

The Macdonald-Laurier Institute

February 2011

# True North

In Canadian Public Policy

## Why Canadian crime statistics don't add up

### NOT THE WHOLE TRUTH

Crime is measured badly  
in Canada

Serious crime is not down

We don't know how the  
system is working

Toute la vérité?  
Les statistiques de la  
criminalité au Canada

Scott Newark



# THE MACDONALD-LAURIER INSTITUTE FOR PUBLIC POLICY

*True North in Canadian Public Policy*



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February 2011

# Why Canadian Crime Statistics Don't Add Up:

Not the whole truth

Scott Newark

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Author photos, John Major Photography

## Executive summary

### **Is it true that crime rates in Canada are low and falling?**

In making the case that they are, politicians and members of the media rely heavily on Statistics Canada's annual comprehensive, high-profile review of police-reported crime statistics (the Juristat report). A plain reading of the Juristat report, however, shows that many of the most common conclusions that are drawn about crime in Canada are in fact incorrect or badly distorted. These problems, moreover, are deeply linked with the flawed ways in which Statistics Canada both collects and interprets the data on crime in Canada.

Examples include:

- No data on who is committing what kinds of crimes;
- A model that inappropriately minimizes the volume (and thus the rate) of crime;
- Data on and explanations of unreported and unsolved crimes are receiving less attention;
- Historical data that would allow effective comparisons of crime rates over time have been eliminated;
- Data on the volume of crime have repeatedly and inexplicably been altered retroactively;
- Most serious incident reporting and other defects in the Juristat report deny us vital information about how much crime is committed by those who have already had contact with the system including those on probation, bail or conditional release, information vital to assessing existing rehabilitation and deterrence measures.

Crime is a complicated topic and there are few easy answers. But without proper information we cannot even ask the right questions. Informed public debate is the cornerstone of self-government. Yet on the central question of the state's duty to protect citizens from crime and public disorder, Canadians are not as well served as they should be.

This paper assesses defects in the Juristat report's collection, analysis and presentation of information about crime and patterns of criminality in Canada and suggests a sweeping set of reforms so the report can better fulfil its core, and commendable, purpose of giving Canadian policy-makers, opinion-makers, and citizens better information on which to make difficult decisions about the complex social phenomenon known as crime.

## Est-il vrai que le taux de criminalité au Canada est modeste et en régression ?

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En défendant leur point de vue, les politiciens et journalistes s'en remettent largement à l'examen exhaustif annuel des données sur les crimes déclarés à la police de Statistique Canada (le rapport Juristat), qui suscite toujours beaucoup d'intérêt. Une simple lecture du rapport Juristat montre toutefois que plusieurs des observations qui en sont le plus souvent dégagées concernant la criminalité au Canada sont en fait incorrectes ou très déformées. De plus, cette fausse perception est fortement dépendante des méthodes défectueuses dont Statistique Canada se sert pour à la fois colliger et interpréter les données sur la criminalité au Canada.

On peut mentionner les exemples suivants :

- Il n'existe aucune donnée sur qui commet quel type de crime.
- Le modèle utilisé minimise de façon inappropriée le nombre (et conséquemment le taux) de crimes.
- Les données et les explications qui ont trait aux crimes non déclarés et non résolus reçoivent moins d'attention.
- Les données historiques qui permettraient des comparaisons pertinentes des taux de criminalité à travers le temps ont été éliminées.
- Les données sur le nombre de crimes ont été à plusieurs reprises et sans explication rétroactivement modifiées.

La présentation de données selon l'infraction la plus grave et d'autres faiblesses du rapport Juristat nous privent d'une information essentielle sur la quantité de crimes commis par des personnes qui ont déjà été en contact avec le système judiciaire, notamment celles en probation, en liberté sous caution ou en liberté conditionnelle, une information d'une importance vitale pour évaluer les mesures existantes de réhabilitation et de dissuasion.

La criminalité est un sujet compliqué et les réponses sont rarement simples. Cependant, sans information convenable, il est impossible de poser les bonnes questions. Un débat public éclairé est la pierre angulaire du gouvernement par le peuple. Pourtant, sur la question centrale qu'est le devoir de l'État de protéger les citoyens contre la criminalité et le désordre public, les Canadiens ne sont pas aussi bien servis qu'ils devraient l'être.

Cette étude passe en revue les faiblesses de la collecte, de l'analyse et de la présentation de l'information sur la criminalité et les tendances de la criminalité dans le rapport Juristat. Il propose une série de modifications pour que le rapport s'acquitte mieux de sa tâche première, tout à fait louable, qui est de fournir une meilleure information aux décideurs, aux faiseurs d'opinion et aux citoyens canadiens leur permettant de prendre des décisions difficiles au regard de ce phénomène social complexe qu'est la criminalité.

# Introduction

In what has become a ritual of late July, when public attention is usually focused anywhere but Ottawa, Statistics Canada released its annual report and review “Police-reported crime statistics in Canada, 2009” (Dauvergne and Turner 2010). These reports are intended to serve an important public purpose. Giving policy-makers and citizens basic information about crime in Canada is an invaluable first step in measuring the performance of the Canadian criminal justice system and in empirically illustrating potential operational and policy reforms and strengthening accountability. These valuable public purposes are regrettably compromised because the numbers are not collected, analysed, or presented nearly as well as they could be. The purpose of this paper is to examine the accuracy, reliability, and utility of the 2009 police-reported crime statistics report. It demonstrates the flaws in Statistics Canada’s gathering, analysis, and reporting of crime statistics, empirically demonstrates the criminal justice relevance of the deficiencies, provides criminal justice/public safety relevant examples of what is not reported in the current process, and provides specific and detailed suggestions on how to improve the process and results.

**The numbers are not collected, analysed, or presented nearly as well as they could be.**

Ironically, this year Statistics Canada itself became front-page news as the government’s intention to eliminate the compulsory long-form census was challenged as an attack on the independence, institutional excellence, and public importance of Statistics Canada’s work. Defenders of the agency, including its former and current heads, quite rightly pointed to the direct relationship between accurate and relevant information, the measurement of systemic performance, and informed policy choices, which is precisely why it is important to apply the same standard to the Juristat crime statistics report.

The 2009 report contains the now-standard conclusion, widely repeated in the media, that “crime is down.” This paper examines the validity of that claim by examining how crime data are – or are not – gathered and analysed in the report. The purpose of the Juristat report is not to defend the performance of the justice system or to promote a particular approach to combating crime, nor does this paper seek to pass judgment on the justice system or existing or proposed crime policy. Rather, the Juristat report aims to provide the relevant information regarding crime in Canada that would assist policy-makers and citizens in understanding trends or patterns of criminality on the basis of which to discuss operational or policy changes that might reduce the volume or seriousness of crime. This paper makes the case that this year’s crime statistics report, like others before it, does a surprisingly poor job of asking the right questions in the right way to accomplish the important preliminary task of obtaining relevant information.

One of the most unfortunate things about the latest report is that, despite years of crime statistics reporting, most changes in the methodology are detrimental to its fundamental purpose. For instance, continuing a trend that began with the move to a new format in 2008, this year’s report contains less raw data than most of its predecessors. Given the inherent complexity of the subject, the lack of ready access to such data makes it far harder to look behind Statistics Canada’s news release on the report and investigate and evaluate the actual crime statistics that are contained in the report. Since the data were collected, the decision to omit them from the report is both disappointing and perplexing.

Another serious concern is that, until recently, these annual reports provided comparative crime volume data over extended periods of time to permit informed assessment of crime trends and changes. This information was cut back in the 2008 report, however, and further restricted in the 2009 report, released in late July 2010.

