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# Police-reported Crime Statistics in Canada Still More Questions Than Answers

**SCOTT NEWARK**

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Institute Publication**



MACDONALD-LAURIER INSTITUTE

*True North in Canadian Public Policy*



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*The author of this document has worked independently and is solely responsible for the views presented here.  
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# Executive Summary

Juristat's (a division of Statistics Canada) annual *Police-reported Crime Statistics in Canada* provides an incomplete portrait of crime in Canada because of the way it collects and collates data. Many gaps contribute to this situation.

First and foremost, the report reflects only the number of criminal incidents reported to police or to which police are otherwise alerted, not the actual number of criminal incidents in the country—the two being vastly different: Canadians are only reporting 31 percent of crime, in part because of perceptions that nothing will be done by the justice system or even because of a fear of retribution.

Another important gap is that Statistics Canada arbitrarily reports only one—the most serious—offence in an incident. For example, in a case involving drug dealing, weapons, assault and flight from police by an offender on bail and probation, only what was deemed to be the 'most serious' offence would be reported by Juristat.

On a positive note, and in contrast to Juristat's practice, police services across the country are moving towards counting and reporting all offences and facilitating public reporting of crime.

If adopted, such an approach also would bring drug-related crimes into Juristat's count, which are currently not included. Juristat should also restore its practice of reporting crime data going back five years, (reduced now to preceding year only); such comparisons are necessary to identify longer trends instead of just last year's change. As well, relevant and available data about the criminal history of offenders is not included despite its clear value as a systemic performance measure and for legislative reform. This is especially important since recidivists commit a hugely disproportionate share of crime in Canada. In this regard Juristat itself recently confirmed that 59% of persons charged with homicide in 2011 had a previous criminal record (most for violent offences) and the Justice Minister has publicly noted that 15% of offenders are responsible for 58% of all crime, so clearly the relevant information is available somewhere. Data such as this belongs in Juristat's annual report on crime in Canada.

Juristat's Crime Severity Index also brings an inappropriate element of subjectivity to the measurement of crime. The Index, which is designed to separate serious from minor crime, attributes a "weight" to a crime based on the sentence the judge has subjectively decided is appropriate, not on the objective severity of the crime itself.

Under this measurement, a short sentence for a serious crime (imposed for whatever reason and whether justified or not) lowers the reported 'severity' of the crime and the attendant statistics related thereto.

These flaws in methodology can lead Canadians to believe that crime volumes and rates are down and continually decreasing over time.

In 2011, an MLI report pointed out these flaws and offered recommendations on how to address them. The latest Juristat report shows that only one recommendation has been implemented.

The report also omits key findings and trends from its Highlights section that would provide a more balanced and accurate snapshot of crime in Canada. Among these findings and trends:

Canada's overall homicide rate increased by 7 percent from 2010 to 2011. Moreover, it increased by 39 percent and 24 percent in Alberta and Quebec respectively, and by double digits in Manitoba, Nunavut and Saskatchewan.

The number of child pornography offences increased by 40 percent from 2010 to 2011, and the rate of such offences increased by 209 percent since 2001. The number of Sex Assaults against children has increased by 150 percent since 2008.

Rates for possession and trafficking of cocaine were significantly higher (23 and 27 percent respectively) in 2011 from 2001. Heroin is reported under Other Drugs, and may count for some of the 97 percent increase in possession in that category since 2001.

Forcible confinement/kidnapping is an increasingly common tactic among street gangs. There has been a 35% increase in the rate of such crimes since 2001 even though the numbers from 2010 to 2011 were down by approximately 600 incidents.

While there is great value to what Juristat reports, there is real value in what statistics it collects but does not report. Juristat no longer specifically reports on bail violations, but earlier reports show that these offences rose almost 50 percent from 1998 to 2007. These are important measures of the effectiveness of and respect for the justice system. Nor does Juristat report shootings and stabbings separately, although these data are increasingly publicly available from police services across Canada and in media summaries of crime in local jurisdictions.

To address these methodological deficiencies and the less than complete picture of crime in Canada which results, this paper proposes 13 reforms that Juristat should implement in time for the next report. We recognize that some changes take place over time, and propose 10 recommendations that Juristat should implement on a Medium Term basis, notably more information on repeat offenders and why people do not report crime to police.

## Juristat : Résumé

Le rapport « Statistiques sur les crimes déclarés par la police au Canada », publié chaque année dans Juristat (une publication de Statistique Canada), dresse un portrait incomplet de la criminalité au Canada en raison de la méthode utilisée pour recueillir et compiler les données. De nombreuses lacunes expliquent cette situation.

Tout d'abord, le rapport ne compile que le nombre d'incidents criminels déclarés aux corps policiers du pays ou que ces derniers peuvent relever, et non le nombre réel d'incidents. Or, ces deux états de fait sont très différents: les Canadiens ne déclarent en effet que 31 pour cent des crimes perpétrés, parfois parce qu'ils ont l'impression que le système de justice ne peut rien faire pour eux, et même parfois, parce qu'ils craignent des représailles.

Une autre lacune importante tient au fait que Statistique Canada choisit arbitrairement de ne consigner qu'une seule infraction, la plus grave, lors d'un même incident. Par exemple, seule l'infraction « la plus grave » est consignée dans Juristat dans le cas d'un criminel en liberté sous caution et en probation qui commet un délit impliquant le commerce de drogue, l'utilisation d'armes à feu, une agression et une tentative d'échapper à la police.

Ce qui est heureux, c'est qu'en dépit des pratiques de Juristat, les corps policiers partout au pays s'efforcent d'utiliser tous les moyens nécessaires pour dénombrer tous les types de crime et inciter la population à les déclarer.

Une telle approche, si elle était adoptée par Juristat, lui permettrait également de consigner les crimes liés aux drogues, ce qu'il ne fait pas actuellement. En outre, Juristat devrait reprendre la pratique qu'il a déjà eue de présenter les données sur une période de cinq ans (il les compare seulement à celles de l'année précédente); de telles comparaisons permettraient de saisir les tendances à long terme, pas uniquement les variations d'une année à l'autre. Finalement, Juristat ne consigne pas l'information pertinente qui existe sur les antécédents criminels des délinquants, même si elle est d'une grande valeur pour évaluer le rendement systémique et orienter les réformes législatives. Cette information serait extrêmement utile, compte tenu du fait que les récidivistes commettent une part très disproportionnée des crimes au Canada. À ce titre, Juristat lui-même confirme que 59 pour cent des personnes accusées d'homicide en 2011 avaient déjà un casier judiciaire (pour des crimes graves dans la plupart des cas). De plus, le ministre de la Justice a publiquement déclaré que 15 pour cent des criminels commettent 58 pour cent de tous les crimes. Manifestement, l'information existe donc quelque part. De tels renseignements devraient également être consignés dans le rapport annuel de Juristat.

L'Indice de gravité de la criminalité de Juristat introduit également un élément inapproprié de subjectivité dans la mesure de la criminalité. L'Indice, qui a été conçu pour distinguer les crimes graves des infractions mineures, attribue à un crime un « poids » qui repose sur la sentence subjective d'un juge et non pas sur la gravité objective de l'infraction elle-même.

En vertu de cette méthodologie, de courtes sentences prononcées pour des crimes graves réduisent le niveau de « gravité » des infractions (peu importe la raison ou le bien-fondé de la sentence) et influent donc sur les statistiques qui en découlent.

