

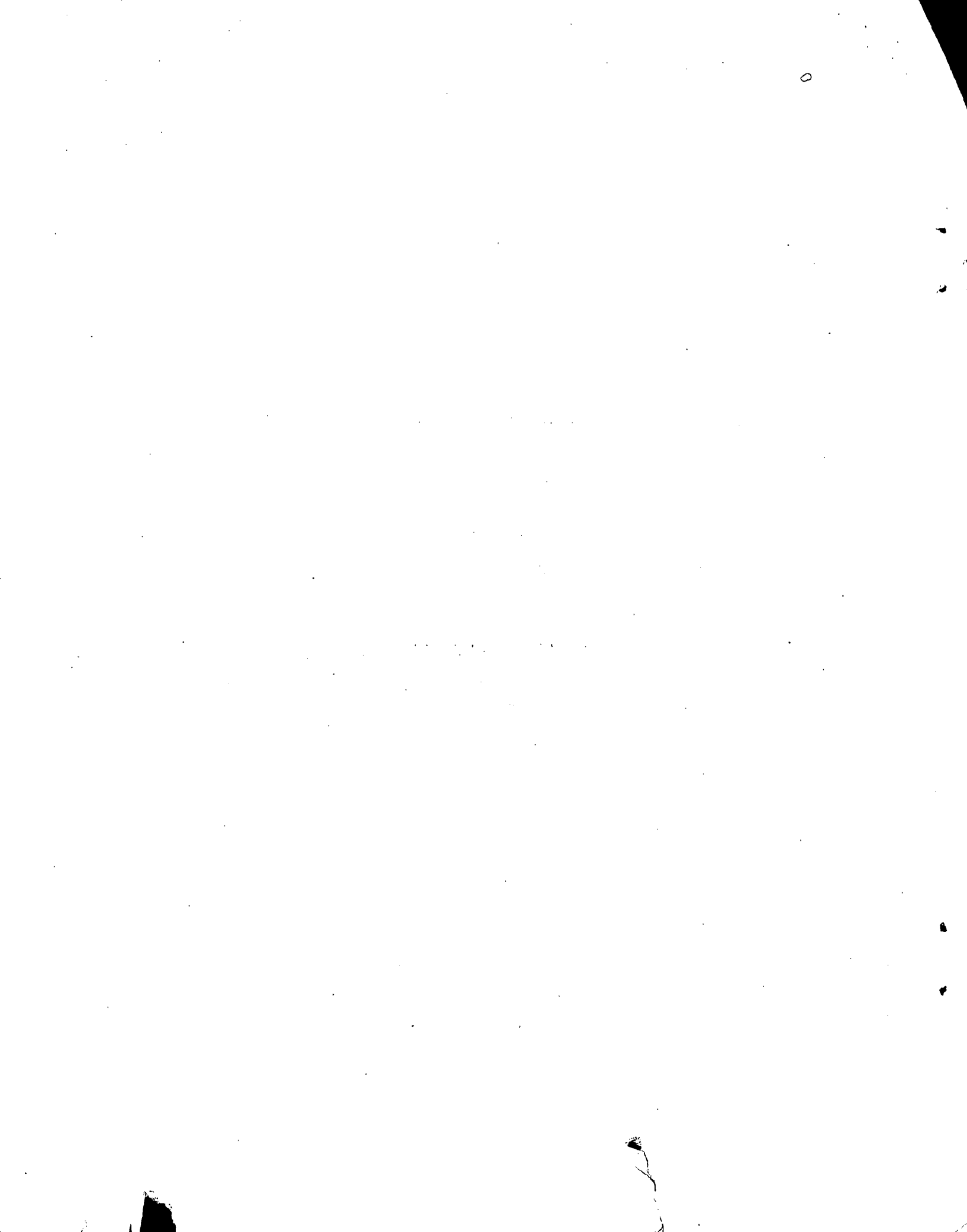
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SUMMARY REPORT  
of the  
DOMINION-PROVINCIAL CONFERENCE  
on  
CRIMINAL STATISTICS

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OTTAWA  
May 1949



## FOREWORD

This document is a summary report of the proceedings of the first Dominion-Provincial Conference on Criminal Statistics, held in Ottawa on May 19 and 20, 1949.

Because of the difficulty of securing accurate statistics, and because of the delay in publishing annual reports of criminal and other offences, the Minister of Trade and Commerce called into consultation representatives of the Provincial Departments of the Attorneys General and Departments of Welfare as well as national organizations which are interested in the improvement of the criminal statistics of Canada, to review the method of collecting these statistics, to weigh their usefulness, and to consider certain aspects of the Annual Report published by the Dominion Bureau of Statistics.

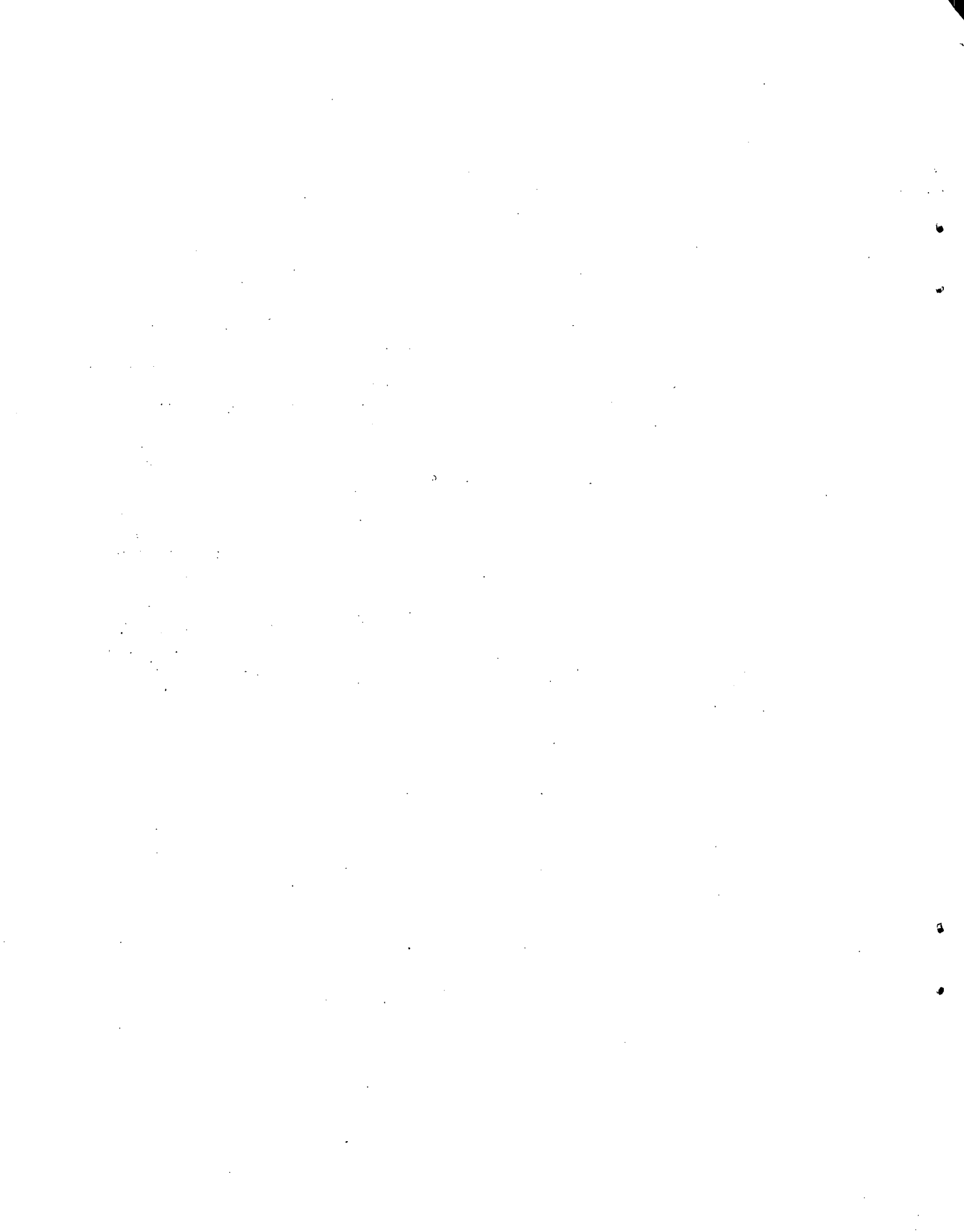
Unfortunately the meetings coincided with elections in three of the provinces, events which could not be foreseen at the time the date of the Conference was set. This meant that the Provinces of Newfoundland, Nova Scotia and British Columbia were not represented.