It should be noted that there has been some improvement in the reporting of specific crimes – for example, sexual crimes committed against children are now differentiated from other types of sexual crimes, and drug trafficking is now reported separately from drug possession. Regrettably, there has also been a move in the other direction, inexplicably eliminating specific reporting of bail violation offences, removing vital offence data summaries organized by location, and utilizing a subjective and data-devoid “crime severity index” tool especially in regards to youth crime. Moreover, the candid analysis of deficiencies in crime reporting that was a feature of earlier reports has been eliminated, and the criteria for categories of offences have been counterproductively changed, rendering long-term comparisons less reliable. The result is a report that is less informative, less complete, and less useful for assessing crime trends in Canada.

**Statistics Canada  
must be held to its  
own high standard...**

Statistics Canada rightly defends its need for institutional independence in the performance of its duties. But independence is neither an end unto itself nor a synonym for lack of accountability. Statistics Canada must be held to its own high standard of producing accurate, timely, and relevant information, complemented by informed expertise that ensures that the right questions are asked and answered. On detailed analysis, the 2009 police-reported crime statistics report does not meet this standard, and improvements are required. Canadians deserve nothing less.

In analysing what is reported, as well as what is not and what should be, this paper is emphatically not intended as a substitute for the work of Statistics Canada, let alone an assessment of the criminal justice system or a set of recommendations on crime policy. It is simply an assessment of how the key public report on crime is produced and presented, an analysis of its defects, and a set of recommendations on how the report could be improved. Like the Juristat report itself, the paper aims to generate better information to support better operational and policy-making decisions about combating crime in Canada.

# Problems with Statistics Canada's Methodology

In various ways, the methodology Statistics Canada uses to assemble the crime statistics report appears to compromise the reliability and relevance of the report's information and conclusions. One serious concern is that, until recently, these annual reports provided comparative crime volume data over extended periods of time to permit informed assessment of crime trends and changes. This information was cut back in the 2008 report, however, and further restricted in the 2009 report, released in late July 2010. This section examines a number of issues of concern with the collection and reporting of the data.

The crime statistics report has other flaws as well, both in how it collects data and how it presents and discusses them. But the starting point for understanding the contribution it makes to public debate and the contribution it could make if better designed is to understand what it is that the crime statistics report is trying to do, and then how well it is achieving it

## The Use of Data Based on Police Reporting

As the title of the report ("Police-reported crime statistics in Canada, 2009") indicates, the data represent crimes that are reported to and substantiated by the police; crimes that, for whatever reason, are unreported do not appear. This system of reporting, known as uniform crime reporting (UCR), was constructed in 1962 in partnership with Canadian police agencies. The UCR system has both an aggregate and incident component, and the types of crimes reported have varied over the years. In the 2009 report, data were provided on about 200 individual criminal offences, an increase from previous years, which were then amalgamated into a total of 46 categories. That this reliance on crimes reported undercounts actual crimes committed is confirmed by Statistics Canada's own General Social Survey on victimization.

Every five years, Statistics Canada conducts a General Social Survey by selecting eight crime types and thereafter polling a "sample" of Canadians ages 15 and over to get its results. Only 31 percent of persons who reported being victimized in the General Social Survey reported that fact to the police, down from 34 percent in 2004. This finding legitimately raises the question of why Canadians do not report crimes to the police, but most of the candid analysis of this important issue that appears in earlier crime statistics reports has been eliminated from the 2009 edition.

The most recent release of the Juristat Criminal Victimization Survey in Canada (Perreault and Brennan 2010) explores the phenomenon of unreported crimes and the various motivations for non reporting, which disturbingly includes a significant percentage based on lack of confidence in the justice system itself.

## Conclusions Based on Rates, not Volumes, of Crime

Although some of the actual data of volume of crimes are given in tables at the end of the report, the conclusions are presented based on a crime rate per 100,000 population. Since Canada's population increased from 30.5 million in 1999 to 33.7 million in 2009 – a rise of 10 percent – there has been an inherent increase in the population base against which crime is measured. Including this crime rate analysis is entirely legitimate, as it would be misleading to assert that crime was up 10 percent if in fact the number of offences had risen in step with the population. Additionally, the report makes no mention of the impact of the spectrum of sup-

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posedly rehabilitative measures on the tens of thousands of people who pass through the justice system annually and, inexplicably, does not specifically track offences subsequently committed by such persons. Put differently, the report's methodology accepts that there are more of us for rapists, car thieves, robbers, and child molesters to prey on, and that "corrections" is a concept, not a metric. Since the minimum legal age of potential criminal responsibility is 12, including the population of Canadians under that age in the total number of potential offenders artificially inflates the comparative base and decreases the real rate of crime. Moreover, youths between the ages of 12 and 17 are counted as a separate category, so including them in the general population category appears to double count them.

These demographic factors appear to have been treated in the same way in earlier reports, so they do not skew reporting of recent trends. It would be more helpful, however, if the reporting of a population increase identified increases or decreases in age groups statistically more likely to commit crimes and, conversely, separated out persons under 12 years of age who cannot be charged with a crime, as well as seniors who are a recognized low-incident crime group, rather than reporting rates for the population as a whole.

### **The Use of Most-Serious-Incident Reporting**

The report explains, in a footnote on p. 25, that "[c]ounts are based upon the most serious violation in the incident. One incident may involve multiple violations" (Dauvergne and Turner 2010, 25). In other words, even though an incident may involve multiple crimes and multiple victims, Statistics Canada reports only a single offence. While this approach might be appropriate in circumstances where a conviction on multiple counts would not occur – say, theft plus possession of stolen property or impaired driving plus refusal to undergo a blood alcohol test – it is inappropriate and misleading to use it when separate and distinct crimes have been committed for which the individual can be prosecuted and convicted. The result from the current methodology would appear to underreport crime.

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As an example, it would seem to be the case that a gun-toting, drug-possessing, impaired car thief, on probation, bail, and subject to a firearms and driving prohibition, who is in possession of stolen credit cards and who crashes into another vehicle, thereafter flees, assaults a police officer, and gives a false name upon arrest would show as the single offence of whatever was deemed to be the most serious. This artificial and inaccurate reporting thus inherently underreports crimes committed by persons on bail, probation, subject to a conditional sentence, a firearms prohibition, preventive recognizance, or driving prohibition, which, as the daily media illustrate, is frequently committed in conjunction with other offences. Such reporting is also a blatant disregard of clearly valuable information about the profiles of persons committing crimes and about the ongoing performance of the justice system in dealing with repeat offenders.

### **The Use of the Crime Severity Index**

The 2009 report's analysis is dominated by the Crime Severity Index (CSI), introduced in 2008 following complaints that earlier reports mixed the apples of minor crime with the oranges of violent crime, thus giving a distorted picture of crime to Canadians concerned about the safety and quality of life in their communities. It is no denial of the demoralizing impact of chronic petty crime to say that those complaints had legitimacy. The way the change was implemented reduced the amount of data readily available to readers to check the conclusions the report offered. Of the 27 charts and tables in the report, 10 are based on the CSI, 13 are based on crime rates, and

only 4 are based on incident data. In addition, the comparative data in the incident-based charts and tables have been reduced from five years, as in earlier reports, to just the previous year, with the obvious and undesirable result of making it harder to discern trends.

The report explains that, “[i]n the calculation of the CSI, each offence is assigned a weight, derived from sentences handed down by criminal courts. The more serious the average sentence, the higher the weight for that offence” (Dauvergne and Turner 2010, 9). Thus, the severity of crime is based not on the objective determination of designated crimes but on subjective assessments of appropriate sentences as imposed by judges. Presumably, this would mean that a jurisdiction with judges who impose less severe sentences would translate into a less severe crime index rating. The report provides no data in this regard, but does note that the CSI for all provinces and territories west of Ontario was higher than the national average. This approach has the potential of creating an institutionally self-serving and self-defining process. Severe crime is not down simply because judges impose shorter sentences. Indeed, recent legislation imposing mandatory minimum sentences was enacted by a Parliament that arguably has concluded that current sentencing is all too frequently inappropriate for serious crimes.