Ces erreurs de méthodologie incitent les Canadiens à croire que le nombre de crimes et les taux de criminalité diminuent et qu'ils baissent constamment.

En 2011, un rapport de l'Institut Macdonald-Laurier (IML) a souligné ces erreurs de méthodologie et a formulé des recommandations sur la manière de les corriger. Cependant, il ressort de la dernière parution de Juristat qu'une seule de ces recommandations a été mise en œuvre.

Le rapport de Juristat omet également de faire mention dans la section *Faits saillants* des tendances et des résultats importants susceptibles de fournir un portrait plus pondéré et plus précis de la criminalité au Canada. Voici quelques tendances et résultats importants:

Le taux d'homicide au Canada a augmenté de 7 pour cent de 2010 à 2011. De plus, la hausse était de 39 pour cent en Alberta et de 24 pour cent au Québec. Au Manitoba, au Nunavut et en Saskatchewan, la hausse a atteint les deux chiffres.

Le nombre d'infractions liées à la pornographie juvénile a augmenté de 40 pour cent de 2010 à 2011 et de 209 pour cent depuis 2001. Le nombre d'agressions sexuelles commises contre des enfants était en hausse de 150 pour cent par rapport à 2008.

Les taux de possession et de trafic de cocaïne étaient beaucoup plus élevés en 2011 qu'en 2001 (de respectivement 23 et 27 pour cent). L'héroïne est classée sous la catégorie « Autres drogues » et pourrait représenter une partie de la hausse de 97 pour cent des cas de possession dans cette catégorie depuis 2001.

Les cas de séquestration et d'enlèvement liés à la violence des gangs de rue sont en hausse. Le taux de ces offenses criminelles a augmenté de 35 pour cent depuis 2001, bien que leur nombre ait diminué de 600 environ de 2010 à 2011 (chiffres absolus).

Si les statistiques que consigne Juristat sont très importantes, tout aussi importantes sont celles qu'il recueille, mais sans les consigner. Ainsi, Juristat ne consigne plus les violations des conditions de la libération sous caution. Pourtant, les rapports antérieurs montrent que ces infractions ont augmenté de près de 50 pour cent de 1998 à 2007. Il s'agit là d'une mesure importante pour évaluer l'efficacité du système de justice et l'observance de son autorité. En outre, Juristat ne consigne plus séparément les crimes impliquant des armes blanches et ceux impliquant des armes à feu, bien que ces données soient de plus en plus rendues publiques par les services de police partout au Canada et par les sommaires des médias par autorité locale.

Pour rectifier ces faiblesses méthodologiques et éviter qu'elles n'engendrent une image seulement partielle de la criminalité au Canada, le présent rapport présente 13 réformes que Juristat devrait mettre en place dès sa prochaine parution. Nous reconnaissons que certains changements ne peuvent être instaurés du jour au lendemain et proposons donc 10 recommandations qui devraient être mises en œuvre à moyen terme, notamment une offre accrue de renseignements sur les récidivistes et les raisons pour lesquelles la population ne déclare pas à la police tous les crimes qui sont perpétrés.

# 1. Introduction

In 2011, the Macdonald Laurier Institute (MLI) commissioned a review of the *2009 Police-reported Crime Statistics in Canada* produced by Juristat, a division of Statistics Canada. The Juristat reports are produced in “partnership” with the Canadian Association of Chiefs of Police (CACP) and for the last number of years have resulted in media headlines announcing that “crime is down.”

The MLI review was released in 2011 and provided a detailed analysis that revealed many methodological issues about the data that therefore called into question the soundness of some of the conclusions drawn from the Juristat report. The analysis offered precise recommendations on how and why to modernize the gathering, analysis and reporting of crime data to improve its accuracy and relevancy.

Following the release of the MLI review, some constructive engagement with Statistics Canada did occur and precise suggestions for reforms were provided to senior members of the CACP for their consideration. Unfortunately, this year’s Juristat report confirms those recommendations have not been acted on with one exception.

As such, the MLI has decided to update its review by analysing the *2011 Police-reported Crime Statistics in Canada* recently released by Juristat. With some notable and growing exceptions, the Juristat report again led to a general media conclusion that “crime is down.”<sup>1</sup> This review is not intended as a substitute for the Juristat report but instead is a pointed examination of it that offers insights into how and why the gathering, analysis and reporting of crime statistics in Canada should be modernized.

This MLI review examines the specific data and conclusions of the *2011 Police-reported Crime Statistics in Canada*, as well as previous Juristat reports. This comparison with past reports is especially useful because it demonstrates that some of the changes made in recent years have had a clear impact on the usefulness of its content. These changes are significant because they were made for a reason, and it would be helpful if both the CACP and Juristat explained exactly *why* reporting changes have been made in recent years.

The significance of methodology is confirmed by no less a source than Juristat itself which supplied this information to the MLI after the release of its previous review.

*“There are a number of ways of measuring the incidence of crime and each method will yield a different result. The characteristics of the counting process will affect the count which is obtained. Different data collection systems will produce different figures for the same series of events since the count of events is a reflection of the definitions which are used and the manner in which the data are gathered.”*  
Canadian Centre for Justice Statistics: Policing Services Program- Uniform Crime reporting (05/Dec.02)

Accordingly, this MLI review will examine and comment on the data and conclusions reported by Juristat in this year’s report. It will also critique what the Juristat report singles out as Highlights and identify significant facts not so highlighted by the report. By using previous reports, this review also will provide historical crime data to better understand long-term trends in crime, something the Juristat report chose not to include. In order to ensure appropriate context, the Juristat *2009 Criminal Victimization in Canada* report will be referred to as will various Canadian police services’ websites which report local crime statistics independent of Juristat.

Because of the acknowledged importance of the methodologies, categories and formats selected for the analysis and reporting of crime statistics, this year’s review will also specifically consider whether any changes previously recommended in these areas have been adopted or how the current Juristat report deals with those subjects. This year’s Juristat report contains a new explanatory footnote from the authors on that very subject:

This MLI review offers insights into how and why the gathering, analysis and reporting of crime statistics in Canada should be modernized.

<sup>1</sup> Canada’s crime rate in 2011 lowest since 1972 (CBC-July 24/12); Canada’s crime rate at lowest level since 1972 (G&M-J124); Police report lowest crime rate in 40 years Statistics Canada says (NP-July 25/12)



*“These data conform to a nationally approved set of common crime categories and definitions that have been developed in cooperation with the Canadian Association of Chiefs of Police.”<sup>2</sup>*

This is an entirely appropriate inclusion by Juristat given the pointed criticisms in the previous MLI review. The annual *Police-reported Crime Statistics in Canada* is an important tool with the potential to provide valuable insights into the comparative performance or non performance of the justice system in Canada as well as to help shape criminal justice policy development. As such, the information it provides to the Canadian public should be as accurate, precise and relevant as possible.

As detailed above, the analysis and recommendations offered in this review are based on the available crime data as well as the various Juristat and police service statistical reports. They are also founded on the author’s experience and expertise from a 30-year career in the criminal justice system as a Crown Prosecutor, Executive Officer of the Canadian Police Association, Vice Chair and Special Counsel to the Ontario Office for Victims of Crime and criminal justice policy advisor to both the Government of Ontario and Government of Canada.

