

Race Based Criminal Justice Data in the Canadian Context: The Post-Covid Landscape

Prof. Akwasi Owusu-Bempah

Department of Sociology

University of Toronto

Twitter: @AOBempah

1

**University of Calgary
NextGen Equity, Diversity and Inclusion Data Symposium
April 11, 2022**

Race and Criminal Justice

To what extent do racial disparities exist in the Canadian criminal justice system?

How do we explain these disparities?

What role does the criminal justice system play in reproducing these disparities?

Debate over the Collection of Race-Based Criminal Justice Statistics

“Race-based criminal justice statistics is a term used to describe criminal justice statistics that identify the race or ethnic origin of suspects, accused persons, offenders, and victims of crime as well as criminal justice employees”.

- Toronto, 1989
- Canadian Centre for Justice Statistics (1990)
- Centre of Criminology, U of T (1991)
- Canadian Journal of Criminology and Criminal Justice (1994)
- Ongoing discussions around Aboriginal Data Collection by police and other justice agencies
- Ontario *Anti Racism Act 2017* – Race Data Collection Standards
- Renewed efforts at national (Statistics Canada and police/correctional sectors) and provincial/local levels (2017 onwards)

Debate over the Collection of Race-Based Criminal Justice Statistics cont.

Supporters argue that political sensitivity should not suppress the collection of race relevant criminal justice statistics, that such statistics are necessary in order to:

- Determine, objectively, if there is a relationship between race and crime;
- Provide transparency within the criminal justice system;
- Inform policy; and
- Monitor the processing of racialized populations throughout the criminal justice system

Debate over the Collection of Race-Based Criminal Justice Statistics cont.

Detractors argue that collecting and disseminating such data:

- Contradicts the principle of equality under the law;
- Scapegoats racialized populations;
- Supports biological theories of crime; and
- Is socially disruptive

Further Considerations

- Methodological Concerns
 - Race and categorization – Self-identification or officer perception
 - The benchmarking issue – Census, observational, behavioral and neighbourhood
- Legal and Privacy Issues

COVID-19 and renewed attention to race-based data

- While momentum was building, the inequities of COVID-19 made clear the need for adequate data disaggregated by race on a host of health and social outcomes.

The screenshot shows two news articles. On the left is a Toronto Star article titled "Toronto public health to start collecting COVID-19 data on race in a bid to track health inequities" by Sara Majumder, dated April 21, 2020. It features a photo of two men at a press conference. On the right is a "today" article titled "Race-based COVID-19 data needs to lead to political action" by Rinaldo Walcott, dated Feb 23, 2021. It features a photo of Rinaldo Walcott.

How Disaggregated Data Can Pave the Way for a More Equitable Recovery

Insights, Opinion · February 9, 2021

Reflections on COVID-19 racial and ethnic data challenges during Black History Month

Written by Alyson Marks and Chisato Kimura



English

Looking Forward

- Ample evidence of racial disparities in the administration of criminal justice in Canada
- Many justice agencies have the capacity to collect race-based criminal justice data, and in fact many currently do so. However, they systematically withhold this information from the public.
- Discussion around the collection of race-based criminal justice data often framed within the confines of the “Racial Profiling” debate. The utility of race-based criminal justice data extends well beyond examining police stop and search practices.
- Utility of race-based data lies not necessarily in its ability to uncover evidence of overt discrimination, but rather in the monitoring of criminal justice policy to ensure equity.

Recommendations

- Re-evaluate the utility of and approaches for collecting race-based criminal justice data within the Canadian justice sector.
- Utilize Census categories for comparative purposes and collect data across all justice agencies.
- In recognition of the resources and expertise needed to implement systematic data collection, governments and criminal justice agencies should partner with community organizations and academics.

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