0	+ 13.7	+ 12.5

Rates for attempted murder in Ontario as shown in Table 50 do not reflect any consistent trend.

The overall increase during the nine-year period is much higher than that for criminal homicide. The rate for attempted murder in 1970 shows an increase of 125.0% over the 1962 rate. This is an average annual increase of 15.6% compared to a 22.5% increase for the nation.

Six of the eight years following 1962 show a higher rate than that for the base year, while two years, 1965 and 1967, show an identical rate to that recorded for 1962.

The annual percent changes show a similar picture, with five years showing higher rates over the immediately preceding years, while three show either identical or a lower rate than that of the previous year.

The sharpest annual increase was recorded in 1969 when the rate was 60.0% higher than that of 1968. The sharpest drop was in 1965 and 1967 where the rate was 20% lower than for 1964 and 1966 respectively.

Since attempted murder as we have mentioned earlier, is an arbitrarily determined category, it is difficult to say what amount of the increase or the decrease is attributable to changes in prosecuting policy and practices.

Changes in wounding and assaults 1962-1970

The following table gives the number of wounding and assaults in the province of Ontario for each year from 1962 to 1970, the rate per 100,000 population 7 years and over, the percent change in the number as well as in the rate over 1962. It also gives the annual percent change in the number and the rate of wounding and assaults.

Table 51
Wounding and Assault 1962-1970

ONTARIO

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	11,217	211.3	100.0	100.0		
1963	13,277	245.7	+ 18.4	+ 16.3	+ 18.4	+ 16.3
1964	15,976	288.9	+ 42.4	+ 36.7	+ 20.3	+ 17.6
1965	16,547	291.8	+ 47.5	+ 38.1	+ 3.6	+ 1.0
1966	20,111	344.5	+ 79.3	+ 63.0	+ 21.5	+ 18.1
1967	22,910	375.2	+ 104.2	+ 77.6	+ 13.9	+ 8.9
1968	27,607	439.1	+ 146.1	+ 107.8	+ 20.5	+ 17.0
1969	30,375	470.3	+ 170.8	+ 122.6	+ 10.0	+ 7.1
1970	33,546	503.7	+ 199.1	+ 138.4	+ 10.4	+ 7.1

Wounding and assaults show, as illustrated in Table 51, a general rising trend, but at a different pace from year to year. There has been a steady rise in this category in Ontario since 1962 with an overall increase of 138.4% which means an average increase of 17.3% compared to 15.6% for the nation.

Every year since 1962 has marked an increase over 1962 as well as an increase over the immediately preceding year. The annual changes show, however, certain variations. The highest single increase was recorded in 1966 over 1965 (18.1%), but the increase in 1964 over 1963 (17.6%) and in 1968 over 1967 (17.0%) was nearly as high. The slightest increase was recorded in 1965 over 1964, only 1%. The increase in 1970 over 1969 and in 1969 over 1968 were not too high and not too low. In both cases the increase in the rate was 7.1% over the previous year.

Changes in rape 1962-1970

The following table gives the number of rapes in the province of Ontario for each year 1962-1970, the rate per 100,000 population 7 years and over, the percent change in the number as well as in the rate over 1962. It also gives the annual percentage change in the number and the rate of rape.

As can be seen from Table 52, the rape rate in Ontario shows an overall increase of 48.1% over that of 1962. During the period under review, six years show a higher rate than that of 1962, while two years (1963 and 1965) show a lower rate than that of the base year.

The annual percentage changes indicate that in the five cases there was an increase in the rate over the immediately preceding year, while in three cases the rate was lower than that for the previous year.

The highest annual increase was recorded in 1964 where there was an increase of 50% over the previous year. In 1966 the increase in the rate was 30.4% over 1965. But during the three following years: 1967, 1968, and 1969 the increase was at a much slower pace; 16.7%, 8.6% and 21.1% respectively.

Table 52
Rape 1962-1970

ONTARIO

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	146	2.7	100.0	100.0		
1963	120	2.2	- 17.8	- 18.5	- 17.8	- 18.5
1964	181	3.3	+ 24.0	+ 22.2	+ 50.8	+ 50.0
1965	132	2.3	- 9.6	- 14.8	- 27.1	- 30.3
1966	177	3.0	+ 21.2	+ 11.1	+ 34.1	+ 30.4
1967	212	3.5	+ 45.2	+ 29.6	+ 19.8	+ 16.7
1968	241	3.8	+ 65.1	+ 40.7	+ 13.7	+ 8.6
1969	299	4.6	+ 104.8	+ 70.4	+ 24.1	+ 21.1
1970	267	4.0	+ 82.9	+ 48.1	- 10.7	- 13.0

The sharpest decrease was recorded in 1965 when the rate was 30.3% lower than that for the previous year. In 1963 it was 18.5% lower than that for 1962, and in 1970 it was 13% lower than that for 1969.

Changes in robbery 1962-1970

The following table gives the number of robberies in the province of Ontario for each year from 1962 to 1970, the rate per 100,000 population 7 years and over, the percent change in the number as well as in the rate over 1962. It also gives the annual percent change in the number of robberies and in the rate.

Table 53

Robbery 1962-1970

ONTARIO

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	1,070	20.2	100.0	100.0		
1963	1,177	21.8	+ 10.0	+ 7.9	+ 10.0	+ 7.9
1964	1,217	22.0	+ 13.7	+ 8.9	+ 3.4	+ 1.0
1965	1,156	20.4	+ 8.0	+ 1.0	- 5.0	- 7.3
1966	1,316	22.5	+ 23.0	+ 11.4	+ 13.8	+ 10.3
1967	1,842	30.2	+ 72.2	+ 49.5	+ 40.0	+ 34.2
1968	2,187	38.4	+ 104.4	+ 72.3	+ 18.7	+ 15.2
1969	2,477	38.4	+ 131.5	+ 90.1	+ 13.3	+ 10.3
1970	2,644	39.7	+ 147.1	+ 96.5	+ 6.7	+ 3.4

The rate of robberies in Ontario, as can be seen from Table 53 has increased by 96.5% during the period 1962-1970. This amounts to an average annual increase of 12.1% which is 0.3% higher than the average annual increase for the nation (11.8%).

All the years under review, without exception, show an increase over the rate of 1962. The annual percent changes show that with the exception of 1965, every year has shown an increase in the rate of robbery over the immediately preceding year. Only in 1965 did the robbery rate in Ontario decrease by 7.3% over the 1964 rate.

The sharpest annual increase in the rate for robbery was recorded in 1967 when the rate rose 34.2% over 1966. In 1968 the increase in the rate was 15.2% over 1967. The other years, with the exception of 1965, show increases varying from 1% to 10.3% over the immediately preceding years. In 1970 the rate increased by only 3.4% over 1969.

Changes in crimes of violence 1962-1970

The following table permits comparison of percentage changes that took place in each offence over 1969 and over 1962.

Table 54

Changes in Crimes of Violence 1962 1970

ONTARIO

Offence	1970		Percent change over 1969		Percent change over 1962	
	Number	Rate per 100,000 Population 7 years and over	Number	Rate	Number	Rate
Criminal Homicide (Murder and Manslaughter)	115	1.7	+ 5.5	0.0	+ 51.3	+ 21.4
Attempted Murder	58	0.9	+ 13.7	+ 12.5	+ 176.2	+ 125.0
Wounding and Assaults	35,546	503.7	+ 10.4	+ 7.1	+ 199.1	+ 138.4
Rape	267	4.0	- 10.7	- 13.0	+ 82.9	+ 48.1
Robbery	2,644	39.7	+ 6.7	+ 3.4	+ 147.1	+ 96.5

Rates for crimes of violence in Ontario as recorded in 1970 show without exception an increase over the rates registered in 1962. But it is very significant to see that the *slightest* increase that took place was that in criminal homicide. From 1962 to 1970, the criminal homicide rate in Ontario increased by only 21.4%. The rape rate increased during the same period more than twice as much (48.1%). The rate for robbery increased four-and-a-half times that of criminal homicide, while the rate for attempted murder and that for wounding and assaults increased nearly six times the increase in homicide.

The general increase in crimes of violence in Ontario since 1962 has been far less marked in criminal homicide than in other violent offences. Any assumption of a disproportionate increase in criminal homicide is unsupported by the data.

The percent changes in 1970 over 1969 show that the rate for rape has decreased by 13%, the rate for criminal homicide has remained unchanged, while the rates for robbery, wounding and assaults and attempted murder have increased by 3.4%, 7.1% and 12.5% respectively.

D. Manitoba

Changes in criminal homicide 1962-1970

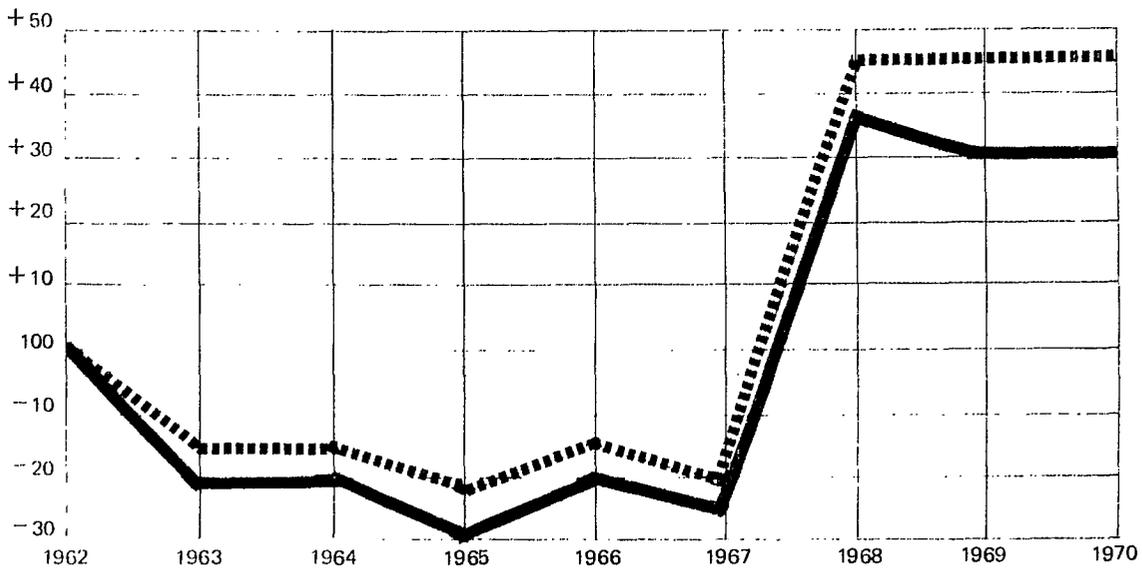
Numbers and rates for criminal homicide in Manitoba for each year, 1962-1970, are given in the following table. The table also indicates the percentage changes in the number and the rate over 1962 and from year to year.

Table 55
Criminal Homicide 1962-1970
MANITOBA

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	19	2.5	100.0	100.0		
1963	16	2.0	- 15.8	- 20.0	- 15.8	- 20.0
1964	16	2.0	- 15.8	- 20.0	0.0	0.0
1965	15	1.8	- 21.1	- 28.0	- 6.2	- 10.0
1966	16	2.0	- 15.8	- 20.0	+ 6.7	+ 11.1
1967	15	1.9	- 21.1	- 24.0	+ 6.2	- 5.0
1968	28	3.4	+ 47.4	+ 36.0	+ 86.7	+ 78.9
1969	28	3.3	+ 47.4	+ 32.0	0.0	- 2.9
1970	28	3.3	+ 47.4	+ 32.0	0.0	0.0

CRIMINAL HOMICIDE (MANITOBA)
1962 - 1970
PERCENT CHANGE OVER 1962

..... NUMBER OF OFFENCES UP 47.4%
———— RATE PER 100,000 POPULATION UP 32.0%



The criminal homicide rate in Manitoba in 1962 was high: 2.5 per 100,000 population 7 years and over compared to a national rate of 1.7 for the same year. The following five years witnessed a marked decrease in this rate, but starting from 1968, the rate began to rise again, surpassing that of 1962. Thus, the nine-year period shows an overall increase of 32% over the base year which amounts to a 4% average annual increase for Manitoba, compared with an average annual increase of 4.4% for all of Canada.

The annual percentage changes show wide fluctuations. There is no doubt that the relatively small number of homicides in Manitoba, combined with the relatively small number of the population in that province, are to some extent responsible for these fluctuations.

Only two years show an increase in the rate over the immediately preceding years. These are 1968 with a 78.9% increase over 1967, and 1966 with an increase of 11.1% over 1965. The remaining years show either a decrease or an identical rate to the preceding years. The rate in 1970 is identical to that of 1969 and the rate in 1964 was identical to that of 1963.

The year 1963 witnessed a decrease in the rate to the amount of 20% over 1962, in 1965 the drop was by 10% over 1964, in 1967 the rate was 5% below that of 1966, and in 1969 the rate was 2.9% lower than that of 1968.

It is important to note that the years of administrative suspension of capital punishment (1963-1967 inclusive) were marked, without exception, by a decrease in criminal homicide rates over 1962. On the other hand, the increase recorded during the first year of legal suspension did not continue as indicated by the rate for 1969 and 1970.

Changes in attempted murder 1962-1970

Numbers and rates for attempted murder in Manitoba for each year from 1962 to 1970 are given in the following table. The table also indicates the percent changes in the number and in the rate over 1962, and from year to year.

Table 56
Attempted Murder 1962-1970
MANITOBA

Year	Number*	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	3	0.4	100.0	100.0		
1963	7	0.9	+ 133.3	+ 125.0	+ 133.3	+ 125.0
1964	8	1.0	+ 166.7	+ 150.0	+ 14.3	+ 11.1
1965	6	0.7	+ 100.0	+ 75.0	- 25.0	- 30.0
1966	6	0.7	+ 100.0	+ 75.0	0.0	0.0
1967	4	0.5	+ 33.3	+ 25.0	- 33.3	- 28.6
1968	19	2.3	+ 533.3	+ 475.0	+ 375.0	+ 360.0
1969	9	1.1	+ 200.0	+ 175.0	- 52.6	- 52.2
1970	8	0.9	+ 166.7	+ 125.0	- 11.1	- 18.2

*Figures are too small to be statistically significant but are given as indicators.

As seen from Table 56, there has been an overall increase in the rate for attempted murder in Manitoba in the order of 125% over 1962. This amounts to an average annual increase of 15.6% compared with a national average annual increase of 22.5% for the same offence.

The years following 1962 show without exception, higher rates than the one recorded for that year. But the annual percent changes reflect wide fluctuations. A part of these fluctuations is undoubtedly due to the limited number of offences falling under this category in Manitoba and to the size of the population in that province.

The annual percent changes show that three years had rates higher than the rates recorded in the immediately preceding years, while five years either show a decrease over previous years or an identical rate.

The sharpest increase occurred in 1968 when the rate was 360% higher than that for 1967. The 1963 rate was also 125% higher than that of the previous year 1962.

The sharpest drop took place in 1969 when the rate decreased by 52.2% over the peak reached during the year before. This was followed by another decrease in 1970 over 1969 in the order of 18.2%.

Changes in wounding and assaults 1962-1970

Absolute figures as well as rates for wounding and assaults in Manitoba for each 1962-1970 are given in Table 57. The table also indicates the percent changes in the number and in the rate over 1962, and from year to year.

As in other provinces, wounding and assaults in Manitoba, as can be seen from Table 57, show a general rising trend with some variations in the pace from year to year. The overall increase is 122.6% over the rate recorded in 1962. This amounts to an average annual increase of 15.3% which is very slightly lower than that for the nation (15.6%).

Table 57
Wounding and Assaults 1962-1970

MANITOBA						
Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	1,236	157.6	100.0	100.0		
1963	1,391	174.2	+ 12.5	+ 10.5	+ 12.5	+ 10.5
1964	1,562	193.8	+ 26.4	+ 23.0	+ 12.3	+ 11.3
1965	1,520	187.3	+ 23.0	+ 18.8	- 2.7	- 3.4
1966	1,752	215.9	+ 41.7	+ 37.0	+ 15.3	+ 15.3
1967	1,853	225.1	+ 49.9	+ 42.8	+ 5.8	+ 4.3
1968	2,078	248.6	+ 68.1	+ 57.7	+ 12.1	+ 10.4
1969	2,497	294.3	+ 102.0	+ 86.7	+ 20.2	+ 18.4
1970	2,998	350.8	+ 142.6	+ 122.6	+ 20.1	+ 19.2

With the exception of 1965, where there was a decrease of 3.4% over the rate of the previous year 1964, every year since 1962 shows an increase over 1962 as well as over the rate of the immediately preceding year.

The annual percent changes show increases varying from 4.3% in 1967 to 19.2% in 1970 over 1969.

Changes in rape 1962-1970

Absolute figures for rape per 100,000 population 7 years and over for each year from 1962 to 1970 are given in Table 58. The table also indicates the percentage changes in the number and in the rate over 1962, and from year to year.

The rate for rape in Manitoba does not show any consistent trend over the period under review. As can be seen from Table 58, annual rates show fluctuations over the 1962 rate as well as over the rates for the immediately preceding years.