**Severe crime is not down simply because judges impose shorter sentences.**

In short, the CSI treats an output (punishment) as though it were an input (crime), and in so doing creates a hidden circular argument: in response to any claim that punishments are too light given the seriousness of crime in Canada, the CSI reports lenient punishment as evidence that crime is not serious.

Further, the report retroactively applies the CSI to previous reports and simply presents CSI summaries and tables, without including empirical data on sentencing, to support claims of the reduced severity of crime. Such an approach affects public debate – indeed, one federal political party has used it to make the case against the need for sentencing reform. No matter what the intent, the CSI process falls well short of the level of objectivity in defining and distinguishing serious crime that the subject requires.

### **Variations in Police Reporting Practices**

The 2009 report notes that “internal police records management systems (RMS) and processes can impact on whether or not a criminal incident is entered into the local RMS” (Dauvergne and Turner 2010, 24). Thus, just as variations in sentencing patterns can skew the CSI in hidden ways, variations in reporting practices among police forces across Canada affect both the volume and rates of reported crimes. In this case, Statistics Canada is not to blame; a lack of standardization makes it difficult to assess the reliability of crime statistics. But it is a sufficiently serious weakness that the public certainly should be aware of it when given a report on “crime rates,” and it is something law enforcement agencies and groups ought to be studying with an aim to improving reporting.

### **The Retroactive Revision of Data**

The retroactive application of the CSI is not the only example of such a practice in the report, nor is it the most serious one. Careful examination of this year’s report and those of past years shows a recurring practice by Statistics Canada of underreporting the number of the most serious crimes in the reporting year and then revising it upward for that year in the next report. Although such data alterations might be the result of revised reporting by the police themselves, the report makes no such explicit correction and provides no explanation of any

revisions. But whatever the reason, the impact of this pattern is, year after year, to create a smaller reported increase or larger reported decrease in serious crimes than is visible in retrospect, thus distorting the apparent trend in a favourable direction. Moreover, for reasons not explained, the latest report contains much fewer data on comparative criminal incidents than earlier reports do, even though such data are reported by police to Statistics Canada.

### **Changes in Categories of Offences**

The report recently undertook another retroactive change in a quite different manner without explaining the inconsistency. In the 2008 report, a footnote (Wallace 2008, 25) indicates that the category of “violent crime” had been altered to include the offences of unlawful confinement, uttering threats, and harassment. This change, while reasonable in itself, increased both the apparent volume and rate of violent crime, but made it difficult to undertake the long-term comparisons with previous years that were possible in earlier reports. The footnote suggests that data are available back to 1998, but it is unclear whether they have been adjusted to account for revisions in categories of offences. Although Statistics Canada has retroactively adjusted previous crime analysis to reflect subjective CSI information, it has not done so in the 2009 report to permit the long-term comparisons that traditionally have been reported.

The 2009 report also does not contain the cumulative report since 1962 of the percentages of violent crime in relation to all crime, but data supplied in previous reports indicate huge increases since 1962 and even by comparison with more recent years – for instance, looking back five and 10 years to 1999 and 2004, albeit in a declining amount.

### **The Exclusion of Certain Offences from the Calculation of Crime Rates**

In addition to a significant number of things that are reported in ways that obscure important patterns, the crime statistics report also fails to report some important data at all.

For instance, the 2009 report continues the practice of artificially excluding drug and “other” criminal traffic offences from the calculation of crime rates (Dauvergne and Turner 2010, 9), which clearly results in underreporting crime that significantly affects communities. Statistics Canada’s explanation for this omission is that, since the police can make a special effort to target such offences, their volume and rate can be artificially increased. By this logic, however, gun crimes also should not be included as they too are wisely now being targeted. Statistics Canada appears not to appreciate that crime is not created simply because police choose to target it; rather, the targeting serves to detect and interdict it, which in itself is worth reporting.

### **The Failure to Report Crimes of Specific Interest**

As noted above, Statistics Canada continues to alter the categories and grouping of crimes, which makes tracking changes beyond a preceding year extremely difficult. Although some crimes of particular importance are reported separately, many that are indicative of systemic performance (for example, breaching court orders) are not, which is inappropriate. Statistics Canada gathers the relevant data from police to report these separately; it just chooses to prioritize the reporting – for example, singling out causing a disturbance for reporting, but not crimes such as assault with a weapon, breaching bail, breaching a firearms prohibition order, or murder.<sup>1</sup>

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<sup>1</sup> The different crimes of first- and second-degree murder and manslaughter are collectively reported as “homicides.”

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### **The Absence of Relevant Offender Profiles**

A crucial reason to better understand crime is so that we can find policies that help prevent it. Crime prevention is rightly seen as a way to address the reasons people commit crimes so that they do not commit them in the first place. Less subtle, but of at least equal importance, is a crime prevention strategy that exercises the authority of the law to eliminate the opportunity of repeat offenders to commit further crimes. It is therefore obviously desirable to know how much crime, and how much serious crime, is committed by repeat offenders – people the system correctly identified as perpetrators of crime but who are not kept from committing further crimes.

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Despite the obvious relevance of whether a particular offender charged with a particular offence could have been denied that opportunity, and the fact that police gather such data, Statistics Canada continues to fail to report this information. It would be of great importance to know, for example, how many armed robberies were committed by persons on parole (breaching parole in itself is not a crime in Canada) or out on bail. The 2006 report indicated that the Uniform Crime Reporting system provided “characteristics of victims, accused persons and incidents” (Silver 2007, 14), so the reporting of such information clearly is possible – indeed, earlier reports contained this kind of analysis with respect to repeat young offenders, but Statistics Canada discontinued the practice without explanation years ago (Hendrick 1997).

Such information would be a powerful measure of the performance of the justice system, and would also generate valuable insight into potential legislative reforms, such as creating statutory parole ineligibility consequences for crimes committed while on parole. The specifics of what Statistics Canada should be reporting in this regard are presented later in this paper. Clearly, however, Statistics Canada should be sharing more of what it knows in this area with the public, who have a right to know it and an interest in doing so.

### **The Limited Reporting of Data on Youth Crime**

The weaknesses of the CSI approach are discussed above, and it should be noted that the 2009 report is the first that applies the subjective CSI approach to youth crime and that it includes an undocumented retroactive application of the formula back to 1998. Unfortunately, the CSI and crime-rate-reporting format dominate youth crime reporting to the extent that, with the single exception of homicide, no crime volume data are provided. This has the secondary effect of preventing crime volume comparisons (except for homicides), although some comparative crime rate analysis is possible.

### **The Elimination or Reduction of Comparative Criminal Incident Data**

Although the data are clearly available and reported by police to Statistics Canada, the 2009 report also provides less comparative analysis than in previous years of crimes broken down by volume, location, or a time span beyond the previous year. This situation is aggravated by the changes noted above as to which crimes are included in the violent crime categorization, which potentially inflates previous rates for comparison with the 2009 data, as the report does not indicate any backward revision to avoid this. It is unclear and unexplained why Statistics Canada chose to alter its methodology in these areas but, again, the effect is quite clearly to reduce possibilities for public understanding of crime trends based on the report.

### **The Lack of Analysis of Unreported Crime**

To its credit, Statistics Canada conducts a separate victimization survey, which reveals a significant and increasing volume of crime that is not being reported to the police and thus is not captured in the annual crime statistics report. While the fact of nonreporting is inherently significant, the reasons for nonreporting are especially important. In noting a continuing decrease in reporting of auto theft and break and enter, the 2009 report does offer increased deployment of security systems by citizens as an explanation. While it may well be true that, in this area, less crime is reported because there is less crime (because of citizens' efforts to protect themselves privately, not because there are fewer break-and-enter artists or car thieves), the problem of nonreporting extends well beyond this. Previous years' reports candidly acknowledged that the declining reporting of crime by citizens was not simply a result of less crime but actually a reflection of the fact that, especially on less serious property crime, citizens had decided that nothing would result from reporting it to the police...or worse.

