Race and Crime in Canada and the USA

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The author of this article is black. Who cares? Apparently, millions do. What would happen if the use of racial adjectives becomes extinct? How would it affect the criminal justice statistical classification system? How would the auditors of racial crime statistics categorize their arguments? Racial categories are outdated and a cause for continuous segregation. Many segments of society suffer, because of the persistent, “us vs. we” mind-numbing statistical jargon. Some use racial classifications to heighten their arguments for racial disparities, while others use them to tear down an entire group of people. The word “race” causes some to feel as if they are in a continuous race to prove the naysayers wrong. Some believe racial categories are inevitable, because there will always be a need to classify certain groups of people.

RACE/ETHNICITY CLASSIFICATIONS IN CANADA AND THE USA

Canada:

There are approximately 34,265,000 people in Canada, according to the Statistics Canada 2011 National Household Survey (NHS). Just over 10,563,800 people reported Canadian as their ethnic origin, either alone or with other origins. Over 6.5 million people identified themselves as English and five million as French. Approximately 4,715,000 individuals identified themselves as Scottish, while Irish was given by over 4.5 million, and German over three million. More than 1.3 million people reported their ancestry as North American Indian. Approximately 447,700 reported their heritage as Métis and 72,600 identified with Inuit. The three largest visible
minority groups reported were South Asian, Chinese and Black; followed by Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean and Japanese.

USA:

According to the United States Census Bureau, there are approximately 315,655,265 million people in America. Results from the 2010 Census reveal that most of the country identifies with the white race, at 74.8% and 13.6% of America identifies with the black race. A little over one percent selected Native American as their race, 5.6% as Asian. Native Hawaiian and Pacific Islander represent 0.4% of the American population. A whopping seven percent of US citizens list themselves as “Other.”

CRIME CLASSIFICATION IN CANADA AND THE USA

Canada:

A 2010 report released by government officials in Canada show a significant decrease in most crimes committed. There was, however, an increase in sexual assaults. Drug offences in Canada also continue to increase. (See Police-reported crime statistics in Canada, 2010) Canada does not classify stops, arrests, and crimes committed by race. Some government officials have called for a new initiative to record the racial/ethnic makeup of those committing crimes in Canada. However, most law enforcement administrators do not agree with the proposed initiative. They believe the racial classifications will breed racism. They appear to tread lightly, when it comes to potentially invading the human rights of their citizenry (National Post, 2001).
USA:

According to the Federal Bureau of Investigations, Preliminary Semiannual Uniform Crime Report (2012), violent crimes are on the rise (e.g., murder, forcible rape, robbery, and aggravated assault). Property crimes have also increased (e.g., burglary, larceny-theft, and motor vehicle theft), as has arson. Approximately 9,499,725 arrests were made in the USA in 2011. Over 6.5 million whites were arrested, and they were arrested more often for violent crimes than individuals of any other race. Over 2.3 million blacks were arrested. A little over 140,000 American Indians were arrested. And, over 81,000 Asian or Pacific Islanders were arrested. Now, it should be noted that several American law enforcement agencies list those of Hispanic culture, as white. (See U.S. Census Report on more Hispanics listing their race as white in 2011) This inevitable practice has proven to be a sore spot for researches and scientists who study and compare different groups and eventually reveal skewed results. It makes no sense to lump everyone with brown or black skin into one category, as many of us evolved from several different cultures. Not all black people are from Africa, not all Hispanic people are from Mexico, not all white people are from the British Isles, and every Asian is definitely not from China.

History of Race

In ancient times, language, religion, status, and class distinctions were more important than physical appearance in identifying a group of people. In the USA, a set of specific historical circumstances led to the world's first race-based slave system. Racial categories were invoked to justify the enslavement of Africans, but also the taking of Mexican and Indian lands, and the exclusion of Asian immigrants. Mexicans were classified as white until 1930. Many wanted
them to be classified separately to target them for discrimination and emphasize their distinctiveness from whites. Historically, African Americans in the Jim Crow South were classified according to "one drop of blood" rule of ancestry. Rather than the "one-drop" rule, Native Americans have been classified by a minimum "blood quantum" requirement for tribal membership and racial classification. Those wanting federal recognition were forced to follow government guidelines, including membership based upon "blood" degree.