Table 58

Rape 1962-1970

MANITOBA

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1972		Annual percent change	
			Number	Rate	Number	Rate
1962	42	5.4	100.0	100.0		
1963	39	4.9	- 7.1	- 9.3	- 7.1	- 9.3
1964	47	5.8	+ 11.9	+ 7.4	+ 20.5	+ 18.4
1965	37	4.6	- 11.9	- 14.8	- 21.3	- 20.7
1966	41	5.1	- 2.4	- 5.4	+ 10.8	+ 10.9
1967	51	6.2	+ 21.4	+ 14.8	+ 24.4	+ 21.6
1968	58	6.9	+ 38.1	+ 27.8	+ 13.7	+ 11.3
1969	54	6.4	+ 28.6	+ 18.5	+ 6.9	- 7.2
1970	76	8.9	+ 81.0	+ 64.8	+ 40.7	+ 39.1

During the eight years following 1962, five annual rates for rape were higher than that of 1962, while the other three were lower than the basic rate.

The overall increase recorded during the whole period is 64.8% which amounts to an average annual increase of 8.1% compared with 6.6% for the whole nation. This in itself indicates that the rate for rape in Manitoba has increased at a higher pace than it did in some other provinces.

The annual percent changes show increases in five years over preceding years and decreases in three years over preceding years.

The sharpest annual increase is that recorded in 1970 when the rate rose by 39.1% over 1969. The year 1967 also shows an increase of 21.6% over 1966, and in 1964 the rate was 18.4% higher than that of 1963.

The sharpest drop took place in 1965 when the rate decreased by 20.7% over the year 1964.

Changes in robbery 1962-1970

Absolute figures and rates for robbery in Manitoba for each year 1962-1970 are given in the following table. The table also gives the percent changes in the number and in the rate over 1962, and from year to year.

As seen from Table 59, there has been a sharp increase in robbery in Manitoba during the period under review. The overall increase recorded in 1970 over 1962 is in the order of 204.2% or an average annual increase of 25.5%. When this average annual increase in Manitoba is compared with that of the nation (11.8%) it becomes evident that robbery has increased in Manitoba much more than it did in other provinces.

Table 59

Robbery 1962-1970

MANITOBA

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	167	21.3	100.0	100.0		
1963	185	23.2	+ 10.8	+ 8.9	+ 10.8	+ 8.9
1964	191	23.7	+ 14.4	+ 11.3	+ 3.2	+ 2.2
1965	164	20.2	- 1.8	- 5.2	- 14.1	- 14.8
1966	233	27.5	+ 33.5	+ 29.1	+ 36.0	+ 36.1
1967	333	40.4	+ 99.4	+ 89.7	+ 49.3	+ 46.9
1968	417	49.9	+ 149.7	+ 134.3	+ 25.2	+ 23.5
1969	464	54.7	+ 177.8	+ 156.8	+ 11.3	+ 9.6
1970	554	64.8	+ 231.7	+ 204.2	+ 19.4	+ 18.5

With the exception of 1965 where there was a decrease of 5.2% over 1962, every year since 1962 shows a steady increase in the rate for robbery over the rate for the base year (1962).

The annual percentage changes show an identical picture. Seven years show rates higher than those recorded in the immediately preceding years. The only exception again is 1965 which witnessed a 14.8% decrease over the 1964 rate.

The sharpest annual increase was recorded in 1967 with a 46.9% rise over 1966. The slightest increase was registered in 1964 when the rate rose by only 2.2% over 1963.

Changes in crimes of violence 1962-1970

The following table makes it possible to compare the percentage changes that took place in each offence over 1969 and over 1962.

Table 60
Changes in Crimes of Violence 1962-1970

MANITOBA

Offence	1970		Percent change over 1969		Percent change over 1962	
	Number	Rate per 100,000 Population 7 years and over	Number	Rate	Number	Rate
Criminal Homicide (Murder and Manslaughter)	28	3.3	0.0	0.0	+ 47.4	+ 32.0
Attempted Murder	8	0.9	- 11.1	- 18.2	+ 166.7	+ 125.0
Wounding and Assaults	2,998	350.8	+ 20.1	+ 19.2	+ 142.6	+ 122.6
Rape	76	8.9	+ 40.7	+ 39.1	+ 81.0	+ 64.8
Robbery	554	64.8	+ 19.4	+ 18.5	+ 231.7	+ 204.2

As in the other provinces, rates for crimes of violence in Manitoba as recorded in 1970, show without exception an increase over the rate registered in 1962. Again, it is significant to see that the *lowest* increase during the whole period is the one that took place in criminal homicide.

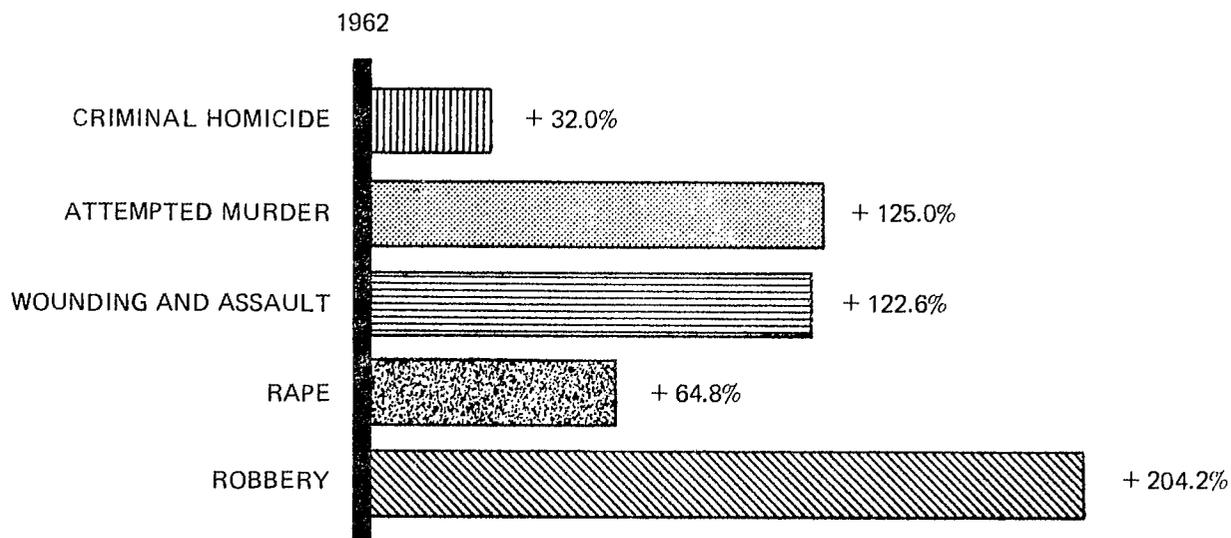
From 1962 to 1970, the criminal homicide rate in Manitoba increased by only 32% compared with 64.8% for rape, 122.6% for wounding and assaults, 125% for attempted murder and 204.2% for robbery. This means that the increase in other crimes of violence was twice, four times or even five times that of criminal homicide.

Once again, it becomes clear that there is no truth in the assumption that there has been a disproportionate increase in homicide in recent years.

The percent changes in 1970 over 1969 show that the rate for attempted murder has decreased by 11.1%, the rate for criminal homicide remained unchanged, while the rates for the other offences (rape, wounding and assaults and robbery) have shown substantial increases: 19.4%, 20.1% and 40.7% respectively.

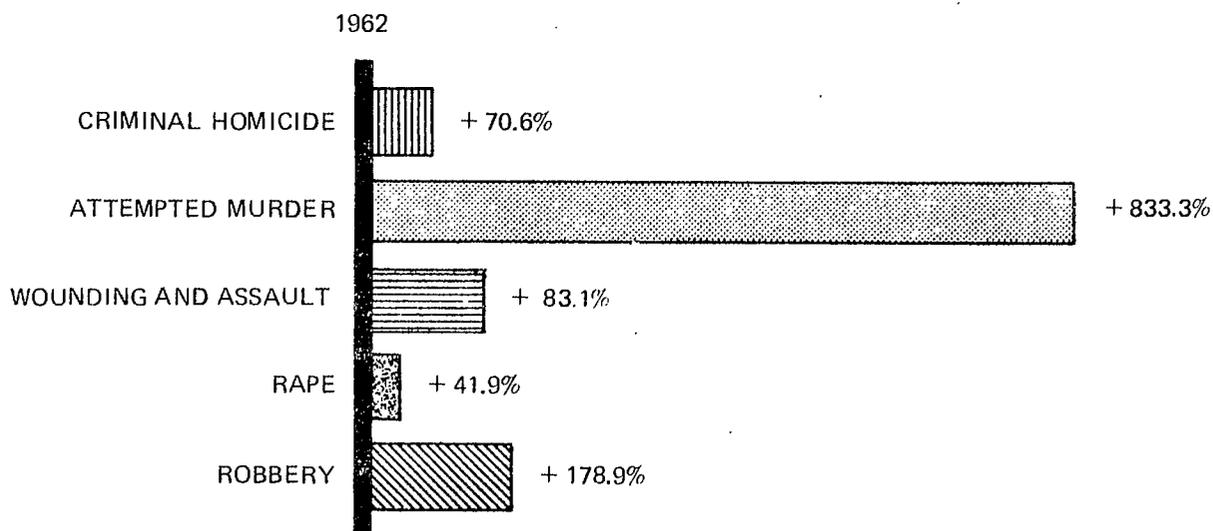
THE INCREASE IN CRIMES OF VIOLENCE

MANITOBA 1962 - 1970



THE INCREASE IN CRIMES OF VIOLENCE

SASKATCHEWAN 1962 - 1970



E. Saskatchewan

Changes in criminal homicide 1962-1970

The number of homicides and the rates per 100,000 population in the province of Saskatchewan for each year from 1962 to 1970 are given in the following table. The table also indicates the changes in the number and in the rate over 1962, and from year to year.

Table 61

Criminal Homicide 1962-1970

SASKATCHEWAN

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	13	1.7	100.0	100.0		
1963	8	1.0	- 38.5	- 41.2	- 38.5	- 41.2
1964	20	2.6	+ 53.8	+ 52.9	+ 150.0	+ 160.0
1965	14	1.8	+ 7.7	+ 5.9	- 30.0	- 30.8
1966	15	1.9	+ 15.4	+ 11.8	+ 7.1	+ 5.6
1967	29	3.5	+ 123.1	+ 105.9	+ 93.3	+ 84.2
1968	23	2.8	+ 76.9	+ 64.7	- 20.7	- 20.0
1969	33	4.0	+ 153.8	+ 135.3	+ 43.5	+ 42.9
1970	24	2.9	+ 84.6	+ 70.6	- 27.3	- 27.5

The criminal homicide picture in Saskatchewan, as in the other provinces, shows many fluctuations from one year to the other. The relatively small number of homicides and the relatively small population of that province are to some extent responsible for these fluctuations.

During the period under review, 1962-1970, there has been an overall increase in criminal homicide in Saskatchewan of 70.6%. This amounts to an average annual increase of 8.8%, exactly double the 4.4% for the nation. In other words, criminal homicide has increased in Saskatchewan at a much higher rate than it did in some other provinces.

The annual changes show wide variations. In 1963, the year immediately following the base year, there was a sharp drop in the rate of criminal homicide by 41.2% over 1962. However, the following year showed a high increase of 160% over 1963. Whether the decrease in 1963 and the increase in 1964 were due to some cases occurring in 1963 but not reported until 1964 is not known.

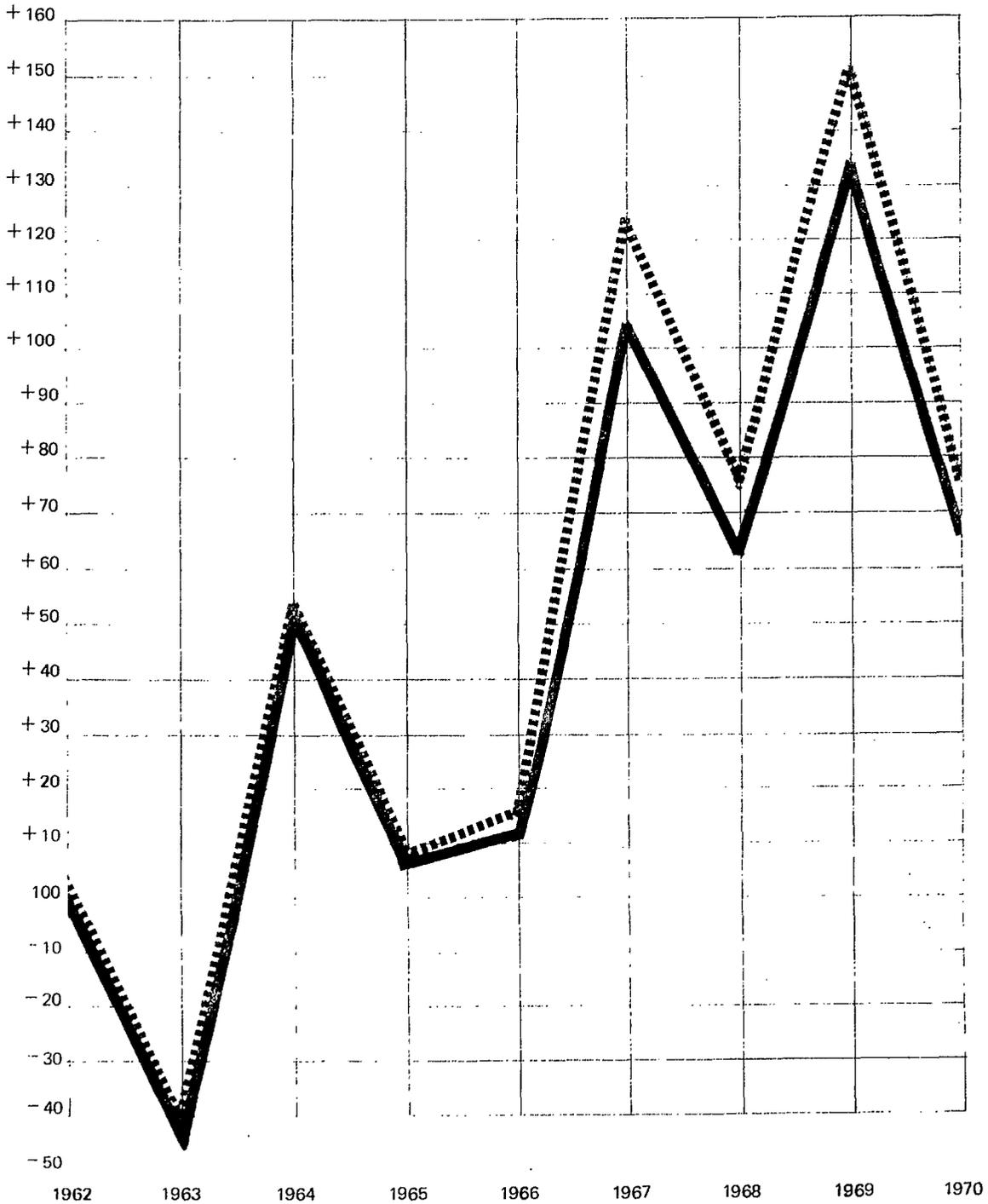
There was a recurrence of a decrease in 1965 to the order of 30.8% over 1964. But the following two years showed an increase of 5.6% over 1965 and 84.2% over 1966. The first year of legal suspension of capital punishment was marked by a drop of 20% in the rate of criminal homicide in Saskatchewan. But the following year showed an increase of 42.9% over 1968. The last year of the period, 1970, witnessed a decrease of 27.5% over 1969.

CRIMINAL HOMICIDE (SASKATCHEWAN)

1962 - 1970

PERCENT CHANGE OVER 1962

■■■■■■■■ NUMBER OF OFFENCES UP 84.6%
———— RATE PER 100,000 POPULATION UP 70.6%



It is clear then that criminal homicide in Saskatchewan does not show any consistent trend during the period under study. During the eight years following 1962 there were four years with higher rates than the immediately preceding years and another four years with lower rates than the years before.

However, it is interesting to note that the highest increase (in 1964 and in 1967) took place *before* the *legal* suspension of the death penalty.

Changes in attempted murder 1962-1970

The number of cases of attempted murder in Saskatchewan are too small to be statistically significant. This is particularly the case during the first years of the period. Numbers and rates are given in the following table as indicators, but no inferences should be made from them.

Table 62

Attempted Murder 1962-1970

SASKATCHEWAN

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	2	0.3	100.0	100.0		
1963	6	0.8	+ 200.0	+ 166.7	+ 200.0	+ 166.7
1964	5	0.6	+ 150.0	+ 100.0	- 16.7	- 25.0
1965	5	0.6	+ 150.0	+ 100.0	0.0	0.0
1966	6	0.7	+ 200.0	+ 133.3	+ 20.0	+ 16.7
1967	11	1.4	+ 450.0	+ 366.7	+ 83.3	+ 100.0
1968	15	1.8	+ 650.0	+ 500.0	+ 36.4	+ 28.6
1969	13	1.6	+ 550.0	+ 433.3	- 13.3	- 11.1
1970	23	2.8	+ 1050.0	+ 833.3	+ 76.9	+ 75.0

Changes in wounding and assaults 1962-1970

Absolute figures as well as rates for wounding and assaults in Saskatchewan for each year from 1962 to 1970 are given in the Table 63. The table also indicates the percentage changes that took place in the number and in the rates over 1962, and from year to year.

As in other provinces, wounding and assaults in Saskatchewan, as can be seen from Table 63, show a general increasing trend with some fluctuations from year to year. The overall increase during the eight-year period from 1963 to 1970 is 83.1% or an average annual increase of 10.4%, compared with a national average of 15.6%. This indicates that wounding and assaults did not increase in Saskatchewan as greatly as they did in some other provinces.

All the eight years following 1962 show, without exception, a higher rate than that recorded in 1962.