## 2. Continuing Methodology Issues

### 2.1 Non-reporting of Crime

It is fundamentally important to understand that Juristat’s *Police-reported Crime Statistics in Canada 2011* report only reflects criminal incidents that are reported by Canadians to police or to which police are alerted, irrespective of a specific complaint. As such, it clearly does *not* measure the actual amount of crime in Canada.

This is not simply speculation or conspiracy theory. Juristat recognizes this by conducting mass surveys of Canadians over 15 years old every five years, specifically to ask if they have been the victim of any of eight specified offences in the preceding year and whether they had reported that fact to the police. The most recent Juristat *Crime Victimization Survey* was completed in 2010<sup>3</sup> and, like others before it, it presents a disturbingly different picture of crime in Canada than does the *Police-reported Crime Statistics in Canada*.

The most recent Juristat *Crime Victimization Survey* presents a disturbingly different picture of crime in Canada than does the *Police-reported Crime Statistics in Canada*.

The Juristat *Crime Victimization Survey* asks if respondents have been the victim of any of the following eight offence types: sexual assault, robbery, physical assault, break and enter, motor vehicle/parts theft, theft of household property, vandalism and theft of personal property. The responses led Juristat to conclude that 7.4 million Canadians were victims of these eight offences in 2009. This compares to Juristat’s police reported total of only 2.0 million in 2010 for all crimes, not just the eight categories covered in the *Crime Victimization* report.

The same discrepancy exists for violent crime. The *Police-reported Crime Statistics in Canada* report recorded 424,000 violent crimes in 2011 while the *Crime Victimization Survey* shows there were 1.6 million victims of violent crime in 2009 (the last year surveyed). Juristat also reports that the number of violent crime incidents captured in its *Crime Victimization Survey* increased from 2.69 million incidents in 1999 to 2.75 million incidents in 2004 to 3.2 million incidents in 2009, is an increase of 19 percent over the preceding decade.<sup>4</sup>

2 report- p.6

3 Criminal victimization in Canada, 2009- Perreault and Brennan -Summer 2010 Vol. 30, no. 2

4 *ibid*- p.19

The explanation for this stark discrepancy is identified by Juristat in its *Crime Victimization Survey*. For reasons which are themselves a cause for concern, a growing number of Canadians are simply not reporting crime to the police. In its 2009 *Crime Victimization Survey*, Juristat reports that only 31 percent of the eight crimes it surveyed were actually reported to police, a decrease from 34 percent in 2004.<sup>5</sup>

In other words, according to Juristat, more Canadians are simply not reporting crimes to police, including violent crimes, and this trend is getting worse and not better.

Moreover, the very crimes that Juristat itself reports are increasingly not being reported account for much of the decrease in police-reported crime, which is then used to justify the “crime is down” conclusion in *Police-reported Crime Statistics in Canada*.

The failure of Juristat to clearly identify this obviously relevant anomaly is compounded by the fact that the differences between crimes reported by victims and crime reported to the police are no longer clearly explained by Juristat. The same is true for the inclusion of the rationale Canadians identified for not reporting crime, which used to be provided. Among the many justifications for not reporting crime cited by Juristat in the past was the conclusion by victims that the Canadian justice system would not do anything about the crime, but that the criminal might.<sup>6</sup> In its 2002 report, Juristat candidly said the reasons for non-reporting included:

*“...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” (p.2)*

One statistic that is definitely not reported in *Police-reported Crime Statistics in Canada*, but should be, is the number of unsolved violent crimes. These may be increasing because witnesses and victims are concluding that the bad guys are more powerful than the good guys, which is worrisome in itself. Once again, Juristat conducts a separate annual review of this issue, organized by existing reporting categories that, while less precise than one would want ideally, still offer confirming evidence that non-reported crimes resulted in crimes not being solved.

The 2010 *Police-reported Clearance Rates* report<sup>7</sup> for example, confirms that homicide clearance rate (solved by charge being laid or other means) has decreased from 95 percent in the mid 1960s to 75 percent today. Gang related homicides were shown to have a 42 percent clearance rate compared with an 88 percent non-gang homicide clearance rate. Similarly, homicides with firearms had only a 56 percent clearance rate, while use, discharge and pointing of firearms offences had only a 59 percent clearance rate. Only 40 percent of robberies were solved in 2010 (no comparative data are available).

One of the recommendations from the previous MLI review was for the CACP and Juristat to incorporate the information from their various crime reports so as to present a more relevant package of information and justifiable conclusions to Canadians.

Unfortunately, this year’s report confirms they have not done so. However, as detailed in this review, some police agencies have undertaken to modernize and enhance their statistical reporting of violent crime to provide the public with the most relevant information. This is a welcome development that the CACP and Juristat should follow.

In summary, while many people appear to have accepted more crime as inevitable, this is by no means the same thing as saying that crime is decreasing or that we could not take measures to reduce crime if we chose to do so.

According to Juristat, more Canadians are simply not reporting crimes to police.

5 *ibid*-p.5

6 Juristat 2002 Police reported Crime Statistics

7 Police-reported clearance rates in Canada, 2010- Mahony and Turner June 2012

## 2.2 “Most Serious Incident” Methodology

The Juristat report explains, in a footnote on p. 25,

*“Counts are based upon the most serious violation in the incident. One incident may involve multiple violations”*

As was noted in the previous MLI review,

*“Although it appears that multiple victims result in multiple incident reporting (except in bank robberies), where a criminal ‘incident’ involves multiple offences, only one offence is reported by Statistics Canada.”*

Thus a gun toting, drug possessing, impaired car thief, on probation and bail who is in possession of stolen credit cards while unlawfully confining someone who crashes into another vehicle and thereafter flees, assaults a police officer and gives a false name upon arrest would apparently count as a single offence, for whatever was deemed to be the most serious crime.

If the intent was to provide more accurate, reliable and relevant information, then the CSI has been a failure.

*“This artificial and inaccurate reporting also inherently under reports crimes committed by persons on bail, probation, subject to a conditional sentence, a firearms prohibition, preventive recognizance or driving prohibition which, as reading the daily news illustrates, is frequently a crime committed in conjunction with other offences. It also blatantly disregards clearly valuable information about the profile of persons committing crimes as well as the ongoing performance of the justice system in dealing with repeat offenders.”<sup>8</sup>*

While Juristat has continued to use this “most serious incident” methodology, which guarantees the under-reporting of actual crime, many police services are rejecting this approach on their websites for crime statistics. The Vancouver Police Department (VPD), for example, provides the following information:

*“The VPD has changed the way in which it reports its crime statistics. Historically, we reported our data based on Statistics Canada reporting requirements, which meant that only the most serious offence per incident was counted. Now, we report our statistics using the “all violations method,” as do other policing agencies like Edmonton, Toronto, Ottawa and Calgary. It is important to note these differences in reporting when comparing our crime statistics to other Police Agencies and Statistics Canada. It should be noted that due to the PRIME reporting configuration, any incident reported may include up to four separate offences. For example, a suspect breaks into a house and takes several items, upon leaving the house, the suspect encounters the homeowner, an altercation takes place and the homeowner is assaulted. The VPD now reports this incident as two offences (an assault and a break-and-enter) whereas, Statistics Canada would only count the most serious offence, that being the assault in this example.”*

Hopefully, the CACP will take note of these improved data reporting procedures of its members, and ensure that Juristat also changes its reporting methodology.