Many important problems in the field of criminal statistics were discussed and various resolutions were passed. Special reference, perhaps, should be made to the recommendations that criminal statistics be based on persons rather than on convictions; that reports be published for criminal statistics for the calendar year, and for penal institutions for the fiscal year April 1st to March 31st.

*Herbert Marshall*

Herbert Marshall,  
Dominion Statistician.

Dominion Bureau of Statistics,  
Ottawa, January, 1950.

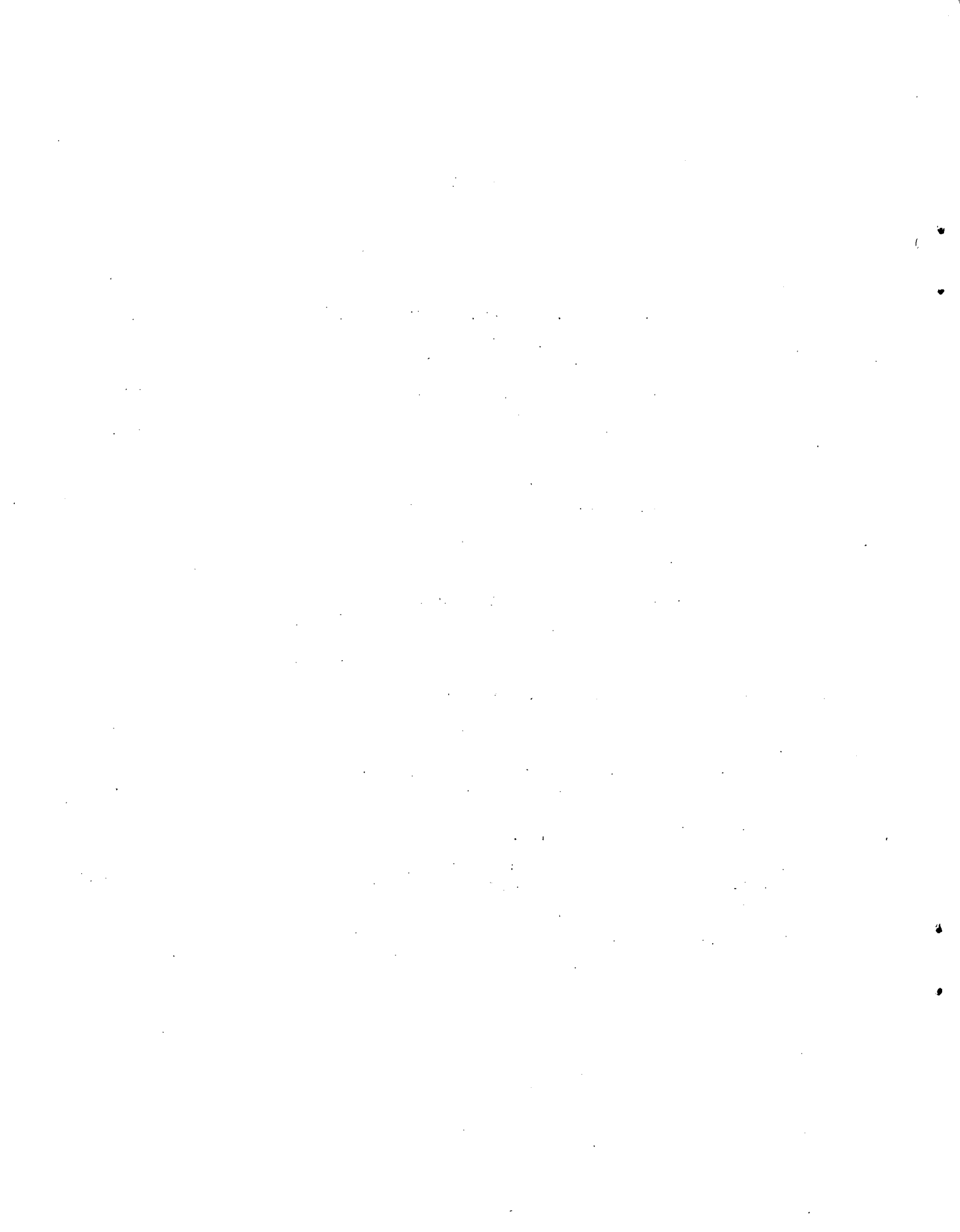


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AGENDA  
DOMINION-PROVINCIAL CONFERENCE

on  
CRIMINAL STATISTICS

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May 19 - 20, 1949

Registration - 9.30 a.m.

Morning Session - 10.00 a.m. to 12.30 p.m.

Address of Welcome - The Right Honourable C. D. Howe, M.P.,  
Minister of Trade and Commerce.

Election of Chairman, Vice-Chairman and Secretary.

Opening Remarks - The Chairman.

Consideration and Adoption of Agenda.

Appointment of Committees:

Resolutions

Other Committee (at the discretion of Conference)

Subjects for discussion:

1. Importance and Use of Criminal Statistics - Dr. Stuart K. Jaffary
2. The Archambault Report - Judge Allan J. Fraser
- Reply - Mr. Fraser Harris
3. Uniformity of twelve-month Period for Annual Reports - Mr. George Barker

Judicial Year

Institutional Year

4. Uniformity in Reporting

- Miss Ruth Harvey

Indictable Offences

Summary Convictions

Juvenile Delinquents

Appeals

Police Statistics

5. Consideration of a Dominion-Provincial Plan  
for the Collection, Compilation and  
Tabulation of Criminal Statistics

- Mr. J. T. Marshall

6. Classification of Crimes

- Mr. Howard Roseborough

7. Other Business

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ATTENDANCE AT DOMINION-PROVINCIAL CONFERENCE ON CRIMINAL STATISTICS

Rt. Hon. C. D. Howe - Minister of Trade and Commerce.

DELEGATES

PROVINCIAL GOVERNMENTS:

NEWFOUNDLAND (not represented)

PRINCE EDWARD ISLAND

Mr. J. Nicholson.....Assistant Crown Prosecutor,  
Department of Attorney General.

NOVA SCOTIA (not represented)

NEW BRUNSWICK

Mr. J. M. LeBlanc.....Solicitor,  
Department of Attorney General.

