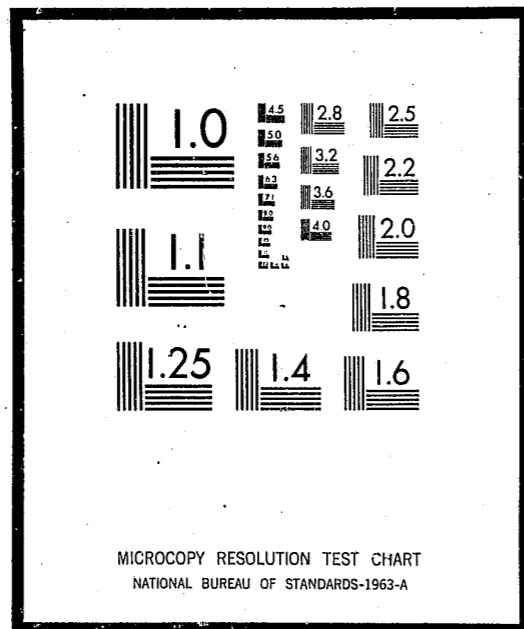


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crime
justice
and society

VS TOMER
volume 3 tome 1

crime in quebec

trends in quebec criminality

Commission of enquiry into the administration of justice
on criminal and penal matters in quebec

COMMISSION OF ENQUIRY INTO THE ADMINISTRATION
OF JUSTICE ON CRIMINAL AND PENAL MATTERS
IN QUEBEC

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F. Michel GAGNON

** resigned to run as candidate in the federal election of June 25, 1968.

* resigned following appointment as judge during the enquiry.



GOVERNMENT OF QUEBEC

COMMISSION OF ENQUIRY INTO THE ADMINISTRATION
OF JUSTICE ON CRIMINAL AND PENAL MATTERS
IN QUEBEC

To his Excellency

THE LIEUTENANT-GOVERNOR IN COUNCIL

May it please your Excellency

WE, THE COMMISSIONERS
FORMED INTO A COMMISSION OF ENQUIRY
INTO THE ADMINISTRATION OF JUSTICE
ON CRIMINAL AND PENAL MATTERS
HAVE THE HONOUR
TO PRESENT TO YOUR EXCELLENCY
THE THIRD PART OF OUR REPORT
WHICH DEALS WITH
CRIME IN QUEBEC

CRIME, JUSTICE AND SOCIETY

CRIME IN QUEBEC

TRENDS IN QUEBEC CRIMINALITY

The changing patterns of crime are a projection of the far-reaching changes in American community life. The police, the courts, the machinery of punishment and corrections are also projections of the community. *It is not likely that we will be successful in controlling crime without seriously changing the organization and administration of criminal justice.* The ultimate answer is to see crime, not alone as a problem in law enforcement, but as a problem in education, family organization, employment opportunity, and housing. These are the structures inside of which deviance and hence crime and delinquency incubate. It is myth that man's behavior can be changed directly. It can be changed only by altering the conditions which underlie the behavior.

JOSEPH D. LOHMAN

In this first tome of the volume devoted to trends in Quebec criminality the commission enquiring into the administration of justice in criminal and penal matters deals with the following aspects :

Part one : EVALUATION OF QUEBEC CRIME

Part two : QUEBEC CRIME IN ITS CONTEXT

Part three : THE AUTHORS OF CRIME

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PART ONE
EVALUATION OF QUEBEC CRIMINALITY (1-89)

A—THE CLASSIC METHOD OF EVALUATION

A—THE CLASSIC METHOD OF EVALUATION (1-19)

1. Our mandate requires us to set forth opinions, suggestions and recommendations "for the purpose of making the fight against crime more effective". We are now undertaking this task.

We are assuming that the legislator and the reader have already acquainted themselves with our preceding work dealing with the urgency of thoroughly humanizing our administration of justice (General Introduction: *Fundamental Principles of a New Social Action*) and with the necessity of making our administration of justice available to all citizens regardless of their monetary resources (Volume 2, Part 1: *Legal Security*).

The Commission's statements in these two first volumes of its report, are still valid. Although we are now devoting our efforts to describe and understand Canadian and Quebec crime, this in no way negates what we have said about the fundamental rights of the citizen. Moreover, our mandate emphasizes that our recommendations intended to make the fight against crime more effective, must keep in mind "the respect of the fundamental rights of the individual".

1—NECESSITY OF A STATISTICAL STUDY (2-6)

2. We consider it essential to base our evaluation of crime on a study of police and court statistics. Indeed, only the different categories of statistics can indicate objectively *the specific problems which our Quebec administration of justice and our police forces should tackle as a matter of priority*.

This recourse to statistics is required for the simple reason that the most contradictory opinions are being constantly headlined in the newspapers. Without sound statistics, it is impossible to make a valid assessment of criminality.

Public opinion and the legislator require something other than superficial impressions. Thanks to statistics, the public ceases to be swayed from one belief to another, and is able to form an opinion based upon an increase or decrease in crime and on the number and nature of the most

common crimes. Moreover, the legislator is at least able to know the extent and nature of criminal activities in Quebec, so that he is in a better position to decide on the orientation of public budgets, and whether changes in laws are required.

We intend to point out the inherent risks in the interpretation of given statistics, but we repeat — statistics are essential to a serious examination of Quebec crime.

3. Without knowing anything about statistics, the average citizen is of the opinion that crime in Quebec, Canada and in the entire world, has increased spectacularly. The same citizen would also state that the greatest and most disturbing increases have been in the criminal areas associated with youth and violence.

These views of the layman are also shared by numerous practitioners in the administration of justice who, without even being asked, readily and regularly confirm such impressions. The police, Crown prosecutors and the judges, when placing a crime in its social context, are only too ready to stress an alarming increase in criminality. Almost daily, public opinion and experts justify the exemplary sentence by stating with sincerity that crimes of violence know no limits.

We have no intention of dismissing these impressions lightly. It is undoubtedly desirable to put an end to some myths, but it would be unseemly and imprudent to always justify statistics at the expense of popular common sense.

Let us accept the spontaneous reaction of the general public. Let us also admit the need to examine court and police statistics very carefully.

4. Recognizing the need for statistics does not mean that all compilations are sacrosanct. It must be admitted quite frankly that Quebec and Canadian statistics on criminal matters are, notwithstanding the undeniable progress which has been made, still too fragmentary to permit a full appreciation of the situation.

The Dominion Bureau of Statistics admits the problem when it says:

Court statistics have been collected in Canada since 1870 by the Department of Agriculture until 1912, when they were compiled by the Department of Trade and Commerce. In 1918 the Dominion Bureau of Statistics took over the collection and publications of court statistics.

The data collected and published related to murder gives the number of charges, acquittals, committals for trial and convictions as well as personal data about convicted persons covering such items as residence, occupation, conjugal state, education status, age, use of liquors, place of birth and religion. Unfortunately, these data are not complete. Further, the statistics do not cover

those persons charged with an offence but convicted of a lesser charge until 1953, nor do they give the number of known homicides.

A further source of data on murders is crime statistics publications based on police returns, which have been published by the Dominion Bureau of Statistics since 1920. Not all police forces reported under this scheme nor was there a standardized reporting system until the introduction of the Uniform Crime Reporting Programme which started on January 1, 1962.¹

5. This declaration of the Dominion Bureau of Statistics explains why, in the major part of our analysis of crime, we prefer to use the court statistics, rather than the figures emanating from the different police forces of Quebec and Canada.

In using the Quebec and Canadian statistics, consideration must be given to two major weaknesses: they are too recent, and they lack uniformity. On the one hand, as has been admitted by the Dominion Bureau of Statistics itself, the Canadian statistics on murders and even on general crime, are so recent that it is almost impossible to establish any worthwhile comparisons. Statistics do not mean very much unless many comparisons can be made and the general trend is made clear. On the other hand, comparisons themselves are not valid, unless the phenomena are constantly defined in a uniform manner. In the Canadian context, the Dominion Bureau of Statistics admits that it is extremely hazardous to try to compare the period preceding 1949, and the period from 1949 to 1966.

If comparisons are so uncertain, it is because statistics prior to 1949 listed misdemeanors, crimes and burglaries reported to the police, while more recent statistics relate to the number of *persons* brought before the courts and sentenced.

In Quebec, cogent statistics are of even more recent vintage. The control of police statistics has not yet been fully completed by the Police Commission, but the Quebec system of court statistics has already elicited many favourable comments throughout the world, to the point that various other judicial systems (including California) are studying it closely, and are even thinking of adopting analogous procedures.

6. Our slowness in establishing an integrated system of statistics is not unusual. As the Katzenbach Commission noted in its report on crime in the United States², the European countries have kept national statistics on crime for more than 125 years, while American statistics only go back to the thirties.

¹ *Murder Statistics*, 1967, p. 34 (Dominion Bureau Statistics).

² *Task Force Report: Crime and its Impact — An Assessment*. The President's Commission on Law Enforcement and Administration of Justice. Washington, D.C., 1967, p. 20.

In Canada, the Dominion Bureau of Statistics is carrying on a nation-wide effort which is becoming more and more worthwhile. Infinitely more information is to be found in their official publications than is realized by the average citizen, and even by many experts. The majority of the statistical tables used in this analysis have been derived from publications of the Dominion Bureau of Statistics.

In addition to supplying considerable information, the Dominion Bureau of Statistics does everything possible to keep the reader from the risk of poor interpretation. It points out that an increase in criminal statistics could result either from a real increase in the number of crimes and criminals, or because information is being gathered more efficiently, with a larger number of municipalities and police forces forwarding their reports to the Dominion Bureau of Statistics.

The administrative procedures are of great importance when information is being gathered. In some Canadian provinces where the Royal Canadian Mounted Police assume all police responsibilities, it was decided recently to secure criminal statistics at the level of each local unit, and not solely at the level of divisions. The result was that the DBS was obliged to establish contact with 700 additional reporting units. It is not difficult to imagine that an administrative decision of this magnitude had a direct impact on the volume of Canadian statistics.

2 — THE STATE OF CANADIAN AND QUEBEC STATISTICS

(7-10)

7. This calls for a careful look at the state of statistics in Canada and Quebec. From the outset, it must be accepted that in spite of the strenuous efforts and the constant progress of the DBS we have just begun to gather the essential data.

According to many of the experts heard by the Commission, some of the organisms responsible for gathering information on crime and court decisions, still fail to report to the Dominion Bureau of Statistics. Different witnesses have stated before the Commission, for example, that only 170 out of the some 400 police forces in Quebec, made such reports to the central Bureau. This statement was made in the Spring of 1967 and it will be noted, in Appendix 1, that more than 200 Quebec police forces are today reporting to the Dominion Bureau of Statistics.

8. However, the statements of our witnesses should not be taken at their face value. There is no doubt that the Dominion Bureau of Statistics secures information from the large majority of important police forces. It would therefore be absolutely incorrect to conclude that more than

half of the crimes still remain hidden merely because half of the police forces in this province do not make reports.

Moreover, this weakness at the level of the gathering of information is rapidly disappearing. The Appendix 1 shows that the list of police forces already carrying out their responsibilities include almost all the municipalities with a population of more than 750. In addition, the Quebec Provincial Police is now assuming the responsibility of gathering criminal statistics in the very small towns or in non-organized territories.

Another detail should be pointed out. The Dominion Bureau of Statistics places as much importance on court statistics as on the police figures, and it is much easier to secure all the court information.

Today the gathering of court information in Quebec is of a very high quality. By introducing an integrated system in January 1968, the Minister of Justice succeeded in, coordinating all the court-houses of Quebec, and securing from them the whole of the Quebec court data for the benefit of the Dominion and Quebec Bureaus of Statistics.

Undoubtedly, marginal errors still exist but they are being rapidly reduced. However, these errors have undoubtedly played an important role in the statistics for the last ten to fifteen years, and caution must be taken when making comparisons. Thus it must be admitted that an increase of 5 or 10 percent in the rate of crime could very easily stem from the fact that a number of the police forces and the municipalities have over the years been added progressively to those reporting.

9. Since 1949, the Dominion Bureau of Statistics has placed special emphasis on court statistics. The important changes in police statistics have taken place more recently. In this part of our work we will take particular advantage of the many improvements in the court statistics.

The difference between court statistics and police statistics should be pointed out. Different statistics can be secured from the same series of events, and according to whether it is decided to evaluate crime based on the police statistics or on the court statistics, very different conclusions are secured.

Even within the same statistical system important variations can be noted. For example, the volume of crime can be measured by utilizing the number of infractions known to the police. It is also possible and just as valid to attempt an evaluation of crime by the number of arrests made by the police forces. Finally, only indictments could be used.

In an area such as that of murder, to use only one illustration, the police forces obviously arrive at a much higher number of crimes than those reported by the courts. The police forces list all the incidents reported to them while the courts can only reach a verdict of murder in the cases, necessarily less numerous, in which the author of the crime

was known, apprehended, and found guilty. Obviously the two compilations would differ considerably.

When reading the tables supplied by the Commission, the reader will be well advised to make a careful distinction between the police statistics and the court statistics. If he does not do this, the divergencies between the two systems will be quite startling.

10. In the matter of criminal statistics, one system may only take into consideration the most serious crime resulting from a series of incidents; while another system might include each of the steps of a criminal act.

The Dominion Bureau of Statistics has decided to retain in its compilation only the most serious crime resulting from a series of incidents. That is to say, that amongst the offences committed in the course of an armed robbery, the statistics would only take into consideration the murder which might have been committed, and it would overlook entirely the assaults, the threats, the armed robbery itself.

Other statistical systems function differently and include each of the offences committed by the same individual during a period of several minutes. In this perspective, he could be accused of automobile theft, of being in possession of a stolen automobile, of using a firearm, of illegally possessing a firearm, of conspiracy, etc. This would lead to a result quite the reverse of that found in the preceding hypothesis: the same incident would be shown in the statistics in an entirely different manner.

The method adopted by the Dominion Bureau of Statistics therefore eliminates a whole series of ambiguities. However, one difficulty remains: the statistics reported by the police often tend to list the number of infractions, while the court statistics only consider the number of persons charged and convicted. In this way, a police compilation could show fifty bomb attempts, while the court statistics would only take into consideration the sentence handed down to the one guilty individual.

3 — THE AMBIGUITIES OF CRIMINAL STATISTICS (11-18)

a) Undetected criminality (11-12)

11. Statistics should never be expected to show more than the information recorded. All statistics no matter how detailed and well-established they may be, have many limitations.

In criminal matters, statistics are necessarily silent with regard to infraction not known to the police. Today most of the experts are in agreement that the number of unreported crimes (the famous "*chiffre noir*") in North America as well as in Europe is very much greater than the number

of crimes recorded in the police registers. Obviously the evaluation which can be made from the court statistics applies to an even smaller sector of the criminal reality.

12. The Katzenbach Commission endeavoured to enter directly into the homes of citizens and thus ascertain the real criminality, including crimes which citizens had not reported to the police:

From the time that police statistics first began to be maintained in France in the 1820's it has been recognized that the validity of calculations of changes in crime rates was dependent upon a constant relationship between reported and unreported crime. Until the Commission surveys of unreported crime however, no systematic effort of wide scale had ever been made to determine what the relationship between reported and unreported crime was. As shown earlier, these surveys have now indicated that the actual amount of crime is several times that reported to the police, even in some of the precincts with the highest reported crime rates. This margin of unreported crime raises the possibility that even small changes in the way that crime is reported by the public to the police, or classified and recorded by the police, could have significant effects on the trends of reported crime. There is strong reason to believe that a number of such changes have taken place within recent years¹.

This detailed enquiry confirmed the conclusions reached in different European studies: the crimes known to the police are only a small part of the crime reality.

b) The uncontrollable fluctuations (13-17)

13. Statistics are useless unless they make it possible to have reasonable comparisons of different periods and to measure exactly the progress made from one period to another. If the guidelines are different, if the definitions vary, if the sociological content on which the definitions are based fluctuate, the statistics can show increases, constancies or decreases without revealing the true situation. These dangers of fluctuation can be grouped around three principal themes:

- 1 — the law itself has undergone changes;
- 2 — the attitude of the public has changed from one period to another;
- 3 — the attitude of the police and the police procedures have also varied.

1 — CHANGES IN THE LAW (14)

14. Legislative texts have an influence and a direct bearing in the evaluation of crime. Those countries which have extremely detailed and severe

¹ *Op. cit.* pp. 21-22.

legislation with regard to gambling will most assuredly have a higher criminality in this domain than countries which tolerate or exploit different forms of betting.

It is quite obvious that changes in the law will have an important bearing on the amount of criminal activity. If there is a multiplication of possible offences, that is to say if more things are forbidden by statute, there will almost certainly be an increase in the number of offences and offenders. Perhaps the most striking illustration of this is to be found in wartime conditions when a whole new series of defence regulations is brought abruptly into operation. Infringements of blackout, black-marketeering, refusal to submit to medical examination or to register for national service and other temporary peccadilloes help to swell the volume of recorded crime. Moreover, the tremendous increase in motoring has brought with it a corresponding increase of law and controls, all of which produce a spate of prosecutions which threaten to overwhelm the courts of summary jurisdiction which have to deal with them. Parking in urban areas in a case in point of a social discomfort which has ultimately led to legal prohibitions which many people are prepared to infringe as the lesser of two inconveniences. The use of parking meters and the appointment of traffic wardens empowered to deal on an *ad hoc* basis with offenders are indications that the courts cannot possibly cope with the deluge of petty offenders thus created. It is worth pointing out at this stage that some 60 per cent of all crimes are in fact traffic offences, some of a very minor but a few of a much more serious, nature¹.

2 — SOCIOLOGICAL CHANGES (15-16)

15. Apart from the legislative text, an important place should be given to the pressure of public opinion. According to the manner in which the public tolerates certain behaviour, the police forces, sooner or later, and more or less willingly begin to tolerate the legislation in the same manner.

In a country such as ours, where the law traditionnally lags behind contemporary social attitudes, it is obvious that the police forces and the courts obey not merely the letter of the law, but also the unspoken and discreet pressures of the public.

Changes in the attitude of the public towards particular offences have also been responsible for fluctuations over the years. They can exert both a local and national effect. Perhaps the best illustration of this kind of bias is to be seen in prosecutions for some kinds of sex offences which could, at one time, be generally tolerated but at a later date might become such a focus of public places are especially subject to this kind of variation. There are rendez-vous arrests for these particular cases. Homosexual practices conducted in specific public places are especially subject to this kind of variation. There are rendez-vous, such as certain down-town urinals, which are known to be meeting places

¹ JOHN BARRON MAYS, *Crime and the Social Structure*, London, Faber and Faber Ltd., 1967, p. 21.

for individuals who wish to participate with likeminded fellows in the enjoyment of many perverted practices. Police officers on patrol usually move such offenders on with contemptuous reprimands, but, if the local justices or M.P.'s have been directing awkward questions at the higher ranking police officials then they are much more likely to prosecute. It is therefore theoretically possible for the actual amount of crime of a specific character to be less in a certain year even though the number of cases for that offence dealt with by the police shows a sharp increase¹.

One of the classic examples of this public pressure has to do with a British law of the Sunday observance. The law still exists in its written form but it is quite obvious that no policeman would dare to bring before the courts, the English citizen who has failed to attend Sunday church service.

In the same way the Belgian law on the control of the sale of alcoholic beverages, generally speaking, remains a dead issue.

16. The analysis of statistics must necessarily include a sociological dimension. In some cases, as we have pointed out, public pressure will oblige the police forces to close their eyes to certain infractions. In other cases, the reverse happens, and public opinion complains bitterly of infractions which it might have tolerated previously.

The tolerance of society affects the volume of hidden crime. With a high volume of unreported crime (*chiffre noir*) many of the increases in crime statistics could actually be the result of greater effectiveness in securing information about these unreported and hidden crimes. In other words, it is quite often sufficient for the police to enjoy a greater prestige in the eyes of the public for a higher proportion of the crime to emerge. Sociological changes could lead to a situation such as this: the population becomes less tolerant of violence than previously, and the same number of incidents provoke a greater number of complaints than previously. The image of the police in the eyes of the public is also of importance: when the police are more highly respected, they are alerted more frequently. Such sociological changes do not invalidate criminal statistics, but they do call for more care on the part of the reader and the analyst.

The situation seems similar to that found in England. The University of Cambridge's Institute of Criminology, which in 1963 conducted an exhaustive study of the sharp rise in crimes of violence, concluded in its report that:

"One of the main causes for an increase in the recording of violent crime appears to be a decrease in the toleration of aggressive and violent behavior, even in those slum and poor tenement areas where violence has always been regarded as a normal and acceptable way of settling quarrels, jealousies or even quite trivial arguments."

¹ *Op. cit.* pp. 21-22.

Perhaps the most important change for, reporting purposes, that has taken place in the last 25 years, is the change in the police. Notable progress has been made during this period in the professionalization of police forces. With this change, Commission studies indicate, there is a strong trend toward more formal actions, more formal records and less informal disposition of individual cases. This trend is particularly apparent in the way the police handle juveniles, where the greatest increases are reported, but seems to apply to other cases as well. It seems likely that professionalization also results in greater police efficiency in looking for crime. Increases in the number of clerks and statistical personnel, better methods for recording information, and the use of more intensive patrolling practices also tend to increase the amount of recorded crime. Because this process of professionalization has taken place over a period of time and because it is most often a gradual rather than an abrupt change, it is difficult to estimate what its cumulative effect has been¹.

3 — CHANGES IN THE POLICE (17)

17. A major aspect also to be kept in mind is the attitude of the police forces themselves. According to the training and the directives which they receive, the police can have a considerable influence on the volume of crime.

For example, they may adopt a policy of not bringing before the court the young delinquent who has committed his first indiscretion. In the same way the Crown prosecutors could very definitely reduce the number or the seriousness of the charges brought against an individual, thus inviting the accused to plead guilty.

Changes in police procedure cover a number of variations between one police district and another and also more general changes of method over a number of years. Some police forces make a considerable use of the power of caution while others use it comparatively sparingly. In Liverpool, for instance, the development of a special department to deal with early and minor offenders, known as the Juvenile Liaison Officer scheme, has caused many youngsters, who would otherwise have been prosecuted, to be dealt with by what we may term social work methods.

It is almost certain that new attitudes and changes in the organization of police work greatly affect the number of less serious offences, such as drunkenness and casual larcenies, which ultimately get into the official statistics. Moreover, the method of keeping records is still far from uniform. Before 1938, when a more standardized method of recording was universally introduced, the position was very confused. Indeed it is not possible to make use of the pre-1938 figures for comparative purposes at all. That is why most of the tables of criminal statistics referred to in this chapter and those printed in the appendix commence in that year².

¹ *Task Force Report: Crime and its Impact - An Assessment*. The President's Commission on Law Enforcement and Administration of Justice. Washington, D.C., 1967, p. 22.

² JOHN BARRON MAYS, *Crime and the Social Structure*, London, Faber and Faber Ltd., 1967, pp. 22-23.

To illustrate how it is possible to create a crime wave by merely changing the method of recording crimes, we refer again to what happened when Lord Trenchard became Police Commissioner for the London zone. He noticed that the local police stations had adopted the practice of recording the crimes reported to them in two different books. One of these was entitled "Crimes Reported" and the other "Suspected Robberies" only the matters recorded in the first mentioned register were used in compiling the official statistics. Lord Trenchard ordered that in the future the totals of the volumes would be combined, and the impact of this administrative decision was seen in the number of robberies reported in the Metropolitan police district for the years 1931 and 1932. In 1931 the total was 9,534 but, 12 months later it had increased to the fantastic figure of 34,783. Anyone who was not aware of what had happened behind the scenes would have jumped to the conclusion that the criminal population of London had tripled in number and that each criminal was working overtime!

The statistics are affected by administrative decisions taken by police directors. This creates a particularly ticklish problem because only the consequences of the decisions, (and not the decisions themselves), are known to the analyst¹.

c) The increase in mass criminality (18)

18. For still other reasons, care should be taken in reading crime statistics. Uncontrollable changes take place in the law, in society and amongst the police, but it should also be realized that crime itself assumes new aspects.

With the increase in mass demonstrations and the resulting damages, it becomes more and more difficult to relate a crime to the guilty person. This contributes, in many cases, to increase the gap between the police statistics and the court statistics.

¹ JOHN BARRON MAYS, *Crime and the Social Structure*, London, Faber and Faber Ltd., 1967, pp. 22-23.

The classic example of an apparent crime wave, which was produced as a result of an alteration in methods of recording offences, occurred when Lord Trenchard became Commissioner of Police for the Metropolis. He discovered that the practice in vogue at local stations was to keep reported offences in two separate books. One was *Crimes Reported*, the other was called *Suspected Stolen*. Only the entries in the first book were used in compiling official returns. Lord Trenchard ordered that in future the two should be combined and the result of this administrative decision can be seen in the number of larceny offences which were reported in the Metropolitan Police District for the consecutive years, 1931 and 1932. In 1931 the total stood at 9,534, but twelve months later it had risen to the amazing figure of 34,783. Anyone unfamiliar with what had taken place behind the scenes might well have concluded that the criminal population of London had trebled its number and THAT EVERY ONE OF THEM was working a double shift. *Op. cit.*, p. 23.

The waves of vandalism which accompany violent public demonstrations by mobs of hundreds or even thousands, leaving in their wake broken windows and ransacked stores, leave their traces in the police statistics by reason of the increased number of complaints of theft or burglary, with the police in most cases unable to arrest the guilty persons.

It also leaves the student of police statistics with the impression that the police are less and less frequently able to bring their investigations to a head.

It will be understood that at this point our intention is not at all to discuss demonstrations and the resulting violence. Rather it is to underline that the violent mass demonstration is a new form of crime which makes the evaluation of statistics particularly difficult.

CONCLUSION

(19)

19. With these comments and reservations we are not endeavouring to invalidate crime statistics, but rather to make known their limitations.

It would be a serious mistake to believe that all statistics dealing with crime show nothing of the real situation. We would be the first to be disappointed if the public remained indifferent to the most eloquent statistics. Statistics are a privileged instrument of work which we could not without. In the course of this study we have therefore accepted the statistics as published, while sometimes limiting their interpretation in some cases: too few points of comparison, changes in definitions, etc.

B—THE EXTENT OF QUEBEC CRIMINALITY

B — THE EXTENT OF QUEBEC CRIMINALITY (20-70)

1 — VIOLENCE AGAINST THE PERSON (20-51)

20. Statisticians and analysts almost always group criminal acts into three main categories : the so-called crime of *violence against the individual*, the crime *with violence against property*, and the crime committed *without violence against property*.

Notwithstanding the strange and paradoxical form of some of these formulas we will use them freely in the framework of this study.

During the first part of our analysis, we will study the figures concerning murder, manslaughter, attempted murder, rape, attempted rape, other sexual crimes, and assaults.

a) Homicide (21-33)

21. After having defined homicide as an act causing the death of a person, our Criminal Code makes distinctions as to the manner in which death has been caused. More particularly, our law is interested in those murders which are culpable, premeditated, deliberate, and done consciously. In this context, it is seen that murder, as a culpable and voluntary act, is the most serious form of homicide.

The Code therefore distinguishes between culpable homicide (murder), and homicides which, while causing the death of a human being, place no guilt on the author of the act.

HOMICIDE	
Culpable	{ voluntary — murder involuntary — manslaughter
Not culpable

This table makes it clear that murder is a culpable voluntary homicide, while manslaughter is a culpable homicide but involuntary. The non-culpable homicide, according to the Criminal Code (Article 94, paragraph 3), is not an infraction.

22. It frequently happens that the official statistics gather under the same heading, figures which concern the two categories of culpable homicide: murder and *manslaughter*.

This decision is easily justified if it is realized that there are only two categories of homicide which the criminal code deals with.

TABLE I

MURDERS AND MANSLAUGHTERS QUEBEC — ONTARIO — CANADA						
YEAR	QUEBEC		ONTARIO		CANADA	
	Number	Rate per 100,000	Number	Rate per 100,000	Number	Rate per 100,000
1962	62				265	
1963	68				246	
1964	51	1.1	82	1.6	253	1.5
1965	64	1.4	77	1.4	277	1.7
1966	56	1.1	70	1.2	248	1.5

Table I gives the Quebec and Canadian figures for the years 1962 to 1966, and the Ontario figures for the years 1964 to 1966. These figures come from police statistics and therefore give no information about the number of persons charged and found guilty of murder, or of manslaughter, before the Quebec or Canadian courts.

These fragmentary figures do not show a tendency of any kind. Generally speaking, it can be said that murders make up 75 per cent to 80 per cent of the total in this first table. Subsequent tables will detail and explain these figures. It can be seen that Quebec is below the national level.

23. Are these figures reliable? We believe so, on condition that the reader takes into consideration the warning already given by the Dominion Bureau of Statistics, and the additional precautions which we suggest here.

In the matter of murders, statistics have only been made uniform during the last few years. It will be noted that uncertainties accumulate as soon as an endeavour is made to go further back, even if it is only to 1954. In this connection, the Table II, if one isn't careful, can lead to the belief that there have been disturbing increases in the number of *homicidal deaths* and *murders*¹.

There is a measure of reassurance when it is noticed that the definitions of murder and manslaughter have varied during the last 10 years. There is further reassurance in noting that the table is particularly unsatisfactory for Quebec: the adjustments which have made it possible to increase its value for other regions of Canada, have not been made in the case of our province. The Dominion Bureau of Statistics notes this in commenting on this table in the following terms:

From 1954 to 1960 adjustments are made in previously published figures as a result of revised RCMP and OPP figures on murder offences known to the police, but no adjustments have been made for the non-reporting of the QPP in those years. From 1961 to date the Quebec Provincial Police reported murders known to them to DBS and there were improved data collection techniques².

24. In fact, these tables show most of the weaknesses of the Canadian and Quebec statistics. According to Table II we find ourselves faced with a substantial increase in the number and rate of murders for Canada. However, after heeding the warnings of the Dominion Bureau of Statistics, no interpretation is satisfactory.

We do not yet know whether the number of murders has continued to fluctuate in an irrational and unpredictable manner, as in Table I. Nor do we know whether the increases which appear in Table II can be attributed in large part to the fact that all the police forces of Quebec and of Canada now contribute to the preparation of this compilation.

In the present case as is indicated by the Dominion Bureau of Statistics, the figures from the Quebec Provincial Police have only been added to the Canadian statistics quite recently, and it can be assumed that a part of the recent increase can be imputed directly to a better gathering of information.

¹ Dominion Bureau of Statistics, Murder Statistics, 1961 — 1965, Catalogue 85-209, p. 11.

² *Ibidem*.

TABLE II

NUMBER OF MURDERS REPORTED TO THE DOMINION BUREAU OF STATISTICS AND HOMICIDAL DEATHS (RATE FOR 100,000 POPULATION 7 YEARS OF AGE AND OVER) CANADA 1954-1965				
YEAR	Number — Nombre		Rate — Taux	
	Murders reported to DBS — Meurtres signalés au BFS.	Homicidal deaths — Décès par homicide	Murders reported to DBS — Meurtres signalés au BFS.	Homicidal deaths — Décès par homicide
1954	125	157	1.0	1.2
1955	118	158	0.9	1.2
1956	131	171	1.0	1.3
1957	129	165	0.9	1.2
1958	153	198	1.1	1.4
1959	141	167	1.0	1.2
1960	190	244	1.3	1.6
1961	185	211	1.2	1.4
1962	217	249	1.4	1.6
1963	215	240	1.4	1.5
1964	218	238	1.4	1.5
1965	243	255	1.5	1.6

25. At this point it might be useful to show to what extent the figures emanating from the police differ from the court statistics. We must leave until later on a more intensive comparison of these two statistical systems, but as of now, we can pinpoint the area in which they differ.

On the one hand it is extremely difficult to choose a fixed base for statistics of murder by reason of the fact that a number of the deaths might, at the outset, appear natural although they are not. And vice versa. On the other hand, if one prefers to await the decision of the court before

classifying a death amongst the murders, there is danger of not taking into consideration all the murders and manslaughters which have not been cleared up by the police.

26. According to the police, statistics of murder and of manslaughter show a substantial increase. This is so for many reasons, of which we have enumerated the principal ones. This increase is seen by examining Tables III and IV which make it possible to separate the figures for Quebec and Canada given in Table II.

On the other hand, statistics coming from the Canadian courts show a picture very different from reality. Table V indicates the fluctuations in the number of persons convicted of manslaughter in Canada between 1950 and 1966.

Even though it covers a much longer period, it is not possible to see a general trend from this Table V. For example, one could hardly state that there has been a spectacular and constant increase in the number of manslaughters. On the contrary, the Table V would seem to indicate that the number of persons convicted for manslaughter shows a decrease during the last ten years as compared to the previous period. It is difficult to say that this reduction can be attributed to a specific reduction in crime: in fact it is quite possible that the police forces find it increasingly difficult to clear up murders. It is also possible that Canadian juries have found it increasingly repugnant to pronounce verdicts of guilty which could result in the death penalty. We will return later to this last hypothesis. Moreover, it is possible that police forces have in the past, frequently considered as murders, crimes which, at the end of the investigation and legal work, are found to be only manslaughters.

27. Whether it is a question of the rate of murders per 100,000 population or the number of murders or manslaughters reported by the police forces, it is impossible to draw conclusions in Quebec or in Canada as to the general trends. It is difficult to find any explanation for the *increase* in recent years, in the number of infractions reported by the police, nor can one explain the marked *reduction* in the number of murders or of manslaughters, recognized as such by the Canadian and Quebec courts.

Nor is there a more satisfactory explanation of the considerable variation in the percentages of individuals found guilty in relationship to the number of persons who are charged. In this connection, Tables VI and VII raise a series of other questions.

TABLE III
MURDERS REPORTED BY THE POLICE

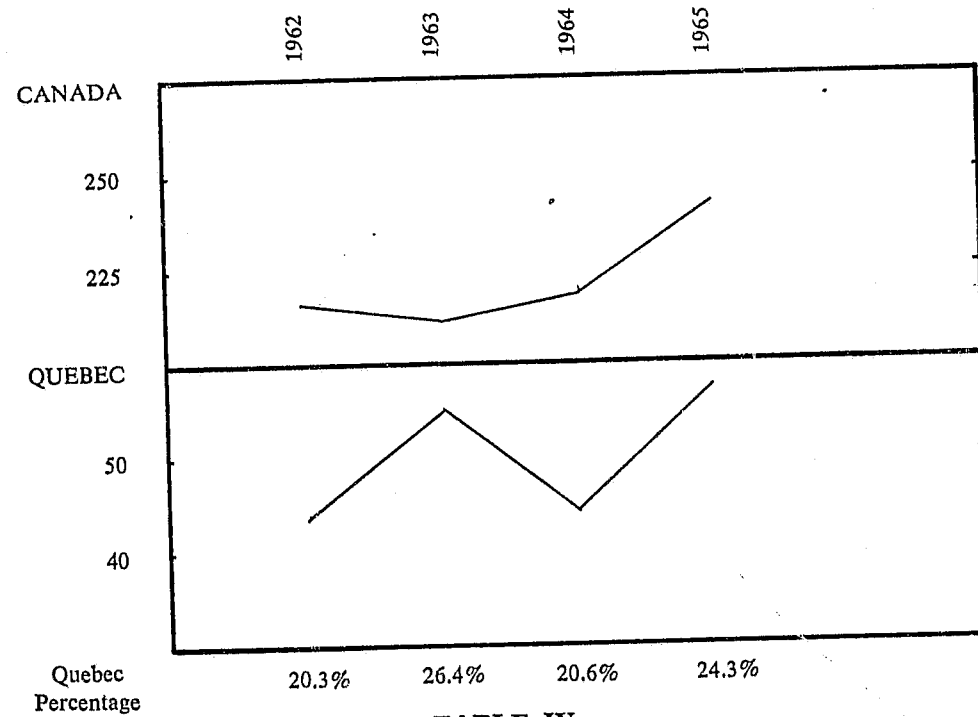


TABLE IV
MANSLAUGHTERS
(INFRACTIONS REPORTED BY THE POLICE)

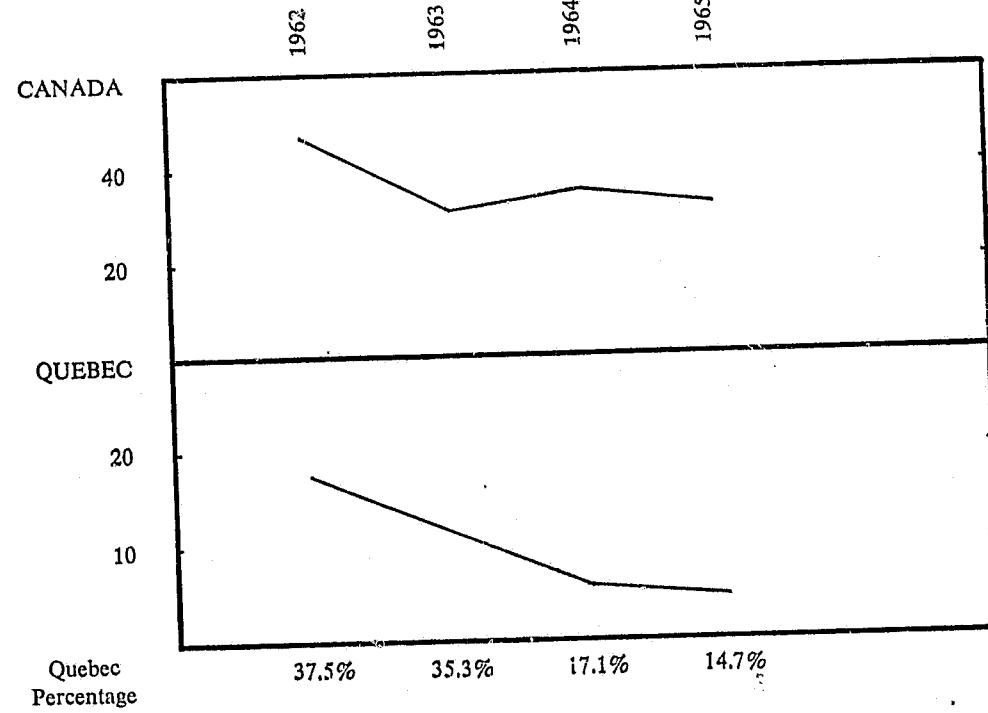
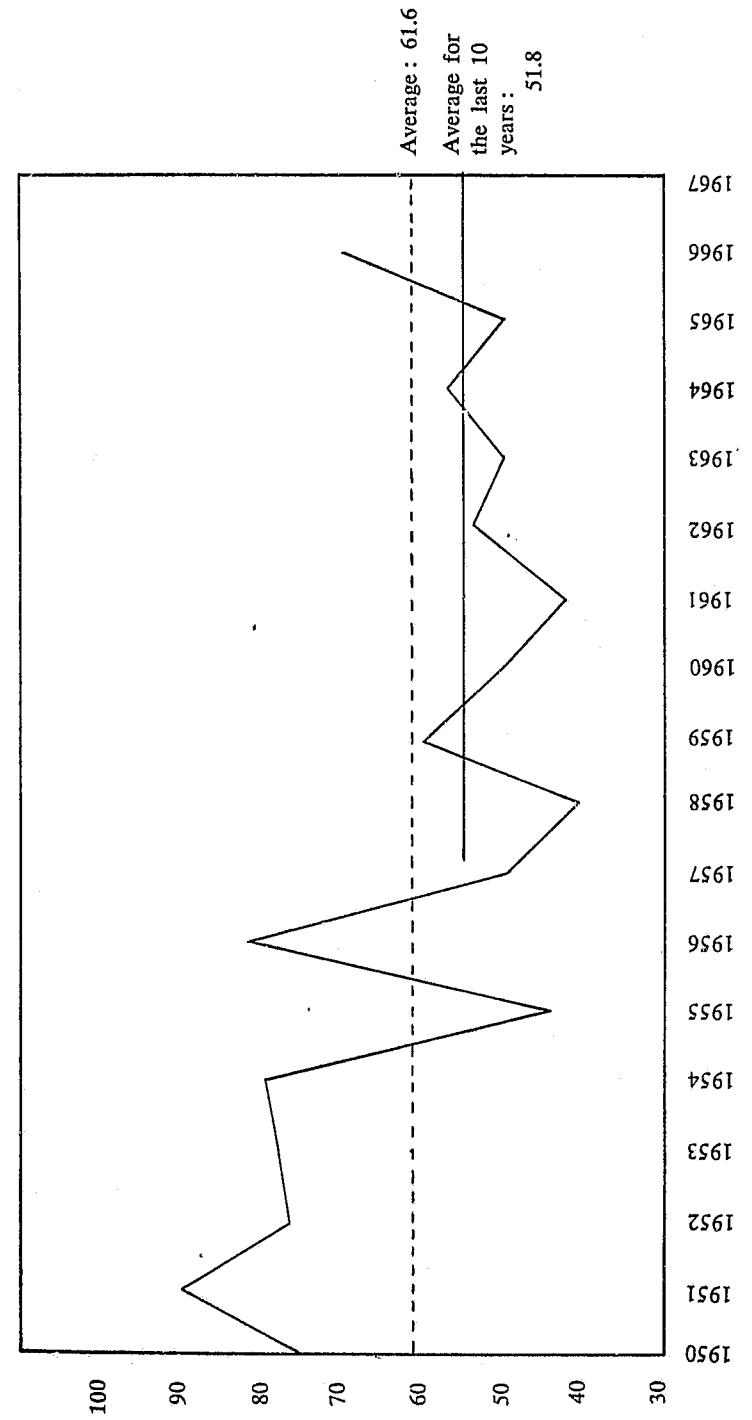


TABLE V
NUMBER OF PERSONS FOUND GUILTY OF MANSLAUGHTER
CANADA (1950-1966)



Source: DBS

For example, Table VI shows the inconstancy of the definitions utilized by the police forces. Up to 1961 the current terminology placed considerable importance on murder. Subsequently the terms "capital murder" and "non-capital murder" came into use. This also applies to Table VII which underwent the same changes in the same period.

If there is added to these Tables the information supplied by Table VIII, it is seen that the attempts at murder reported by the police, only rarely came to the attention of the court. However, by definition this is a crime in which the victim is in direct contact with his aggressor and survived the attack. Few crimes offer as many possibilities for police investigation with the outcome so rarely resulting in normal court procedures.

These two series of statements do not permit the reader to conclude that there has been a spectacular and constant increase in the number of manslaughters or in the number of murders. In fact, the increases which have taken place have coincided with two important series of events :

- 1 — a larger number of organisms have collaborated in the compilation of information ;
- 2 — it seems that the courts are more and more reluctant to reach a verdict of guilty for persons accused of murder.

28. The last remarks are of major importance ; they show the extent to which definitions vary from one year to the other ; they also show the inconsistencies in the methods of compilation.

What we have said about murder (culpable homicide) and of manslaughter applies to the other crimes related to them. Attempted murder, it is true, has not varied very much during the last 10 years : the definitions and the statistics seem in this case to show a consistency (Tables VI, VII and VIII). On the other hand, murder today has almost entirely disappeared from many compilations (Tables VI and VII). For example, when it comes to totalling the persons convicted of culpable homicide, the nomenclature includes since 1962 "capital murder" and "non-capital murder", while murder properly speaking, has from that same date, disappeared from the list. The other category of manslaughter has shown some consistency.

29. In the year 1962 a change took place not only in the gathering of data, but also in the manner of grouping the material. Within this context one can readily appreciate the cautionary warning of the Dominion Bureau of Statistics.

The various factors already pointed out contribute to such an increase in the variables, that it becomes impossible for all practical purposes, to determine the significance of the apparent increases and decreases. Thus

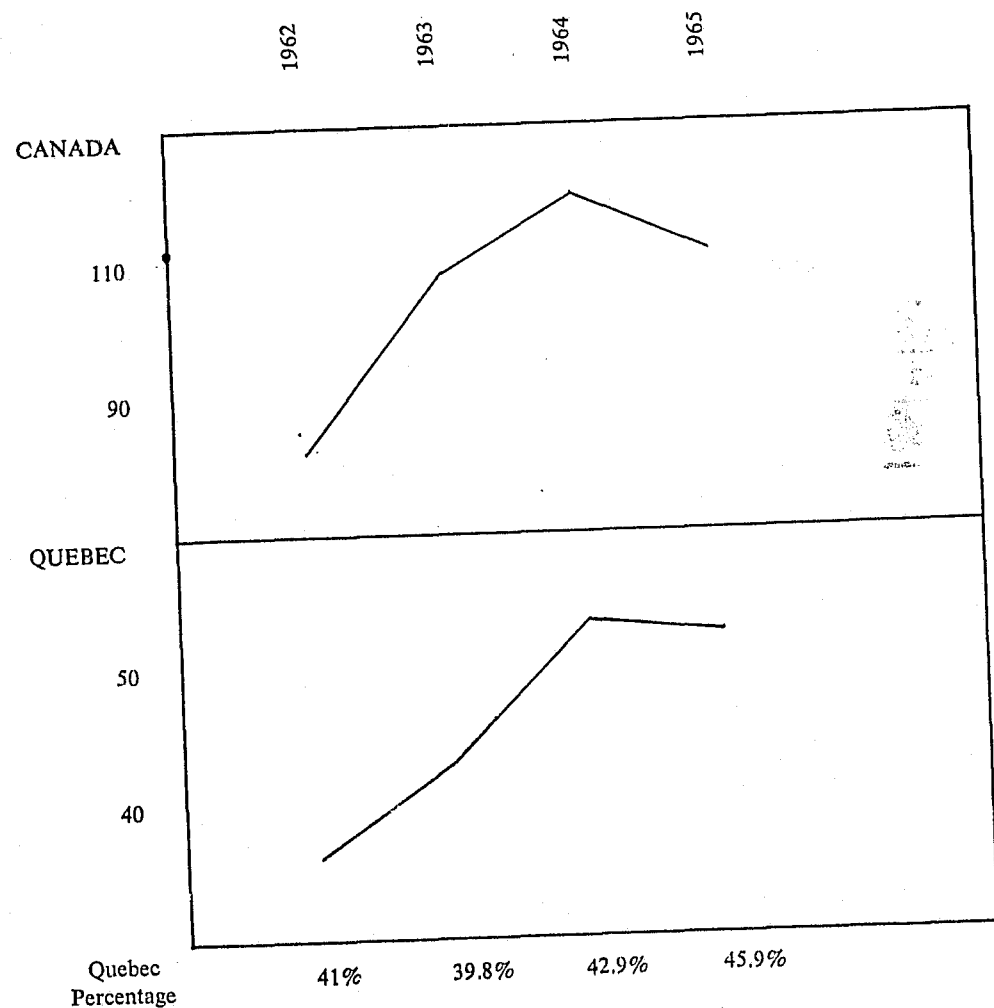
TABLE VI

CHARGES/CONVICTIONS FOR CULPABLE HOMICIDE OR ATTEMPTED MURDER — CANADA —					
YEAR	Manslaughter Charged/ Convicted	Murder Charged/ Convicted	Attempted Murder Charged/ Convicted	Capital Murder Charged/ Convicted	Non-Capital Murder Charged/ Convicted
1956	84/166	10/23	4/9		
1957	49/64	8/39	10/19		
1958	40/59	16/31	11/17		
1959	59/66	16/51	17/22		
1960	50/66	10/30	6/21		
1961	42/51	11/37	18/28		
1962	53/63	0/1	14/21	14/25	20/34
1963	50/62		14/22	14/28	31/63
1964	56/71		11/19	6/15	32/46
1965	50/61		11/16	19/31	36/32
1966	69/81	0/1	10/24	9/18	34/54
TOTALS	602/810	71/213	126/218	62/117	153/229

TABLE VII

NUMBER OF PERSONS CHARGED/CONVICED FOR HOMICIDE OR FOR ATTEMPTED HOMICIDE — QUEBEC —					
YEAR	Manslaughter Charged/ Convicted	Murder — Charged/ Convicted	Capital Murder Charged/ Convicted	Non-Capital Murder Charged/ Convicted	Attempted Murder Charged/ Convicted
1956	17/11	5/2			3/3
1957	11/8	8/0			8/6
1958	18/10	6/2			9/6
1959	15/13	9/4			15/13
1960	17/9	7/0			10/3
1961	7/7	8/2	1/1		6/5
1962	9/7		6/5	5/4	13/8
1963	20/17		11/8	7/7	10/8
1964	15/12		4/1	11/9	6/3
1965	6/6		13/8	10/10	7/7
1966	11/9	1/0	8/5	20/16	15/6
TOTALS	146/109	44/10	43/28	53/46	102/68

TABLE VIII
ATTEMPTED MURDERS REPORTED BY THE POLICE
CANADA and QUEBEC



in 1961 the statistics dealing with "persons indicted" mentions 37 charged with murder and 28 with attempted murder. In 1962, murder, as such, disappears almost entirely (one only) but there is a total of 25 indictments for capital murder, and 34 for non-capital murder. The following year (1963) there is no mention of murder but in the list of charges one finds 22 attempted murders, 28 capital murders and 63 non-capital murders.