## 2.3 Crime Severity Index

This year’s Juristat report again is dominated by the Crime Severity Index (CSI), which was introduced in 2009. The CSI was constructed to address complaints that the annual report mixed minor crime data with violent crime data, and thus gave a distorted picture to Canadians of the safety of and quality of life in their communities. If the intent was to provide more accurate, reliable and relevant information, then the CSI has been a failure.

Juristat explains the CSI calculation this way:

*“In 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. As a result, more serious offences have a greater impact on the Index.”(p.8)*

8 MLI Crime Statistics review-February 2011 p.9

9 <http://vancouver.ca/police/organization/planning-research-audit/stats-accuracy-comparing-data.html>

Thus, severity is determined not by the objective determination of designated crimes but instead by the subjective assessments of an appropriate sentence as imposed by a judge. Presumably, this would mean that a jurisdiction with judges that impose less severe sentences would translate into a less severe crime index rating.

The observation from the 2010 MLI review remains true today.

*“This approach creates an institutional self serving and self defining process. Severe crime is not down simply because judges impose shorter sentences.”*

Quite apart from the questionable criteria, the absence of objective information about the CSI conclusions in the Juristat report is also problematic. The CSI amounts to an undisclosed assessment of undisclosed offences based on sentences which are themselves inherently subjective...that are used for the severity assessment. It also is not clear whether the sentence is what the judge announces for the media (which takes into account any pre-trial custody credit awarded) or the real sentence which is written on the warrant of committal.

As a creature of Juristat, it is perhaps not surprising that despite its imprecise, subjectively derived basis, the CSI increasingly dominates the crime statistics report. Five of the ten noted Highlights of the entire annual crime statistics report include CSI reference. Of the 29 charts and tables in the report, 14 are CSI based and 15 provide actual objective data.

Juristat’s use of the CSI was sharply criticized in the last MLI review which prompted several responses defending the “objectivity” of the methodology. After reviewing this year’s explanation and use of the CSI, that claim of objectivity remains untenable for anyone who actually reads and understands how Juristat describes it, which everyone is encouraged to do.

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

Using objectively selected serious offences as a measure of serious crime would be a vastly superior alternative to the CSI. It would also save on space to allow more relevant comparative data to be reported.

## 2.4 Reduction of Historical Data for Trend Analysis

Of the 15 charts and tables noted above, eight include crime numbers and not just rates of crime while seven provide only crime rate information. This distinction is important because a lower crime rate could reflect only that the population is growing faster than the crime, which itself may be rising in absolute terms. For the reports on the actual number of crimes, the historical data have been reduced from a full five years to just the preceding year, although the general crime category comparisons for adults includes crime rates from 2001.

The single most valuable data presentation format in the Juristat report is definitely in Table 4 which provides both the number of crimes and the crime rate for 45 offence or offence categories reported. Unfortunately, this year’s report continues the less than helpful practice of confining the incident data to only the preceding year while providing crime rate comparisons from just 2001. This restricted reporting of comparative data has not always been the case. The 2002 report which was used for reference in this review contains incident data for the preceding five years as well as comparative rate data from ten years earlier.

Ironically, the 2002 report which contains much more relevant data was only 25 pages in length, compared with the 2012 report, with its added CSI content. Imprecise quantity appears to have won out over relevant quality.

Juristat and the CACP should explain why they chose to reduce the comparative data for more thorough reporting of crime volume and rate trends. Choices are made for a reason.

## 2.5 Offender Profile Information

This vital issue was raised in the 2010 MLI review of the Juristat report and has been the subject of previous and ongoing comment. Understanding who is committing what crimes is a critical component in designing strategies to prevent future crime. While crime prevention properly tries to address why people commit crime in the first place, equally important is a crime prevention strategy that exercises the authority of the law to eliminate the opportunity of repeat offenders to commit further crimes. 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, Juristat continues to fail to report this information.

80 percent of the city's break-ins were committed by 5 percent of the charged offenders.

This omission is especially disturbing given the indisputable fact that a disproportionately large volume of crime is committed by a disproportionately small number of (repeat) offenders. This phenomena is frequently noted by police services, including most recently in Ottawa where it was estimated that 80 percent of the city's break-ins were committed by 5 percent of the charged offenders.<sup>10</sup> Other examples abound, such as the Vancouver Police Department's 2008 profile of chronic offenders,<sup>11</sup> yet Juristat has failed to remove this glaring defect.

Detailing what crimes were committed by persons who were released from custody and reporting by release type and location would also serve as a powerful systemic performance and accountability tool.

Clearly the reporting of such information is possible, as earlier versions of the Juristat reports indicate that the Uniform Crime reporting 2 system that is used provided greater detail of the offence and "*characteristics of victims, accused persons and incidents*" (2006-p.14). Juristat also used to report previous conviction offender profile information for young offenders in the late 1990s, but that too has been eliminated without explanation.

Such information would be a very useful measure of operational enforcement opportunities and of justice system performance. In addition to this, such information would generate valuable insight into potential legislative reforms to target identified repeat offender types such as creating statutory parole ineligibility consequences for crimes committed on parole. The specifics of what should be reported by Juristat in partnership with the CACP in this regard are contained later in this review.

## 2.6 Revised reporting of Offence Categories

As various footnotes throughout this year's report confirm, over the past decade, Juristat has revised the offence categories and groupings for the crimes it reports. These changes can have significant impact on the comparability of data. They also can mask significant trends relating to specific offences by obscuring them in a larger category where decreases in less serious offences cloak increases in more serious crimes. Although much of the required data are contained in Table 4 of the report, it is by no means completely reflected in the report's Highlights or explanatory text.

Equally, it would be useful if certain offences or offence types of public safety interest were specifically reported, such as incidents of shootings or stabbings, home invasions and robberies with a weapon. Reporting the solve rates for these offences would also be of value. Although Juristat does not provide this information, several police services are now providing this data.<sup>12</sup>

Further, in order to gauge the relative effectiveness of the justice system over time and by jurisdiction, specifically reporting offences of breach of bail, probation, conditional sentence, long-term offender supervision order or court ordered firearms prohibition, and failure to appear in court would be extremely useful. Juristat provides exactly this kind of offence-specific analysis in its *2011 Youth Court Statistics* report<sup>13</sup> so it clearly is possible.

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10 Ottawa Sun- July 30, 2012

11 An Examination of VPD's Chronic Offenders-June 2008

12 <http://www.torontopolice.on.ca/statistics/>

13 Youth court statistics in Canada- 2010/2011- Shannon Brennan (May 2012)

## 3. Report Highlights

The Juristat report identifies a number of facts and conclusions in either its Highlights page or within the text of the report itself. As is clear from a close analysis of the data within the report, there are many other relevant statistics that are not highlighted. Highlights, therefore, can fairly be viewed as being very much in the eye of the beholder.

The Juristat highlights are detailed by bullets at the start of each section, followed by our comment. Section 4 will then provide statistical data on crime not highlighted by Juristat but that merit public awareness notwithstanding.