QUEBEC

Mr. P. A. Juneau.....Special Law Officer,  
Department of Attorney General.

ONTARIO

Mr. C. F. Neelands.....Deputy Minister,  
Department of Reform Institutions.  
Mr. W. C. Common.....Director of Public Prosecutions,  
Department of Attorney General.

MANITOBA

Mr. A. A. Moffatt.....Deputy Attorney General,  
Department of Attorney General.

SASKATCHEWAN

Mr. Hugh Christie.....Director, Correction Branch,  
Department of Social Welfare.  
Mr. J. W. Middlemas.....Chief Clerk,  
Department of Attorney General.

ALBERTA

Dr. A. Ralph Schrag.....Mental Hygiene Division,  
Department of Public Health.  
Mr. E. Stott.....Inspector of Gaols,  
Department of Attorney General.

BRITISH COLUMBIA (1)

(1) Not in attendance.

DELEGATES (continued)

GOVERNMENT OF CANADA:

DEPARTMENT OF JUSTICE

Mr. J. McCulley.....Deputy Commissioner of Penitentiaries.  
Mr. T. D. MacDonald.....Solicitor.

DEPARTMENT OF NATIONAL HEALTH AND WELFARE

Mrs. D. B. Sinclair.....Executive Assistant  
Mrs. F. E. Hurst.....Research Division

DEPARTMENT OF MINES AND RESOURCES

Mr. W. F. F. Shepherd.....Vital Statistics Division,  
Yukon and Northwest Territories Branch.

ROYAL CANADIAN MOUNTED POLICE

Superintendent S. Bullard....Assistant Director,  
Criminal Investigation Branch.

DOMINION BUREAU OF STATISTICS

Mr. H. Marshall.....Dominion Statistician.

REPRESENTATIVES OF NATIONAL ORGANIZATIONS AND OBSERVERS

Organizations:

Dr. Stuart Jaffary.....Secretary,  
Canadian Penal Association.

Mr. H. Roseborough.....Department of Economics and Political  
Science, University of Saskatchewan.

Judge Allan Fraser.....Juvenile and Family Courts, Ottawa.

Miss K. Jackson.....Secretary,  
Crime and Delinquency Division,  
Canadian Welfare Council, Ottawa.

Corporal H. G. Lee.....R. C. M. P., Ottawa.

Mr. B. B. Harris.....Chief Constables' Association of  
Canada.

Mr. J. A. Robert.....Chief Constable, Hull, P. Q.

REPRESENTATIVES OF NATIONAL ORGANIZATIONS AND OBSERVERS (continued)

Dominion Bureau of Statistics:

Mr. F. Harris.....Director, Health and Welfare Division.

Miss Ruth Harvey.....Chief, Judicial Section,  
Health and Welfare Division.

Mr. G. Barker.....Chief, Institutional Section,  
Health and Welfare Division.

Mr. J. T. Marshall.....Assistant Dominion Statistician,  
(Administration).

Mr. Nathan Keyfitz.....Mathematical Adviser,  
Research and Development Division.

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## RESOLUTIONS

### Resolution No. 1

WHEREAS the holding of this Dominion-Provincial Conference on Criminal Statistics has been made possible by the Right Honourable C. D. Howe, Minister of Trade and Commerce for Canada;

AND WHEREAS this Conference has made possible the presentation and discussion of nation-wide problems respecting statistics of criminal and other offences, as well as those of penal institutions, thus assuring the continued development and improvement of these statistics of the Provinces and Canada;

BE IT RESOLVED that this Conference requests Mr. Herbert Marshall, Dominion Statistician, to transmit to the Right Honourable, the Minister of Trade and Commerce, a unanimous expression of its appreciation.

### Resolution No. 2

WHEREAS the success of this Dominion-Provincial Conference has depended, in a large measure, on the efforts of the Dominion Statistician, Mr. Herbert Marshall, who has so ably presided over the deliberations, and to his staff in their preparations for the meetings;

BE IT RESOLVED that the delegates to this Conference express their cordial appreciation.

### Resolution No. 3

WHEREAS this Conference is advised that a considerable number of Juvenile Delinquency cases, which come to the attention of the Courts, are treated on an informal basis and do not reach the stage of a formal court hearing;

AND WHEREAS the value of Juvenile Delinquency Statistics would be increased by the inclusion of total numbers of such cases;

BE IT RESOLVED that this Conference recommends that total numbers of such cases be reported to the Dominion Bureau of Statistics and be shown as an appendix to the published figures of Juvenile Delinquency Statistics.

### Resolution No. 4

WHEREAS the criminal statistics presently prepared and published by the Dominion Bureau of Statistics are based upon numbers of cases recorded;

AND WHEREAS it is felt that these statistics would be more valuable if based upon persons rather than upon convictions;

AND WHEREAS most other countries base criminal statistics upon persons;

Resolution No. 4 (continued)

BE IT RESOLVED that this Conference recommends that the Dominion Bureau of Statistics give consideration to changing the present practice of basing criminal statistics upon cases to one of basing such statistics upon persons, provided that total figures of numbers of convictions will continue to be shown.

Resolution No. 5

WHEREAS this Conference has reviewed the variations in the periods presently in effect

- (a) for reporting of criminal statistics to the Bureau and
- (b) for reporting statistics concerning penal institutions;

AND WHEREAS statistics for police statistics and court appeals are presently being reported to the Bureau on the calendar year basis, while the present Judicial Year (for indictable crimes, non-indictable offences and juvenile delinquencies) is October 1st to September 30th;

BE IT RESOLVED that this Conference recommends:

- (a) that all Judicial Statistical Reports should be prepared and published on a calendar year basis;
- (b) that all returns sent to the Dominion Bureau of Statistics covering Judicial Statistics should be forwarded either monthly or quarterly, whichever is the most suitable to the reporting agency;
- (c) that all statistics concerning penal institutions should be prepared and published on the twelve-month reporting period of April 1st to March 31st.

Resolution No. 6

WHEREAS this Conference has reviewed the forms presently used by the Dominion Bureau of Statistics for the collection of information regarding criminal offences and has made certain suggestions for revision of such forms;

BE IT RESOLVED that this Conference recommends that the Dominion Bureau of Statistics give further consideration to the revision of the questions included in the forms in the light of the Conference discussions, and that any suggestions the Provinces may make shall be given careful consideration.

Resolution No. 7

WHEREAS this Conference has reviewed the present "Return of Police Statistics" and has recognised the difficulties encountered in the collection and compilation of adequate and accurate information on police activities in Canada;

Resolution No. 7 (continued)

BE IT RESOLVED that

- (a) the "Return of Police Statistics" be forwarded to the Chief Constables' Association of Canada for consideration and comment;
- (b) the said Association be requested to promote the collection of such information throughout its membership.

Resolution No. 8

WHEREAS the Conference having in mind the fact that the control and supervision of the courts are matters of provincial concern, it has been suggested that the most effective channel for obtaining accurate information on criminal and other offences is through the provincial authority;

AND WHEREAS many mutual benefits would accrue by the clarifying of such information through the appropriate authority;

BE IT RESOLVED that this Conference recommends that a Continuing Committee composed of representatives of the Dominion and Provinces be set up

- (a) to review the present system of collecting information on criminal and other offences;
- (b) to give consideration to all suggestions for improving or changing the collection system;

BE IT FURTHER RESOLVED that the Minister of Trade and Commerce be requested to call a further Dominion-Provincial Conference, when the work of the Continuing Committee is completed, in order that its report may be fully considered.