Table 63

Wounding and Assaults 1962-1970

SASKATCHEWAN

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	2,084	270.1	100.0	100.0		
1963	2,303	297.0	+ 10.5	+ 10.0	+ 10.5	+ 10.0
1964	2,939	374.4	+ 41.0	+ 38.6	+ 27.6	+ 26.1
1965	3,142	395.4	+ 50.8	+ 46.4	+ 6.9	+ 5.6
1966	3,311	412.6	+ 58.9	+ 52.8	+ 5.4	+ 4.4
1967	3,947	486.4	+ 89.4	+ 80.1	+ 19.2	+ 17.9
1968	4,137	505.2	+ 98.5	+ 87.0	+ 4.8	+ 3.9
1969	4,027	488.5	+ 93.2	+ 80.9	- 2.7	- 3.3
1970	4,037	494.6	+ 93.7	+ 83.1	+ 0.2	+ 1.2

The annual percentage changes show that there have been steady increases from year to year with the exception of 1969, when the rate was 3.3% lower than that of 1968.

The sharpest increase was recorded in 1964 when the wounding and assaults rate rose 26.1% over 1963. It is worth mentioning that the year 1964 was also the one marked by the highest increase in criminal homicide.

Changes in rape 1962-1970

Absolute figures and rates for rape in Saskatchewan for each year from 1962 to 1970 are given in Table 64. The table also indicates the percent changes in both the number and the rate over 1962 and from year to year.

As can be seen from Table 64, rape has been increasing in Saskatchewan during the past eight years. The rate recorded for 1970 is 41.9% higher than that registered for 1962. This is an average annual increase of 5.2% compared with 6.6% on the national level.

All eight years following 1962 show rates which are higher than that of the base year. The annual percent changes show increases in the rate for six years, while the years of 1965 and 1970 had a lower rate than that of the immediately preceding year. The decrease was 36.5% and 11.6% respectively.

The sharpest annual increase was again in 1964, with a rate of 54.3% over 1963. This would tend to make plausible the assumption that reporting was delayed in Saskatchewan during 1963.

Table 64
Rape 1962-1970
SASKATCHEWAN

Year	Number	Rate per 100,000 Populations 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	33	4.3	100.0	100.0		
1963	36	4.6	+ 9.1	+ 7.0	+ 9.1	+ 7.0
1964	56	7.1	+ 69.7	+ 65.1	+ 55.6	+ 54.3
1965	36	4.5	+ 9.1	+ 4.7	- 35.7	- 36.6
1966	39	4.9	+ 18.2	+ 14.0	+ 8.3	+ 8.9
1967	51	6.3	+ 54.5	+ 46.5	+ 30.8	+ 28.6
1968	56	6.8	+ 69.7	+ 58.1	+ 9.8	+ 7.9
1969	57	6.9	+ 72.7	+ 60.5	+ 1.8	+ 1.5
1970	50	6.1	+ 51.5	+ 41.9	- 12.3	- 11.6

Changes in robbery 1962-1970

Absolute figures and rates for robbery in Saskatchewan for each year from 1962 to 1970 are given in the following table. The table also indicates the percentage changes in both the number and the rate over 1962, and from year to year.

Table 65
Robbery 1962-1970
SASKATCHEWAN

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	73	9.5	100.0	100.0		
1963	86	11.1	+ 17.8	+ 16.8	+ 17.8	+ 16.8
1964	162	20.6	+ 121.9	+ 116.8	+ 88.4	+ 85.6
1965	113	14.2	+ 54.8	+ 49.5	- 30.2	- 31.1
1966	116	14.5	+ 58.9	+ 52.6	+ 2.7	+ 2.1
1967	160	19.7	+ 119.2	+ 107.4	+ 37.9	+ 35.9
1968	178	21.7	+ 143.8	+ 128.4	+ 11.3	+ 10.2
1969	215	26.1	+ 194.5	+ 174.7	+ 20.8	+ 20.3
1970	216	26.5	+ 195.9	+ 178.9	+ 0.5	+ 1.5

Like Manitoba, Saskatchewan shows a sharp increase in robbery during the period under review. The overall increase in the rate was 178.9% over 1962 which amounts to an average annual increase of 22.4% compared with a national average annual increase of 11.8%.

Numbers of robberies as well as the rate per 100,000 population seven years and over show a general increase. During the eight years following 1962 rates were, without exception, higher than that of the base year. The percentage annual changes show a similar picture with the only exception occurring in 1965, when the rate dropped by 31% over the previous year.

As with criminal homicide, wound and assaults and rape, the sharpest increase by far was registered in 1964 (85.6% over 1963) a fact which would suggest one of two things: either there was a real wave of violent crimes in Saskatchewan in 1964 or there was some delayed reporting.

Changes in crimes of violence 1962-1970

Table 66 makes it possible to compare the percentage changes that took place in each of the offences over 1962 and over 1969.

Violent crime rates as recorded in 1970 in Saskatchewan show without exception an increase over the rates registered in 1962. The lowest increase is the one in rape (41.9%) followed by criminal homicide (70.6%). The increase in wounding and assaults is 83.1% and in robbery 178.9%, two-and-a-half times that in homicide.

Table 66

Changes in Crimes of Violence 1962-1970

SASKATCHEWAN

Offence	1970		Percent change over 1969		Percent change over 1962	
	Number	Rate per 100,000 Population 7 years and over	Number	Rate	Number	Rate
Criminal Homicide (Murder and Manslaughter)	24	2.9	- 27.3	- 27.5	+ 84.6	+ 70.6
Attempted Murder	23	2.8	+ 76.9	+ 75.0	+ 1,050.0	+ 833.3
Wounding and Assault	4,037	494.6	+ 0.2	+ 1.2	+ 93.7	+ 83.1
Rape	50	6.1	- 12.3	- 11.6	+ 51.5	+ 41.9
Robbery	216	26.5	+ 0.5	+ 1.5	+ 195.9	+ 178.9

During the period under review the increase in criminal homicide rate in Saskatchewan and Alberta was higher than in the other provinces. Still, this increase was much less than that which took place in wounding and assaults and in robbery.

Claims that there has been a disproportionate increase in homicide rates are again unsupported by the data.

The immediate changes in 1970 over 1969 show that there was a slight increase in wounding and assaults (1.2%) as well as in robbery (1.5%) while there was a decrease in rape (11.6%) and a sharp decrease in criminal homicide (27.5%).

F. Alberta

Changes in criminal homicide 1962-1970

The number of criminal homicides and the rate per 100,000 population 7 years and over in the province of Alberta for each year from 1962 to 1970 are given in Table 67. The table also indicates the changes in the number and in the rate over 1962, and from year to year.

Although the criminal homicide picture for Alberta shows an overall increase over 1962, there have been wide fluctuations from year to year. As in Saskatchewan, the relatively small number of homicides in Alberta may be partly responsible for these fluctuations. When the number is relatively small, one or two incidents with several victims are likely to upset the balance and to produce fluctuations from one year to the other.

During the period under review, 1962-1970, there has been an overall increase in criminal homicide in Alberta of 82.4%. This is, by the way, the highest increase recorded for this offence in all the provinces we studied. This overall increase amounts to an average annual increase of 10.3% for Alberta compared with the national average annual increase of 4.4%.

In 1965 and in 1969 the criminal homicide rate in Alberta was identical to that of the year 1962. This indicates that the overall increase during the whole period was not a gradual one but was mainly due to the abrupt increase that took place in 1970.

The years 1963, 1964, 1966, 1967, 1968 and 1970 show an increase over 1962.

The annual percentage changes in the rate show four years with increases over the immediately preceding years, while the other four years were marked by a decrease. The highest increase was recorded in 1970 when the rate rose by 82.4% over the previous year which had an identical rate to that of 1962.

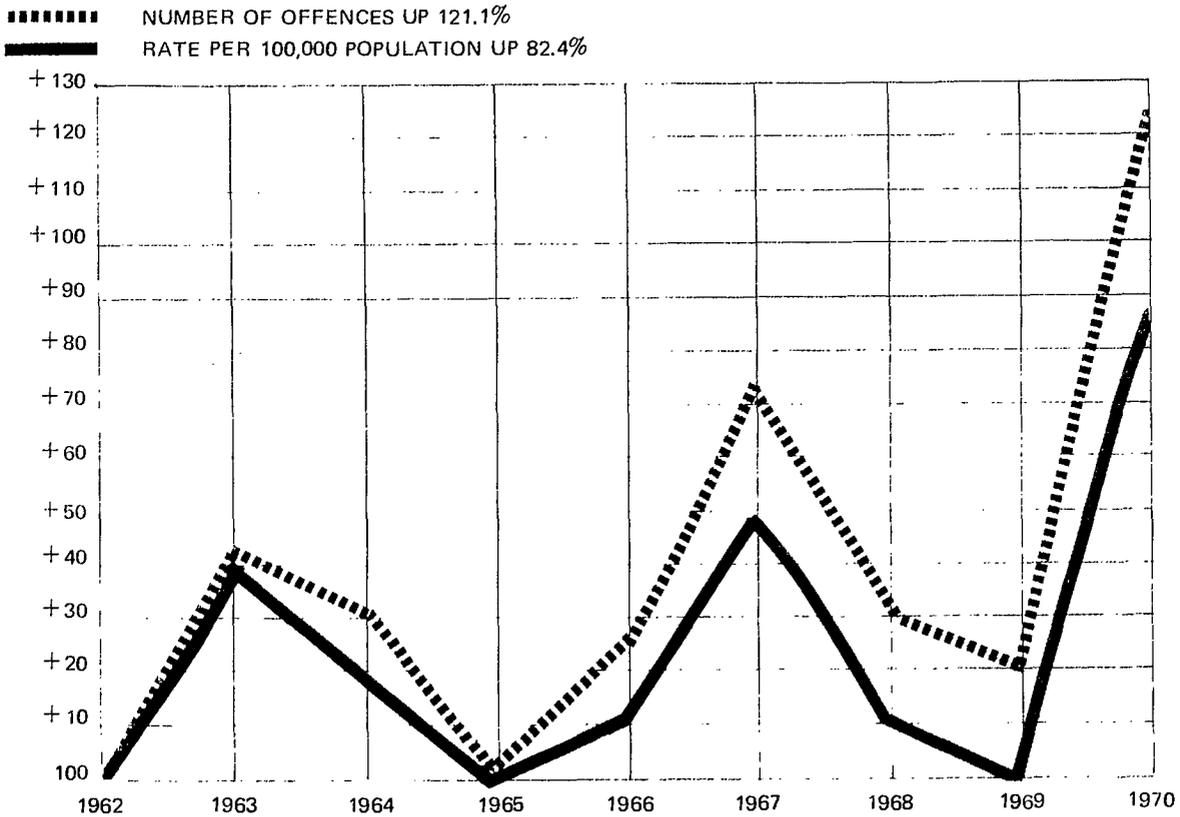
The two years immediately following the legal suspension of capital punishment (1968 and 1969) were both marked by a *decrease* in the criminal homicide rate over the preceding years. The sharpest *decrease* during the whole period was recorded during the first year of abolition (26.9%). This was followed by a further decrease the following year (1969) in the order of 10.5%.

Any attempt to link the increase in criminal homicide to the abolition of capital punishment is fully contradicted by this data. In fact, following the two executions which took place in Canada in 1962 there was an increase of 41.2% in the criminal homicide rate in Alberta, while in 1964 and in 1965 when the government policy of systematically commuting death sentences became known, there was a decrease in the rate: 12.5% over 1963 and another 19% over 1964.

Table 67
Criminal Homicide 1962-1970
ALBERTA

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	19	1.7	100.0	100.0		
1963	27	2.4	+ 42.1	+ 41.2	+ 42.1	+ 41.2
1964	25	2.1	+ 31.6	+ 23.5	- 7.4	- 12.5
1965	20	1.7	+ 5.3	0.0	- 20.0	- 19.0
1966	24	1.9	+ 26.3	+ 11.8	+ 20.0	+ 11.8
1967	33	2.6	+ 73.7	+ 52.9	+ 62.5	+ 36.8
1968	25	1.9	+ 31.6	+ 11.8	- 24.2	- 26.9
1969	23	1.7	+ 21.1	0.0	- 8.0	- 10.5
1970	42	3.1	+ 121.1	+ 82.4	+ 82.6	+ 82.4

CRIMINAL HOMICIDE (ALBERTA)
1962 - 1970
PERCENT CHANGE OVER 1962



Changes in attempted murder 1962-1970

The number of cases of attempted murder in Alberta is too small to allow significant statistical comparisons. This is particularly true for the first years of the period when there were less than 10 incidents recorded each year. The following table gives the number, the rates as well as the percentage changes over 1962 and from year to year. These, however, should be regarded simply as indicators and no conclusions should be drawn from them.

Table 68
Attempted Murder 1962-1970

ALBERTA						
Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	6	0.5	100.0	100.0		
1963	8	0.7	+ 33.3	+ 40.0	+ 33.3	+ 40.0
1964	6	0.5	0.0	0.0	- 25.0	- 28.6
1965	12	1.0	+ 100.0	+ 100.0	+ 100.0	+ 100.0
1966	9	0.7	+ 50.0	+ 40.0	- 25.0	- 30.0
1967	12	1.0	+ 100.0	+ 100.0	+ 33.3	+ 42.9
1968	11	0.9	+ 83.3	+ 80.0	- 8.3	- 10.0
1969	14	1.1	+ 133.3	+ 120.0	+ 27.3	+ 22.2
1970	20	1.5	+ 233.3	+ 200.0	+ 42.9	+ 36.4

Changes in wounding and assaults 1962-1970

Numbers and rates for wounding and assaults in Alberta for each year 1962-1970 are given in Table 69. The table shows as well the percentage changes over 1962 and the annual percentage changes in the number and in the rate.

The table shows that in Alberta, in conformity with the other provinces, the rate for wounding and assaults has been increasing steadily. This consistent upward trend is clearly indicated by the fact that every year since 1962 shows an increase over that year, and that in every year the rate for wounding and assaults was higher than the year before.

The overall increase in 1970 over 1962 was 118.8%. This amounts to an average annual increase of 14.8% compared with an average annual increase of 15.6% for the whole country.

Annual percentage changes show a steady increase from year to year, with percentages varying from a low of 1.3% in 1964 over 1963 to a high of 29.8% in 1966 over 1965.

Table 69
Wounding and Assault 1962-1970
ALBERTA

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	3,359	300.7	100.0	100.0		
1963	4,210	366.6	+ 25.3	+ 21.9	+ 25.3	+ 21.9
1964	4,350	371.3	+ 29.5	+ 23.5	+ 3.3	+ 1.3
1965	4,615	386.6	+ 37.4	+ 28.6	+ 6.1	+ 4.1
1966	6,092	502.0	+ 81.4	+ 66.9	+ 32.0	+ 29.8
1967	6,911	553.3	+ 105.7	+ 84.0	+ 13.4	+ 10.2
1968	7,525	583.4	+ 124.0	+ 94.0	+ 8.9	+ 5.4
1969	8,247	619.4	+ 145.5	+ 106.0	+ 9.6	+ 6.2
1970	9,047	658.0	+ 169.3	+ 118.8	+ 9.7	+ 6.2

Changes in rape 1962-1970

Numbers and rates for each year from 1962 to 1970 are given in Table 70. The table indicates the percentage changes over 1962 and the annual percentage changes.

Table 70
Rape 1962-1970
ALBERTA

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	63	5.6	100.0	100.0		
1963	62	5.4	- 1.6	- 3.6	- 1.6	- 3.6
1964	83	7.1	+ 31.7	+ 26.8	+ 33.9	+ 31.5
1965	101	8.5	+ 60.3	+ 51.8	+ 21.7	+ 19.7
1966	89	7.3	+ 41.3	+ 30.4	- 11.9	- 14.1
1967	81	6.5	+ 28.6	+ 16.1	- 9.0	- 11.0
1968	93	7.2	+ 47.6	+ 28.6	+ 14.8	+ 10.8
1969	98	7.4	+ 55.6	+ 32.1	+ 5.4	+ 2.8
1970	152	11.1	+ 141.3	+ 98.2	+ 55.1	+ 50.0

Contrarily to wounding and assaults, annual percentage changes in the rape rate in Alberta show large variations and this despite of an overall increase in 1970 over 1962. This overall increase is 98.2%, amounting to an average annual increase of 12.3%. This average annual increase is twice that recorded for the nation (6.6%). It is clear then that the rape rate in Alberta has increased during the period under study at a much higher degree than in some other provinces.

With the exception of 1963 when the rate decreased by 3.6% over the previous year, all the years reviewed show an increase over the basic rate recorded in 1962.

Annual percentage changes show five years with higher rates than the immediately preceding years while three years marked a decrease over previous years.

As for criminal homicide, the highest annual increase — 50% over 1969 — was registered in 1970; 50.0% over 1969. The second highest increase was registered in 1964; 31.5% over 1963. In 1965 there was a 19.7% increase over 1964, in 1968 an increase of 10.8% over 1967 and in 1969 an increase of 2.8% over 1968. The highest decrease was recorded in 1966; 14.1% over 1965.

Changes in robbery 1962-1970

Numbers and rates for each year from 1962 to 1970 are given in Table 71. The table gives, as well, the percentage changes over 1962 and the annual percentage changes.

