

Black people in criminal courts in Canada: An exploration using the relative rate index

What we did

Justice Canada conducted a first-of-its-kind study to examine the representation of Black people as accused in criminal courts in Canada, and assess the extent to which Black accused experience different outcomes relative to White accused.

Why we did it

Currently, available national data on criminal courts do not provide information on the racialized identity of accused people. We do not know if Black people are overrepresented at this stage of the criminal justice system or if the criminal court process itself contributes to differential outcomes for these individuals. This presents a significant limitation for decision-makers striving to take evidence-based actions to address overrepresentation issues.

How we did it

The data used in this study were obtained through a data linkage of records from Statistics Canada's 2016 Census long form and the Integrated Criminal Court Survey). The linked data were used to obtain the racialized identity of accused and generate two types of metrics of overrepresentation: 1) proportions of Black and White accused in criminal courts; and 2) the Relative Rate Index (RRI). The RRI (shown as a +/- percentage) method was used to measure the likelihood of Black accused encountering specific criminal court outcomes relative to White accused (average from 2005/06 to 2015/16).

What we found

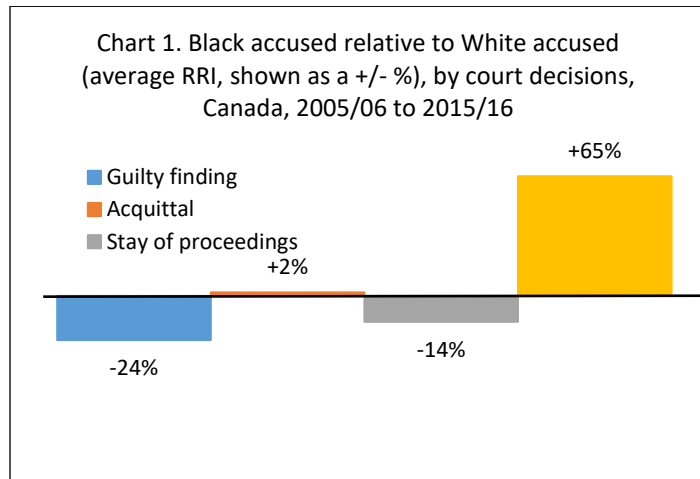
Key findings indicate that Black people account for 6% of all accused; a proportion that is double their representation in the Canadian population. Further, compared to their White counterparts, Black accused are:

- less likely to encounter a stay of proceedings or to be found guilty (including guilty pleas);

¹ The average RRI for acquittals masks important variations in the yearly RRIs. From 2007/08 to 2009/10, Black accused were less likely than White accused to be acquitted, and from 2011/12 to 2013/14, Black accused were more likely than White accused to be acquitted.

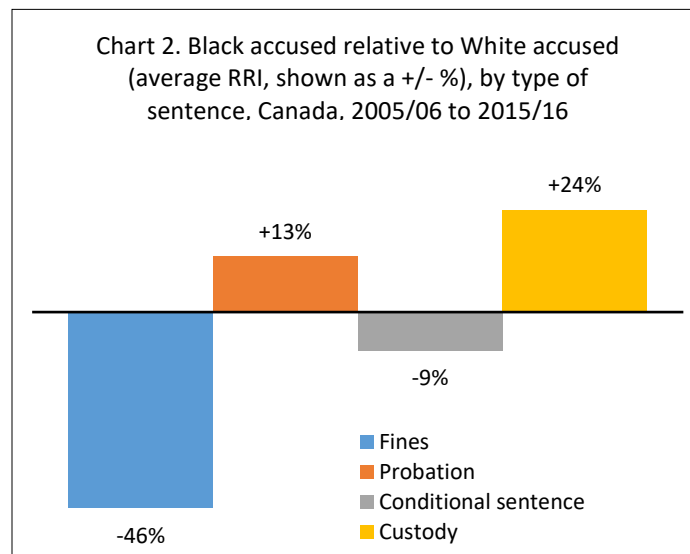
- equally likely to be acquitted;¹ and,
- more likely to encounter a withdrawal, dismissal or discharge (see Chart 1).

The higher likelihood (+65%) of Black accused to encounter a withdrawal, dismissal or discharge (all of which put an end to criminal proceedings) may show cause for concern that Black people may be more vulnerable to unnecessary charges with a low probability of conviction that are eventually withdrawn or dismissed.



In terms of sentencing outcomes, compared to their White counterparts, Black accused who are found guilty are:

- less likely to receive a fine or a conditional sentence;
- more likely to receive probation or a custodial sentence; and,
- more likely to receive long-term custodial sentences of two or more years (+36%) (see Chart 2).



The likelihood of being sentenced to custody was much more pronounced for Black youth accused, who were twice as likely (+103%) as their White counterparts to be sentenced to custody.

These findings suggest that Canadian criminal courts are contributing to differential and disproportionate outcomes for Black accused that result in prolonged involvement with the CJS.

For more information, please see refer to the [full report](#).