In the early 1870s, racism against Aboriginal Canadians took the form of residential schools for Aboriginal children between the ages of five and 16. The right for these schools to exist was enshrined in the Indian Act of 1876, and they were eventually found in every province except Newfoundland, New Brunswick and Prince Edward Island. The purpose of the residential schools was to eliminate all aspects of Aboriginal culture and abuse within them was widespread. The effects of this scheme were devastating and continue to impact Aboriginal communities. (The Residential School System)

Crime Statistics

When the categories of race and crime intersect, it lends a certain purview to any evaluation. For example, when evaluating a crime committed by two men from different racial categories, the potential theoretical explanations, as to why the crime was committed, risk being biased. Thus, when a young white male from a stable family home commits an armed robbery, some may try to justify his actions by implying he has a mental health issue, saying his parents should have sought (medical) help for him. When a young black male from a single-parent home commits the same crime, however, many would blame his actions on his (stereotypical)
environment and the lack of a male role model in the home. Justice officials might even look to punish the two young males, having committed the same crime, in two very different methods. The young white male would more likely be diverted away from the juvenile justice or criminal justice system and offered various resources to help address and prevent further criminal actions, while his black counterpart may be detained in a juvenile facility, transferred into the adult system, prosecuted for the crime, and sentenced to several years in prison. In the United States, this is the essence of the ongoing issue of “Disproportionate Minority Confinement” (DMC). This is similar to the Gladue Principle in Canada.

DMC vs. The Gladue Principle

Disproportionate minority contact refers to the disproportionate number of minority youth who come into contact with the juvenile justice system. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is the agency we refer to for the explanation of DMC. In 1988, OJJDP referred to DMC as Disproportionate Minority Confinement. In October of 2002 OJJDP broadened the scope of and changed the title from Disproportionate Minority Confinement to Disproportionate Minority Contact. DMC now exists not only in cases of confinement, but also when there is overrepresentation of a given racial or ethnic background among youth in contact with each decision point in the juvenile justice system. The tool that measures DMC at every possible point in the system is called the Relative Rate Index. Congress elevated its efforts to address the disproportionate confinement of juveniles by making the DMC a core requirement. States participating in the Juvenile Justice and Delinquency Prevention Act’s Part B Formula Grants program are required to address juvenile delinquency prevention and system
improvement efforts to reduce, without establishing or requiring numerical standards or quotas, the overrepresentation of minority youth in the nation’s juvenile justice system. (Learn more at ojjdp.gov.)

The Texas Juvenile Probation Commission (2007) reports that black juveniles were more likely to be placed on probation or in the Texas Juvenile Justice Department (TJJD) than white youth (p. 16). In Harris County, referrals for black females and males are higher than those for Hispanics and whites. Referrals by school districts for black (1,637) and Hispanic youth (1,218) are the highest in the county (HCJPD, 2009). The W. Haywood Burns Institute for Juvenile Justice Fairness and Equity Fact Sheet reported:

- In 2003, 38% of the U.S. youth population (ages 10-17) was made up of youth of color. Yet youth of color made up 65% of the secure detention population.

Much research across Canada, which has produced a great deal of statistical information, confirms that Aboriginal peoples also have disproportionately high rates of crime and victimization, and are over-represented in the courts and prison. They consider themselves to be a primary component in what they consider to be a racist justice system. The human and economic costs of this are extremely high and rising. A research study undertaken by the Canadian Criminal Justice Association (CCJA) reported in 1993 that Aboriginals accused are “more likely to be denied bail... are more likely to be charged with multiple offences, and often for crimes against the system... are more than twice as likely to be incarcerated than non-Aboriginal offenders... and often plead guilty because they are intimidated by the court...”

( Aboriginal Peoples and the Criminal Justice System, 1993)
Heather Ibbotson explains the Gladue Principle in urgent detail in the *Brantford Expositor* (2013). It involves the idea that native offenders should be considered in a different light from others. It dates back to 1996 when Parliament inserted a clause into the Criminal Code designed to address the inordinately high incarceration rates of native offenders. In 1999, the Supreme Court examined, refined and reiterated that requirement in a lengthy, landmark ruling in the case of a native B.C. woman named Jamie Gladue. She stabbed her boyfriend to death in a fit of drunken rage. However, it was determined that her background was not taken into consideration during the trial. In March 2012, the Supreme Court of Canada ruled that the Gladue Principle also applies to breaches of long-term supervision orders. They stated that "...failing to take [Aboriginal] circumstances into account would violate the fundamental principle of sentencing." Aboriginal peoples in Canada comprise the North American Indian, First Nations, Inuit, and Métis. According to the 2011 Canadian census, Aboriginal peoples in Canada totaled 1,400,685 people, or 4.3% of the national population. Gladue reports are prepared prior to sentencing hearings in recognition of the special circumstances facing many aboriginal offenders and their over-representation within the justice system. Fourteen years after the Supreme Court ruling, with more attention and resources poured into efforts to address the needs of natives within the justice system, the rate of incarceration of native offenders continues to rise. While aboriginals make up only 4.3% of the population, they comprise 23% of the federal inmates. Aboriginal Legal Services of Toronto is the agency that oversees the preparation of Gladue reports for Brantford and several other areas of the province. They believe the Gladue presentencing reports are making a difference, as more jurisdictions are developing Gladue specialized courts for aboriginals.
The challenges of DMC reduction in the USA are complex and not easily resolved, but states are making progress. Several states have shown reductions in disproportionality at secure detention. Law enforcement officers are also changing their attitudes towards youthful offenders at the arrest contact points (OJJDP In Focus report, 2012).