On this basis, should 1963 be considered as a record year in comparison with 1962? Or on the contrary, confronted with such great variations, should one carefully withdraw and refrain from reaching any conclusions? Should one conclude that there has been an increase while taking into consideration the fact that some police forces, including the Provincial Police, have only recently begun to add their own reports to those of the Dominion Bureau of Statistics? And finally, should one only have confidence in the court decisions?

30. We believe that such questions will remain unanswered for some years. As the statistics are today, it is hardly advisable to venture into theory. Moreover, it will be necessary for our methods of compilation to remain constant for many years before it becomes possible to make worthwhile comparisons.

At the present time, we know just enough to understand that the increases, when they do take place, result more from changes in definitions and improvements in the condition of information, than from an increase of real crime.

The increases shown in the matter of homicides do not seem to correspond at all to any constant trend. They give the impression of emotional crimes rather than a plan carried out in cold blood by a criminal empire sure of itself. As proof of this the Table IX shows that almost half of the homicides reported take place in the home, and that another part (1/6th) take place during the perpetration of another offence.

The statistics secured from other countries moreover confirm that which is indicated by the Canadian and Quebec statistics: homicide in all its forms results more from individuals suddenly aroused to passion, than from the cold premeditated act of a hardened criminal.

31. Police statistics and the court statistics are similar in one respect: the two series of figures fluctuate in an unpredictable manner.

The fluctuations are noticed not only from one year to the other, but also in the end result for each category of homicide within the same year. The Tables VI and VII prove this eloquently by comparing the number of charges and the number of convictions which took place from 1956 to 1966 in the area of murder, of attempted murder, capital murder and of non-capital murder.

TABLE IX
NUMBER OF MURDERS AND INCIDENTS BY RELATIONSHIP OF SUSPECT
TO VICTIM AND AGE AND SEX OF VICTIM, CANADA 1963-1967

Year of offence and relationship to victim Année du crime et lien de parenté avec la victime	Victime - Victim				Age and sex of victim Age et sexe de la victime												
	Incidents Total	Male Hommes		Female Femmes		Under 20 years Moins de 20 ans		20-29 years ans		30-39 years ans		40-49 years ans		50 years and over 50 ans et plus		Unknown ¹ Inconnu ¹	
		H	F	H	F	H	F	H	F	H	F	H	F	H	F	H	F
Total																	
1963	193	215	123	92	20	21	29	21	24	15	17	15	33	20	—	—	
1964	199	218	125	93	15	18	26	23	26	21	24	14	34	17	—	—	
1965	215	243	142	101	25	27	25	24	28	13	22	22	42	15	—	—	
1966	204	220	126	94	27	21	25	23	29	12	15	16	29	22	1	—	
1967	238	280	155	125	29	38	32	25	32	20	26	22	36	20	—	—	
Domestic - Total - Au foyer:																	
1963	82	96	35	61	11	12	5	14	5	13	6	10	8	12	—	—	
1964	76	90	30	60	—	12	5	16	7	15	8	9	6	8	—	—	
1965	83	108	43	65	18	15	3	15	8	8	8	17	6	10	—	—	
1966	91	100	43	57	19	10	6	12	7	10	4	12	7	13	—	—	
1967	94	120	46	74	17	20	4	17	6	12	9	18	10	7	—	—	
Immediate family - Famille immédiate :																	
1963	60	74	25	49	10	12	4	9	2	11	6	8	3	9	—	—	
1964	54	62	18	44	4	10	2	11	4	10	4	7	4	6	—	—	
1965	57	78	33	45	16	14	3	11	3	4	6	10	5	6	—	—	
1966	68	77	32	45	15	10	3	9	5	8	3	8	6	10	—	—	
1967	74	95	35	60	16	18	2	13	4	9	5	15	8	5	—	—	
Kinship - Parenté :																	
1963	8	8	6	2	1	—	—	1	1	—	—	—	4	1	—	—	
1964	8	12	6	6	—	2	—	—	2	1	2	1	2	2	—	—	
1965	5	7	4	3	—	1	—	1	3	—	—	—	1	1	—	—	
1966	9	9	8	1	3	—	2	—	1	—	1	—	1	1	—	—	
1967	6	11	8	3	1	1	2	1	1	—	2	1	2	—	—	—	
Common law - Parents de droit commun :																	
1963	14	14	4	10	—	—	1	4	2	2	—	2	1	2	—	—	
1964	14	16	6	10	—	—	3	5	1	4	2	1	—	—	—	—	
1965	21	23	6	17	2	—	—	3	2	4	2	7	—	3	—	—	
1966	14	14	3	11	1	—	1	3	1	2	2	4	—	—	—	—	
1967	14	14	3	11	—	1	—	3	1	3	2	2	—	2	—	—	
No domestic relationship - Aucun lien de parenté : Commission of criminal act - Perpétration d'un autre acte criminel :																	
1963	37	42	28	14	6	5	5	2	3	1	3	1	11	5	—	—	
1964	40	41	33	8	2	1	3	—	4	3	7	2	17	2	—	—	
1965	32	34	23	11	2	7	3	1	4	2	2	1	12	—	—	—	
1966	33	36	21	15	—	4	4	4	4	1	4	3	9	3	—	—	
1967	23	23	17	6	—	3	1	—	3	—	3	2	10	1	—	—	
Other - Autres :																	
1963	74	77	60	17	3	4	19	5	16	1	8	4	14	3	—	—	
1964	83	87	62	25	9	—	18	7	15	3	9	3	11	7	—	—	
1965	100	101	76	25	5	5	19	3	16	3	12	4	24	5	—	—	
1966	80	84	61	22	8	7	15	7	18	1	7	1	13	6	1	—	
1967	121	138	93	45	12	15	27	8	23	8	14	2	16	12	—	—	

¹ A human skeleton found, age and sex unknown.

¹ Un squelette humain trouvé, âge et sexe inconnus.

Large fluctuations will be noted in the rate of convictions, 75 percent of those charged with manslaughter are convicted while only 38 percent of those accused of murder are found guilty. This creates the impression that a large number of those accused of murder have agreed to plead guilty to a reduced charge. We now find ourselves faced with a new method of completely falsifying statistics. Here again there is reason to ask the reader to be careful.

As opposed to this, the charges made with regard to attempted murder (57 percent), capital murder (53 percent), and non-capital murder (61 percent), show rates of conviction which are not so strange.

32. Attention is drawn to another uncertainty. It is brought to light by the Tables III, IV and VIII. Even though these tables are very sketchy, they nevertheless, underline the uncertainty of the statistics quoted.

In these tables, based on figures already supplied, it is seen that the percentage of infractions reported in Quebec by the police, varies considerably from the overall Canadian figures. Quebec, according to the police forces, produced in 1965, 14.7 percent of the manslaughters reported by the different Canadian police forces, 24.3 percent of the murders and 45.9 percent of the attempted murders.

It would be wrong to have any faith in the consistency of such a distribution. Even on the same matter the variations are just as great. Thus, manslaughter in 1962 could be attributed to Quebec in the proportion of 37.5 percent; the following year the proportion was just about the same: 35.3 percent. In 1964 and 1965, it slumped: 17.1 percent and 14.7 percent. In this case it is possible to consider this reduction as a kind of compensatory phenomenon, because these two last years showed an increase in murders.

33. How is it then possible not to conclude that there is ambiguity in the murder statistics? The compilation of information has been uniform for too short a period for worthwhile comparisons to be made, and to be able to arrive at general conclusions.

To be sure the actual statistics are more than satisfactory for those who believe that there has been a spectacular increase in murders of all kinds. However, the statistics do not permit as of now, uniform interpretations.

We may be permitted one cautious conclusion which has already been indicated: *the inconsistency in the totals, the inconsistency in the rate (Table X), the inconsistency in the volume and the nature of crimes, all seem to indicate that homicide is more likely to be the result of an emotional explosion than of premeditation.*

b) Rape and other sexual crimes

(34-37)

34. Most of the remarks already made regarding homicide also apply to the second group of offences committed against the individual. Rape and other crimes and offences of a sexual nature fluctuate in fact, in just as unpredictable a manner as the different kinds of homicide. However, it would seem that the definitions have changed less in the course of years for rape and other sexual crimes. It therefore becomes much easier to measure the fluctuations.

TABLE X

COMPARATIVE TABLE OF PERSONS CONVICTED / CHARGED FOR RAPE — CANADA —	
Year	Persons convicted/charged
1956	52/103
1957	56/109
1958	52/106
1959	44/99
1960	52/97
1961	56/95
1962	54/92
1963	74/127
1964	62/126
1965	54/107
1966	52/112

In 1965 there were 103 charges of rape; in 1966 the total was 112. The extreme variations were in the years 1962 (92) and 1963 (127). The Table X shows these variations: they came about within the uniform definitions, and they disappeared as they came, permitting the number of charges and convictions to return to their "normal" level.

Table XI supplies figures for Quebec. At first sight it would look as though there was an irregular, but real, increase in the number of convictions. We will return later to these facts.

35. Not only do the number of charges remain, notwithstanding considerable variations, within limits very well defined; this is also the case for the number of convictions. Table XII gives the number of convictions for rape which took place from 1950 to 1966 and corroborates, by enlarging on them, the information found in Table X.

It will be noticed however, in Table XII, rather than in Table X, that there has been an increase in the statistics. For example, the average of the

10 last years (55.6) exceeds the average reached from 1950 to 1966 (49). Table XIII shows the curve of these variations.

TABLE XI

COMPARATIVE TABLE OF PERSONS CONVICTED / CHARGED FOR RAPE — QUEBEC —	
Year	Persons convicted/charged
1956	3/4
1957	6/9
1958	6/13
1959	7/14
1960	2/2
1961	5/7
1962	17/20
1963	10/14
1964	13/24
1965	13/20
1966	13/18

TABLE XII

PERSONS CONVICTED FOR RAPE — CANADA —	
Year	Persons convicted for rape
1950	36
1951	31
1952	41
1953	43
1954	27
1955	47
1956	52
1957	56
1958	52
1959	44
1960	52
1961	56
1962	54
1963	74
1964	62
1965	54
1966	52
TOTAL	833

There is nothing very disturbing about this increase, as the level reached in 1966 (52) is exactly the same as in 1956 (52).

TABLE XIII
NUMBER OF PERSONS FOUND GUILTY OF RAPE
CANADA

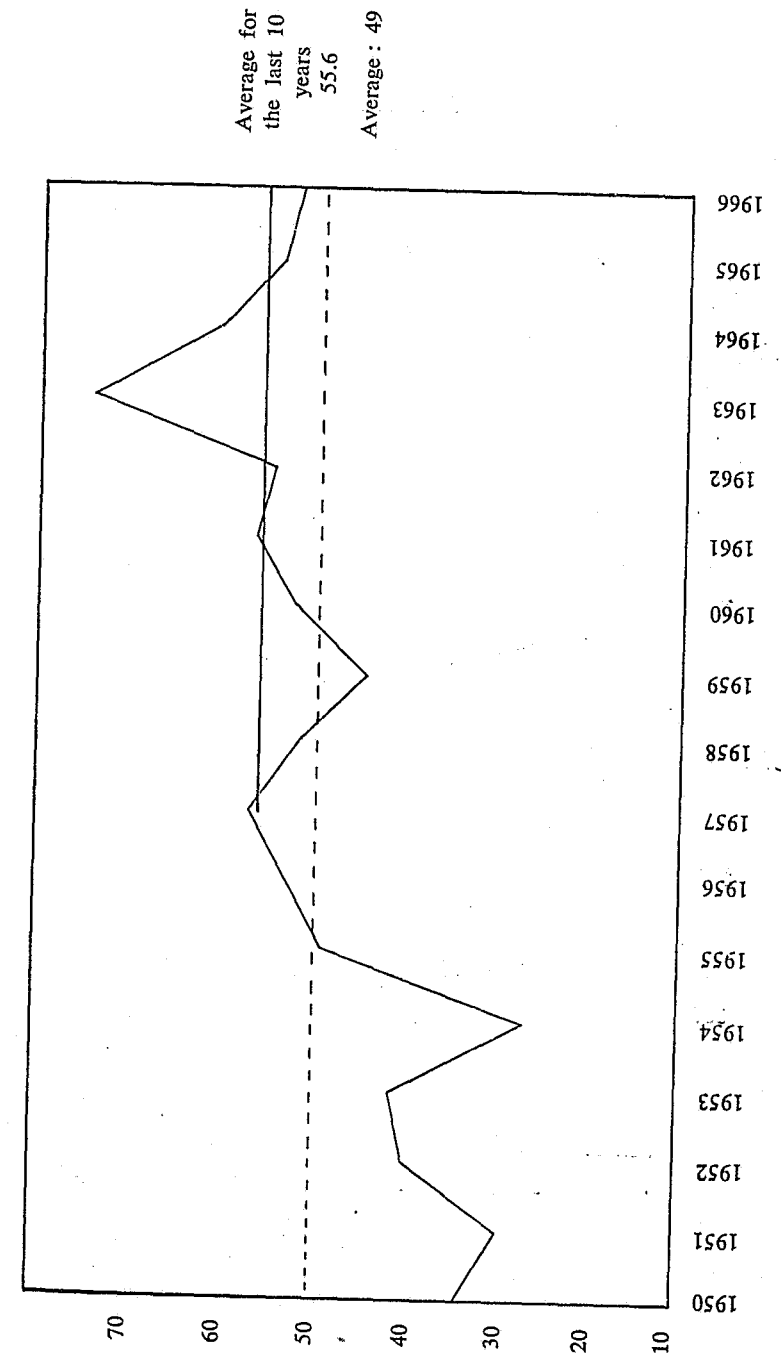
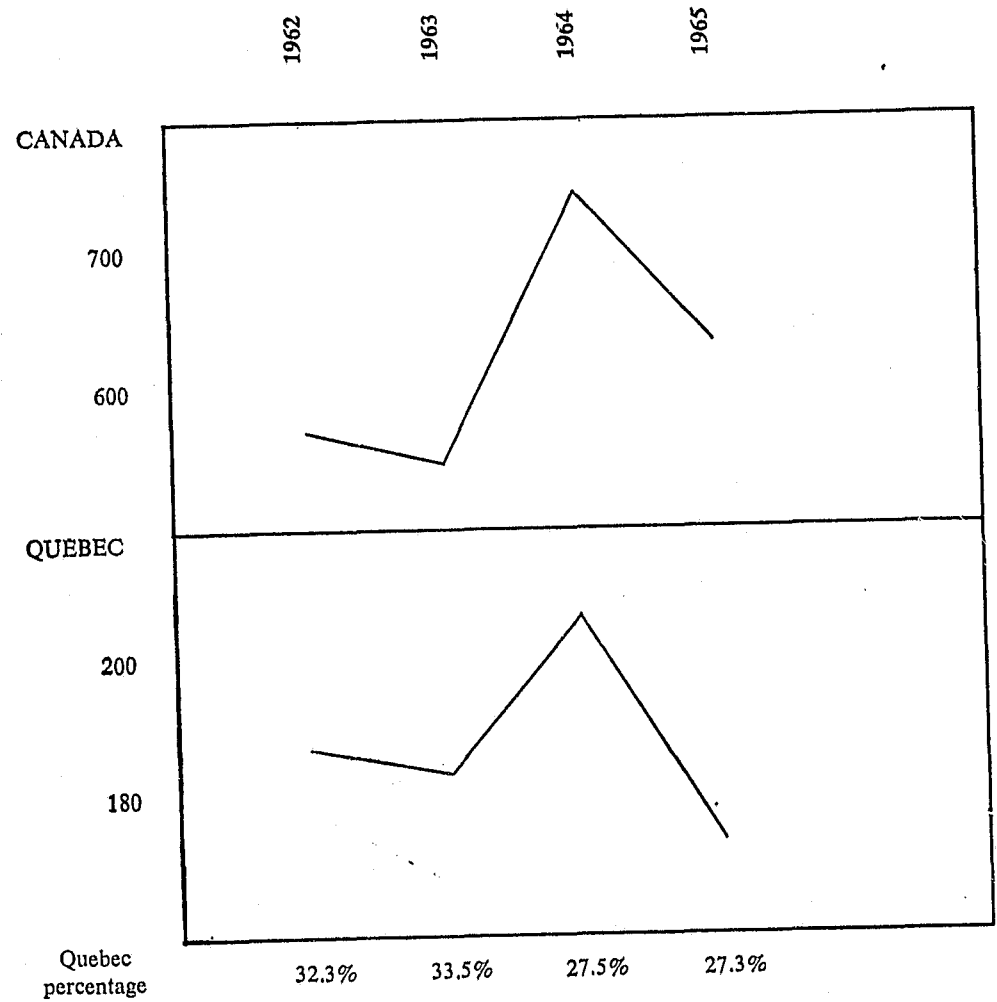


TABLE XIV

**RAPES REPORTED BY THE POLICE
CANADA AND QUEBEC**



36. If, instead of the court statistics, the police statistics are used, Quebec's share of this type of crime has a tendency to be slightly smaller. This last table (Table XIV) should not be considered as conclusive, as it only gives figures for a limited number of years, while the variations, as we have seen, are most frequently seen over much longer periods.

This table has the advantage though, of showing that on the Quebec plan as well as for Canada, the number of rapes reported by the police fluctuate in an absolutely unpredictable manner.

It would be a mistake, as we have said, to be alarmed by such sudden increases, but it would be equally wrong to take hope from what might be a temporary falling off.

Nevertheless, it is quite revealing to see that the court statistics and the police statistics are in agreement with regard to the description of rape as being the type of crime which does not follow any uniform trend.

37. Attempted rape hardly merits more than a mention (Tables XV and XVI). At least this is so if court statistics are looked at. Attempts at rape in actual fact, are so few and they follow such an uncertain course, that it seems hardly reasonable to look for any kind of indication.

On the other hand, the group of offences of a sexual nature (other than rape) attain considerable dimensions, particularly if the police statistics are observed. The number has risen to the level of 6,000 for the entire country, and to 1,800 for Quebec (Table XVII).

Taken globally, these offences of a sexual nature appear to show a regular and substantial increase for the entire country, but in the case of Quebec they seem to obey other laws. The year 1964 in particular, saw an important decrease in Quebec which almost brought this type of crime to the low level of 1962.

On the other hand it will be noted, always according to the police statistics, that the recent years have allowed Quebec to somewhat reduce its share of sexual crimes (30 percent in 1962 ; 33.6 percent in 1963 ; 28.5 percent in 1964 ; 28.8 percent in 1965). In this connection, all the infractions of a sexual nature in Quebec have followed an evolution similar to that which has been noticed in connection with one particular crime — attempted rape.

TABLE XV

PERSONS CONVICTED FOR ATTEMPTED RAPE — CANADA —	
Year	Persons convicted for attempted rape
1950	17
1951	10
1952	11
1953	9
1954	17
1955	15
1956	10
1957	6
1958	10
1959	18
1960	13
1961	17
1962	16
1963	19
1964	16
1965	10
1966	13
TOTAL	227

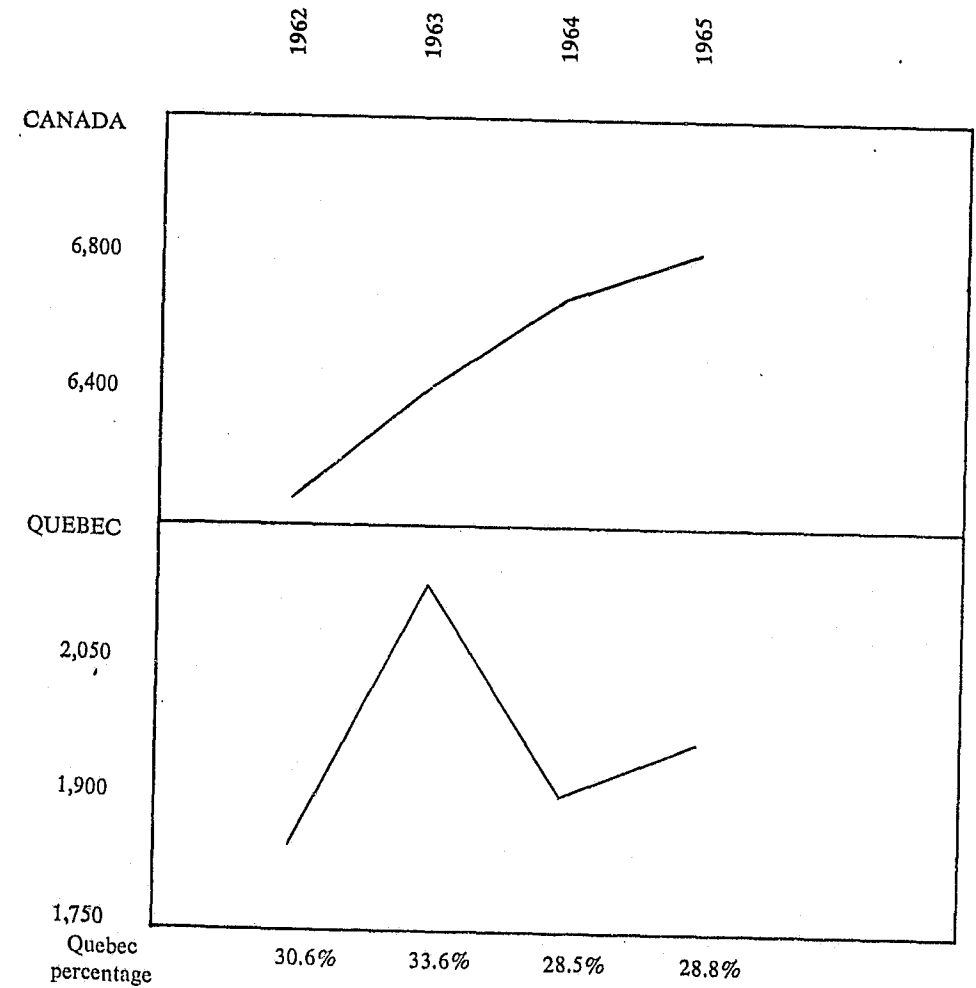
TABLE XVI

COMPARATIVE TABLE OF PERSONS CONVICTED / CHARGED FOR ATTEMPTED RAPE QUEBEC	
Year	Persons convicted/charged
1956	3/5
1957	2/2
1958	2/2
1959	8/11
1960	-/2
1961	5/6
1962	5/5
1963	8/9
1964	4/5
1965	2/2
1966	5/6

TABLE XVII

**OFFENCES OF A SEXUAL NATURE (OTHER THAN RAPE)
REPORTED BY THE POLICE**

CANADA and QUEBEC



c) Assaults

(38-50)

38. Assaults alone warrant a thorough analysis. They are, in the total crimes of violence against the person, an exception, but this exception affects the figures to such an extent that a detailed analysis becomes almost impossible.

Assaults are the least important infractions in the list of crimes committed against the individual. However, *if one endeavours to make an overall estimate of crimes of violence against the individual, it is found in actual fact, that one is only dealing with assaults.* In fact the assaults are so numerous in the police statistics as well as in the court statistics, that the other crimes against the person seem to disappear.

However, particularly if consideration is given to the total, (assaults resulting in bodily harm, assaults committed against an agent of the peace and interfering with his work, and common assaults), assaults show a considerable increase. At this point all analyses of crimes of violence against the person become extremely ambiguous: on the one hand, the most important crimes, as we have seen, develop unpredictably and don't appear to be taking place in an accelerated manner; on the other hand, assaults, a crime of secondary importance, are so numerous and increase so rapidly, that the student of statistics has the impression that all crimes of violence against the person are increasing rapidly.

39. We believe that such a situation leads to ambiguities and controversies. We have therefore endeavoured to interpret the statistics so as to individualize the comments. In other words, we would like to know what part of crime calls for specific action on the part of the legislator, and in what areas can one be optimistic.

The volume of assaults are the first problem. The increases which have taken place in this sector have reached such a volume that they have obscured all the rest: they could neutralize all the progress accomplished in other areas of violent crimes and fully wipe out the more limited fluctuations in connection with other infractions.

We have, first of all, considered the number of infractions. Then we examined the number of delinquents. In both cases, the increases are spectacular and the following tables show this. The Table XVIII shows that the number of assaults reported by the police, has gone in Quebec from 2,474 in 1962, to 7,576 in 1966. In the same period of time the Canadian figures have gone from 27,818 to 53,533. We must keep in mind that these are police statistics, and that it is quite normal, at least up to a certain point, to find the volume greater than in the court statistics.

And yet, such a rapid increase in the number of infractions reported cannot result only from changes in the method of compilation. Whether it be for 1962 or 1966, the figures stem from the same sources which cannot have changed their method of operation very radically. (It should be kept in mind, however, that a larger number of police forces are today supplying figures.)

TABLE XVIII

ASSAULTS (EXCEPT INDECENT ASSAULT) CANADA — QUEBEC — ONTARIO			
Year	Canada	Quebec	Ontario
1962	27,818	2,474	
1963	32,760	2,752	
1964	40,459	4,368	15,712
1965	44,551	5,711	16,247
1966	53,533	7,576	19,763

40. If consideration is given to the number of delinquents charged following assaults, the increases are still very high. Table XIX shows that the number of persons charged with assaults before the Canadian courts, increased from 4,305 in 1956 to 6,009 in 1966.

Even though high, the rate of increase in the court statistics is not the same as in the case of infractions reported by the police forces. The Table XX and XXI show the curves of increase.

It is readily admitted that there can be considerable divergence between the two types of statistics. In the present case, however, the differences have reached such proportions that it becomes necessary to ask a number of questions:

- 1 — Are most of the infractions committed by the same individuals?
- 2 — Do the police have increasing difficulty in apprehending the assailants?

3 — Is the number of infractions increasing more rapidly because the public threatens the assailant with police actions but does not carry this threat out, as is frequently the case in family quarrels? ¹

TABLE XIX

NUMBER OF PERSONS CHARGED WITH ASSAULT — CANADA —				
Year	Assaults causing bodily injury	Assaults of the peace against an agent and interference	Common assaults	Total
1956	2,236	1,472	597	4,305
1957	2,239	1,551	568	4,358
1958	2,197	1,586	408	4,191
1959	1,992	1,443	419	3,854
1960	2,179	1,625	416	4,220
1961	2,437	1,673	476	4,586
1962	2,486	1,764	506	4,756
1963	2,530	1,808	516	4,854
1964	2,678	1,959	541	5,178
1965	2,739	2,066	581	5,386
1966	3,020	2,396	593	6,009

¹ We quote here an extract from *The Lopinson Case*, by Paul J. Gillette, Holloway House Publishing Co., 1967, p. 92. It shows what can become of statistics established on the basis of the number of charges.

In any event, for the first 24 years of his life, Frank Phelan had managed to avoid any brushes with the Law. Then he succeeded in getting charged with 16 crimes over a span of two months.

The first arrest came on May 9, 1964, in New Brunswick, N.J. Phelan, stopped for a traffic violation, was found to be driving a stolen car. He also was carrying a pistol. He was charged with carrying a concealed weapon and possession of a stolen automobile. On May 13, 1964, he was rearrested and indicted by Philadelphia police on the New Jersey charges.

While this case was awaiting trial, Phelan added fourteen more charges to his list. The occasion was July 12, 1964, arrest stemming from his attack on July 11 of the four sailors at the Dolphin. He was charged with five counts of assault and battery, two counts of aggravated assault and battery, four counts of assault with intent to kill, one count of carrying a concealed deadly weapon, one count of conspiracy and one count of violating the Uniform Firearms Act. He was released on \$2,500 bail.

TABLE XX
NUMBER OF PERSONS CHARGED WITH ASSAULT
CANADA

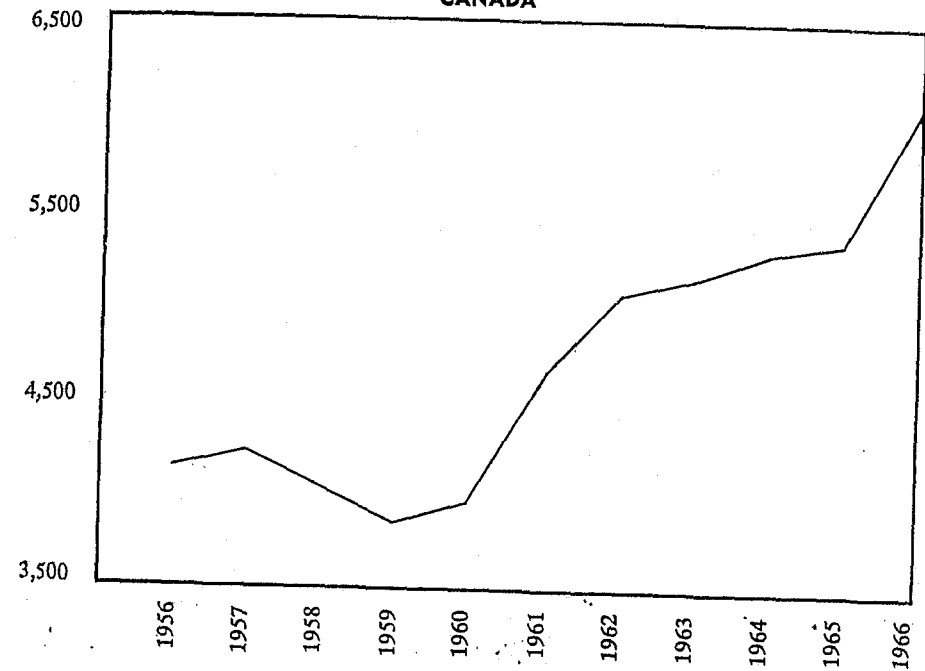
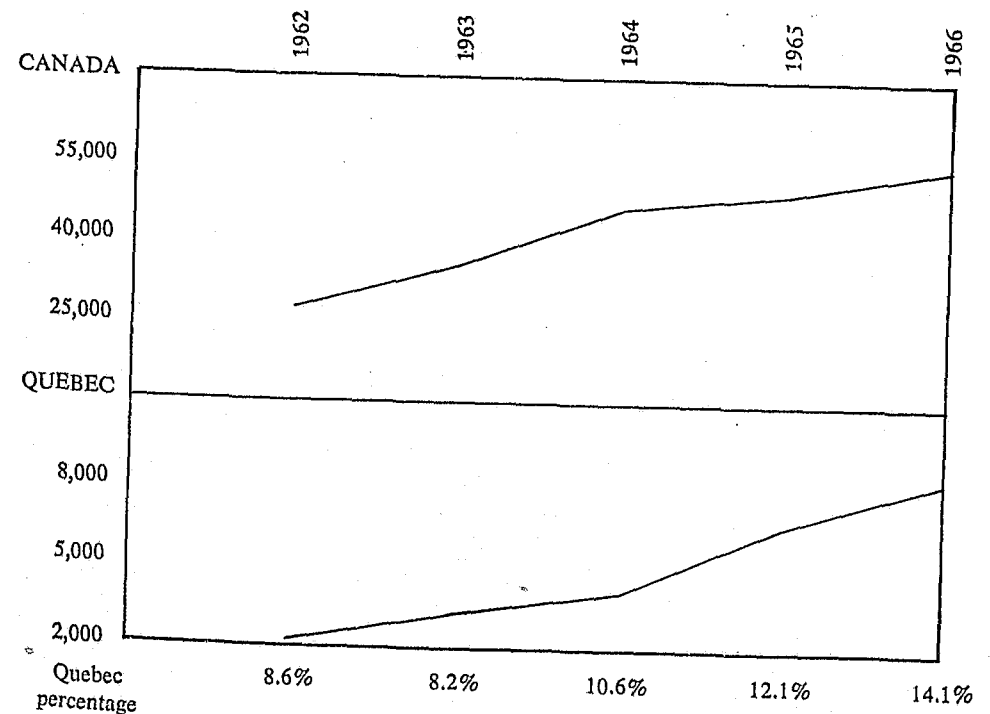


TABLE XXI
NUMBER OF ASSAULTS (EXCEPT INDECENT ASSAULT)
CANADA and QUEBEC



Quebec percentage

8.6%

8.2%

10.6%

12.1%

14.1%

41. On reading such tables it is easy to understand how the problem of assaults can entirely falsify the presentation of the crimes of violence against the person. In fact, while we were speaking earlier of some dozens of convictions or of several hundreds of reported infractions, we are faced here with thousands of convictions and tens of thousands of reported infractions...

Even at the end of a summary examination it can be said that assaults deform, if only by their volume, all statistics of crimes of violence against the person. Furthermore, there is another reason which calls for studying assaults from a particular point of view: the increases in this sector of crime would appear to indicate different trends than those we have been able to detect in the totality of the crimes of violence against the person.

42. Reference should now be made to several of the tables giving the totals of Quebec and Canadian crime which are generally used as a basis to conclude that there has been a spectacular increase in crimes of violence.

Many important witnesses, chiefly representative of the police world, have used these tables to prove to the Commission, that crimes of violence are increasing at an accelerated rate, and in Quebec more so than elsewhere. (Tables XXII, XXIII, XXIV and XXV).

The first of these four tables (XXII) gives Canadian statistics for the years 1962, 1963, 1964 and 1965 on the basis of infractions reported by the police forces. The second table of this series (XXIII) gives the infractions to the Criminal Code reported by the police in the Province of Quebec during the same period. The two following tables (XXIV and XXV), supplied during the same testimony, compare the demographic increase in the Canadian population and the Quebec population with the increases in the number of crimes committed against the person and against property during the same years 1962 to 1965.

These tables which do not appear to us to support unequivocally the thesis of certain experts¹ have nevertheless the merit of making possible a

¹ Extracts from the evidence of Mr. Adrien Robert, from the demographic notes, volume 3, March 29, 1967, pp. 258-260.

Mr. J. MARTINEAU:

Mr. Robert, would you tell the Commission whether in your opinion, crime is increasing or decreasing in the Province of Quebec?

Mr. ROBERT:

It has increased considerably during the last 15 or 20 years. However, there has been a noticeable change in criminality particularly during the last few years, chiefly with regard to those crimes against the individual, that is to say crimes of violence which are much more numerous than previously.

Mr. J. MARTINEAU:

For approximately how many years have you noticed that?

Mr. ROBERT:

This has happened gradually for the last 10 or 15 years, but in an even more marked manner in the last 5 years.

separation of the figures. Actually they allow us to isolate the figures concerning acts of violence, and those which deal with the remainder of the crimes of violence against the person.

43. These various statements suggest the questions which may be asked with regard to assaults in Quebec and in Canada. We will list them:

1. — Is it only the sector of crimes of violence against the person which shows constant and considerable increases?
2. — Why is it that the number of persons charged following assaults increases more slowly than the number of infractions reported to the police?
3. — Why is it that Quebec, notwithstanding the considerable increases in recent years, has in this area of assaults, a much lower percentage than its demographic proportion?
4. — Do the increases noted in the number of persons charged following assaults occur particularly in the form of crimes of a more serious nature: assaults which cause bodily harm, and assaults against an agent of the peace?
5. — Is the number of persons accused of assaults increasing more rapidly in the case of infractions committed against an agent of the peace than in all other categories?

Mr. J. MARTINEAU:

Have you statistics which could enlighten the Commission on this increase?

Mr. ROBERT:

Yes, I have gathered from the annual reports published by the Federal Bureau of Statistics, certain data for the years 1962, 1963, 1964 and 1965, and we have not been able to compile these with the years preceding 1962 because of the fact that the methods of compilation, the statistics at the federal level were not what they should have been.

Mr. J. MARTINEAU:

To what point can we have confidence in these statistics?

Mr. ROBERT:

I believe that since 1961 they have been greatly improved, that is to say the method of compilation has been followed much more consistently than it ever was in the past, and the statistics are more complete, that is to say the police services are reporting more regularly than ever. Previously there were many police forces, and quite important police forces in Canada, who did not contribute to any federal statistics, which had the result of lowering the rate or the frequency of criminal incidence right across Canada.

If we wished to make a study, particularly since 1962 there has been a definite improvement, although we still have some reservations.

Mr. J. MARTINEAU:

What do you think of our statistics in Quebec?

Mr. ROBERT:

I would dare to say that since 1962 they are really useful. Prior to that I have not found any which could be of value.

TABLE XXII

NUMBER OF INFRACTIONS OF THE CRIMINAL CODE REPORTED BY THE POLICE
CANADA — 1962, 1963.

INFRACTIONS	1962		1963	
	Population : 15,425,200 (7 +)		Population : 15,727,880	
	Number	%	Number	%
Total - Criminal Code	514,986	100.0	570,996	100.0
<i>Against the person</i>	34,817	6.8	40,075	7.0
Murder	217	—	212	—
Attempted murder	83	—	108	—
Manslaughter	48	—	34	—
Rape	579	0.1	549	0.1
Other offences of a sexual nature	6,072	1.2	6,412	1.1
Assault (except indecent assault)	27,818	5.4	32,760	5.7
<i>Against property</i>	356,434	69.2	393,402	68.9
Robbery	4,951	1.0	5,885	1.0
Breaking and entering	82,104	15.9	94,249	16.5
Theft	234,722	45.6	257,305	45.1
Having in possession stolen goods	4,624	0.9	5,563	1.0
Frauds	30,033	5.8	30,400	5.3
Others - Criminal Code	123,735	24.0	137,519	24.1

TABLE XXII (Continued)

NUMBER OF INFRACTIONS OF THE CRIMINAL CODE REPORTED BY THE POLICE
CANADA — 1964, 1965.

INFRACTIONS	1964		1965	
	Population : 16,051,600		Population : 16,403,700	
	Number	%	Number	%
Total - Criminal Code	626,038	100.0	628,418	100.0
<i>Against the person</i>	48,265	7.7	52,382	8.3
Murder	218	—	243	—
Attempted Murder	121	—	111	—
Manslaughter	35	—	34	—
Rape	745	0.1	641	0.1
Other offences of a sexual nature	6,687	1.0	6,802	1.0
Assault (except indecent assault)	40,459	6.4	44,551	7.0
<i>Against property</i>	409,714	65.4	416,264	66.2
Robbery	5,666	0.8	5,576	0.8
Breaking and entering	97,224	15.5	96,530	15.3
Theft	277,549	44.3	276,018	43.9
Having in possession stolen goods	6,011	0.9	5,739	0.9
Frauds	33,264	5.3	32,401	5.1
Others - Criminal Code	158,059	25.2	159,772	25.4

TABLE XXIII

NUMBER OF INFRACTIONS OF THE CRIMINAL CODE REPORTED BY THE POLICE
QUEBEC — 1962, 1963.

INFRACTIONS	1962		1963	
	Population : 4,435,900 (7 +)		Population : 4,535,000	
	Number	%	Number	%
Total - Criminal Code	110,452	100.0	122,300	100.0
<i>Against the person</i>	4,615	4.1	5,201	4.2
Murder	44	—	56	—
Attempted murder	34	—	43	—
Manslaughter	18	—	12	—
Rape	187	—	184	—
Other offences of a sexual nature	1,858	1.6	2,154	1.7
Assault (except indecent assault)	2,474	2.2	2,752	2.2
<i>Against property</i>	85,329	77.2	97,202	79.4
Robbery	2,172	2.4	3,414	2.8
Breaking and entering	20,572	18.6	26,539	21.6
Theft	58,040	52.5	62,931	51.4
Having in possession stolen goods	678	0.6	915	0.7
Frauds	3,327	3.0	3,399	2.7
Others - Criminal Code	20,508	18.5	19,897	16.2

TABLE XXIII (Continued)

NUMBER OF INFRACTIONS OF THE CRIMINAL CODE REPORTED BY THE POLICE
QUEBEC — 1964, 1965.

INFRACTIONS	1964		1965	
	Population : 4,634,100		Population : 4,740,300	
	Number	%	Number	%
Total - Criminal Code	135,501	100.0	133,170	100.0
<i>Against the person</i>	6,583	4.0	7,959	5.9
Murder	45	—	59	—
Attempted murder	52	—	51	—
Manslaughter	6	—	5	—
Rape	205	—	174	—
Other offences of a sexual nature	1,907	1.4	1,959	1.4
Assault (except indecent assault)	4,368	3.2	5,711	4.3
<i>Against property</i>	98,706	72.8	98,342	73.8
Robbery	2,853	2.1	2,782	2.0
Breaking and entering	26,838	19.8	26,972	20.2
Theft	64,525	47.7	63,937	48.0
Having in possession stolen goods	865	0.6	811	0.6
Frauds	3,625	1.9	3,840	2.8
Others - Criminal Code	30,212	22.2	26,869	20.1

TABLE XXIV

INCREASES IN POPULATION AND CRIME STATISTICS

CANADA — 1962 to 1965

1. POPULATION (7 years and over).

1962	15,425,200	—	
1963	15,727,880	Increase over 1962 —	1.96%
1964	16,051,600	Increase over 1962 —	4.06%
1965	16,403,700	Increase over 1962 —	6.34%

2. TOTAL - CRIMINAL CODE.

1962	514,986	—	
1963	570,996	Increase over 1962 —	10.87%
1964	626,038	Increase over 1962 —	21.56%
1965	628,418 ^e	Increase over 1962 —	22.02%

3. CRIMES AGAINST THE PERSON.

1962	34,817	—	
1963	40,075	Increase over 1962 —	51.10%
1964	48,265	Increase over 1962 —	38.62%
1965	52,382	Increase over 1962 —	50.44%

4. CRIMES AGAINST PROPERTY.

1962	356,434	—	
1963	393,396	Increase over 1962 —	10.37%
1964	409,784	Increase over 1962 —	14.94%
1965	416,264	Increase over 1962 —	16.78%

TABLE XXV

INCREASES IN POPULATION AND CRIME STATISTICS

QUEBEC — 1962 to 1965

1. POPULATION (7 years and over).

1962	4,435,900	—	
1963	4,535,000	Increase over 1962 —	2.23%
1964	4,634,100	Increase over 1962 —	4.46%
1965	4,740,300	Increase over 1962 —	6.86%

2. TOTAL - CRIMINAL CODE.

1962	110,452	—	
1963	122,300	Increase over 1962 —	10.72%
1964	135,501	Increase over 1962 —	22.67%
1965	133,170	Increase over 1962 —	20.56%

3. CRIMES AGAINST THE PERSON.

1962	4,615	—	
1963	5,201	Increase over 1962 —	12.67%
1964	6,583	Increase over 1962 —	42.64%
1965	7,959	Increase over 1962 —	72.45%

4. CRIMES AGAINST PROPERTY.

1962	85,399	—	
1963	97,202	Increase over 1962 —	13.91%
1964	98,706	Increase over 1962 —	15.67%
1965	98,342	Increase over 1962 —	15.25%

44. The Tables XXII and XXIII confirm, first of all, that the increases in the area of crimes of violence against the person are only in the item "assaults".

If the figures concerning murder, attempted murder, manslaughter, rape and other offences of a sexual nature, are added, it is found that for the year 1962 for the whole of Canada, 6,999 crimes were reported by the police. In 1965 this number rose to 7,831, an increase of approximately 11 percent, while the Canadian population during the same period increased by 6.34 percent.

If a similar separation is made for Quebec alone, there were a total of 2,141 crimes in 1962 and 2,248 in 1965. In other words, crimes of violence, if the assaults are excluded, increase in Quebec by 5 percent while the Quebec population increased by 6.86 percent.

Moreover, it can be seen that Quebec in 1965 plays a less important role in Canadian crimes of violence against persons (Table XXVI): in

1962: 2,141 out of 6,999, 30.7 percent,

1965: 2,238 out of 7,831, 28.7 percent.

45. These figures in no way answer the difficult questions which are raised by the assaults in Canada and Quebec. They do pinpoint, however, the problems of the crimes of violence against the person.

In brief, assaults is the only area in which increases are definitely spectacular. From 1962 to 1965, the number of crimes of assault increased by 60 percent in Canada, while in Quebec there was an increase of 140 percent. The figures for 1966, which we have ourselves added to the information supplied by our witnesses, have confirmed these disturbing and inexplicable trends.

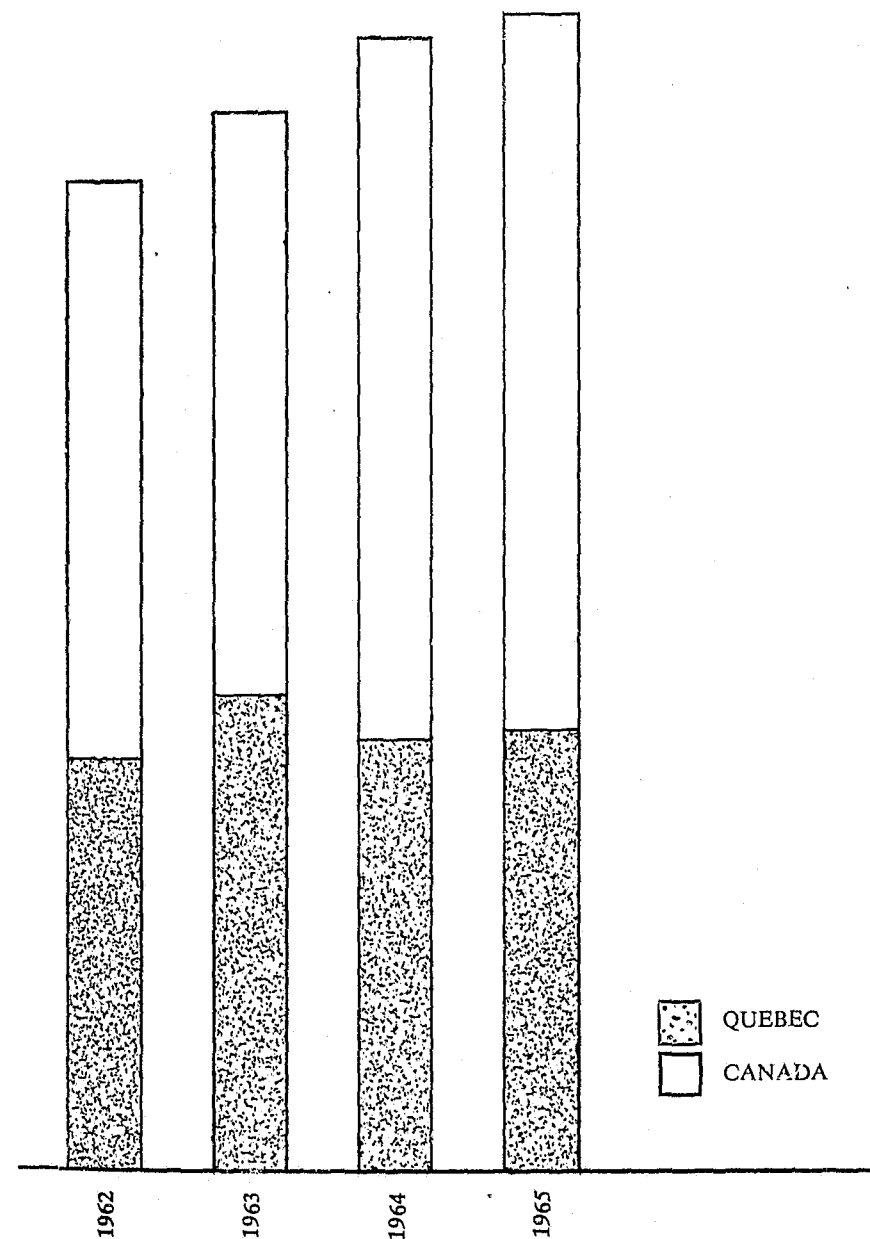
At this stage of the examination it might be reassuring to note that increases in the crimes of violence basically are limited to infractions of lesser importance. It is necessary to separate the assaults themselves into different categories, as the Code itself indicates, should be done.