**The number of unsolved violent crimes... may be increasing because witnesses, and victims, alarmingly are concluding that the bad guys are more powerful than the good guys.**

More ominous is the conclusion from the 2002 report that nonreporting was also attributable to "the level of perceived seriousness of the incident; not wanting to involve the police; and, fear of reprisals from the aggressor or other negative consequences of criminal justice system intervention" (Wallace 2003, 2). One statistic that is definitely not reported by Statistics Canada, but should be, is the number of unsolved violent crimes, which may be increasing because witnesses, and victims, alarmingly are concluding that the bad guys are more powerful than the good guys. That many of us appear to have accepted more crime as inevitable is by no means the same thing that crime is decreasing or that we could not take measures to reduce crime if we chose to do so.

### **Making better use of data**

Statistics Canada's methodology for collecting, analysing, and formatting police-reported crime statistics is clearly of central importance to the value of the resulting report. Based on past reports and material included deep within the text of the 2009 edition, it is clear that the police are gathering and are either reporting or are capable of reporting to Statistics Canada all the relevant information that would help these annual crime statistics reports fulfill their valuable potential. The methodology's many flaws and omissions, however, serve to compromise the usefulness of these reports. Full and relevant use of the available data combined with a rigorous and modernized methodology would better serve both citizens and policymakers. In this vital crime statistics analysis and reporting, process should serve purpose, not the other way round.

# Analysis of the 2009 Report's Conclusions

The 2009 Police-reported Crime Statistics Report does not merely present information. It reports a number of conclusions that merit closer analysis.

## Highlights requiring careful scrutiny

The 2009 report contains a number of conclusions that invite closer analysis because they are summarized in the “Highlights” section (Dauvergne and Turner 2010, 5–6). Unfortunately, eight of the 14 highlights reflect the domination of the Crime Severity Index, whose weaknesses are documented above. It is not appropriate for Statistics Canada analysts to build so many important conclusions on what is clearly so frail a statistical foundation.

### The claim that crime is down

Accordingly, this section of the paper examines the relevance and reliability of the conclusions that have been presented in various subject areas, and suggests more reliable and relevant ones that should be drawn from the same existing data in the same subject areas. The starting point is this important general conclusion at the beginning of the 2009 report:

“Police-reported crime in Canada continues to decline. Both the severity and the volume of crime dropped in 2009, continuing the general decrease seen over the past decade.”

Simply put, the first statement does not justify the second. That fewer crimes are being reported to the police does not lead to the conclusion that the volume of crime itself has dropped, especially given the acknowledged fact that the General Social Survey on victimization suggests that about three times as many crimes are committed as are reported to the police and that the rate of reporting is dropping.

Even using the artificially minimizing “most serious” incident process, if one includes all reported offences (including drugs and traffic), the total volume of crime declined from 2,593,000 incidents in 1999 to 2,437,000 in 2009 – a reduction of 156,000 incidents, or 6 percent. Effective comparison is difficult, however, as Statistics Canada retroactively changed the number of crimes from the previous year as reported in the 2008 report from 2,473,000 to 2,485,000, thus increasing the reported year-to-year decrease in the 2009 report.

The number of violent crimes also was retroactively increased from 441,000 to 443,000 with the same result. At the very least, the conclusion should note that this revision process happens fairly consistently. It would be even better if the report gave an average figure for past revisions so that readers could make an informed assumption about how much higher the 2009 figure ultimately would be. No supporting data are provided with which to analyse the decrease in the subjectively claimed severity index; instead, the reader is simply left to accept the reported rates of crime.

Another highlighted conclusion of the report draws further attention to the problem of reported versus actual crime:

**That fewer crimes are being reported to the police does not lead to the conclusion that the volume of crime itself has dropped...**

“There were approximately 43,000 fewer crimes reported to police in 2009. Three property crimes accounted for the majority of this drop: 17,000 fewer motor vehicle thefts, 10,000 fewer mischief offences and 5,000 fewer break-ins.”

These data are remarkable because they show that almost 40 percent of the drop in reported crime from 1999 to 2009 took place in a single year, the most recent one. Meanwhile Table 2 of the report shows a net decrease of only 324 violent crimes between 2008 and 2009 – that is, violent crimes reported to the police dropped by less than one-tenth of 1 percent, or less than 1 percent of the total of the reduction in crimes reported to the police. Given that people are far more likely to underreport minor crime, the conclusion that there was a statistically significant drop in “crime” is not sustainable.

**The conclusion that there was a statistically significant drop in “crime” is not sustainable.**

Also, the report does not seem to have taken into account the expanded definition of violent crime adopted in 2008, a serious omission since there appears to have been a 52 percent increase in that period, from 291,000 to 443,000 incidents (the 1999 data are from Wallace 2002).

| Table 1: Violent Crime |         |         |         |
|------------------------|---------|---------|---------|
|                        | 1999    | 2004    | 2009    |
| Violent crimes         | 291,000 | 302,000 | 443,000 |
| % change               |         | 3.78    | 46      |

Whether or not this jump is a statistical artefact driven by a changed definition, failure to note or resolve it as a “highlight” worth reporting is a concern.

On a more positive note, the reduction in auto theft is likely the result of a change in policy rather than reporting: targeting by specialized police, supported by government legislation (S-9) aimed at the offence of repeat auto theft, and organized crime activities in the export of stolen autos from Canadian seaports. In evidence to the Senate Justice Committee, the Insurance Bureau of Canada confirms the reduced numbers of thefts but also lower rates of recovery of stolen vehicles, suggesting greater organized crime involvement. (Senate Committee on Legal and Constitutional Affairs, May 27, 2010). The effect of S-9 on this issue should be monitored in the future.

#### **The claim that serious crime is down**

Another noteworthy highlight says that

“Canada’s Crime Severity Index...decreased 4% in 2009 and was 22% lower than in 1999. The crime rate, a measure of the volume of crime reported to police, also dropped in 2009, down 3%. The crime rate was 17% lower than a decade ago.”

The report offers no supporting data with which to analyse the decrease in the severity index, which, to repeat, is not a solid construct anyway. Instead, the reader is given only reported rates of all crime (again, excluding drug and traffic offences). But in the 2008 report, that rate was given as 6588 per 100,000 population, which the 2009 report revised to 6615 per 100,000; as a result of the revision the reported drop (to 6406 per 100,000 in 2009) gets bigger. But if the next report revises the 2009 number upward, as generally happens, the apparent decrease will shrink; if so, it is unlikely to merit a highlight saying the 2009 report exaggerated.

The report also highlights that:

“Violent crime in Canada is also declining, but to a lesser extent than overall crime. Both the violent Crime Severity Index and the violent crime rate declined slightly in 2009, down 1%. The violent CSI dropped for the third consecutive year, and was 6% lower than a decade earlier, a much smaller decline than for the overall CSI.”

Once again, the incomplete manner in which data are presented in the 2009 report makes it impossible to verify the claim of a lower violent crime rate. Furthermore, as usual, the rate of reported violent crime for 2008 in the 2008 report was revised upward in the 2009 report from 1326 to 1331 per 100,000 population, thus inflating the apparent decline in the rate reported for 2009. It would take only a small subsequent revision to make the decline into an increase and, as noted, such revisions are habitual in this sort of data.

Also, the lack of data on rates of violent crime over the decade since 1999 and changing definitions of what constitutes violent crime make it impossible to verify claims about the extent to which the rate has fallen over that time. All we are left with is the rate of violent crime as reported in the 1999 edition of 955 per 100,000 and in 2009 of 1314 per 100,000, which is not an encouraging decrease but a jump of 33 percent over the decade. It should be stressed that the unexplained change in the violent crime categorization is likely responsible for this increase, but leaving it unresolved, and thus unclear, is not acceptable.

Another highlight requires a second look:

“Most violent crimes declined in 2009, including homicide, serious assaults, sexual assaults and robbery. However, increases were reported in attempted murder, extortion, firearms offences and criminal harassment.