Now, imagine a world that gives no credence to such categories of race. Imagine justice officials, psychologists, and legislators giving everyone a clean slate upon which to be judged. The majority population has been given this privilege, since the beginning of criminal justice history in the USA. Those in minority racial categories have commonly been judged as a race, rather than one individual committing a crime. Some say, “I knew it was a black man…it seems like something they would do.” Others might say, “They’re (blacks) always robbing and killing somebody.” (See “Nigger Crime” web site). For members of the majority, however, some might utter, “Wow. What happened? Why would he do such a thing?” Or, “Why didn’t anyone seek help for him earlier? This could have all been prevented if he wasn’t listening to that kind of music...or playing those video games.” (See Sandy Hook Elementary School shooting and reports of Adam Lanza)

Presumed Guilty?

In the minority categories, many have to seek to prove their innocence, before trial...even in an adversarial American justice system. The phrase, “Innocent, until proven guilty...” has no place in their mindset. The innate feelings of punitive consequences flood in, even before the person is indicted. And, soon after the person in the minority racial category is indicted, they are almost certainly offered a plea deal. The plea bargaining almost always involves prison
time...and restitution fees. Believe it or not, to some, this is a welcome relief, as they had already begun calculating the potentiality of spending countless years behind bars.

This notion of worthlessness and guilt has been engrained in the minds of millions for several hundred years. It’s almost as if, those in the minority categories have “drank the Kool-Aid” (accepted the brainwashing of being less than) and remained mired in the slave ship. Many subconsciously believe they are still under the control of a “Master”...waiting for the slop to be handed out on the plantation.

Nevertheless, how could we expect those in the minority categories to ever think any differently? They were ripped from their culture and sold into a life of servitude. Their only memory of true freedom is long forgotten, and it remains in the crevices of Africa and other foreign lands.

Among other variations on the same theme, someone once said, “Black is bad, Brown is neutral, Yellow is mellow, Red belongs to the feds, and White will continue to be right!” If such sayings are part of the symbolic truth of the society in which they are uttered and become social truths, if even by a small component, society will never be rid of racial tensions and disparity. When one reviews the lists of crimes and the numbers of crimes being committed in the USA, there is almost always an inference of “Which race did what...and how often?” Why is race considered when looking at crime? It’s as if those with the most power (decision-makers) are looking for a justifiable reason to treat one group harsher than the other.
For instance, police officers usually make the first contact, so they are crucial decision-makers in altering someone’s life. Regarding juveniles, many officers are allowed to use their discretion, and decide to not bring the youth in for certain infractions. Some youth do not have that luxury, especially if the officer has a predetermined bias against their group…or their type, which happens. (See Study on the Effects of Extralegal Factors by Reitler, Sullivan, and Frank, 2013)

These days, officers are continuously pressured (formally) to keep tabs on the racial categories of the people they stop, frisk, question, and arrest. Some have pushed for this official record-keeping to be fully enforced in every law enforcement establishment in America. Some proponents of this racial bookkeeping assert that the “racism of the officers will show in the numbers.” Others believe the numbers will show that certain groups are inherently more prone to committing criminal acts. The numbers have shown that more black and brown (African American and Hispanic) people are stopped than are members of the majority (white) race. (See Houston Police Department Study on “Driving While Black” in 2011). After these numbers had been out for months, there were no significant calls for change from Houston Mayor, Ms. Annise Parker (who happens to be part of a minority group, as she is openly gay).

Why collect such data, if no useful-changes are going to be produced from it? Unless the data collecting is part of an overall appeasement process to display a hypothetical “watchdog” mechanism for the public? Doing things for “show” is a waste of time…and a waste of taxpayers’ money. Useful studies should produce justifiable evidence of needed change.