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SUMMARY REPORT

of the

DOMINION-PROVINCIAL CONFERENCE

on

CRIMINAL STATISTICS

May, 1949.

Mr. M. W. Mackenzie, Deputy Minister of Trade and Commerce, opened the meetings by welcoming the delegates on behalf of the Right Honourable C. D. Howe who, at the last moment, was unable to be present. He then called for nominations of a chairman.

The following officers of the Conference were elected:

- |                                   |   |
|-----------------------------------|---|
| Chairman                          | - Mr. H. Marshall, Dominion Statistician;                                 |
| Vice-Chairman                     | - Mr. W. B. Common, Director of Public Prosecutions, Ontario;             |
| Secretary                         | - Miss R. Harvey, Chief, Judicial Section, Dominion Bureau of Statistics; |
| Chairman-<br>Resolution Committee | - Judge Allan Fraser, Juvenile and Family Court, Ottawa.                  |

The Chairman extended a welcome to the delegates to this first Dominion-Provincial Conference on Criminal Statistics. He briefly outlined the history of Canadian Criminal Statistics which have been compiled since 1876 when there were 85 judicial districts. To-day there are one hundred and fifty judicial districts. Mr. Marshall emphasized that gathering and tabulating statistics is only justified if they are afterwards put to use and that criminal statistics should help towards solving the problems of the prevention and control of crime and delinquency.

1. Importance and Use of Criminal Statistics

Dr. Stuart K. Jaffary opened the discussions on the note that statistics must be useful. Sketching the background of Canadian experience in the last 80 years since Confederation, Dr. Jaffary showed that the realistic attitude of the individualist is a factor which needs to be kept in mind and that, unless we can determine by better statistical service what the trends are in a rapidly changing social scene, we will be wasting money in our expenditures rather than using it wisely.

Dr. Jaffary went on to say that in the present period of industrialism and urbanization, technical advances and social changes are growing apace and social problems are more complicated and more apparent, compelling our attention. We need to know the size of the problem, whether it is increasing or decreasing.

where crime is happening, who the offenders are and what they are like, how they are handled by the police, the courts and the institutions to which they are sent.

Since 1915 many social measures have come into effect along with a great extension of voluntary welfare services. We are moving into an era of social planning touching all levels of government.

The speaker referred to a statement in the Report of the Royal Commission to Investigate the Penal System of Canada (1938) that it costs \$25,000.00 per man to merely arrest, convict and detain a chronic offender in Canada. This staggering figure makes a good selling point to gain appropriations for measures of prevention of delinquency and underwrites the need for searching enquiry supported by statistics.

Difficulties in securing comprehensive and reliable statistics are obvious. Procuring them depends on a long process which starts with the person questioning the suspect, through the recorder, to the compiler and finally the analyser. It is important to achieve accurate statistics for the public regard a Government report as final. Statistics are often misused which makes the public sceptical of them. They should be used intelligently so that those on the legislative benches can apply them to advantage. Dr. Jaffary appealed to those present, who supervise some stages of this process, to do their share to aid in obtaining accurate statistics. He went on to say that there has been a lack of interest in statistics in the judicial branch of government. The administrative and executive branches of government need them but only to a very small extent does the judicial branch use them. It is not hard to see then why the clerks of the court are so disinterested in the recording and collecting of statistics. Their use is out of their horizon and they do not realize their value to others.

To add to this feeling of disinterestedness is geographical distance. Ottawa is a very remote and almost foreign spot to many people. There is also the distance between government departments that is widened by jealousy and indifferences. This gap is harder to bridge than physical distances. Means must be found to bring about closer co-operation so that information can be shared, and work more efficiently done.

Dr. Jaffary was of the opinion that figures on adult probation were of the utmost importance. This view is supported by the recommendation in the Archambault Report that probation service be extended. There must be proof of how good an instrument probation is and whether it is more effective than institutionalism. Before the idea can be sold to the legislators they must know the story through good accurate statistics. The importance of more statistics on the parole system and ticket-of-leave was stressed if we are to know what becomes of the offender who has been released conditionally or unconditionally. Just letting the prisoner out is not good enough in these days. The success of the training that the inmates of an institution receive must be estimated. We need to know what happens to the graduates of the reformatory and penitentiary classes.

In closing, the speaker pointed out that behind statistical figures are individual persons. The emphasis on the person rather than the crime is the change in attitude in penal reform in the 20th century.

"We desire a better job to be done and clearly to do that better job we must have at our command all the facts and information - our statistics, which constitute the major part of this whole business."



## 2. The Archambault Report

In commenting on the Archambault Report, Judge Allan Fraser, who was Secretary of the Royal Commission to Investigate the Penal System of Canada, was most emphatic that any criticism of the difficulty the Commission had in securing the particular statistics they needed was not directed towards the Dominion Bureau of Statistics but rather to the inadequacy of the information submitted to the Bureau. He pointed out how much easier it is to collect valid information on crime in England where the whole penal system from approved schools to penitentiaries is under one authority - a three man Commission - and how much easier in that compact country to follow up a discharge to see if he has adjusted satisfactorily in society.

Judge Fraser was of the opinion that improvements in statistics of criminal and other offences have been brought about in the last 10 years. He stated that the Commission's chief interest was in statistics on juvenile delinquency, probations, parole and recidivism.

He recognized the difficulty in securing comparable statistics on juvenile delinquency when some judges record all cases that come to their attention, while others adjourn cases 'sine die' or handle them as 'occurrences' without a court record. He explained why police force statistics on juvenile delinquency do not tally with court statistics as many delinquents are brought to court by other persons than policemen. He urged that reports be issued more promptly so that they are timely. Judge Fraser thought it would be profitable to collect figures on the cost of crime for those persons who are not particularly socially minded, but who would be interested in what comes out of the taxpayer's pocket.

In replying to Judge Fraser, Mr. Fraser Harris said

"Constructive criticism is always welcome. The only way the Dominion Bureau of Statistics can serve, adequately, the needs for statistical information on the part of judicial administrators, and social service or law enforcement agencies, is to obtain from those organizations a constant expression of their need."

He outlined what had been done in recent years to improve Canadian criminal statistics and asked for further suggestions from the Conference to make them more practical and more useable.

New forms have been issued for reporting indictable offences, summary convictions and juvenile delinquencies, which should result in more accurate information, which take less time to complete, and which should make earlier annual reports possible.

Co-operation between the Commission of Penitentiaries and the Bureau envisaged by the Archambault Report has been realized. Plans for amalgamating statistics of penal institutions with criminal statistics is underway.

In commenting on the difficulty of securing comparable statistics from the juvenile courts as already emphasized by Judge Fraser, Mr. Harris said .

"Statistics or no statistics, there can be no interference with the sympathy and understanding which a juvenile court judge exercises in handling his cases."

This year, for the first time, an attempt is underway to get a total figure of all 'occurrences'.

The suggestion that criminal statistics be based on persons rather than on convictions was brought up for discussion. Points in favour of this change were stated as

- (a) a truer picture of recidivism;
- (b) emphasis on the person rather than the crime;
- (c) uniformity in tabulation of offences of adults and juveniles;
- (d) uniformity in tabulation with other countries;
- (e) the public would understand the figures more easily.

A disadvantage would be a loss of comparability with figures in earlier reports. The Chairman pointed out that comparability is less important than getting at the truth. In neither method would perfect figures be arrived at however.