### 3.1 Overall Crime Declining

- The police-reported crime rate, which measures the total volume of crime per 100,000 population, continued to decline in 2011, down 6 percent from the previous year. This was the eighth consecutive annual decrease. The crime rate has generally been on the decline since peaking in 1991, and is now at its lowest point since 1972.
- Canadian police services reported about two million *Criminal Code* offences in 2011, almost 110,000 fewer than in 2010.
- As in previous years, the decline in the crime rate was primarily driven by decreases in the number of property offences, mostly theft under \$5,000 (30,100 fewer incidents), mischief (24,100 fewer incidents), break-ins (15,800 fewer incidents) and theft of motor vehicles (10,100 fewer incidents).

**COMMENT:** As Juristat itself notes, *Police-reported Crime Statistics in Canada* only records crime incidents that the police report to them. Juristat's latest *Crime Victimization Survey* shows that the very offences contributing to the decrease in the official crime rate are increasingly not being reported by victims to the police, with an all-time low 31 percent reporting rate. Thus, the claim that "The police-reported crime rate...measures the total volume of crime per 100,000 population" (p.6) is demonstrably inaccurate. The more accurate conclusion and headline would be, "*Canadian reporting of crime hits all-time low levels.*"

The more accurate conclusion and headline would be, "Canadian reporting of crime hits all-time low levels."

That Canadians are not reporting crime is itself a legitimate and important issue. Ignoring that fact, which Juristat does when analyzing trends in crime, is not appropriate for national organizations like Juristat or the CACP.

### 3.2 Violent Crime Declining

- The violent crime rate fell 4 percent between 2010 and 2011 and almost every type of violent crime decreased or remained stable in 2011, with the exception of a 7 percent increase in the rate of homicides, a 3 percent increase in the rate of sexual offences against children and a 1 percent increase in criminal harassment.
- Of the police reported 241,500 assaults, most (72 percent) were classified as the least serious common assaults (level 1). The remainder were assault with a weapon/causing bodily harm (level 2) and aggravated assault in which the victim is wounded, maimed or disfigured (level 3). In 2011, the combined rate of level 2 and level 3 assaults declined for the fourth consecutive year, down 4 percent from 2010.

**COMMENT:** The same discrepancy between actual and reported crime due to the non-reporting of crime to police exists for violent crime. The 2009 Juristat *Crime Victimization Survey* identifies much higher numbers of violent crimes than are reported to police.

Even so, the number of aggravated assaults actually increased by 5 incidents from 2010 and there has been a 15 percent increase in the rate of aggravated assaults since 2001. The rate of assault with a weapon/cause bodily harm has also gone up 5 percent since 2001.

The increases in the rate of assault reflect an even larger rise in the number of violent crimes because Canada's population (the denominator in the calculation) is steadily increasing. The previous MLI review pointed out the need to clarify the impact of an aging population relative to those committing crimes to prevent distorting the age relevant comparison. As recently as 2006, Juristat provided historic, comparative population data but that has been eliminated without explanation.

The increases in the rate of assault reflect an even larger rise in the number of violent crimes because Canada's population is steadily increasing.

Before 2008, tables with historical data back to 1962, when crime reporting began, were included in the annual report. Of real interest is how the current violent crime rate of 1,231 per 100,000 population compares with rates of 221 in 1962, 492 in 1971, 654 in 1981, 1,059 in 1991 and 984 in 2001. For reasons that have never fully been explained or justified, Juristat changed many of its categorizations or groupings of crime and specifically expanded the definition of violent crime. These changes make comparisons more difficult but doing so is almost certainly worth the effort.

### 3.3 Homicides

- In 2011, there were 598 homicides in Canada, 44 more than the previous year, marking a 7 percent increase in the homicide rate.
- Alberta had 109 homicides in 2011, 32 more than in 2010, resulting in the largest increase in homicide rates in 2011, up 39 percent. This was followed by Quebec (+24 percent) which had 21 more homicides than in 2010.
- With 28 fewer homicides in 2011 than in 2010, the rate in Ontario was its lowest since 1966. British Columbia's homicide rate was the second lowest recorded in the province since 1964, despite a 4 percent increase in the number of homicides between 2010 and 2011.
- Manitoba had the highest homicide rate among the provinces for the fifth year in a row, followed by Saskatchewan and Alberta. Prince Edward Island and Newfoundland and Labrador reported the lowest rates, outside of the Yukon which was the only jurisdiction with no homicides.

**COMMENT:** Only Ontario and New Brunswick had fewer homicides and a lower homicide rate in 2011 from the previous year, yet the increase in homicides in the other provinces merited only partial mention in highlight 8 of the report's 10 highlights.

The "unhighlighted" data relating to homicides and most serious violent crime are discussed in greater detail in Section 4 of this review.

### 3.4 Robberies

- The generic rate of robbery, not broken down by weapon use, declined 3 percent in 2011. Police reported more than 29,700 robberies in 2011, 700 less than the year before.

**COMMENT:** This number is contradicted by Juristat's 2009 *Crime Victimization Survey*, which shows a 44 percent increase in the number of robbery incidents reported by victims since 1999. This discrepancy reflects that only 31 percent of victims of robbery reported this crime to the police, which suggests these are more local swarmings and muggings rather than burglaries of commercial enterprises, which likely would be reported to the police.

Juristat's 2009 *Crime Victimization Survey* also notes,

*"In 2009, as in 2004 and 1999, just under half of robbery victims reported that a weapon was present or used during the incident."* (p.12)

Juristat's *Police-reported Crime Statistics in Canada* stopped reporting robberies with weapons in 2009 when it added a new category of "firearms" offences. Although it is appropriate to ensure

there are not duplicate counts of single offences, it would be desirable to restore the robbery breakdowns to show where a weapon was used given the seriousness of this kind of offence.

### 3.5 Sexual Offences

- In 2011, police reported just over 21,800 sexual assaults, the majority of which (98 percent) were classified as level 1, the least serious of the three forms of assault. Overall, the rate of sexual assault declined 3 percent in 2011 from the previous year. Sexual assault with a weapon (Level 2) and Aggravated sexual assault (level 3) also declined.
- Police reported over 3,800 incidents of sexual violations against children in 2011 which is a 3 percent increase from 2010.
- Police reported more than 3,100 incidents of child-pornography in 2011, 900 more than in 2010. The rate of child pornography incidents increased 40 percent, the largest increase of any *Criminal Code* offence in 2011.

**COMMENT:** The report's Highlights do not provide numerical data relating to the sexual offences against children. In the text of the report, Juristat offers the explanation that the dramatic increase in child pornography offences is potentially attributable to increased police enforcement. This explanation mirrors a like response from Juristat several years ago when questions were asked why drug crimes were not included in the overall crime reporting. Once again, it is worth emphasizing that police targeting resources to a specific crime does not mean that they are somehow artificially creating it. Detecting crime and prosecuting criminals is a desirable action and the results need to be reflected in national crime reporting.

Once again, it is worth emphasizing that police targeting resources to a specific crime does not mean that they are somehow artificially creating it.

### 3.6 Break-ins

- Police reported over 181,200 break-ins, accounting for 15 percent of all property-related offences although the rate of break-ins was 9 percent lower compared to the previous year, and 42 percent lower than a decade earlier.

**COMMENT:** This decrease in numbers and rates of reporting of break-ins to the police appears to be supported by the *Crime Victimization Survey* which notes a continuing decrease in reporting of such crimes. According to the Survey, in 2009 an estimated 630,000 Canadians were victims of a break-in, which with a 31 percent reporting rate, more closely matches the police-reported number.