In separating the assaults into three distinct groups, we would emphasize another aspect: the co-efficient of convictions. There is a temptation to believe that at least a part of the increases which have taken place in the assaults, result from a new policy adopted by the forces of order. Consequently it is necessary to check whether the increases in the number of charges are balanced by parallel increases in the number of convictions.

TABLE XXVI

INFRACTION COMMITTED AGAINST THE PERSON (EXCEPT ASSAULTS)

CANADA and QUEBEC



46. The Tables XX and XXI have already established an important distinction: the number of reported "assaults" increases more rapidly than the number of charges. From 1962 to 1965 the number of individuals charged with assaults before the Canadian courts increased from 4,756 to 5,386, an increase of approximately 12 percent. During the same period the Quebec figures went from 846 to 958, an increase of the same kind (13.2 percent).

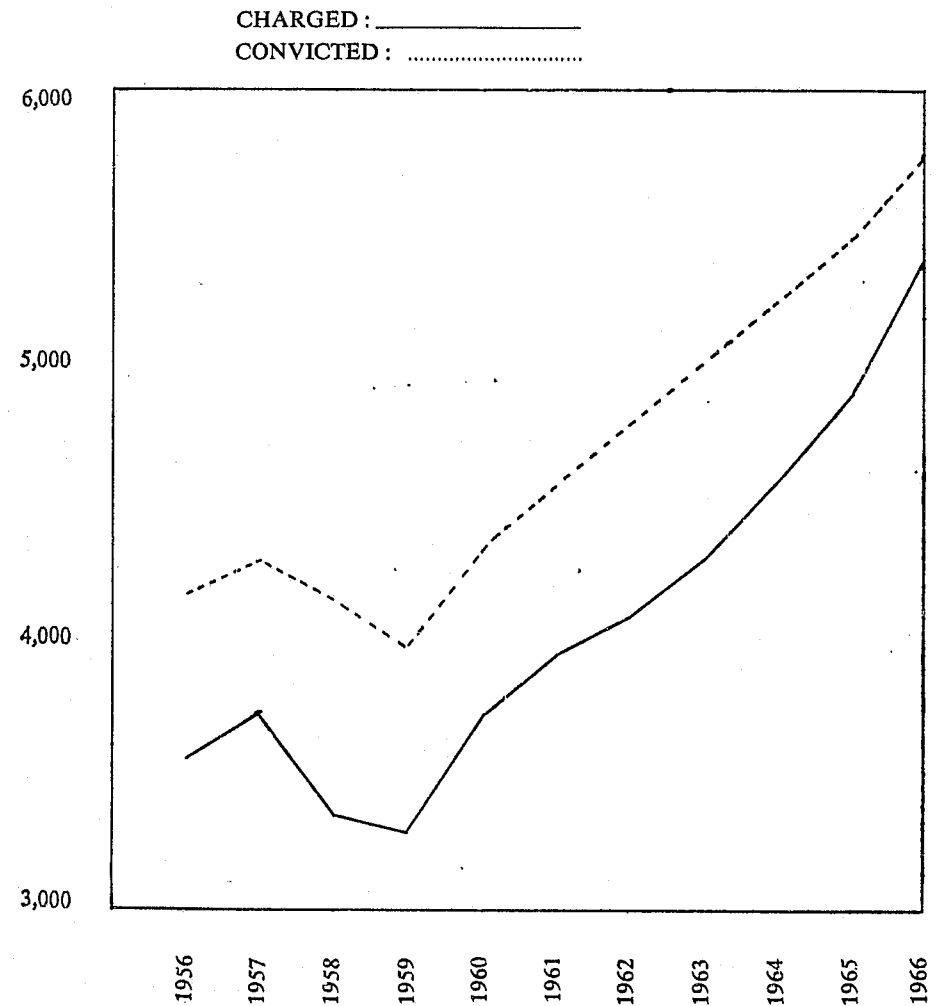
The Table XXVII establishes a comparison between the charges and the convictions for assaults in Canada. The following table (Table XXVIII) makes it possible to establish a stable percentage: 80 to 85 percent of the persons charged with assault before the Canadian courts either admit their guilt, or are found guilty by the courts.

TABLE XXVII

COMPARISON BETWEEN CHARGES AND CONVICTIONS IN THE MATTER OF ASSAULTS (CANADA)			
Year	Persons charged	Persons convicted	Percent
1956	4,305	3,536	82.1
1957	4,358	3,638	83.4
1958	5,291	3,457	80.5
1959	3,854	3,280	85.1
1960	4,220	3,550	84.1
1961	4,586	3,767	82.1
1962	4,756	3,975	83.5
1963	4,854	4,087	84.1
1964	5,178	4,394	84.8
1965	5,386	4,579	85.0
1966	6,009	5,097	84.8
Totals	52,797	43,360	82.1

This average is definitely lower than in the cases where there is no violence at all. Nevertheless, this is a most reassuring percentage in the sense that it gives to those who decide on the charge, the security of judiciary approval. In other words, the judges in a large majority of cases, confirm the judgment already made by the police and by the Crown prosecutors. (There still remains the need to make a study of the number of cases in which these guilty pleas are in fact reduced charges.)

TABLE XXVIII
COMPARISON BETWEEN PERSONS CHARGED AND PERSONS CONVICTED FOR ASSAULTS CANADA



47. However, the Table XXIX throws a different light on these global figures. It is noted that, systematically, the charges of assault lead to a rate of conviction much higher when it concerns an agent of the peace than when it has to do with bodily harm. In one case, the percentage remains constantly above 90 percent while in the other instance, less than 80 percent of the persons charged are convicted.

TABLE XXIX

COMPARISON BETWEEN THE NUMBER OF PERSONS CHARGED AND THE NUMBER OF PERSONS CONVICTED IN THE MATTER OF ASSAULTS CANADA

Year	Assaults causing bodily harm			Assaults against an agent of the peace and interference			Common assaults		
	Charged	Convicted	Percentage	Charged	Convicted	Percentage	Charged	Convicted	Percentage
1956	2,236	1,691	75.6	1,472	1,342	91.1	597	503	84.2
1957	2,239	1,716	76.6	1,551	1,453	93.6	568	469	82.5
1958	2,197	1,643	74.8	1,586	1,462	92.1	408	352	86.2
1959	1,992	1,474	73.9	1,443	1,346	93.2	419	360	85.9
1960	2,179	1,673	76.7	1,625	1,511	92.9	416	366	87.9
1961	2,437	1,817	74.5	1,673	1,537	91.8	476	413	86.7
1962	2,486	1,883	75.7	1,764	1,633	92.5	506	459	90.7
1963	2,530	1,942	76.7	1,808	1,663	92.0	516	482	93.4
1964	2,678	2,084	77.8	1,959	1,793	91.5	541	516	95.3
1965	2,739	2,161	78.9	2,066	1,896	91.8	581	522	89.8
1966	3,020	2,377	78.7	2,396	2,192	91.4	593	528	89.0
Totals	26,733	20,461	76.5	19,343	17,828	92.1	5,621	4,970	88.4

In the case of common assault, however, the rate of conviction is as high as in the cases of individuals involved in confrontations with the forces of order. It will be admitted, however, on studying these figures, that they only deal with a very small group which can hardly be taken into consideration in making any general conclusions. It concerns moreover, a group which remains constantly at the same level, while the considerable and rapid increases take place in the two other categories.

48. In the case of Quebec, the situation is somewhat different. A series of tables helps to raise different questions.

The Table XXX supplies the background and shows that in the case of offences committed against individuals, an average of 81.3 percent of the charges result in convictions. The Table XXXI shows moreover, that this percentage has a tendency to rise.

TABLE XXX

PERSONS CHARGED AND CONVICTED OF OFFENCES AGAINST THE PERSON QUEBEC			
Year	Persons charged	Persons convicted	Percent
1956	1,347	1,084	80.4
1957	1,161	949	81.7
1958	1,122	883	78.6
1959	1,088	863	79.2
1960	1,134	895	78.9
1961	1,350	1,055	78.1
1962	1,365	1,093	80.0
1963	1,527	1,235	80.8
1964	1,406	1,181	83.9
1965	1,551	1,315	84.7
1966	1,581	1,357	85.8
Totals	14,632	11,910	81.3

In the case of assaults, the Table XXXII shows a slightly lower average: 79.3 percent of the charges end in convictions. On the other hand, the same table shows a more marked tendency to increase than in the Table XXXI.

It can be said that in Quebec the court decisions more and more support the charges. However, the divergency is still very great between the different categories of assaults.

TABLE XXXI
PERSONS CHARGED AND CONVICTED OF OFFENCES AGAINST THE PERSON
QUEBEC

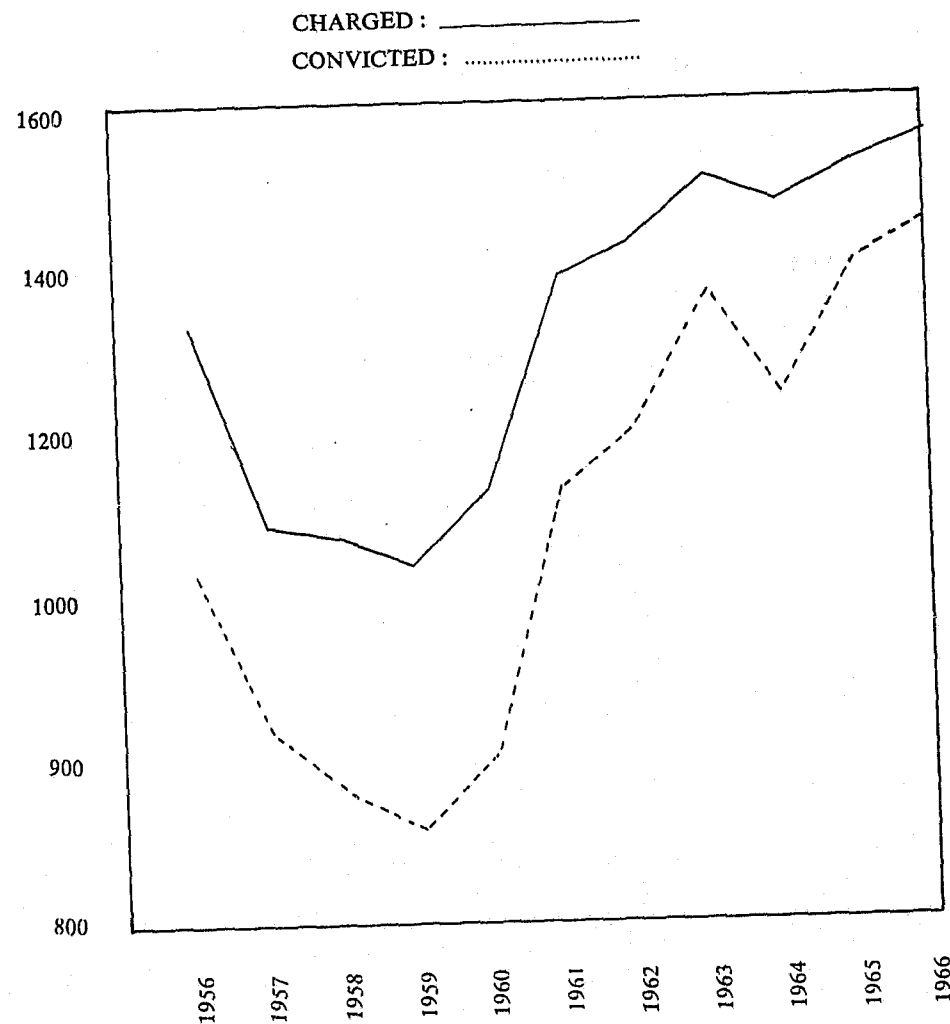


TABLE XXXII

CHARGES AND CONVICTIONS FOR ASSAULTS QUEBEC			
Year	Charged	Convicted	Percent
1956	853	665	77.9
1957	660	506	76.6
1958	705	523	74.1
1959	669	505	75.4
1960	747	591	79.1
1961	839	609	72.5
1962	846	672	79.4
1963	925	708	76.4
1964	845	695	82.2
1965	958	831	86.6
1966	1,034	902	87.2
Totals	9,081	7,207	79.3

49. The Table XXXIII definitely places Quebec in a special situation. Undoubtedly it confirms that the trends noted for Canada also apply in the case of Quebec. However, in Quebec the contrasts are even more clear :

1. Assaults committed against agents of the peace increase in number more rapidly than the assaults resulting in bodily harm.
2. Assaults against agents of the peace (and the charges of obstruction related to them) lead to a conviction more frequently than do assaults resulting in bodily harm.
3. In Quebec the divergence between the rate of convictions (assaults resulting in bodily harm as compared to assaults committed against agents of the peace) is definitely higher than for the whole of Canada.

50. These first conclusions should not pass without comment :
 — The statistics show a considerable fluctuation in the rate of convictions.

**TABLE XXXIII
PERSONS CHARGED AND CONVICTED OF ASSAULT
QUEBEC**

Year	Assaults which cause bodily harm			Assaults against agents of the peace and interference			Common Assaults		
	Charged	Convicted	Percentage	Charged	Convicted	Percentage	Charged	Convicted	Percentage
1956	370	257	69.4	345	294	85.2	138	114	82.6
1957	362	234	64.6	166	154	92.7	132	118	89.3
1958	390	237	60.7	229	209	91.2	86	77	89.5
1959	388	249	64.1	201	188	93.5	80	68	85.0
1960	393	263	66.3	262	254	96.9	92	74	80.4
1961	460	263	57.1	272	249	91.7	107	97	90.6
1962	399	258	64.7	331	310	93.6	116	104	89.6
1963	480	300	62.7	341	317	92.9	104	91	87.5
1964	428	302	72.8	337	317	93.6	80	76	95.0
1965	470	366	77.8	383	371	96.8	105	94	89.5
1966	501	393	78.4	455	441	96.9	78	68	87.1
Totals	4,641	3,122	67.2	3,322	3,104	93.4	1,118	981	87.7

— Canadian courts convict approximately 80 percent of the individuals charged with crime against the person. The Quebec average is about the same. Even for the total of assaults of all kinds, Quebec follows the national average. However, the average rate of convictions for assaults causing bodily harm in Quebec for the 11 years (1956-1966) is 67 percent while in the case of assaults involving an agent of the peace, this percentage for the same period rises to over 93 percent.

— For the whole of Canada, the degree of variation is much less in these same categories: 75 percent in one case and 92 percent in the other, with an even smaller margin if we look at the Canadian figures without Quebec: 77 percent and 91 percent.

— Moreover, the number of assaults committed against agents of the peace, are in themselves a paradox. It is so high and increases so rapidly that the day is nearing when this particular kind of violence will exceed the assaults resulting in bodily harm.

CONCLUSION

(51)

51. In our opinion there is need for a programme of permanent research which would include continuing study in depth of these different anomalies. At this point, notwithstanding the lack of known facts, we may hazard a few observations.

1. If the assaults are excluded, crimes of violence against the person have not shown much of an increase either in Canada or in Quebec.
2. If the assaults are excluded, the Quebec situation in matters of crimes of violence against the person does not deteriorate as rapidly as the Canadian situation, and hopefully even shows improvement (Table XXXIV).
3. Looking at the ensemble of crimes of violence against persons, Quebec has a smaller share of the infractions reported by the police, and even this proportion has a tendency to diminish (Table XXXV).
4. In the area of assaults, the Quebec share increases rapidly: 8.6 percent in 1962; 12.1 percent in 1965; 14.1 percent in 1966.
5. Notwithstanding these percentage increases in assaults, Quebec's share is still lower than the population ratio between Quebec and Canada, 28.7 percent (Tables XXIV and XXV).
6. Generally speaking, the number of persons convicted of assaults is about the same as for all the crimes committed against the person, approximately 80 percent of those charged (Table XXVII).

TABLE XXXIV
TOTAL INFRACTIONS COMMITTED AGAINST THE PERSON EXCLUDING ASSAULTS

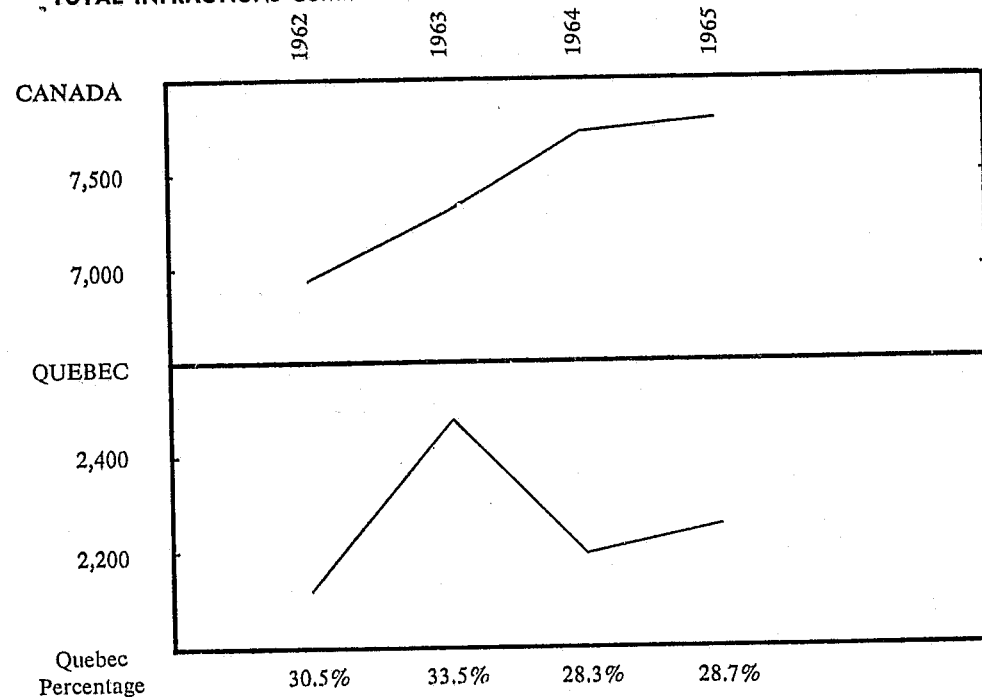
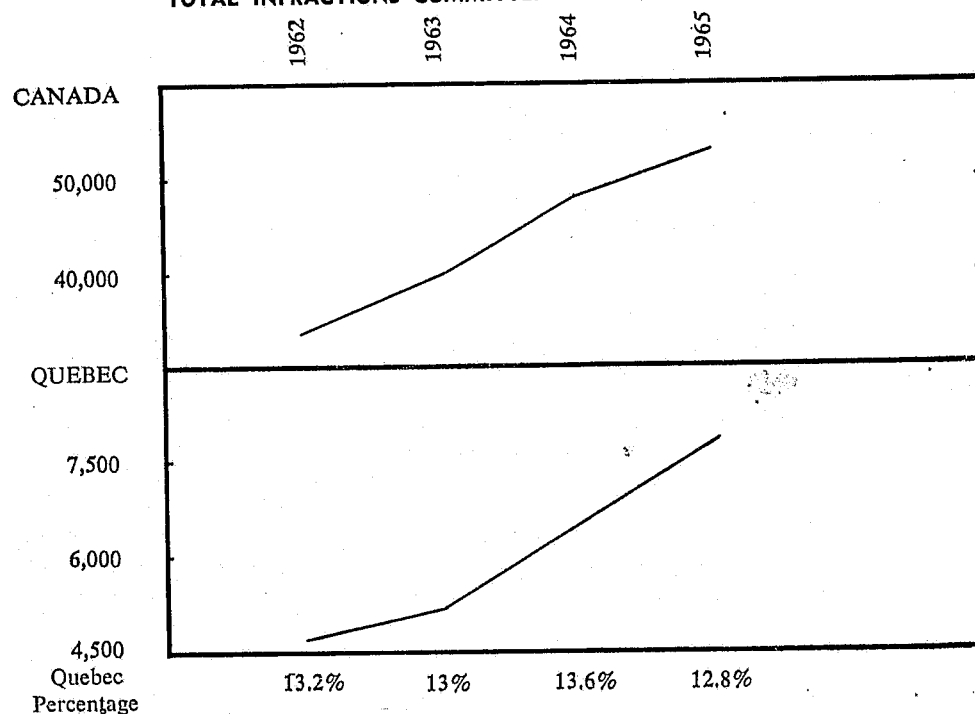


TABLE XXXV
TOTAL INFRACTIONS COMMITTED AGAINST THE PERSON



7. Throughout Canada, the percentage of convictions in relation to charges differs from the norm in the case of assaults involving agents of the police, and reaches 92 percent (93 percent in the case of Quebec).
8. In Quebec, the percentage of charges resulting in convictions differs from the norm in the case of assaults causing bodily harm (10 percent less than for the rest of Canada: 67.2 percent in Quebec, and 77.5 percent in the rest of the country).

2 — VIOLENCE AGAINST PROPERTY (52-65)

a) Overall picture (52-55)

52. Violent crimes against property obey entirely different laws. While we are obviously experiencing a constant and considerable increase in this criminal sector, contrary to crimes of violence against the persons, violent

TABLE XXXVI

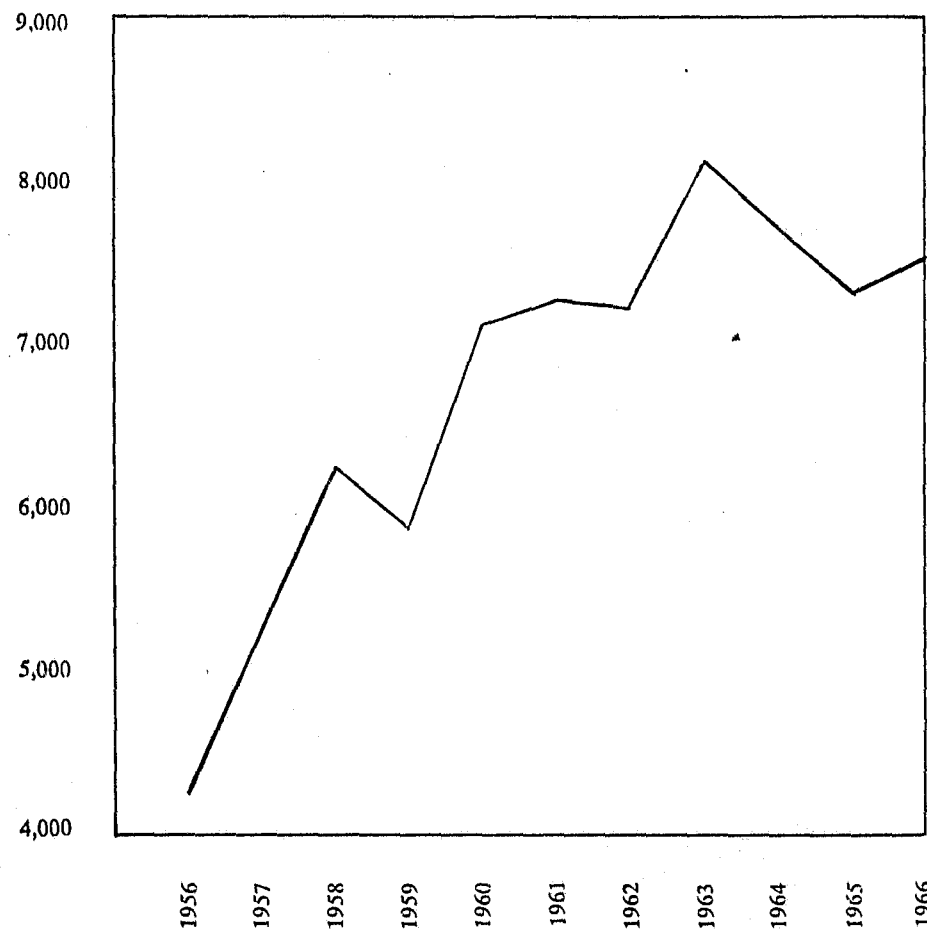
CHARGES AND CONVICTIONS FOR OFFENCES AGAINST PROPERTY WITH VIOLENCE CANADA		
Year	Charges	Convictions
1956	4,991	4,580
1957	6,062	5,588
1958	7,408	6,896
1959	6,981	6,435
1960	8,267	7,642
1961	8,485	7,863
1962	8,362	7,776
1963	9,265	8,701
1964	8,978	8,399
1965	8,614	8,027
1966	8,676	7,965
TOTALS	86,089	79,872

crimes against property sometimes place Quebec in a particularly disturbing situation. The problem, however, remains localized.

The Table XXXVI depicts the situation in general terms. In conformity with the custom of the Dominion Bureau of Statistics we retain under this

curious expression of "violence against property", the following criminal acts: breaking and entering, breaking and entering while armed, forcible entry and detainer, robbery, and armed robbery. The statistics include some other offences, but they are negligible.

TABLE XXXVII
PERSONS CHARGED WITH CRIMES OF VIOLENCE AGAINST PROPERTY
CANADA



53. The Table XXXVI shows that the number of persons charged with violent crimes against property in Canada increased from 4,991 in 1956 to 8,676 in 1966. The Table XXXVII emphasizes a rather strange aspect

of this increase: the greater part of the increase has very definitely come about during the years 1957 and 1958; the number of charges increased by almost 2,500 between 1956 and 1958, while a difference of less than 1,300 is seen between 1958 and 1966.

Still according to Table XXXVI, the relationship is almost constant between the number of convictions and the number of formal charges. In the course of the 11 years, 79,872 persons out of the 86,089 charged, have been convicted for violent crimes against property, that is 92.7 percent. The variations in that period were minimal, with the rate of conviction being approximately 91 percent in both 1956 and 1966.

54. Violent crimes against property in Quebec follow the Canadian trend closely, with the number of persons arraigned in Quebec for these offences increasing even more rapidly than for the entire country.

TABLE XXXVIII

CHARGES AND CONVICTIONS FOR OFFENCES AGAINST PROPERTY WITH VIOLENCE QUEBEC		
Year	Charged	Convicted
1956	1,130	1,034
1957	1,368	1,303
1958	1,885	1,791
1959	1,703	1,580
1960	1,932	1,794
1961	2,100	1,982
1962	1,935	1,822
1963	2,461	2,352
1964	2,093	1,960
1965	2,178	2,030
1966	2,078	1,921
Totals	20,863	19,569

The Table XXXVIII shows that the number of individuals charged before the Quebec courts, increased from 1,130 in 1956 to 2,078 in 1966, an increase of 83.8 percent while for the same period the Canadian increase was 73.8 percent.

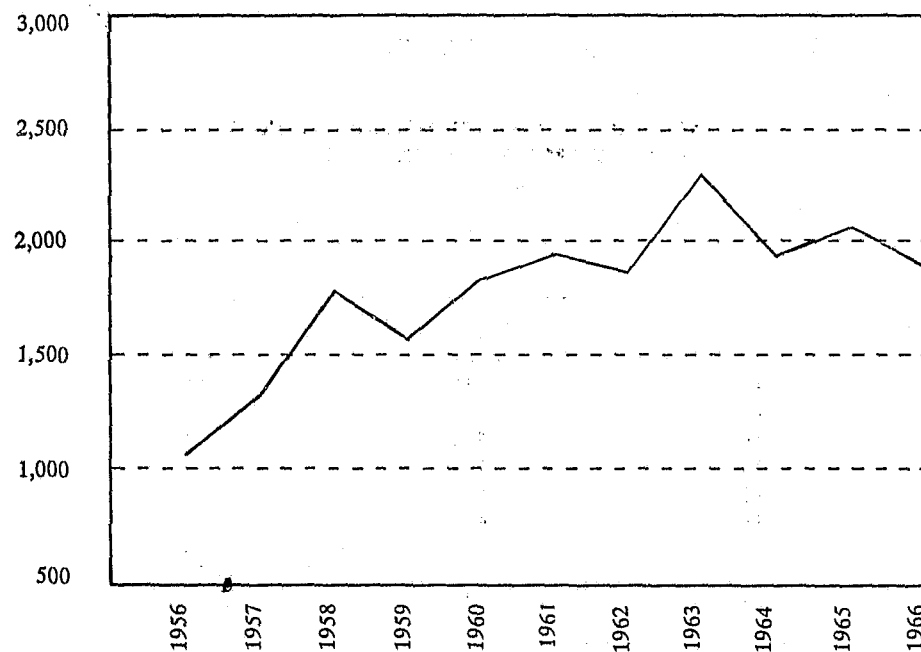
In Quebec, as for the entire country, 1957 and 1958 were the years in which the largest part of the increase occurred, Both in Quebec and Canada, the figures for 1966 do not represent the peak of the curve (Table XXXIX).

Quebec is very close to the Canadian norms with regard to the percentage of convictions in relationship to the number of charges. Indeed, 19,569 of the 20,863 accused Québécois have been convicted by the courts, which is an average of 93.7 percent, slightly higher than the Canadian average.

TABLE XXXIX

PERSONS CONVICTED FOR CRIMES OF VIOLENCE AGAINST PROPERTY

— QUEBEC —



55. Although Quebec's rate of increase places her in an unenviable situation with regard to the rest of the country, it is important to consider this in its true context to determine whether Quebec really shows a rapid deterioration.

We have therefore compared the number of convictions in Quebec for violent crimes against property, with the number of convictions for the

whole of Canada. The Table XL shows that the Quebec part of the Canadian figures, has risen in the space of 11 years from 22.5 percent to 23.9 percent.

In other words, even if the increase for Quebec (83 percent) during the 10 years (1956 to 1966) has been greater than the increase for the whole of Canada (73 percent), it is only fair to say that Quebec's share in this type of crime is still not equal to that which her population proportion would justify (28.7 percent. See Tables XXIV and XXV).

TABLE XL

QUEBEC PERCENTAGE OF THE NUMBER OF PERSONS CONVICTED FOR VIOLENT CRIMES AGAINST PROPERTY CANADA AND QUEBEC

Year	CANADA	QUEBEC	Percentage
1956	4,580	1,034	22.5
1957	5,588	1,303	23.2
1958	6,896	1,791	25.9
1959	6,435	1,580	24.5
1960	7,642	1,794	23.4
1961	7,863	1,982	25.2
1962	7,776	1,822	23.5
1963	8,701	2,352	27.0
1964	8,399	1,960	23.3
1965	8,027	2,030	25.2
1966	7,965	1,921	23.9
TOTALS	79,872	19,569	24.5

b) **Breaking**

(56-59)

56. As with crimes of violence against the person, our endeavour here is to make a brief analysis of the statistics concerning violent crimes against property.

We will begin this study with breaking and entering. The Table XLI shows that the number of charges and convictions for breaking and entering have reached an extremely high level. Moreover the incidence of crimes of this type is increasing at a much more rapid rate than other violent crimes against property. The number of persons charged with breaking and entering increased in Canada from 4,170 in 1956 to 7,404 in 1966. This is an increase of 77.5 percent in 10 years (Table XLIII).

TABLE XLI

CHARGES AND CONVICTIONS FOR BREAKING AND ENTERING CANADA		
Year	Charged	Convicted
1956	4,170	3,894
1957	5,204	4,870
1958	6,301	5,937
1959	5,978	5,583
1960	7,138	6,693
1961	7,373	6,906
1962	7,311	6,883
1963	8,081	7,655
1964	7,689	7,288
1965	7,351	6,950
1966	7,404	6,919
TOTALS	74,000	69,578

The Table XLIII shows the overwhelming part played by charges for breaking and entering in the total charges for crimes of violence against property. Since 1957, at least 85 percent of the persons charged annually with violent offences against personal property were suspected of breaking and entering.

TABLE XLII

PERSONS CHARGED WITH BREAKING AND ENTERING

CANADA

1956-66

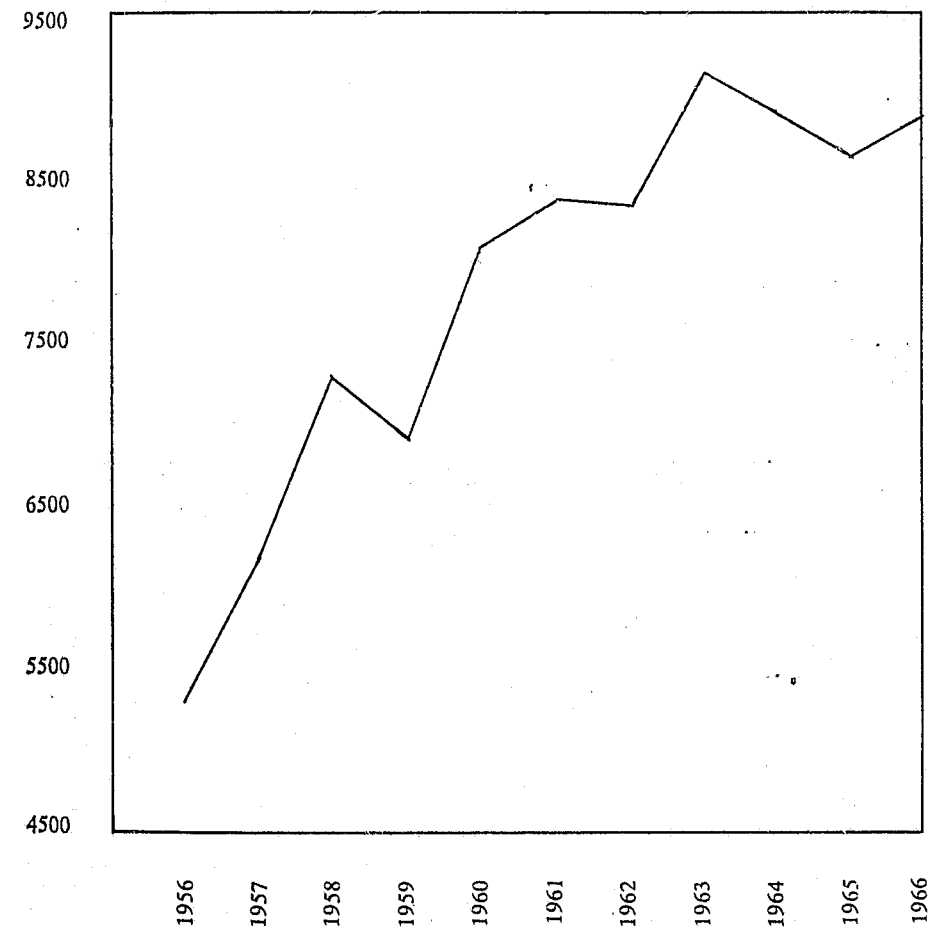


TABLE XLIII

COMPARISON BETWEEN BREAKING AND ENTERING AND TOTAL PERSONS CHARGED WITH OFFENCES AGAINST PROPERTY WITH VIOLENCE CANADA			
Year	Persons charged with violence against property	Persons charged with breaking and entering	Percentage
1956	4,991	4,170	83.5
1957	6,062	5,204	85.8
1958	7,408	6,301	85.0
1959	6,981	5,978	85.5
1960	8,267	7,138	86.3
1961	8,485	7,373	86.9
1962	8,362	7,311	87.4
1963	9,265	8,081	87.2
1964	8,978	7,689	85.6
1965	8,614	7,351	85.3
1966	8,676	7,404	85.3
TOTALS	86,089	74,000	85.9

TABLE XLIV

PERSONS CHARGED AND CONVICTED FOR BREAKING AND ENTERING QUEBEC		
Year	Charged	Convicted
1956	893	835
1957	1,160	1,110
1958	1,486	1,418
1959	1,359	1,276
1960	1,557	1,461
1961	1,746	1,651
1962	1,632	1,554
1963	2,012	1,943
1964	1,619	1,545
1965	1,715	1,618
1966	1,689	1,583
TOTALS	16,868	15,994

57. The Quebec situation for "breaking and entering" is the same as for many other areas of crime; the Table XLIV shows that from 1956 to 1966, the number of persons charged with breaking and entering in Quebec, increased from 893 to 1,689; an increase greater than that for Canada: 89.1 percent in Quebec compared to 77.5 percent for the whole of Canada. The percentage of convictions during this period was the same for Canada and Quebec, viz. 94 percent (Tables XLV and XLVI).

TABLE XLV

PERSONS CHARGED AND CONVICTED FOR BREAKING AND ENTERING A PLACE CANADA			
Year	Persons charged	Persons convicted	Percentage
1956	4,170	3,894	93.3
1957	5,204	4,870	93.5
1958	6,301	5,937	94.2
1959	5,978	5,583	93.3
1960	7,138	6,693	93.7
1961	7,373	6,906	93.3
1962	7,311	6,883	94.1
1963	8,081	7,655	94.7
1964	7,689	7,288	94.7
1965	7,351	6,950	94.5
1966	7,404	6,919	93.4
Total for the 11 years	74,000	69,578	94.0

58. However, the image of Quebec criminality in the matter of breaking and entering, is almost a duplication of that concerning the crimes of violence against property. For example, the major part of the increase took place during the years 1957 and 1958. As is shown in the Table XLIV, the number of persons charged increased by almost 600 (893 to 1,486) for the two years from 1956 to 1958, while for the eight years from 1958 to 1966, the increase was 203 (1,486 to 1,689). This also applies to the number of persons convicted; the increase was 583 from 1956 to 1958, and 165 from 1958 to 1966.

Here again the highest point in this criminal area was not in 1966; and there has been a 20 percent reduction in Quebec since the high of 1963.

Another similarity is that even if the Quebec figures for charges and convictions of breaking and entering showed a greater percentage increase

TABLE XLVI

PERSONS CHARGED AND CONVICTED FOR BREAKING AND ENTERING A PLACE QUEBEC			
Year	Persons charged	Persons convicted	Percentage
1956	893	835	93.5
1957	1,160	1,110	94.8
1958	1,486	1,418	95.0
1959	1,359	1,276	93.1
1960	1,557	1,461	94.2
1961	1,746	1,651	94.0
1962	1,632	1,554	95.0
1963	2,012	1,943	96.5
1964	1,619	1,545	95.4
1965	1,715	1,618	94.3
1966	1,689	1,583	93.1
Total for the 11 years	16,868	15,994	94.8

TABLE XLVII

QUEBEC PERCENTAGE OF THE NUMBER OF PERSONS ACCUSED OF BREAKING AND ENTERING CANADA and QUEBEC			
Year	Persons accused Canada	Persons accused Quebec	Percentage
1956	4,170	893	22.2
1957	5,204	1,160	21.4
1958	6,301	1,486	23.5
1959	5,978	1,359	22.7
1960	7,138	1,557	21.8
1961	7,373	1,746	23.6
1962	7,311	1,632	22.3
1963	8,081	2,012	24.8
1964	7,689	1,619	21.0
1965	7,351	1,715	23.3
1966	7,404	1,689	22.8
TOTALS	74,000	16,868	22.7

than the overall Canadian figures, Quebec's share in this type of crime is still not proportional to its population. The comparative Table XLVII shows that in 1966, Quebec's percentage of the Canadian figures for charges of breaking and entering was 22.8 percent, while Quebec's percentage of the Canadian population over 7 years of age was 28.8 percent.

59. At this intermediate stage of our analysis we can arrive at certain conclusions based chiefly on the court statistics.

1. In Canada and in Quebec there is a definitely increasing trend in violent crimes against property. (These figures however, are not in accordance with the demographic changes.)
2. The increase of violent crimes against property is greater in Quebec than in Canada.
3. In 10 years although Quebec's percentage of the number of persons charged with violent crimes against property has increased somewhat in relation to the Canadian figures, this percentage is still definitely lower than the demographic percentage of Quebec to Canada.
4. In Canada and in Quebec, the large majority of persons brought before the courts in connection with violent crimes against property, were charged with breaking and entering.
5. The percentage increase of the number of persons charged with breaking and entering is greater in Quebec than in Canada.
6. In the case of breaking and entering, as in all other violent crimes against property, Quebec's share even though increased, is still not proportional to the place occupied by Quebec in the Canadian population.
7. Generally speaking, persons charged with violent crimes against property, are found guilty more often than individuals brought before the courts for crimes of violence against the person. In the case of violent crimes against property, more than 90 percent of those charged are convicted, while the average is 80 percent in the case of violent crimes against the person.

c) Robbery

(60-64)

60. Robbery follows the general trends already noted. In the first place, it should be pointed out that there is a general increasing trend both on the Canadian as well as on the Quebec level. In this respect, robbery is very similar to all violent crimes against the person.

Here again, the Quebec increase appears to be greater than the Canadian increase. If the number of charges is taken as a basis, the Canadian

figures have increased from 1956 to 1966 by 54.6 percent. During the same period, the Quebec figures increased by 68.3 percent. By taking as a basis of comparison another part of the court statistics, i.e. the number of convictions as against the number of charges, the margin between the Quebec and Canadian figures is somewhat reduced. It is then noted that the Canadian figures have increased from 1956 to 1966 by 55.3 percent while in Quebec the number of convictions for robbery increased by 67.4 percent.

61. Robbery plays an important part in the total of violent crimes against property in Canada. Undoubtedly, breaking and entering monopolizes a much greater percentage of the crimes of violence against property. Nevertheless it should be stressed that from 1956 to 1966, 10.4 percent of the persons charged with violent crimes against property, were found guilty of robbery. From 1956 to 1966 82,988 individuals were charged with two crimes: *breaking and entering*, and *robbery* — which during this period represented 96.4 percent of all the charges made in connection with violent crimes against property.

The Table XLVIII gives both the number of charges and convictions for robbery, and the overall percentage of convictions in relationship to the charges. The Table XLIX completes the data by showing the importance, both numerically and percentage wise of breaking and entering and robbery in the violent crimes against property in Canada.

TABLE XLVIII:

CHARGES AND CONVICTIONS FOR ROBBERY CANADA		
Year	Persons charged	Persons convicted
1956	652	529
1957	677	653
1958	837	711
1959	549	465
1960	845	694
1961	827	714
1962	828	704
1963	870	763
1964	954	824
1965	941	798
1966	1,008	822
TOTALS	8,988	7,677 = 85.4%

TABLE XLIX

NUMERICAL IMPORTANCE, THE PERCENTAGE OF BREAKING AND ENTERING, AND ROBBERY IN VIOLENT
CRIMES AGAINST PROPERTY
CANADA

Year	Total charges	Charges for breaking and entering	Percentage	Charges of robbery	Percentage	Total breaking and entering and robbery	Percentage
1956	4,991	4,170	83.5	652	13.0	4,822	96.5
1957	6,062	5,204	85.8	677	11.1	5,881	96.9
1958	7,408	6,301	85.0	837	11.2	7,138	96.2
1959	6,981	5,978	85.5	549	7.8	6,527	93.3
1960	8,267	7,138	86.3	845	10.2	7,983	96.5
1961	8,485	7,373	86.9	827	9.7	8,200	96.6
1962	8,362	7,311	87.4	828	9.9	8,139	97.3
1963	9,265	8,081	87.2	870	9.3	8,951	96.5
1964	8,978	7,689	85.6	954	10.6	8,643	96.2
1965	8,614	7,351	85.3	941	10.9	8,292	96.2
1966	8,676	7,404	85.3	1,008	11.6	8,412	96.9
Totals	86,089	74,000	85.9	8,988	10.4	82,988	96.4

62. We have already referred to the fact that the number of charges and convictions for robbery have increased, proportionately speaking, more rapidly in Quebec than in the whole of Canada.

The Table L shows that from 1956 to 1966, the number of charges in Quebec increased from a figure of 142 to 239, while the number of convictions increased from 123 to 206. The divergence would have been even greater if the figures for 1956 had not included extortion as well as robbery.

TABLE L

PERSONS CHARGED AND CONVICTED FOR ROBBERY QUEBEC			
Year	Persons charged	Persons convicted	Percentage
1956	142 ¹	123	85.0
1957	126	117	92.0
1958	220	202	91.8
1959	173	154	89.0
1960	196	168	85.7
1961	188	174	92.5
1962	184	165	89.6
1963	270	244	90.0
1964	250	219	87.6
1965	256	223	87.1
1966	239	206	86.1
Total for the 11 years	2,244	1,995	88.9

¹ Includes extortion.

It will be noted that in Quebec, the percentage of convictions is a little higher than for Canada: 88.9 percent against 85.4 percent. If the Quebec figures are left out of the Canadian compilation, it will be seen that the remaining 6,744 charges resulted in 5,682 convictions, that is 84.2 percent.

This slight difference assumes some importance when comparing the increases in criminality in Quebec and in Canada. The difference, percentage-wise, varies according to whether the basis of calculations is the number of charges or the number of convictions. As we have seen, the difference between the Quebec increase and the Canadian increase can be 13.7 percent, based on the number of charges, and 12.1 percent on the basis of the number of convictions.

63. As in many of the preceding chapters, we should point out here that, notwithstanding the Quebec increases, this Province in 1966 had not reached, in the area of robberies, the level corresponding to its demographic importance, 23.7 percent as against 28.8 percent.

The Table LI moreover, shows that there is quite a fluctuation in the Quebec percentage in relation to the Canadian figures: the average of the Quebec contribution for the period from 1956 to 1966, is 24.9 percent, but there are extremes of 18.7 percent (1957) and of at least 31 percent (1959 and 1963).

TABLE LI

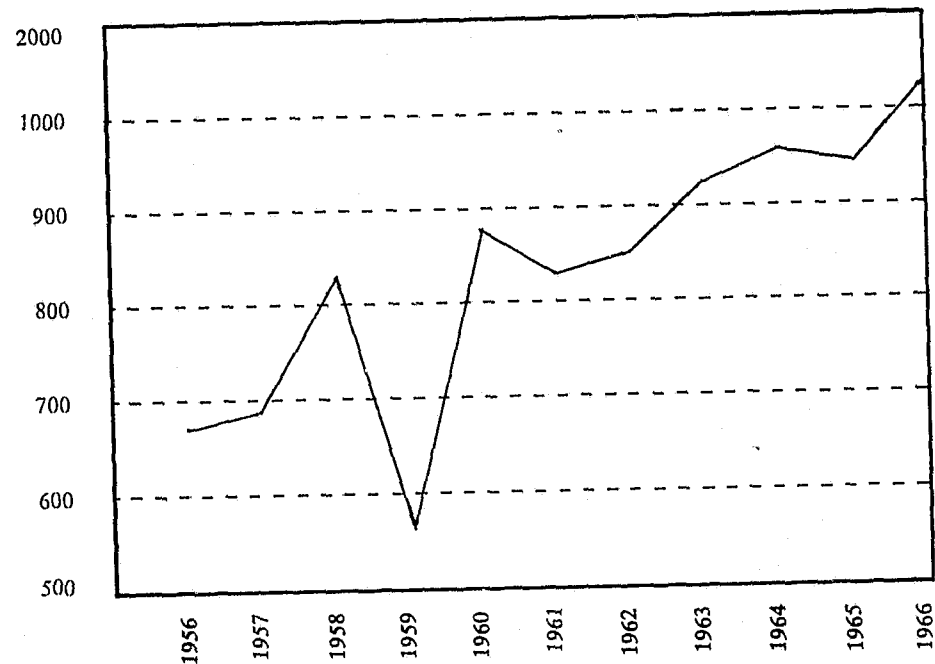
QUEBEC PERCENTAGE IN THE CHARGES OF ROBBERY CANADA AND QUEBEC			
Year	Canada	Quebec	Percentage
1956	652	142	21.7
1957	677	126	18.7
1958	837	220	26.3
1959	549	173	31.1
1960	845	196	23.1
1961	827	188	22.7
1962	828	184	22.2
1963	870	270	31.0
1964	954	250	26.2
1965	941	256	27.2
1966	1,008	239	23.7
Totals	8,988	2,244	24.9

64. A number of conclusions can be drawn from this short analysis. Although we have reserved armed robbery, which is a serious Quebec problem, for subsequent discussion, we have established, the principal trends which appear in 96 percent of the violent crimes against property.

- 1 — Almost consistently, the proportion of convictions in relation to the charges is a little higher in Quebec than in Canada.
- 2 — The majority of the charges within the framework of violent crimes against property, consist of breaking and entering (58 percent) and robbery (10 percent).