Table 71

Robbery 1962-1970

ALBERTA

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	284	25.4	100.0	100.0		
1963	307	26.7	+ 8.1	+ 5.1	+ 8.1	+ 5.1
1964	331	28.3	+ 16.5	+ 11.4	+ 7.8	+ 6.0
1965	422	35.4	+ 48.6	+ 39.4	+ 27.5	+ 25.1
1966	405	33.4	+ 42.6	+ 31.5	- 4.0	- 5.6
1967	509	40.7	+ 79.2	+ 60.2	+ 25.7	+ 21.9
1968	604	46.8	+ 112.7	+ 84.3	+ 18.7	+ 15.0
1969	684	51.4	+ 140.8	+ 102.4	+ 13.2	+ 9.8
1970	924	67.2	+ 225.4	+ 164.6	+ 35.1	+ 30.7

Robbery in Alberta shows a more consistent trend than rape. Every year since 1962 was marked by an increase in the rate of robbery over that recorded in 1962. Furthermore, every year with the exception of one (1966) shows an increase over the previous year.

The year 1970 shows a robbery rate which is 164.6% higher than that of 1962. This is an average annual increase of 20.6% compared with a national average annual increase of 11.8%. This indicates that in Alberta, as in Manitoba and Saskatchewan, the robbery rate has increased much more than is has in other provinces.

Annual percentage changes show that only in 1966 there was a decrease in the rate of robbery by 5.6% over 1965. The remaining years show annual increases varying from a low of 5.1% in 1963 over 1962 to a high of 30.7% in 1970 over 1969.

Robbery, like rape and criminal homicide, had its highest annual increase in Alberta in 1970.

Changes in crimes of violence 1962-1970

Table 72 makes it possible to compare the percent changes that took place in each of the offences studied over 1962 and over 1969.

Table 72 shows clearly that *all* crimes of violence have increased in Alberta during the past decade. But here again the *lowest* increase was that in criminal homicide, 82.4%. The increase in rape was second with 98.2%. The increase in wounding and assaults was one-and-a-half times that of criminal homicide, while the increase in robbery rate was exactly double that in criminal homicide.

Again, the claim that there has been a disproportionate increase in homicide is contradicted by the data. Criminal homicide rate marked the *lowest* increase among all offences studied.

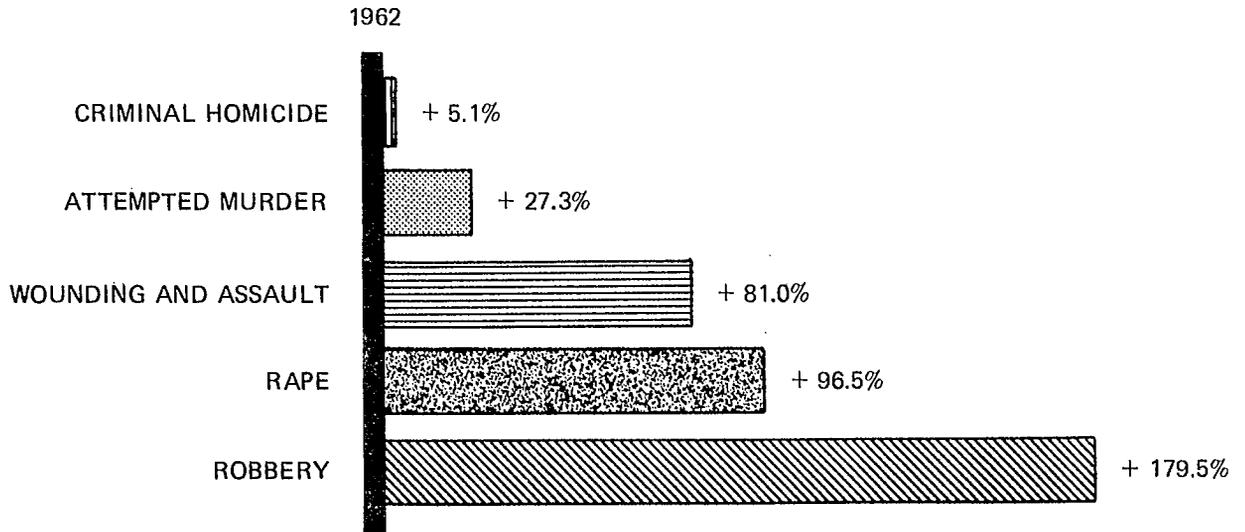
Table 72
Changes in Crimes of Violence 1962-1970
ALBERTA

Offence	1970		Percent changer over 1969		Percent change over 1962	
	Number	Rate per 100,000 Population 7 years and over	Number	Rate	Number	Rate
Criminal Homicide (Murder and Manslaughter)	42	3.1	+ 82.6	+ 82.4	+ 121.1	+ 82.4
Attempted Murder	20	1.5	+ 42.9	+ 36.4	+ 233.3	+ 200.0
Wounding and Assault	9,047	658.0	+ 9.7	+ 6.2	+ 169.3	+ 118.8
Rape	152	11.1	+ 55.1	+ 50.0	+ 143.3	+ 98.2
Robbery	294	67.2	+ 35.1	+ 30.7	+ 225.4	+ 164.6

The percent changes in 1970 over 1969 show however, that for this *particular* year the increase in the criminal homicide rate was higher than the increase in the rate of other offences. The increase in rape for that year ranks second, followed by robbery and wounding and assaults.

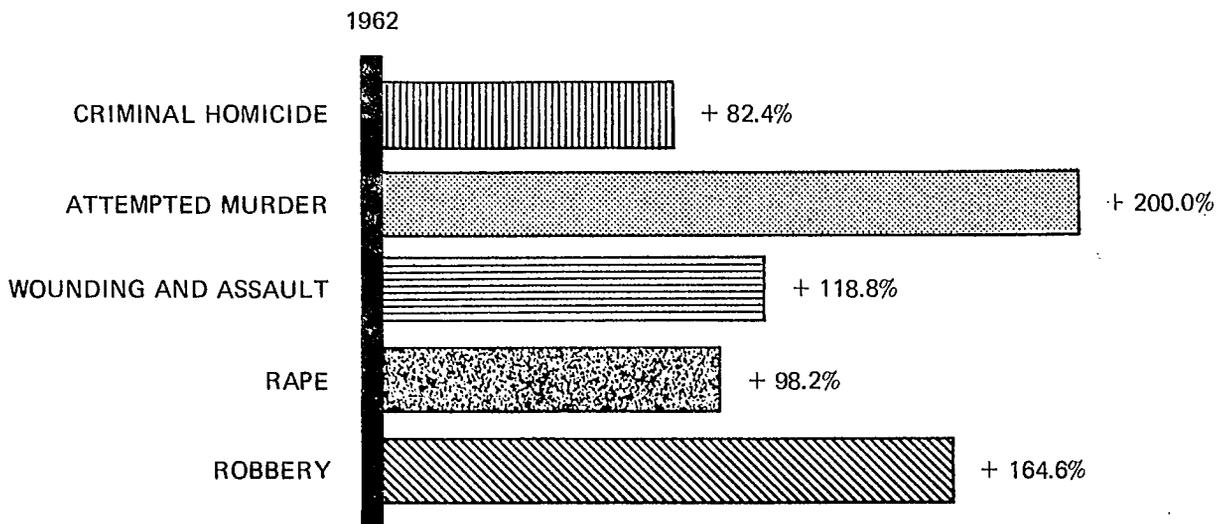
THE INCREASE IN CRIMES OF VIOLENCE

BRITISH COLUMBIA 1962 – 1970



THE INCREASE IN CRIMES OF VIOLENCE

ALBERTA 1962 – 1970



G. British Columbia

Changes in criminal homicide 1962-1970

The number of criminal homicides and the rate per 100,000 population 7 years and over in the province of British Columbia for each year from 1962 to 1970 are given in Table 73. The table also indicates the changes in the number and in the rate over 1962, and from year to year.

British Columbia, as we have repeatedly seen throughout this report, has the highest criminal homicide rate in Canada. This most western province shows, for the period under study, 1962-1970, a picture of criminal homicide which is different from that in most other provinces. This does not mean however that, contrary to the other provinces, British Columbia shows a consistent trend in criminal homicide. British Columbia, like the other provinces, shows wide fluctuations. But the number of years showing a decrease over the 1962 rate is higher than in the other provinces.

In 1970 the criminal homicide rate was only 5.1% higher than that of 1962. Such an increase would amount to an average annual increase of 0.6%, the lowest in the nation and one-seventh the national average annual increase (4.4%).

Thus British Columbia with the highest homicide rate in Canada shows the slightest increase during the period under review.

The percent change over 1962 indicates that of the eight following years, six years marked a decrease over the rate of the base year, and only two years marked an increase over that rate. The years marking an increase were 1968 with a 7.7% over 1962 and 1970 with 5.1% increase over 1962. That most of the years showed a decrease over the base year may be due to the fact that the criminal homicide rate in British Columbia in 1962 was already high (3.9%).

Annual percent changes, however, show a similar picture. Five years marked a decrease over the immediately preceding years while only three showed an increase over previous years. The years showing an increase are 1965 with 72.7% over 1964, 1968 with 50.0% over 1967 and 1970 with 51.9% over 1969. On the other hand, the year 1963 marked a decrease of 35.9% over 1962, the year 1964 marked a further decrease of 12.0% over 1963, the year 1966 shows a decrease of 21.1% over 1965, the year 1967 a further decrease of 6.7% over 1966 and finally the year 1969 shows a decrease of 35.7% over 1968.

In general, any decrease during one or two years was followed by an increase bringing back the rate to its usual level and any increase in one year was followed immediately by a decrease bringing the rate back to its usual level.

As we have mentioned before, capital punishment was administratively suspended for a period of five years, 1963, 1964, 1965, 1966 and 1967. Only one year during this period, 1965, marked an increase in the criminal homicide rate in British Columbia over the previous year. The four remaining years show a lower rate than that of the immediately preceding year.

The three years of legal suspension (1968, 1969 and 1970) show twice an increase and once a decrease (1969).

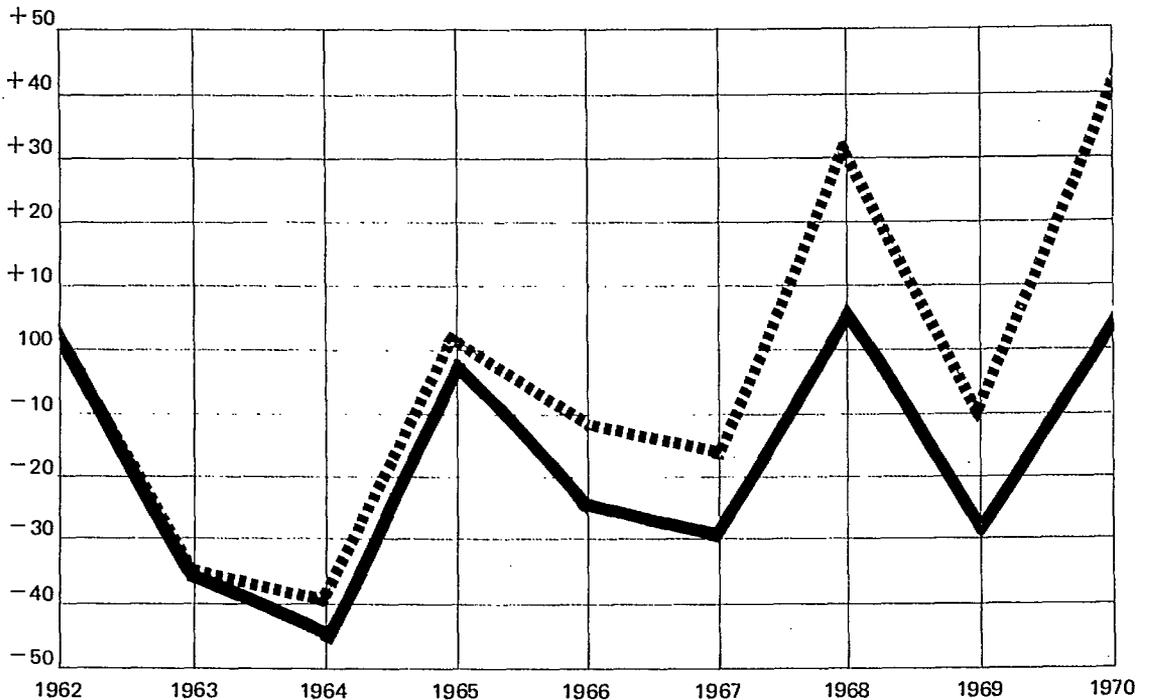
In view of the very slight change that took place in the criminal homicide rate in British Columbia during the whole period (only 5.1%) it is fair to say that the data for this province does not lend support to the assumption that the abolition of capital punishment leads to an increase in criminal homicide.

Table 73
Criminal Homicide 1962-1970
BRITISH COLUMBIA

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	55	3.9	100.0	100.0		
1963	35	2.5	- 36.4	- 35.9	- 36.4	- 35.9
1964	32	2.2	- 41.8	- 43.6	- 8.6	- 12.0
1965	57	3.8	+ 3.6	- 2.6	+ 78.1	+ 72.7
1966	48	3.0	- 12.7	- 23.1	- 15.8	- 21.1
1967	47	2.8	- 14.5	- 28.2	- 2.1	- 6.7
1968	73	4.2	+ 32.7	+ 7.7	+ 55.3	+ 50.0
1969	50	2.7	- 9.1	- 30.8	- 31.5	- 35.7
1970	78	4.1	+ 41.8	+ 5.1	+ 30.0	+ 51.9

CRIMINAL HOMICIDE (BRITISH COLUMBIA)
1962 - 1970
PERCENT CHANGE OVER 1962

NUMBER OF OFFENCES UP 41.8%
 RATE PER 100,000 POPULATION UP 5.1%



Changes in attempted murder 1962-1970

The number of attempted murders and the rate for each year from 1962 to 1970 is given in Table 74. The table also shows the percent changes over 1962 and the percent changes from year to year.

Again the picture of attempted murder shown in Table 74 is different from that in most other provinces. The rate of attempted murder in British Columbia is marked by wide fluctuations but the province had a larger number of years marking a decrease than those marking an increase.

In 1970, the rate was 27.3% higher than that recorded in 1962. This amounts to an average annual increase of 3.4% compared with 22.5% for the nation. Here again British Columbia has the lowest overall increase among the provinces studied.

The years 1964, 1967 and 1970 had a rate higher than that recorded in 1962 while the years 1963, 1965, 1966, 1968 and 1969 had a lower rate than that of the base year.

Annual percent changes show four marking an increase over the preceding ones and an equal number of years marking a decrease over the previous ones.

The highest annual increase was that recorded in 1964 — 75.0% over 1963 — while the lowest annual increase was that registered in 1969; 25.0% over 1968.

The largest annual decrease was recorded in 1968 — 46.7% over 1967 — while the smallest annual decrease was registered in 1966; 10.0% less than 1965.

Table 74
Attempted Murder 1962-1970
BRITISH COLUMBIA

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	15	1.1	100.0	100.0		
1963	12	0.8	- 20.0	- 27.3	- 20.0	- 27.3
1964	21	1.4	+ 40.0	+ 27.3	+ 75.0	+ 75.0
1965	16	1.0	+ 6.7	- 9.1	- 23.8	- 28.6
1966	15	0.9	0.0	- 18.2	- 6.2	- 10.0
1967	26	1.5	+ 73.3	+ 36.4	+ 73.3	+ 66.7
1968	14	0.8	- 6.7	- 27.3	- 46.2	- 46.7
1969	18	1.0	+ 20.0	- 9.1	+ 28.6	+ 25.0
1970	27	1.4	+ 80.0	+ 27.3	+ 50.0	+ 40.0

Changes in wounding and assaults 1962-1970

The annual number and the annual rate for wounding and assaults in British Columbia for the period from 1962 to 1970 are given in Table 75. The table also gives the percentage changes over 1962 and the percentage changes from year to year.

Table 75

Wounding and Assault 1962-1970

BRITISH COLUMBIA

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	4,941	353.3	100.0	100.0		
1963	6,035	421.4	+ 22.1	+ 19.3	+ 22.1	+ 19.3
1964	6,979	473.7	+ 41.2	+ 34.1	+ 15.6	+ 12.4
1965	8,120	532.9	+ 64.3	+ 50.8	+ 16.3	+ 12.5
1966	9,532	597.4	+ 92.9	+ 69.1	+ 17.4	+ 12.1
1967	9,856	587.2	+ 99.5	+ 66.2	+ 3.4	- 1.7
1968	10,773	617.9	+ 118.0	+ 74.9	+ 9.3	+ 5.2
1969	11,380	630.2	+ 130.3	+ 78.4	+ 5.6	+ 2.0
1970	12,006	639.5	+ 143.0	+ 81.0	+ 5.5	+ 1.5

Contrarily to criminal homicide and attempted murder, wounding and assaults in British Columbia show a consistent upward trend. The percent change over 1962 shows a steady increase over the rate recorded that year. The overall increase is 81.0%, amounting to an average annual increase of 10.1% compared with a 15.6% average annual increase for the whole nation.

The annual percent changes show that every year during the period under study marked an increase in the rate over that of the preceding year. The only exception is the year 1967 which marked a decrease of 1.7% over 1966.

The remaining years show increases varying from 1.5% in 1970 over 1969 to 19.3% in 1963 over 1962. In general the yearly increases in the early sixties (1963, 1964, 1965, 1966) were much higher than in the late sixties (1968, 1969, 1970).

Changes in rape 1962-1970

The annual number of rapes in British Columbia and the rate per 100,000 population for each year from 1962 to 1970 are given in Table 76. The table also indicates the percentage changes over 1962 and the annual changes as well.

The rape rate in British Columbia in 1970 shows an increase of 96.5% over 1962. This amounts to an average annual increase of 12.1% compared with a Canadian average annual increase of 6.6%. This indicates that during the period under review the rape rate in British Columbia has increased higher than it did in some other provinces.