### 3.7 Impaired Driving

- Police reported close to 90,300 incidents of impaired driving in 2011, 3,000 more than the year before. The rate of impaired driving increased 2 percent in 2011, marking the fourth increase in the past five years.

**COMMENT:** Impaired driving is an offence which almost always involves the police in the detection and apprehension of the offender at the time of the commission of the offence. As such, unlike with many other offences, this reported number is likely a more accurate count of the actual offences.

The report also indicates “other” unspecified *Criminal Code* traffic violations which increased slightly in 2011 but which have had a significant 29 percent increase in rates since 2001. The *Criminal Code* does not create “traffic violations;” it creates crimes like dangerous driving, hit and run, flight from police etc. If the annual crime report can detail the number of convictions for causing a disturbance, it should certainly specify and report on other criminal driving offences.



## 3.8 Drug Crimes

- The report's highlights simply notes "an increase...in most drug offences..." Within the text of the report it is noted that more than 113,100 drug crimes were reported to the police of which more than half (54 percent) were for the possession of cannabis. The rate of police-reported drug crime increased slightly in 2011 driven by a 7 percent rise in the rate of cannabis possession offences while the rate of trafficking, production and distribution of cannabis declined 11 percent. Saskatchewan was noted as having the largest increase in the rate of cocaine-related offences with a 71 percent jump from the previous year.

**COMMENT:** Drug crime is universally recognized as being a central component of many other criminal activities that directly affect the safety and security of Canadians. Despite this and for reasons that have never been adequately explained, Juristat has chosen to exclude criminal drug offences from its calculation of crime incidents and rates in Canada. When this was identified as a flaw in the *2006 Police-reported Crime Statistics in Canada* report, the public explanation from Juristat was that because police

Juristat has chosen to exclude criminal drug offences from its calculation of crime incidents and rates in Canada.

can target such crimes and thus cause an "increase" in their reporting, they should not be included. By this logic, gun crimes or break-ins or any number of offences should not be included as they too can be targeted by police for more enforcement. Juristat appears not to appreciate that police targeting a particular crime does not create it, but rather detects and interdicts it which is a good thing worth reporting. This is a serious deficiency that merits correction.

Inasmuch as this exclusion of drug crimes has been part of the crime reporting methodology, changes will have to be backdated to avoid an artificial increase in crime if they are subsequently included.

## 3.9 Youth Crime

- Over 135,600 youths were accused of a *Criminal Code* offence in 2011, about 18,100 fewer than in 2010. Of those, 57 percent were "diverted" from the justice system while 43 percent were formally charged.

**COMMENT:** Previous Juristat reports (2005) noted concerns about the reliability of youth crime reporting by police since the "diversion" process created by the *Youth Criminal Justice Act* (YCJA) has resulted in some police services not keeping data when the offender avoided prosecution and the court process. This concern was sufficiently real as to prompt legislative amendments (Bill C-10) to the YCJA compelling police to keep records of young offenders who are diverted. Juristat has deleted this qualification on police reporting of youth crime.

As recently as 2008, Juristat reports used to detail prosecution or diversion by type of offence, which was a valuable insight into how the specialized youth justice system was dealing with different kinds of young offenders. Regrettably, this systemic insight was also removed by Juristat and that deficiency continues in this year's report.

## 4. Relevant Information Not Highlighted

There are a number of significant crime trends discernible from a review of the data which were not included in the report's Highlights. In preparing this section, reference is also made to previous Juristat reports as well as to crime statistics made publicly available by individual police services. It should be stressed that all of the data considered were available to Juristat.

### 4.1 Homicides

The number of homicides in Canada increased by 44 from 2010 to 2011, which represents a 7 percent increase in the homicide rate. The 2011 total reflect a virtually identical increase from 2001.

Only New Brunswick and Ontario had decreases in homicide numbers and rates.

The following are the increases in homicide rates from 2010 to 2011; Alberta, +39%; Quebec, +24%; Manitoba +16%; Nunavut +15%; Saskatchewan +10%; Nova Scotia; +5%; BC +4%

Over the past decade, Nova Scotia also saw an increase in reported homicides from 9 in 2002 to 22 in 2011 and an increase in homicide rate from 1.0 to 2.3.

Manitoba had 36 reported homicides in 2002, 62 in 2007 and 53 in 2011.

Alberta had 70 reported homicides in 2002, 88 in 2007 and 109 in 2011.

Quebec had 118 reported homicides in 2002, 90 in 2007 and 105 in 2011.

Saskatchewan had 27 reported homicides in 2002, 30 in 2007 and 38 in 2011.

Nunavut had 2 reported homicides in 2002, 7 in 2007 and 7 in 2011.

BC had 126 reported homicides (15 were reported from previous incidents as part of Missing Women Taskforce), 88 in 2007 and 87 in 2011.

Ontario had 178 reported homicides in 2002, 201 in 2007 and 161 in 2011.

### 4.2 Attempt Murder/Aggravated Assault/Assault with Weapon

As a result of a Supreme Court of Canada decision,<sup>14</sup> the offence of attempted murder has a very high requirement of specific intent which likely contributes to charges being laid of Aggravated Assault (Assault 3) or Assault with a weapon/causing bodily harm (Assault 2). The 2011 report confirms that the national rate of attempted murder charges declined 3 percent from the year before and by 19 percent since 2001.

Assault 3 charges rates declined by 1 percent from 2010 but increased by 15 percent since 2001.

Assault 2 charges rates declined by 4 percent from 2010 but increased by 5 percent since 2001.

To its credit, Juristat recently changed its reporting practices and now specifically reports attempted murder and aggravated assault and assault with a weapon (Assault 2 and 3) by province. As such a specific comparison on these crimes with 2002 data is not possible, but from the 2007 report it is apparent that Nova Scotia has had an increase

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14 *R. v. Ancio* (1984) 10 C.C.C. (3d) 385 (SCC)

in attempted murders from 25 in 2007 to 60 in 2011. The number of level 2 and 3 assaults decreased by 68 incidents since 2007 but the rate increased by 15 percent from 2010.

Manitoba had 37 attempted murders and 4116 Level 2 and 3 assaults in 2007 and 31 attempted murders and 4483 Level 2 and 3 assaults in 2011.

### **4.3 Assault of a Peace Officer**

The 2011 report shows a significant decrease from 2010 in assaults on police officers apparently due to an earlier offence designation error, but nonetheless shows an increase in such assault rates of 31 percent since 2001.

### **4.4 Sex Assault with Weapon/Bodily Harm**

The rate of sexual assaults with a weapon or that cause bodily harm has increased 12 percent since 2001.

### **4.5 Crimes Against Children**

Sexual assaults against children increased by approximately 3 percent in number and rate from 2010 and more than 150 percent in number since 2008.

Child pornography offences increased in number by 40 percent from 2010 with the rate up one-third. The report indicates a shocking 209 percent increase in the rate of such offences since 2001.

### **4.6 Drug Offences**

Drug offences reported by Juristat include possession, trafficking, and production/distribution of cannabis, cocaine and other drugs. Heroin offences used to be reported separately, which some police services still do, but Juristat now includes them in the “other drugs” category. The Juristat changes to drug offence reporting appear to have been implemented for the 2009 report which includes 2008 data for comparative purposes.