3 — Different graphs confirm that the greater part of the increase in violent crimes against property took place in the years 1957 and 1958 (Tables XXXVIII and XXXIX).

TABLE LII
PERSONS CHARGED WITH ROBBERY
CANADA



d) Other crimes (65)

65. Because of the proportions which it has assumed in Quebec, armed robbery will form a special chapter in this report of the Commission (Volume III, tome 2).

The following tables (LIII to LXIV) show two things :

- 1 — that Quebec is generally found to be below the Canadian average in most of the areas related to violent crimes against property ;
- 2 — that Quebec is facing a serious problem in the area of armed robbery. In this sector Québec can claim 65 percent of the crimes committed in Canada.

TABLE LIII

NUMBER OF PERSONS CHARGED/CONVICTED FOR ROBBERY
WITH VIOLENCE AGAINST PROPERTY
— CANADA —

Year	Armed robbery and forcible entry and detainér Persons charged/convicted	Breaking and entering a place Persons C/C	Armed Burglary Persons C/C	Robbery and Extortion Persons C/C
1956	134/130	4,170/3,894	35/27	652/529
1957	158/148	5,204/4,870	4/ 4	696/566
1958	234/216	6,301/5,937	1/ 1	872/742
1959	423/361	5,978/5,583	—	580/491
1960	252/228	7,138/6,693	1/ 1	876/720
1961	872/749	7,373/6,906	1/ 1	239/207
1962	185/156	7,311/6,883	—	866/737
1963	276/251	8,081/7,655	—	908/795
1964	306/266	7,689/7,288	—	983/845
1965	977/829	7,351/6,950	2/ 2	284/246
1966	231/201	7,404/6,919	—	1,041/845

TABLE LIV

NUMBER OF PERSONS CHARGED/CONVICTED FOR ROBBERY
WITH VIOLENCE AGAINST PROPERTY
— QUEBEC —

Year	Armed robbery and forcible entry and detainér Persons charged/convicted	Breaking and entering a place Persons C/C	Armed Burglary Persons C/C	Robbery and Extortion Persons C/C
1956	61/ 60	893/ 835	34/26	142/123
1957	69/ 67	1,160/1,110	4/ 4	135/122
1958	173/165	1,486/1,418	1/ 1	225/207
1959	158/139	1,359/1,276	—	186/165
1960	166/153	1,557/1,461	—	209/180
1961	148/142	1,746/1,651	1/ 1	205/188
1962	110/ 94	1,632/1,554	—	193/174
1963	164/152	2,012/1,943	—	285/257
1964	214/190	1,619/1,545	—	260/225
1965	194/176	1,715/1,618	1/ 1	268/235
1966	144/129	1,689/1,583	—	245/209

TABLE LV

PERSONS CHARGED AND CONVICTED FOR FORCIBLE ENTRY AND DETAINER CANADA			
Year	Persons charged	Persons convicted	Percentage
1956	—	—	—
1957	—	—	—
1958	18	10	55.5
1959	15	9	60.0
1960	25	16	64.0
1961	45	23	51.1
1962	24	14	58.3
1963	53	39	73.5
1964	35	22	62.8
1965	40	22	55.0
1966	41	29	70.7
Total for the 11 years	296	184	62.1

TABLE LVI

PERSONS CHARGED AND CONVICTED FOR FORCIBLE ENTRY AND DETAINER QUEBEC			
Year	Persons charged	Persons convicted	Percentage
1956	Not given	Not given	—
1957	Not given	Not given	—
1958	3	1	33.3
1959	3	—	—
1960	2	2	100.0
1961	1	—	—
1962	1	—	—
1963	1	—	—
1964	3	2	66.6
1965	2	2	100.0
1966	2	1	50.0
Total for the 11 years	18	8	44.4

CONTINUED

1 OF 3

TABLE LVII

PERSONS CHARGED AND CONVICTED OF ARMED BURGLARY — CANADA —			
Year	Persons charged	Persons convicted	Percentage
1956	35	27	77.1
1957	4	4	100.0
1958	1	1	100.0
1959	—	—	—
1960	1	1	100.0
1961	1	1	100.0
1962	Unknown ¹	Unknown	—
1963	Unknown	Unknown	—
1964	Unknown	Unknown	—
1965	Unknown	Unknown	—
1966	Unknown	Unknown	—
Total for the 11 years	42	34	80.9

¹ Probably grouped elsewhere.

TABLE LVIII

PERSONS CHARGED AND CONVICTED OF ARMED BURGLARY — QUEBEC —			
Year	Persons charged	Persons convicted	Percentage
1956	34	26	76.5
1957	4	4	100.0
1958	1	1	100.0
1959	nil	nil	—
1960	nil	nil	—
1961	1	1	100.0
1962	Not given	Not given	—
1963	" "	" "	—
1964	" "	" "	—
1965	" "	" "	—
1966	" "	" "	—
Total for the 11 years	40	32	80.0

TABLE LIX

PERSONS CHARGED AND CONVICTED FOR EXTORTION — CANADA —			
Year	Persons charged	Persons convicted	Percentage
1956	Unknown	Unknown	—
1957	19	13	68.4
1958	35	31	82.5
1959	31	26	83.8
1960	31	26	83.8
1961	45	35	77.7
1962	38	33	86.8
1963	38	32	84.2
1964	29	21	72.2
1965	36	31	86.1
1966	33	23	69.6
TOTAL : 11 years	335	271	81.0

TABLE LX

PERSONS CHARGED AND CONVICTED FOR EXTORTION — QUEBEC —			
Year	Persons charged	Persons convicted	Percentage
1956	Unknown	Unknown	—
1957	9	5	55.5
1958	5	5	100.0
1959	13	11	84.6
1960	13	12	92.0
1961	17	14	80.0
1962	9	9	100.0
1963	15	13	83.3
1964	10	6	60.0
1965	12	12	100.0
1966	6	3	50.0
TOTAL : 11 years	109	90	82.5

TABLE LXI
PERSONS CHARGED WITH FORCIBLE ENTRY AND DETAINER
— CANADA —

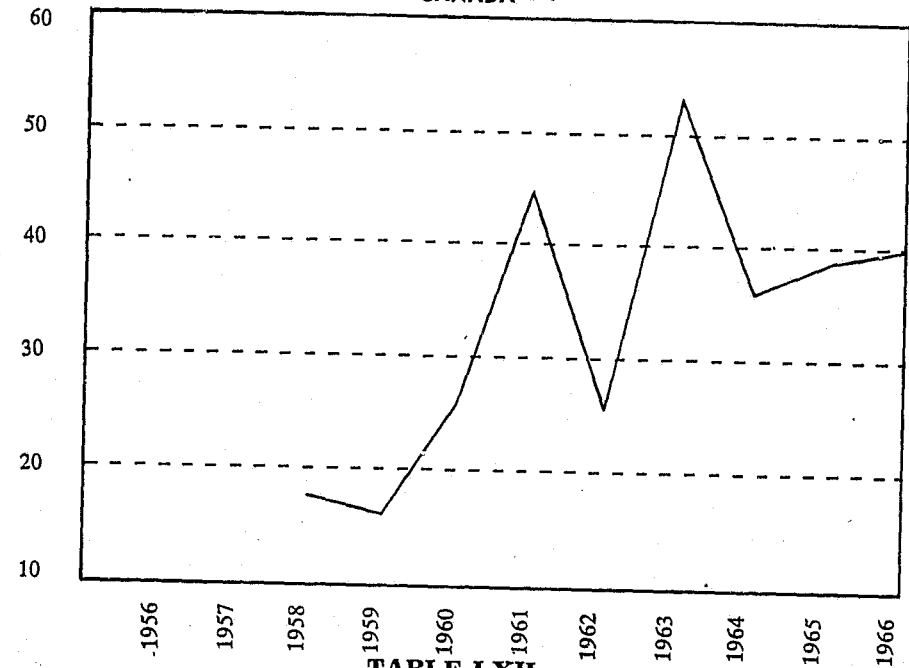


TABLE LXII
PERSONS CHARGED WITH EXTORTION
— CANADA —

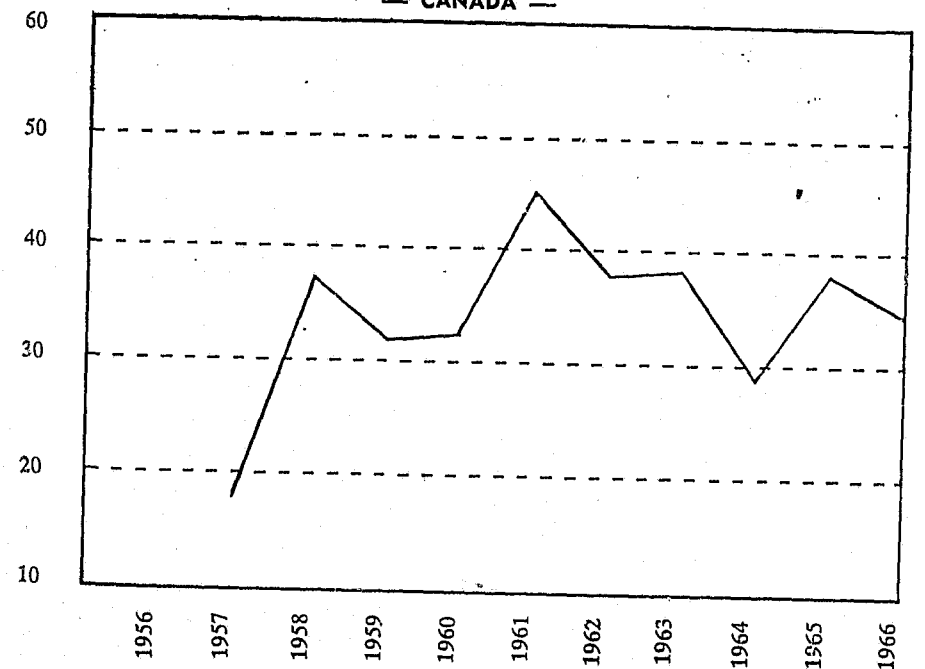


TABLE LXIII
PERSONS CHARGED WITH BREAKING AND ENTERING A PLACE
— CANADA —

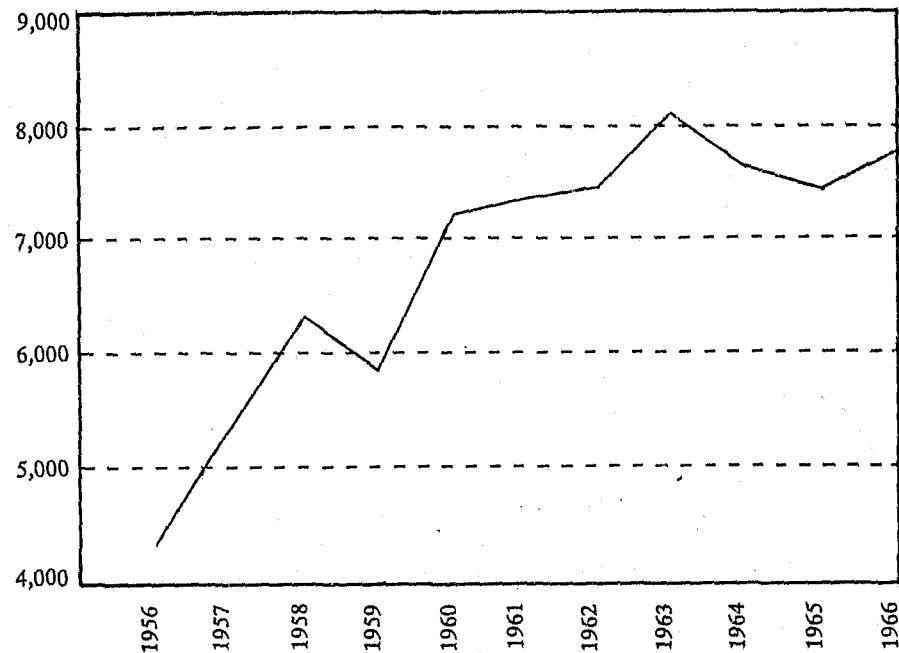


TABLE LXIV

Year	Charged	Convicted	Percentage
1956	12,936	11,721	90.6
1957	15,911	14,533	91.3
1958	17,675	16,076	90.9
1959	17,527	15,951	91.0
1960	19,933	18,311	91.8
1961	21,748	19,842	91.2
1962	21,279	19,514	91.7
1963	23,564	21,686	92.0
1964	23,334	21,443	91.8
1965	23,328	21,281	91.2
1966	26,203	23,939	91.3
TOTALS	233,438	204,297	87.5

3 — CRIMES WITHOUT VIOLENCE AGAINST PROPERTY

(66-69)

a) Overall picture

(66-67)

66. Crimes "without violence against property" show substantially the same constants as violent crimes against property. In fact, the trend to increase is seen everywhere: the rate of increase is more rapid in Quebec, but our Province finds itself, generally speaking and possibly only temporarily, in a "privileged" situation in relationship to other Canadian provinces.

The Table LXIV shows an overall picture for Canada of crimes without violence against property. It will be seen that the number of persons convicted following criminal acts without violence against property, increased in Canada from 11,721 in 1956 to 23,939 in 1966, an increase of approximately 100 percent. In Quebec, the number of persons convicted increased from 2,304 in 1956 to 5,295 in 1966 (Table LXV) an increase of 129 percent.

TABLE LXV

Year	Charged	Convicted	Percentage
1956	2,544	2,304	90.5
1957	1,368	1,303	95.2
1958	1,885	1,791	95.0
1959	3,410	3,023	88.6
1960	3,564	3,251	91.2
1961	4,145	3,752	90.5
1962	3,990	3,661	91.7
1963	5,122	4,724	92.2
1964	4,603	4,214	91.5
1965	4,863	4,395	90.3
1966	5,792	5,295	91.4
TOTALS	41,286	37,713	91.3

Once again an examination of the percentage of convictions in relationship to the number of charges shows that it is higher in Quebec than for the whole of Canada: 91.3 percent against 87.5 percent.

67. At first glance the Table LXVI shows that the trends already noted are again evident in the area of crime *without violence against property*.

TABLE LXVI

COMPARISON BETWEEN QUEBEC AND CANADA AS TO THE NUMBER OF PERSONS CHARGED WITH CRIMINAL ACTS WITHOUT VIOLENCE AGAINST PROPERTY			
Year	Canada	Quebec	Percentage
1956	12,936	2,544	19.6
1957	15,911	1,368	8.5
1958	17,675	1,885	10.6
1959	17,527	3,410	19.4
1960	19,933	3,564	17.8
1961	21,748	4,145	19.0
1962	21,279	3,990	18.7
1963	23,564	5,122	21.7
1964	23,334	4,603	19.7
1965	23,328	4,863	20.8
1966	26,203	5,792	22.1
TOTALS	233,438	41,286	17.6

Indeed, the number of individuals brought before the Quebec courts is increasing rapidly but the court statistics show that, proportionately to their respective populations, the Quebec percentage is still far from comparable to the Canadian percentage. From 1956 to 1966, Quebec was responsible for 17.6 percent of the individuals charged with criminal acts without violence against property. This percentage fluctuates in a marked manner: 19.6 percent in 1956, 10.6 percent in 1958, 21.7 percent in 1963, and 22.1 percent in 1966, but never comes close to 28.8 percent which is Quebec's population percentage.

b) Special problems

(68-69)

68. The Tables LXVII and LXVIII confirm the relationship already described between Canadian statistics and the Quebec statistics. In other

words, the same experience repeats itself in the violent crimes against property, as in the areas of crimes of violence against persons and property.

A quick examination of the court statistics shows that Quebec claims much less than its demographic proportion in the sectors of false pretences and crimes related to receiving (having in possession). However, Quebec had almost the expected percentage in thefts and somewhat more than its share in crimes of fraud and corruption.

TABLE LXVII

NUMBER OF PERSONS CHARGED/CONVICTED OF ACTS WITHOUT VIOLENCE AGAINST PROPERTY — CANADA —					
Year	False Pretences C/C	Fraud and Corruption C/C	Having in Possession C/C	Theft C/C	Embezzlement C/C
1956	1,508/1,321	329/272	1,065/ 926	9,959/ 9,119	29/22
1957	1,788/1,579	295/246	1,402/1,211	12,328/11,422	58/47
1958	1,831/1,613	411/333	1,506/1,283	13,770/12,707	98/81
1959	1,655/1,479	457/358	1,698/1,454	13,587/12,562	75/48
1960	1,951/1,770	463/381	1,974/1,725	15,432/14,340	71/56
1961	2,243/1,991	592/481	2,255/1,914	16,500/15,327	100/74
1962	2,299/2,046	598/504	2,261/1,963	15,999/14,905	81/59
1963	2,311/2,088	632/539	2,674/2,294	17,814/16,658	89/64
1964	2,183/1,970	666/545	2,625/2,279	17,741/16,550	72/54
1965	2,031/1,837	718/599	2,607/2,229	17,862/16,533	77/53
1966	2,191/1,968	784/650	2,742/2,384	20,345/18,331	87/62

The Table LXIX establishes a comparison between Quebec and Canada in the number of persons charged with fraud and corruption. The Quebec percentage remains at an almost constant level which is higher than that which might have been expected considering the demographic proportions.

The Tables LXX and LXXI give the detailed statistics for Canada and Quebec in matters of fraud and corruption.

TABLE LXVIII

NUMBER OF PERSONS CHARGED/CONVICTED OF ACTS WITHOUT VIOLENCE AGAINST PROPERTY — QUEBEC —					
Year	False Pretences C/C	Fraud and Corruption C/C	Having in Possession C/C	Theft C/C	Embezzlement C/C
1956	142/110	132/109	133/109	2,114/1,958	11/ 6
1957	159/116	126/103	187/148	2,651/2,443	20/16
1958	201/147	109/ 87	173/152	3,057/2,848	33/24
1959	146/111	168/123	227/187	2,822/2,577	29/12
1960	163/134	168/136	254/221	2,944/2,734	23/14
1961	172/131	218/178	383/318	3,323/3,091	34/19
1962	171/135	194/167	378/324	3,203/3,008	30/15
1963	183/146	225/192	466/395	4,200/3,959	38/22
1964	137/110	278/223	417/348	3,722/3,493	23/14
1965	155/136	292/233	424/332	3,951/3,668	32/18
1966	175/146	297/233	429/345	4,844/4,539	33/19

TABLE LXIX

COMPARISON BETWEEN QUEBEC AND CANADA OF THE NUMBER OF PERSONS ACCUSED OF FRAUD AND CORRUPTION			
Year	Canada	Quebec	Percentage
1956	329	132	40.1
1957	295	126	42.7
1958	411	109	26.5
1959	457	168	36.7
1960	463	168	36.2
1961	592	218	36.8
1962	598	194	32.4
1963	632	225	35.6
1964	666	278	41.7
1965	718	292	40.6
1966	784	297	37.8
TOTALS	5,945	2,207	37.1

TABLE LXX

PERSONS CHARGED AND CONVICTED FOR HAVING IN POSSESSION CANADA			
Year	Persons charged	Persons convicted	Percentage
1956	329	272	82.8
1957	295	246	83.3
1958	411	333	81.0
1959	547	358	98.3
1960	463	381	82.2
1961	592	481	81.2
1962	598	504	84.4
1963	632	539	85.2
1964	666	545	81.8
1965	718	599	83.4
1966	784	650	82.9
Total for the 11 years	6,035	4,908	81.3

TABLE LXXI

PERSONS CHARGED AND CONVICTED FOR FALSE PRETENCES QUEBEC			
Year	Persons charged	Persons convicted	Percentage
1956	132	109	82.5
1957	126	103	81.7
1958	109	87	79.8
1959	168	123	75.4
1960	168	136	80.0
1961	218	178	81.6
1962	194	167	86.0
1963	225	192	94.3
1964	278	223	80.2
1965	292	233	79.7
1966	297	233	78.4
Total for the 11 years	2,207	1,784	80.8

69. The Tables LXXII to LXXXI confirm that Quebec is below the Canadian averages in the areas of receiving, false pretences, mail thefts, embezzlement and even theft.

TABLE LXXII

PERSONS CHARGED AND CONVICTED FOR HAVING IN POSSESSION CANADA			
Year	Persons charged	Persons convicted	Percentage
1956	1,065	925	89.2
1957	1,402	1,211	82.0
1958	1,506	1,283	85.2
1959	1,698	1,454	85.5
1960	1,974	1,725	87.3
1961	2,255	1,914	84.8
1962	2,261	1,963	86.8
1963	2,674	2,294	85.7
1964	2,625	2,279	86.8
1965	2,607	2,229	85.4
1966	2,742	2,384	86.9
Total for the 11 years	22,809	19,662	86.2

TABLE LXXIII

PERSONS CHARGED AND CONVICTED FOR HAVING IN POSSESSION QUEBEC			
Year	Persons charged	Persons convicted	Percentage
1956	133	109	81.9
1957	187	148	79.1
1958	173	152	87.8
1959	227	187	82.3
1960	254	221	87.0
1961	383	318	83.0
1962	378	324	86.2
1963	466	395	84.7
1964	417	348	83.4
1965	424	332	78.3
1966	429	345	80.4
Total for the 11 years	3,471	2,879	82.9

TABLE LXXIV

PERSONS CHARGED AND CONVICTED FOR FALSE PRETENCES CANADA			
Year	Persons charged	Persons convicted	Percentage
1956	1,508	1,331	88.2
1957	1,788	1,579	88.3
1958	1,831	1,613	88.0
1959	1,655	1,479	89.3
1960	1,951	1,770	90.7
1961	2,243	1,911	88.7
1962	2,299	2,046	88.9
1963	2,311	2,088	90.3
1964	2,183	1,970	90.2
1965	2,031	1,837	90.4
1966	2,191	1,968	89.8
Total for the 11 years	21,991	19,592	89.0

TABLE LXXV

PERSONS CHARGED AND CONVICTED FOR FALSE PRETENCES QUEBEC			
Year	Persons charged	Persons convicted	Percentage
1956	142	110	97.4
1957	159	116	72.9
1958	201	147	73.1
1959	146	111	76.0
1960	163	134	82.1
1961	172	131	76.1
1962	171	135	78.9
1963	183	146	79.7
1964	137	110	80.3
1965	155	136	87.7
1966	175	146	83.7
Total for the 11 years	1,804	1,422	78.8

TABLE LXXVI

PERSONS CHARGED AND CONVICTED FOR MAIL THEFT CANADA			
Year	Persons charged	Persons convicted	Percentage
1956	41	41	100.0
1957	26	25	96.0
1958	41	41	100.0
1959	46	43	93.4
1960	39	36	92.3
1961	55	52	94.5
1962	36	34	94.4
1963	41	41	100.0
1964	40	39	97.5
1965	28	27	96.4
1966	48	42	87.5
Total for the 11 years	441	421	95.4

TABLE LXXVII

PERSONS CHARGED AND CONVICTED FOR MAIL THEFT QUEBEC			
Year	Persons charged	Persons convicted	Percentage
1956	6	6	100.0
1957	4	4	100.0
1958	8	8	100.0
1959	12	9	75.0
1960	10	10	100.0
1961	14	14	100.0
1962	10	9	90.0
1963	10	10	100.0
1964	22	22	100.0
1965	9	8	88.8
1966	14	13	92.0
Total for the 11 years	119	113	94.9

TABLE LXXVIII

PERSONS CHARGED AND CONVICTED FOR EMBEZZLEMENT CANADA			
Year	Persons charged	Persons convicted	Percentage
1956	29	22	75.8
1957	58	47	81.0
1958	98	81	82.6
1959	75	48	64.0
1960	71	56	78.8
1961	100	74	74.0
1962	81	59	72.8
1963	89	64	71.9
1964	72	54	75.0
1965	77	53	65.7
1966	87	62	71.2
Total for the 11 years	837	620	74.0

TABLE LXXIX

PERSONS CHARGED AND CONVICTED FOR EMBEZZLEMENT QUEBEC			
Year	Persons charged	Persons convicted	Percentage
1956	11	6	54.5
1957	20	16	80.0
1958	33	24	75.7
1959	29	12	41.3
1960	23	14	60.8
1961	34	19	55.8
1962	30	15	50.0
1963	38	22	57.9
1964	23	14	60.8
1965	32	18	56.2
1966	33	19	57.5
Total for the 11 years	306	179	58.4

TABLE LXXX

PERSONS CHARGED AND CONVICTED FOR THEFT CANADA			
Year	Persons charged	Persons convicted	Percentage
1956	9,953	9,119	91.6
1957	12,338	11,422	92.5
1958	13,770	12,707	90.1
1959	13,587	12,562	92.5
1960	15,432	14,340	92.9
1961	16,500	15,327	92.8
1962	15,999	14,905	93.1
1963	17,814	16,658	93.1
1964	17,741	16,550	93.2
1965	17,862	16,533	92.5
1966	20,345	18,831	92.1
Total for the 11 years	171,341	158,954	92.6

TABLE LXXXI

PERSONS CHARGED AND CONVICTED FOR THEFT QUEBEC			
Year	Persons charged	Persons convicted	Percentage
1956	2,114	1,958	92.6
1957	2,631	2,443	92.1
1958	3,077	2,848	93.1
1959	2,822	2,577	91.3
1960	2,944	2,734	92.8
1961	3,323	3,091	93.0
1962	3,202	3,008	93.5
1963	4,200	3,959	94.1
1964	3,722	3,493	93.8
1965	3,951	3,668	92.8
1966	4,844	4,539	93.7
Total for the 11 years	36,830	34,318	93.1

CONCLUSION

(70)

70. It can be seen that for non-violent crimes against property, Quebec remains regularly below the national average and its demographic proportion, but it holds a strange supremacy in several specific areas.

In violent crimes against the person, Quebec has seen, in the course of recent years, a *spectacular increase in the number of assaults*. If we look at violent crimes against property, the Quebec percentages remain below the norm, with the exception of *armed robberies (65.5 percent)*. With regard to crimes without violence against property, the overall figures, once again, place Quebec in a favoured position, but they also show a number of specific problems: fraud — particularly in matters of *bankruptcy*, and theft — particularly in the case of *motor vehicles*.

We intend to devote a special chapter to several of these problems. Tome two of the present Volume will therefore include a section on fraudulent bankruptcy, another on armed robbery, and a third on automobile theft.

C—ADJUSTED STATISTICS

C—ADJUSTED STATISTICS

(71-89)

1—THE DISCREPANCY BETWEEN POLICE AND COURT STATISTICS

(71-75)

71. In these analyses of Quebec and Canadian criminality we have used chiefly court statistics. We have done this because, given the present situation with regard to information, the picture of Quebec and Canada is more complex if one relies on the statistics coming from the different court districts than by endeavouring to compile the information supplied by the countless police forces¹.

Court statistics have a special quality. By reason of the fact that they only take into account cases which have been judged, they show more respect for the presumption of innocence professed by our system. In other words, as long as the judicial verdict has not been rendered, it is somewhat illogical to consider an incident as a serious assault rather than merely a matter of taking the law into one's own hands. In dealing with the same event, it is the judicial evaluation which must necessarily take precedence over the police appraisal.

In this context, only the court statistics should be considered in the case of a fully circumscribed offence, of which the author is known.

72. However, it would be contrary to the truth as well as to our purpose to consider that the court statistics alone are able to give an exact image of the trends of modern crime, and of the forms which it is taking in Quebec and in Canada.

¹ For the purpose of measuring the volume of "declared" crimes, the police statistics come closer to the real criminality than the court statistics which are only based on cases heard by the courts. Even though the Dominion Bureau of Statistics of Canada publishes annually the police and court statistics, we will only use the court statistics in this article, because the police statistics before 1962 did not cover the entire Canadian area.

DENIS SZABO, *Revue internationale de police scientifique*, April 1965.

In many cases, it is to the police statistics that we must look for the fullest and most useful information. As the methods of crime become more sophisticated, it is quite normal for the rate of detection to fluctuate considerably and even to show a marked decline.

Consequently it is more and more difficult for the police forces to gather the proofs necessary to present a case before the court. We will return to this aspect of the problem when we evaluate the efficiency of the police forces in Quebec, and suggest measures which would make the fight against crime more effective.

At the present time, it is sufficient to point out that *the police statistics quite often include four to six times more crimes than do the court statistics. It should also be noted that generally, the police statistics paint a much darker picture of Quebec than the court statistics.*

73. From this point of view, the following tables will be most revealing. They will show to what extent police decisions and procedures influence the court statistics themselves.

In one case, that of robbery, the Quebec police and the Canadian police, consider as "cleared" an almost uniform proportion of the reported infractions. In another case, that of assaults, on the contrary, even if the differences are reduced, the Quebec police forces seem to "clear" fewer incidents than the Canadian police¹.

¹ According to the Dominion Bureau of Statistics the term "cleared" has a dual meaning. It is used both for infractions solved and for the infractions concerning which the investigation leads nowhere. For all practical purposes the number of infractions given up by the inquiry are so few that we may consider as "solved" all the infractions which are "cleared" by the police forces.

The Uniform Crime Reporting Manual sets out the following rules for scoring "Offences Cleared by Charge" and "Offences Cleared Otherwise".

"OFFENCES CLEARED BY CHARGE"

An offence may be "cleared by charge" if any other charge is laid in connection with the same offence. If several persons commit a crime and only one is arrested and charged, list the crime in column 5 of Form "C" as "cleared by charge". When the other offenders are charged, do not list a clearance by charge" a second time for the same offence.

Several crimes may be cleared by the arrest of one person:

"OFFENCES CLEARED OTHERWISE"

In certain situations, the police may not be able to clear the offence by charge even though they have identified the offender and have sufficient evidence to support the laying of an Information. If each of the following questions can be answered "yes", then the offence can be "cleared otherwise" in column 6 of Form "C".

74. The police effectiveness is directly in doubt when the percentage of infractions coming to the attention of the court, is analyzed. Furthermore, it is obvious that the decisions taken by the Crown prosecutors also have considerable impact.

To be clear, an extremely large number of offences never come to the attention of the court, and it is important to know exactly why. Is it because of a police decision? Is it rather a matter of classification made by the Crown prosecutors? Is it moreover, that the police forces have simply been incapable of bringing their investigations to a successful conclusion.

- (1) Has the offender been identified?
- (2) Is there enough evidence to support the laying of an information?
- (3) Is there a reason outside of your control that prevents you from laying an Information and prosecuting the offender?

The limitations of "cleared otherwise" are indicated by the following examples:

- (1) The offender has died.
- (2) The offender has been committed to a mental hospital and it is unlikely he will be released.
- (3) A person confesses to a crime and subsequently dies.
- (4) The offender is a juvenile and has not been charged but has been given an informal hearing in juvenile court; or handed over to his parents or guardian, a social agency or a department concerned.
- (5) The offender admits an offence but there is a definite obstacle to proceedings; e.g. diplomatic immunity.
- (6) The complainant or essential witness is dead and proceedings cannot be instituted.
- (7) The offender is known and sufficient evidence has been obtained but the complainant refuses to prosecute — this does not "unfound" the offence.
- (8) The offender is serving a sentence and no useful purpose would be served in laying an Information.
- (9) The offender is in a foreign country and cannot be returned (or the violation is under a provincial statute or municipal by-law and subject is in another province).
- (10) The offender has committed more than one offence and it has been decided to charge him with one of the most serious because no useful purpose would be served by proceeding with the other charges.

Official Statistics of Homicide, Federal Bureau of Statistics, Appendix IV, pp. 42-43.

In the case of robbery it has been ascertained that systematically the Quebec police bring charges and secure convictions less frequently than the police forces of the rest of the country. It should be determined whether this occurs because of a lower rate of detection, or whether it is a police decision to "clear" a greater number of matters. In the case of armed robbery, we are inclined to believe that it is rather a problem of police investigation and of a lower rate of detection. In the case of assaults where an extreme divergence is also noted between the police statistics and the court statistics, one is led to believe that it results from a desire on the part of the police forces not to bring individuals needlessly before the courts for cases in which there was no criminal intent.

75. The figures supplied by Tables LXXXII, LXXXIII and LXXXIV do not contradict the comments already made.

The following may be concluded from these three tables :

- 1 — Quebec sees its share of assaults increasing.
- 2 — In Quebec, the increased ratios of assaults still do not meet the normal population percentage (10.7 percent, 12.8 percent, 14.1 percent). Quebec's population proportion to Canada is 28.8 percent.
- 3 — The assaults are "cleared" less often by the police and result more often in convictions. The situation tends to approach the Canadian experience (Table LXXXIV).
- 4 — The proportion of robbery offences (in Quebec) reported by the police is much greater than the population ratio.
- 5 — In Quebec the proportion of robberies reported by the police tends, however, to reduce (50.3 percent in 1964 and 45.8 percent in 1966).
- 6 — In the case of robberies the rate of detection seems less consistent in Quebec.
- 7 — In the area of robberies, Quebec, which still appears to have a lower rate of *detection* than the national average, however *regularly* increases its percentage of convictions : in 1964, 29 percent of those convicted were from Quebec, while in 1966 the figure was 34 percent.

While showing the situation in an entirely different light, it can be seen that the police statistics, as do the court statistics, indicate that robberies should be our first concern rather than assaults.

TABLE LXXXII

DISPOSITIONS OF CASES OF ROBBERY REPORTED TO THE POLICE CANADA AND QUEBEC				
1964	Infractions reported	Cleared by the police	Charges made	Convictions
Canada	5,666	2,079 (36.6%)	1,710 (30.1%)	1,394 (24.6%)
Quebec	2,853 (50.3%)	933 (32.7%)	461 (16.8%)	407 (14.2%)
1965				
Canada	5,576	1,916 (34.3%)	1,185 (21.2%)	1,022 (18.3%)
Quebec	2,782 (49.8%)	782 (28.1%)	448 (16.1%)	397 (14.2%)
1966				
Canada	5,710	2,194 (38.4%)	1,198 (20.9%)	994 (17.4%)
Quebec	2,616 (45.8%)	979 (37.4%)	381 (14.5%)	334 (12.7%)

TABLE LXXXIII

DISPOSITIONS OF CASES OF ASSAULTS REPORTED TO THE POLICE CANADA AND QUEBEC				
1964	Infractions reported	Cleared by the police	Charges made	Convictions
Canada	40,459	32,855 (81.0%)	5,178 (12.3%)	4,394 (10.8%)
Quebec	4,368 (10.7%)	2,936 (67.2%)	845 (19.3%)	695 (15.9%)
1965				
Canada	44,551	33,802 (75.8%)	5,386 (12%)	4,579 (10.2%)
Quebec	5,711 (12.8%)	3,968 (69.5%)	958 (16.8%)	831 (14.5%)
1966				
Canada	53,533	39,667 (74%)	6,009 (11.2%)	5,097 (9.5%)
Quebec	7,576 (14.1%)	5,291 (69.8%)	1,101 (14.5%)	955 (12.6%)

TABLE LXXXIV

INFRACTIONS CLEARED AND CHARGES MADE (ASSAULTS) CANADA AND QUEBEC			
	Infractions cleared	Charges made	Percentage
1964			
Canada	32,855	5,178	15.7%
Quebec	2,936	845	28.7%
1965			
Canada	33,802	5,386	15.9%
Quebec	3,968	958	24.1%
1966			
Canada	39,667	6,009	15.1%
Quebec	5,291	1,101	20.8%

**2 — STATE OF CRIME ACCORDING
TO THE POLICE**

(76-78)

76. In concluding this very brief analysis of Quebec crime, we would like to make two important comments:

- 1 — The police statistics place Quebec in a less favourable position than do the court statistics, but they do not describe the situation as being extraordinary. Most of the increases bring Quebec closer to the Canadian situation.
- 2 — It would be interesting, at least as an experiment, to try to establish a direct relationship between the court statistics and the police statistics.

77. The Table LXXXV gives the rate of crime by 100,000 population in Canada, in Quebec, and in Ontario from 1964 to 1966. These tables

TABLE LXXXV

RATE OF CRIME BY 100,000 POPULATION ACCORDING TO THE POLICE CANADA, QUEBEC AND ONTARIO						
CANADA	Murders and homicides	Rape	Robbery	Attempted murder and wounding	Assaults	Totals
1964	1.5	4.6	35.5	6.0	252.1	299.7
1965	1.7	3.9	34.0	5.7	271.6	316.9
1966	1.5	3.9	34.0	6.4	318.6	364.4
QUEBEC						
1964	1.1	4.4	61.6	7.5	94.3	168.9
1965	1.4	3.7	58.7	6.9	120.5	191.2
1966	1.1	3.3	53.9	7.5	156.2	222.0
ONTARIO						
1964	1.6	3.3	22.0	5.3	284.1	316.3
1965	1.4	2.3	20.4	5.7	286.5	316.3
1966	1.2	3.3	20.5	6.5	338.5	370.0
As an example (FBI) SERIOUS ASSAULTS IN THE U.S.A.						
1964					183.3	
1965					196.0	
1966					215.2	

TABLE LXXXVI

RATE OF CRIME BY 100,000 POPULATION IN THE METROPOLITAN ZONES ACCORDING TO THE POLICE MONTREAL — TORONTO — QUEBEC — VANCOUVER						
MONTREAL	Murders and homicides	Rape	Attempted murder and wounding	Robbery	Assaults	Totals
1964	1.1	6.0	9.6	114.1	150.9	281.7
1965	1.6	4.3	8.2	95.7	210.9	320.7
1966	1.4	4.9	8.1	91.6	259.3	365.3
TORONTO						
1964	1.0	2.5	8.1	36.0	159.9	207.5
1965	1.3	1.7	9.5	33.4	159.5	205.4
1966	1.0	2.7	9.6	37.3	242.2	292.8
QUEBEC						
1964	1.2	0.9	5.6	32.7	70.9	111.3
1965	0.6	0.6	8.8	38.2	60.7	108.9
1966	0.6	1.2	6.7	52.5	91.2	152.2
VANCOUVER						
1964	0.4	8.3	7.1	72.0	420.2	508.0
1965	3.0	7.7	6.4	71.2	438.0	526.3
1966	2.7	6.4	7.2	81.7	496.4	594.4

are established from the infractions known to the police. On studying this, we see that the national average is almost 50 percent above that of Quebec. We also see that the Ontario rate has been consistently higher than the Quebec rate and is just about the national average.

78. The Table LXXXVI shows the rate of crime per 100,000 population in four metropolitan zones of Canada. Here again, we are dealing with a rate of crime based on infractions known to the different police forces. This table shows to what extent a description of crime defies generalization.

For example, Vancouver, in the matter of rape, has a much higher rate than Montreal and Toronto combined. On the other hand, the rate of robberies is higher in the metropolitan zone of Quebec than in the metropolitan zone of Toronto, and furthermore, is increasing more rapidly in Quebec.

The only marked increase appears to be in the area of assaults with Vancouver very much in the lead.

It is somewhat reassuring that the metropolitan zone of Montreal shows a definite reduction in matters of rape, attempted murder, and robbery.

The metropolitan zone of Montreal, reputed to be the worst in Quebec, nevertheless, according to the police figures, has a rate of crime of 365.3 per 100,000 population, almost the same as the Canadian average of 364.4.

The Table LXXXVII brings the optimists back to reality. Within the context of the crimes dealt with in the Tables LXXXV and LXXXVI, the Province of Quebec and even the metropolitan zone of Montreal does not reach a higher rate of crime than the national average, and yet it is strange to note that from 1956 to 1966 Quebec was responsible for two-thirds of all the armed robberies in Canada (1583 out of 2416), and from 1964 to 1966 for approximately 75 percent of the total each year. In fact, the court statistics show that the large majority of individuals brought before the courts for armed robbery were of Quebec origin.

3 — COMBINED STATISTICS (POLICE AND COURT) (79-88)

79. Our second comment raises the entire problem of the relationship between the court statistics and the police statistics. In many cases, not-

TABLE LXXXVII

COMPARISON BETWEEN QUEBEC AND CANADA AS TO THE NUMBER OF PERSONS ACCUSED OF ARMED ROBBERY			
Year	Canada	Quebec	Quebec percentage
1956	134	61	45.5
1957	158	69	43.6
1958	216	170	78.7
1959	408	155	36.8
1960	227	164	72.2
1961	184	147	79.8
1962	161	109	67.7
1963	223	163	73.0
1964	271	211	77.8
1965	244	192	78.6
1966	190	142	74.7
Total for the 11 years	2,416	1,583	65.5

withstanding the crosschecking which we have indicated, the court statistics and the police statistics differ, if not as to a general orientation, at least in the extent of variations.

In many cases, as we have noted, the court statistics do not point to any increase of Quebec, or even Canadian crime. This was particularly true in all the sectors of crimes of violence against the person, with the exception of assaults.

On the other hand, the police figures indicate marked, sometimes even spectacular increases, in all the forms of crime.

The analyst and the public quite naturally wonder whom to believe. The Commission is of the opinion that neither of these two statistical systems adequately reflects the reality. If the statistics prepared by the different courts and established on the basis of judicial decisions are used, all the crimes which have not been explained, or resolved by the police forces are overlooked. Inversely, in a system which professes faith in the presumption of innocence, it is hardly proper to accept the police figures without examination, nor to even clear an offence before the judicial verdict has determined the legal implications. In other words, it is not easy to accept the police statistics if the courts have not rendered verdicts.

80. At this point the observers differ. Those who use the court statistics as a basis, doubt the statements of the police, and refuse to believe that criminality is increasing constantly and rapidly. Those who have confidence in the police figures rather than in the court statistics, necessarily come to the conclusion that all forms of crime are achieving new heights every year.

In our opinion there is reason to attempt a blending of these two series of statistics. The courts do not give comprehensive figures because they are unaware of the crimes which have not been solved by the police forces. On the other hand the police statistics must be stripped of those offences which the police have been able to resolve without however, bringing them to the attention of the courts. In the same way the police statistics should, in quite a number of cases, no longer include charges which the court has rejected as being unfounded.

81. We are now entering a very sensitive area. Everyone knows that the police forces take it upon themselves, and generally with good reason, to "clear" without any follow-up a large number of criminal offences.

It is also known that if the police enforced every article of the Criminal Code, or the provincial penal laws, the entire judicial apparatus would soon be overloaded.

Our intention is not to discuss here this discretion exercised by the police. In any event, everyone expects the police to exercise judgment, and everyone expects, whether they admit it or not, that the police forces will close their eyes to a large number of offences.

That is not the point ! We are simply trying to find a safe middle road between the too reassuring court statistics and the panic which the police figures tend to generate. We would like to *exclude* the unfounded accusations from the crime statistics, but we are fully aware that the police could very easily *compensate for such exclusions* if they decided to be petty.

82. Because of the present state of the information and with the little time available to us, it is not possible for us to experiment as much as we would like to with the police and the court statistics. We believe, however, that the establishment of permanent structures would reduce or close the gap between the existing divergent compilations. With the present statistics it is quite possible to be either hysterical or overly optimistic. We believe that such ambiguity makes it impossible for the public to have a true picture of the situation, or for the legislator to make the best decisions.

In the future, it should be possible to re-evaluate the statistics of crime by definitely taking into consideration :

1 — the convictions in the courts ;

2 — the offences which the police admit not having been able to solve.

83. Obviously, this is an oversimplification of the problem. We believe, however, that efforts must be made in this direction.

With good reason, statistics conceived in this manner can be criticized for lacking in objectivity. On the one hand, a large number of cases unsolved by the police could very well, when solved, turn out not to involve crimes. Moreover, even if the court dismisses a charge as being unfounded, it does not necessarily follow that no criminal offence occurred: the police could very simply have arrested the wrong person.

One could easily dwell at length on the list of imperfections in the statistics of compilation that we are proposing. However, we believe that this new form of statistics would provide a better picture of the actual situation than any of those now in existence.

We are offering here some examples which do not meet the standards we would like to see in tables based on a more orderly sampling of data.

84. Our tables, developed along these lines, are intended at most to show the direction in which we believe it is necessary to orient the research.

The Table LXXXVIII makes it possible to measure the enormous gap which separates the police statistics and the court statistics. The first reports 5,666 infractions for 1964 and 5,710 for 1966; the second evaluates at 1,394 the number of persons convicted in 1964, and at 994 the number of persons condemned in 1966.

We propose to introduce different elements into these two sets of data. It is difficult to justify the considerable volume of matters resolved without any follow-up. It is hardly normal for the list of infractions to include so great a number of incidents without any court action; either they are serious and should be judged, or they are innocuous and should be removed from the list.

We should also ask ourselves whether charges which the court has rejected as unfounded should be included in the tables. Undoubtedly in a number of cases the offence is real even if the court has decided that it has been imputed to the wrong person. However, there are a large number of incidents considered criminal by the police forces or the Crown prosecutors, but which should, following the formal verdict by the court, disappear from the list of offences.

TABLE LXXXVIII

COMPARISON BETWEEN THE DIFFERENT STATISTICAL SYSTEMS

CANADA : ROBBERY

POLICE	
Year	Infractions
1964	5,666
1965	5,576
1966	5,710

THE COURTS	
Charges	Convictions
1,710	1,394
1,185	1,022
1,198	994

ELEMENTS OF A NEW EVALUATION							
Year	Infractions	Infractions not solved	Solved by the police	Solved without further action	Charges made	Charges unfounded	Convictions
1964	5,666	3,587	2,079	369	1,710	316	1,394
1965	5,576	3,660	1,916	731	1,185	163	1,022
1966	5,710	3,516	2,194	996	1,198	204	994

KNOWN CRIMES			
Year	Infractions not solved	Convictions	Totals
1964	3,587	1,394	4,981
1965	3,660	1,022	4,682
1966	3,516	994	4,510

85. In brief, our plan endeavours to base the evaluation of known criminality on two fundamental facts: *the crimes known and not solved* by the police, on the one hand, and on the other, *the crimes solved by the police and submitted to the judicial process*.

Notwithstanding its many imperfections, this Table LXXXVIII has several advantages. It integrates each of the elements which are mentioned in the court and police statistics. In addition it avoids omitting from the court statistics crimes which have successfully defied police detection. It also avoids the inclusion in the police statistics of incidents which the courts have found to be of a non-criminal nature, or those incidents which the police themselves have considered as too minor to draw to the attention of the courts.

This Table gives a comparison between the three different systems regarding robbery on the Canadian plan. The Table LXXXIX establishes an analogous comparison in the case of Quebec.

86. We are not recommending abolishing the systems of court and police statistics now in use. We are merely suggesting *adjusted statistics* taking into consideration the two elements mentioned:

1. The index would integrate all the court statistics (convictions).
2. The index would *in addition* integrate all the infractions that the police have not been able to solve (which would require the police to make public, at the time they give the rates of crime, their own rates of detection). The temptation to swell the figures of criminality, which is apparent in some police declarations, would be tempered by the fear of showing at the same time noticeable reductions in the rate of detection.
3. The index *would exclude* the charges judged to be unfounded by the courts. In other words, unjustified accusations would be deleted from the police statistics. In many cases, however, the charges would be entered under the heading "offences not solved", because the offence could very well be a real one even if the police made a mistake with regard to the identity of the culprit.
4. The index *would exclude* the infractions *cleared without follow-up* by the police. All cases which the police decide not to deal with for justified reasons, should not be reflected in the index of crime.
5. These adjusted statistics would still not present a fully accurate picture of criminality. Even if not perfectly accurate, the new system establishes a link between two contradictory systems and becomes the *plausible* evolution.
6. The fluctuations in the suggested statistics would invite the researchers and legislators to question these offences reported by the police and which do not come to the attention of the court.

TABLE LXXXIX

COMPARISON BETWEEN THE DIFFERENT STATISTICAL SYSTEMS

QUEBEC : ROBBERY

POLICE	
Year	Infractions
1964	2,853
1965	2,782
1966	2,616

THE COURTS	
Charges	Convictions
461	407
448	397
381	334

ELEMENTS OF A NEW EVALUATION							
Year	Infractions	Infractions not solved	Solved by the police	Solved without further action	Charges made	Charges unfounded	Convictions
1964	2,853	1,920	933	472	461	54	407
1965	2,782	2,000	782	334	448	51	397
1966	2,616	1,637	979	598	381	47	334

KNOWN CRIMES			
Year	Infractions not solved	Convictions	Totals
1964	1,920	407	2,327
1965	2,000	397	2,397
1966	1,637	334	1,971

87. We present here a series of tables for the sole purpose of allowing the reader to better evaluate our recommendation.