With the exception of 1963 where there was a decrease of 10.5% over 1962, every year in the period shows a rate higher than that of 1962.

Annual percent changes show a somewhat different picture with five years marking an increase over the immediately preceding years and three years marking a decrease over previous years.

The highest annual increase was recorded in 1964 when the rate for rape was 66.7% higher than that of the previous year. The lowest annual increase was in 1970 with a rate 13.1% higher than that of 1969.

The sharpest decrease was recorded in 1966 when the rate was 21.1% less than it was in 1965. The slightest decrease was in 1963 with a rate 10.5% lower than it was in 1962.

Table 76

Rape 1962-1970

BRITISH COLUMBIA

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	80	5.7	100.0	100.0		
1963	73	5.1	- 8.7	- 10.5	- 8.7	- 10.5
1964	125	8.5	+ 56.3	+ 49.1	+ 71.2	+ 66.7
1965	116	7.6	+ 45.0	+ 33.3	- 7.2	- 10.6
1966	96	6.0	+ 20.0	+ 5.3	- 17.2	- 21.1
1967	123	7.3	+ 53.8	+ 28.1	+ 28.1	+ 21.7
1968	152	8.7	+ 90.0	+ 52.6	+ 23.6	+ 19.2
1969	179	9.9	+ 123.8	+ 73.7	+ 17.8	+ 13.8
1970	211	11.2	+ 163.8	+ 96.5	+ 17.9	+ 13.1

Changes in robbery 1962-1970

The annual number of robberies in British Columbia and the rate per 100,000 population for each year from 1962 to 1970 are given in Table 77. The table gives the percent changes over 1962 and the percent changes from year to year.

As can be seen from Table 77, the rate of robbery in British Columbia in 1970 was 179.5% higher than it was in 1962. This amounts to an average annual increase of 22.4% compared to 11.8% for the nation. This indicates of course that the increase in robbery in British Columbia was at a higher degree than in some other provinces.

Every year during the period under review shows an increase over 1962. However the annual percent changes show two exceptions. In 1965 the rate for robbery decreased by 5.3% over 1964 and in 1968 it decreased by 2.2% over 1967.

The highest annual increase was recorded in 1970 when the rate increased by 50.2% over 1969. The lowest annual increase was registered in 1966 when the rate increased by 7.3% over that of 1965.

Table 77

Robbery 1962-1970

BRITISH COLUMBIA

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	484	34.6	100.0	100.0		
1963	568	39.7	+ 17.4	+ 14.7	+ 17.4	+ 14.7
1964	747	50.7	+ 54.3	+ 46.5	+ 31.5	+ 27.7
1965	732	48.0	+ 51.2	+ 38.7	- 2.0	- 5.3
1966	822	51.5	+ 69.8	+ 48.8	+ 12.3	+ 7.3
1967	974	58.4	+ 101.2	+ 68.8	+ 18.5	+ 13.4
1968	996	57.1	+ 105.8	+ 65.0	+ 2.3	- 2.2
1969	1,163	64.4	+ 140.3	+ 86.1	+ 16.8	+ 12.8
1970	1,815	96.7	+ 275.0	+ 179.5	+ 56.1	+ 50.2

Changes in crimes of violence 1962-1970

Table 78 makes it possible to compare the percentage changes that took place in each of the offences studied over 1962 and over 1969.

Table 78 shows that in British Columbia, like in the other provinces, there has been an increase in *all* crimes of violence. Again in British Columbia, like in most other provinces, the increase in the rate of criminal homicide was the *lowest* among all offences studied. The difference between the increase in the criminal homicide rate and in the rates for the other offences is even more pronounced in British Columbia than it is in the other provinces.

While the increase in the criminal homicide rate was only 5.1%, it was 27.3% for attempted murder, more than five times the increase in homicide. The increase in wounding and assaults (81%) was 16 times higher than that in criminal homicide. The increase in rape (96.5%), was 19 times higher than the increase in criminal homicide, while the increase in robbery (179.5%) was 30 times that of homicide. Such figures speak for themselves and show beyond doubt that the slight increase in criminal homicide is quite negligible compared with other crimes of violence.

The percent change in 1970 over 1969 shows that homicide and robbery rates have increased in that particular year by nearly the same percentage, followed by attempted murder and rape, while the slightest annual increase that year was in wounding and assaults.

Table 78

Changes in Crimes of Violence 1962-1970

BRITISH COLUMBIA

Offence	1970		Percent change over 1969		Percent change over 1962	
	Number	Rate per 100,000 Population 7 years and over	Number	Rate	Number	Rate
Criminal Homicide (Murder and Manslaughter)	78	4.1	+ 30.0	+ 51.9	+ 41.8	+ 5.1
Attempted Murder	27	1.4	+ 50.0	+ 40.0	+ 80.0	+ 27.3
Wounding and Assault	12,006	639.5	+ 5.5	+ 1.5	+ 143.0	+ 81.0
Rape	211	11.2	+ 17.9	+ 13.1	+ 163.8	+ 96.5
Robbery	1,815	96.7	+ 56.1	+ 50.2	+ 275.0	+ 179.5



Chapter 6

AN OVERALL VIEW

The risk of victimization in the different provinces

Table 79 gives the average rate for each offence for Canada and each of the provinces based on their respective rates during the period studied, 1962-1970. It also gives the average rate for suicide based on the period 1961-1968.

The pattern that emerges from Table 79 for Canada as well as for each province is that among the violent offences included, the least frequent is attempted murder, followed closely by criminal homicide. Rape ranks third in order of frequency followed by suicide. Robbery ranks fifth while wounding and assaults are by far the most frequent offences of violence.

There are roughly two criminal homicides committed for every 5 rapes, 45 robberies and 320 wounding and assaults.

Table 79
Average Rates for Different Violent Crimes in Canada and the Provinces

Province	Criminal Homicide	Attempted Murder	Wounding & Assault	Rape	Robbery
Canada	1.8	0.9	313.5	4.5	42.1
Newfoundland	0.9	0.2	248.2	2.6	6.8
Prince Edward Island	1.0	0.2	186.7	2.5	12.3
Nova Scotia	1.6	1.6	343.7	3.2	19.1
New Brunswick	1.0	0.2	260.7	1.5	10.0
Quebec	1.6	1.3	141.1	4.2	70.8
Ontario	1.6	0.5	352.3	3.3	27.8
Manitoba	2.5	0.9	227.5	6.0	36.2
Saskatchewan	2.5	1.2	413.8	5.7	18.2
Alberta	2.1	0.9	482.4	7.3	39.5
British Columbia	3.2	1.1	539.3	7.8	55.7

I. Ranking the provinces with regard to each offence

Criminal homicide

The ranking of the provinces according to their average rate of criminal homicide has been discussed earlier in this report. The rate shows a consistent increase from east to west. The risk of

victimization increases as one moves westwards from one province to the other with only one exception — Alberta has a lower average rate than Manitoba and Saskatchewan.

Wounding and assaults

The picture for wounding and assaults is substantially different from that of criminal homicide. The three western provinces, British Columbia, Alberta, Saskatchewan, occupy the first three places in that order. Ontario ranks fourth followed by Nova Scotia and New Brunswick. Newfoundland is in seventh place, followed, strangely enough, by Manitoba, Prince Edward Island and Quebec in last place.

British Columbia has an average rate nearly four times that of Quebec while Ontario has an average rate nearly two-and-a-half times that of Quebec. Such a huge difference between Quebec and Ontario seems as strange as the fact that Newfoundland has a higher average rate than Manitoba. Such differences, in our opinion can only be explained by variations in the system of reporting, in police attitudes and practices. Such variations cannot have a great impact on serious offences such as homicide, rape or robbery, but they can largely affect a category comprising a wide variety of less serious offences. As has been mentioned earlier in this report, many Criminal Code offences fall under the category "wounding and assaults". When applying these different paragraphs of the Criminal Code the police in the different provinces are likely to have different attitudes and practices which may lead to certain disparities between the provinces.

Rape

British Columbia again ranks first among Canadian provinces, followed by Alberta, Manitoba and Saskatchewan. Up till fourth place the rate follows closely the geographical line by decreasing from west to east. However Quebec is in fifth place ahead of Ontario. Nova Scotia ranks seventh with regard to rape, followed by Newfoundland, Prince Edward Island and New Brunswick.

The average rate for rape in British Columbia is nearly twice that of Quebec and nearly two-and-a-half times that of Ontario. The highest rate (7.8 in British Columbia) is more than five times the lowest rate (1.5 in New Brunswick). This again shows the wide variations among Canadian provinces, not only with regard to criminal homicide but with regard to other offences of violence as well.

Robbery

There are more robberies per 100,000 population in Quebec than in any other Canadian province. The province of Quebec occupies prominently the first place when it comes to robbery, followed closely by the most violent province in Canada, British Columbia.

Alberta is in third place with an average rate nearly half that of Quebec, followed by Manitoba, fourth, and Ontario, fifth.

Nova Scotia, with an average robbery rate of 19.1 is in sixth place followed very closely by Saskatchewan with 18.2. Prince Edward Island, New Brunswick and Newfoundland are at the bottom of the list in that order.

The highest rate, 70.8 in Quebec, is more than 10 times the lowest rate, 6.8 in Newfoundland.

Suicide

British Columbia has the highest average suicide rate in Canada. Manitoba is second, Alberta third, Ontario fourth and Saskatchewan fifth. These four provinces although having among themselves very similar average rates (between 9 and 10 per 100,000 population) have a much lower average rate than British Columbia.

Prince Edward Island is sixth on the suicide scale followed closely by Nova Scotia. Quebec with its predominantly Catholic population ranks eighth, New Brunswick, with nearly 40% of its population belonging to the Catholic faith, ranks ninth, while Newfoundland occupies by far the last place on the list.

The ranking of the provinces with regard to each offence allows us to observe not only the variations but also the consistencies. It is very significant to see that British Columbia ranks first for criminal homicide, wounding and assaults, rape and suicide and that it ranks second with regard to robbery. It is also significant to observe that Newfoundland ranks last on these: criminal homicide, robbery and suicide, while ranking third last on rape and fourth last on wounding and assaults.

II. Rating the different provinces on a violent crime scale

Individual rating of the provinces

British Columbia

- Ranks first on a criminal homicide scale.
- Ranks first on a wounding and assaults scale.
- Ranks first on a rape scale.
- Ranks second on a robbery scale.
- Ranks first on a suicide scale.

Alberta

- Ranks fourth on a criminal homicide scale.
- Ranks second on a wounding and assaults scale.
- Ranks second on a rape scale.
- Ranks third on a robbery scale.
- Ranks third on a suicide scale.

Saskatchewan

- Ranks second on a criminal homicide scale.
- Ranks third on a wounding and assaults scale.
- Ranks fourth on a rape scale.
- Ranks seventh on a robbery scale.
- Ranks fifth on a suicide scale.

Manitoba

- Ranks second on a criminal homicide scale.
- Ranks eighth on a wounding and assaults scale.
- Ranks third on a rape scale.
- Ranks fourth on a robbery scale.
- Ranks second on a suicide scale.

Ontario

- Ranks fifth on a criminal homicide scale.
- Ranks fourth on a wounding and assaults scale.
- Ranks sixth on a rape scale.
- Ranks fifth on a robbery scale.
- Ranks fourth on a suicide scale.

Quebec

- Ranks fifth on a criminal homicide scale.
- Ranks tenth on a wounding and assaults scale.
- Ranks fifth on a rape scale.
- Ranks first on a robbery scale.
- Ranks eighth on a suicide scale.

Nova Scotia

- Ranks fifth on a criminal homicide scale.
- Ranks fifth on a wounding and assaults scale.
- Ranks seventh on a rape scale.
- Ranks sixth on a robbery scale.
- Ranks seventh on a suicide scale.

New Brunswick

- Ranks eighth on a criminal homicide scale.
- Ranks sixth on a wounding and assaults scale.
- Ranks tenth on a rape scale.
- Ranks ninth on a robbery scale.
- Ranks ninth on a suicide scale.

Prince Edward Island

- Ranks ninth on a criminal homicide scale.
- Ranks ninth on a wounding and assaults scale.
- Ranks ninth on a rape scale.
- Ranks eighth on a robbery scale.
- Ranks sixth on a suicide scale.

Newfoundland

- Ranks tenth on a criminal homicide scale.
- Ranks seventh on a wounding and assaults scale.

- Ranks eighth on a rape scale.
- Ranks tenth on a robbery scale.
- Ranks tenth on a suicide scale.

Overall rating of each province

To get an overall rating for each province we have used a simple scoring system on the basis of the rank the province occupies on each scale. This scoring system does not, of course, take into account the size of the difference between the provinces with regard to each offence. Thus a province ranking on the top of the scale regarding any one offence would get 10 points while the province ranking at the bottom of the scale would get one point. One point is added for each further placing from the bottom to the top. The maximum score for four offences would be 40 points and for five offences 50 points, while the minimum score for four offences would be 4 points and for five offences 5 points.

When two or more provinces occupy the same place on the scale each would get a number of points equalling the total points for these places divided by the number of provinces occupying the same place. The following example illustrates:

Province	Criminal homicide Average rate	Ranking	Score in points
British Columbia	3.2	1	10
Saskatchewan	2.5	2	9
Manitoba	2.5	3	8
Alberta	2.1	4	7
Ontario	1.6	5	6
Quebec	1.6	6	5
Nova Scotia	1.6	7	4
New Brunswick	1.0	8	3
Prince Edward Island	1.0	9	2
Newfoundland	0.9	10	1

$17 \div 2 = 8.5$
 $15 \div 3 = 5.0$
 $5 \div 2 = 2.5$

Overall rating of the provinces on the basis of criminal homicide, wounding and assaults, rape and robbery puts them in the following order:

- 1) British Columbia 39.0 points
- 2) Alberta 33.0 points
- 3) Saskatchewan 27.5 points
- 4) Manitoba 26.5 points
- 5) Ontario 23.0 points
- 6) Quebec 22.0 points
- 7) Nova Scotia 20.0 points
- 8) New Brunswick 10.5 points

9) Prince Edward Island	9.5 points
10) Newfoundland	9.0 points

It is extremely important to see that the ranking of the provinces according to all crimes of violence¹ follows closely their ranking on the basis of criminal homicide alone. The only exception is Alberta which ranks fourth on the criminal homicide scale and second on the violent crime scale.

This most interesting finding shows how misleading it would be to examine criminal homicide alone, separately from other violent offences. The fact that the ranking according to a "violent crime" scale follows closely that on the basis of a criminal homicide scale shows that criminal homicide is influenced not by an isolated factor (such as the death penalty) but by the same multiple factors affecting all violent offences. When a province has a high rate of violent crime in general, it will also have a high rate of criminal homicide. And when a province has a low rate of violent crime in general it will have a low rate of criminal homicide.

If we take away criminal homicide and examine the rating of the provinces on the basis of wounding and assaults, rape and robbery the same order would be maintained:

1) British Columbia	29 points
2) Alberta	26 points
3) Saskatchewan	19 points
4) Manitoba	18 points
5) Ontario	18 points
6) Quebec	17 points
7) Nova Scotia	15 points
8) New Brunswick	8 points
9) Prince Edward Island	7 points
10) Newfoundland	7 points

If, on the other hand, we add suicide to the other four offences (criminal homicide, wounding and assaults, rape and robbery) the order will only change very slightly as can be seen from the following:

1) British Columbia	49.0 points
2) Alberta	41.0 points
3) Manitoba	35.5 points
4) Saskatchewan	33.5 points
5) Ontario	30.0 points
6) Quebec	25.0 points
7) Nova Scotia	24.0 points
8) Prince Edward Island	14.5 points
9) New Brunswick	12.5 points
10) Newfoundland	10.0 points

¹ Attempted murder has been excluded of the reasons explained earlier in this report.

Table 80

Ranking and Rating of the Province with Regard to Each Offence

Province	Average criminal homicide rate 1962-1970	Score	Province	Average rate for wounding and assaults 1962-1970	Score
British Columbia	3.2	10	British Columbia	539.3	10
Saskatchewan	2.5	8.5	Alberta	482.4	9
Manitoba	2.5	8.5	Saskatchewan	413.8	8
Alberta	2.1	7	Ontario	352.3	7
Ontario	1.6	5	Nova Scotia	343.7	6
Quebec	1.6	5	New Brunswick	260.7	5
Nova Scotia	1.6	5	Newfoundland	248.2	4
New Brunswick	1.0	2.5	Manitoba	227.5	3
Prince Edward Island	1.0	2.5	Prince Edward Island	186.7	2
Newfoundland	0.9	1	Quebec	141.1	1

Province	Average rate for rape 1962-1970	Score	Province	Average rate for robbery 1962-1970	Score
British Columbia	7.8	10	Quebec	70.8	10
Alberta	7.3	9	British Columbia	55.7	9
Manitoba	6.0	8	Alberta	39.5	8
Saskatchewan	5.7	7	Manitoba	36.2	7
Quebec	4.2	6	Ontario	27.8	6
Ontario	3.3	5	Nova Scotia	19.1	5
Nova Scotia	3.2	4	Saskatchewan	18.2	4
Newfoundland	2.6	3	Prince Edward Island	12.3	3
Prince Edward Island	2.5	2	New Brunswick	10.0	2
New Brunswick	1.5	1	Newfoundland	6.8	1

Province	Average rate of suicide 1962-1970	Score
British Columbia	13.1	10
Manitoba	9.6	9
Alberta	9.5	8
Ontario	9.4	7
Saskatchewan	9.2	6
Prince Edward Island	7.1	5
Nova Scotia	6.8	4
Quebec	5.8	3
New Brunswick	5.1	2
Newfoundland	2.9	1

Thus the only change in the order of the province is in Manitoba and Saskatchewan exchanging places and Prince Edward Island and New Brunswick exchanging theirs. Otherwise all the other provinces remain in the same place they occupied on the other scale.