The Highlights page for the Juristat report does not feature a specific item devoted to drug crimes but rather mentions it only as part of a generic multi-offence summary in item 7 (of 10) which acknowledges that most drug crimes showed an increase from 2010.

The importance of the illicit drug trade to crime generally is such that it merits a more detailed analysis, which follows.

There were 56,800 cannabis possession offences in 2011, an increase of approximately 8 percent from 2010. This represents a 16 percent increase in the offence rate from both the previous year and from 2001. There were 16,500 cannabis trafficking incidents in 2011, down from 18,300 incidents in 2010. This represents a 26 percent decrease in the rate of such incidents since 2001.

There were 7,390 cocaine possession incidents in 2011 which is a slight increase from 2010 but a 23 percent increase in the rate of such incidents since 2001. There were 7,390 cocaine possession incidents in 2011, a slight increase from 2010, and a 23 percent increase in the rate since 2001. There were 10,200 cocaine trafficking/production incidents in 2011, up from 9,800 incidents in 2010. This is a 37 percent increase in the rate in the past decade.

There were 10,300 “other drug” possession incidents in 2011 which is an increase from 9,700 in 2010. This represents a startling 97 percent increase in the rate since 2001. There were 7,200 other drug trafficking/production incidents in 2011, up slightly from 7,000 in 2010 and a 41 percent increase in the rate since 2001.

## 4.7 Forcible Confinement/Kidnapping

Forcible confinement/kidnapping is increasingly used by street gangs for a variety of criminal purposes including hostage-taking and extortion as well as inter criminal “business” purposes.

There were 3,700 reported incidents of forcible confinement/kidnapping in 2011, down from 4,300 reported incidents in 2010. This is a 35 percent increase in the rate of such incidents since 2001 (3,000 such reported incidents occurred in 2002).

## 4.8 Bail/Court Order Violations

An awareness of the extent of compliance with court orders made to protect the public is clearly an important indicator of justice system performance. As such, MLI recommended the expansion and greater precision in reporting such offences which, fortunately, some police services have already begun doing. This is definitely a case where more data are better.

Juristat used to report bail violations separately, but in 2008 created a new category of “administration of justice” offences with unspecified offences being included. There were 177,100 administration of justice offences reported in 2011, down from 178,100 in 2010. Juristat reports a 2 percent increase in such generic offences since 2001.

Previous Juristat reports show that bail violation offences (likely breach of bail conditions and failure to appear) rose almost 50 percent from 73,000 in 1998 to 110,000 by 2007, after which the specific reporting of the offence was eliminated.

The Ottawa Police Service<sup>15</sup> shows 1,600 bail violations in 2010, up from 1,500 in 2009. This represents a 5.7 percent increase over the preceding three-year average. Ottawa also reports a 97.9 percent solution rate, which is expected given the nature of the offence. There were 242 probation violation incidents in 2010, an increase from the 234 reported in 2009 and a 3.4 percent increase over the preceding three years.

The Calgary Police Service report (2005-2009)<sup>16</sup> shows a decrease in bail violations/fail to appear with 3,612 offences in 2005 and 3,441 in 2009. There were 788 breach of probation offences in 2005 and 908 in 2009.

The Victoria Police Department 2011 report showed a decrease of 23 percent in bail/probation breaches from the previous year.<sup>17</sup>

## 4.9 Shootings/Stabbings

Despite growing public concern about incidents of shootings and stabbings, including from elected officials,<sup>18</sup> Juristat still does not report this information in a separate category. Fortunately, several police services are now reporting such information and media outlets themselves appear to be keeping track of such obviously important data.

Ottawa Police Service does not have a separate publicly reported shootings/stabbings category but has confirmed such data are provided to media. For example, Ottawa had 30 shootings (3 fatal) in the first half of 2012, compared to 24 in all of 2011.<sup>19</sup>

10,300 “other drug” possession incidents in 2011 represents a startling 97 percent increase in the rate since 2001.

15 [www.ottawapolice.ca/en/CrimeFiles/CrimeMaps\\_reports/crimestats.aspx](http://www.ottawapolice.ca/en/CrimeFiles/CrimeMaps_reports/crimestats.aspx);

16 [http://www.calgarypolice.ca/pdf/2005-2009\\_percent20Annual\\_percent20Statistical\\_percent20report.pdf](http://www.calgarypolice.ca/pdf/2005-2009_percent20Annual_percent20Statistical_percent20report.pdf)

17 [http://vicpd.ca/media/65881/feb\\_2012\\_\\_crime\\_trends\\_for\\_victoria\\_esquimalt\\_\\_jan-dec\\_2011\\_\\_pdf](http://vicpd.ca/media/65881/feb_2012__crime_trends_for_victoria_esquimalt__jan-dec_2011__pdf)

18 Councillor prods police on getting data on stabbings- Winnipeg Free Press August 3, 2012

19 Spike in shootings in Ottawa a cause for concern: police- Ottawa Citizen- July 19, 2012

Toronto Police Service provides year to date data on shooting incidents, shooting victims and shooting homicides as well as stabbing homicides and overall homicides by type. TPS reported 162 shooting incidents in the first half of 2012 which is an increase from 132 in the same period of the previous year and an increase in shooting victims in 2012 of 226 from 162 in 2011.<sup>20</sup>

The Calgary Police Service provides a detailed statistical analysis that goes well beyond Juristat reporting categories including specifying type of weapon used in violent offences.

The Winnipeg Police Service has a limited statistical presentation that includes year to date comparisons which reveal that homicides in the first half of 2012 decreased from 27 in 2011 to 19 this year which is an approximate 30 percent decrease. Shootings are also down from 42 in 2011 to 34 this year or a 19 percent decrease. Robberies, both commercial and personal, are reported as increasing by 13 percent and 6 percent respectively.<sup>21</sup>

The Calgary Police Service provides a detailed statistical analysis that goes well beyond Juristat reporting categories including specifying type of weapon used in violent offences. Their 2005-2009 report shows a 2005 to 2009 increase in firearm incidents from 227 to 255 and a decrease in knife incidents of 716 to 609. The report shows an increase in the same period of victim injuries from firearms of 34 to 46 cases and a decrease in victim injuries from knives of 294 to 232 cases.<sup>22</sup>

The Vancouver Police Department (VPD) provides limited incident data but does confirm in its 2011 report that homicides increased from 9 in 2010 to 15 in 2011. Its five year comparative data, however, show a decrease of 1 homicide from 2006 to 2011.<sup>23</sup>

## 4.10 Solve/Clearance Rates

Juristat provides a comprehensive *Police-reported Clearance Rates*, the most recent of which for 2010 was released in June 2012.<sup>24</sup>

An incident may be cleared in a number of ways including by charge or by other action where the incident is viewed as being solved. Different practices in different jurisdictions impact clearance rates, including those jurisdictions which require Crown screening of charges [a higher standard than the grounds required to lay a charge.]

### Highlights from the Juristat Clearance report

While overall clearance rates have been increasing, homicide clearance rates have generally been declining over the past 50 years. Homicide clearance rates have dropped from around 95 percent in the mid-1960s to about 75 percent in 2010. Of major cities in Canada, Peel, Ottawa and Durham had the highest homicide clearance rates while Toronto, Regina and Calgary had the lowest clearance rates.