As regards ticket-of-leave and parole it was pointed out that certain statistics on these two phases of treatment have been included in the penitentiary report since 1939 which would seem to be an outcome of the Archambault Report.

Statistics on court probation have not been recorded up to now but have been requested in the 1949 forms for reporting criminal offences.

The following points were brought out in discussion:

(a) That in Saskatchewan the Correction Branch collects all the reports from the Juvenile Courts and forwards them to the Dominion Bureau of Statistics. A police officer is required by legislation to report to the Chief Juvenile Officer of the Province every alleged juvenile delinquency which comes to his attention. It is recorded in the Correction Branch. This Branch also handles all probation and is in a position to be able to give complete statistics.

(b) That 'sine die' cases should be considered as guilty of an offense.

(c) That there is a tendency in juvenile court practice to become more informal and to do more counselling. Technical violations are apt to be overlooked because of interest in helping the juvenile.

(d) That for minor offences, such as breaches of city by-laws, it is difficult to secure details about the delinquent. There was a difference of opinion as to the importance of these personal details in such cases, the legal representatives thinking they were not important while the representatives of social welfare claiming they were, because they indicate early tendencies towards delinquency of perhaps a more serious nature.

(e) That in statistics compiled by the Dominion Bureau of Statistics juveniles of 16 and 17 years of age are tabulated as adults not as juveniles.

(f) That classification into minor and major offences should be reviewed as certain offences, which would be considered as non-indictable when committed by an adult, are serious when committed by a juvenile.

(g) That the decrease in court cases of juvenile delinquency may be in part due to the role the police force has assumed in handling cases informally and in counselling.

(h) That there is a difference between judicial statistics and social statistics and that court clerks can record details and history of a case in descriptive form that will be useful locally but which do not readily lend themselves to statistical summarization.

(i) That the time spent on informal and formal cases and the volume of work done by probation officers and others can be a selling point rather than the number of cases handled.

(j) That a central registry of juvenile delinquents should be established to be used provincially or inter-provincially. There was a sharp difference of opinion on this point. Some were of the opinion that this was the ultimate way of tracing recidivism and others that it was most undesirable to keep such a record of juveniles by names. The Chairman stated that a recommendation regarding a central clearing house was outside the function of the present Conference.

(k) That the term juvenile delinquency is used indiscriminately and that according to the Juvenile Delinquency Act a juvenile delinquent is "any child who violates any provision of the Criminal Code, any Dominion or Provincial Statute or any by-laws or ordinance of any municipality" but a child cannot be classed as a juvenile delinquent until he or she has been found guilty and for juvenile delinquents statistics this definition should hold.

### 3. Uniformity of the Twelve-Month Period for the Reporting of Judicial and Penal Institution Statistics.

Mr. George Barker lead the discussion and touched upon the desirability of comparability of statistics covering crime, delinquency and the treatment of the offender. The value of such statistics would be increased if the provincial and federal reporting periods agreed, and would lessen the work at the local level. A step in the right direction would be to have all criminal statistics reported to the Bureau on the same reporting period. At present the reporting periods are:

The Judicial Year for reporting Indictable, Non-indictable offences and Juvenile Delinquences is October 1st to September 30th;  
Police Statistics and Appeals are reported for the calendar year.

Statistics of penal institutions present the same problem:  
Penitentiaries report on the financial year of April 1st to March 31;  
Reformatories and Training Schools from October 1st to September 30;  
Gaols from October 1st to September 30th except Ontario where the reporting period is the same as for reformatories, Nova Scotia where the financial year is December 1st to November 30, and Prince Edward Island where the calendar year is the reporting year.

It seems desirable to have agreement at least on the period of reporting statistics related to offences and all those related to penal institutions. A change in the former would mean a revision in the Statistics Act.

After much discussion regarding variations of reporting periods in the provinces, it was decided to recommend that all statistics related to criminal offence be reported for the calendar year and that because institutional statistics are concerned with financial statements the period for reporting be the year April 1st to March 31st.

4. The subject Uniformity in Reporting was opened by Miss Ruth Harvey. An examination by the Conference of the newly revised report forms brought out the changes that have been made - their good points and their weaknesses. Advantages in revised Form I for reporting indictable offences:

(a) They fit any typewriter;

(b) They can be completed daily and in many cases at the time of questioning the offender thus avoiding overtime work at the end of the year and assuring more accurate recording;

(c) The forms are standard file size 5" X 8" and suitable for the local office file for which a duplicate copy is supplied;

(d) For the most part the forms are completed by check marks rather than by words thus saving time for the recorder;

(e) The same form is used whether the trial be under the Summary Trials Act, under the Speeding Trials Act or trial by Jury. Heretofore there were three different forms.

More precise information is being asked under the headings

a - Marital status;

b - Education. In general it was agreed that, although recorded answers are not completely accurate, with the large volume of cases reported, there would be a rough picture of the educational level of the people concerned and that the questions relating to education were worth retaining on the form.

c - Residence. The question of 'residence' provoked a good deal of discussion. The Dominion Bureau of Statistics considers residence the usual place of residence of the suspect. Urban residence is defined as "within an incorporated city, town or village" and rural as "outside such boundaries". So that Criminal Statistics may be correlated with population statistics, the definitions are those used by the Census as far as possible. It was suggested that a distinction between 'rural' and 'farming' might be made. The difficulty of how to class metropolitan areas or improved districts, etc., was brought up. The Chairman said that distinction between rural and urban had always been a difficulty in the Census and that after the 1951 Census the definition may be changed to some extent. It was suggested that in addition to residence there might be recorded the place of the commitment of the crime, because a crime committed in a rural area may be tried in an urban centre.

d - Occupation. For this the clerk of the court should record the actual occupation of the suspect avoiding, when further particulars can be given, the term 'labourer'. The Bureau then groups these under general classifications as used in the Census.

e - Religion. It was the opinion of those present that it is important to get a better breakdown under the heading of religion. It was agreed that though the type of information received was not reliable, the overall picture was important enough for this item to be retained on the report form but that it should be improved by changing it to 'religious denomination'.

f - Ethnic origin. Ethnic origin has been added to the form. This term is used rather than racial origin because the word 'racial' has a disagreeable connotation. There are no pure races and the term ethnic implies social background. Even if the origins are blurred in the cases of mixed marriages, yet when large numbers are being dealt with, one case balances another. The reason this item is continued in the Census is its usefulness in showing the progress of the various elements and strands of population.

It was suggested that the heading 'date of arrival in Canada' be included on the form and that in the annual report this be shown in five year periods.

A question on Citizenship was proposed but it was not thought to be necessary for this type of statistics so long as country of birth, ethnic origin and date of arrival in Canada are recorded.

The question of identification of an offender, who is up more than once within a year, was brought up. Identification through the R.C.M.P. Identification Bureau of all criminals would be too big an undertaking. Furthermore, the Identification of Criminals Act only allows finger printing in the case of indictable offences. For the most part, the offender's statement is accepted or the record of the local court except in serious crimes when the R.C.M.P. files are consulted by the local court. The present report forms show that an offence has been committed previously but relating the two offences would probably not be possible. Unfortunately this will distort the figures to a certain degree but, as the system is improved, the distortions will be reduced and practical solutions found to meet the difficulties.