British Columbia scoring a total of 49 points on a possible 50 clearly indicates that it is the most violent province in Canada. It is far from being a coincidence that British Columbia has, as well, the highest rate of divorce, of drug addiction and of per capita alcohol consumption. It indicates beyond doubt that the social phenomenon of crime, like other phenomena of social pathology, is the result of a whole combination of social factors. It shows clearly that criminal homicide, like other violent crimes, like other phenomena of social pathology, cannot be influenced by any one factor (be it capital punishment or otherwise) but only by a far-reaching social policy.

III. Ranking of the provinces according to the increase in each offence

Table 81 gives the percent change in the rate of 1970 over 1962 as well as the average annual increase for each offence for Canada and the different provinces.

As can be seen from Table 81, the increase in the rate of criminal homicide in Canada is the **lowest** among all offences studied. In five provinces (Nova Scotia, Ontario, Manitoba, Alberta, British Columbia) the same thing can be observed. Only in Quebec and Saskatchewan was the increase in rape lower than the increase in homicide.

In all seven provinces **without exception** the increase in wounding and assaults, in robbery (and in attempted murder) was higher than that in criminal homicide.

The situation in every province can be summarized as follows:

Nova Scotia

- Lowest increase in wounding and assaults.
- Lowest increase in robbery.
- Highest increase in rape.
- Third highest increase in criminal homicide.

Quebec

- Lowest increase in rape.
- Highest increase in wounding and assaults.
- Second lowest increase in robbery.
- Intermediate increase in criminal homicide (4th position).

Ontario

- Second lowest increase in criminal homicide.
- Third lowest increase in rape.
- Third lowest increase in robbery.
- Second highest increase in wounding and assaults.

Table 81

Percent Changes in the Rate of Violent Offences for Canada and the Provinces 1962-1970

Province	Criminal Homicide		Attempted Murder		Wounding and Assaults		Rape		Robbery	
	Percent change in the rate over 1962	Average annual increase	Percent change in the rate over 1962	Average annual increase	Percent change in the rate over 1962	Average annual increase	Percent change in the rate over 1962	Average annual increase	Percent change in the rate over 1962	Average annual increase
Canada	+ 35.3	4.4	+ 180.0	22.5	+ 125.1	15.6	+ 52.6	6.6	+ 94.7	11.8
Nova Scotia	+ 37.5	4.7	+ 300.0	37.5	+ 76.4	9.5	+ 100.0	12.5	+ 40.3	5.3
Quebec	+ 35.7	4.5	+ 162.5	20.3	+ 145.2	18.1	+ 14.3	1.8	+ 62.2	7.8
Ontario	+ 21.4	2.7	+ 125.0	15.6	+ 138.4	17.3	+ 48.1	6.0	+ 96.5	12.1
Manitoba	+ 32.0	4.0	+ 125.0	15.6	+ 122.6	15.3	+ 64.8	8.1	+ 204.2	25.5
Saskatchewan	+ 70.6	8.8	+ 833.3	104.2	+ 83.1	10.4	+ 41.9	5.2	+ 178.9	22.4
Alberta	+ 82.4	10.3	+ 200.0	25.0	+ 118.8	14.8	+ 98.2	12.3	+ 164.6	20.6
British Columbia	+ 5.1	0.6	+ 27.3	3.4	+ 81.0	10.1	+ 96.5	12.1	+ 179.5	22.4

*New Brunswick, Prince Edward Island, Newfoundland, the Yukon and the Northwest Territories are not included in this table for the reasons already mentioned in this report.

*Percent changes in the rate of attempted murder are given as indicators.

Manitoba

- Third lowest increase in criminal homicide.
- Highest increase in robbery.
- Intermediate increase in rape (4th position).
- Third highest increase in wounding and assaults.

Saskatchewan

- Second highest increase in criminal homicide.
- Third highest increase in robbery.
- Second lowest increase in rape.
- Third lowest increase in wounding and assaults.

Alberta

- Highest increase in criminal homicide.
- Second highest increase in rape.
- Intermediate increase in robbery (4th position).
- Intermediate increase in wounding and assaults (4th position).

British Columbia

- Lowest increase in criminal homicide.
- Second lowest increase in wounding and assaults.
- Second highest increase in robbery.
- Third highest increase in rape.

No consistent or persistent trend can be drawn from the ranking of the provinces according to the increase in the rate of each offence over 1962. British Columbia, which has the highest average annual rate for criminal homicide, recorded the lowest increase over the period under review. Quebec, having the highest average robbery rate, recorded the lowest increase in this offence over the period. This would suggest that when the average rate for a certain offence in a particular province is already high, this province is likely to register a low increase in this offence over the years. However, our data shows that this hypothesis does not always hold true. British Columbia has the highest average rate for rape and has recorded the third highest increase in the rate of that offence. The same province has the second highest average rate for robbery and has recorded the second highest increase in the rate of that offence. Saskatchewan, having the second highest average rate in criminal homicide, has recorded the second highest increase.

The counter hypothesis, namely that the increase in a certain offence is likely to be high in the provinces which have a low average rate for that offence, holds true for certain offences and certain provinces but not for others.

IV. The increase in homicide and the increase in suicide

So far we have examined the changes in criminal homicide from 1962 to 1970 against the changes in other violent offences. This comparison allowed us to conclude that the increase in criminal homicide

was, in fact, a part of a general and overall increase in violent crime. Now we will try to examine criminal homicide in relation to suicide.

We have already noted in the first part of this report that homicide and suicide seem to be complementary rather than contradictory phenomena. The hypothesis we will try to test is the following:

If the increase in criminal homicide was due to the administrative and consequently the legal suspension of capital punishment, then such an increase would be much higher than that in suicide. But if the increase in homicide was due to certain social conditions then the increase in its rate should be identical or similar to that in suicide since the proportion of homicide to suicide in any given country remains fairly constant over the years.

If it is true that homicide and suicide are the result of the same social conditions and the same social situations, then the change in these conditions and these situations will affect both homicide and suicide rates in the same way. An increase in one should be accompanied by a similar increase in the other and a decrease in either should be accompanied by a similar decrease in the other thus permitting the balance between the two to remain at its usual level.

Table 82 gives the number of criminal homicides, the number of suicides and the rate for both by 100,000 population¹ for each year from 1962 to 1968. It also gives the increase in 1968 over 1962 in the rates of homicide and suicide as well as the annual percent changes. The table indicates as well the proportion of the number of criminal homicides to the number of suicides.

The number of annual criminal homicides in Canada is less than one fifth that of suicides. During the period under review, 1962-1968, the proportion of criminal homicides to suicides never exceeded or even reached 20%. During the same period the rate of homicide increased by 23.5% over 1962 whereas the rate of suicide increased by 34.7% over 1962. This means that the increase in suicide was not lower but higher than that of criminal homicide.

The annual percent changes show that the years 1965, 1967 and 1968 were marked by an increase in both homicide and suicide over the immediately preceding years. The year 1966 was marked by a decrease in both over 1965. In 1963 there was a decrease in the rate of homicide by 5.9% over 1962 while there was an increase in suicide rate by 5.6% over 1962. In the year 1964 the homicide rate remained unchanged from the previous year whereas the rate of suicide increased by 7.9% over 1963.

The proportion of the number of criminal homicides to the number of suicides was at its highest in 1962 (19.9%) as shown in Table 81. The fact that during the six following years the proportion never reached that level indicates that the increase in suicides during that period was always proportionally higher than that in homicides. The lower the proportion of homicide to suicide is (for example: in 1966 it was only 14.4%) the higher the increase of suicide in proportion to homicide was. For instance, if in any given year the proportion goes up to 25% or higher, this would indicate that there has been a disproportionate increase of homicide in relation to suicide, which clearly is not the case.

The fact that suicide in Canada has increased at a higher degree than criminal homicides points out to the existence of social factors, a certain social climate and certain social conditions which are causing the upward trend in both phenomena. The fact that provinces with high homicide rates have high suicide rates and vice versa points to the existence of such a correlation.

¹ For homicide, population seven years of age and over.

Table 82

Criminal Homicide and Suicide in Canada 1962-1968

Year	Number of criminal homicides	Rate per 100,000 population	Annual percent change	Number of suicides	Rate per 100,000 population	Annual percent change	Proportion of the number of criminal homicides to the number of suicides
1962	265	1.7	-	1,331	7.2	-	19.9%
1963	249	1.6	- 5.9	1,436	7.6	+ 5.6	17.3%
1964	253	1.6	0.0	1,586	8.2	+ 7.9	16.0%
1965	277	1.7	+ 6.3	1,715	8.8	+ 7.3	16.1%
1966	248	1.5	- 11.8	1,715	8.6	- 2.3	14.4%
1967	337	1.9	+ 26.7	1,841	9.0	+ 4.7	18.3%
1968	374	2.1	+ 10.5	2,021	9.7	+ 7.8	18.5%
The increase in the 1968 rate over 1962:			+ 23.5	The increase in 1968 over 1962:		+34.7	
Average rate for criminal homicide 1962-1968:			1.7	Average rate for suicide 1962-1968:		8.4	

*The year 1968 is the last year for which we had suicide statistics.

*Source for criminal homicide "*Crime Statistics - police*" published annually by Statistics Canada.

*Source for suicide: "*Vital Statistics*" published annually by Statistics Canada.

Chapter 7

SOME REMARKS ON THE USE OF CAPITAL PUNISHMENT IN CANADA

I. The actual probability of death penalty application in Canada as it used to be before its suspension

It has been shown in the first part of this report that in many countries and especially in the United States, the odds against being executed for murder are so high that the suspension or the abolition of the death penalty can virtually change nothing in the existing situation.

Here we will try to examine the situation as it existed in Canada. Statistics for a period of 80 years from 1881 to 1960 were compiled. Court statistics prior to 1881 are inadequate. The two last years of executions, 1961 and 1962, were dropped because the number of executions was very low. The 80 years were then divided into periods of five years each.

Table 83 gives the number of charges, death sentence, commutations and executions by five-year totals. It also gives the percentage of death sentences to murder charges, the percentage of commutations to death sentences and the percentage of executions to death sentences. The five-year average and the yearly average are also given.

Table 84 gives the number of charges for the same periods together with the number of executions and the percentage of executions to charges.

While the first table indicates the chances for someone charged with murder of being sentenced to death and the chances for someone sentenced to death of being executed, the second table indicates the chances of someone charged with murder of being executed¹.

As can be seen from the two tables, the percentages of death sentences to charges, the percentages of executions to death sentences and to charges show many fluctuations. Certain periods show high percentages of death sentences or executions or both while other periods show low percentages of death sentences, executions or both.

The five-year period extending from 1931 to 1935 shows the highest percentage of death sentences to charges (45.9%). This means that a person charged of murder during that period has nearly an even chance of being sentenced to death. The same period has the lowest percentage of commutations (17.0%) and the highest percentage of executions (78.3%). This means that during the period 1931-1935 both a charge of and a sentence for murder had the greatest probability of culminating in an execution.

The period 1891-1895 shows the lowest percentage of death sentences among the 16 periods under consideration (29.8%). A person facing a charge of murder during that period had more than two chances in three of not being sentenced to death.

The last period, 1956-1960, shows the second lowest percentage of death sentences (33.0%), the highest percentage of commutations (73.0%) and the lowest percentage of executions (23.8%). In other words, during that period, a person charged with murder had only one chance in three of being sentenced

¹ Murderers executed in any one period are not necessarily those who were sentenced to death during that period. Because of the time lapse between sentence and execution, the date of the sentence can fall within one period while the execution falls within the following period. For this reason five-year comparisons are preferable to yearly comparisons.

Table 83
Number of Charges, Death Sentences, Communications, and Executions in Canada
1881-1960, by Five-Year Totals

Years	Charges	Death Sentences		Commutations		Executions	
		No.	%	No.	Percentage to death sentences	No.	Percentage to death sentences
1881 -- 1885	141	59	41.8	17	28.8	30	50.8
1886 -- 1890	119	43	36.1	18	41.9	23	53.5
1891 -- 1895	114	34	29.8	16	47.1	14	41.2
1896 -- 1900	115	44	38.3	18	40.9	26	59.1
1901 -- 1905	145	49	33.8	22	44.9	29	59.2
1906 -- 1910	207	64	30.9	20	31.3	42	65.6
1911 -- 1915	308	126	40.9	63	50.0	51	40.5
1916 -- 1920	290	110	37.9	52	47.3	47	42.7
1921 -- 1925	295	91	30.8	39	42.9	49	53.8
1926 -- 1930	242	88	36.4	27	30.7	46	52.3
1931 -- 1935	231	106	45.9	18	17.0	83	78.3
1936 -- 1940	205	88	42.9	25	28.4	42	47.7
1941 -- 1945	172	65	37.8	18	24.6	34	52.3
1946 -- 1950	267	114	42.7	28	24.6	62	54.4
1951 -- 1955	207	73	35.3	21	28.8	41	56.2
1956 -- 1960	191	63	33.0	46	73.0	15	23.8
Total	3,249	1,217	37.4	446	36.7	634	52.0
Five year average	203.1	76.1	37.4	27.9	36.7	39.6	52.0
Yearly average	40.6	15.2	37.4	5.8	36.7	7.9	52.0

to death. Once sentenced to death, he had more than three chances out of four of escaping the death penalty. The chances of being executed during that period were eight in a hundred, a very low probability indeed². Needless to say, any deterrent effect capital punishment may have is nearly annihilated by such a weak probability.

² Long before the legal suspension of capital punishment in Canada, a potential killer calculating the consequences of his projected crime would have found that his chances of escaping execution were over 90%

Table 84

Number of Charges, Executions and Percentage – Canada 1881-1960, by Five-Year Totals

Years	Charges	Executions	%
1881 – 1885	141	30	21.3
1886 – 1890	119	23	19.3
1891 – 1895	114	14	12.3
1896 – 1900	115	26	22.6
1901 – 1905	145	29	20.0
1906 – 1910	207	42	20.3
1911 – 1915	308	51	16.6
1916 – 1920	290	47	16.2
1921 – 1925	295	49	16.6
1926 – 1930	242	46	19.0
1931 – 1935	231	83	35.9
1936 – 1940	205	42	20.5
1941 – 1945	172	34	19.8
1946 – 1950	267	62	23.2
1951 – 1955	207	41	19.8
1956 – 1960	191	15	7.9
Total	3,249	634	19.5
Five year average	203.1	39.6	19.5
Yearly average	40.6	7.9	19.5

The five-year average for the 80 year period shows that those facing a charge of murder had a fifty-fifty chance of being sentenced to death, and once sentenced to death they had a fifty-fifty chance of escaping execution.

The average percentage of executions to charges was 19.5. This means that only one charge in five led to an execution. Again a very weak probability³.

³ It should be noted that some of those who commit murder are not charged either because they are not detected or for other reasons. This means that the actual probability for a murderer of incurring the death penalty was even lower than what is shown in the tables.

The above tables show beyond doubt that the actual threat of the death penalty to the lives of killers in Canada has not been great in the last 90 years. The degree of risk needed for deterrence has not been established from the Canadian data. The slight actual risk of execution during the entire period and in particular, during the 10 years preceding the legal suspension of the death penalty, speaks against any deterrent effect this punishment may have had and indicates that any such effect is obviated by the odds against execution.

Many years ago, Topping (1952) after studying the death penalty in Canada concluded that:

"It seems clear that there is an inverse relationship between severity of punishment and certainty of punishment, and that Canadians are suffering under a delusion when they assert that they know how to hang. The net result of the administration of justice in Canada as it relates to capital offences is that murder has become the least risky of any or all the offences which a citizen might choose to commit".

It would have been interesting to use the Canadian data to do the same type of study undertaken in Ohio and summarized in the first part of this report. That is to see whether high execution rates were followed by low homicide rates and whether low execution rates were followed by high homicide rates. Unfortunately no adequate homicide data is available for the period under study. Furthermore, the number of convictions, as explained earlier, do not reflect the real homicide situation.

II. Did capital punishment prevent convictions?

In the first part of this report we have discussed the conviction aspects of capital punishment. It was mentioned that data from many countries indicate that juries were reluctant to convict in capital cases for fear of causing the death of an innocent man. Rates of conviction and of acquittal for long periods prior to and after the abolition of capital punishment were compared in an attempt to see whether conviction rates have increased and acquittal rates have decreased following the abolition. Unfortunately it is not possible at the present time to do the same thing in Canada since court statistics following the abolition of the death penalty are not available⁴.

However, there is another means to see whether capital punishment really acts as a deterrent upon juries in capital cases. It is possible to compare the rates of conviction and of acquittal for murder with those of other crimes of violence, especially those of manslaughter, in order to see whether acquittal rates are higher for crimes punishable by death than for those punishable by imprisonment or not.

Tables 85 to 91 give the number of charges and sentences by five years totals for the following offences:

Murder	1881-1960
Manslaughter	1883-1967
Attempted murder	1883-1967
Shooting and wounding	1881-1950
Rape	1883-1967
Attempted Rape	1884-1967

⁴ When this report was being prepared the last court statistics published by Statistics Canada were those for the year 1967.