The probability of clearing a homicide in Canada may be attributed in part to incident characteristics, with homicides involving firearms, gangs or the drug trade having a lower probability of being cleared than other types of homicide. For example, between 2000 and 2010, 42 percent of gang-related homicides were cleared by police, less than half the proportion solved of non-gang related incidents (88 percent). Similarly, homicides committed with a firearm (56 percent) were less likely to be cleared by police than non-firearm-related homicides (88 percent).

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20 <http://www.torontopolice.on.ca/statistics/>

21 <http://www.winnipeg.ca/crimestat/>

22 op cit Footnote 16

23 op cit Footnote 9

24 Police-reported clearance rates in Canada, 2010- Tina Hotton Mahony and John Turner (June 2012)

Clearance rates vary by type of crime. Generally, violent crimes have much higher clearance rates than property crimes. In 2010, about three-quarters of violent crimes were solved by police compared to about one-quarter of property crimes.

National homicide and attempted murder clearance rates in 2010 were 75 percent.

Sexual offences against children had a 62 percent clearance rate.

Firearms offences had a 59 percent clearance rate.

Robberies had a 40 percent clearance rate.

Break-ins had a 17 percent clearance rate.

Child pornography had a 33 percent clearance rate.

In addition to the Juristat clearance rate reports, several police services provide similar information with category reporting variations which can be insightful. There are also discrepancies which should be resolved between Juristat reported clearance rates for police services and rates those same services report individually.

Ottawa Police Service (OPS) reported a 100 percent solve rate for homicides and attempted murder in 2010 although their general violent crime solve rate is 65 percent and just 26 percent for reported property offences.<sup>25</sup>

Toronto Police Service (TPS) reported a 67.3 percent solve rate for homicides in 2011 which is an increase from the 55.9 percent rate reported in 2010. TPS reported a 16.6 percent clearance for house break and enters (slightly higher for businesses and apartments). TPS reports a 68.2 percent clearance rate for violent crimes, a decrease from 71.1 percent in 2007.<sup>26</sup>

Calgary Police Service (CPS) showed a homicide clearance rate of 60.9 percent in 2005 which grew to 83.3 percent in 2009, although CPS notes far lower clearance rates for first-degree murders which are often gang-related. CPS shows a personal robbery clearance rate of only 26.8 percent in 2009 (down from 32 percent in 2005) and 17.6 percent clearance rate for home invasions in 2009 (down from 46.4 percent in 2005). No shooting/stabbing specific data were provided.<sup>27</sup>

Homicide clearance rates have generally been declining over the past 50 years.

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25 op cit Footnote 15

26 op cit Footnote 12

27 op cit Footnote 16

# 5. Conclusions and Recommendations

## Key Issues

The following overriding issues should be considered in any improvements to the gathering, analysis and reporting of police-reported crime statistics by Juristat:

- Any changes should not result in a net increase in work expected of police services without appropriate funding from the federal or local governments;
- Any changes should, to the greatest extent possible, be considered and implemented on a joint basis involving Juristat, the Canadian Association of Chiefs of Police, the Canadian Police Association and the Canadian Association of Police Boards;
- Related reports prepared and released by Juristat and other relevant agencies should be considered as to whether material contained in those reports could usefully be incorporated into *Police-reported Crime Statistics in Canada*;
- Consideration of reforms to the Juristat *Police-reported Crime Statistics in Canada* should specifically include consideration of the crime statistics reporting done by individual police services in Canada;
- The Juristat Police-reported Crime Statistics in Canada should provide Canadians with the most accurate and relevant information about reported crime in Canada including specific crimes and crime types as identified by the police community and others.

## Short-term Reforms

The following measures, if possible, should be implemented for the next report.

- Restore greater historical reporting of crime by having tables for crimes and category crimes which include volume and rates and provide data for the reporting year, and the preceding five- and ten-year comparative data.
- Create a Most Serious Violent Crime category that includes first- and second-degree murder, manslaughter, attempted murder and aggravated assault and assault with a weapon.
- Report unsolved most serious violent crimes.
- Report the number of shootings and stabbings and the number of those that are unsolved.
- Report both the number and rate of breaches of bail, probation, preventive recognizance, firearms prohibition and conditional sentence (if possible) and failure to appear separately and by province and defined municipal jurisdictions.
- Restore the reporting of defined youth crimes (same as adults) both by rate and volume with the same model as in Recommendation 1 and restore reporting of youth diverted as well as those charged by reported offences.
- Expand reporting as per Recommendation 1 to all sex crimes against children and child porn offences.
- Ensure the full explanation for retroactive change to data including, reporting of any substantial change that occurred as a result.
- Include the Most Serious Violent Crime and breaches in the Highlights section.

- Report drinking/driving offences and or dangerous driving/criminal negligence driving offences causing death or bodily harm separately, and report and include other criminal driving offences.
- Report defined crime in both number and rates by province and for select municipalities as per Recommendation 1.
- Restore the separate reporting of robberies using firearms.
- Create a special category of assault with a weapon and aggravated assault.

## Medium-term Reforms

It is recognized that some changes will take longer to consider, refine and implement. These include:

- Define, gather and report offender profile information on select offences that includes crimes committed by persons while on bail, probation, conditional sentence, conditional release, long-term supervision order, preventive recognizance or who have previously been deported or were subject to criminal deportation or who had a defined criminal history (specified number of offence types/sentence).
- Provide the offender profile information in Recommendation 1 for select offences on national, provincial and census metropolitan area basis.
- Revise the Most Serious Offence methodology for multiple offence occurrences to ensure accurate reporting of relevant offences.
- Review the population base used for crime rate determinations to ensure the most accurate and relevant information is provided.
- Harmonize all past changes to crime categories to ensure long-term data reliability.
- Ensure uniform crime reporting by all police agencies, including by provincial agreement where necessary.
- Review whether CSI is necessary in light of Most Serious Violent Offences (and others potentially) reporting as recommended.
- Review the reporting of drug crimes and thereafter include them in crime reporting with suitable historical adjustments for comparative reporting.
- Revise the *General Social Survey* to clarify the reasons people do not report a crime, and include this data in *Police-reported Crime Statistics in Canada*.
- Include the reporting of other federal offences relevant to crime within the report or in a different report.



## 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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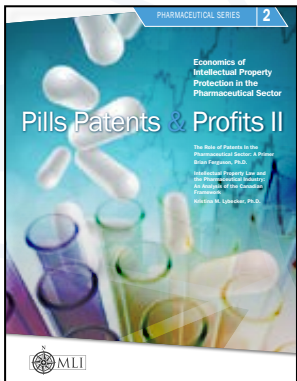
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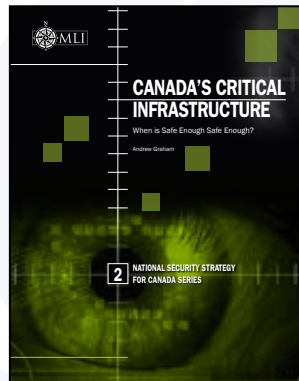
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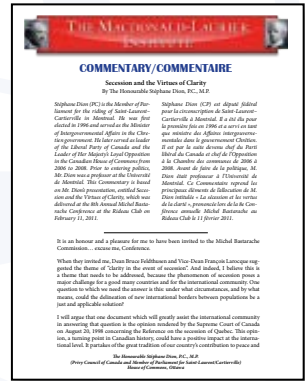
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