The Tables C and XCI utilize the three systems of statistics in connection with assaults in Canada and Quebec.

TABLE XC

**COMPARISON BETWEEN THE DIFFERENT STATISTICAL SYSTEMS
CANADA : ASSAULTS**

POLICE		THE COURTS	
Year	Infractions	Charges	Convictions
1964	42,459	5,178	4,394
1965	44,551	5,386	4,579
1966	53,533	6,009	5,097

ELEMENTS OF A NEW EVALUATION							
Year	Infractions	Infractions not solved	Solved by the police	Solved without further action	Charges made	Charges unfounded	Convictions
1964	42,459	7,604	34,855	29,677	5,178	784	4,394
1965	44,551	10,749	33,802	28,416	5,386	807	4,579
1966	53,533	13,866	39,667	33,658	6,009	912	5,097

KNOWN CRIMES			
Year	Infractions not solved	Convictions	Totals
1964	7,604	4,394	11,998
1965	10,749	4,579	15,328
1966	13,866	5,097	18,963

The Tables XCII and XCIII establish analogous comparisons in the case of rape.

The Tables XCIV and XCV compare the figures of the three statistical systems in the case of wounding and attempted murder.

The Tables XCVI and XCVII do the same for fraud and corruption.

TABLE XCI

COMPARISON BETWEEN THE DIFFERENT STATISTICAL SYSTEMS

QUEBEC : ASSAULTS

POLICE		THE COURTS	
Year	Infractions	Charges	Convictions
1964	4,368	845	695
1965	5,711	958	831
1966	7,576	1,101	955

ELEMENTS OF A NEW EVALUATION							
Year	Infractions	Infractions not solved	Solved by the police	Solved without further action	Charges made	Charges unfounded	Convictions
1964	4,368	1,432	2,936	2,091	845	150	695
1965	5,711	1,743	3,968	3,010	958	127	831
1966	7,576	2,285	5,291	4,190	1,101	146	955

KNOWN CRIMES			
Year	Infractions not solved	Convictions	Totals
1964	1,432	695	2,127
1965	1,743	831	2,574
1966	2,285	955	3,240

TABLE XCII

COMPARISON BETWEEN THE DIFFERENT STATISTICAL SYSTEMS

CANADA : RAPE

POLICE		THE COURTS	
Year	Infractions	Charges	Convictions
1964	745	126	62
1965	641	107	54
1966	652	112	52

ELEMENTS OF A NEW EVALUATION							
Year	Infractions	Infractions not solved	Solved by the police	Solved without further action	Charges made	Charges unfounded	Convictions
1964	745	255	490	364	126	64	62
1965	641	217	424	317	107	53	54
1966	652	266	386	274	112	60	52

KNOWN CRIMES			
Year	Infractions not solved	Convictions	Totals
1964	255	62	317
1965	217	54	271
1966	266	52	318

TABLE XCIII

COMPARISON BETWEEN THE DIFFERENT STATISTICAL SYSTEMS

QUEBEC : RAPE

POLICE		THE COURTS	
Year	Infractions	Charges	Convictions
1964	205	24	13
1965	174	20	13
1966	160	18	13

ELEMENTS OF A NEW EVALUATION							
Year	Infractions	Infractions not solved	Solved by the police	Solved without further action	Charges made	Charges unfounded	Convictions
1964	205	72	133	109	24	11	13
1965	174	71	103	83	20	7	13
1966	160	57	103	85	18	5	13

KNOWN CRIMES			
Year	Infractions not solved	Convictions	Totals
1964	72	13	85
1965	71	13	84
1966	57	13	70

TABLE XCIV

COMPARISON BETWEEN THE DIFFERENT STATISTICAL SYSTEMS

CANADA : WOUNDING AND ATTEMPTED MURDER

POLICE		THE COURTS	
Year	Infractions	Charges	Convictions
1964	959	227	170
1965	933	291	211
1966	1,103	314	226

ELEMENTS OF A NEW EVALUATION							
Year	Infractions	Infractions not solved	Solved by the police	Solved without further action	Charges made	Charges unfounded	Convictions
1964	959	212	747	520	227	57	170
1965	933	222	711	420	291	80	211
1966	1,103	241	862	548	314	88	226

KNOWN CRIMES			
Year	Infractions not solved	Convictions	Totals
1964	212	170	382
1965	222	211	433
1966	241	226	467

TABLE XCV

COMPARISON BETWEEN THE DIFFERENT STATISTICAL SYSTEMS

QUEBEC : WOUNDING AND ATTEMPTED MURDER

POLICE		THE COURTS	
Year	Infractions	Charges	Convictions
1964	348	41	33
1965	328	73	51
1966	366	72	58

ELEMENTS OF A NEW EVALUATION							
Year	Infractions	Infractions not solved	Solved by the police	Solved without further action	Charges made	Charges unfounded	Convictions
1964	348	112	236	195	41	8	33
1965	328	111	217	144	73	22	51
1966	366	92	274	202	72	14	58

KNOWN CRIMES			
Year	Infractions not solved	Convictions	Totals
1964	112	33	145
1965	111	51	162
1966	92	58	150

TABLE XCVI

**COMPARISON BETWEEN THE DIFFERENT STATISTICAL SYSTEMS
CANADA : FRAUD AND CORRUPTION**

(The data is found under the item "Fraud" in volume of Crime Statistics (Police))

POLICE	
Year	Infractions
1964	33,264
1965	32,404
1966	37,798

THE COURTS	
Charges	Convictions
666	545
718	599
784	650

ELEMENTS OF A NEW EVALUATION							
Year	Infractions	Infractions not solved	Solved by the police	Solved without further action	Charges made	Charges unfounded	Convictions
1964	33,264	10,889	22,375	21,709	666	121	545
1965	32,404	10,162	22,242	21,524	718	119	599
1966	37,798	13,773	24,025	23,241	784	134	650

KNOWN CRIMES			
Year	Infractions not solved	Convictions	Totals
1964	10,889	545	11,434
1965	10,162	599	10,761
1966	13,773	650	14,423

TABLE XCVII

COMPARISON BETWEEN THE DIFFERENT STATISTICAL SYSTEMS

QUEBEC : FRAUD AND CORRUPTION

POLICE	
Year	Infractions
1964	3,624
1965	3,840
1966	5,176

THE COURTS	
Charges	Convictions
278	223
292	233
297	233

ELEMENTS OF A NEW EVALUATION							
Year	Infractions	Infractions not solved	Solved by the police	Solved without further action	Charges made	Charges unfounded	Convictions
1964	3,624	1,706	1,918	1,640	278	55	223
1965	3,840	2,011	1,829	1,537	292	59	233
1966	5,176	2,234	2,942	2,645	297	64	233

KNOWN CRIMES			
Year	Infractions not solved	Convictions	Totals
1964	1,706	223	1,929
1965	2,011	233	2,244
1966	2,234	233	2,467

88. The advantages of the system suggested for evaluating known crimes should not allow us to forget the obvious disadvantages of this new system. However, the system should not be judged by the tables which we have presented: from the point of view of reliability and validity of the figures they are poor examples of what might be secured from adjusted statistics.

Right from the outset, all the tables which we have made, suffer from a fundamental weakness: they compare offences and persons convicted. In other words, we have not endeavoured to correct the ambiguity which exists in the different systems of statistics. The court statistics constantly express themselves in terms of persons charged or convicted while the police statistics only speak in terms of infractions. For our system to really be worthwhile, it would be necessary to find a method of having the two series of statistics comparing the same things. We have not been able to do this.

Moreover, the margin of error remains extremely high in the case of infractions cleared by the police. If the police were able to solve them all, the offences would swell not only the figures of convictions but also the volume of matters cleared without follow-up, and the unfounded charges. That is, the number of incidents which we now retain under the heading of *offences not solved*, has a tendency to further exaggerate the volume of crime known to the police.

CONCLUSION

(89)

89. These are only some of the major disadvantages inherent in this experimental statistical system. Some of these weaknesses would still be found in any statistical system which endeavours to bridge the gap between the court statistics and the police statistics. We believe, however, that research should be carried on with the purpose of gradually evolving a better method of evaluation which would enable the public and the legislator to formulate a worthwhile judgment with regard to the evolution of crime.

As the different statistical methods now stand, it may be concluded that since the court statistics based on the number of delinquents brought before the courts only represent a localized increase in crime, and since the police statistics based on the number of offences show considerable increases, there is reason to believe that an important part of the crimes are committed by a rather limited number of individuals (Tables XCVIII to CVII). We will return briefly to this point in the third part of this text.

TABLE XCVIII
INDEX OF THE RATE OF CRIME FOR 100,000 POPULATION
FOR AGE GROUP SHOWN CANADA, 1950-1966
1950 = 100

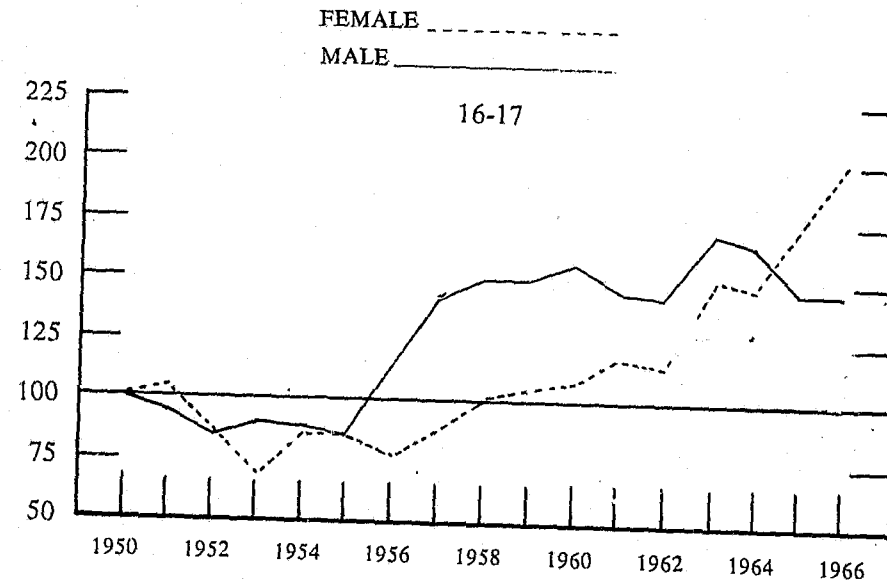


TABLE IXC
INDEX OF THE RATE OF CRIME FOR 100,000 POPULATION
FOR AGE GROUP SHOWN CANADA, 1950-1966
1950 = 100

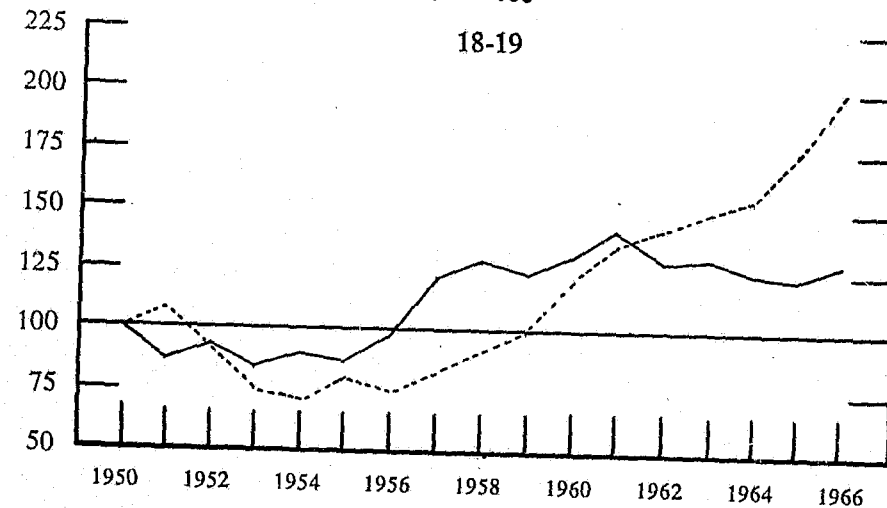


TABLE C

**INDEX OF THE RATE OF CRIME FOR 100,000 POPULATION
FOR AGE GROUP SHOWN CANADA, 1950-1966**

1950 = 100

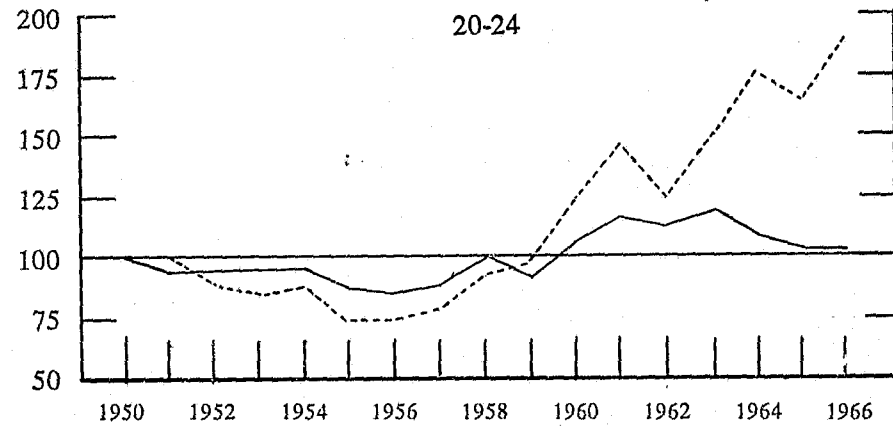


TABLE CI

**INDEX OF THE RATE OF CRIME FOR 100,000 POPULATION
FOR AGE GROUP SHOWN CANADA, 1950-1966**

1950 = 100

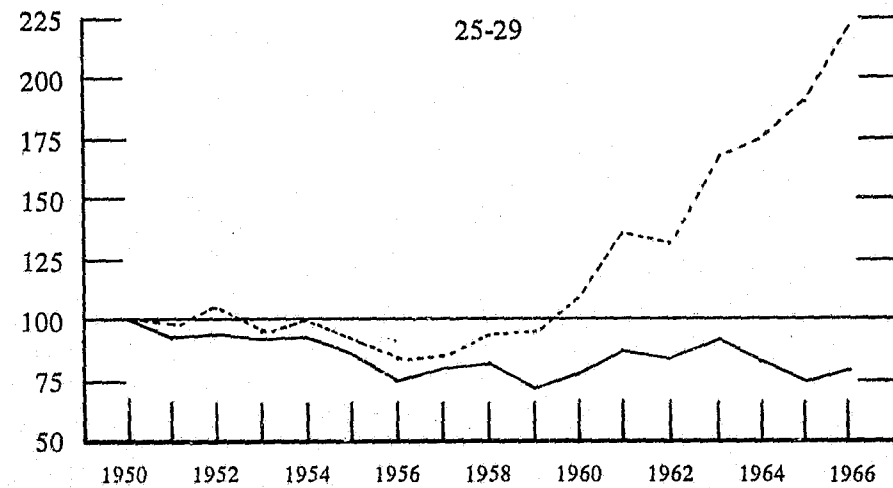


TABLE CII

**INDEX OF THE RATE OF CRIME FOR 100,000 POPULATION
FOR AGE GROUP SHOWN CANADA, 1950-1966**

1950 = 100

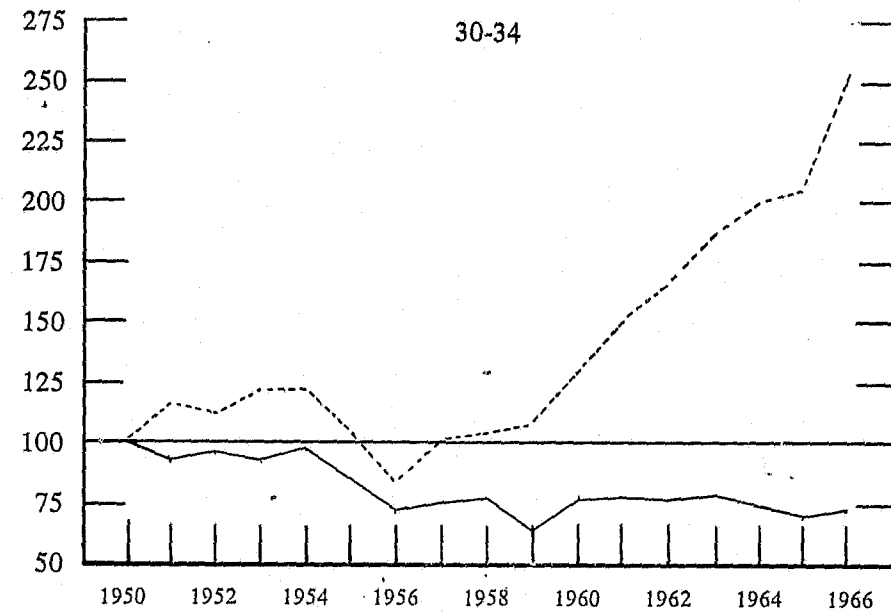


TABLE CIII

**INDEX OF THE RATE OF CRIME FOR 100,000 POPULATION
FOR AGE GROUP SHOWN CANADA, 1950-1966**

1950 = 100

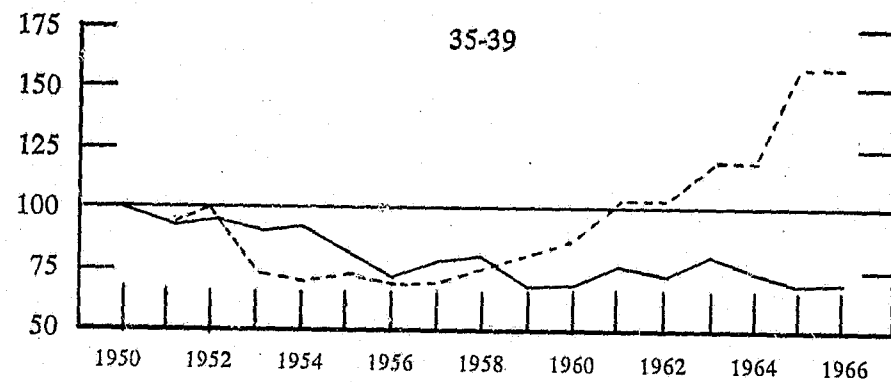


TABLE CIV

**INDEX OF THE RATE OF CRIME FOR 100,000 POPULATION
FOR AGE GROUP SHOWN CANADA, 1950-1966**

1950 = 100

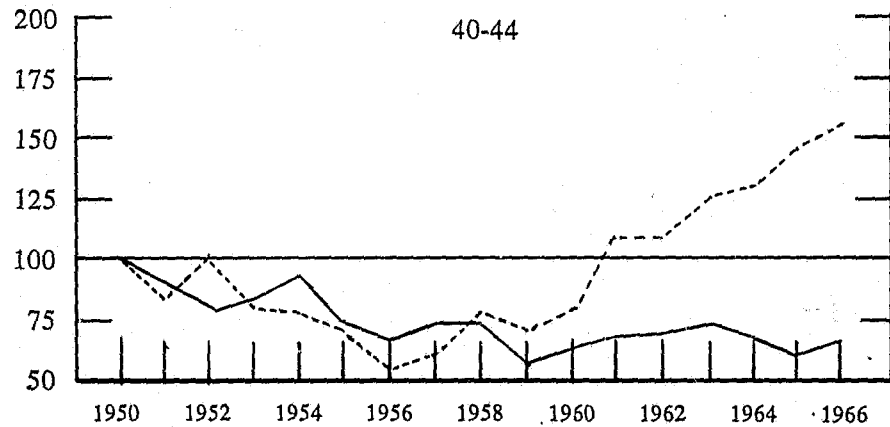
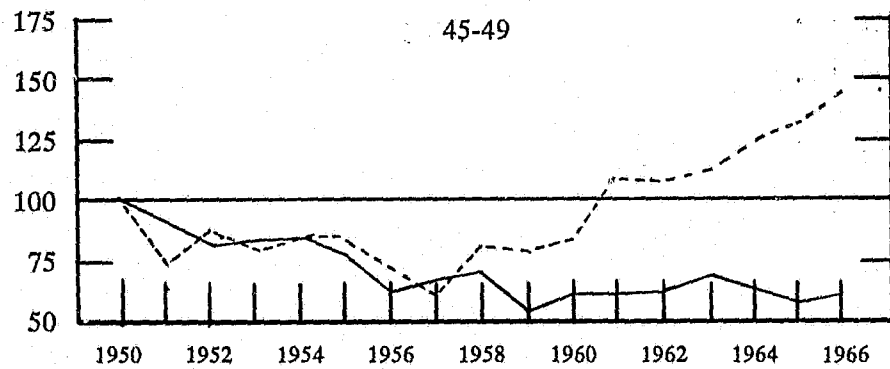


TABLE CV

**INDEX OF THE RATE OF CRIME FOR 100,000 POPULATION
FOR AGE GROUP SHOWN CANADA, 1950-1966**

1950 = 100



146

TABLE CVI
**INDEX OF THE RATE OF CRIME FOR 100,000 POPULATION
FOR AGE GROUP SHOWN CANADA, 1950-1966**
1950 = 100

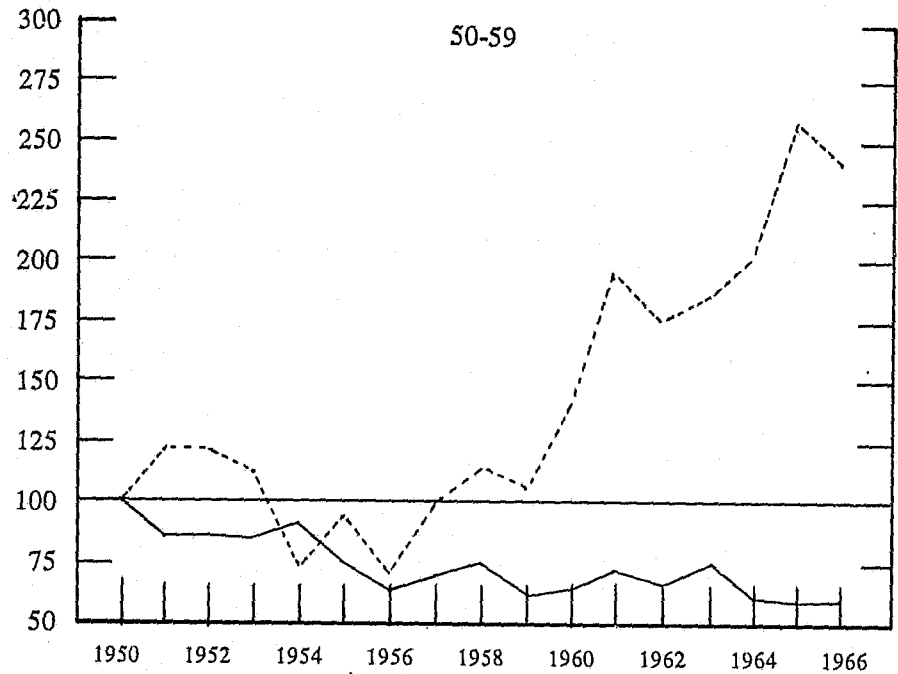
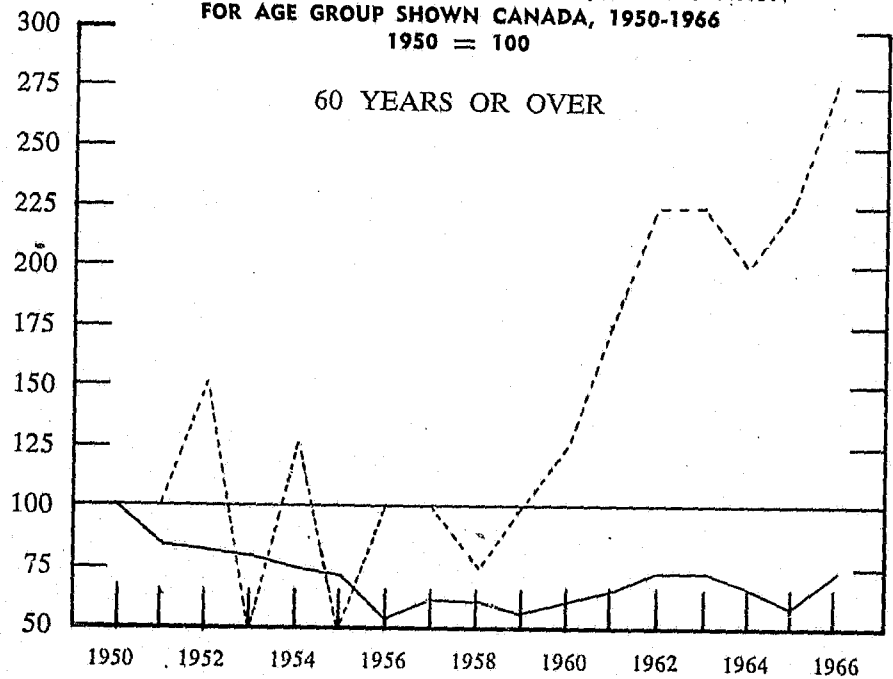


TABLE CVII

**INDEX OF THE RATE OF CRIME FOR 100,000 POPULATION
FOR AGE GROUP SHOWN CANADA, 1950-1966**
1950 = 100



PART TWO

QUEBEC CRIMINALITY IN ITS CONTEXT (90-146)

90. The first part of this work endeavoured to present an overall image of Quebec crime. We restricted ourselves to a purely quantitative description. Limited in this way, the portrayal was neither complete nor true. A quantitative description does not supply all the nuances necessary for a full comprehension of the problem. We therefore intend to use in this second part, a different method: our purpose will be to place Quebec criminality in a context both broader and of a more sociological nature.

It seems to us essential to endeavour to give such a delineation of Quebec criminality. To begin with, the statistics, whether they be police, court or mixed, never quite achieve a sufficiently clear image of crime. The statistics completely overlook the differences whereby two incidents within the same category can be of a contradictory nature. As between two murders or two armed robberies, many elements may exist, which statistics do not take into account. This is particularly true in the area of acts of violence where it is probable that the police forces lumped together most of the crimes of violence which do not form part of other categories.

In the second place, a satisfactory explanation is impossible merely from the reading of charts or graphs.

In the third place, statistics do not take into account crimes which have not been properly codified. Because of this, no criminal statistics take into consideration the unknown figure of crime, while the sociologist, resorting to other disciplines, is able to probe into crimes which have not been made known to the police forces.

In this second part we will therefore endeavour to reply to some of the questions left in suspense by statistics.

A—THE USUAL QUESTIONS

1 — THE VOLUME AND NATURE OF THE UNKNOWN FIGURE

(91-98)

91. We have already explained that statistics suffer from various imperfections. We consider it necessary to return to this matter for the purpose of fully justifying recourse to other techniques.

We would particularly like to underline that statistics induce error even more because of their silence than because of what they say :

"It is well known that the criminal statistics of many countries suffer from serious limitations. Moreover, even the best statistics reflect only those crimes officially reported and do not tell us anything about the so-called "dark figure", that is, the many crimes that do not come to the attention of the authorities, and in most countries it is extremely difficult to estimate the magnitude of this figure. The rise and fall of crime statistics may accurately reflect actual trends in crime but they can also be the product of extraneous factors. For example, better reporting procedures or the opening of new police stations in a particular jurisdiction may lie behind a rise in its crime statistics ¹."

The sciences of criminology define the "chiffre noir" figure as that volume of crime unknown to the police and the courts. In the Quebec context is it possible to imagine the volume and nature of this hidden crime? Is it possible to evaluate what part of crime never comes to the attention of the police and is never subject to a judicial verdict or a penal sanction?

92. All observers agree today that the "unknown figure" of crime, is extremely high ². Moreover, most admit that very little is known about the relationship between declared crime and unknown crime.

¹ *The Young Adult Offender*, United Nations, New York, 1965, p. 9.

² There is a very close match between the NORC results and the Uniform Crime Reports in the relative frequencies of the major crimes (the seven crimes are in perfect rank order with the exception of car theft). The amount of crime found by the survey, however, is considerably higher in five of the seven major crimes. PHILIP H. ENNIS, *The measurement of crime in the United States*, in *Law Enforcement, Science and Technology*, Thompson Book Company, 1967, p. 689.

This aggravates the problem: it would be possible up to a certain point, to disregard the unknown figure if it were known at least, *how* it increases, or what part of crime it hides. It would be possible, for example, to build defensible theories if it were known that three murders out of four remain unknown, that nine burglaries out of ten are never reported to the police. . . .¹

But such is not the case!

93. In our opinion, in Quebec, the silence of the statistics with regard to this "unknown figure" of crime is absolute. The figures published annually, whether they come from the police or the courthouses, give no indication of the real volume of crime.

Certain authors, such as Bongier, believe, however, that there is a constant ratio between the rate of known crime and the rate of real crime:

The great reason why criminal statistics suffice for etiological investigations is that the ratio of known crime to unknown remains relatively constant. The proofs of this are to be found in the criminal and judicial statistics themselves. The ratio between cases dismissed and those prosecuted, between convictions and acquittals, etc., etc., remains practically the same from one year to another. Further, every statistician of any experience is convinced that the law of averages rules more absolutely than any despot².

We believe on the contrary, that the unknown figure of crime varies according to the crime, the region, or the period in history:

Another set of clues comes from the reason people give for not notifying the police. Those victims who said they did not notify the police were asked to indicate which of a long list of reasons applied to their decision and which was most important. The reasons fall into four fairly distinct categories. The first is the belief that the event was not a police matter either because they did not want the offender to be harmed by the police or because they thought the incident was a private, or at least not a criminal affair. The second is fear of reprisal either physically from the offender's friends or economically from cancellation of or increases in rates of insurance. A third set of reasons had to do with the

¹ The statistics of crime are by hypothesis destined to be incomplete, therefore erroneous. They can only take into consideration infractions known to the police and the courts, and the number of identified delinquents. Beyond that, like an iceberg, the most dangerous part of which is hidden under the water, there exists a real criminality, the dimensions of which we have no indication. It is composed of the mass of criminals who have escaped justice, and of all the offences which have not been uncovered. For this reason the figure which separates these two forms of criminality — known and unknown — disturbs police, magistrates and sociologists on both these groups. GEORGES PICCA, *Pour une politique de crime*, Édition du Seuil, 1966, p. 18.

² WILLIAM ADRIAN BONGIER, *Criminality and Economic Conditions*, Agathon Press, Inc., New York, 1967, p. 85.

persons not wanting to take the time or trouble to get involved with the police, not knowing if they should call the police, or being too confused to do so. Finally, there is a set of reasons based on attitudes toward police effectiveness. These people believed the police could not do anything about the incident, would not catch the offenders, or would not want to be bothered¹.

For example, a North American male finds it repugnant to inform the police of a crime which a woman has committed at his expense! This individual would consider it unchivalrous and even somewhat ridiculous if he were to ask for police help with regard to an entanglement with someone of the weaker sex. . .

The unknown figure of crime as it concerns female crime, would be much lower if men believed strongly in the equality of the sexes, and, as victims, did not fear being ridiculed by reporting feminine criminality more frequently.

94. One author even states, which seems quite reasonable, that the unknown figure varies not only according to the crimes and the countries, but also according to individuals:

The hypothesis has sometimes been put forward that there may be an almost invariable relationship between the number of judged offences and the unknown total of offences committed. But this is only a hypothesis. It is undoubtedly more reasonable to think that the "unknown figure" is not constant. It is in fact, closely associated with the efficiency of the services charged with law enforcement.

But if this figure varies according to the offences, there is reason to assume that it also varies with the personality of the offenders and that in this perspective, there is unfortunately a danger of it becoming more important to the extent that the infractions are committed by individuals more sophisticated, and consequently, socially more dangerous. The few procurers who are found in prison will not divulge the extent to which prostitution is exploited in our society².

95. In brief, it is impossible to be aware of the full extent of Quebec crime from the statistical picture which we have portrayed. On the one hand the statistics necessarily stereotype the incidents and do away with possible interpretations. On the other hand, the criminal statistics necessarily ignore all those offences which are unknown to the police or the judiciary.

Statistics do not allow us to give a satisfactory response to the following question: what is the nature and what is the volume of the unknown figure?

¹ GEORGES PICCA, *Pour une politique de crime*, Édition du Seuil, 1966, p. 19.

² PHILIP H. ENNIS, *The measurement of crime in the United States*, in *Law Enforcement, Science and Technology*, Thompeon Book Company, 1967, p. 691.

Some would conclude from this situation that it is still impossible to fully understand the problem of crime. In fact, most of the objections result from this distrust of statistics. We are listing here the most important objections.

- 1 — It is utopian to venture theories to explain crime, while, and as long as, the greater part of crime remains concealed.
- 2 — So many theories are put forward today that public opinion and the legislator must abstain from all general judgments on criminality and be content to make pragmatic decisions on a day-to-day basis.
- 3 — It is almost impossible to establish a line of demarcation between the average citizen and the criminal. In this context it is stated that it is unreasonable and unjust to isolate as specially criminal, a minority of citizens whose only additional mistake was that of "being caught".

The ambiguity of the statistics leads to apathy rather than to conclusive action.

96. A number of observations contribute to deepen this skepticism. American research projects have indicated for example, that 91.5 percent of the persons questioned admitted "having committed a crime which would have resulted in a prison sentence if the police had known about it and had arrested them".

In the light of this remark, the unknown figure takes on a rather strange meaning. At first sight, the percentage of unknown crime attains so high a level that it leads one to believe that there is not much difference between normal behaviour and criminal behaviour.

97. The conclusions we prefer to draw from this, which have been confirmed by various European investigations, are :

- 1 — It is necessary to put forward a sociological definition of crime ;
- 2 — It is important not to consider a criminal as a human being different from others and permanently condemned to live on the fringe of society.

Although the methodological difficulties inherent in research of this type raise questions about the accuracy of resulting generalizations, these studies do indicate that the number of law violations actually committed is far in excess of the number officially known. What the actual difference is remains unknown. The important thing to remember is that *the mere violation of a law does*

not by itself make one a criminal. These studies suggest that while many people violate the criminal law, it is a relatively small proportion who do so repeatedly and come to be defined by themselves and others as criminals¹.

While the definition of crime thus becomes more flexible, the problem of crime itself does not disappear. On the contrary, this brings us directly to the point where it is possible to, at least in part, fill the gap which our society has created between the criminal and the citizen. Briefly,

- *individuals* are not always as dissimilar as one is led to believe ;
- there still remains a significant margin between normal and criminal behaviour.

This calls for the reconsideration of the treatment, the correction and the re-integration of the prisoner.

Paradoxically, it may be said that "the best possible treatment for a criminal is not to allow himself to be caught". This formula, obviously far-fetched, nevertheless emphasizes the point that a large number of citizens who today live normal lives, do so, not because they have always abstained from reprehensible acts, but rather because they have avoided detection.

98. It is reasonable to assume, that the unknown figure of crime increases and diminishes in Quebec in a selective manner :

- 1 — It tends to become much higher in the sector of offences of an economic nature ;
- 2 — Our population is less and less tolerant with regard to crimes of violence of all kinds and the unknown figure assumes less and less importance in that domain.
- 3 — The unknown figures may hide :
 - either "honest" persons who commit crimes without being suspected ;
 - or offences committed with impunity by all categories of individuals (criminals as well as "honest" citizens).

2 — DOES THE CITY FOSTER CRIME ? (99-107)

99. Everyone has his own theory regarding the causes of crime. It is definitely not our intention, especially within the framework of a temporary

¹ HARRY GOLD et FRANK R. SCARPITTI, *Combating Social Problems*, Holt, Rinehart and Winston, Inc., 1967, p. 300.

commission, to try to understand all the genesis of crime. Neither is it our intention to venture into the motivations of the criminal individual¹.

By leaving aside most of the theories of a psychological or psychiatric nature, we are not questioning their soundness or their value. On the contrary, it seems to us as observers, that recent years have seen considerable progress in the criminological sciences, and we are assured that the rate of rehabilitation and social reintegration would increase in a marked manner, if full use were made of the contributions of the human sciences. Within the limits of the mandate entrusted to us, we cannot enter into the details of different theories.

At most we would like to establish different guidelines and to contest the validity of certain affirmations, leaving to permanent organisms the task of carrying this further.

100. Notwithstanding all these necessary reservations we believe that we must now make some assumptions regarding the principal causes of criminality. When examining some of the hypotheses which purport to explain crime, it is essential to approach the problem with even more humility than did the Katzenbach Commission. The following text warrants being quoted at length, not only because it reviews most of the theories offered during recent years, but because it indicates so clearly to what extent a temporary

¹ "To seek the causes of crime in human motivations alone is to risk losing one's way in the impenetrable thickets of the human psyche. Compulsive gambling was the cause of an embezzlement, one may say, or drug addiction the cause of a burglary or madness the cause of a homicide; but what caused the compulsion, the addiction, the madness? Why did they manifest themselves in those ways at those times?"

There are some crimes so irrational, so unpredictable, so explosive, so resistant to analysis or explanation that they can no more be prevented or guarded against than earthquakes or tidal waves.

At the opposite end of the spectrum of crime are the carefully planned acts of professional criminals. The elaborately organized robbery of an armored car, the skillfully executed jewel theft, the murder of an informant by a Cosa Nostra enforcer are so deliberate, so calculated, so rational, that understanding the motivations of those who commit such crimes does not show us how to prevent them. How to keep competent and intelligent men from taking up crime as a life work is as baffling a problem as how to predict and discourage sudden criminal outbursts.

To say this is not, of course, to belittle the efforts of psychiatrists and other behavioral scientists to identify and to treat the personality traits that are associated with crime. Such efforts are an indispensable part of understanding and controlling crime. Many criminals can be rehabilitated. The point is that looking at the personal characteristics of offenders is only one of many ways, and not always the most helpful way, of looking at crime". *Task Force Report: Crime and its Impact — An Assessment*. The President's Commission on Law Enforcement and Administration of Justice. Washington, D.C., 1967, p. 4.

commission or legislators run the risk of getting lost in the maze of explanations offered by the different disciplines:

It is possible to say, for example, that many crimes are "caused" by their victims. Often the victim of an assault is the person who started the fight, or the victim of an automobile theft is a person who left his keys in his car, or the victim of a loan shark is a person who lost his rent money at the race track, or the victim of a confidence man is a person who thought he could get rich quick. The relationship of victims to crimes is a subject that so far has received little attention. Many crimes, no matter what kind of people their perpetrators were, would not have been committed if their victims had understood the risks they were running.

From another viewpoint, crime is "caused" by public tolerance of it, or reluctance or inability to take action against it. Corporate and business — "white-collar" — crime is closely associated with a widespread notion that, when making money is involved, anything goes. Shoplifting and employee theft may be made more safe by their victims' reluctance to report to the police — often due to a recognition that the likelihood of detection and successful prosecution are negligible. Very often slum residents feel they live in territory that it is useless for them even to try to defend. Many slum residents feel overwhelmed and helpless in the face of the flourishing vice and crime around them; many have received indifferent treatment from the criminal justice system when they have attempted to do their duty as complainants and witnesses; many fear reprisals, especially victims of rackets. When citizens do not get involved, criminals can act with relative impunity.

In a sense, social and economic conditions "cause" crime. Crime flourishes, and always has flourished, in city slums, those neighborhoods where overcrowding, economic deprivation, social disruption and racial discrimination are endemic. Crime flourishes in conditions of affluence, when there is much desire for material goods and many opportunities to acquire them illegally. Crime flourishes when there are many restless, relatively footloose young people in the population. Crime flourishes when standards of morality are changing rapidly.

Finally, to the extent that the agencies of law enforcement and justice, and such community institutions as schools, churches and social service agencies, do not do their jobs effectively, they fail to prevent crime. If the police are inefficient or starved for manpower, otherwise preventable crimes will occur; if they are overzealous, people better left alone will be drawn into criminal careers. If the courts fail to separate the innocent from the guilty, the guilty may be turned loose to continue their depredations and the innocent may be criminalized. If the system fails to convict the guilty with reasonable certainty and promptness, deterrence of crime may be blunted. If correctional programs do not correct, a core of hardened and habitual criminals will continue to plague the community. If the community institutions that can shape the characters of young people do not take advantage of their opportunities, youth rebelliousness will turn into crime¹.

¹ *Task Force Report: Crime and its Impact — An Assessment*. The President's Commission on Law Enforcement and Administration of Justice. Washington, D.C., 1967, pp. 1-2.

This more than shows the complexity of the problem, and calls for prudence on the part of those who believe that they have discovered the cause of crime.

101. Most of the manuals of criminology state repeatedly that urbanization engenders crime. The Katzenbach Commission itself, although it pointed out nuances, supported this theory with impressive statistics.

According to the figures of the Katzenbach Commission, 36 American cities, each with more than one half million population, although representing only 18 percent of the total American population, were responsible for more than one half of the principal crimes committed against the person and for more than 30 percent of all the crimes committed against property. Still in the United States, one theft out of three and one rape out of five took place in cities with more than one million population. Generally speaking, the American studies tended to prove that the cities, in proportion to their population, engendered an infinitely higher volume of crime than the rural sectors.

The Commission believes that age, urbanization, and other shifts in the population already under way will likely operate over the next 5 to 10 years to increase the volume of offences faster than population growth. Further dipping into the reservoirs of unreported crime will likely combine with this real increase in crime to produce even greater increases in reported crime rates. Many of the basic social forces that tend to increase the amount of real crime are already taking effect and are for the most part irreversible. If society is to be successful in its desire to reduce the amount of real crime, it must find new ways to create the kinds of conditions and inducements — social, environmental, and psychological — that will bring about a greater commitment to law-abiding conduct and respect for the law on the part of all Americans and a better understanding of the great stake that all men have in being able to trust in the honesty and integrity of their fellow citizens¹.

102. While thus recognizing the connection between urbanization and crime, the Katzenbach Commission nevertheless stressed the need to carry out research to secure more exact interpretations of these general statements².

¹ *Task Force Report: Crime and its impact — An Assessment*. The President's Commission on Law Enforcement and Administration of Justice, Washington, D.C., p. 41.

² One of the most striking facts about crime, especially in the big cities, is the consistent fashion in which the rates for different types of crime vary from one area to another. It is remarkable that these rates in any one city stay as steady as they do, allowing for the changes in the population from year to year. It is also surprising that the pattern of relationships between high-and low-rate crime areas changes so slowly.

The average city dweller learns to take such facts for granted as he grows up. Some areas have a reputation as tough and physically dangerous neighborhoods to

In France, various authors have also highlighted the "urban face" of crime. In other words, they have become conscious of a relationship, more or less direct, and more or less strong, between crime and industrialization or urbanization. Jean Marquiset, after having made certain reservations, believed that an observer of French crime could make the following statements :

- 1 — Crimes appear to be more frequent in the cities than in the country, in the industrial centres more than in the agricultural areas.
- 2 — Crime is much lower in the mountainous countries, possibly because they are less densely populated, but also because their inhabitants are more temperate.
- 3 — As we have already indicated above, infanticides happen chiefly in the country, abortions in the cities, immoral offences in the mining and industrial centres. Robberies and arson are most frequent in the country than in the city.
- 4 — Whenever it has been possible to establish a relationship between the characteristics of a region and certain crimes, the same relationship has been found again in regions having similar characteristics¹.

wander in at night, some offer access to vice and other illicit pursuits, in others drug addicts or derelicts, petty thieves, and hustlers hang out together, while elsewhere the homes are quiet and safe, the streets and parks well used. Part of the excitement of the city is the variety and contrast of its specialized physical, social, and cultural environments for different activities and styles of life. People learn to search out the areas that fit their needs and interests and to avoid others, except for those who are forced to live in high crime areas because of economic necessity, residential segregation or other pressures. Even when they visit other cities in the United States, the characteristic signs of the different areas are recognizable in the houses stores, condition of the streets, and the appearance and behavior of the inhabitants.

But if we are to understand crime, to control it, and to prevent it, this predictable pattern of variation in the rate of crimes by city districts must be accounted for. How in fact are different crimes distributed among the various areas of the city? Do these patterns change and show trends over time? Do these crime rates vary in predictable ways with other indicators of social conditionality, or racial characteristics of residents of different areas? What types of explanations can be found for the regularities, the variations, and the change which appear in research finding? President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Crime and Its Impact — An Assessment*, p. 60.

¹ JEAN MARQUISET, *Le crime*, (Que sais-jé ?), Les Presses Universitaires de France, 1964, p. 124.

103. It cannot be denied that urbanization and industrialization have contributed to criminality, and still continue to do so¹. However, there is ever greater reluctance to be satisfied with such over-simplifications.

Moreover, the problem will not be resolved simply by establishing a relationship between the city and crime. To begin with, all those who live in an industrial and urban climate, do not become criminals; furthermore, although there are fluctuations in the rate of crime, it is often impossible to determine to what extent industrialization and urbanization are responsible for these changes.

104. It is noted moreover, that many European cities have not been subjected to the considerable increases in crime during recent years which have so unhappily afflicted most of the large American metropolitan areas. London, paradoxically, has not exceeded the national average and is responsible, proportionately speaking, for less than its share of violent crimes².

Urbanization and industrialization should not be isolated from all the factors which govern the volume and nature of crime. It is often the by-products of industrialization which contribute to the rise in crime:

One of the most important characteristics of our present culture is industrialization. Some of the influences of this, which relate to crime and delinquency are the destruction of the small intimate community, population mobility, monotonous and less creative work for many, extensive leisure, the emancipation of women and a rising divorce rate, to name a few. The impact of such situations is usually indirect and obscure but few will deny that these exist among the causes of crime and delinquency³.

¹ It is possible to formulate the second rule as a preliminary to all socio-cultural aetiology; as we move farther away from the abnormal mental criminals, the importance of the socio-cultural factors increases. DENIS SZABO, *Le criminel d'habitude: aspects criminologiques*, in *McGill Law Journal*, Montreal, 1967, Vol. 13, p. 622.

² Throughout the last decade crimes of violence have increased in all parts of the country and this applies both to the large urban areas and to the counties. The increase has been less in the South of England than in the North, and no more than average in the Metropolis.

In the Metropolitan Police District crimes of violence more than doubled in the last decade: rising from 1,122 in 1950 to 2,754 in 1960. They account for approximately 18 percent of all recorded crimes of violence in the country. The population in this police area is over eight million so that in London the ratio of crime to inhabitants has risen from 13.4 per 100,000 in 1950 to 33.6 in 1960. In 1960, the number of violent crimes for London, when related to the population, is somewhat less than it is for the whole of England and Wales: 33.6 as compared with 34.4 per 100,000. F. H. McCLINTOCK, *Crimes of Violence*, London, Macmillan & Co. Ltd., 1963, p. 23.

³ MARK S. RICHMOND, *Prison Profiles*, Dobbs Ferry, New York, Oceana Publications Inc., pp. 159-160.

At this point in our analysis we thus retain industrialization and urbanization as factors of crime but we are endeavouring to relate these to other causes: this is necessary if we are to avoid explanations which are overly simple. The city does not always breed criminality and the rural milieu is not beyond all temptations.

TABLE CVIII

INCIDENCE OF INDICTABLE CRIMES OF VIOLENCE PER HUNDRED THOUSAND OF THE POPULATION IN LONDON AND OTHER AREAS (1950, 1957 AND 1960)			
Police areas	Crimes of violence per 100,000 population		
	1950	1957	1960
Metropolitan Police district (population: 8 million)	13.4	23.0	33.6
6 large cities (population over 400,000)	17.8	27.1	41.0
Other areas	14.1	24.6	33.9
All England and Wales	14.3	24.5	34.4

105. At the present time it would seem that in addition to urbanization or industrialization, the *tempo* at which major changes have taken place must be added as a factor in the causes of crime.

In other words, the factory in itself does not bring about crime to as great an extent as would the *sudden* construction of a factory in an area which is traditionalist and rural. The removal from familiar surroundings, the uprooting, the transplanting are as much, if not more than industrialization itself, powerful factors of nervous strain and even of criminal behaviour¹.