Police reported 610 homicides in 2009, 1 less than the previous year. Despite annual fluctuations, the homicide rate has been relatively stable for the past decade and well below the peak rate seen in the mid-1970s.”

While it is true that there was one less homicide reported to the police in 2009 than in 2008, the following other facts are not noted:

- In 2008 a new category of “other violations causing death” (presumably infanticide or criminal negligence causing death) was created, which makes it unclear whether or not such criminal death cases were reported or included in “homicide.” In 2009 there was an increase of two such incidents, thus creating a net overall increase in criminal death causation from 2008.
- The number of homicides in 1999 was 538, so there was an approximately 12 percent increase from that year to 2009.
- Most serious violent crimes (homicide plus attempted murder) increased from 1225 in 1999 to 1295 in 2004, and to 1416 in 2009 – a decade-long increase of approximately 15 percent. Continuing improvements in medical

**The incomplete manner in which data are presented in the 2009 report makes it impossible to verify the claim of a lower violent crime rate.**

care also might have reduced the number of persons actually killed, which is not the same thing as concluding that potentially lethal criminal acts were fewer in number. This is not an issue explored by Statistics Canada.

- Serious violent crimes (homicide/attempted murder/assault with weapon/aggravated assault/sex assault with weapon/aggravated sexual assault) are unreliably compared in total because, once again, starting from 2008, Statistics Canada changed the crimes included in the category of level 2 assaults with a weapon by adding assault causing bodily harm. This unexplained change makes longer-term comparisons of crime trends unavailable on the data supplied and needs to be corrected. Using crimes whose definition appears to have been unchanged (homicide/attempted murder/aggravated assault/aggravated sexual assault), there seems to have been an increase from 3955 in 1999 to 4218 in 2004, and to 5157 in 2009 – approximately a 30 percent increase over the decade.

**...it would be very helpful to know how many of the persons responsible for such crimes were on bail, on parole, subject to criminal deportation, or “graduates” of the Canadian correctional system...**

As noted above, it would be very helpful to know how many of the persons responsible for such crimes were on bail, on parole, subject to criminal deportation, or “graduates” of the Canadian correctional system, but Statistics Canada does not report this highly relevant information. The same reporting defect applies to all crimes reported in these annual reports.

#### **The claim that impaired driving is up**

Another highlight that rests on a questionable statistical foundation is that:

“Impaired driving offences increased for the third year in a row. Police reported 89,000 impaired driving offences in 2009, an increase of 3% in the rate. About 2% of these offences were drug impaired driving.”

Examination of the longer-term comparative data, which the 2009 report does not contain, shows that the increase in impaired driving offences is more stark. Compare, for example, the 85,997 incidents in 1999 and the 80,339 in 2004, or the rate of 282 (1999) and 251 (2004) incidents per 100,000 population with 2009’s 89,000 incidents and 263 per 100,000. The report (Dauvergne and Turner 2010, 31) suggests that driving with blood alcohol over .08 (which is impaired driving) is not included in this category, although this is likely an error and should be verified. Separate reporting of impaired driving causing death/bodily harm would also be of value.

#### **The claim that drug crime is down**

The drug crime highlight also reflects, tacitly, changes in definition:

“Drug offences declined 6%, mainly due to a 21% drop in cocaine offences. Cannabis offences, which account for about two-thirds of all drug crimes, remained relatively stable in 2009.”

Once again, Statistics Canada has changed the way it reports drug crimes by separating trafficking, cultivation, and distribution from simple possession. The 2009 report indicates in-

creases in trafficking offences for both cannabis (up 7 percent) and other drugs (up 8 percent) but a decrease in cocaine trafficking crimes of 14 percent.

Another change in this area is that heroin, ecstasy, and crystal meth (methamphetamine) are now collectively reported as “other” drugs, where heroin offences previously were reported separately. This change makes it difficult to undertake comparative analysis, but total cocaine offences were 11,963 in 1999, 16,974 in 2004, and 17,466 in 2009, an increase of 46 percent over the decade. Using the same approach of combining the total number of incidents of “other” drug offences, the volume of such crimes increased from 8168 in 1999 to 14,884 in 2009, although the latter is a significant decrease from the 17,466 reported in 2004.

### The claim that youth crime is falling

On the controversial subject of youth crime the report highlights that:

“Data from a new youth Crime Severity Index show that youth crime severity has generally been declining since 2001, including a 2% drop in 2009. However, while the youth violent CSI was stable from the previous year; it was 10% higher than a decade earlier.”

The 2009 report is especially obtuse when it comes to youth crime information. Most of what is reported is framed on the subjective CSI. With the exception of homicide, no volumes of crime are provided. The report also eliminates the practice followed in previous years of reporting crimes that were prosecuted and those that were “diverted” away from the criminal justice process, a new feature of the *Youth Criminal Justice Act*. We know from the 2008 report that, by 2007, more youths were being “cleared otherwise” for crimes (even violent crimes) they had committed than were being prosecuted.

**The 2009 report is especially obtuse when it comes to youth crime information.**

The omission of these data in the latest report is directly relevant to public debate because previous Juristat reports commented that this diversion scheme might have contributed to the underreporting of youth crime by police, which is exactly what had been predicted during debate on the bill in Parliament. The elimination of actual data in the 2009 report makes comparative analysis extremely difficult. Nonetheless, by referencing previous reports, a couple of observations about youth crime are possible.

The violent crime rate for youths increased from 1682 per 100,000 young people in 1999 to 1864 per 100,000 in 2009, approximately 10 percent higher. The total number and rate of violent crimes reported for youths has increased significantly since 2001.

| Table 2: Youth Violent Crime |        |        |        |
|------------------------------|--------|--------|--------|
|                              | 2001   | 2004   | 2008   |
| Number                       | 23,617 | 38,212 | 48,697 |
| Rate per 100,000             | 956    | 1498   | 1887   |

These numbers show a 100 percent increase in the volume of violent youth crime and nearly the same percentage increase in under a decade. It might be that the unilateral changes to the definition of youth crime are responsible, at least in part, but that connection needs to be examined thoroughly. A report that fails to deal constructively with such issues is not being properly helpful to its audience.

Despite the data deficit, it is possible to make some tentative comparisons of specific violent crimes by youth, at least for 2008, and homicide comparisons are possible for 2009, even bearing in mind the new “other violations causing death” category created by Statistics Canada.

Table 3: Homicide and Attempted Murder

|                    | 2001 | 2004 | 2008 |
|--------------------|------|------|------|
| Number             | 100  | 94   | 115  |
| % change from 2001 |      | −6   | 15   |

Table 4: Homicide

|                    | 2001 | 2004 | 2008 | 2009 |
|--------------------|------|------|------|------|
| Number             | 30   | 44   | 56   | 79   |
| % change from 2001 |      | 46   | 86   | 163  |

These homicide numbers are so significant that a close examination of the reporting methodology should definitely be undertaken to ensure a completely accurate profile of this most serious youth crime. Another matter requiring attention in this section of the report is that, because of unexplained changed reporting methodology by Statistics Canada, other comparative reporting of specific crimes over longer periods is not possible.

### Crime Statistics by Geographical Location

In addition to the highlights discussed above, the 2009 report contains five highlights that focus on crime statistics by geographical location and whose data may be combined to generate the following table.