As can be seen from Tables 85 to 91 the average yearly conviction rate for the offences studied was as follows:

Murder	37.7%
Manslaughter	49.7%
Attempted murder	51.6%
Shooting and wounding	64.6%
Rape	40.6%
Attempted rape	57.1%

Table 85
Murder Charges and Sentences, 1881-1960, by Five-Year Totals

Years 1881 - 1960	Number of Charges	Acquittals		Detained for Insanity		Convictions		Death Sentences
		Number	%	Number	%	Number	%	
1881 - 1885	141	76	53.9	4	2.8	59	41.8	59
1886 - 1890	119	67	56.3	8	6.7	43	36.1	43
1891 - 1895	114	77	67.5	3	2.6	34	29.8	34
1896 - 1900	115	64	55.7	7	6.1	44	38.3	44
1901 - 1905	145	90	62.1	5	3.4	50	34.5	49
1906 - 1910	207	132	63.8	10	4.8	65	31.4	64
1911 - 1915	308	164	53.2	18	5.8	126	40.9	126
1916 - 1920	290	155	53.4	23	7.9	112	38.6	110
1921 - 1925	295	182	61.7	22	7.5	91	30.8	91
1926 - 1930	242	119	49.2	35	14.5	88	36.4	88
1931 - 1935	231	89	38.5	36	15.6	106	45.9	106
1936 - 1940	205	91	44.4	26	12.7	88	42.9	88
1941 - 1945	172	76	44.2	31	18.0	65	37.8	65
1946 - 1950	267	128	47.9	25	9.4	114	42.7	114
1951 - 1955	207	110	53.1	23	11.1	74	35.7	73
1956 - 1960	191	94	49.2	34	17.8	63	33.0	63
Yearly Average	40.6	21.4	52.7	3.9	9.6	15.3	37.7	15.2

*Starting from 1961 murders were divided into capital and non-capital murders.

*Newfoundland was not included until 1951.

Table 86

Murder Charges and Sentences, 1881-1960, Yearly Averages for Each Five-Year Period

Years 1881 – 1960	Number of Charges	Acquittals		Detained for Insanity		Convictions		Death Sentences
		Number	%	Number	%	Number	%	
1881 – 1885	28.2	15.2	53.9	0.8	2.8	11.8	41.8	11.8
1886 – 1890	23.8	13.4	56.3	1.6	6.7	8.6	36.1	8.6
1891 – 1895	22.8	15.4	67.5	0.6	2.6	6.8	29.8	6.8
1896 – 1900	23.0	12.8	55.7	1.4	6.1	8.8	38.3	8.8
1901 – 1905	29.0	18.0	62.1	1.0	3.4	10.0	34.5	9.8
1906 – 1910	41.4	26.4	63.8	2.0	4.8	13.0	31.4	12.8
1911 – 1915	61.6	32.8	53.2	3.6	5.8	25.2	40.9	25.2
1916 – 1920	58.0	31.0	53.4	4.6	7.9	22.4	38.6	22.0
1921 – 1925	59.0	36.4	61.7	4.4	7.5	18.2	30.8	18.2
1926 – 1930	48.4	23.8	49.2	7.0	14.5	17.6	36.4	17.6
1931 – 1935	46.2	17.8	38.5	7.2	15.6	21.2	45.9	21.2
1936 – 1940	41.0	18.2	44.4	5.2	12.7	17.6	42.9	17.6
1941 – 1945	34.4	15.2	44.2	6.2	18.0	13.0	37.8	13.0
1946 – 1950	53.4	25.6	47.9	5.0	9.4	22.8	42.7	22.8
1951 – 1955	41.4	22.0	53.1	4.6	11.1	14.8	35.7	14.6
1956 – 1960	38.2	18.8	49.2	6.8	17.8	12.6	33.0	12.6

Table 87

Attempted Murder, Charges and Sentences, 1883-1967, by Five-Year Totals

Years 1883 - 1967	Number of Charges	Acquittals		Detained for Insanity	Convictions	
		Number	%		Number	%
1883 - 1887	32	8	25.0	1	23	71.9
1888 - 1892	20	6	30.0	2	12	60.0
1893 - 1897	32	19	59.4	1	12	37.5
1898 - 1902	50	27	54.0	2	21	42.0
1903 - 1907	71	40	56.3	3	28	39.4
1908 - 1912	183	82	44.8	4	97	53.0
1913 - 1917	196	86	43.9	5	105	53.6
1918 - 1922	171	69	40.4	13	89	52.0
1923 - 1927	125	57	45.6	7	61	48.8
1928 - 1932	140	50	35.7	2	88	62.9
1933 - 1937	136	47	34.6	8	81	59.6
1938 - 1942	94	41	43.6	4	49	52.1
1943 - 1947	74	25	33.8	10	39	52.7
1948 - 1952	92	37	40.2	6	49	53.3
1953 - 1957	75	36	48.0	7	32	42.7
1958 - 1962	185	77	41.6	12	96	51.9
1963 - 1967	187	82	43.9	24	81	43.3
Yearly Average	21.9	9.3	42.5	1.3	11.3	51.6

*Newfoundland was not included until 1951.

Table 88

Manslaughter, Charges and Sentences, 1883-1967, by Five-Year Totals

Years 1883 – 1967	Number of Charges	Acquittals		Detained for Insanity	Convictions	
		Number	%		Number	%
1883 – 1887	144	79	54.9	0	65	45.1
1888 – 1892	137	70	51.1	0	67	48.9
1893 – 1897	122	63	51.6	0	59	48.4
1898 – 1902	132	62	47.0	0	70	53.0
1903 – 1907	171	83	48.5	1	87	50.9
1908 – 1912	219	83	37.9	0	136	62.1
1913 – 1917	321	126	39.3	1	194	60.4
1918 – 1922	372	192	51.6	0	180	48.4
1923 – 1927	413	228	55.2	0	185	44.8
1928 – 1932	601	357	59.4	2	242	40.3
1933 – 1937	619	396	64.0	1	222	35.9
1938 – 1942	629	379	60.3	0	250	39.7
1943 – 1947	562	327	58.2	1	234	41.6
1948 – 1952	777	417	53.7	2	358	46.1
1953 – 1957	615	269	43.7	2	344	55.9
1958 – 1962	322	72	22.4	4	246	76.4
1963 – 1967	382	75	19.6	0	307	80.4
Yearly Average	76.9	38.6	50.2	.2	38.2	49.7

*Newfoundland was not included until 1951.

Table 89

Shooting and Wounding, *Charges and Sentences, 1881-1950, by Five-Year Totals

Years 1881 - 1950	Number of Charges	Acquittals		Detained for Insanity	Convictions	
		Number	%		Number	%
1881 - 1885	613	272	44.4	5	336	54.8
1886 - 1890	737	323	43.8	11	403	54.7
1891 - 1895	698	287	41.1	9	402	57.6
1896 - 1900	692	235	34.0	5	452	65.3
1901 - 1905	835	318	38.1	3	514	61.6
1906 - 1910	1,142	378	33.1	8	756	66.2
1911 - 1915	1,721	600	34.9	2	1,119	65.0
1916 - 1920	1,093	371	33.9	4	718	65.7
1921 - 1925	1,166	471	40.4	2	693	59.4
1926 - 1930	1,305	420	32.2	11	874	67.0
1931 - 1935	939	319	34.0	3	617	65.7
1936 - 1940	656	200	30.5	10	446	68.0
1941 - 1945	622	140	22.5	2	480	77.2
1946 - 1950	974	251	25.8	6	717	73.6
Yearly Average . . .	188.5	65.5	34.7	1.2	121.8	64.6

*This category was discontinued in the statistics after 1950.

Table 90

Rape, Charges and Sentences, 1883-1967, by Five-Year Totals

Years 1883 – 1967	Number of Charges	Acquittals		Detained for Insanity	Convictions	
		Number	%		Number	%
1883 – 1887	154	97	63.0	0	57	37.0
1888 – 1892	119	95	79.8	0	23	19.3
1893 – 1897	125	92	73.6	0	33	26.4
1898 – 1902	158	122	77.2	0	36	22.8
1903 – 1907	138	86	62.3	1	51	37.0
1908 – 1912	224	165	73.7	1	58	25.9
1913 – 1917	234	146	62.4	1	87	37.2
1918 – 1922	182	113	62.1	0	69	37.9
1923 – 1927	204	111	54.4	2	91	44.6
1928 – 1932	269	136	50.6	0	133	49.4
1933 – 1937	162	85	52.5	0	77	47.5
1938 – 1942	238	121	50.8	0	117	49.2
1943 – 1947	287	175	61.0	3	112	39.0
1948 – 1952	426	242	56.8	1	183	43.0
1953 – 1957	508	226	44.5	31	251	49.4
1958 – 1962	649	369	56.9	0	280	43.1
1963 – 1967	886	527	59.5	2	357	40.3
Yearly Average	58.4	34.2	58.6	.5	23.7	40.6

*Newfoundland was not included until 1951.

Table 91

Attempted Rape, Charges and Sentences, 1884-1967, by Five Year Totals

Years 1883 - 1967	Number of Charges	Acquittals		Detained for Insanity	Convictions	
		Number	%		Number	%
1883 - 1887	40	16	40.0	0	24	60.0
1888 - 1892	55	13	23.6	0	42	76.4
1893 - 1897	60	28	46.7	0	32	53.3
1898 - 1902	70	28	40.0	1	41	58.6
1903 - 1907	94	47	50.0	0	47	50.0
1908 - 1912	106	66	62.3	0	40	37.7
1913 - 1917	125	76	60.8	0	49	39.2
1918 - 1922	108	53	49.1	0	55	50.9
1923 - 1927	72	25	34.7	2	45	62.5
1928 - 1932	107	48	44.9	1	58	54.2
1933 - 1937	51	8	15.7	0	43	84.3
1938 - 1942	74	20	27.0	0	54	73.0
1943 - 1947	95	37	38.9	1	57	60.0
1948 - 1952	145	61	42.1	2	82	56.6
1953 - 1957	117	53	45.3	0	64	54.7
1958 - 1962	137	54	39.4	1	82	59.9
1963 - 1967	128	38	29.7	0	90	70.3
Yearly Average	18.9	8.0	42.3	.1	10.8	57.1

Both offences punishable by death at the time, murder and rape⁵, had the lowest conviction rate: 37.7% and 40.6% respectively. Other violent offences punishable by imprisonment had a much higher conviction rate than murder and rape. There is no doubt that many factors intervene to determine the rate of conviction of a particular offence. However, the hypothesis that the fear of inflicting death deters many a jury from rendering guilty verdicts in cases where a death sentence is mandatory seems at least plausible. The fact that murder had the lowest conviction rate among crimes of violence would seem to support this proposition. Certain other facts would also seem to confirm this hypothesis.

⁵ Rape was punishable by death for the major part of the period under consideration.

1) We have seen earlier that the five-year period 1931-1935 witnessed more executions than any other five-year period during the past 90 years. During the period 1931-1935 the risk of execution for a charge of murder reached a record high in Canada. By examining the conviction and acquittal rates for this period and the two following ones we notice that in 1931-1935, 45.9% of those charged with murder were convicted and 38.5% were acquitted.

Following the wave of executions the rate of conviction dropped in the next five-year period 1936-1940 to 42.9% and further during the period 1941-1945 to 37.8%. The rate of acquittal rose to 44.4% in 1936-1940 and remained nearly unchanged during the next period (44.2%). While there may have been other factors responsible for the drop in the rate of conviction and the rise in the rate of acquittal, it seems reasonable to assume that the high rate of executions played an important part in it.

2) While there has been a steady increase in the conviction rates for manslaughter, there has been a steady decline in the conviction rates for murder over the years as can be seen from the following:

<u>Conviction rate for murder</u>		<u>Conviction rate for manslaughter</u>	
1941-1945	37.8%	1943-1947	41.6%
1946-1950	42.7%	1948-1952	46.1%
1951-1955	35.7%	1953-1957	55.9%
1956-1960	33.0%	1958-1962	76.4%
		1963-1967	80.4%

While the conviction rate for manslaughter in the 1940's was a little higher than that for murder, by the end of the period this conviction rate became nearly double that of murder. There can be of course, many explanations why the conviction rate for manslaughter has been rising while that for murder has been declining. However one of the most important factors which has to be taken into consideration is the possibility that juries were becoming less and less ready to convict on a charge of murder especially prior to 1961 when the death sentence was mandatory upon a conviction for that crime.

The fact that the conviction rate for manslaughter was always higher than the corresponding one for murder⁶ would tend to support an argument that juries were not only less willing to convict for the capital offence (murder) than they were for manslaughter, but also were, more inclined to bring in a conviction for manslaughter when the charge was murder.

However, the truth of this latter proposition is incapable of precise verification since the available data on manslaughter convictions do not distinguish between cases in which murder was the original charge and those where the charge had originally been only for manslaughter (for similar results on the basis of Queensland's data, see Barber and Wilson, 1968).

III. The suspension of capital punishment and the killing of policemen in Canada

Table 92 gives the number of policemen murdered in Canada from 1961 to 1970. These statistics have been prepared by Statistics Canada.

The number of policemen murdered in Canada is too small to allow percentage or rate comparisons. Any comparison should then be based on the figures themselves. A look at the table indicates at once that the year 1962 had an exceptionally high number of murdered policemen. The year 1962 alone claims nearly one-third of all policemen murdered during the past decade.

⁶ The only exception was during the 1930's.

Table 92

Number of Policemen Murdered in Canada 1961-1970

Year	Policemen Murdered
1961	2
1962	11
1963	—
1964	2
1965	2
1966	3
1967	3
1968	5
1969	5
1970	3
Total	36

The year 1962, marking a record of policemen murdered, was followed by a year totally free of police-murders. The following two years each claimed two victims, the next two years 1966 and 1967 each claimed three victims. The first two years of legal suspension of the death penalty each witnessed five murders of policemen while during the last year under review, 1970, three policemen were murdered in Canada.

The figures given above speak for themselves. We have already mentioned that the law suspending the death penalty in Canada for a trial period of five years has retained the noose for the murder of "policemen, prison guard, etc.,". It follows that a murder falling under this category is legally considered capital murder punishable by death. If the decrease in criminal homicide in general was due to the suspension of capital punishment one would expect this category for which this punishment is retained to show a decrease or at least a smaller increase than other categories of culpable homicide. The number of policemen killed in 1968, 1969 makes it clear that this is not true. The number of policemen murdered in each of the years 1968 and 1969 is more than double the average number for the five preceding years. In fact the average number for the five years 1963, 1964, 1965, 1966 and 1967 is two.

When the special category of murder for which capital punishment is retained shows a higher increase than the other categories of criminal homicide it becomes evident that the reasons for the increase should be sought elsewhere and that the increase has nothing to do with the suspension of the death penalty.

IV. Murders followed by suicide in Canada

We would have liked to examine the number of suspects who committed suicide not only with regard to murder but also with regard to manslaughter. Unfortunately such information is not available. The number of suspects who committed suicide is published by Statistics Canada in the publication reserved for murder.

In the first part of this report we have mentioned that capital punishment cannot be a deterrent for certain categories of murder. The murderer who is likely to commit suicide after killing his victim cannot be deterred by the fear of execution.

The statistics given in Table 5 showed that a substantial portion of all murderers in Denmark and in the United Kingdom fall in this category. The same portion in Australia was lower than that of Denmark and the United Kingdom but still much higher than that of the United States.

Table 93 gives the number of incidents of murder, the number of suspects, those among them who committed suicide and their percentage to the total, this for each year from 1961 to 1970.

Table 93

Murders followed by suicide in Canada 1961-1970

Year	Number of incidents	Number of suspects	Number of suspects who committed suicide	Percentage
1961	173	177	30	16.9
1962	196	185	31	16.8
1963	193	222	26	11.7
1964	199	206	27	13.1
1965	215	226	26	11.5
1966	204	222	16	7.2
1967	238	233	36	15.4
1968	289	293	22	7.5
1969	315	300	18	6.0
1970	351	337	27	8.0
Total	2373	2401	259	10.8
Yearly average	237	240	26	10.8

The average percentage of the murder suspects who committed suicide is 10.8 for the last 10 years. This percentage is much lower than that of England and Wales (33%), than that of Denmark (42%), than that of Australia (22%) but still is much higher than that of the U.S.A. (4%).

A detailed study of murder cases in Canada would allow more information on this special category of murderers who kill themselves and to compare their rates with the respective one for their religious and ethnic groups. It would also permit us to compare the suicide patterns of this group with the national and provincial patterns.

The conclusion which can be drawn from Table 93 is that for at least 10.8% of Canadian murderers, capital punishment can have no deterrent effect.

CONCLUSION

CAN THE INCREASE IN CRIMINAL HOMICIDE BE ATTRIBUTED TO THE SUSPENSION OF THE DEATH PENALTY?

We have seen that there has been a slight increase in criminal homicide in Canada over the past eight years. Can this increase be attributed to the suspension of capital punishment? Now after having examined the different aspects of the problem we are able to answer this question and the answer is **NO**. *The increase in criminal homicide in Canada during recent years cannot be attributed to the suspension of capital punishment for the following reasons:*

(1) If the increase in homicide were solely due to the suspension of capital punishment then it should be limited to this offence. Other offences of violence for which there has not been a change in punishment should show no increase or at least a lower increase than that in criminal homicide. Our data amply show that this is not true. Actually the increase in criminal homicide is the *lowest* among all crimes of violence studied, a fact which indicates that such increase can neither be attributed nor related to the suspension of capital punishment. The general pattern of violent crime in Canada reveals an upward trend in this type of criminality in recent years. The increase in criminal homicide is a part of a general increase in criminal violence and it can be safely stated that this increase would have taken place anyway even if the death penalty had not been suspended.