¹ In emphasizing these environmental factors and personal characteristics the Commission is not suggesting that any one of these conditions, or even the presence of many, will inevitably produce delinquent or criminal behavior. Many adolescents exposed to these conditions do not engage in repeated delinquent acts; most mature into law-abiding, constructive members of the community. Conversely, the sharp rise in suburban communities demonstrates that pressures toward deviant behavior develop even among the affluent and the educated. Crime in the District of Columbia, however, is a serious problem today because of the increasing amount of criminal

In this perspective it is obvious that even the most positive statements as to the influence of urbanization are, generally speaking, justified. It is easier to understand, however, that urbanization has had, and still has today this impact only because of the rapidity with which industrial development has taken place. Historically the change-over to the industrial and urban era came about so rapidly that most of the traditional environment suddenly collapsed.

In those cases where urbanization took place gradually or existed before the modern acceleration began, the social peace has been better preserved. It is possible that it is this which distinguishes some European societies, such as Belgium and England, which are also undoubtedly affected by crime, but where an industrial climate existed before the acceleration of the last ten years.

Urbanization is without doubt, one of the most serious culprits, but it might not have been so if the changes had taken place gradually over a much longer period.

In conclusion :

How does crime vary with urbanization? There are no comparable *Uniform Crime Report* figures so the survey findings stand alone and (...) strongly indicate that the central cities are the scene of most major crimes, that the suburbs of metropolitan areas have less, and non-metropolitan areas have the least crime, major or minor¹.

106. It is difficult therefore, to isolate the city-crime relationship and not to consider the tempo of growth, the relative proportions... A large city, however, has a number of characteristics which favour crime.

For the experienced police, "the present situation, that is to say the way of life in an industrial complex society, encourages amongst other things, anonymity, mobility and, on the level which interests us, increases the opportunities for committing crimes"².

The themes of anonymity and mobility are repeated in the comments of most of the analysts. These are, however, general concepts which have undergone careful examination over the years. From them, it has not been possible to ascertain for example, whether the city has weakened man's

behavior by young people raised in the poorer areas of this city. The high incidence of low income, broken homes, unemployment and limited education among these delinquents and criminal offenders suggests that the interplay of these factors is contributing substantially to crime in Washington. *Report of the President's Commission on Crime in the District of Columbia*, Washington, 1966, pp. 795-796.

¹ PHILIP H. ENNIS, *The measurement of crime in the United States*, in *Law Enforcement, Science and Technology*, Thompson Book Company, 1967, p. 690.

² J. FOURASTIE, *Le grand espoir du XX^e siècle*, Paris, Presses Universitaires, 1958, p. 8.

resistance to temptation, or whether it has attracted individuals already badly oriented.

Fourastie's theory on "transitory imbalance" is well known, a theory according to which "one will only be able to say that the transitory period is in its decline when the point is reached where the upheavals caused by technical progress only affects a small number of active individuals, or only affects them in a less brutal manner"¹.

This theory warrants further exploration.

The same is true for the schematic outline made by Marshall V. Clinard, and which we reproduce here as Table CIX². This outline by its flexibility and by the various alterations made to it, shows clearly the many elements which characterize urbanization.

107. Does the city (and industrialization which goes with it) foster crime? The answer is not an easy one. In effect, the Western and North American civilizations had to cope simultaneously with their apprenticeship in urbanization and industrialization, as well as with a sudden change in all their habits.

Some authors stress the fact that the city has broken most of the ties which formerly existed between members of the same family³. Others prefer

¹ *Ibidem*.

² The growth of modern cities has meant the development of a way of life much different from that of the rural world. Urbanism as a way of life is often characterized by extensive conflicts of norms and values, by rapid social change, by increased mobility of the population, by emphasis on material goods and individualism, and by a marked decline in intimate communication. The relation of these factors to the size, density, and heterogeneity of an urban area can readily be seen in the schematic presentation in Table 3.5. MARSHALL B. CLINARD, *Sociology of Deviant Behavior*, New York, Holt, Rinehart and Winston, Inc. (3rd Edition), 1968, pp. 86-87.

³ Inevitably, the emotional bond within the family has become more tenuous. With one, and often both parents eating meals in a works canteen, and with other meals often taking the form of a running buffet because of the exigencies of the working day, the family meal, as many surveys show, has begun to disappear. This in its various forms, has always been a daily assertion of the solidarity and mutual affection of the family, and it probably had even profounder unconscious psychological significance, arising from the primitive emotions of protectiveness and loveliness associated with the feeding situation.

The passing of the family meal is only one indication of the present tendency for family life to become emotionally impoverished. Personal relationships between members of the family seem to be fewer and more superficial. Everybody is always going somewhere, or doing something. Some children see very little of their parents, and it seems a particular deprivation that they see so little of their mothers. The facts are attested to from a variety of sources: surveys, schoolteachers, etc. They eat their midday meal at school, and, letting themselves into the house with their own latch-keys, snatch a hasty meal in an empty house before going out to play on the streets until bedtime. Their mothers, even during the time they spend at home,

TABLE CIX

TABLE 3.5 SCHEMATIC VERSION OF URBANISM AS A WAY OF LIFE

Size	An increase in the number of inhabitants of a settlement beyond a certain limit bring about changes in the relations of people and changes in the character of the community.	<p>Greater the number of people interacting greater the potential differentiation (mobility). Dependence upon a greater number of people, lesser dependence on particular persons. Association with more people, knowledge of a smaller proportion, and of these, less intimate knowledge. More secondary rather than primary contacts— increase in contacts which are face to face, yet impersonal, superficial, transitory, and segmental. More freedom from personal and emotional control of intimate groups. Association in a large number of groups, no individual allegiance to a single group.</p>
Density	Reinforces the effect of size in diversifying men and their activities, and in increasing the structural complexity of the society.	<p>Tendency to differentiation and specialization. Separation of residence from work place. Functional specialization of areas—segregation of functions. Segregation of people: city becomes a mosaic social world.</p>
Heterogeneity	Cities products of migration of peoples of diverse origin. Heterogeneity of origin matched by heterogeneity of occupants. Differentiation and specialization reinforces heterogeneity.	<p>Without common background and common activities premium is placed on visual recognition: the uniform becomes symbolic of the role. No common set of norms and values, no common ethical system to sustain them; money tends to become measure of all things for which there are no common standards. Formal controls as opposed to informal controls. Necessity for adhering to predictable routines. Clock and the traffic signal symbolic of the basis of the social order. Economic basis: mass production of goods, possible only with the standardization of processes and product. Standardization of goods and facilities in terms of the average. Adjustment of educational, recreational, and cultural services to mass requirements. In politics, success of mass appeals—growth of mass movements.</p>

SOURCE: Schematic version by E. Shevky and W. Bell, *Social Area Analysis* (Stanford, Calif.: Stanford University Press, 1955), pp. 7-8, derived from Louis Wirth, "Urbanism as a Way of Life," *American Journal of Sociology*, 44: 1-24 (1938). Copyright 1938 by the University of Chicago.

to emphasize the specifically social aspects of the city: they state that the city is only evil if the necessary planning has been omitted¹.

We do not have to choose amongst the different explanations. Our task is limited to stating *that the city, as it originated and as it has been allowed to develop in our province, has certainly engendered a large part of the crime*. This statement takes into consideration the rapidity of social changes and the fact that one single urban concentration monopolizes almost half the population of Quebec. This last fact worsens the impact of 'uprooting': the transition is not made from a village to the city, but from a parish to the metropolis.

Without becoming prophets of doom, we must however state that in Quebec, unbanization and industrialization have not been as fast or as complete as elsewhere, Ontario for example. This could explain why Ontario is already faced with a substantially higher rate of crime.

These rather summary declarations call for consideration:

- of the type of legislation which is needed in this "anonymous", "mobile", pluralist environment;
- of the function of the police in this new world;
- of the possibility of minimizing some of the unhappy corollaries of urbanization and industrialization through better planning.

have to establish a routine for getting their housework done which plays havoc with relaxed family intercourse; and when they are not working in or out of the house, they feel too much in need of rest and recreation to play the part of the loving mother very patiently or for very long. There is no suggestion that these children are neglected materially. They are better dressed for school than were their parents as children and are very well nourished indeed. But all this is a further manifestation of the undue emphasis placed upon material welfare. Its obverse is the loss of many of the emotional benefits which a child used to have from his home, and which he probably needs if he is to feel secure and lovable. HOWARD JONES, *Crime in a Changing Society*, (Penguin Books), Great Britain 1965, p. 154.

¹ To what extent is crime concentrated, as has long been thought, in the urban environment? To what extent are there regional differences in crime rates? And to what extent are the poor, and especially the Negro, more or less likely to be victims of crime? Behind these factual questions lie alternative remedial measures which range from city planning and the war on poverty to the training and organization of police departments and the allocation of their resources within the communities of the nation. PHILIP H. ENNIS, *Criminal Victimization in the United States: A Report of a National Survey*, University of Chicago, May, 1967, p. 20.

3—ARE THE YOUNG MORE CRIMINALLY INCLINED ?

(108-118)

108. For a number of years it has been realized that youth plays a more important part in society and an extremely important role in the growth of crime.

Whether it is juvenile delinquency or the crimes of young adults, statistics show, in most countries, alarming increases both in the number of juveniles involved, and in the number of offences committed by young people.

The Tables XCVIII to CVII show that in Canada, of all the age groups, only the categories of 16 to 17 years of age, and 18 to 19 years of age, have increased their rate of crime since 1950. Another group, that of 20 to 24 years, following substantial increases towards the end of the 50's, has today almost returned to its 1950 level.

Most American sources corroborate these figures.

The number and proportion of juveniles arrested for serious crimes has varied widely but appears to be increasing in recent years (Table 8; our table CX). The number of juveniles arrested has ranged from a low of 2,288 in 1958 to a high of 4,034 in 1965; the proportion of juvenile arrests to all Part I arrests reached a low of 23 percent in 1955 and a high of 37 percent in 1965. In the period 1961-1965 juvenile Part I arrests rose from 2,923 to 4,034, an increase of 38 percent; adult Part I arrests fell from 8,315 to 6,384, an 18 percent decrease (Part I: murder, rape, robbery, aggravated assault, house breaking, larceny, auto theft) ¹.

109. We must question such statistics. They create the impression that crime begins at the age of sixteen. Unquestionably the anonymity of the young delinquent must be preserved in conformity with the provisions of the Juvenile Delinquents Act. However, by separating juvenile delinquency from adult delinquency, we overlook the fact that the peaks of criminality are not always found in the first years of maturity, but often in the last years of youth and even adolescence.

More precisely, this means that the indexes of crime are frequently at their peak, not amongst youths of 16 to 18 years, or 18 to 20 years, but rather amongst youths of 14 and 15 years. In England it was even noticed, as will be seen from our report on juvenile delinquency, that the "peak period" of criminality was changed by one year when legislation with regard to education obliged young people to remain in school one more year.

¹ Report of the President's Commission on Crime in the District of Columbia, Washington, D.C., 1966, p. 29.

The situation is particularly delicate in Canada, by reason of the fact that all the Canadian provinces do not have the same definition of a juvenile delinquent. In Quebec, the youth of 17 years still has to appear before the Social Welfare Court, while in some Canadian provinces he would have to appear before the regular court.

TABLE CX
ARRESTS FOR PART I OFFENCES
(1950-1965)

Year	Total arrests	15 and Under	16 years	17 years	Total juvenile	Percent juvenile	Total adult	Percent adult
1950.....	10,864	2,185	558	692	3,435	31.6	7,429	68.4
1951.....	9,845	1,563	443	408	2,414	24.5	7,431	75.5
1952.....	11,705	2,170	474	508	3,152	26.9	8,553	73.1
1953.....	12,278	2,688	559	516	3,763	30.6	8,515	69.4
1954.....	11,787	2,304	601	441	3,346	28.4	8,441	71.6
1955.....	11,072	1,689	468	334	2,491	22.5	8,581	77.5
1956.....	10,127	1,951	467	447	2,865	28.3	7,262	71.7
1957.....	9,154	1,700	468	400	2,568	28.1	6,586	71.9
1958.....	10,054	1,364	524	400	2,288	22.8	7,766	77.2
1959.....	10,204	1,747	473	590	2,810	27.5	7,394	72.5
1960.....	10,277	1,605	525	508	2,638	25.7	7,639	74.3
1961.....	11,238	1,952	556	415	2,923	26.0	8,315	74.0
1962.....	10,672	1,918	494	431	2,843	26.6	7,829	73.4
1963.....	10,757	1,988	551	443	2,982	27.7	7,775	72.3
1964.....	10,220	2,248	652	551	3,451	33.8	6,769	66.2
1965.....	10,868	2,534	815	685	4,034	37.1	6,834	62.9

We emphasize these details for various reasons. In the first place, such ambiguities unquestionably influence the volume of crime attributed to adults or to youths. In the second place, public opinion does not react in the same way when faced with the violence of the youth of 15 years as it does with regard to the crimes of violence amongst youths of 19 and 20 years. In other words, a spectacular increase in crimes of violence amongst adolescents, does not create the same feeling of insecurity in the public as would a wave of violence amongst young adults.

110. Without a shadow of a doubt, the young generation as a whole is the one most seriously involved in crime. However, it should be realized that the problem even if it exists all over, is not necessarily taking the form of a tidal wave :

In short, it is possible to find a high, as well as low, incidence of crime among young adults in both developed and developing countries, in States within the same geographic region and in States with similar political systems¹.

Not only are the trends unstable, but most of the statistics dealing with juvenile delinquency place the problem in a false perspective. In fact, very rarely is the trouble taken to relate the *increase of juvenile crime* to the *increase in the juvenile population*. It is often true that youths commit a much greater number of crimes, but it is often so because they are more numerous.

Commission studies based on 1960 arrest rates indicate that between 1960 and 1965 about 40 to 50 percent of the total increase in the arrests reported by Uniform Crime Report could have been expected as the result of increase in population and changes in the age composition of the population².

111. However, distinctions must not obscure the problem. Whether one or another set of statistics is chosen (the number of delinquents arrested and the number of crimes committed by youths) the increases are still impressive.

Not only has juvenile crime increased considerably, but it also appears that juvenile criminality has had most rapid increases in the most serious crimes.

Since youth, must go joy-riding and many young Americans are accustomed to have what they want, it was no surprise that juveniles under eighteen should be responsible for more than half the reported automobile thefts. It was, however, more alarming that they also accounted for twenty per cent of the known cases of rape — this was indicative of a generally growing mood of violence. In Washington, 150 cases of assault against police officers were reported during the first six months of 1959, the majority committed by teenage thugs who vanished again into the night. The new insecurity in the Federal capital was partly, but only partly, linked to the rapid increase in its coloured population³.

Obviously such declarations can only arouse public opinion⁴. However, in certain milieu some consolation was found by stating that the American society alone was affected by these ills. This optimism has been shattered in recent years. The following excerpt shows to what extent the problem has become universal :

¹ *The Young Adult Offender, United Nations, New York, 1965, p. 11.*

² *Task Force Report : Crime and its Impact — An Assessment, The President's Commission on Law Enforcement and Administration of Justice, Washington, D.C., 1967, p. 25.*

³ T. R. FYVEL, *The Insecure Offenders, Great Britain, Pelican Books 1963, p. 160.*

⁴ What has worried the American authorities more, however, has been the apparently steady spread of juvenile lawlessness even into small towns and suburbs, with such revelations as that in a single year some five per cent of young Americans can get into trouble with the courts or the police or that youngsters under twenty-one constitute over half of those arrested for theft and robbery. *Op. cit.*, p. 19.

The whole *malaise* among a section of American teenagers has been well documented. What is not so well known because more recent, is that developments on the Continent of Europe have been rather similar. In the last ten years, at any rate, with the new economic boom, the figures of juvenile crime in nearly every European country have been rising steadily. More than that, the riots of American youngster and England's Teddy boys have had their counterpart in similar mass outbreaks on the Continent, occurring now here, new there. In 1956-8 the focal point was in West Germany and Austria, where gangs of dressed-up *Halbstarcken*, the Austro-German equivalent of Teddy boys, staged destructive riots in such cities as West Berlin, Hamburg, Brunswick, Essen, Vienna, and Graz. At the time the general view in France and Italy was that such things could not happen there. In 1960, however, gangs of *blousons noirs* staged disturbances in Paris and in the midseason Riviera on such a scale as to bring the French police out into the streets in vast force : by this time, police *razzias* to round up adolescent gangs had already also taken place in Italian cities like Milan. Revealing reports have also come from Sweden, neutral during the war, enjoying the highest living standards and most developed Welfare State in Europe ; yet the rate of juvenile crime in Sweden has gone up steadily since the war, reaching a high point in 1958 in the form of adolescent mass disturbances in Stockholm and other cities which led to massive attempts at social counter-action by the startled Swedish authorities.

Nor is this all. To show that not only capitalist countries are involved, the following story from the Soviet newspaper Moscow Komsomol (January 22, 1959), one of many which could have been quoted, shown that conditions in Leningrad parks are at times not so altogether different from those in Central Park, New York¹.

112. The first reaction is to give a damning reply to the question : Is youth more criminally inclined ? The problem, however, is not so simple.

In fact, it is not possible to be satisfied with a term as general as "juvenile crime" or "juvenile delinquent". To place the problem in its true perspective it is necessary to know for what crimes youth is particularly responsible and, as far as possible, divide youth itself into groups of more specific dimensions. It is quite likely, for example, that delinquency takes on different forms as the youth passes from one stage to the other in his evolution.

We believe that the anxiety concerning juvenile criminality is generally justified, but we also believe that advantage is being taken of the seriousness of the problem, to utter the most exaggerated statements, and to draw unfair conclusions. In this situation statistics would benefit by a division of the delinquents into groups and by the elimination sweeping generalizations.

We may now look at the figures to see whether or not any particular age group is more apt to commit certain kinds of offences than in pre-war days, and here the evidence is remarkable. It suggests that the older teenagers are unusually delinquent and that their offences are rather more aggressive in nature

¹ *Op. cit.*, pp. 19-20.

than they used to be. As between 1938 and 1959 the number of crimes with violence against the person for the 17 to 21 age group has gone up by about ten times while their breaking and entering offences had nearly quadrupled. Moreover, if we take all kinds of indictable offences, the 17 to 21 age group has more than doubled the amount of its criminal activities. The 21 and over group has almost doubled its criminality while the 8 to 16 group is only a little way in arrears of this achievement.

This phenomenon of an increased teenage delinquency has recently been examined by Mr. Leslie Wilkins of the Home Office research unit in a paper entitled *Delinquent Generations*. In this study Mr. Wilkins has shown from an examination of the official statistics for the years 1946-57 inclusively, that a particular generation of boys born between 1935 and 1942 have been exceptionally criminal. These young people who grew up during the most unsettled war years, who were between the ages of four and five during some of the most socially disturbed phases, subsequently produced the highest delinquency rates. The findings were not only true for boys and girls in England and Wales but also for the same age groups in Scotland. There is therefore a strong *prima facie* case for connecting the general upset in family and social life during the war years with the antisocial behaviour of young people who, at a particularly susceptible and sensitive stage of their psychological development had to endure exceptionally adverse conditions. If this is true, and the evidence points strongly in favour of this theory, then these subsequently abnormally delinquent youngsters are to be thought of more as the victims of circumstances than as being exceptionally depraved or vicious¹.

113. By separating the groups of delinquents it becomes easier to pinpoint the nature of the problems and find that certain crimes *belong* to a particular age category.

We note also that there are highly significant differences among the three age-groups in the distribution of the types of offences. The cases of the youngest group contain a somewhat larger percentage of felonies than those of either the 20 to 29 group or the over 29 group (74.1 ; 69.3 ; 57.1). The differences in the 21 percentage of felonious crimes against the person, proceeding from the youngest to the oldest group, are slight (5.8 ; 3.8 ; 8.1), but the percentages of robberies differ markedly, the lower the age, the greater the percentage of robberies (19 ; 11.3 ; 4). The data in cases of robbery suggest that the robbery techniques of the offenders under 21 tend more toward "strong arm" methods or "purse-snatchings", whereas those age 21 to 29 are more prone to rob at gunpoint. Offenders in both the under 21 and 21 to 29 group commit more burglaries than those over 29 (22.9 percent ; 25 percent ; 17.7 percent). Narcotics violations are relatively few in the youngest group and highest in the middle group (2 percent ; 8.6 percent ; 5.9 percent). The percentage of crimes against personal property is about the same in each successively older age-bracket (24.4 percent ; 21 percent ; 21.4 percent)².

¹ JOHN BARRON MAYS, *Crime and the Social Structure*, London, Faber & Faber Ltd., 1967, p. 31.

² EDWARD GREEN, *Judicial Attitudes in Sentencing*, London, Macmillan and Company Limited, p. 54.

114. Provided that statistics which differentiate to a much greater extent are used, *specialization* is then noted according to age groups. This has permitted Dr. Denis Szabo, Director of the Department of Criminology of the University of Montreal, to prepare the following table of Canadian criminality using the figures of the Federal Bureau of Statistics :

TABLE CXI

CONCENTRATION IN CERTAIN AGE GROUPS OF INDIVIDUALS FOUND GUILTY OF CERTAIN CRIMINAL ACTS		
Criminal Acts	% of individuals convicted in relation to the total criminal population	Age Group
Breaking and entering	70 (approx)	16-24
Rape	70 (approx)	18-30
Assaults causing bodily harm	50 (approx)	20-35
Assaults against an agent of the peace	50 (approx)	20-29
Theft	50 (approx)	16-24
Robbery	48 (approx)	20-29

It can be seen, in much the same way as the American enquiry which we have just quoted, that the youngest delinquents of whom mention is made in the statistics (16 to 17 years), only hold first place in two sectors : breaking and entering and theft. Moreover, the group from 18 to 19 years also plays an important role in the same sectors, with the addition of rape. Here again the Canadian experience bears out the American findings already quoted.

115. It is therefore with a measure of surprise that one reaches the conclusion that in North American society, youths do not at all have a monopoly on crimes of violence. It is the age group of 20 years and over, which clearly dominates the sectors of robbery, acts of violence against police officers and acts of violence causing bodily harm.

This North American experience is borne out by the experience in most other countries. A study of the United Nations covering 21 countries, concludes in these terms :

Summary. A Polish student of the young adult offender has observed that the criminality of this age group "seems to be considerably less differentiated than that of adults". A common pattern in most countries is for theft and other property offences to predominate, followed by offences involving violence, while other offences — with the exception of traffic offences in certain countries — play a much less conspicuous role¹.

This is the first important distinction. We repeat, we have no intention of reducing juvenile crime to the rank of pure fancy. We simply believe that it is not possible to reply in an overall manner to this question, which is today in everybody's mind: Is youth more criminal? We must emphasize that violence, even if it increases rapidly amongst youths, is still not the exclusive domain of the young generation. It would seem on the contrary, that youth comes to crime by way of theft and burglary and does not engage in crimes of violence until after having reached the age of 20. The answer to these questions assumes an extreme importance:

How is crime distributed spatially and socially? Answers to these questions are important, not only to guide a more rational allocation of police and other remedial resources but also to correct misconceptions about the incidence of crime².

116. Finally, the committee of the United Nations concluded in the following manner:

Judging from the statistics report from the various countries the situation in about one-half of them would appear to give cause for concern. Canada, Denmark, France, India, Israel, the United Kingdom and the United States of America are included in this group of countries whose statistics reveal an already high incidence, or a rising trend, or an increase, particularly in serious crimes, among young adult offenders...

In Argentina, Lebanon, Malaysia, Nigeria and Yugoslavia the statistics reveal a low incidence of crime or a declining trend in relation to the young adult offender. It is noteworthy that in Japan, the number of juveniles apprehended increased appreciably in the period 1957-61, whereas the comparable figures for young adults and adults decreased in the same period³...

117. It would therefore be wrong to describe juvenile criminality throughout the world in a uniform manner. It is however possible, without minimizing any of the important distinctions, to indicate the existence of certain constants, one of the most important being: that juvenile criminality, notwith-

¹ *The Young Adult Offender*, United Nations, New York, 1965, p. 16.

² PHILIP H. ENNIS, *The measurement of crime in the United States*, in *Law Enforcement, Science and Technology*, Thompson Book Company, 1967, p. 689.

³ *The Young Adult Offender*, United Nations, New York, p. 10.

standing the evolution in recent years, still consists principally of attacks against property. This it will be noted, is particularly true in Canada:

Crimes against property. Of the various types of offences committed by young adults, those against property are almost everywhere the most numerous. For example, out of a total of 18,425 indictable offences committed in Canada in 1961 by persons aged 16 to 24 years, 14,549 or approximately 79 percent, were offences against property with and without violence. Similarly, in Argentina young adults between the age of 18 and 22 years were responsible for 73.2 percent of property offences in the five-years period 1950-1954. Similar experiences have been reported from Ceylon, France, India, Venezuela and other countries.

The majority of property offences involve theft in one form or another. In Poland for instance, theft accounts for 92 per cent of all property offences committed by young adults. With regard to types of theft, the report from Lebanon mentions in particular pocket-picking of tourists and foreigners, and shoplifting. Theft in Nigeria is described as mainly "petty larceny from shops, homes, stallholders, motor cars, etc."¹.

118. These statements, by themselves, are still inadequate. Up to now we have spoken indiscriminately of juvenile delinquency and of the criminality of young adults. We have done this because public opinion is not yet aware of the differences which can exist between the various groups within the younger generation. Furthermore it is difficult to find a permanent basis when the definition of a young delinquent varies from one province to another. Finally, the statistics are particularly vague in that area where the maximum discretion is exercised by the police, the Crown prosecutors, and the judges.

In spite of these ambiguities, it is possible to draw certain conclusions:

- 1 — the volume of crimes committed by youths of less than 20 years of age, is increasing rapidly;
- 2 — the groups of 16 to 17 years, and of 18 to 19 years assume a preponderant place in the domain of breaking and entering and of theft;
- 3 — violence does not seem to be the principal field of action of youths less than 20 years of age.

All in all, this chapter should end by an appeal to caution² and by encouraging the undertaking of research capable of defining the nature and volume of crimes committed by each group of delinquents.

¹ *The Young Adult Offender*, United Nations, New York, pp. 11-12.

² They certainly cannot explain the international wave of youthful unrest — they certainly cannot explain its continuous rise. For one thing the delinquency figures in many countries are simply too large. In Britain, for example, they are much higher than they should be in view of the progress in social welfare on every side. It seems also clear that the aftermath of the war can be only a very partial explanation of the unrest. Neutral Sweden, to quote only one instance, has after all been beset by this same problem. In the United States, again, the figure of young people

At the present time the large majority of surveys and enquiries show that *the criminal encountered most frequently is not the tumultuous and violent adolescent which publicity has led us to assume.*

Our personal investigation has enabled us to discover the principal factors behind criminal inclination in general. Some of these factors are aetiological, some generic and others specific. Their constancy makes it possible to outline a profile of the average criminal. According to our results this profile looks something like this: in regard to the criminal population which we have tested, the average delinquent or criminal answers to the following description:

- He is at least 30 years of age if he has committed one theft, about 43 years of age if he is prosecuted for assault and battery, and about the same age, he is accused of immoral offences;
- If the delinquent or criminal comes from a rural class, there is as much likelihood that he has committed an offence against property as an immoral offence. It is twice as unlikely that he has been prosecuted for assault and battery¹.

Thus, notwithstanding the great importance placed recently on juvenile criminality in its broadest sense, it is not possible to impute to any single generation the responsibility for the near totality of the crimes. Briefly, the youth of 14 to 20 years of age commits more than his share of crimes, but he is not, and far from it, the principal author of crimes of violence.

4 — WHERE WILL VIOLENCE STOP? (119-124)

119. As soon as the subject of crime comes up, another question is on everybody's mind: where will crimes of violence stop?

We have already explained in the first part of this work the great care with which statements dealing with crimes of violence must be handled. If a segment of public opinion and a number of specialists are to be believed, it would call for a judgment without distinctions or reserve affirming the fact that there has been a constant and alarming increase in crimes of violence.

In our opinion, however, crimes of violence have remained relatively stable, while crimes directed against personal property have increased considerably and rapidly.

convicted has risen so regularly year by year — by now uninterruptedly for nine years, with the lawlessness spreading from the big cities into the small towns and suburbia — that the phenomenon must be connected with current developments in American society, as indeed it obviously is. T. R. FYVEL, *The Insecure Offenders*, Great Britain, Pelican Books, 1963, p. 22.

¹ DR. RENE RESTEN, *Caractérogie du criminel*, Les Presses Universitaires de France, p. 127.

An important American magazine, *U. S. News and World Report*, nevertheless, did not hesitate in its issue of March 10, 1969 to describe criminality in the following terms:

The Federal Bureau of Investigation's latest compilation of reports from State and local police agencies found the rise in violent crime last year running at a national rate of 21 per cent above the figure for 1967.

Crime was up in every part of the country — in the suburbs and rural areas as well as in the cities.

Statistics tell a story of worsening terror in the streets. Armed robbery increased 37 per cent. Other rises registered included murder, up 15 per cent; forcible rape, up 17 per cent; aggravated assault, up 13 per cent¹.

120. Faced with violence, confusions of all kinds become possible. The term has so polyvalent a meaning that statistics have found a way to use it in crimes against personal property: it arouse so much emotion that a single incident can excite public opinion. It is not surprising therefore, if public opinion spontaneously connects different concepts: crime, violence, disputes, mass demonstrations...

If we are again referring to this question of statistics, after having explained the limitations of the actual statistics, it is because the pressures exercised by an enlightened public opinion, can frequently result in changes in legislation and in the prison treatment.

A critical approach to the statistics quoted in discussions on crimes of violence is clearly required. And one cannot stress too strongly the danger which may arise of false conclusions being drawn from the use of vague words and inappropriate figures in statements about the incidence of such crimes, particularly when they may lead to proposals for changes in penal policy.

The lack of precision is perhaps to some extent understandable; for if one looks into the legal authorities one finds that "crimes of violence" are not recognizable as a definite class. Most authorities merely make the conventional distinction between "offences against the person" and "offences against property". Under the former heading the list of offences varies from one text-book to another, and it is necessary to examine each offence in detail in order to determine whether or not it involves an element of personal violence².

The temptation is all the greater to strengthen the penal legislation as public opinion is ready to look upon youth as being chiefly responsible for crimes of violence. Public opinion, notwithstanding all the evidence to the contrary, still considers the typical criminal as an adolescent rebelling against society. In this perspective it is understandable that society adopts vis-à-vis the criminal an attitude both authoritarian and paternalistic: in the

¹ *Breakdown of Courts in America*, in *U. S. News & World Report*, March 10, 1969, pp. 58-60.

² F. H. McCLINTOCK, *Crimes of violence*, London, Macmillan & Co. Ltd., 1963, p. 1.

face of violence the idea is not to cope with an extremely serious social problem, but rather to bring a number of scatter-brained youngsters to their senses! It is therefore, in our opinion, extremely important to know from where crimes of violence emanate and to identify correctly the culprits. If most of the responsibility does not belong to youths, it is quite likely that society will agree to change its views on this matter.

We find here even stronger reason to distinguish clearly between juvenile delinquency and the criminality of young adults:

More than 7 in 10 of all those convicted of crimes of violence were over the age of 21. In fact, a substantial proportion of the offenders were over the age of 30 and more than 1 in 8 were over 40 years of age. Two outstanding features which emerge are the high proportion of crimes of violence among those aged 21 to 30 and the low proportion among those under 17 years¹.

121. Concerning violence, we believe that various comments can be made:

- a) violence is more frequent than previously amongst youths of less than 20 or 21 years of age;
- b) the violent criminal is still, in most cases, an individual of more than 20 years of age; frequently he is more than 30 years old;
- c) the repeater is found much more frequently in cases of crime against property than in cases of crimes of violence;
- d) violence often brings into conflict people who have previously known each other.

Obviously these statements require conclusive proof. Actually, each one of them, with the possible exception of the first, is contrary to the convictions of a large number of people. We believe, however, that a careful analysis of the Quebec, Canadian and foreign statistics, leads unerringly to these conclusions.

122. *a and b*) As a general rule it is possible to prove at one and the same time, a marked increase in juvenile criminality and the predominance of adults in crimes of violence.

It was also found that this very high proportion of those convicted of violence for the first time prevailed in every age group. The proportion of such offenders decreased steadily with age, but in view of the frequent statements about repeated violence by the young, perhaps the most significant fact that emerges is that even in 1960 more than 8 in 10 of those under 21, who were brought before the courts, had no previous convictions for offences of violence. It will be seen, however that between 1957 and 1960 the proportion of offenders

² *Op. cit.*, p. 98.

aged between 17 and 21 with no previous convictions for violence dropped from 89 to 79 per cent*¹.

If these figures are correctly interpreted, it becomes evident that, notwithstanding the marked increase in juvenile violence, it is still true to say that four out of five of the delinquents between 17 and 21 years of age, have never committed a crime of violence. It must also be deduced that the large majority of crimes committed by youths of less than 20 years of age, are "economic" crimes, while the individuals of 20 or even of 22 to 35 years, commit the large majority of the crimes of violence both against the person and against property.

c) This point warrants more than a mere mention. In effect, there is in such a statement (repeaters are found to a much greater extent in cases of crimes against property than in cases of crimes of violence), in our context, something extremely reassuring.

The facts add up to reassure the public and to exonerate the young generation. *On the one hand*, we suddenly notice that the risks of recidivism are much lower in crimes of violence than in crimes against property; *on the other hand*, it is noted with equal surprise, that violence is more likely to be the act of young adults and adults than of the younger generation². The author could even affirm that simple theft and fraud, two areas of non-violent criminality against property, are the areas in which most repeaters are found:

¹ F. H. McCLINTOCK, *Crimes of violence*, London, Macmillan & Co. Ltd., 1963, p. 104.

* This may be to some extent related to the greater prevalence of crimes of all types among those whose infancy was concurrent with the war years 1939-45. See *Delinquent Generations (1960)*, by Leslie T. Wilkins (Home Office Studies in the Causes of Delinquency and the Treatment of Offenders, No. 3).

² In our population, we have been able to establish that certain types of offences tended to relate particularly to certain age groups. Thus certain "economic" offences are preponderant in the under 22 age group (automobile thefts, while particularly frequent during that period, are seldom perpetrated after the age of 30 and can be classified as "juvenile offences"). Similarly, crimes of violence, and in particular, armed robberies, seem to be favoured by the 22 to 35 age group. In short, with most of the habitual adult criminals, there clearly emerges a pattern of living which starts with those offences we have just termed "juvenile" to extend into an overabundance of crimes of violence. What is then remarkable in that group is that simple thefts increase substantially from one conviction to the other, the increase being felt in particular between the second and the third conviction, whereas violent anti-social demonstrations, starting with the third conviction (i.e. when the average age of the group is approximately 30 years) gradually decrease until they practically disappear after the forties. MARCEL FRECHETTE, *The problem of recidivism in the criminal adult*, in *4th discourse on delinquency and criminality research*, Ottawa 1965, p. 125.

Two types of offences, theft and fraud, have withstood the tests of time, age and imprisonment. They seem to constitute two of the most stable forms of crime, promoting and, in a way, inevitably leading to multi-recidivism. Within the population we have observed, these offences emerge as one-way roads, as pernicious forms of crime, the ones most replete with criminality and the ones most likely to lead to relapses¹.

123. d) It goes without saying that this kind of information reduces, the fear of "attack by a stranger". This is of great importance in a milieu where an increasing percentage of the population appears to believe that it is dangerous to walk the streets at night.

Do these figures validate the charge of "crime in the streets"? Yes, the city is a more dangerous place than suburbs or small towns. Yet these figures should not be taken without these qualifications: About 40 per cent of the aggravated assaults and rapes (constituting most of all the serious crimes against the person) take place *within the victim's home*, and about 45 per cent of *all* the serious crimes against the person are committed by someone familiar to the victim. Random street crime by strangers is clearly not the main picture that emerges from these figures².

It should be observed that these figures come from the United States where crimes of violence are at a much higher level than in Quebec and Canada. An investigation in depth carried on in England, moreover, concluded in these terms:

The analysis of crimes of violence according to their factual substance shows that most of the crime is not committed by criminals for criminal purposes but is rather the outcome of patterns of social behaviour among certain strata of the community. This form of violent behaviour has increased considerably over the last ten years. Violent sexual crimes, attacks on police and hooliganism also increased but they are relatively small groups and the frequency of such crimes is often exaggerated³.

We have already given Canadian figures which are absolutely parallel.

124. Where then, is violence going to stop? In answer to this question, the Commission can only offer the information which is now available to it. Generally speaking, it would seem that crimes of violence affect in an unequal proportion, the property and the person: *the increases are much higher in the case of violence against property than for violence against the individual.*

¹ *Op. cit.*, p. 126.

² PHILIP H. ENNIS, *Criminal Victimization in the United States: A Report of a National Survey*, University of Chicago, May, 1967, p. 30.

³ F.H. McCLINTOCK, *Crimes of violence*, London, Macmillan & Co. Ltd., 1963, p. 57.

Furthermore, it would seem that the younger generation, particularly if young delinquents and young adults up to 25 years of age are included in this classification, *is participating to a greater extent in crimes of violence just as it does in all other human activities.*

In the third place, it is noted that violence does not always take the form of aggression by a total stranger. On the contrary, *a large proportion of the aggressions, acts of violence and murders, involve a relative or someone close to the victim.*

B—THE MORE SERIOUS DANGERS

B—THE MORE SERIOUS DANGERS (125-146)

125. It is not enough to demolish myths and to invalidate hypotheses. It is necessary to rid public opinion of a number of chimeras and half-truths. It is much more useful to show the public and the legislator the real dangers that modern crime causes to society in general, and to Quebec in particular.

The first part of this work reviewed the opinions generally prevalent amongst the public. It is now necessary and urgent to bring out in the open, the forms of crime which in our opinion, present the greatest challenge for Quebec. In fact, beyond the ambiguities of the "unknown figure", of the urbanization of youth and of violence, it is quite obvious today that some forms of crime have increased to the point where the stability of our society appears to be compromised.

The following pages therefore deal with economic crimes and with "the crime without a victim". In both cases it concerns a crime which all too often passes unnoticed by both public opinion and the legislator, but which nevertheless causes the most serious harm to the entire society. By thus drawing attention to these insidious forms of criminality, it is not our intention to minimize the seriousness of other forms of crime. We merely wish to place economic crimes, and crimes without a victim amongst our first concerns.

We have no hesitation in stating that from a collective point of view, we are more seriously threatened by these two types of modern crime than by all the murders and assaults which have taken place or may take place.

1 — THE "WHITE COLLAR" CRIME (126-139)

126. For some years now, the expression "white collar crime" has been popular. But there is still no full awareness as to what this term includes. And yet in a society such as ours, the *white collar crime* is without doubt the one committed more frequently, more profitably and with the maximum of impunity.

Generally speaking, this type of crime usually goes unnoticed. It normally takes place in an environment where everything conspires to surround a reprehensible act with discretion. A private enterprise will usually prefer to take care of problems with regard to *misuse of funds* on its own, rather than risk a public trial and adverse publicity. In the case of *shoplifting* the large department stores prefer to discreetly resolve their problems rather than continually bring before the courts large numbers of their clients.

Certain types of offenses are often not included in the statistics for ordinary crimes. These include occupational crimes, that is, crimes committed in connection with a legitimate occupation, particularly high-status, white-collar occupations. *White-collar crimes* are violations of laws by those with high status, such as business men, professional men, and politicians, in connection with their occupations. Their law violations are not usually tabulated as "crimes", even though the effect on society as a whole may be far more serious than that of a typical burglary. These offenses include embezzlement and other trust violations, falsified income tax returns, political corruption, violations of food and drug laws, violations of banking and security laws, fee splitting by doctors, and violations of countless other regulations affecting persons of the white-collar class¹.

We are using this expression "white collar crime" in its broadest sense, and we can state without any reservations, that the economic losses attributable to this form of crime are much greater than from the most violent crimes².

127. Obviously, the estimates are somewhat obscure when it comes to evaluating the volume of this hidden criminality. We are, once again, faced with the unknown figure, but we also are up against an additional difficulty. Indeed, the principles which govern the business world place this territory outside the reach of police detection.

¹ MARSHALL B. CLINARD, *Sociology of Deviant Behavior*, Holt, Rinehart and Winston, Inc., 1957, p. 30.

² White collar crime is a nonlegal term which refers to certain criminal acts, such as embezzlement and bribery, but does not specifically name the criminal acts to which it has reference; it refers to a certain type of person, namely, a member of the upper socioeconomic class, but does not provide us with specific criteria by which to determine the social class of the person involved; and the criminal law in defining acts that are usually referred to by the term "white collar crime," with a few exceptions, does not make any distinction regarding the social class of offenders. ... It should be clear, therefore, why there are no official sources of criminal statistics by which to estimate the amount of white collar crime. ROBERT G. CALDWELL, *A Reexamination of the Concept of White Collar Crime*, Federal Probation, 22: 30-36, March, 1958, p. 34, EDWIN H. SUTHERLAND, *White Collar Crime*, New York, Holt, Rinehart and Winston, Inc., p. ix.

It is true that certain sectors of white collar crimes are today subject to a strict surveillance by the police. For example, the anti-combine legislation allows the Federal Government annually, to take action against those Canadian enterprises found guilty of having conspired to establish uniform prices or to defraud the public. However, this is somewhat similar to judging an iceberg by its peak (Appendix 3).

Undoubtedly no wave of armed robbery deprives the public of as much money as the simple, tacit and discreet agreement amongst different manufacturers of an essential product. Furthermore, it is almost impossible to have an idea of the losses suffered by all trade and industry in the area of thefts committed by employees alone. In this respect the American evaluations are absolutely hair-raising:

Retail trade. Retail firms commonly have a sizable amount of stock shortage, or inventory shrinkage, that cannot be accounted for by any known cause. Markdowns, spoilage and other known causes of loss, such as burglary and robbery, are usually accounted for specifically and not included in the inventory shrinkage. The major part of the shrinkage is therefore due to recordkeeping errors, shoplifting, employee theft, and embezzlement through stock-record manipulation. While there is no reliable way to determine what losses are due to crime and what to error and other causes, the industry commonly estimates that as much as 75 to 80 percent of all shrinkage is the result of some kind of dishonesty. This means in effect a crime tariff, totalling more than \$1.3 billion annually, or about 1 to 2 percent of the value of all retail sales.¹

128. According to the American estimates, "theft by employees" not reported to the police, alone results in twice the amount of the losses of all thefts known to the police. To this figure should also be added the amounts from misuse of funds.

It would appear that the estimates are even more difficult in the case of misuse than in the case of thefts committed by employees. In fact a large number of the "misuse of funds" incidents occur at a higher echelon of personnel in the enterprise, with the company preferring to maintain complete silence about the whole matter. This explains the American estimates which appear to limit the losses in this sector to \$200 million. The available documentation supplies quite a bit of information with regard to the probable identity of individuals guilty of misusing funds:

This figure is almost surely too low. Fidelity insurance covers only about 15 to 20 percent of all firms and sustained losses totalling \$45 million in 1964. If it were assumed that the same proportion of uninsured firms had embezzlement losses as did insured firms, and if allowances were made for the high rate

¹ *Task Force Report: Crime and its Impact — An Assessment*. The President's Commission on Law Enforcement and Administration of Justice, Washington, D.C., 1967, p. 48.

of insurance in the banking and savings and loan industries, a national total of around \$200 million could be estimated.

Existing data indicates that this is very much a white-collar crime. In 1960, the bank embezzlers were 100 bank presidents, 65 vice-presidents, 145 managers, 345 cashiers, and 490 others, principally tellers and clerks¹.

129. These several examples give an indication of the volume of losses resulting from discreet crimes of the *white collar class*. We would like to point in particular to the sector of crime which results in even more serious losses while seldom attracting any attention. We have already alluded to it by touching on the question of monopolies but the problem warrants spending a little time on it².

The examples already given have shown the extent of the problem and there is no reason to return to this particular aspect. However, there should be an explanation as to *why* our society is particularly drawn to *economic crimes*, and so definitely unable to deal with them. In fact *our reply to this type of crime rests the future of our society*. In the strictest sense, this is the question which was posed bluntly by the Katzenbach Commission in the title of its report: *The Challenge of Crime in a Free Society*, that is to say: is a free society capable of dealing with the challenge made to it by modern crime?

130. The major difference between the penal codes of socialist countries and capitalist countries, reflects the importance of *economic crime*. In our world, the State fears more than anything else an attack on the freedom of enterprise and of association. In the socialist countries, on the contrary, much more importance is placed on offences which, when all is said and done, only affect individuals:

When reading the first article of the Yugoslav penal code, we are immediately able to see that which characterizes the Marxist theory of penal law, that is to say the close and indissoluble relationship of the latter with the economic, social and political organization of the new Yugoslavia. The role which the Yugoslav legislator assigns to penal law is that of an instrument in the hands of the established authority, intended for the realization and safeguard of the socialist system. We know that according to the Marxist doctrine, productivity conditions all other relationships between men, and that is why importance and priority are given to the economic, to the *infrastructure*, to borrow Marxist terminology. But it is also true, according to this same doctrine, that the *superstructure*, of which the law is one of the elements, affects the economy dialectically. It is

¹ *Task Force Report: Crime and its Impact — An Assessment*. The President's Commission on Law Enforcement and Administration of Justice, Washington, D.C., 1967, p. 47.

² We are reserving for Volume 3 Section 3, an exposé of the relations between "white collar crimes" and "organized crime".

therefore not surprising that the Yugoslav penal code places particular importance on economic infractions, since attack on the infrastructure of the country cannot be considered as anything other than "a socially dangerous fact", in a social organization based entirely on the planning of production. The result is that there exists in the Yugoslav penal law a penal reaction much more severe against infractions dealing with the organization of production than with those dealing with the interests of individuals. Another feature common to all penal codes of "socialist" countries, and which is also found in the Yugoslav penal law, is that offences against the State and the existing regime result in sanctions against their authors for which, as a general rule, only the minimum penalty is provided, while for offences against individuals and property of individuals, a maximum limit is stipulated.

The influence of the Marxist doctrine on the Yugoslav penal law is reflected particularly in the concept of an offence defined as follows: the offence is the socially dangerous act, the elements of which are defined by a penal law¹.

131. A society such as ours professes entirely different principles. The tendency towards personal achievement and accumulation of wealth is so strong, it is not surprising that there are those who conclude that all means are justified to achieve these ends. So great is this pressure that it is in the domain of fraud and theft, as we have already noted, that the highest rate of recidivism is seen. Some analyses have even likened the white collar criminal to the habitual criminal because both seem to be led by an uncontrollable impulse:

Three principal types are very close to the habitual criminal: the *political criminals* who commit anti-social acts for ideological, altruistic reason. They may commit thefts, even murders without, however, considering themselves as criminals, a fact which distinguishes them from professional criminals with whom they have, otherwise, numerous socio-cultural characteristics in common. The *white collar criminal* is found in the higher levels of society, amongst the bankers, the industrialists and some members of the liberal professions. The temptations are very great in many of these professions, and the problems of controlling large-scale criminal practices is a difficult one. The investigations in the United States with regard to infractions against the anti-trust law, to price controls practiced by certain industries, such as the pharmaceutical industry for example, the ethics of certain professions such as used car dealers, law practitioners, etc., show the infiltration of criminal habits into large areas of a social sphere which otherwise enjoys all the attributes of respectability. The third group is composed of *professional criminals* who have learned the technical elements of the trade by contact with a milieu well organized, culturally integrated and of which the arch-type is the mafia. Contrary to the habitual criminal described in the psychological definition, and who is found amongst the rejects of our industrial society, and is characterized by all the usual neuroses, these criminals are perfectly normal from the psychological point of view. They function so well that they escape

¹ AIME L. RAIC, *Idéologie politique et législation pénale: influence de la doctrine marxiste sur la législation pénale yougoslave*, dans 4e colloque de recherche sur la délinquance et la criminalité, Ottawa 1965, p. 163.

arrest and very rarely do they become the object of possible study for the penal institution clinician¹.