Table 5: Homicide by Region

|      | NF | PEI | NS | NB | PQ  | ON  | MN | SK | AB | BC  | TR | TOTAL |
|------|----|-----|----|----|-----|-----|----|----|----|-----|----|-------|
| 1999 | 2  | 1   | 13 | 9  | 137 | 162 | 26 | 13 | 61 | 110 | 4  | 538   |
| 2004 | 2  | 0   | 14 | 7  | 111 | 187 | 50 | 39 | 86 | 113 | 15 | 624   |
| 2009 | 1  | 0   | 15 | 12 | 88  | 178 | 57 | 36 | 95 | 118 | 10 | 610   |

**Every province, and the territories considered collectively, recorded an increase in the volume of violent crime between 2002 and 2009**

Here again, the report offers a more restricted approach to the presentation of comparative crime data than in previous years, with a comparison of volumes of crime only with 2008. By referencing earlier and more complete reports, a more thorough comparison over time is possible. As Table 6 shows, every province, and the territories considered collectively, recorded an increase in the volume of violent crime between 2002 and 2009, although these numbers should be treated with caution because of the effect of changed definitions of violent crime over the period.

Table 6: Violent Crime

|      | NF   | PEI  | NS     | NB     | PQ     | ON      | MN     | SK     | AB     | BC     | TR   | TOTAL   |
|------|------|------|--------|--------|--------|---------|--------|--------|--------|--------|------|---------|
| 2002 | 4751 | 1210 | 10,380 | 7373   | 53,625 | 99,990  | 18,925 | 18,331 | 33,539 | 49,641 | 5529 | 303,294 |
| 2009 | 7622 | 1781 | 15,516 | 11,551 | 85,099 | 131,437 | 26,303 | 25,834 | 55,793 | 74,208 | 8140 | 443,284 |

## Unreported “Highlights”

The 2009 report presents data on a number of significant categories of crime that are not included in the list of “highlights.” Obviously, there is no entirely objective and uncontroversial way of deciding what merits highlighting in such a report, but some of the items below are surely of interest to Canadians.

### The Increase in Serious Violent Crime between 2008 and 2009

| Table 7: Homicide and Attempted Murder |      |      |      |                     |                     |
|----------------------------------------|------|------|------|---------------------|---------------------|
| 1999                                   | 2004 | 2008 | 2009 | % Change since 1999 | % Change since 2008 |
| 1225                                   | 1295 | 1332 | 1416 | +10                 | +6                  |

This number deserves attention because the crime of ‘homicide’ requires the victim actually to die. Homicides are *arguably* decreasing because of the increased quality of medical care, not because of less thuggery or better lawyers. A much better measure of lethal violence is to combine homicides (first- and second-degree murder and manslaughter) with attempted murder, which, Table 7 shows, rose from 1332 in 2008 to 1416 in 2009, or about 6 percent, in one year. That analysis, however, did not make it into the report. Moreover, the footnotes of the 2009 report confirm the familiar pattern described above of an underreporting of the volume of crime in the previous report followed by a revision upward, which results in a more apparently benign trend, year after year, than the final numbers depict. This oddity is not acknowledged in the text of the 2009 report.

### Sexual crimes against Children

Another important finding buried in the statistics, rather than highlighted, is that sexual assaults against children have been specifically tracked in the report only for the past two years (why were they not before?), and that there was an 80 percent increase from 1435 in 2008 to 2620 in 2009. The authors of the report did not feel this merited special notice. Instead, they indicated that only “partial data” were available prior to 2009, which, curiously, was the same warning issued in 2008, suggesting that the 80 percent increase is not entirely a statistical artefact. Since that jump follows a far *larger* one the year before, the increase in such crimes being reported and an explanation of why they were not reported separately merits the attention of Statistics Canada.

| Table 8: Sexual Offences against Children |       |      |                    |                    |                     |
|-------------------------------------------|-------|------|--------------------|--------------------|---------------------|
| 2007                                      | 2008  | 2009 | % Change from 2007 | % Change from 2008 | % Change since 2008 |
| 542                                       | 1436* | 2620 | +360               | +80                | +6                  |

\*reported in 2008 as 1375

**Sexual assaults against children have been specifically tracked in the report only for the past two years... there was an 80 percent increase from 1435 in 2008 to 2620 in 2009.**

### Child Pornography

It is also baffling that Statistics Canada started reporting crimes of child pornography only in 2008, even though the offence has been in existence for over a decade. The 2009 report shows an increase from 1407 in 2007 to 1594 in 2009, or 13 percent, and offers as an explanation for earlier nonreporting and the absence of longer-term data comparison an amendment to the law to include internet related offences, but that amendment was enacted in 2002. This is

another demonstration from the 2009 report that Statistics Canada clearly requires additional subject matter expertise to recognize matters of priority and relevance.

### Breach of Court Orders

A key metric of the performance of the justice system is compliance with or breach of court orders. Until 2007, this measure was reported under the category of “bail violations”; since then, however, bail violations appear to have been absorbed into the larger, generic category of “administration of justice violations.” This change, combined with the inevitable underreporting of breaches arising from the “most serious incident” methodology, clearly results in a significant underreporting of this revealing crime. Between 1999 and 2007, reported bail breaches increased from approximately 72,000 to 110,000, a rise of nearly 53 percent.

### Firearms Offences

Beginning in 2008, Statistics Canada has reported firearms offences under a new category of “use of, pointing, or discharging a firearm,” which is useful but makes it difficult to compare data from earlier years and is counterbalanced by the elimination of the reporting of robberies with a firearm. Offences under the new category increased from 1479 incidents in 2008 to 1716 in 2009, a rise of 15 percent. The data reported in the 2009 report (and in the 2008 report) regarding firearms offences was not reported as a “highlight” but it clearly merits mention.

### Level 2 Assault

The Criminal Code purposely creates different categories of assault to reflect increased severity or circumstance. These include common assault, assault causing bodily harm, assault with a weapon, aggravated assault, and attempted murder. Like categories exist for sexual assault (minus attempted murder). Once again, for reasons that are not explained, in 2007 Statistics Canada changed the inclusion of offences within the category of level 2 assault by adding the more frequent assault causing bodily harm to assault with a weapon. The result is a current inability to compare the volume and rate of current crimes of assault with a weapon with past offences. Under the earlier definition, however, level 2 assaults increased from 37,500 in 1999 to 49,600 in 2005, a rise of 32 percent, while the rate per 100,000 increased from 123 to 154.

**Between 1999 and 2007, reported bail breaches increased... nearly 53 percent**

### Forcible Confinement and Kidnapping

Statistics Canada appears to have started recording forcible confinement and kidnapping offences specifically in 2002, possibly as a result of an increase in “home invasions,” which frequently involve street gangs. The 2009 report compares data only from 2008, which, once again, were retroactively changed from the 2008 report (without identification in the 2009 report). Even these revised data show an increase in such crimes, but the longer-term comparison is more revealing of that trend.

| Table 9: Forcible Confinement and Kidnapping |      |      |      |                    |
|----------------------------------------------|------|------|------|--------------------|
|                                              | 2004 | 2008 | 2009 | % Change from 2002 |
| Number                                       | 3483 | 4671 | 4747 | + 50               |
| Rate                                         | 10   | 14   | 14   |                    |

## Robbery

Robbery is a generic crime that can be committed with significantly different degrees of seriousness. Particularly, the severe variety known as armed robbery is an offence frequently committed by repeat criminals who are also, frequently, on conditional release for an identical or like offence. Robbery with a firearm is at the upper end of the scale of this offence, which is why such incidents have been reported separately within the overall robbery category. Statistics Canada changed the reporting of this offence without explanation beginning in 2008, with the result that all robberies are now lumped together. Even less helpfully, a footnote in the 2008 report (Wallace 2009, 24) indicates that robbery counts were revised for the years 1998 to 2007, and that “caution” should be used in comparing data, but the note gives no further details. Accordingly, only generic robbery comparisons are now possible.

| Table 10: Robbery (thousands and rate in brackets) |           |           |           |                    |                    |
|----------------------------------------------------|-----------|-----------|-----------|--------------------|--------------------|
| 1999                                               | 2004      | 2008      | 2009      | % Change from 1999 | % Change from 2004 |
| 28.7 (94)                                          | 27.5 (86) | 32.3 (97) | 32.2 (96) | +12                | +14                |

## The Rate of Violent Crime

Statistics Canada traditionally has included a cumulative Crime Rate Table going back to 1962, when crime statistics were first reported. In that year, the rate of reported violent crime was 221 per 100,000. That comparative table was eliminated in 2008.