The question of collecting the same information for people whose cases are dismissed, as well as those convicted, was aired. For research purposes, detailed information on all persons charged would be valuable. Since up to now the statistics have been based on convictions, details of persons charged and acquitted have not been secured. From a legal point of view, these persons are innocent and detailed information regarding them should not be retained. There seems to be a real question here of civil rights.

It was thought desirable to have a column in which acquittals could be checked rather than writing the word on the forms. Withdrawn cases are not reported at all.

The heading 'date of conviction' is to be changed to 'date of trial'.

Commenting on the heading 'probation' under 'disposition of the case' it was pointed out that this applied to C.C.1081 Sec. 5 and not to Sec. 1.

Provision should be made on the form for entering offences under Provincial Statutes as well as under the Criminal Code.

There was a request that some record be made of those cases where a person goes to gaol because of inability to pay a fine. This cannot be determined by the Statistics as they are now tabulated and it is a point over which welfare

agencies are concerned. In some provinces it is possible to pay by instalment. Within this problem is the question whether a person goes to gaol because he does not have the money or because he prefers gaol to a fine. It was thought by the legal representatives that quite a number fall into the second group. A special study seemed to be the solution to meet this social problem.

Form II for reporting summary convictions (non-indictable offences). These forms are used by Magistrates, and by Family Courts when adults are tried under the Juvenile Delinquency Act, as well as by Justices of the Peace. The forms have been used for two years and on the whole have been approved. What is required is the total number of convictions entered opposite the offences which are listed on the forms and under a column showing the disposition of the case. There are columns for male and female offenders.

In the list of offences on this form there are certain items that are indictable offences but may be tried as summary convictions. These are starred and it is explained that if they are tried under the Summary Trials Act they should be included on Form I, not on Form II. However, a good deal of correspondence is received regarding these items and the opinion of the Conference was sought as to whether they should be retained on Form II.

a - Common assault - It was agreed it should be listed on Form II;

b - Incurable (a juvenile offence) - This is listed because offenders of 16 and 17 years are considered juveniles in some provinces while the Dominion Bureau of Statistics classifies them as adults;

c - Joy riding or taking a car without the owner's consent is listed on Form II while theft of car is recorded on Form I;

d - Petty theft has always been listed on Form II. It was the opinion of the legal representatives that this should only appear as an indictable offence on Form I;

e - It was advised that 'failing to remain at the scene of an accident' should be added to Form II.

Form III for reporting juvenile delinquents.

On the revised forms the following information is no longer requested as the results were not reliable enough to be of value:

Home condition;

Mental condition of the child;

Physical condition of the child;

Apparent reason for delinquency.

A place is provided on the form to record the total number of 'informal cases' or 'occurrences' handled by Court officials during the year. It was suggested that provincial welfare or child care departments might better keep records of counselling and guidance in pre-delinquent cases and only those cases brought before the Courts be recorded in the Dominion Bureau of Statistics report.

Other additions to these report forms are:

- a - Occupation of the mother;
- b - Marital status of the parents;
- c - School grade rather than the wider grouping of primary and intermediate and high schools;
- d - Age at leaving school;
- e - Source of complaint. Here it was decided that the sub-heading 'other source' be added in place of 'other court'.

There was some discussion over the heading 'number of previous delinquencies before a judge'. It was thought by some that the words 'before a judge' were unnecessary. However, because of the interpretation by the public of the word 'delinquency' it was judged that the meaning should be limited in some way and 'before a court' satisfied the meeting.

f - Time of delinquency, whether in the morning, afternoon or night, was added for research purposes. Its usefulness is yet to be determined as it is difficult to record since certain juvenile delinquencies can run over a long period of time, for instance 'incurability'.

There was some discussion as to whether the 'date of apprehension' or the 'date of offence' should be recorded. It was explained that the former was used so that it would be possible to determine how long juveniles have to wait or are detained before trial. It has the weakness of not being all inclusive because some children are brought to court voluntarily by their parents without being apprehended. To get around this the 'date of the charge' was proposed. It was agreed to let 'date of apprehension' stay as it is.

#### Form IV for reporting appeals.

There was no discussion on these forms. The slight revision in them consisted in a change in the order of the headings, and the addition of a column for appeals 'withdrawn' or 'abandoned'. There are separate forms for appeals of indictable offences and non-indictable offences.

#### Form V for reporting police statistics.

These forms report police activities. They are not used in determining statistics of crime - only the reports from the courts are used for this purpose.

Police statistics are published annually and appear in the Canada Year Book. They are collected from the Chief Constables in cities and towns of 4,000 and from the provincial police and the R.C.M.P. in those provinces where they act as provincial police and from the railway police.

In consultation with the R.C.M.P. and the Chiefs of Police in the larger centres these report forms have been revised. The forms have been explained where personal contacts were possible and by correspondence but, in spite of this, one in every three of the 1948 reports had to be returned for the correction of discrepancies.

There is difficulty in discriminating between

- (a) offences known to the police;
- (b) offences successfully dealt with by the police;

(c) prosecutions.

(a) Offences known to the police include all offences known and/or reported to the police from any source. They are the complaints received by the police.

(b) Number of offences successfully dealt with by the police are those that are cleared up.

(c) Number of prosecutions will be less than the number of offences dealt with because not every investigation ends in a prosecution, nor will this figure equal the number of arrests for prosecutions are related to charges and arrests to persons.

The points where the statistics are questioned are:

(a) the possibility of overlapping in reporting;

(b) the fact that more motor vehicles are found in a year than the number lost or stolen;

(c) the value of property lost and found - An explanation of large apparent discrepancies are requested by correspondence.

Suggestions offered for overcoming these difficulties were:

(a) that a report should only record as found what was lost in any particular town;

(b) that a note be made of cases carried forward from the previous year, for instance, a theft in one year and recovery of the goods in the following year;

(c) that 'offences known to the police' be broken down to those under the Criminal Code, provincial statutes and municipal by-laws;

(d) that instead of the heading 'offences dealt with by the police' or 'successfully concluded by the police' the heading 'concluded by arrest' be used, and for those cases where the suspect dies, the heading 'concluded by exceptional clearance', and a third heading 'concluded by other means'.

An alternative suggestion was that under the heading 'offences dealt with by the police' there be 4 sub-headings,

- (i) complaints recorded
- (ii) cases prosecuted
- (iii) cases otherwise concluded and
- (iv) cases still pending.

It was suggested that to the heading 'number of motor vehicle accidents' the words 'reported or known to the police' be added.

From all this discussion it was apparent that there were two problems

- a. the type and arrangement of the report form;
- b. the means of inducing the police to fully complete the form.



Because there were many details of the police report forms needing more careful consideration, it was suggested that clearance be made directly with the Chief Constables Association and their Executive. The Conference was told that reprints of the 'Police Statistics, 1948' would be forwarded to the Chief Constables Association of Canada for consideration and comment, and that the Association would be requested to promote the collection of such information throughout its membership.

5. Mr. J. T. Marshall introduced the subject of Method of Collecting Criminal Statistics by explaining that a suggestion had been made that the possibility and the feasibility of collecting criminal statistics through provincial departments be examined by the Conferences.

The principle of collaboration between the Dominion Bureau of Statistics and Provincial Government Departments in the mechanics of collecting and exchanging statistical information has grown at an impressive rate in the last 20 years and in every case it has proved its effectiveness with the result that statistics are turned out which are more accurate, more informative, more timely and more useful at the provincial and local level.