132. In such a context it is quite normal that, despite the existence of various legal texts defining a large variety of economic crimes, there is no public conscience reaction. We have already made allusion to the problem resulting from an increasing divergence between written legislation and the convictions of the public.

To a certain degree this danger exists in the area of white collar criminality. In fact, it would seem that the written legislation, as necessary as it may be, does not correspond to the well defined attitudes found in public opinion².

Moreover, white collar crime generally consists of a series of acts so carefully planned that it is extremely difficult to know where legality ceases and where crime begins. In other words, in this area of crime one frequently finds that individuals and enterprises who engage in questionable, though legal, behaviour, gradually progress to actions which are of a clearly criminal nature without realizing it.

Two conditions are favorable to disorganization of our society in the control of business behavior: first, the fact that the behavior is complex, technical, and not readily observable by inexperienced citizens; second, the fact that the society is changing rapidly in its business practices. In any period of rapid change, old standards tend to break down and a period of time is required for the development of new standards³.

133. These hypotheses possibly explain the behaviour of some individuals, but they do not account for the entirety of the problem. In reality a large number of major companies evade, or endeavour to evade, the laws which at the present time, prohibit them from establishing a monopoly, or advertising falsely...

¹ DENIS SZABO, *Le criminel d'habitude: aspects criminologiques*, in *McGill Law Journal*, Montréal, 1967, vol. 13, pp. 622 et 624.

² The laws against white-collar crime have sprung from the need to control activities which in the long run threaten serious damage to the socioeconomic relationships that the average citizen is unlikely to react immediately and personally. In short, moral sentiments are not developed as rapidly as the legal norms. The latter, therefore, lack the support of strong public mores as is the case for conventional crimes. In this sense, white-collar crime reflects the more general problem of consciously and deliberately creating a set of mores to support legal norms required by the circumstances of an urban-industrial society which are not appropriate for traditional social controls of the earlier agricultural societies. The usual assumption is that legal norms are expressions of the mores. It would seem that there are occasions when the reverse order is necessary. ELMER HUBERT JOHNSON, *Crime, Correction and Society*, The Dorsey Press, Homewood, Illinois, 1968, p. 265.

³ EDWIN H. SUTHERLAND, *White Collar Crime*, Holt, Rinehart and Winston, New York, 1949, p. 254.

In most cases, the act is done consciously and deliberately. From year to year it will be noted that the repeater exists at this level just as much and possibly even more so than in other areas, and the same enterprises are found repeatedly in the docks.

What is surprising is that offences are committed within an enterprise, regardless of changes in personnel or management. This indicates the extent to which economic crime is related to the legal and normal functioning of any private enterprise. In other words, it is paradoxical to expect an enterprise to constantly increase its revenues and profits while expecting the same enterprise to accept willingly, controls and restrictions.

134. Not only does the internal logic of private enterprise expose us to some of its inherent abuses, but the circumstances are such today that many businesses and particularly the largest, can engage in monopolistic practices with a minimum of risk and a degree of impunity.

For enterprises to enjoy so great a freedom of action, would appear to require that neither the competitors, the information media nor the State, have any fundamental objections to the existence of monopolies. Is it possible that all these conditions exist? Different studies suggest that it is.

135. It should be noted that *violations of anti-trust legislation are more likely the result of pressures from our economic system than of individual decisions*. According to the type of enterprise, it is even possible to predict the number of infractions it will commit. In addition, as Sutherland has noted, the personal characteristics of the directors of an enterprise will also have an impact on the nature and number of infractions committed by that enterprise. However, Sutherland believes that the decisions of individuals play only a minor role, and that the economic factors are generally sufficient to explain the situation. While admitting that the differences between one enterprise and another stem principally from the place occupied by each in the economic structure, Sutherland quotes three different ways of determining the number of violations.

First, since the number of decisions covers the life span of the corporations, variations in the ages of corporations may account for some of the variations in the number of decisions. Second, variations in the number of decisions per corporation are related to the size of the corporations. The larger corporations generally have more subsidiaries and more specialized divisions than the smaller corporations and each of these subsidiaries and divisions may become involved with the law.

Third, position in the economic structure has great significance in the variations among the corporations as to the number of violations of law¹.

¹ EDWIN H. SUTHERLAND, *White Collar Crime*, Holt, Rinehart and Winston, New York, 1949, pp. 258-259.

The place which an enterprise occupies in the economic structure therefore determines, up to a certain point, its behaviour with regard to the anti-trust legislation. It would be wrong to believe, however, that only the size of the enterprise is of importance. On the contrary, the relations which the enterprise has with the economic world is of capital importance. Thus an enterprise which has considerable dealings with other sectors of the economy will not transgress the anti-trust laws in the same way that an enterprise which, generally speaking, is self-sufficient.

The second way in which the position of a corporation in the economic structure determines its crime rate is by determining the other corporations with which it interacts. The corporations in one industry tend to have approximately equal numbers of adverse decisions for three principal reasons. First, all the corporations in one industry may enter into a conspiracy to fix prices or to engage in unfair labor practices. They have the same number of adverse decisions because they have participated together in the violations of the law.

Second, when one corporation in an industry uses an illegal method, the other corporations in that industry adopt the same illegal method in order that the first may not have a competitive advantage over them. Third, the corporations in an industry or a branch of an industry belong to trade associations in which policies are discussed and adopted. These associations through conferences, publications, and other means act as centers for diffusing techniques of law violations and a common ideology regarding violations of law. Consequently, the corporations which belong to a trade association tend to act in a uniform manner and to have approximate equality in the number of decisions against them¹.

136. If the practices of industry and commerce in North America are examined closely, it is easier to understand that competitors are sometimes partners as much as competitors². The concentration of power in the hands of a small group enables it to establish common policies that are far more advantageous and less costly to the group than free competition...

So close are the contacts between enterprises operating in a particular sector of industry or commerce, that as expected they all have almost the same number of decisions against them. Sutherland's studies even though made some 20 years ago, still have the same impact. The figures in Appendix 3 confirm this. They show, for example, that major enterprises

¹ *Op. cit.*, p. 263.

² This in no way prevents American enterprise from being in conflict in Europe with management associations. JEAN-JACQUES SERVAN-SCHREIBER (*The American Challenge*) explains that a large number of European enterprises consider the Americans as "price cutters". This shows both the existence of "management agreements" in Europe and the attitude of those who are not party to these pacts. Can it be concluded that if there is no uneasiness noticed here, that these pacts embrace almost all companies? In certain sectors of industry, this is quite likely.

do not fear running the risk of a conviction, as they are well aware that their competitors have also participated in an illegal agreement and that the penalties if there are any, will be shared equally by all of them. In this way, at the end of a trial, the convicted enterprise finds itself in the same relative situation with regard to its competitors as it was before involvement with the law. On the other hand the enterprise which refuses to participate in an agreement of a monopolistic nature, quickly finds itself in an unfavourable situation vis-à-vis its competitors.

Business firms have the objective of maximum profits. When one firm devises a method of increasing profits, other firms become aware of the method and adopt it, perhaps a little more quickly and a little more generally if the firms are competitors. The diffusion of illegal practices which increase profits is facilitated by the trend toward centralization of the control of industry by investment banks and by the conferences of business concerns in trade associations.¹

137. It would be a serious error to believe that monopolistic methods consist only of gathering the executives of a number of major enterprises around the same table. In most cases it is not at all necessary to have a dangerous exchange of documents and estimates.

It is much more simple, for example, to adopt procedures so complex and harassing that it becomes impossible for a newcomer to enter into the picture. Thus certain major industries can, by offering almost unlimited credit to their clientele, control the entire market. A newcomer could never afford to wait for months for payment of his accounts receivable. In this perspective, *certain credit practices are outright measures to enable a cartel to take over the market and make access to it impossible to a newcomer*. This is frequently the first step towards more clearly defined agreements.

The violations of the antitrust laws are related to the economic positions of the several corporations. Economists have defined the conditions which facilitate monopoly price as including, among other things, a large capital investment or other conditions which impede the entrance of new competitors into the industry. The significance of this is seen in the difference between the mercantile corporations, on the one hand, and the manufacturing corporations, on the other hand.²

138. Sutherland has not failed to underline the extent to which the major media of social communication are silent about the activities of white collar criminals.

¹ EDWIN H. SUTHERLAND, *White Collar Crime*, Holt, Rinehart and Winston, Inc., New York, 1949, p. 241.

² *Op. cit.*, p. 260.

We are however, tempted to add some nuances to his explanation. It is probably true, in a great many cases, that the major communication media are not too interested in bringing into the open, practices in which they themselves may become involved. Moreover, on the level of journalists and reporters, it is not at all difficult to understand the silence of most of them. White collar crime is, generally speaking, so discreet that it does not attract attention; moreover, white collar crime is generally committed by a closely knit group with everyone having the same interest in maintaining an absolute silence. In this way the journalist who hopes to describe the situation accurately must be both a lucky man and a specialist. At the administrative level the situation is very different:

The public agencies of communication, which continually define ordinary violations of the criminal code in a very critical manner, do not make similar definitions of white collar crime. Several reasons for this difference may be mentioned. The important newspapers, the motion picture corporations, and the radio corporations are all large corporations and the persons who own and manage them have the same standards as the persons who manage other corporations. These agencies derive their principal income from advertisements by other business corporations and would be likely to lose a considerable part of this income if they were critical of business practices in general or those of particular corporations. Finally, these public agencies of communication themselves participate in white collar crimes and especially in restraint of trade, misrepresentation in advertising, and unfair labor practices. Thus businessmen are shielded from harsh criticisms by the public agencies of communication and remain in relative isolation from the definitions which are unfavorable to their practices.

Businessmen are shielded also against harsh criticisms by persons in governmental positions¹.

139. These remarks of Sutherland imply the possibility of collusion between representatives of government and enterprises planning to engage in monopolistic activities.

It was possible, even at the time Sutherland was writing, to detect a "related thinking" between the businessmen and the representatives of the State. Here again the analysis given by the author has withstood the test of time:

The less critical attitude of government toward businessmen than toward persons of lower socio-economic status is the result of several relationships.

- (a) Persons in government are, by and large, culturally homogeneous with persons in business, both being in the upper strata of American society.
- (b) Many persons in government are members of families which have other members in business.

¹ EDWIN H. SUTHERLAND, *White Collar Crime*, Holt, Rinehart and Winston, Inc., New York, 1949, p. 247.

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2 OF 3

- (c) Many persons in business are intimate personal friends of persons in government. Almost every important person in government has many close personal friends in business, and almost every important person in business has many close personal friends in government.
- (d) Many persons in government were previously connected with business firms as executives, attorneys, directors, or in other capacities. In times of war, especially, many persons in government retain their business connections.
- (e) Many persons in government hope to secure employment in business firms when their government work is terminated. *Government work is often a step toward a career in private business.* Relations established while in business, as well as inside information acquired at that time, carry over after the person joins a business firm.
- (f) Business is very powerful in American society and can damage or promote the governmental programs in which the governmental personnel are interested.
- (g) The program of the government is closely related to the political parties, and for their success in campaigns these political parties depend on contributions of large sums from important businessmen. Thus, the initial cultural homogeneity, the close personal relationships, and the power relationships protect businessmen against critical definitions by government ¹.

2 — ORGANIZED CRIME

(140-146)

140. All in all white collar crime represents today one of the greatest dangers which our western civilization has ever had to face. In the future, this danger can only grow by reason of the fact that the concentrations of power take place at an ever-greater speed.

In all sectors, power is passing into the hands of extremely restricted groups who will be able, if they are not already doing so, to determine the mode and the standard of living of millions of people. These small groups will be constantly on the "periphery of monopolistic practices". It will no longer be sufficient to bring them before a court and order the breaking up of their empire. The amounts involved at this level are already so great that it is impossible to weaken the economic power and control of this small group of immensely powerful and wealthy individuals.

The amounts involved in these conglomerates of commerce and industry are so great that some countries, in order to oppose these American monopolies, must themselves foster the formation of similar cartels :

At the moment we are simply letting European industry be gradually destroyed by the superior power of American corporations. Counterattack requires

¹ *Ibidem.*

a strategy based on the systematic reinforcement of those firms best able to strike back. *Only a deliberate policy of reinforcing our strong points* — what demagogues condemn under the vague term of "monopolies" — *will allow us to escape relative underdevelopment.* We need to unify European business, and we need to establish clear preferences.¹

141. It is not necessary to dwell at length on the economic evolution taking place in the world. *However, a study of modern crime inevitably relates itself to economic facts of the most fundamental nature.*

The most important decision which can be taken in our society today, whether it be in the economic domain or in the whole area of social justice, calls for a narrowing of the gap between the rich and the poor. It is abnormal, as we have explained in our report on legal security, that the wealthier citizen should obtain better treatment from the judicial apparatus than the indigent. In the same way it is abnormal that certain categories of crime because they are committed at a very high level, should remain unpunished. However, that is what happens: the situation which Sutherland described, still exists and it has even deteriorated as competition has decreased and monopolies have grown.

Faced with this situation, a society must be more decisive than ever of its own orientation: whether to maintain a liberal philosophy in the application of the law, or whether the State be given the means to uncover fraud right up to the highest economic echelons. The Katzenbach Commission was therefore justified in asking whether "a free enterprise society could meet the challenge of crime". Unfortunately the Katzenbach Commission has not given a clear answer to this essential point.

142. The problem which we have just described would have been serious enough had it been of a strictly economic nature; however, the intervention of organized crime, by creating its own monopolies and by insinuating itself within the existing cartels, has increased the seriousness of the challenge.

It is because it is working at this level, that organized crime appears to us as a form of criminality, infinitely more pernicious than crimes of violence.

¹ JEAN-JACQUES SERVAN-SCHREIBER, *The American Challenge*, Denoel Editions, 1967, p. 177.

Mr. Servan-Schreiber himself qualifies this statement by the following note:

This strategy might appear questionable (and it is) to men who fear the power of pressure, the political power, of very large enterprises. This fear is justified. But the remedy is found in the authority of the State, not in the weakening of industry. We will try to be less summary on this point in the last chapters.

(Unfortunately, Jean-Jacques Servan-Schreiber remains, exceedingly sketchy on this point.)

Further on we will describe organized crime in its principal aspects. At this step of our work, we simply wish to indicate some general orientations. We would like to draw attention to the fact that organized crime has become in most of its forms, a "service enterprise".

143. In describing organized crime as a service enterprise, we would like to emphasize that it is preeminently, the *crime without a victim*. In other words, organized crime flourishes most successfully when complete collusion exists between the beneficiaries from an illegal activity, and the permissive victims.

Notwithstanding all the impressions to the contrary, organized crime is not the systematic use of violence at the expense of the general public. On the contrary, *organized crime much prefers to avoid violence and publicity*. It generally secures its greatest return where there is no indication of its presence.

Undoubtedly organized crime does not back away from violence as a simple method of maintaining discipline within its own ranks and most frequently strikes a member of the organization rather than a client.

144. In our opinion, this crime without a victim constitutes, together with the white collar crimes, a mortal threat to our society. We believe this for three different reasons:

- 1 — By reason of collusion between the victim and his "criminal parasite" the forces of law are generally powerless to combat organized crime;
- 2 — The benefits resulting from organized crime are such that it has become possible for a criminal empire to corrupt all the mechanisms of our economy;
- 3 — This criminality aggravates the problems of poverty and the dangers of social injustice; it also supplies powerful reasons to question our entire social system.

145. A serious mistake would be made by believing that organized crime could be fought effectively simply by increasing the police strength. The problem goes beyond crimes of violence, and it is impossible to deal with it unless the whole of society is involved in the fight.

In fact, the best partner which organized crime has, is the law. By this paradoxical statement we are implying that organized crime can only develop within a country which imposes many restrictions. For example,

the prohibition of alcohol practiced in the United States in the 30's was enough to create the criminal empire of a Capone or a Luciano. According to the words of Peter Maas, "prohibition was the catalyst"¹.

Today organized crime flourishes in the United States and at least in part in Canada because the existing laws forbid gambling. Undoubtedly organized crime draws profits from other activities. However, gambling remains in all parts of North America, the principal source of revenue of organized crime.

146. Organized crime today is part of the mores of North American society. No police effort, no intervention by the legislator, can uproot the habits which, for a long time, have been part of the customs of a large number of American and Canadian citizens.

However much we may moralize and sermonize on this evil, and this challenge to the integrity of our way of life, the fact of the matter, organized crime is distinguished from the essentially predatory order of crime in that it represents an organization of the business of crime, the business of providing illicit services to a population which desires the service, legitimate or illegitimate. Organized crime is crime of service, the organization of the market place and the appetite for illicit services, vice, narcotics, gambling, sex, labor and industry racketeering. The racketeer organizes the market for employment, or the relationship between the employer and employee².

We will in Tome III of this volume, review the ramifications and the various activities of organized crime in our Province. We are satisfied if at this point, there is a better understanding of the fact *that organized crime can only prosper with the connivance and agreement of thousands of citizens*. On this basis, organized crime resembles "white collar crime": it too has the appearance of legality, substantially it functions as any other public service, it deals more with clients than with victims, it reserves recourse to violence for its own internal order. . .

¹ PETER MAAS, *The Valachi Papers*, G. P. Putnam's Sons, New York, 1968, p. 84.

² *Proceedings of the Third Annual Institute for Juvenile Court Judges and Referees*, Mark Thomas Inn, Monterey, California, May 14-15, 1964, p. 176.

PART THREE

THE AUTHORS OF CRIME

(147-172)

A—FEMALE CRIMINALITY

147. Although we have no intention of venturing into theories of a psychological or psychiatric nature, we must take a look at the authors of crimes. The specialists will have to determine the most suitable methods for the rehabilitation of each group. We will limit ourselves here to informing the public on the characteristics of crime in Quebec and on the types of criminal known to the various police forces.

Particularly since Lombroso, scientific research has been interested in the nature of the criminal. Many theories have been elaborated on this subject, but unfortunately, information is still insufficient, and rare are the conclusions of a general nature which come to mind. It is necessary to fall back on a few very simple statements :

- 1 — Crime is above all a male activity but, particularly amongst young people, female criminality is increasing more rapidly than male criminality ;
- 2 — Crimes of youths are increasing the most rapidly, particularly violent crimes, but they are not yet dominant ; amongst youth the gregarious instinct plays an important role ;
- 3 — The number of crimes committed by recidivists is far in excess of the number of individuals ;
- 4 — Most of the countries have adopted special legislation with regard to habitual criminals.

148. It is hardly necessary to dwell at length on the fact that crime is generally a masculine activity. The Quebec experience confirms the thinking of specialists all over the world. Both in the women's prison of Quebec City and in the Tanguay House of Montreal, there are today fewer women than can be handled by these institutions. Up to the present, it has not even been considered necessary to open a federal institution in Quebec for women who are condemned to more than two years of detention. At the time of writing these lines, Quebec has only one woman prisoner in the

federal penitentiary at Kingston, Ontario. (This must not be construed to mean that we approve the detention of Quebecers in institutions located in other provinces).

Crimes of the female sex cannot be judged by simply basing oneself on the number of persons arrested and convicted. However, when the number of women in prison is completely unrelated to the number of male prisoners, it is fair to say that, in terms of crime, men create the most serious problems.

The third striking fact which criminal statistics reveals is that crime is predominantly a masculine activity. Men are much more criminal than women and boys are more delinquent than girls. This remarkable differentiation between the crime rates of the sexes is constant over the years and quite unaffected by any changes in the social structure.

PERSONS FOUND GUILTY OF INDICTABLE OFFENCES PER 100,000 POPULATION ENGLAND and WALES		
	Males	Females
1938	393	51
1948	612	87
1951	645	79
1957	612	73
1958	680	84
1959	710	84
1960	747	93
1961	818	111

This phenomenon is world-wide. As Sutherland said: "The male sex has a great excess of crimes in all nations, all communities within a nation, all age groups, all periods of history for which organized statistics are available, and all types of crimes except those which are somewhat intimately related to the female sex such as abortion and infanticide" * 1.

149. It would be wrong to believe, based on the few figures which are available in this domain, that feminine criminality does not exist. It does exist but different factors conspire to hide female crime much more than male crimes.

In fact, in a society such as ours, it is quite normal for the male population to have little complaint about female crime:

* 1 EDWIN SUTHERLAND and DONALD CRESSEY, *Principles of Criminology*, 5th edition, Lippincott, 1955, p. 111, quoted by JOHN BARRON MAYS, *Crime and the Social Structure*, London, Faber and Faber Ltd., 1967, p. 36.

The qualities of the female sex affect the possibility of detection and the nature of societal reaction to female crimes. In American culture, the female is expected to depend on the male for protection. Consequently, the male victim of the female offender risks ridicule if he reports the crime. The crime situation may include clandestine sex behavior or such behavior may be inferred even when unwarranted. The female criminal may be protected by the common assumption that women behave irrationally. Her victim may fear that her response to arrest may cause her to make unsubstantiated charges against him or otherwise make him appear to be at least unchivalrous¹.

On the other hand, certain crimes traditionally committed by women are gradually disappearing from most of the criminal codes. For example, prostitution and abortion are, without doubt, the sectors where the modern tendency to "depenalization" shows itself most clearly².

150. Feminine crime has, moreover, many refinements which contribute to shroud it in mystery.

The statistics show that in France, ten times more men than women are brought before the Courts of Assizes, and five times more before the Correctional Courts. Women kill by poisoning more than through the use of a weapon, they use insidious means to obtain inheritances, or receive stolen objects, but they never burglarize³.

On the other hand, in a society such as ours, the woman is generally not the breadwinner in the family. There is therefore less reason to question her sources of revenue. Thus shoplifting can be practiced by almost any class of females without leading to any noticeable changes in the manner or the standard of living of families. Up to a certain point, marriage also reduces the opportunities and the need for women to commit crimes; moreover, marriage may help to conceal the criminal activities of females more than for the male population⁴.

151. Notwithstanding all these nuances, female criminality exists, and particularly amongst the younger population, it even shows a tendency to

¹ ELMER HUBERT JOHNSON, *Crime, Correction, and Society*, The Dorsey Press, Homewood, Illinois, 1968, p. 74.

² It seems generally agreed that prostitution, shoplifting, infanticide and abortion are among the more characteristic offences of women in the young adult age group regardless of the country in which they happen to live. In the United States, young women are frequently involved in narcotics offences besides those mentioned above. *The Young Adult Offender*, United Nations, New York, 1965, p. 23.

³ DR. RENE RESTEN, *Caractérogie du criminel*, Les Presses Universitaires de France, 1959.

⁴ The chance for teenage girls to step out into a new existence of respectability is much easier, because it can be done through a mere choice of suitor. T. R. FYVEL, *The Insecure Offenders*, Great Britain, Pelican Books, 1963, p. 98.

increase much faster than male criminality. The tables XCVIII to CVII show that female crime has increased in the age groups where male crime seems stable, or is decreasing. The same series of tables shows that female criminality even in the age groups where criminality is increasing rapidly, has surpassed the rate of increase of male criminality. In conclusion it might be said that :

1 — the number of the female delinquents is much smaller than the number of male delinquents¹ ;

2 — certain crimes are related exclusively to women² ;

¹ Sex of offenders. The majority of young adult offenders are males and the relatively minor role played by women is reflected in the reports of contributors who give scant attention to the problem of female offenders. In both India and Ceylon, women account for less than 3 per cent of all young adult offenders and although the proportion is somewhat higher in developed countries, women offenders are still in a minority. In the United Kingdom, criminality among young adult males is more than eight times that of females of the same age group. In Italy, 15 per cent of convicted persons between the ages of 18 and 25 in 1959 were women, whereas in the 30 to 40 age group the proportion was 23 per cent. In Belgium, 16 per cent of offenders aged 16 to 17 are reported to be women, 17 per cent of those aged 18 to 20, and 19 per cent of those aged 21 to 24. Typical offences with which women are charged in Belgium include adultery and bigamy, theft and wounding. *The Young Adult Offender*, United Nations, New York, 1965, p. 22.

² Infanticide is principally perpetrated by unwed mothers, and if this situation is related to the widows, divorcees, or those whose divorce is pending (out of 20 per cent of married women, how many were really separated) a most important crime factor develops, which is that of the pregnancy of abandoned women, who cannot rely on the help of mate.

In half of the cases, it is the first child which is killed. But in the other half of the cases only the second and third children of a poverty stricken home are at least as likely to become victims, as did the child of the unwed mother, accidentally primiparous.

Finally, the socio-cultural milieu and the profession crystallize a large number of cases ; more than half of them are of rural origin : farmers, servants on farms, day workers, wards of the State (60 to 20 per cent) ; then one fourth are domestics, general servants, women who board in the place where they work. The cases become more rare or isolated as soon as a certain level of culture is reached and there the socio-economic factors give way to the psycho-neurosis determinants. In fact they are chiefly country girls, feeble minded or ignorant, seduced or abandoned. It is said with justice : "infanticide is the abortion of the poor". Should we congratulate ourselves on the rarity, or the near-complete disappearance of infanticide and credit it to :

— the intimidating effect of the penal system ;

— the excellence of social legislation, pre- and post-natal care : periodic control of pregnancies (making it official before the birth) allocations after a declaration before the third month, maternity homes and hostels, free confinement and board one month before, one month after (the Act of September 2/41) allocations to prevent abandonment (15-4-43) which became "aid to birth" (21-11-53), prohibition

3 — that marriage seems to have a beneficial and protective effect on women delinquents¹ ;

4 — female crime is increasing at a more rapid rate than male crime.

to all employers from discharging a pregnant woman (Article 29 of the Labour Code), the laws of 89 and 98 on the possibilities of legal and secret desertion, modified by the law of 15-4-43 ;

— to the evolution of customs, be they moral, (lessening of the attitude of social disapproval creating guilt feelings in the unwed mother) ; or technical (no more clandestine confinement at home).

However, while recognizing the often very positive nature of these provisions, one must refrain from an optimism which would only be hypocritical and recognize that the infant is still exposed to the danger of infanticide ; the timing may have changed : infanticide does not occur anymore at the moment of birth or shortly thereafter ; but the infant remains exposed through either regressive or progressive methods :

— either before birth where the suppression is most frequently drastic,

— or after birth and then we see the infinite variety of concealed infanticides and crypto-infanticides. MARCEL COLIN, *Studies on Clinical Criminology*, Masson & Cie., Lyon, France, 1963, pp. 73-74.

¹ It is generally accepted that behavioural problems in girls tend to be short lived, and even when acute, decrease sharply with maturity and marriage. BRUNO CORMIER, LYDIA KEETNER et MIRIAM KENNEDY, *The Persistent Offender and His Family*, in McGill Law Journal, Vol. 13, No. 4, Montreal, 1967, p. 606.

**B—THE CHARACTERISTICS OF CRIME
AMONGST THE YOUNG**

B—THE CHARACTERISTICS OF CRIME

AMONGST THE YOUNG

(152-156)

152. There is no need to dwell at length on the part played by youths in the general picture of criminality. Our judgment with regard to youths involvement has already indicated the distinction to be made (paragraphs 108 to 118).

However, it is certainly necessary to draw attention to the gangs and the role played by the youths therein. In fact, even if the young delinquent generally limits his involvement to non-violent crime, it is obvious that he will easily turn to violence as a young adult.

Youths lead in automobile theft, burglary, breaking-entering, and larceny-theft when the age groups are compared according to crime rates. They also have a high proportion of arrests for weapons and for narcotic drugs.

Youth adults have the greatest tendency toward prostitution and commercialized vice, narcotic, drugs, criminal homicide, offenses against the family and children, forgery and counterfeiting, embezzlement and fraud, aggravated assault, other assaults, and gambling. They also are high for burglary, breaking-entering, larceny, larceny-theft, drunkenness, and driving while intoxicated.

Middle-aged adults have the highest rate for drunkenness, gambling, and driving while intoxicated. They also are high in embezzlement, fraud, offences against the family and children, forgery, counterfeiting, and sex offences other than rape.

Senior adults do not dominate any of the offences because of their relatively low incidence of crime. However, their share of arrests are high for drunkenness, vagrancy, gambling, and driving while intoxicated. The youths and young adults jointly dominate forcible rape, other sex offences, robbery, stolen property, and possession of weapon¹.

Moreover, most analysts have stated that the young delinquent and the young adults have, more than their elders, the habit of working in groups or gangs. In the second section of the present volume will be found the total of the armed bank robberies in which the Kyling gang took part. This is a Quebec equivalent of what the Teddy-boys were in post-war England.

¹ ELMER HUBERT JOHNSON, *Crime, Correction and Society*. The Dorsey Press, Homewood, Illinois, 1968, p. 70.

Figures of actual law-breaking are only part of the post-war story. Equally noticeable during the fifties was the appearance among a section of working-class youth of a more intensified gang life, characterized by a hostility towards authority in every form, which could flare into violence upon a trivial cause. Coupled with it went a sort of stylized warfare between the gangs themselves, especially those wearing exaggerated Teddy-boy suits, and a fashion for carrying improvised offensive weapons. In fact, if one regarded only the outward picture, a disturbing dichotomy seemed to be at work. As British working-class youth was becoming more urbane, as more modern schools and housing estates went up, so more boys seemed to drift into the new gang warfare and to walk about carrying flick knives or such things as bicycle chains for defence ¹.

153. There is no doubt that Quebec suffers its share of crimes committed by gangs. As will be shown for armed robberies committed in Quebec, our poor "rate of detection" (19 percent) is explained to a great extent by the fact that the gangs can, much more easily than lone individuals, escape police detection. If Ontario clears up a larger percentage of armed robbery it is partly because our neighbouring province suffers much less from the plague of masked gangs.

It should not be surprising that youths are more interested than adults, in gang activities. In fact, different theories, and particularly that of Cloward and Ohlin emphasize that the young suffer more than their elders from social pressures and have less to lose by recourse to extreme methods.

The "differential opportunity" theory formulated by Cloward and Ohlin is valuable for the light it throws on subcultural "gang" delinquency. According to this theory, such delinquency may be seen as a specific response of ill-educated, economically deprived and culturally impoverished slum children, to a society which promises much in the way of opportunities but, in actuality, denies them the means of fulfilling their aspirations. Accordingly, the youth from the slums allies himself with others in similar circumstances and together as a group they find the strength to reject the value system of the larger society, replacing it with one of their own and attempting to achieve by illegitimate means what they cannot hope to obtain legitimately. Although originally derived from the experience of American urban slums, this theory possibly has wider application to other countries besides the United States and for the young adult offender as well as the juvenile delinquent.

From the reports of contributors to the study it is clear that other countries besides the United States are familiar with the problem of crime-associated subcultures, and especially of gangs composed of youths alienated from the dominant culture. It is reported from Czechoslovakia that special correctional workers are attempting to disband such gangs and to channel the energies of the members into legitimate activities. The report from India indicates that gang activities flourish mainly among juvenile delinquents of 10 to 16 years of age living in the city slums and whose members provide the recruits for the adult gangs of

¹ T.R. FYVEL, *The Insecure Offenders*. Great Britain, Pelican Books, 1963, pp. 17-18.

professional criminals. Young adults of various social backgrounds are said to be active in dacoity gangs. In Lebanon, mixed gangs appear to have developed spontaneously from the chance encounter of individuals, old and young, thrown into each other's company by a common state of misery, unemployment and neglect and with a common sense of alienation from society ¹.

154. This last text enables us to grasp the dimensions of the problem. As can be seen, it would be a poor defence to consider the phenomenon of "gang criminality" as being limited to England or to some of the poor areas of the United States.

The essential with regard to this form of criminality can be summarized in two points :

- 1 — the gangs of young delinquents are the best reservoirs for adult criminality ² ;
- 2 — the gangs of adolescents are not formed for criminal purposes only ; but are a new way of life for the younger generation.

STENOGRAPHIC NOTES, BOOK 7, PP. 823 TO 826

R Yes, Actually a person of 18 years and one day will appear before the Court of Sessions of the Peace, for a criminal offence, and will be considered as an individual who appears before the court for the first time, while it is quite possible that he may have committed 15 or 20 serious offences before having reached the age of 18 years.

Q Before proceeding, are you going to distribute a chart ?

R Yes, I am distributing a table.

Q We will classify it immediately.

R Yes, rather they represent three juvenile cases.

Mr. JEAN SIROIS, Secretary :

This will be exhibit P-30, JUVENILE X, P-31 JUVENILE Y, and P-32 JUVENILE Z.

¹ CLOWARD et OHLIN, *Delinquency and Opportunity; A Theory of Delinquent Gangs* (Glencoe, Illinois, Free Press, 1960), p. 153 in *The Young Adult Offender*, United Nations, New York, 1965, p. 25-26.

² An idea of the situation can be secured by examining the three cases of young delinquents presented by the Director, Jean Paul Gilbert, of the police force of Montreal (Exhibits 30, 31 and 32). The comments of Mr. Gilbert on these cases, are also of interest (stenographic notes, book 7 and 8, pp. 823 to 826 ; 890 to 895).

Mr. G.M. DESAULNIERS, c.r. :

Q Have you the ages ?

R When I asked not to identify the names, it resulted in the ages also disappearing. Next week I will be in a position to make known the ages to you.

Now, the three cases with young men who are close to 18 years, as can be seen from the last infraction. Therefore, the JUVENILE X began in 1956 and if you notice at the right, the first item is attempted theft in a provincial autobus.

If only the last part of the column is read: domicile, mother, C.S.W. that means Court of Social Welfare, sine die, upon continuing the reading you will notice the nature of the offences and the conclusion and decision of the court.

MR. LUCIEN THINEL, c.r.,
for the Commission

Q In the case of X you have 40 offences.

R Yes, 40 offences, no, excuse me, 50 offences.

Q Ah yes there is another sheet.

R In the first column on the left you have the cumulative number of offences.

Q So we have 50 offences for juvenile X ?

R Yes. Therefore, if he is 18 years old and one day, and if he appears before the Court of Sessions of the Peace he has no previous record.

COMMISSIONER GOULD :

Q He began at what age in 1956 ?

R I believe that he was 17 years of age. He was born in 1948.

THE PRESIDENT :

Q And the sine die, which appears so often at the extreme right of the table after the C.S.W., that signifies ?

R That he is sent home.

Q That he is sent home ?

R Yes.

Q Sent home indefinitely ?

R Yes, that's it.

COMMISSIONER LAPLANTE :

Q Mr. Gilbert, I think that here they have adopted another method of showing statistics. This deals with offences and not necessarily arrests ?

R No, no, these are the arrests.

Q Because you haven't 50 arrests.

R No, no. At the same moment, same time.

COMMISSIONER DESAULNIERS, c.r. :

Q Eleven twenty, eleven twenty and eleven twenty, there are not 3 arrests the 14th, the 15th, the 16th, the 17th, the 18th, the 19th, the 20th, these are all the same offences at the same hour ?

R Yes.

MR. LUCIEN THINEL, c.r.
for the Commission :

Q You have added the offences which give you your figure of 50, but if they are committed at the rate of three an hour, they are three separate offences ?

R Yes. I would like to explain, this is to give an example of having the character file of the individuals who appear before the court, so as to be able to decide the kind of treatment, the opportunity of giving a break without going through the houses of detention. We believe that the judge in the Court of Sessions of the Peace, once the case has been heard, is ready to render judgment. If he consults the antecedents, and if in addition, he can be given what we call the pre-sentence report at Montreal police headquarters, we have started a system, a formula which we believe should be in the hands of the court.

MR. LUCIEN THINEL, c.r.,
for the Commission :

Q This character file which you have shown us, how do you think that it could . . .

STENOGRAPHIC NOTES, BOOK 8, PP. 890 TO 895

MR. LUCIEN THINEL, c.r.,
for the Commission :

- Q You have added a comment on juvenile X, the fact that he was about to reach majority, have you other remarks to make on this subject ?
- R The President emphasized to me a little while ago, this series of offences. When I spoke of the dangerous state which could exist in the home of a young person, you have here a frequent example where juvenile X persisted in committing offences which led to the Court of Social Welfare, as you see in the table which is before you, the "sine die".

THE PRESIDENT :

- Q "Sine die", that means what ?
- R Well that means indefinitely postponed. The youngster is informed, he is possibly placed in charge of a probation officer and at this point, I think that the sine die is the only measure which is taken. Sine die means that there has not been any detention.
- Q And the initials, "T.C." that you see on P. 30 in the next to last column on your right just before sine die, you will notice that in many places, T.C., what does that mean ?
- R I wouldn't know.
- Q In looking at this exhibit, P. 30, I see that since it deals with a juvenile who would be 18 years of age, you say, by next May, therefore May 1967, it's really starting in 1961 that this record gets heavier to the point where in 1961, 1962 particularly, theft and receiving began to mount up. I think that you can note more than 20 in the space of two years ; there were many thefts committed by him in 1961/1962, this seems to have become his specialty. He did almost nothing else but thefts, breaking and entering, stealing and receiving.

Well, I am perplexed at this point with regard to the frequency of repetition of the crimes in which he participated in 1961/1962 when he was just about 11 or 12 years, how has he had, in brief, the opportunity, the occasion, I won't go as far as saying the chance, but just about, to repeat these offences so often ; all that one can see is that he was referred to the Court of Social Welfare and the final note sine die, and that seems to occur frequently.

At this moment, I have several questions. What, if you will, did the service of probation do as far as this youth is concerned, particularly during these two years, what surveillance was exercised over him ? what positive action could the Court of Social Welfare have taken on this matter ? Briefly, what did the different services do for him seeing that he was repeating his offences so often, that he was so frequently brought before the Court of Social Welfare and that each time he was returned to his home, almost free. Isn't there something wrong there ? Finally I am trying to see what could have been done, first of all to prevent such frequent recidivism on his part, and to find a more effective method. The result in this case is nil, and he is not yet 18 years old.

- R I could reply somewhat as I did previously. I have spoken of the considerable number of cases which are at first turned over to each probation officer, where it is humanly impossible to exercise a real control, and also encourage the youth to return to an honest life.

There is also a problem with the reform schools as far as the number of these is concerned. There is too, a problem with regard to the quality of the personnel. Note well that when I am speaking of the personnel, of their training, I mean by that the individuals who have the responsibility, the probation officers themselves say it, "we must have the opportunity of securing more qualified personnel".

It would be necessary to organize better training programmes for the probation officers, offer them higher salaries, to make it more interesting for individuals who have the abilities to work in this sector.

I am assured that they are undoubtedly interested in the minor in the Court of Social Welfare ; they are certainly interested in his future when he comes before a judge of the Court of Social Welfare, a minor with a record like that.

MR. LUCIEN THINEL, c.r.,
for the Commission :

- Q I see that on the file, or on the sheet of juvenile X, that it ends with what appears almost to be an attempted suicide. Does this mean that this particular case should have been sent to a psychiatric centre for examination ? Are you aware of this ? I see that it is marked : "St. Valier Centre", and this is the last item two months later : "charged with theft and receiving an automobile". And one sees "served by card".
- I almost feel that I am looking at a menu in a restaurant. What does this mean ?
- R In police language this is the same as a summons where someone is informed that he is going to be brought before the court and one adds :

"mother informed". It is a wish not to relate the juvenile to the adult. By using these terms the purpose is not to give the minor the impression that he is an adult.

Q Are you aware whether this juvenile X is actually at liberty?

R I wouldn't know, I don't know.

Q He is not in a psychiatric hospital anywhere?

R Ah, I don't know.

Q You don't know this detail?

R Yes, Seeing that there was an attempted suicide, often in these cases they are referred to a psychiatric institution following an offence like that.

THE PRESIDENT :

Q Now, staying with the case of juvenile X, in the course of 1961 and 1962, he was not under any surveillance on the part of the police?

R No, sir, I have here a part of the volume which I have just quoted "Juvenile Delinquency in Canada". On page 185, paragraph 289, the heading of the paragraph : "Adjournment Sine Die".

"In 1961, the judges of the courts for minors of Canada have adjourned sine die, 1,003 out of 15,024 cases brought before them".

In the district of Montreal, out of a total of 7,466 cases, 4,099 were adjourned sine die.

And on page 185 of the document bearing the title "Juvenile Delinquency in Canada", in 1961, 1,003 out of 15,024 had been adjourned sine die. And in 1966 in the judicial district of Montreal, 4,099 cases out of 7,466.

THE PRESIDENT :

Q So, keeping in mind these two sets of statistics which you have just supplied, it would seem to me that in the Province of Quebec there is an entirely different attitude to that of comparable courts dealing with juvenile delinquents in the nine other Canadian provinces.

R Yes, that's obvious. There is another case. I remember something else which I have been told. There is so little space in the detention centres, that it is possible that this explains the difference between the figures on the national scale and those...

Exhibit P-30

Exhibit P-30	Date	Time	Offence	Disposition	Notes
1.	26- 5-56	2.15 P.M.	Attempted theft in Provincial Bus	Residence	Mother
2.	27- 7-56	7.55 P.M.	Insulting passers-boy	Residence	Mother
3.	17-10-57	11.55 P.M.	Shoplifting	S.W.C.	Sine Die
4.	2-10-58	5:20 P.M.	Property Damage	Residence	Mother
5.	3- 9-59	8.00 P.M.	Breaking & entering	S.W.C. T.C.	Sine Die
6.	26- 5-60	3.30 P.M.	Attempt to break into offices of the Court House	Residence	Mother
7.	13- 8-60	2.10 P.M.	Disturbing the Peace	Residence	Mother
8.	13-10-60	9.00 P.M.	Breaking & entering	S.W.C. T.C.	\$2.00 fine
9.	19- 9-60	10.30 A.M.	In possession of stolen goods	S.W.C. T.C.	Sine Die
10.	11- 2-61	1.10 P.M.	Property Damage	Residence	Father
11.	11- 2-61	4.00 P.M.	Breaking & entering & in possession of stolen goods	S.W.C. T.C.	Sine Die
12.	22- 6-61	10.00 P.M.	Theft in cars	Residence	Father
13.	15- 8-61	8.00 P.M.	Immoral conduct	S.W.C. T.C.	Sine Die
14.	13-12-61	11.20 P.M.	Breaking & entering	Child placed at "Accueil des Jeunes"	Sine Die
15.	13-12-61	11.20 P.M.	Theft with violence	S.W.C. T.C.	Sine Die
16.	13-12-61	11.20 P.M.	Breaking & entering	S.W.C. T.C.	Sine Die
17.	13-12-61	11.20 P.M.	Property damage "2 counts"	S.W.C. T.C.	Sine Die
18.	13-12-61	11.20 P.M.	Breaking & entering "2 counts"	S.W.C. T.C.	Sine Die
19.	13-12-61	11.20 P.M.	Breaking & entering	S.W.C. T.C.	Sine Die
20.	13-12-61	11.20 P.M.	In possession of stolen goods "2 counts"	S.W.C. T.C.	Sine Die
21.	15-12-61	9.00 P.M.	Attempted breaking & entering	S.W.C. T.C.	Sine Die
22.	15-12-61	9.00 P.M.	Breaking & entering	S.W.C. T.C.	Sine Die
23.	13-11-61	11.15 P.M.	Breaking & entering	S.W.C. T.C.	Sine Die
24.	13-11-61	11.15 P.M.	Breaking & entering "2 counts"	S.W.C. T.C.	Sine Die
25.	19-12-61	11.15 A.M.	Attempted breaking & entering	S.W.C. T.C.	Sine Die
26.	19-12-61	11.15 A.M.	Breaking & entering	S.W.C. T.C.	Sine Die

JUVENILE "X" (Continued)

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27.	21-12-61	11.00 A.M.	Breaking & entering	S.W.C. T.C.	Sine Die
28.	27- 9-62	9.00 P.M.	Breaking & entering	S.W.C. T.C.	Sine Die
29.	27- 9-62	6.45 P.M.	Breaking & entering	S.W.C. T.C.	Sine Die
30.	10- 5-62	6.45 P.M.	Breaking & entering	S.W.C. T.C.	Sine Die
31.	15- 5-62	6.00 P.M.	In possession of stolen goods	S.W.C. T.C.	Adjourned
32.	15- 5-62	6.00 P.M.	In possession of stolen goods	S.W.C.	Adjourned
33.	15- 5-62	6.00 P.M.	In possession of stolen goods	S.W.C.	Sine Die
34.	15- 5-62	6.00 P.M.	In possession of stolen goods	S.W.C.	Father
35.	11- 8-62	4.30 P.M.	Leaving home	Residence	Sine Die
36.	4-12-62	5.00 P.M.	In possession of stolen car	S.W.C.	Sine Die
37.	4-12-62	5.00 P.M.	Breaking & entering	S.W.C.	Sine Die
38.	4-12-62	5.00 P.M.	Breaking & entering	S.W.C.	Sine Die
39.	4-12-62	5.00 P.M.	Breaking & entering	S.W.C.	Sine Die
40.	4-12-62	5.00 P.M.	Hit & Run	S.W.C.	Sine Die
41.	4-12-62	5.00 P.M.	Offensive weapon (Revolver)	S.W.C.	Sine Die
42.	4-12-62	5.00 P.M.	Driving without a permit	S.W.C.	Sine Die
43.	4-12-62	5.00 P.M.	In possession of stolen goods	S.W.C.	Sine Die
44.	4-12-62	5.00 P.M.	Simple theft	S.W.C.	Sine Die
45.	18- 3-64	10.00 P.M.	Breaking & entering	S.W.C. T.C.	Sine Die
46.	27- 4-63	5.00 A.M.	In possession of stolen car	Referred to Court of Sessions of the Peace	2 years
47.	8- 4-64	11.50 P.M.	In possession of stolen car	Referred to Court of Sessions of the Peace	1 hr
48.	7- 5-65	12.10 A.M.	Robbery	Jail-Bail \$950.00	Keeping the peace 2 years
49.	29- 9-65	5.25 P.M.	Attempted suicide	Court of Sessions	
50.	10-11-65	7.30 P.M.	In possession of stolen car	Centre St. Vallier Mother advised	Summons for 11.11.65

JUVENILE "Y"

Exhibit P-31

1336/60	Art. 15	December 14 1960	Adjourned indefinitely
2981/65	Loitering	May 19 1965	Case adjourned sine die
6766/65	In possession of stolen goods	December 6 1965	Case adjourned sine die
6767/65	Possession of goods obtained by burglary	December 6 1965	Case adjourned sine die

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8780/65	Possession of goods obtained by burglary	December 6 1965	Case adjourned sine die, child having been placed at B.F. & T.S. under record 8792/65.
8781/65	Possession of goods obtained by burglary	December 6 1965	Case adjourned sine die, child placed at B.F. & T.S.
8782/65	Possession of goods obtained by burglary	December 6 1965	Case adjourned sine die, child placed at B.F. & T.S.
8783/65	Theft and possession of stolen car	December 6 1965	Case adjourned sine die, child placed at B.F. & T.S.
8784/65	Possession of goods obtained by burglary	December 6 1965	Case adjourned sine die, child placed at B.F. & T.S.
8785/65	Possession of goods obtained by burglary	December 6 1965	Case adjourned sine die, child placed at B.F. & T.S.
8793/65	Theft and possession of stolen car	December 6 1965	Case adjourned sine die, child placed at B.F. & T.S.
8794/65	Theft and possession of stolen car	December 6 1965	Case adjourned sine die, child placed at B.F. & T.S.
8795/65	Theft and possession of stolen car	December 6 1965	Case adjourned sine die, child placed at B.F. & T.S.
8796/65	Possession of goods obtained by burglary	December 6 1965	Case adjourned sine die, child having been committed to B.F. & T.S.
8797/65	Possession of goods obtained by burglary	December 6 1965	Case adjourned sine die, child placed at B.F. & T.S.
8798/65	Possession of goods obtained by burglary	December 6 1965	Case adjourned sine die, child placed at B.F. & T.S.
8799/65	Possession of goods obtained by burglary	December 6 1965	Case adjourned sine die, child placed at B.F. & T.S.
8800/65	Possession of goods obtained by burglary	December 6 1965	Case adjourned sine die, child placed at B.F. & T.S.
8801/65	Possession of goods obtained by burglary	December 6 1965	Case adjourned sine die, child placed at B.F. & T.S.
8802/65	Possession of goods obtained by burglary	December 6 1965	Case adjourned sine die.
8803/65	Possession of goods obtained by burglary	December 6 1965	Case adjourned sine die.

