

The suppression of crime statistics on race and ethnicity: The price of political correctness

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In several media commentaries, I have stated that crime statistics based on race or any other variable should be collected if they shed light on the issue of crime. I have made these assertions with the recognition that such information could be used by criminal justice agencies to justify discriminatory practices or for other purposes harmful to minorities. I also acknowledge that classifying people according to race is a difficult exercise, given that many people are of mixed ancestry and that there are differences of opinion regarding what constitutes a "race". In the United States, for example, about 75 percent of African Americans have at least one white forbear (Stern 1954).

Furthermore, setting aside the classification problems, the substantial intra-racial differences in crime and violence around the world far exceed any overall inter-racial differences (Roberts and Gabor 1990; Gabor and Roberts 1990). The Phillipines, for example, have very high levels of violence as reflected by one of the world's highest homicide rates, whereas other "oriental" countries (e.g., Japan) have low rates of crime and violence. Similar dramatic intra-racial differences can be found when comparing European or African countries.

It has also been argued that any racial differences in officially recorded crime reflect discriminatory treatment by criminal justice systems, as opposed to genuine behavioural differences between the races. According to this line of argument, the race-crime link cannot be explored satisfactorily due to insoluble methodological problems in identifying real racial differences in crime.

Finally, opponents of the routine collection of crime statistics on race assert that it is unfair and impractical to collect information on the race of suspects. Race, they say, is an ascribed characteristic that cannot be changed and therefore has no relevance to social policy. While we can improve an individual's vocational skills and economic opportunities if we find that crime is linked to economic conditions, there is little we can do if we learn that a person's race is a risk factor in crime.

In the worst-case scenario, therefore, collecting and publishing race-based crime data can:

- (1) Lead to a crackdown on certain racial minorities by the criminal justice system and create conflict among racial or ethnic groups;
- (2) Distort the true contribution to crime of different groups due to racial and ethnic biases in official crime data and the misclassification of suspects by criminal justice personnel; and,
- (3) Waste justice system resources if race and ethnicity turn out to be largely insignificant correlates of crime, or because there appear to be no affirmative measures we can take if such factors are significantly related to crime.

At first glance, these arguments seem compelling. Upon closer scrutiny, however, they are alarmist and paternalistic. Benevolent political leaders, academics, and criminal justice personnel who oppose collecting statistics in sensitive areas feel they have the right to define the boundaries of the public's knowledge of crime, even where public security is at stake.

My concern in this paper is more with the principle of public access to information on security matters than with the need to publish race-based crime data in particular. At the end of this paper, I will briefly address the type of data that I feel should be collected. I will try to show that the justifications for suppressing such information are moral

and political, rather than grounded in research. I also start with the premise that, in a free society, the burden rests with the censors to show that providing the public access to information has a high likelihood of producing significant social harms. I will now examine, in turn, the principal arguments of those opposing the collection and publication of race-based crime statistics.

(1) Publishing race-based crime statistics will increase friction between various racial or ethnic communities and justify harassment of minorities by the police

The growing ethnic/racial friction in Canada's urban centres has arisen in the absence of official race-based crime statistics. The call for the collection of such statistics has occurred precisely because there is already a fairly widespread perception among the public and some police officials that certain minority groups contribute disproportionately to Canada's crime problem. Thus, rather than statistics on race influencing public opinion and police personnel adversely, prominent citizens (sometimes from minority communities) and police officers have called for collection of these statistics.

In 1989, Inspector Julian Fantino of the Metro Toronto Police Department told the North York Committee on Community, Race, and Ethnic Relations that black people accounted for a disproportionate amount of street crime in the Jane-Finch area. His comments created a furor in Toronto's black community, and statistics on race and crime were labelled as inherently racist (James 1989). The Metropolitan Toronto Police Services Board hastily adopted a policy to ban the compilation or publication of such statistics. The issue resurfaced in 1991, when Metro Toronto Sergeant Ben Eng told the Toronto Crime Inquiry that Vietnamese and Mainland Chinese immigrants committed a disproportionate amount of violent and vice-related crime within the Asian community (Tenszen 1991). While he, too, incurred the wrath of Toronto's Vietnamese leaders and of some police commissioners, and was

subsequently reprimanded, Sgt. Eng received considerable support within Toronto's Chinese community, as members of this community wished to be disassociated from national groups within the Asian population which they felt were heavily involved in crime (Tenszen 1991a).

In 1990, the Canadian Centre for Justice Statistics decided to include the race of suspects and victims in its revised format for collecting crime statistics. That plan was abandoned due to concern regarding the sensitivity of the information (Fine 1990). Thus, there is no consensus regarding the desirability of publishing crime statistics on the race and ethnicity of suspects. Despite the gathering momentum in favour of the collection of such data in recent years, efforts have usually been blocked by senior public servants or senior police officials fearing opposition from the affected minority community or imposing their own values on the society as a whole.

Opponents of race-based crime statistics assume that publishing these statistics promotes stereotyping of minority groups. Do they fear that collecting such statistics may present an unflattering picture of some groups? If some groups are shown to be more criminally active, does the public have the right to know this fact and should policy-makers not be made aware of this situation?

