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Unanswered questions on race and crime

RACISM is about stereotypes and prejudgments. Racism is the attribution of negative characteristics based on misconceptions and myths rather than objective analysis of facts. Racism is about looking at the world through a distorting lens, the better to see what you want to see, the better to avoid a confrontation with unpleasant surprises. This self-reinforcing and parochial world view is, unfortunately, often shared by investigations of racism. So it was with Stephen Lewis's 30-day inquiry into the 1992 Yonge Street "riot," and so it is with the task force he recommended and its $5 million, two-years-in-the-making Report of the Commission on Systemic Racism in the Ontario Criminal Justice System. How predictable, and how unfortunate.

The trouble with the 445-page report is not that it is too far-reaching, too ambitious or too radical. A little deviation from an overused path of inquiry might have yielded interesting results. Instead, it stuck to the old road, the straightest line to answers shopworn and evasive. This task force's sins are primarily those of omission, of failing to ask the right questions. What results is a clarion call to complacency.

The commission's mandate, that of documenting racism, predestined the exercise to marginality, guaranteeing answers as incomplete as its questions. Which is a shame and a disappointment, because Canada has a serious crime problem, and more to the point, a serious minority crime problem. Five million dollars spent on an examination of the totality of its causes and cures would be money well spent.

At the right, there is a chart showing the rate of incarceration for different racial groups in Ontario. Blacks are being committed to prison at a rate more than five times that of whites (and more than 10 times that of Asians), a deeply disturbing statistic. What causes this? Is it racism? Is it something else, or many other things? Is it partly racism, and if so, how much? Do not expect to find the answers in the commission's report. Instead, we are given a litany of numeric discrepancies and anomalies, often based on incomplete data, usually proving less than the commission claims.

Take the rate of imprisonment after conviction. In Chapter 8 of the report, the commission conducted a complex statistical analysis in an attempt to determine whether black men were more likely than whites to be sent to prison for the same offence. The men in the analysis had been convicted of one of five different crimes: sexual assault, assault, bail violation, robbery or a drug offence. The men chosen to be included in the data base had roughly similar backgrounds: comparable records of previous conviction, imprisonment and "clean time," the time since their last offence. If you can control for all these other variables then, everything else being equal, the rate of imprisonment after conviction should be equivalent for blacks and for whites. If it isn't, there is certainly evidence of something, possibly racism.

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In the news coverage, you may have heard the numbers from this study: 57 per cent of the whites convicted of the same crimes and with the same criminal history were sent to prison, as opposed to 69 per cent of the blacks. Problem: the stats themselves are deeply flawed.

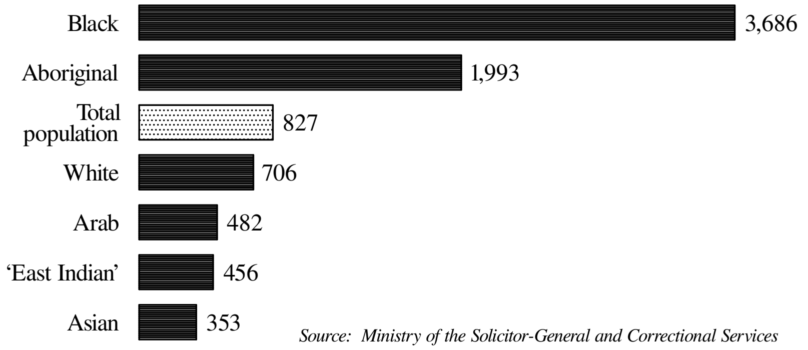
About a third of the men in this study had been convicted of a drug offence, and it is in this part of the sample that the trouble lies. More than three times as many black as white men had been convicted of *drug trafficking* as opposed to *drug possession*. As the commission concedes, "since trafficking offences are more serious than simple possession, this difference in offences could explain some of the disparity in sentencing outcomes." It certainly could.

Since the sample of drug offenders is a case of comparing apples and oranges, why not simply throw it out and complete the survey without the drug offenders? The commission still had a data base of men of both races convicted of four other serious crimes. If you take drug offenders out of the sample – as this study did not do – you find something unexpected. The imprisonment rate for men with comparable criminal records convicted of sexual assault, assault, bail violations and robbery is 67 per cent for whites and 71 per cent for blacks. A difference of four percentage points: statistically insignificant in a sample this small. In other words, the Commission on Systemic Racism in the Ontario Criminal Justice System appears to have performed the unexpected feat of proving that a convicted black man is no more likely to be sent to prison than a white man. Surprise indeed.

The report holds more examples of this sort of thing, statistics that cannot carry the weight of interpretation that is laid on them. There are many fine recommendations in this report, among them the oft-repeated and eminently sensible request that alternatives to prison be used where possible, regardless of race, particularly in cases not involving violence. Non-violent offenders make up 80 per cent of the provincial prison population. It also recommends greater sensitivity at bail hearings and trials to those who neither speak English nor understand Canadian courtroom traditions. It calls for greater emphasis on community policing. It properly challenges racism where racism actually occurs.

Race by race

Prison admissions per 100,000 members of racial group.



Source: Ministry of the Solicitor-General and Correctional Services

(*continued overleaf*)

But the big issues go untackled. The statistics on incarceration rates are there for all to see, and this report, despite its best efforts, gives us no reason to believe that the over-representation of blacks in prison is more than marginally related to racism. Then what is the cause? Why are so many black Canadians behind bars? And, to turn to successful phenomena that go unmarked, why are Asians, East Asians and Arabs so much less likely, less likely even than whites, to wind up in prison? Do these groups benefit from some sort of positive discrimination? Or are there other, less pat explanations at work? Who will probe these questions? And when?

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