It is yet another curious change given that, in 2009, Statistics Canada reported the violent crime rate as 1314 per 100,000, or nearly five times the 1962 rate, a trend surely worthy of attention by policymakers and citizens. In response to a question from *Toronto Sun* editor Lorie Goldstein, who has long written about the reliability of crime statistics in Canada, Statistics Canada explained that its increased inclusion of violent crimes inflated both the total and the rate and said that the correct comparative rate for 2009 was 920 violent crimes per 100,000 (*Toronto Sun*, August 1, 2010). Even this number indicates a 316 percent increase from 1962. It is also a continuation of a decreasing violent crime rate, but full context beyond “crime is down” is required.

**...in 2009, Statistics Canada reported the violent crime rate as 1314 per 100,000, or nearly five times the 1962 rate...**

| Table 11: Violent Crime Rate |      |      |                                |
|------------------------------|------|------|--------------------------------|
| 1962                         | 1999 | 2004 | 2009                           |
| 221                          | 958  | 944  | 920 (1314 reported originally) |

Clearly, “highlights” are in the eye of the beholder or the persons analysing the data provided. Based on what was reported and what was not, and why, it is evident that significant improvements in the collection, analysis, and reporting of crime statistics in Canada are required. It is also clear that this is a task that will require the direct involvement of the Canadian law enforcement community, whose unique expertise can maximize the value of the information that is assembled. Canada has a long and proud tradition of intelligence-led enforcement, using information proactively to target identifiable scenarios and circumstances, and that approach needs to be applied to crime statistics analysis and reporting.

# Conclusions

Based on the analysis of the 2009 Police-reported Crime Statistics Report and reference to preceding years' reports, a number of conclusions can be reached. These are detailed below and are followed by a series of detailed recommendations intended to increase the relevance and value of the report in the years ahead.

## Main flaws in the report

**Serious violent crime is increasing, contrary to the report's highlight claims.**

- *The report provides incomplete offender information.* Although it appears that the police gather the relevant data and could (or do) transmit them to Statistics Canada, the report omits clearly relevant data relating to the criminal justice profile of offenders.
- *Some recent format changes are counterproductive.* As noted throughout this review, examination of past reports demonstrates that, starting in 2009, Statistics Canada has altered significantly the manner in which information is assembled and presented. While some changes have been helpful, many have resulted in a compromised ability to conduct appropriate comparative analysis and to track especially significant offences.
- *Data on incidents of crime are lacking.* The report contains insufficient information regarding volumes of and trends in particular crimes.
- *Changes in the categorization of offences are unhelpful.* Changes to categories of offences hinder comparative analysis with data from previous years. Moreover, recent changes to the way in which specific offences are collectively reported prevent analysis of specific crime patterns. If category changes are justified, the report should present revised data from previous years to permit informed comparisons over time.
- *Serious violent crime is increasing, contrary to the report's highlight claims.* Comparing the most serious violent crimes, for the reasons noted, makes clear that both the volume and the rate of most serious violent crime is increasing.
- *The Crime Severity Index is not a suitable tool for gauging the incidence of crime.* The CSI is an inherently subjective standard, cited without supporting data and unreliable as a metric of serious crime.
- *Youth crime is systematically underreported.* Changes in formatting have resulted in dramatically reduced reporting of the volume and rate of youth crime and the elimination of valuable systemic performance information.
- *The report lacks necessary comparative features.* Previous reports included previous-year and five-year crime volume and rate comparisons, which are essential for crime trend analysis.

- *The role of law enforcement.* The gathering, analysis, and reporting of crime statistics in Canada needs to be modernized, including greater involvement of law enforcement and prosecution personnel in designing the methodology.

Properly constructed, these reports should offer pragmatic insights into crime patterns, justice system performance, and empirical data for informed operations and policy alternatives.

## Recommendations

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The recommendations listed below are offered as a way to increase the value of the information Statistics Canada presents in its annual report on police-reported crime related statistics.

**The report should collect and present relevant data on who is committing what kinds of crimes...**

1. *Offender profile.* The report should collect and present relevant data on who is committing what kinds of crimes to enable better determination of how to prevent them from occurring. This could be done for broad categories of crime or specific serious violent, drugs, and weapons offences (ideally both). Data should be presented both by volume and by rate, with an ongoing comparison with previous years and by location. To assist in evaluating the performance of the justice system, including punishment and rehabilitation agencies, relevant offender profile information should include crimes committed by persons
  - on bail;
  - on probation;
  - on conditional sentence;
  - on conditional release of any kind (including temporary absences, day parole, full parole, statutory release, and/or early release from a provincial sentence);
  - with a defined criminal record (chronic offender, previous federal sentence);
  - unlawfully at large; and
  - previously removed, ordered, or subject to deportation for previous criminal conduct.

Selecting offences and offender profiles of interest could provide empirical insight into what percentage of offenders was responsible for what percentage of specified offences. Such information has proved to be extremely helpful in the past from both an operational and policy option perspective.

2. *Revise most serious incident reporting.* The current model appears inappropriately to minimize the volume (and thus the rate) of crime reported by Statistics Canada, particularly the reporting of administration of justice offences. The methodology should be revised so that nonprosecutable alternate offences are not reported from multiple crime incidents but all other crimes are.

**The fact that many violent crimes go unreported is significant both in assessing the overall effectiveness of the justice system and in explaining why people are reluctant to report such crimes.**

3. *Explain unreported crimes.* The reasons crimes are not reported to police, which were included in previous reports, should be reinstituted and explained in greater detail, including, if necessary, expanding the enquiry in Statistics Canada's General Society Survey on victimization.
4. *Report unsolved crimes of violence.* The fact that many violent crimes go unreported is significant both in assessing the overall effectiveness of the justice system and in explaining why people are reluctant to report such crimes. Such unsolved crimes should be tracked by volume and rate and reported by location and with comparative trends.
5. *Report historical data.* The practice of historical crime volume and rate reporting that was eliminated in 2008 should be restored and expanded so the volume and rate of crimes are reported on a year-to-year basis and for the preceding five and 10 years prior to the report date. This practice would enable independent analysis of data and restore the crime trend analysis that is essential for informed discussion.
6. *Report specific crimes.* Changes in 2008 to the reporting of specific types of crimes rendered the annual report less useful. Future reports should be revised to include data on both the volume and rate of the following particular offences:
  - breach of bail;
  - breach of probation;
  - breach of conditional sentence;
  - breach of preventive recognizance;
  - breach of a firearms prohibition order;
  - breach of a driving prohibition;
  - assault with a weapon;
  - robbery with a firearm;
  - impaired driving causing death or bodily harm; and
  - most serious violent offences (grouped).
7. *Harmonize offence categories.* Since 2008, several offence categories have been changed without harmonizing previous data so as to permit accurate historical trend analysis. This should be corrected without delay.
8. *Identify retroactively altered data.* Statistics Canada has repeatedly and inexplicably altered the data on volumes of crime retroactively, reducing reported crime in both the original and subsequent years. These revisions should be corrected or fully explained, with accompanying changes to the previous year prominently presented in the subsequent year's report.
9. *Ensure standardized police reporting and compliance.* The report cites the lack of standardized police reporting as an explanation for its potential un-

derreporting. This deficiency should be corrected, working through the Canadian Association of Chiefs of Police, to guarantee systemic integrity.