(2) If the increase in criminal homicide were due to the suspension of capital punishment then it should show a clear and consistent trend by starting to rise when the administrative suspension became known and by continuing to rise at a quicker pace when the legal suspension came into effect. Our data show that this is not true. While the rate of criminal homicide in 1970 marks an increase over that of 1962, the homicide picture both in Canada and in the different provinces, conspicuously shows the absence of any consistent trend. It is characterized by wide fluctuations from year to year. Such fluctuations clearly indicate that the overall increase cannot be attributed to any clear-cut cause such as the suspension of capital punishment.

(3) The years during which capital punishment was administratively suspended (with the exception of 1967) did not witness an increase in criminal homicide over 1962. Furthermore, in many Canadian provinces the first year of legal suspension did not mark an increase in criminal homicide rate over the previous year, it either marked a decline in the rate or at least the rate remained unchanged.

In many provinces such as Nova Scotia (1968), Ontario (1968, 1969 and 1970) Saskatchewan (1968) and Alberta (1968, 1969) homicide rates actually declined after capital punishment was legally suspended. This speaks eloquently against a link between this suspension and the overall increase in homicide.

(4) If the increase in criminal homicide were due to the suspension of capital punishment, then the rate of increase should be identical or at least similar in the different provinces. The suspension of the death penalty, being an independent variable, should affect the different homicide rates in the Canadian provinces in the same way. In other words, if the increase in the rates were related to this suspension, the percentage of the increase should not be very different from one province to the other. Our data again show that this is not true. Actually the increase in criminal homicide over the past eight years has been very different from one province to the other, varying from 5.1% in British Columbia to 82.4% in Alberta.

This again indicates, without any doubt, that the increase cannot be attributed to one factor or one variable such as the suspension of the death penalty.

(5) If the suspension or the abolition of capital punishment leads to an increase in criminal homicide, this would necessarily have been reflected in the homicide rate in the most populated, most urbanized and most industrialized province in Canada: Ontario. Our data again shows that this is not the case. The criminal homicide rate in Ontario has remained unchanged since the death penalty was legally suspended in 1968. If the suspension of the death penalty has not affected the homicide rate in the province that houses one quarter of the Canadian population, can it be said that it has affected the rate in other provinces?

(6) There are reasons to believe that homicide and suicide are complementary phenomena and that they are affected by the same factors. This explains why the proportion of one to the other in any country remains fairly constant over the years. If the suspension or the abolition of the death penalty leads to an increase in criminal homicide, such an abolition would tend to upset the balance between these two social phenomena since the increase in homicide would necessarily be higher than that of suicide. Our data again show that this is not true. Actually, the increase in suicide during the past years has been at a higher rate than that of homicide and although the ratio between the two phenomena has not drastically changed, the slight change has been in favour of homicide.

(7) If the increase in criminal homicide were due to the suspension of capital punishment, then the categories of murder for which this punishment has been retained should not show an increase. They should either show a decrease or at least no change. Since the murder of a policeman is still legally punishable by death one would expect, if the increase in other types of homicide were due to the suspension of the death penalty, that this category would not be affected. Our data show that this is not true. Actually the largest number of police-murders took place when capital punishment was in effect and in a year where two murderers were executed (1962). The presence of the death penalty did not prevent the slaying of 11 policemen that year. The murder of policemen has been on the increase since the legal suspension of capital punishment in 1968 and in spite of the fact that it has been retained for this type of killing. This again shows, beyond any doubt, that murder, whether of a policeman or an ordinary citizen, is affected by factors other than the presence or the absence of the death penalty.

(8) Prior to the suspension of the death penalty the probability of incurring this penalty in Canada was so low that any deterrent effect it might have had could not have been seriously affected by the subsequent suspension. Our data show that during the years preceding the administrative suspension of the death penalty the probability of a murderer being hanged for his crime was less than one in 10. Such a low and weak probability obviates any deterrent effect capital punishment might have. When legal suspension or abolition follows it cannot drastically change the situation. If such a suspension is followed by an increase in homicide then the causes for the rise should be sought elsewhere.

(9) Our data clearly show that there are substantial differences in the rates of criminal homicide among the Canadian provinces. This fact alone indicates beyond any doubt that homicide rates are determined by factors that are quite beyond the control of the criminal law, and hence, not in the least affected by the death penalty or by the frequency of legal executions.

The large differences between the provinces in their homicide rates proves that homicides cannot be specifically related to any one factor but result from a mass of factors that make up the total situation. The homicide, whether murder or non-negligent manslaughter seems to be the logical conclusion to a whole string of circumstances, experiences and events that result naturally, for the criminal, in the crime that may be punishable by imprisonment or by death. It follows that capital punishment cannot have any

pronounced effect on the homicide behavior, since it plays so small a part (if any at all) in the total situation. In fact it is so remote, and at the moment homicide is committed in such an entirely non-consequential manner as not to figure at all (See Dann, 1935).

(10) Our data clearly show that criminal homicide is not an isolated phenomenon but an integral part of violent criminality. Provinces with high rates of violent crimes have high rates of criminal homicide, while provinces with low rates of violent crimes have low rates of homicide. This again shows that the homicide rate is influenced by the same social factors that affect other crimes of violence. Only changes in these factors can produce a considerable change in the rate of homicide. Changes in punishment can only have a negligible effect on such rate if any at all.

On the basis of these reasons we can at this point draw some final conclusions:

(1) The Canadian provinces show homicide rates which suggest that these rates are conditioned by other factors than the death penalty. They suggest that the cause of homicide and murder cannot be found in any single factor but in a total social situation in which a special law or a particular punishment can have little or no effect. If this is the case, better prevention might be secured not by the reintroduction of the death penalty but by reducing the social situations inductive or leading to homicide.

(2) Nothing emerges from the study of trends in violent crimes in Canada that would support or even suggest the proposition that the suspension of capital punishment has caused an increase in the homicide rate. Although the data show that there has been a slight increase in the homicide rate in recent years, it indicates at the same time that this increase cannot be attributed to any one cause. In fact, on the basis of the data and for the reasons explained above it can be safely claimed that the suspension is unlikely to have played a part in this increase.

(3) There is, of course, nothing in the data that disproves the proposition that had capital punishment been retained as the punishment for murder, the number of homicides committed in 1968, 1969 and 1970 may have been fewer. The data suggest however when the above mentioned reasons are taken into account that such proposition is unlikely to be true.

"The impossibility of isolating the effect of capital punishment amongst the social factors possibly affecting the murder rate precludes the disproof in any one country of the possible margin of lives saved by the retention of capital punishment. Since one can never know the possible successes of capital punishment as a deterrent when it is in force, one can never be sure, with abolition, that the murder rate would not have been lower had capital punishment been retained. But if the experience of the many countries which have suspended or abolished capital punishment is taken into account there is, in our view, cogent evidence of the unlikelihood of this 'hidden protection'".¹

(4) A study of homicide statistics in Canada jointly with the statistics of other crimes of violence and comparisons between the provinces and between the years do not lend support to the assumption of the uniquely deterrent effect of the death penalty. Thus, in deciding on the question of the reintroduction or abolition of capital punishment, reintroduction cannot be justified on the argument that it is a more effective deterrent to potential killers than the alternative of protracted imprisonment.

(5) Public and law enforcement agents' belief that capital punishment offers them better protection is not supported by the data. Such popular but unfounded beliefs constitute, no doubt, an important factor in any decision concerning the death penalty. But as the Ceylon Commission has pointed out:

¹ The Ceylon Committee on Capital Punishment, Report p. 47.

"Even if public opinion is assumed to be in favor of capital punishment, this would not be a conclusive argument in favour of the reintroduction of this punishment. Unless the public opinion is itself based on rational and informed grounds (and this our experience has shown to be unlikely) the existence of a public opinion strongly favouring capital punishment may be a reason from the standpoint of practical politics why that punishment is retained, but it cannot be a rational justification for retention. . . .

Where public opinion is neither informed nor clearly ascertained, the social wisdom of a suggested legislative step must be determined by reference to considerations other than the belief of the public in the wisdom of that step" (p.12, p. 14).

(6) Criminologists have learnt that neither public opinion nor common sense is an adequate basis for policies of social control. Only a policy of science based on an adequate understanding of the nature of the process one wishes to control can and will give good results. Scientific studies on large numbers of murderers should be made if we want to know and understand why people kill. Only then can we have a solid scientific basis for policies aimed at deterring people from committing murder.

(7) Will this study be of any help in the final settlement of the capital punishment issue in Canada? We sincerely hope so. However in making this wish we do recall the words of Professor Sellin before the Joint Commission on Capital Punishment when he said:

"The question of whether the death penalty is to be dropped, retained or instituted is not dependent on the evidence as to its utilitarian effects, but on the strength of popular beliefs and sentiments not easily influenced by such evidence. These beliefs and sentiments have their roots in a people's culture. They are conditioned by a multitude of factors, such as the character of social institutions, social, economic and political ideas, etc. If at a given time such beliefs and sentiments become so oriented that they favour the abolition of the death penalty, facts like those presented in this paper will be acceptable as evidence, but are likely to be as quickly ignored if social changes provoke resurgence of the old sentiments. When a people no longer *likes* the death penalty for murderers it will be removed no matter what may happen to the homicide rate. This is what has happened in the past in connection with crimes against property".

APPENDIX A



Table 1

Criminal Homicide, Number and Percent Changes

CANADA 1954-1961

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1954		Annual percent change	
			Number	Rate	Number	Rate
1954	350		0.0			
1955	237		- 32.3		- 32.3	
1956	206		- 41.1		- 13.1	
1957	213		- 39.1		+ 3.4	
1958	226		- 35.4		+ 6.1	
1959	204		- 41.7		- 9.7	
1960	258		- 26.3		+ 26.5	
1961	233		- 33.4		- 9.7	

Table 2

Murder, Number of Actual Offences, Rate and Percent Changes

CANADA 1954-1961

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1954		Annual percent change	
			Number	Rate	Number	Rate
1954	125	1.0	100.0	100.0		
1955	118	0.9	- 5.6	- 10.0	- 9.0	- 10.0
1956	131	1.0	+ 4.8	0.0	+ 11.0	+ 11.1
1957	129	0.9	+ 3.2	- 10.0	- 1.5	- 10.0
1958	153	1.1	+ 22.4	+ 10.0	+ 18.6	+ 22.2
1959	141	1.0	+ 12.8	0.0	- 7.8	- 9.1
1960	190	1.3	+ 52.0	+ 30.0	+ 34.8	+ 30.0
1961	185	1.2	+ 48.0	+ 20.0	- 2.6	- 7.7

Table 3

Murder, Number of Actual Offences, Rate and Percent Changes

CANADA 1962-1970

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	217	1.4	100.0	100.0	+ 17.3	+ 16.7
1963	215	1.4	- 0.9	0.0	- .9	0.0
1964	218	1.4	+ 0.5	0.0	+ 1.4	0.0
1965	243	1.5	+ 12.0	+ 7.1	+ 11.5	+ 7.1
1966	220	1.3	+ 1.4	- 7.1	- 9.5	- 13.3
1967	281	1.6	+ 29.5	+ 14.3	+ 27.7	+ 23.1
1968	314	1.8	+ 28.6	+ 28.6	+ 11.7	+ 12.5
1969	342	1.9	+ 57.6	+ 35.7	+ 8.9	+ 5.6
1970	391	2.1	+ 80.2	+ 50.0	+ 14.3	+ 10.5

Table 4

Number of Murder Incidents, Rate and Percent Changes

CANADA 1962-1970

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	196	1.3	100.0	100.0		
1963	193	1.2	- 1.5	- 7.7	- 1.5	- 7.7
1964	199	1.2	+ 1.5	- 7.7	+ 3.1	0.0
1965	215	1.3	+ 9.7	0.0	+ 8.0	+ 8.3
1966	204	1.2	+ 4.1	- 7.7	- 5.1	- 7.7
1967	238	1.4	+ 21.4	+ 7.7	+ 16.7	+ 16.7
1968	289	1.6	+ 47.4	+ 23	+ 21.4	+ 14.3
1969	315	1.7	+ 60.7	+ 30.8	+ 9.0	+ 6.3
1970	351	1.9	+ 79.1	+ 46.2	+ 11.4	+ 11.8

Table 5

Number of Murder Incidents, Rate and Percent Change

QUEBEC 1962-1970

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	42	0.9	100.0	100.0		
1963	50	1.1	+ 19.0	+ 22.2	+ 19.0	+ 22.2
1964	45	1.0	+ 7.1	+ 11.1	- 10.0	- 9.1
1965	52	1.1	+ 23.8	+ 22.2	+ 15.6	+ 10.0
1966	46	0.9	+ 9.5	0.0	- 11.5	- 18.2
1967	55	1.1	+ 31.0	+ 22.2	+ 19.6	+ 22.2
1968	74	1.5	+ 76.2	+ 66.7	+ 34.5	+ 36.4
1969	105	2.0	+ 150.0	+ 122.2	+ 41.9	+ 33.3
1970	85	1.6	+ 102.4	+ 77.8	- 19.0	- 20.0

Table 6

Number of Murder Incidents, Rate and Percent Change

ONTARIO 1962-1970

Year	Number	Rate per 100,00 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	60	1.1	100.0	100.0		
1963	65	1.2	+ 8.3	+ 9.1	+ 8.3	+ 9.1
1964	62	1.1	+ 3.3	0.0	- 4.6	- 8.3
1965	60	1.1	0.0	0.0	- 3.2	0.0
1966	53	0.9	- 11.7	- 18.2	- 11.7	- 18.2
1967	83	1.4	+ 38.3	+ 27.3	+ 56.6	+ 55.6
1968	75	1.2	+ 25.0	+ 9.1	- 9.6	- 14.3
1969	86	1.3	+ 43.3	+ 18.2	+ 14.7	+ 8.3
1970	103	1.5	+ 71.7	+ 36.4	+ 19.8	+ 15.4

Table 7

Number of Murder Incidents, Rate and Percent Change

MANITOBA 1962-1970

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	12	1.5	100.0	100.0		
1963	11	1.4	- 8.3	- 6.7	- 8.3	- 6.7
1964	15	1.9	+ 25.0	+ 26.7	+ 36.4	+ 35.7
1965	10	1.2	- 16.7	- 20.0	- 33.3	- 36.8
1966	14	1.7	+ 16.7	+ 13.3	+ 40.0	+ 41.7
1967	10	1.2	- 16.7	- 20.0	- 28.6	- 29.4
1968	24	2.9	+ 100.0	+ 93.3	+ 140.0	+ 141.7
1969	26	3.1	+ 116.7	+ 106.7	+ 8.3	+ 6.9
1970	24	2.9	+ 100.0	+ 93.3	- 7.7	- 6.5

Table 8

Number of Murder Incidents, Rate and Percent Change

SASKATCHEWAN 1962-1970

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	12	1.6	100.0	100.0		
1963	7	0.9	- 41.7	- 43.7	- 41.7	- 43.7
1964	13	1.7	+ 8.3	+ 6.3	+ 85.7	+ 88.9
1965	12	1.5	0.0	- 6.2	- 7.7	- 11.8
1966	12	1.5	0.0	- 6.2	0.0	0.0
1967	11	1.4	- 8.3	- 12.5	- 8.3	- 6.7
1968	21	2.6	+ 75.0	+ 62.5	+ 90.0	+ 85.7
1969	19	2.3	+ 58.3	+ 43.8	- 9.5	- 11.5
1970	21	2.6	+ 75.0	+ 62.5	+ 10.5	+ 13.0

Table 9

Number of Murder Incidents, Rate and Percent Change

ALBERTA 1962-1970

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	14	1.3	100.0	100.0		
1963	20	1.7	+ 42.9	+ 30.8	+ 42.9	+ 30.8
1964	16	1.4	+ 14.3	+ 7.7	- 20.0	- 17.6
1965	14	1.2	0.0	- 7.7	- 12.5	- 14.3
1966	22	1.8	+ 57.1	+ 38.5	+ 57.1	+ 50.0
1967	26	2.1	+ 85.7	+ 61.5	+ 18.2	+ 16.7
1968	20	1.6	+ 42.9	+ 23.1	- 23.1	- 23.8
1969	16	1.2	+ 14.3	- 7.7	- 20.0	- 25.0
1970	29	2.1	+ 107.1	+ 61.5	+81.3	+ 75.0

Table 10

Number of Murder Incidents, Rate and Percent Change

BRITISH COLUMBIA 1962-1970

Year	Number	Rate per 100,000 Population 7 years and over	Percent change over 1962		Annual percent change	
			Number	Rate	Number	Rate
1962	43	3.1	100.0	100.0		
1963	25	1.7	- 41.9	- 45.2	- 41.9	- 45.2
1964	28	1.9	- 34.9	- 38.7	+ 12.0	+ 11.8
1965	41	2.7	- 4.7	- 12.9	+ 46.4	+ 42.1
1966	41	2.6	- 4.7	- 16.1	0.0	- 3.7
1967	36	2.1	- 16.3	- 32.3	- 12.2	- 19.2
1968	58	3.3	+ 34.9	+ 6.5	+ 61.1	+ 57.1
1969	45	2.5	+ 4.7	- 19.4	- 22.4	- 24.2
1970	58	3.1	+ 34.9	0.0	+ 28.9	+ 24.0

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