In my view, documenting differences in criminal involvement is not necessarily a negative development that should engender panic and conjure up visions of racial warfare, eugenics, and genocide. For one thing, negative stereotyping may be more likely to take place on a wide scale where no open discussion on an issue takes place, than where an enlightened discussion, including methodological concerns and the genesis of a problem, are explored with the objective of resolving the problem constructively. The documentation in the past year of the appalling conditions in the aboriginal community of Davis Inlet, including widespread substance abuse and suicidal behaviour of the community's youth, prompted genuine concern, not condemnation, from Canadians as a whole.

Perceptions that are widely held but not discussed in polite company do not disappear; they are merely driven underground in the form of extremist groups that are genuinely racist. In fact, research on racial prejudice tends to show that the less information one group has about another, the more it will resort to stereotyping (Secord and Backman 1964: 435-42). Stereotypes are characterized by the attribution of certain traits to all or most members of a given group. Once a criminal stereotype is attached to Group X, the majority, if not all members of this group, may be regarded as street criminals. Statistics may, in fact, serve to show that such attributions are wrong or, at least, exaggerated.

In the United States, a country that has collected statistics on crime and race since 1931, about 55 percent of homicide suspects are African Americans. African Americans make up about 12 percent of the U.S. population; thus, there is nearly a five-fold overrepresentation of blacks in homicide. While these figures may be alarming, they also reveal that close to half of all homicides in the country are committed by persons other than African Americans. The rest of the population still has a significantly higher rate of homicide than most western countries. Without such statistics (and perhaps even with them), people might attribute most, if not all, of the violent crime problem to African Americans. Thus, statistics, if people choose to consult them, can actually reveal a lower level of involvement in crime by minorities than impressions they may otherwise gain through media sensationalism, word-of-mouth, and personal experience.

In my view, it is better to discuss issues up front, than to have a large segment of the population brooding about what they feel are the dangers posed by and the vices of some minority group. These perceptions, when they are not openly confronted, manifest themselves in periodic accusations hurled at the minority group – this is precisely what has occurred in the Fantino and Eng “affairs”. Such accusations are then met defensively by the

minority group in question, this group then launches a counterattack (this happened in the Fantino case and to some degree in the Eng case), and the original accusations, which may have some basis in fact, are never addressed.

Those initiating the accusations are left frustrated, as their views have received no validation. The minority group, on the other hand, is so indignant about the inflammatory statements made against it, that it denies that the charges have any validity. Thus, this group is not motivated to mobilize and rectify some real problems in its community. Some prominent black leaders, such as Jesse Jackson and Roy Innes, have accused other leaders in the black community of fostering denial rather than encouraging people to acknowledge problems within the community and to take responsibility for dealing with them. Inflammatory statements, such as those made by Fantino and Eng, are counterproductive, as they are understandably perceived as a threat by the concerned minority group and, hence, produce a defensive reaction rather than reflection. The whole process of attack and counterattack merely increases the schisms, hostility, and misunderstanding between racial and ethnic groups.

Statistics, despite their flaws, can provide some form of independent verification of the real extent of overrepresentation in crime. Their routine availability would obviate the type of *ad hoc* inflammatory statements that incite such intergroup antagonisms. Routine collection through standardized means also promotes accountability and critical analysis. The "secret statistics" released by Ben Eng are hardly amenable to scrutiny. Placing the statistics on the table, rather than leaving them underground, allows all interested parties – academics with different views, policy-makers, and, of course, leaders of the affected groups – to engage in an open debate on the meaning of the figures, as well as their shortcomings (e.g., the extent to which minority overrepresentation in crime may reflect discriminatory treatment). Such statistics allow for the study of discriminatory law enforcement practices as they can be

compared to the results of victimization and self-report surveys. The informed dialogue that can result may actually defuse rather than contribute to tensions between different ethnic communities.

The fact of the matter is that in nearly all societies where such statistics are collected, there are differences in the criminal involvement among groups. These are usually less pronounced than that believed by racists, but significant enough to be addressed. Denial does nothing to solve these problems.

The objection that statistics based on race and ethnicity will lead to harassment of minorities by the police carries little weight in light of the fact that it is the police who have been releasing unofficial data purporting to show that certain minority groups are overrepresented in crime. These perceptions already exist in some urban Canadian police departments. There have already been a number of inquiries into police behaviour in the absence of race-based crime statistics and Ontario is currently conducting an inquiry into systemic racism within its criminal justice system. The shootings of several black suspects in some Canadian urban centres attest to the tensions that already exist between the police and certain minority communities. Such shootings, when not committed in isolation, can sometimes be viewed as part of a vigilante pattern, whereby police officers take the role of judge, jury, and executioner feeling that the infractions involved are not dealt with adequately by the justice system. Once again, an open dialogue in which interested parties can present their views openly may help channel frustrations and hostility in a constructive direction.