10. *Review all crime-related Juristat reports to ensure maximized value.* Statistics Canada's Juristat reports also cover related criminal justice subjects such as court statistics, custody and sentencing patterns, homicide analysis, and drug crimes. The data available from these other reports should be considered for inclusion in the main report to help provide clarity and context.
11. *Include all "other" criminal offences in reporting.* By artificially excluding drug and traffic offences from the crime rate calculations, the report underreports crimes that significantly affect communities.
12. *Replace the Crime Severity Index with an objective standard.* The CSI is a subjective standard that is quoted extensively throughout the report without supporting information and to the exclusion of other objective empirical data. It impairs the value of the report because it is used in a manner that permits no assessment of the validity or accuracy of the data in the report. Intended to clarify the state of serious crime, the CSI instead obscures it. It should be replaced by an objectively determined metric for severe crime, such as defined offences.
13. *Revise youth crime reporting.* The reporting of youth crime is significantly less precise or detailed since changes introduced in 2008 and the use in 2009 of the CSI for youth. Youth crime should be reported, as it used to be, including by volume and rate on a year-to-year and preceding-five-years basis and for the 10 years prior to the reporting date. Previously reported youth crime data should be restored, including a breakdown by charge of offences resulting in charge and of offences cleared otherwise, and identification of offences committed by persistent offenders, defined as those having two or more previous convictions.
14. *Analyse population increases that affect crime rates.* Inasmuch as the legal age of potential criminal responsibility in Canada is 12, including the population below that age in crime rates per 100,000 artificially inflates the comparative base and decreases the real "rate" of crime. Moreover, since youths ages 12 to 17 are counted as a separate category, including them in the general population could lead to double counting. It would be helpful if the population increase reporting included relevant factors such as changes in the population of high-incident age groups while separating out those under age 12 and seniors, who are statistically far less prone to criminal activity.
15. *Increase involvement of law enforcement in modernizing the collection, analysis, and reporting of crime statistics in Canada.* Either directly with Statistics Canada or in conjunction with the Departments of Public Safety and Justice and provincial attorneys general, law enforcement should play a leadership

**By artificially excluding drug and traffic offences from the crime rate calculations, the report underreports crimes that significantly affect communities.**

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of crime statistics.**

role in shaping improvements to the gathering, analysis, and reporting of crime statistics. This is also a subject that could be initiated or monitored by either the House or Senate Justice Committee.

16. *Enact Justice System Accountability Acts.* Consistent with their constitutional jurisdiction, the federal and provincial governments should consider enacting supporting Justice System Accountability Acts that require the annual public reporting in determined jurisdictions of:

- the number and type of crimes committed by persons on bail;
- the number and type of crimes committed by persons on probation;
- the number and type of crimes committed by persons on conditional sentence;
- the number and type of crimes committed by persons on conditional release of any kind (including temporary absences, day parole, full parole, statutory release, and/or any early release from a provincial sentence);
- the number and type of crime committed by persons with a past defined criminal record;
- the number and type of crimes committed by persons unlawfully at large;
- the number of persons by offence type (violence and firearms, property, drugs, administration of justice, other) for whom a criminal arrest warrant is outstanding;
- the amount of outstanding unpaid fines owing to the Crown;
- the number of bail forfeitures and corresponding estreatment proceedings;
- the number and type of crimes committed by persons removed, ordered, or subject to deportation for previous criminal conduct;
- the number of noncitizens incarcerated and on supervision for crimes qualifying for deportation;
- the number of persons deported for criminality;
- the number of persons ordered deported for criminality for whom an arrest warrant is outstanding; and
- the number of unsolved crimes of violence.

17. *Track other crime-related data.* The following policy-related issues merit analysis through tracking of specific crime data:

- the rate of recovery of stolen vehicles;
- the volume and nature of crimes committed by persons on conditional release who have previously been convicted of crimes committed while on earlier conditional release;
- the number of crimes committed by persons on statutory release compared with crimes committed by those on earned parole;
- the number and rate of crimes committed by persons subject to electronic monitoring as a condition of release compared with crimes by those released without such monitoring; and

- the re-offending rate of persons after warrant expiry matched to specific programming or activity undertaken while in custody.

18. *Add data on other federal offences.* Data on other federal offences, such as cross-border smuggling and immigration violations, should be specifically detailed and reported.

## Final thoughts

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Although the 2009 Police-reported Crime Statistics report contains some useful information, it is defined mostly by what it does not report and the questions it leaves unanswered. This is a situation that has worsened in recent years as a result of methodology and formatting changes introduced by Statistics Canada.

Accurate and relevant crime data are potentially of immense importance operationally and for public policy reforms. But the current report demonstrates that the entire process of collection, analysis, and reporting of crime statistics is in urgent need of law-enforcement-led modernization. Process should serve purpose, not the other way around. It is hoped that the analysis and recommendations in this review will assist that much-needed modernization and serve as a measure of future progress.

**The 2009 Police-reported Crime Statistics report ... is defined mostly by what it does not report and the questions it leaves unanswered.**

## About the author



Scott Newark has a thirty year criminal justice career beginning as an Alberta Crown Prosecutor with subsequent roles as Executive Officer of the Canadian Police Association, Vice Chair and Special Counsel for the Ontario Office for Victims of Crime and as a security and policy advisor to both the Ontario and federal Ministers of Public Safety.

From the outset his work has involved unravelling systemic complexities to identify how the justice system is working – or isn't – and in preparing fact based operational, policy or legislative solutions to fix deficiencies and improve public safety. He began analysing and reporting on the Annual Crime Statistics in 2000 and this latest contribution is an affirmation of his career developed belief that instead of being "tough" on crime, it's better to be honest about crime so as to be smart about crime.

He is a founding member of the National Security Group and currently works in public policy analysis and development in the areas of criminal justice reform, domestic security, immigration screening and enforcement and border security.

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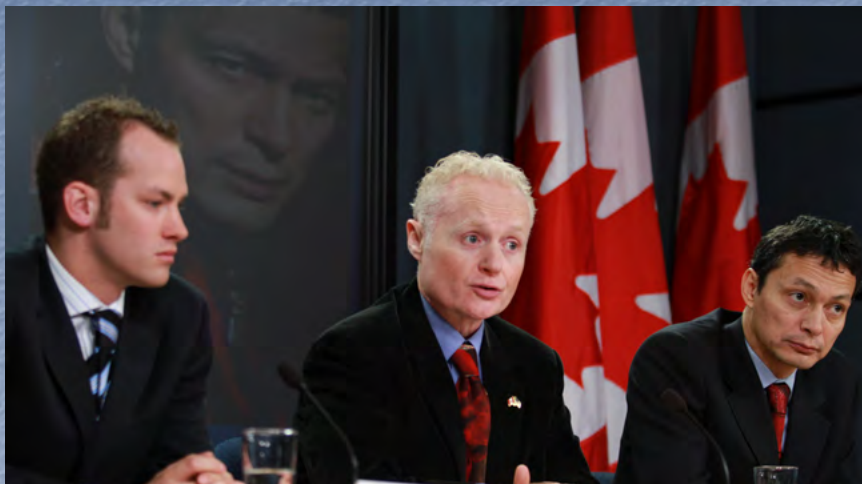
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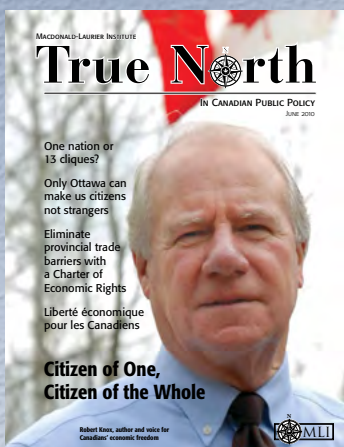
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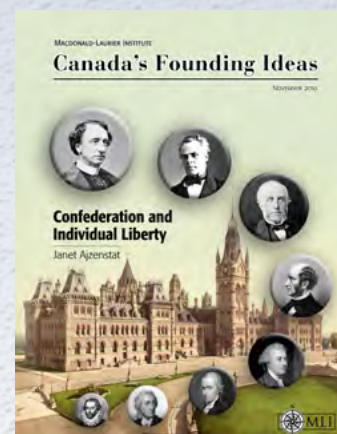
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