The Canadian Civil Liberties Association surveyed 150 youth in 1993. Seventy-one per cent of visible minorities vs. 50% of whites who had had contact with the police said their experience
was negative. Several alleged they had been subjected to racial slurs by police officers during questioning. A Report of the Commission on Systemic Racism in the Ontario Criminal Justice System (David Cole, Margaret Gittens, et. al., 1995) surveyed 1,200 civilians (blacks, whites and Asians). Forty-four percent of African Canadian males had been stopped and questioned at least once in the previous two years, compared to 25% of white males and 19% of Asians. Thirty percent of African Canadian males said they had been stopped two or more times, compared to 12% of white males and 7% of Asian males. African Canadians with high incomes and education were more likely to be stopped than those from the working class.

CALLS FOR CHANGE

Classification:

The racial classification system is clearly outdated, useless, and rooted in historic enslavement and encapsulation. The world is beyond “Black” and “White.” Why not replace the racial classification system with a human race system. There would then be no need for racial justifications and racial discriminations. Many believe the U.S. federal government’s effort to prevent racial discrimination in employment scenarios, has actually fed the fire of racism. For example, every employer must collect the race of each applicant. The reason U.S. American companies are supposed to keep tabs on the race of each applicant, is to prove that they are not hiring too many individuals from a given cultural group. However, the loop holes around this system are endless. Companies do not have to justify why they choose one applicant over another...even if both applicants have the same qualifications.
Administrators continuously opt out of federal regulations and restrictions by arguing that a certain person just wasn’t a “good fit.” That’s all that’s needed…a line item veto of fit versus unfit. Meanwhile, hundreds of applicants place their race on web applications, hoping their specific racial category does not provide cause for an immediate “File 13” placement of their job application. “File 13” is metaphoric phrase for the trash bin/garbage can. By the way, when applicants refuse to place their race on an application...or select “other” they are immediately viewed as a hostile, unfit applicant that might be prone to dishonesty.

Although, Canada does not require applicants to divulge their race or select an ethnicity to obtain a job, there was a major black eye placed on the country’s broadcasting system, about two months ago. The Canadian Broadcasting Company posted a job advertisement, which alerted white applicants they did not need to apply. A spokesperson for the company blamed the racially discriminating wording on “technical issues.” (Bolen, 2013) Canadians do not have a race category on their driver's license, and it is viewed as contrary to human rights laws for employers to ask for such information on job application forms. Canadians are asked to select a particular ethnic identity on the “long form” census. However, the information is reportedly collected to support programs that promote equal opportunity for everyone to share in the social, cultural and economic life of Canada. China asks racially based questions, because Chinese minority nationalities are exempt or partially exempt from the one-child rule. In Australia there are very few instances where information about ethnic background is requested by government officials. However, one commonplace request for information about ethnicity is with respect to Aboriginal and Torres Strait Island people (the two main groups of indigenous
Australians) for affirmative action programs. Federal businesses will ask applicants to identify their race, as this will give them a better chance of being helped. Thus, in most governmental systems, questions about race are “officially” asked to help prevent discrimination and provide benefits to those who need them. If something is beneficial, it should be made available to everyone. Race should not have exclusionary or inclusionary power.

Recommendations for Change in the USA

Legislation must be introduced to help bring a sequential end to a horribly purposeful beginning. The 21st century should bring about “adult” changes to an immature method of operation. Racial categories were introduced through a criminal, profitable process. Placing others in a box different from the majority helped bolster the slavery process. Slavery has officially been over for approximately 148 years in America. Thus, 1+4=5 and 5+8=13...this is year 2013. This is the year of change.

1. Policy analysts must develop justifiable proposals for deleting racial categories from our classification systems

2. Legislators must consider and introduce such policy initiatives as bills

3. Law enforcement agencies must commit to ending racial record keeping

4. Government officials must implore businesses and organizations to cease and desist in requiring applicants to identify their race during any part of the employment process, loan process, housing process, credit process, medical data entry processes, college
application process/grading process, standardized test-taking process, disease control
data processes, social welfare data collection processes, etc.

5. Theorists, criminologists, and other criminal justice professionals must be challenged to
develop new methods of studying offenders, inmates, and the general citizenry

6. Collaborate with Canada and other countries that have seen a reduction in crime

Placing someone in a “box” does not represent freedom, thus, many don’t believe they are
free. Identifying race with crime should be obsolete. It would be the first primary step toward
ending racism. If people choose to identify themselves with a particular culture, religion, or
socioeconomic status, it should be a voluntary decision. No one should be forced to choose a
box or category, in which they should identify with. Community activists can give up the
justification for racial categories, as a movement to thwart racial discrimination. The “jig” is up.
The tables were turned and the racial categories were never a beneficial source for minority
groups. In fact, racial categorizations have been and—without intervention—will continue to be
a major hindrance to the lives of millions.
References