Certain objections and obstacles would have to be met if this collaboration were extended to the field of criminal statistics but so long as there is no basic conflict of respective interests, the idea deserves to be explored.

Advantages of this method would be:

(a) Avoiding delays caused by mailing report forms to court officials who no longer hold office;

(b) More prompt returns as notices from officials of the Provincial Department mean more to the local court official than those from the Dominion Bureau of Statistics whose officers they seldom see;

(c) The forms would be scrutinized at the provincial level to check incompleteness, validity or overlapping;

(d) The form could be prepared in triplicate in the first instance so that one copy could stay in the local office, one in the provincial office and the third forwarded to the Bureau;

(e) The inclusion of questions of purely provincial interest and application as well as the main basic questions would be possible, thus avoiding two sets of reports for completion by the local office.

The work involved in handling the completed forms would be the province's contribution towards more accurate up-to-the-minute statistics.

The Bureau would still provide and meet the cost of the forms and handle the compilation and tabulation of the statistics by mechanical means and would bend every effort towards getting the final information out quickly and in such comprehensive and detailed a form as to satisfy the need for statistical information at every level of jurisdiction.

Problems to be met:

(a) The matter of fees which at the present time are sent to the

person responsible for completing the report and which serve as a stimulus to prompt returns;

(b) The channelling of instructions regarding the completion of the forms and correspondence regarding corrections;

(c) The adoption of a system which would operate effectively on a continuous basis;

(d) The determination of standard definitions and terminology;

(e) The determination of the form and content of the published reports and introduction of any desirable or necessary changes;

(f) An amendment to the Statistics Act would be required.

Difficulties suggested by the Conference Delegates;

(a) The need for additional staff;

(b) Jurisdiction of the provincial department over municipal servants;

(c) The provincial department (in one instance) would have more difficulty in getting prompt returns than the Federal Department.

It was finally decided to recommend a small Continuing Committee representatives of the provinces and the Dominion to investigate the possibility of this new plan and to report back to a further Conference.

6. A paper on the Classification of Crime was given by Mr. Howard Roseborough. The speaker began by saying that there was very small literature on classification of crime and that those who have discussed it do not agree with one another and each develops a classification system of his own depending on his particular bias.

He went on to say that for the purpose of this paper he was accepting the legal definition of crime and that criminal statistics reflect the behaviour of at least 3 groups of people - the authors of the crime, the groups which decide whether or not a crime has occurred and the groups which keep and compile the records. He stressed the fact that at the base of the criminal statistics lies the Criminal Code and the various Statutes.

The areas of crime classification to be investigated were stated as:

1 - Classification of crime under such labels as assault, theft, vagrancy, etc.;

2 - Classification of these terms as indictable or non-indictable crimes;

3 - Classification of indictable crimes as against the person, property, etc.

1. The first classification of crimes under specific labels was judged the most important problem for consideration. The value of statistics is reduced unless the offence labels used are detailed enough to give at least an initial

indication, in relation to coping with crime and revising penal legislation, of what the social problems are. And so consideration should be given as to which of the offence labels are too general and which should be subdivided.

Professor Jerome Hall's "Theft, Law and Society" was recommended for study. In his book theft is treated as a professional and organized activity or non-professional and unorganized.

2. The second area of classification as indictable and non-indictable crimes shows most forcibly the influence of the penal law and criminal procedure.

Indictable crimes, generally assumed to be the more serious, are those which the Criminal Code states must be tried on indictment. The figure for indictable offences is considered usually to give the index to criminality in its truest sense. Many indictable crimes are triable by jury, although in certain cases the accused may elect to be tried before a judge without jury and in some cases the magistrate may decide how the trial will be conducted.

Non-indictable offences are usually dealt with summarily by police magistrates under the Summary Conviction Act. However, the distinction between these two classifications is not always definite. Some offences which could be classified as indictable are included in the non-indictable table and vice versa.

The speaker suggested a further sub-division of the non-indictable offences as follows:

- (a) Municipal acts and by-laws;
- (b) Provincial Statutes;
- (c) Federal Statutes such as Fishery and Game Laws, Radio Licensing and so on;
- (d) A separate category for such offences as common assault, cruelty to animals, disturbing the peace, etc.

3. The third area of classification by broad categories is the least important because no one classificatory system suits the needs of everyone who makes use of the statistics. If, however, no classifications were made or the terms listed only in alphabetical order, the total figure would be completely meaningless.

The system now used in the Reports follows the English system which distinguishes between three types of crime:- those against the person, those against property and counterfeiting. Crimes which do not fall easily into these three classes are placed in the miscellaneous group.

The disadvantages of this system are:

- (a) Various offences entered as crimes against the person suggest many difficult kinds of criminal conduct even though the direct victim may be the person in all cases;
- (b) The distinction between offences against property with or without violence is a tenuous one;

(c) A miscellaneous category should be avoided, if possible, and it should be small.

The chief aim of any classification should be to obtain homogeneous groupings so that the aggregate figures have some meaning.

Various types of classifications were mentioned briefly and their respective advantages and weaknesses pointed out. More careful consideration was given to classification used in the Criminal Code and one proposed by Professor J. W. Macdonald of Cornell University. Classifying by the Criminal Code would make it easier to determine the offences included under each of the six groupings but would not include a place for statutory offences.

The system proposed by Professor Macdonald adopts Roscoe Pound's sociological point of view and argues that the law in general is one form of social control in society - an aid in the protection of social interests. The classification is based on social interests:

- 1 - Crimes against the person of individuals;
- 2 - Crimes against the general morals
  - (i) sexual morality;
  - (ii) commercialized vice;
- 3 - Crimes against the general security
  - (i) against general peace or order,
  - (ii) against general safety,
  - (iii) against security of ownership rights;
- 4 - Crimes against the security of social institutions
  - (i) against the family,
  - (ii) against religious institutions,
  - (iii) against organized government;
- 5 - Crimes against the security of social resources
  - (i) against the security of children,
  - (ii) against security of animals,
  - (iii) against security of commercial property.

Advantages of this system were outlined as

- a. The basic assumption for such a system could be explicitly stated;
- b. Fewer offences in each class make manipulation of the statistics easier;

c. Avoidance of large meaningless aggregate figures;

d. It could be used for both indictable and non-indictable crimes.

Comments following this paper were

that it contained so much food for thought that it should be carefully studied by the Continuing Committee if one is set up;

that the Commission for the revision of the Criminal Code might consider the matters contained in this fine address;

that the classification of crime must fit the purpose for which the statistics are collected and for which they will be used;

that in revising the Criminal Code some of the apparent anomalies - crimes tried on summary conviction and those on indictment - will be straightened out;

that as well as keeping statistics of criminal offences, causes of crime should not be lost sight of;

that although the classification of only adult crimes was considered in this address that further consideration be given to the revision of the classification of minor and major offences in the juvenile field and that the committee working on this should include juvenile court judges and probation officers;