- (2) Crime statistics on race or ethnicity will distort the true contribution to crime of different racial/ethnic groups due to discriminatory practices by the criminal justice system and the misclassification of the race or ethnicity of suspects by criminal justice personnel**

As mentioned above, these are sources of information about crime that can complement official crime statistics.

Periodic victimization surveys and self-report studies can indicate whether group differences in contribution to crime, suggested by official crime figures, hold up. Victimization surveys can be especially valuable in the realm of violent crimes, where the victim frequently can recall various characteristics of the offender, such as age, sex, ethnicity, and so on. In many cases, of course, the victim can provide accurate information because he or she knows the offender. These alternative sources of crime data can therefore tell us whether the extent of contribution to crime of minorities indicated by official figures is inflated.

The problem of distortion affects groups other than racial or ethnic minorities. Criminologists know all too well that ex-offenders are often subjected to intense scrutiny by the police. Having a criminal record is a form of "mark of Cain" that makes it more likely that the individual will be questioned and taken into custody for crimes committed in the neighbourhood. Those with criminal records also tend to receive longer sentences than first-time offenders, for the same infraction (Gabor 1994). Despite such differential treatment, the routine collection of criminal history information by the justice system is not questioned.

The misclassification of the race and ethnicity of suspects is more problematic. Definitions of race are diverse and, in any event, the purity of ethnic and racial groups around the world is a myth. How do we classify people of mixed parentage? My preference in this area is to collect data on national origin. I defer my justification for this suggestion to the end of this paper.

- (3) **Collecting statistics on suspects' race or ethnicity is a waste of justice system resources because these factors are not related to crime and, even if they were, they leave us with few policy options**

Dismissing the possibility of a link between race/ethnicity and crime before studying it is rather ludicrous. Data collection and research would serve to shed light on whether, in fact, such factors are relevant to

crime. Should these factors be linked to crime, opponents of race-based statistics argue that there is nothing we can do to alter one's skin colour or ethnicity as these are ascribed or inherited characteristics.

The criminal justice system already collects and publishes information on other variables beyond an individual's control. For example, the age and sex of suspects is recorded. Learning about the age-crime link helps us identify those age groups at highest risk to offend. One's criminal history, too, cannot be improved – it can only get worse or stay the same, with the exception of cases involving pardons. However, we gather criminal history information because it aids in criminal investigations, provides useful information in sentencing, and is a reasonably good predictor of future criminality. Distinguishing hardcore recidivists from occasional offenders is also useful in developing distinctive interventions for each offender group.

In the same way, discovering that a given ethnic group was overrepresented in conventional crime could pinpoint communities that were candidates for constructive preventive measures. Correctional statistics, which already identify the race of inmates, have served to show the significant overrepresentation of aboriginal people in the institutions of several provinces. Such information points to the desperate conditions prevailing in many aboriginal communities, as well as the possibility of bias on the part of the justice system in dealing with aboriginal people. This type of information may also prompt consideration of novel approaches, including judicial responses that are more suited to the aboriginal population.

If there is support for the collection of crime statistics in the area of race or ethnicity, I would favour collecting information on the national origin of suspects. Anybody born in Canada would be classified as Canadian, irrespective of their racial or ethnic background. For other suspects, the country of origin or nationality would be recorded. This could simply be the individual's birth place or the country in

which the individual lived during most of his or her childhood and adolescence. The measurement of country of origin would be far less ambiguous than that of race.

Nationality could prove to be a strong predictor of criminality if the substantial variations in violence across countries are any indication. Interpol data reveal major international differences in homicide rates, and homicide is the best index of violence. Some countries have homicide rates consistently at or below 1 per 100,000 population, while others have rates of 40 or more. These differences are very significant and suggest that Canada, the country with perhaps the most liberal immigration policies in the world, might have an interest in the determination of whether violence is being transplanted to Canada from areas in the world with particularly high rates. Although no national group is a monolith – there may be ethnic, regional, and social class differences in violence “proneness” within each national group – statistics in this area could tell us whether there are national groups that are significantly overrepresented in criminality.

In my view, a country has the right to monitor patterns of behaviour within its borders and has a sovereign right, and even a responsibility, to exclude those who would pose a danger to public safety. Such screening is already done on the individual level and prioritization of immigrants already exists on the basis of group or aggregate characteristics (profession, wealth, family ties to Canadians). Just as a professional group may be placed in a higher or less favoured category at a given time, national groups could be ranked as more or less favoured based on the danger they have posed to public safety. Groups could be reclassified every few years according to the level of their criminal involvement during a specified period of time.

I do not feel that collecting such statistics will constitute a panacea in terms of crime prevention, as most crime in Canada is committed by the indigenous population, rather than by immigrants or refugees. Nevertheless, I oppose efforts to suppress this information on the grounds that it

is too sensitive. Those suppressing criminal justice statistics must demonstrate that the social costs of releasing such information outweigh the potential gain in terms of public safety and opening the discussion on sensitive matters that have hitherto been regarded as taboo. I have yet to see convincing evidence that restricting the public's access to information in this domain does anything but promote the values of the "politically correct" and prevent an open and honest discussion on issues about which many Canadians are concerned.

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