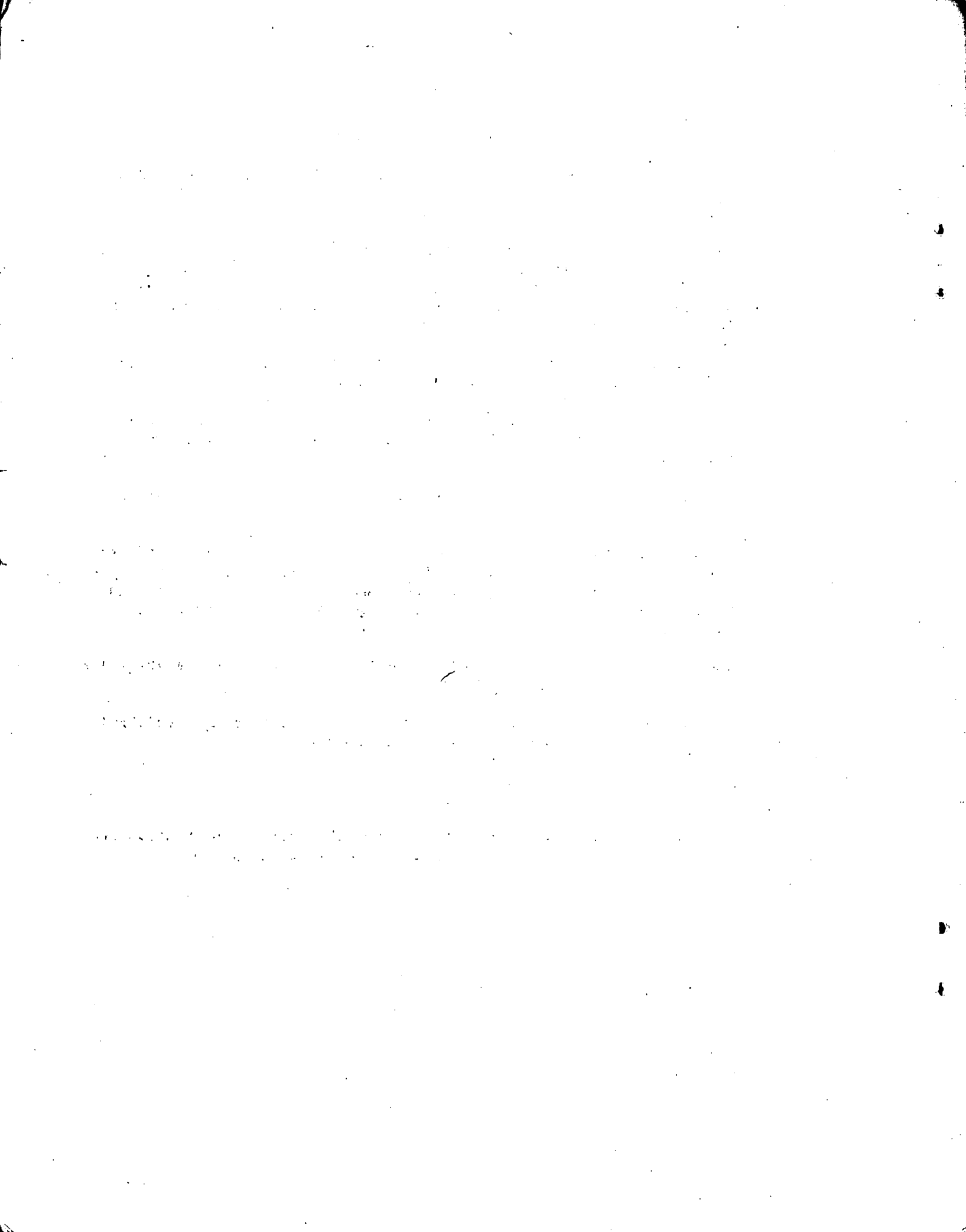
that the classification adopted by the Federal Bureau of Investigation U.S.A. answers the needs of the police;

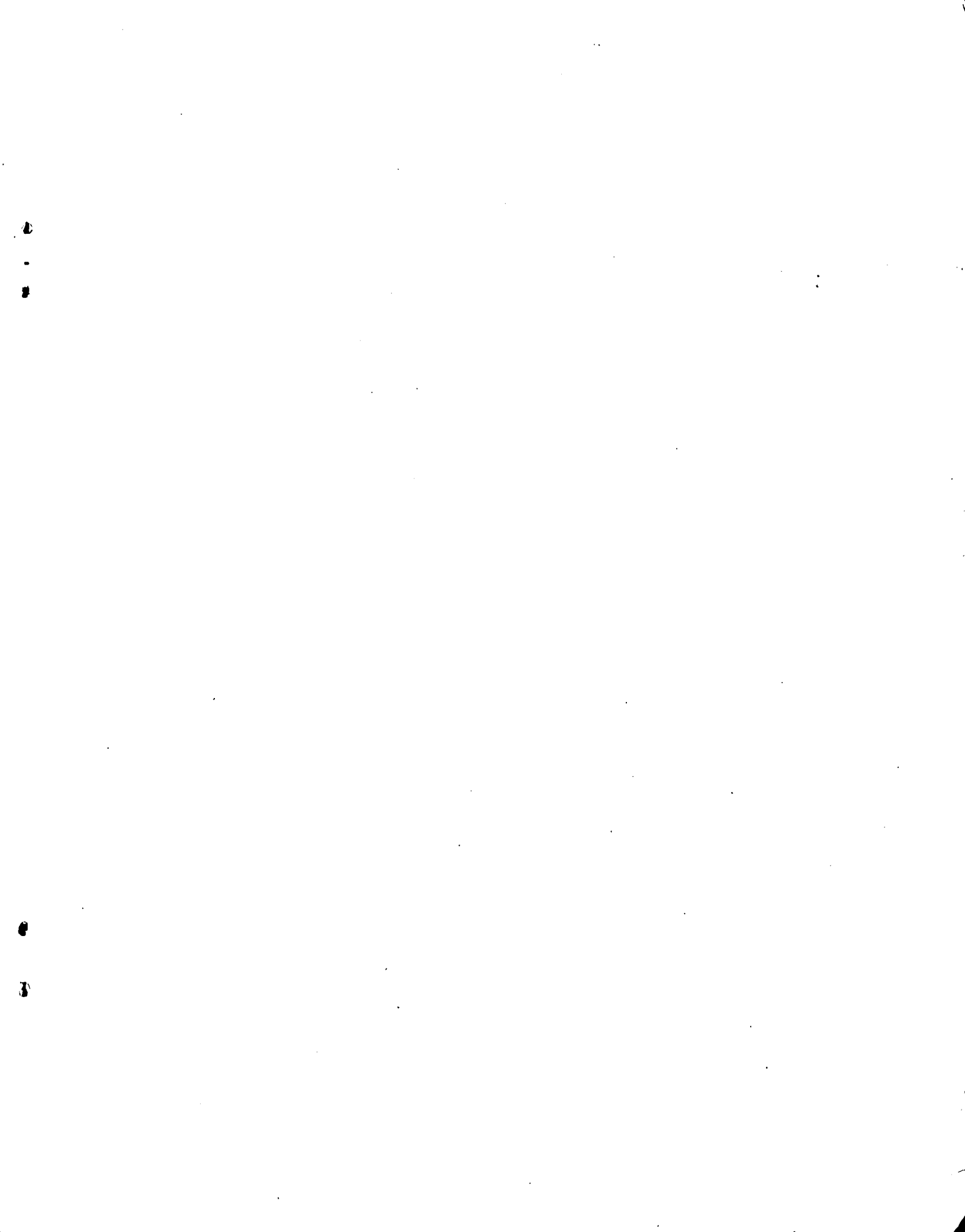
that non-indictable offences be grouped under the headings municipal by-laws, provincial and federal laws in the report.

### Resolutions

The recommendations were presented by the Chairman of the Resolutions Committee and approved as they appear on page xii to xiv of this Summary.

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