JUVENILE "Y" (Continued)

224	8804/65	Possession of goods obtained by burglary	December 6 1965	Case adjourned sine die.
	9337/65	Possession of goods obtained by burglary	December 6 1965	Disposition adjourned sine die.
	8378/66	Possession of goods obtained by burglary	November 30 1966 January 13 1967	Case adjourned indefinitely. Child is referred to the Court of Sessions of the Peace under art. 9 of Juvenile Delinquent's Act.
	8379/66	Attempted Robbery	November 30 1966	Case adjourned indefinitely.
	8380/66	Damages	November 30 1966 January 13 1967	Case adjourned indefinitely. Child is referred to the Court of Sessions of the Peace under art. 9 of Juvenile Delinquent's Act.
	8792/65	Theft and possession of stolen car	December 6 1965 April 6 1966 May 25 1966 August 8 1966	Child is committed to B.F. & T.S. for an indefinite period. Order of Dec. 6th 1965 is cancelled & child is recommitted for ind. period at B.F. & T.S. Commitment to B.F. & T.S. is cancelled.
	390/67	Breaking & entering	January 13 1967 January 13 1967	Case adjourned sine die. Child is referred to the Court of Sessions of the Peace under art. 9 of Juvenile Delinquent's Act.

JUVENILE "Z"

Exhibit P-32				
	3293/61	Theft and possession of stolen car	July 21 1961	Case adjourned sine die.
	3766/61	Theft and possession of stolen car	October 2 1963	Case adjourned sine die.
	4555/61	Possession of goods obtained by burglary	October 4 1961	Case adjourned sine die.
	5889/61	Theft and possession of stolen car	January 30 1962	Case adjourned sine die.
	267/62	Art. 15	December 7 1961	Placed in the custody of "L'accueil des Jeunes Inc." for an indeterminate time. Case adjourned sine die.
	712/62	Theft and possession of stolen car	March 5 1962	
	1788/62	Theft and possession of stolen car	May 30 1962	Case adjourned sine die & subject to conditions.
	2616/62	Municipal By-Law	May 29 1962	Case adjourned sine die.
	2946/62	Theft and possession of stolen car	August 1 1962	Case adjourned sine die.
	4052/62	Theft and possession of stolen car	September 7 1962	Decision deferred to 19/9/62, placed in the custody of the "Manoir Charles-de-Foucaud" for an indeterminate period not to exceed 24 months. Decision deferred. Referred to the Court of Sessions of the Peace in accordance with Art. 9 of the Juvenile Delinquents Act.
			June 18 1963	Case adjourned sine die. Case adjourned sine die.
	99/63	Possession of stolen car	January 24 1963	Case adjourned sine die.
	2025/63	Theft and possession of stolen car	May 2 1963	Case adjourned sine die.
	3792/63	Attempted car theft	June 18 1963	Case adjourned sine die.
	3854/63	In possession of stolen goods	June 18 1963	Case adjourned sine die.
	4163/63	Possession of goods obtained by burglary	June 18 1963	Referred to the Court of Sessions of the Peace in accordance with Art. 9 of the Juvenile Delinquents Act.
225	4164/63	Theft and possession of stolen car	June 19 1963	Case adjourned sine die.

JUVENILE "Z" (Continued)

4178/63	Possession of goods obtained by burglary	June 28 1963	Referred to the Court of Sessions of the Peace in accordance with Art. 9 of the Juvenile Delinquents Act.
4312/63	Possession of goods obtained by burglary	June 18 1963	Referred to the Court of Sessions of the Peace in accordance with Art. 9 of the Juvenile Delinquents Act.
9190/63	Motor Vehicle Act.	January 8 1964	Case adjourned sine die and ordered to return ball.
6608/64	Theft and possession of stolen car	November 2 1964	Decision deferred. Placed in custody of Boscoville starting Nov. 2 1964 for an indeterminate period.
4761/64	Theft and possession of stolen car	July 6 1964	Referred to the Court of Sessions of the Peace in accordance with Art. 9 of the Juvenile Delinquents Act.
2257/64	Art. 84	December 9 1964	Decision deferred. Placed in the custody of "Centre Berthelet" in Rivière des Prairies, from this date, for an indeterminate period but not to end prior to January 12 1965.
4319/66	Theft and possession of stolen car	June 6 1966	Transferred. Placed in the custody of the "Centre Berthelet" from the 13/1/65 for an indeterminate period.
4320/66	Possession of goods obtained by burglary	June 6 1966	Referred to the Court of Sessions of the Peace in accordance with Art. 9 of the Juvenile Delinquents Act.
			Referred to the Court of Sessions of the Peace in accordance with Art. 9 of the Juvenile Delinquents Act.

155. The experience of the police and judges confirm the fact that most of the repeaters had begun their criminal activities during adolescence or even earlier. Up to a certain point it can be stated that the adolescent with a long legal record is less likely than one with no such record, to shrink away from the idea of orienting himself towards a criminal career. The deterrent effect of sentences has become eroded and he has no fear (since it has already happened), of losing his social status. If in addition it is agreed that a number of these gangs of delinquents enrol, principally, youngsters who are socially and economically deprived, it is easier to understand the rapidity with which they are led to become criminal adults.

The gangs provided a steady stream of recruits into the world of American adult crime.

Socially, most of the teenage boys in these gangs were drawn from the lower working-class income groups of New York, from the slums of the city or from slum families recently moved into new housing developments. They were particularly concentrated in areas where antagonistic racial groups overlapped. In actual fact, young Negroes and Puerto Ricans formed a much larger proportion of young gangsters than one would imagine from the carefully censored American official statistics on this question. The claim sometimes made that the majority of the most violent young delinquents came from the one per cent of known problem families in New York (about 20,000 out of two million families) was probably roughly true. In this respect, in being big-city adolescents trying to push their way up from family life in the "submerged tenth", the young members of the New York gangs were rather like the original London Teddy boys¹.

Notwithstanding this fact, we should not give way to pessimism as the large majority of youthful delinquents, return to normalcy before adulthood. Consequently it would be wrong to draw discouraging conclusions the moment that a youth commits an infraction. However, in the treatment of criminals, it is essential to know that the problem is deeply rooted in the early stages of life.

156. Nor should it be maintained that all gangs formed by youths develop sooner or later into criminal groups.

For a large number of adolescents, the gang responds to new social needs. Unable to become a part of the society as it is, the adolescent creates one in his own image, with his equals. Some groups evolve towards delinquency and crime, but a much larger number of the groups show either

¹ T. R. FYVEL, *The Insecure Offenders*, Great Britain, Pelican Books, 1963, pp. 156-157.

respect for conformity, or have their members develop with a fairly tractable outlook¹.

One thing is certain, our sociology orients us towards a life which is more and more community inclined. In addition, an ever-increasing number of youths and young adults demand and exercise freedom of speech and demonstration. This definitely results in the formation of many groups which certainly do not warrant the title of gang, but which rather satisfy the need to form a society more in conformity with the new aspirations, more demonstrative and more vocal. According to whether our society shows itself tolerant or not, and according to the kind of leaders who will channel the energies, and finally, according to the effectiveness of their urgent representations, the new forms will be oriented towards violence, or will merely become pressure groups.

The formation of groups and organizations amongst youths and young adults, is an extension of our modern habits. That is, the techniques of social communication lead in this direction; even the economy is today in the hands of groups and no longer of individuals. From more than one point of view, the gang, the group or the mass demonstration are an answer and a reaction to the anonymity of lobbies and boards of directors. Likewise, the criminality which is developing is definitely a criminality in the image of our society: the individual becomes part of a group, and thereby gains a reassuring anonymity and a tenfold effectiveness.

There is certainly reason for asking ourselves whether the increases in crime amongst youths and young adults, do not reflect the fact that the young have been much quicker than their elders to grasp and utilize the effectiveness of the group. If this is so, the problem becomes extremely disturbing as it means that the young delinquents are at this point, ready to integrate into organized crime.

¹ The older gangs were basically a product of poverty, of mass unemployment and degraded slum life like that of Glasgow. The gang leaders were not adolescents but older men, who were often also notorious criminals. The gangs were strictly confined to certain areas; their ascendancy rested on primitive brute force, and an intelligently directed opposing force of picked and aggressive police officers was therefore enough to shatter their ranks. On the other hand, the Teddy boys of today are adolescents rather than adults, and represent a widespread new way of life found throughout the country. T. R. FYVEL, *The Insecure Offenders*, Great Britain, Pelican Books, 1963, p. 66.

C—THE CRIMINALITY OF REPEATERS

C—THE CRIMINALITY OF REPEATERS (157-159)

157. It is a well known fact that the majority of inmates of Canadian or foreign prisons, are repeaters. In Canada, the Dominion Bureau of Statistics considers that 82 percent of the individuals now under detention have been in prison before ¹.

Here again, it is not a matter of being satisfied with court statistics. It is not a question of evaluating the extent of crime simply by basing ourselves on the number of indictments or convictions. However, we have already noted the paradox: the number of crimes are increasing greatly, while the number of individuals found guilty remains in most categories, substantially the same. This has led analysts to conclude that the large majority of crimes are committed by an extremely limited number of individuals. It has been possible to establish, particularly in England, that the criminal today commits a larger number of crimes than did the criminal of 30 years ago ².

1 .

Number of previous commitments	CANADA		QUEBEC	
	Males	Females	Males	Females
None	1,210	25	469	—
One	1,034	13	357	—
Two	930	13	302	—
Three	785	8	246	—
Four	692	16	163	—
Five	515	13	109	—
Six to ten	1,127	28	208	—
Eleven to fifteen	320	4	30	—
Sixteen to twenty	80	1	15	—
Twenty and over	63	—	7	—

Note: An offender who has no previous commitments is not necessarily a first offender. He has not been convicted of an offence serious enough to be committed to a gaol, reformatory or penitentiary.

² Unfortunately, as the statistics are presented to us, there is no means of finding out how many times one individual was found guilty of offences in the same year. This

We are thus faced with a series of problems. We may very definitely question the effectiveness of the punishment and the treatment now in effect. We may, in addition, ask ourselves whether or not all our efforts will prove useless for some criminals.

Nevertheless, a number of authors remain optimistic :

It has been claimed that up to 70 percent of the offenders leaving correctional institutions will return within five years.* Although this percentage may be attained for institutions specializing in offenders prone to recidivism, the estimate is an exaggeration for prisoners in general.

First, the institutions vary in the types of offenders they receive, even within a given state. Second, the usual methodologies for computing recidivism rates are highly questionable. Third, the most reliable estimates set a more conservative recidivist rate¹.

Moreover, the same author explains that because a man returns to prison or the penitentiary, it does not necessarily mean that the programme of rehabilitation has been entirely ineffective².

is a serious limitation in our knowledge, for, as Lady Wootton pointed out in her Clarke Hall lecture in 1959, there is certainly more crime, but are there very many more criminals? "What we do not know," she said, "is how far this means that more people are breaking the law and how far it reflects more persistent or more extensive criminality on the part of those once convicted. Certainly it is of interest that year by year the total number of findings of guilt per 100 different persons convicted seems to be going up. In 1950 every 100 individual males convicted of an indictable offence were responsible between them for 136 findings of guilt; the corresponding figure for females being 129. In 1957 the figures were 149 for males and 141 for females. Is there a hint here that the contemporary problem is not so much a matter of the general decay of law-abiding habits as of failure to deal effectively with a determinedly anti-social minority?" This is a vital question which could only be answered by more thoroughgoing research into the statistics than has yet been attempted.

¹ * JAMES V. BENNETT, *Evaluating a Prison*, Annals of the American Academy of Political and Social Science, vol. 293 (May, 1954), p. 10, quoted by ELMER HUBERT JOHNSON, *Crime, Correction, and Society*, The Dorsey Press, Homewood, Illinois, 1968, p. 644.

² Readmissions of released prisoners do not necessarily indicate failure of a rehabilitative program.

One can only speculate what the recidivism rate would be if all offenders were subjected to the maximum efficiency of a well-organized and well-staffed program of therapy. Nevertheless, it is probable that a residue of hard-core recidivists would remain because of the low amenability of these offenders to treatment and because of other factors which are beyond the control of the therapists. *Op. cit.*, p. 646.

158. Recidivism should be shown in its true perspective. In this regard, as an analyst remarked recently, statistics do not always avert hysteria by their descriptions of the problems of recidivism.

In the first place it should be noted that recidivism is at its lowest level in the area of crimes of violence, although this is not necessarily so in the case of sex crimes¹.

Another element of importance: recidivism assumes a different aspect according to whether it concerns young people or adults. In the case of youths, crime is much less stereotyped and is less likely to take the form of fixed ideas. As a criminal ages, he has a tendency to specialize and to constantly repeat the same acts.

This variability of crimes committed by the same individual seems to diminish amongst the multi-repeaters (the first effect of the passage of time). Crime, with them, tends to become crystalized into a rigid form. As he grows older and possibly because his anti-social potential is losing its keen edge, the recidivist returns to archaic, primitive and crude forms of criminal conduct, as though he was suffering some kind of regression, a kind of running-out-of-steam which leads him back to simple crimes. However, within the total diachronic process the individual is a prisoner of a "set" of answers, whose social or "dissocial" character appears to be definitely fixed. A great number of repeaters show a compulsive tendency to violate the law and often repeat their offences according to the same "modus operandi" where all the elements previously used are again observed².

159. In resumé, even if we still don't know very much about the repeater, certain trends emerge :

- 1 — the number of crimes are growing at a much faster rate than the number of criminals ;
- 2 — repeaters are responsible for a large part of criminality ;
- 3 — it is quite probable that the criminal of today commits many more crimes than the criminal of 30 years ago ;
- 4 — with age, a delinquent shows a tendency to limit himself to a single type of crime ;

¹ Out of 20 sex criminals we have only found four subjects who had been previously indicted on a morals charge which does not necessarily mean that these individuals who are being indicted for the first time had not previously committed sex crimes: with regard to sex crimes, it would appear that recidivism is extremely frequent, but that the criminals become more careful. DR RENE RESTEN, *Caractérologie du criminel*, Les Presses Universitaires de France, 1959, p. 115.

² MARCEL FRÉCHETTE, *Le problème de la récidivité chez le criminel adulte*, in *4e colloque de recherche sur la délinquance et la criminalité*, Ottawa 1965, p. 119.

- 5 — in an overwhelming and understandable manner, the repeater is found more frequently amongst adults than young people ;
- 6 — the dangers of recidivism are minimal in crimes of violence and much greater in theft and fraud ;
- 7 — after three or four relapses, *determinism* has asserted itself and hope for a change diminishes ¹.

D — THE HABITUAL CRIMINAL

¹ Minors: The number of repeaters out of 26 subjects examined: three. They are therefore relatively few minors who are repeaters, but it should be realized that the period of delinquency of a minor is short, as it legally stops at the age of 18. It is of interest to know whether the delinquent or criminal adult had been indicted before attaining his legal maturity. Amongst the 61 adult subjects examined, only 3 had already been brought before the Juvenile Courts (for theft).

In resumé, if as a rule the minor delinquent is rarely a recidivist, the delinquent adult is a repeater in at least one case out of three. DR. RENÉ RESTEN, *Caractéologie du criminel*, Les Presses Universitaires de France, 1959, pp. 115-116.

160. What we have said about the repeater prepares us for the sensitive problem of the habitual criminal. The habitual criminal is the individual which society judges so dangerous that it prefers to remove him from society permanently by not indicating a release date.

The following figures make it possible to see that the problem of the repeater exists in most countries throughout the world, and that it is particularly prominent here :

Amongst the various problems which delinquency creates on the social level, that of the repeater is one of the most disturbing to the extent that it shows us the ineffectiveness of sentences with regard to certain criminals.

Recidivism is a state in which the wrongdoer finds himself when having been condemned previously, he commits a new infraction. In these instances the law shows itself to be more severe towards him. But the increase in recidivism amongst some criminals, has also led most countries to provide special treatment for persistent criminals or habitual delinquents.

To compare the intensity of the phenomenon of the recidivist on an international level is difficult, by reason, on the one hand, of the difference in laws, and on the other, by the insufficiency of statistics in this matter. However, it is generally estimated that the repeaters represent from 30 percent to 35 percent of legal crimes. In France, this proportion is lower if judged by the court statistics ; but in the prisons the rate of recidivism reaches almost 46 percent¹.

When the situation fluctuates in this way from one country to the other, it is natural to notice the discrepancies in the various descriptions of the habitual criminal. However, the definition supplied by Prof. Norval Morris would appear to be a fair consensus of opinion :

The habitual criminal is one who possesses inherent or latent criminal characteristics in his mental makeup (but who is not insane) ; who habitually lives a delinquent life ; and is a danger to the society in which he lives, without

¹ GEORGES PICCA, *Pour une politique du crime*, Éditions du Seuil, 1966, p. 60.

however, being a vagrant, a prostitute, a drunkard, or an "habitual petty offender"¹.

161. In fact, this definition by Morris has the advantage of integrating most of the elements used in the different countries: the number of crimes, the seriousness of the offences, the age of the delinquent, the danger to society...².

In Appendix 3 will be found various extracts from a study, published by the *McGill Law Journal* (Vol. 13, Montreal 1967) of the different laws directed against the habitual criminal. In the context of the present work, we are limiting ourselves to, and will concentrate on, Article 660 of the Criminal Code. By reason of the importance of the problem, we have spent more time than we possibly should have, on the psychology of the habitual criminal, without however assuming the attitudes of specialists.

162. The majority of experts note that most of the habitual criminals take the first step along this road very early in life:

The age. Mannheim (1955) states as does Frey: "the more an individual engages in criminal activities at a precocious age, the more susceptible is he of becoming an habitual criminal". Sellin adds: "the younger the subject, the shorter is the interval between his first offence and those which follow". Age and the resulting process of evolution therefore seem to play a crucial role in the emergence and development of chronic criminality.

We already know that young delinquents can be divided into two principal groups: the first, which includes approximately 85 percent of the cases, is made up of individuals amongst whom delinquency is only an episode in the definitive

¹ DENIS SZABO, *Le criminel d'habitude: aspects criminologiques*, in *McGill Law Journal*, Volume 13, Montréal, 1967, p. 628.

² Those countries which make use of this conception of the habitual criminal, define its scope in relation to some or all of the following factors:

- 1 — Number of crimes committed by an offender (sometimes over a certain age).
- 2 — Type(s) of crimes committed by an offender (sometimes over a certain age).
- 3 — Seriousness of offender's last crime(s) (and sometimes period since commission of previous crime).
- 4 — Number and type(s) of punishments he has undergone (sometimes over a certain period or since a certain age).
- 5 — Extent of danger to public presented by such type(s) of crime.
- 6 — Extent of danger to public presented by such an offender.
- 7 — Age of the offender.
- 8 — Mental condition of the offender.
- 9 — Biological and social background of the offender.
- 10 — Susceptibility of the offender to reformation. NORVAL MORRIS, * *Introduction*, in *McGill Law Journal*, Volume 13, Montreal, 1967, pp. 535-536. * Reprinted from *The Habitual Criminal*, Longmans and Green, 1951.

process of socialization, an episode often provoked by extraneous causes, not lasting, and which generally resolves itself fully around the age of 18; the remaining 15 percent suffer from a more serious problem, because delinquency shows itself there as the index or the symptom of a criminological predisposition deeply rooted and capable of leading to persistent recidivism. Amongst this last group, the precocious appearance of anti-social attitudes are a cogent sign of the degree or the force of pathological determinism.

The process of criminalization therefore is very closely related to the age at the time of his first indictment, the age when the offence determining the particular type of criminal activity was committed, as well as the average age of its perpetration. A comparative examination of these ages in our population, has shown as a result of a prognostication made after the event, whether the offence can be considered as a passing act, or periodic, or whether on the contrary, it is the beginning of an evident criminal evolution¹.

It would be wrong to conclude that only a sick person will become an habitual criminal. On the contrary, even if the psychological reactions of the individual orient him at an early age towards a life of crime, it does not necessarily mean that the habitual criminal is not fully conscious of his actions. On the contrary, certain authors go so far as to say that he possesses, more than other criminals, the full "criminal maturity"².

163. The *habitual criminal* devotes more time to his career than does the professional criminal. In fact, a number of analysts appear to confuse the two types. Undoubtedly the margin which separates them is not as great as that which differs the occasional delinquent from the professional criminal. However, many differences exist between the professional criminal, cold and calculating, and the habitual criminal, in whom the propensity to crime is sometimes such that it overshadows all caution.

The professional criminal springs from a milieu very clearly defined, but he is also an individual who has developed his basic qualities to the maximum: competent with figures, he makes a good swindler; smooth-tongued, he readily involves himself in false representation...

The professional criminal is quite unlike the types just discussed. He is a product of a definite developmental process. There may have been a quirk in his personality to begin with, but he learned to live with this and became just as much of a professional in his own endeavors as the doctor, lawyer, or any other skilled technician.

¹ MARCEL FRECHETTE, *Le problème de la récidivité chez le criminel adulte*, in *4e colloque de recherche sur la délinquance et la criminalité*, Les Presses sociales, Montréal, 1964, pp. 123-124.

² Houchon (1962) adds: "A subject is said to be in a state of criminal maturity when his manner of organizing his life, of planning for the future, of accepting the legal inconveniences of his way of life, is integrated into a philosophy and into a technical ability oriented towards daily delinquency". MARCEL FRECHETTE, *loco cit.*, p. 127.

The professional criminal's philosophy of life is similar to the average person's in many respects. He takes chances, just as most of us do, but only when they are in the nature of "calculated risks". He cannot see any difference between his operations and those of the banker who speculates in stocks. With masterful techniques, he knows he can "get away" with a number of his operations and so he continues them. In his judgment, his way of life is much more interesting than one who conforms to obeying the law instead of trying to outwit it. No other profession dominates its followers so much as that of the matured criminal.

Another thing about the professional criminal — he is not reformable, despite all that criminologists and others say about him. His way of life is fixed. He may promise to change but will do so only as long as the stimulus to wrong-doing is absent¹.

As opposed to this type of calculating criminal, resourceful and generally hypocritical, the habitual criminal shows very strange characteristics: the chief paradox is that the outward difference is sometimes very slight between the habitual criminal and the first offender. In other words, on a number of points, the first offender and the inveterate criminal, show the same characteristics. From other points of view the two types are completely different². By contrast, the professional criminal is not easily confused with the first offender. Our intention here is to merely indicate (and not to describe) the difference between the habitual criminal and the professional criminal.

164. We should ascertain whether in practice the judiciary has also adopted the definition of the habitual criminal given by Professor Morris. In other words, have the Canadian magistrates, without always making it clear,

¹ RAYMOND E. CLIFT, *A Guide to Modern Police Thinking*, The W. H. Anderson Company, Cincinnati, 1965, pp. 201-202.

² Habitual criminals look no different than first offenders. Their outward demeanor is unlike the stereotyped criminal that one sees on television and on the movie screen. These men are surprisingly bright — even though the majority of them never went beyond the grammar grades in school. They are omnivorous readers, most of whom prefer literature of the western world, with leftist political ideologies. They are seldom religious. Those who do profess a religion in their lives more often than not prefer the esoteric religions of the East and are excellent conversationalists in the teachings of Theosophy, Zen Buddha, Mental Science, Shintoism and others that require disciplines of the mind in preference to the simple declarations of faith that are so fundamental to salvation in the various Christian denominations of the world.

Unlike the first offender, the habitual criminal has a high pain threshold, which means he can withstand pain and punishment in a more stoic way than his counterpart in any given situation of stress and/or trial. Also unlike the first offender, the habitual criminal has an easier life in a prison setting, because long years of confinement have taught him to become crafty, cunning, and wise in every area that will benefit his material needs. TOM VIGROLIO, *The Via Dolorosa of the Habitual Criminal*, in *McGill Law Journal*, Volume 13, Montreal, 1967, p. 692.

considered the chronic offender or the habitual criminal as a more dangerous individual than the professional criminal?

Quebec judges have constantly described the habitual criminal as being deeply rooted in crime. Moreover, quite a number of decisions indicate the habitual criminal to be a *violent and dangerous being*. Sometimes some leniency is shown to the professional criminal who limits his activities to non-violent crime. In the case of the habitual criminal his propensity to violence and the fact that he is a constant danger to security and society, have generally been held against him. This seems to us to be a prudent attitude.

It should be noted, moreover, that British Columbia, a pioneer in the domain of habitual criminality has gone much further than the other Canadian Provinces by including amongst habitual criminals, individuals who, although they had a long legal record, did not appear to present all the symptoms of violent criminality. For our part, even if the expression "habitual criminal" or "chronic offender" does not necessarily imply a violent criminal, *we believe that society must resort to the recourse of preventive detention only for extremely serious cases*. By this we mean a strong propensity to violence.

165. This is where the real problem lies. The Criminal Code applies the term "preventive detention" to the indeterminate sentence handed down to an individual who is recognized judicially as an habitual criminal.

Article 660 of the Criminal Code provides that an individual cannot be considered as an habitual criminal unless he has already been declared guilty at least three times for offences calling for at least five years detention. Moreover, it is necessary to establish that the individual *persistently* leads a criminal life. It would appear that jurisprudence has even established the necessity of interpreting in a restricted manner, the clause referring to the sentences of at least five years of detention. It would not be enough, for example, for an individual to have been condemned to two years of detention for a crime which has a maximum penalty of 10 years. One should, according to certain authors, only take into consideration the convictions where the individual has *himself* received a sentence of at least 5 years, and not to count the crimes with a *possibility* of sentences of 5 years and more (cf. *McGill Law Journal*, op. cit.).

Nevertheless and notwithstanding these precautions, the habitual criminal is threatened with penalties which are not in conformity with our Criminal Code. Our entire judicial heritage is predicated on the principle that the individual is presumed innocent until his guilt is established before the court, and that he again becomes a full citizen as soon as his "debt to

society" is paid. In this specific case the habitual criminal must, up to a certain point, pay a second time for crimes for which he has already atoned. He must, in other words, face a more severe sentence than would be given normally, not by reason of the crime which brings him before the court, but because of crimes previously committed and already paid for.

166. The legislation concerning the habitual criminal might also be inversely criticized. In fact, some analysts, to avoid the criticisms which we have just mentioned, state that an individual is not punished twice for the same crime, but that on the contrary, he is placed in detention because his past and his present life *promise* and *guarantee* new crimes.

In brief, to avoid one criticism, we are faced with another! In order to say that an individual is not punished twice for the same crime, one condones a preventive detention which quite definitely bypasses the presumption of innocence. Thus, whether the legislation dealing with the habitual criminal is justified by evoking the necessity to punish the individual who has shown himself to be rebellious against all forms of correction more severely, or whether it is justified by insisting on the right of society to protect itself against individuals recognized as dangerous — the malaise remains.

167. Let us be clear — leniency is certainly not the proper way to deal with some individuals who are considered to be beyond rehabilitation by popular verdict. The following is an example of a well developed criminal career:

Massari was released from the Illinois State Penitentiary upon completion of a three year term for burglary and armed robbery in 1961. On July 8, 1963, Massari was apprehended in the act of committing a burglary. He was indicted and released on bail totaling \$7,500. On August 24, 1963, while free on bail, the subject was apprehended in the commission of a second burglary and was found to have in his possession the proceeds of still another burglary committed earlier in the day. He was indicted on two counts of burglary and released on \$4,500 bail. The subject was again arrested on November 18, 1963, when he was found to be in possession of a loaded fire-arm and burglary tools. On January 16, 1964, he was arrested in the act of committing a burglary and found to have the proceeds of two other burglaries in his possession. He was indicted the following day and released on \$15,000 bail, only to be again arrested on the same afternoon while committing still another burglary for which he was indicted and bail set at \$5,000. Subsequently, he was arrested on February 8, 1964, with release on bail set at \$10,000; again on February 21, 1964, with release on bail of \$5,000; and again on March 5, 1964, when bail was set at \$5,000.

On April 24, 1964, when Massari went to trial, he had been arrested nine times in the period from July 8, 1963, to March 5, 1964, indicted on ten counts

and was free on \$48,500 in bail. He entered a guilty plea to the 10 indictments and was sentenced to from 5 to 15 years in the penitentiary on each count — the sentences to run concurrently.¹

This is almost inconceivable, and public opinion will never condone justice being flouted in this manner. . . and yet in our province, cases just as demoralizing have been found (as shown by the Canadian Bankers' Association).

168. The problem exists and it is complex. It is difficult to define the habitual criminal, and even more so to decide what should be done with him. On the other hand, the law must restrict itself to clear-cut definitions. For our part we do not deny the need for exceptional measures, but we would hope that recourse to this paradoxical and difficult legislation would be strictly limited to cases where the danger to society is obvious.

We believe that there is abuse when the provisions of Article 660 are invoked against criminals, even professionals, who limit themselves to activities of an economic nature and who do not endanger the life nor the health of citizens. We therefore do not believe that it is right to define the habitual criminal in the following manner — the verdict may be correct but in our Code it results in a form of detention which may not be necessary if violence is not a part of the elements of the definitions:

The persistent offender is the man who is repeatedly in trouble with the law, who associates mainly with other criminals, spends a large part of his life in prison and whose record shows him to be a prison and penitentiary recidivist, who seldom if ever works for a living. The persistent offender is a man who lives by the proceeds of crime².

Such a definition applies, in our opinion to professional criminals and not to the persistent or habitual offenders. We readily admit that the margin is sometimes very slight between the two types, but it is our opinion that the factor of *violence* must be integrated into the definition of habitual criminal (unless we stop condemning the habitual criminal to preventive detention).

The term "dangerous habitual criminal", even if variously defined in legal theory and case law, essentially refers to a person, who, *as a result of a rooted propensity, has repeatedly committed crimes*, and from whom, at the time of sentence, it may reasonably be expected that, because of this propensity, he will, in future, also commit offences likely to cause serious breaches of the peace. This judgment must be based on an overall examination of the record

¹ National Conference on Bail and Criminal Justice, Proceedings - 27-29, 1964 and Interim Report 1964, Washington, D.C., April, 1965, p. 152.

² BRUNO CORMIER, LYLIA KEITNER, MARIAM KENNEDY, *The Persistent Offender and his Family*, in *McGill Law Journal*, Montreal 1967, Vol. 13, p. 601.

of the accused. In theory, three convictions are sufficient. However in practice, the courts only tend to consider a person a dangerous habitual criminal after numerous convictions. The number of offences which finally condemn a person as a dangerous habitual criminal would on an average be estimated as being nearer ten than five.

If the accused is given an aggravated sentence on being condemned as a dangerous habitual criminal, this implies confinement to a penitentiary, which is the gravest form of punishment known to German criminal law. Maximum periods will depend on whether or not the offence committed carries with it a penitentiary term or not¹.

169. We go even further. In addition to limiting recourse to preventive detention to extreme cases, and to restricting the interpretation of Article 660 to only violent criminals and including "innate propensity" in the definition, we would like to stress the need to maintain certain fundamental rights for the habitual criminal.

In practice, the habitual criminal in Canada can also benefit from the advantages of parole. The Dominion Bureau of Statistics, it is true, enumerates a number of unfortunate experiences with habitual criminals released on parole. That is not the question. The important point is that the Parole Board has never renounced its policy of social reintegration (even in the case of the habitual criminal). Some individuals will, undoubtedly, be astonished at this attitude, but we for our part, have been quite pleased to note the generosity in the granting of parole: even the habitual criminal who had previously been given and misused his parole, still retains some hope.

When prisoners abandon hope of getting another chance at life as socially-acceptable citizens of the community, they feel morally and intellectually justified to live as social outcasts. This justification is tempered with a host of unexpressed regrets within the minds of those who are stigmatized as beyond rehabilitation. One doesn't have to be a psychologist to plumb and analyse and understand the depths of remorse that was uttered by the man who couldn't sleep at night because he saw his whole life pass in review, and what he saw hurt more than if he were kicked in the guts².

This attitude on the part of the Parole Board tempers the severity of the law, and has shown by an impressive number of successes, that there is hope that even the habitual (persistent, chronic) criminal may be rehabilitated³.

¹ DR HERMANN BLEI, *Germany and the Habitual Criminal*, loco cit., p. 671.

² TOM VIGROLIO, *The Via Dolorosa of the Habitual Criminal*, in *McGill Law Journal*, Montreal 1967, vol. 13, p. 695.

³ *Habitual Criminal Statistics*, National Parole Service, Jan. 1968.

HABITUAL CRIMINAL STATISTICS

1. How many persons have been declared to be Habitual Criminals and what has happened to them?

Convicted		137
Died in Custody		6
		<u>131</u>
Released on Parole		53
		<u>78</u>
Revoked and Returned to Custody	— 5	
Forfeited and Returned to Custody	— 7	
	<u>12</u>	12
		<u>90</u>
Reparoled		3
		<u>87</u>
Revoked & Returned to Custody	— 1	
Forfeited & Returned to Custody	— 1	
	<u>2</u>	2
		<u>89</u>
In Mental Hospital		1
Remaining in Custody		<u>88</u>

Prepared by the National Parole Service, January, 1968.

2. How many persons declared to be Habitual Criminals have been released on Parole and what has happened to them?

Released on Parole		53
Died on Parole		6
		<u>47</u>
Revoked	— 5	
Forfeited	— 7	
	<u>12</u>	12
Continuing on Parole		35
Reparoled		3
		<u>38</u>
Revoked	— 1	
Forfeited	— 1	
	<u>2</u>	2
Now on Parole		<u>36</u>

3. How long had they been under Preventive Detention when first Paroled ?

Under 5 years	15
5 years and under 6 years	—
6 years and under 7 years	12
7 years and under 8 years	13
8 years and under 9 years	2
9 years and under 10 years	2
10 years and under 11 years	6
11 years and under 12 years	—
12 years and under 13 years	3
TOTAL	53

4. How long have the 36 parolees, now at liberty been out on their present parole ?

Under 1 year	12
1 year and under 2 years	2
2 years and under 3 years	2
3 years and under 4 years	1
4 years and under 5 years	—
5 years and under 6 years	5
6 years and under 7 years	4
7 years and under 8 years	5
8 years and under 9 years	2
9 years and under 10 years	2
10 years and over	1
TOTAL	36

5. What are the five longest periods at liberty to date ?

12 years	6 months
9 years	3 months
9 years	2 months
8 years	11 months
8 years	1 month

6. What was the age at time of first conviction of the 36 parolees ?

Because juvenile records are not always available, it is difficult to establish age at first conviction. It is possible that there were earlier appearances in Court in the cases shown as being age 16 or over at the time of first conviction.

The median falls at age 18. Twenty-five, approximately half of the 53 men released, had commenced their criminal career by age 18. Forty-five were embarked on a criminal career by age 20.

Of those known to have earlier Court appearances, the youngest age recorded is eight, with a fairly even distribution in each age up to age 16.

7. What was the age of detainees on admission to Preventive Detention ?

25 years and under 30 years	6
30 years and under 40 years	17
40 years and under 50 years	24
50 years and under 60 years	6
TOTAL	53

The youngest age on admission (of those paroled) was 27 years, the oldest was 56 years. The bulk of the paroled group were in the 32-50 age bracket, with the median at 41 years.

Of the six men under age thirty on admission, who were later released, 5 had their paroles either revoked or forfeited. Of the twenty-nine up to and including the median age (41) who were released on parole, nine were later revoked or forfeited. Only 3 of the twenty-four above the median on admission were later revoked or forfeited.

8. What was the age of detainees at the time of release on parole ?

The range at the time of release is 30-64, with the median at 48. The range is fairly evenly spread at two or three for each year from age 38-56. There is a separate group of 7 men who were in the age range of 30-35.

Out of the 7 who were under age 36 at the time of release, 5 had their paroles either revoked or forfeited. Out of the 25 up to the median age (48), 8 had their paroles either revoked or forfeited, leaving only four violators in the group above the median.

HABITUAL CRIMINAL STATISTICS

Province	Number of Convictions
Nova Scotia	6
Quebec	7
Ontario	16
Manitoba	14
Saskatchewan	6
Alberta	13
British Columbia	75
TOTAL	137

HABITUAL CRIMINAL STATISTICS

Institution	Total	Released on Parole	Died on Parole	Revoked
Dorchester	4	4	1	—
St. V. de P.	4	—	—	—
Kingston	19	11	1	2
Manitoba	16	10	—	1
Saskatchewan	19	8	2	1
Br. Columbia	75	20	2	1
Totals	137	53	6	5

Institution	Forfeited	Re-paroled	Revoked	Forfeited	Continuing on Parole
Dorchester	2	1	—	1	1
St. V. de P.	—	—	—	—	—
Kingston	1	1	1	—	7
Manitoba	1	—	—	—	8
Saskatchewan	2	1	—	—	4
Br. Columbia	1	—	—	—	16
Totals	7	3	1	1	36

170. All in all, there is obviously reason to limit recourse to Article 660. In this connection it is clear that Quebec has nothing to reproach itself with. In fact, up to March 31, 1967, only 8 out of the 107 criminals placed under preventive detention in Canada, came from Quebec.

However, the existence of the law gives rise to a question of principle. Regardless of whether the law is interpreted in one way or another, either the same crime is paid for twice, or there is a presumption of guilt against

the accused person. In both cases we have no alternative but to draft legislation which represents a break with our judicial customs..

There is no doubt that a limited number of individuals must be kept in custody to assure both the protection of society, and proper treatment for their own sake.

From the penal point of view, we are moving toward the recognition of three or four basic categories of offenders, reflecting the seriousness of the offence. There is a tendency to reduce harsh inflexible sentences and to develop legislation creating extended sentences for especially dangerous individuals. If the court and the public are going to surrender the heavier sentences in certain cases, they must have this or some similar safeguard to take its place. The concept of the extended sentence, while laudable, however, may encounter great difficulties at the practical and legal levels. It must be clearly based on diagnostic findings, for if it is not, it may degenerate into habitual-criminal legislation once again¹.

It is our belief, therefore, that research should be carried on to determine in what way this Article 660 might be too severe. In a number of cases, the definition of habitual criminal, as it is found in the law, is not sufficient to keep a dangerous criminal out of action. In other cases, the law makes it possible to incarcerate individuals who are really not a menace to the security of society. We reaffirm that the Quebec judiciary has shown itself to be wisely prudent and that the Crown prosecutors have shown good sense by having very little recourse to this strange legislation.

171. At the present time there are different typologies which endeavour to define clinically the habitual criminal², but none has as yet received the full support of the experts and the general public. And this is one of the

¹ RALPH BRANCALE, *Diagnostic Techniques in Aid of Sentences*, in *Law and Contemporary Problems*, School of Law, Duke University, Vol. XXIII, 1958, p. 460.

² In recent years, two classification systems have been proposed, one by Cormier and one by Russon. Cormier's classification distinguishes four groups:

1. primary delinquency due to a fixed pattern of delinquency established in latency, a pattern which is generally carried over to later years;
2. secondary delinquency due to the fact that the ego becomes involved delinquently during puberty and represents a projection of a character;
3. late delinquency refers to an ego that first becomes habitually delinquent during maturity.

A fourth type, which is really a sub-type of the late delinquent is the late offender, who has presumably a non-delinquent ego, but became involved in criminality through situational or accidental factors. The classification is based on the number and kinds of offences as well as the onset of criminality in the life history of the offender. It enables a clinician to distinguish, on the one hand, between a recidivist and an habitual criminal, and on the other hand, between a reactive and an ego-involved delinquent.

most delicate aspects of the problem, one which puzzles both the legislator and the criminals. The criminals should at least know how the public judges them.

If there are habitual criminals who do not respond to the programs of the correctional department, it is because this response does not win the respect of society as a whole, especially since society is divided between the two theories of imprisonment which vacillate between punitive procedures and the treatment procedures — depending on which of the two makes the more interesting copy material for the morning newspapers. After a while prisoners get tired of being social yo-yo's for those who get their kicks out of their behavior patterns which are dramatized more for entertainment than for remedial purposes in the newspapers¹.

CONCLUSION

In a later study, Cormier *et al*, studied a group of late-comers to crime, and they distinguished three sub-groups, each one having a differential relapse rate. Although the sample was not a representative one, it shows that the concept, *latecomer* to crime was experimentally not sufficiently precise. If a decision had been taken on the basis of the concept *latecomer* to crime, i.e., late delinquent, serious errors would have been committed in the assignment to a specific form of treatment.

Russon's clinical classification of offenders is an equally subtle one as it attempts to each psycho-dynamic and developmental levels. (...)

Russon's multi-dimensional system, as it were, tries to include and evaluate attitudes, involvement in criminality as well as psychological level of development. But the objection attributed to the classification systems mentioned above, applies here too, i.e. assuming that an assignment is made after diagnostic (decision), what is the expectation of success or failure that the decision has been a correct one? In other words, what is the relapse rate following treatment?

¹ TOM VIGROLIO, *The Via Dolorosa of the Habitual Criminal*, in *McGill Law Journal*, Montreal 1967, vol. 13, p. 695.

CONCLUSION

(172)

172. We have confined ourselves here to the establishment of some guidelines. Our intention was, to indicate the volume and nature of Canadian and Quebec crime, and to identify in a summary manner, the authors of crimes.

It is within this perspective that we have examined the police and court statistics, that we have been able to see some of the main trends of our criminality, and that we have endeavoured to show the participation in crime by various groups of individuals: women, youth, gangs, repeaters, the habitual criminal. . .

We do not pretend to have exhausted the subject: identifying the author of the crime does not necessarily indicate *how he should be treated*. This second preoccupation will be dealt with in the section of our report devoted to correctional measures. At this point we intend dealing with the "peaks of crime in Quebec"; fraudulent bankruptcies, armed robberies and automobile thefts. This will be the subject of the second part of this volume.

FINDINGS AND RECOMMENDATIONS

FINDINGS AND RECOMMENDATIONS

1 — Generally speaking, police statistics illustrate the state of crime better than court statistics. Nevertheless in the case of Quebec and Canada, it becomes necessary to utilize court statistics by reason of the fact that the police compilations are either too recent, or during the course of years have adopted somewhat inconsistent definitions (paragraph 5).

2 — For several years the police statistics have included pertinent information from almost all the police forces of Quebec. On the other hand, court statistics are at the present time, excellent (paragraph 9).

3 — In criminal matters, it must be admitted that there is an "unknown figure" (chiffre noir) of which neither the nature nor the volume is known (paragraph 11).

4 — There are dangers of fluctuation which have a considerable effect on the validity of criminal statistics :

- a) the law itself undergoes changes (paragraph 14) ;
- b) the attitude of the public changes from one period to the other (paragraphs 15 and 16) ;
- c) the attitude of the police and police procedures also vary (paragraph 17).

5 — The rise in mass criminality, the violent aspect of its manifestations contribute to lower the rate of police detection (paragraph 18).

CRIMES OF VIOLENCE AGAINST THE PERSON (paragraphs 20 to 50)

6 — With the exception of assaults, crimes of violence against the person have not increased very much either in Canada or in Quebec.

7 — With the exception of assaults, the Quebec situation with regard to crimes of violence against the person, has deteriorated less rapidly

than the Canadian situation and it is even possible to speak of improvement (Table XXXIV).

8 — Considering the total of crimes of violence against the person, Quebec has considerably less than its share of infractions reported by the police and this percentage even shows a diminishing trend (Table XXXV).

9 — In the area of assaults, Quebec's share has increased rapidly: 8.6 per cent in 1962; 12.1 per cent in 1965 and 14.1 per cent in 1966.

10 — In the area of assaults, notwithstanding the percentage increases, Quebec's share is still smaller in proportion to its share of the total Canadian population (Table XXXI).

11 — Generally speaking, the ratio of persons convicted for assault is similar to the convictions for all crimes committed against the person, that is approximately 80 per cent of the charges (Table XXVII).

12 — For the whole of Canada, the percentage of convictions in relationship to the charges is higher than the norm in the case of assaults involving agents of the peace, and it reaches 92 per cent (93 per cent in the case of Quebec).

13 — The percentage of charges resulting in convictions is lower than the norm in Quebec, in the case of assaults causing bodily harm (10 per cent less than for the rest of Canada: 67.2 per cent in Quebec and 77.5 per cent in the rest of the country).

VIOLENCE AGAINST PROPERTY (paragraphs 52 to 65)

14 — In Canada and in Quebec, violent crimes against property show a definite increasing trend. (Generally speaking the figures available are not adjusted according to demography).

15 — The rate of increase in violent crimes against property is more rapid in Quebec than in whole country.

16 — From 1956 to 1966 Quebec has increased its percentage slightly in relationship to Canadian figures dealing with the number of persons accused of violent crimes against property, but the Quebec percentage is still definitely below the demographic proportion of Quebec.

17 — In Canada and in Quebec, the great majority of persons brought before the court for violent crimes against property were accused of breaking and entering.

18 — The rate of increase for individuals accused of breaking and entering is greater in Quebec than in the whole of Canada.

19 — In the case of breaking and entering as for all violent crimes against property, Quebec's part, even though it increased is still not proportional to the place occupied by Quebec in the Canadian population.

20 — Generally speaking, individuals accused of violent crimes against property are found guilty more often than those brought before the court for violent crimes against the person. In the case of violent crimes against property more than 90 per cent of those charged are convicted, while the average is 80 per cent in the case of violent crimes against the person.

21 — The charges of breaking and entering and robbery from 1956 to 1966 represented 96.4 per cent of all the charges brought for violent crimes against property (paragraph 61).

22 — Consistently, the proportion of convictions in relationship to the charges is a little higher in Quebec than in the whole of Canada.

23 — Various graphs confirm the fact that the greater part of the increase in violent crime against property took place in 1957 and 1958 (Table LII).

24 — Quebec is faced with a serious problem in the area of armed robbery. In this sector, Quebec alone is responsible for 65 per cent of the crimes committed in Canada.

CRIMES WITHOUT VIOLENCE AGAINST PROPERTY (paragraphs 66 to 70)

25 — Crimes without violence against property reflect the same characteristics as those of violent crimes against property. In fact, the trend to increase is seen everywhere, the rate of increase is more rapid in Quebec, but our province still finds itself in a more satisfactory situation in relationship to the other Canadian provinces (paragraph 66).

26 — In the area of crimes without violence against property, the global figures therefore place Quebec in a privileged situation with the exception of certain specific problems with which Quebec is faced, such as, fraudulent bankruptcy and theft, (particular automobile thefts).

ELEMENTS OF ANALYSIS (paragraphs 71 to 89)

27 — Quebec shows an increase in the area of assaults.

28 — The increase in the Quebec proportion of assaults is still below Quebec's normal population percentage.

29 — In Quebec the assaults are cleared less frequently by police and result more often in convictions. However, the situation is somewhat similar to the national average (Table LXXXIV).

30 — In the area of robberies, the proportion of offences reported by the police in Quebec is much higher than the demographic proportion.

31 — The Quebec proportion of robberies reported to the police, however, tends to diminish (50.3 per cent in 1964 and 45.8 per cent in 1966).

32 — In the case of robberies the rate of detection appears to be less constant in Quebec.

33 — In the area of robberies, Quebec, which appears to have a lower rate of detection than the national average, nevertheless regularly increases its percentage of convictions.

34 — While showing the situation in a different manner the police statistics taken as a whole, show the real problems in Quebec as being the same as those shown by the court statistics. Thus robbery is placed ahead of assaults in the list of Quebec preoccupations.

35 — The police statistics place Quebec in a less favourable situation than the court statistics, but they do not describe the Quebec situation as dramatic. Most of the increases merely bring Quebec closer to the national average.

36 — It will be necessary to try to establish a more direct relationship between the court statistics and police statistics.

37 — A study shows that the national average for the total number of infractions known to the police is approximately 50 per cent higher than the Quebec figures. It is also seen that the Ontario figures have always been higher than Quebec and are almost at the same level as the national average.

38 — The metropolitan zone of Montreal, reputed to be the worst in Quebec, has, according to the police figures, a rate of crime of 365.3 per 100,000 population, while the Canadian average is 364.4.

39 — We are not at all recommending the abolition of the present system of court and police statistics. We merely suggest a form of adjusted statistics established by taking into account the following two elements :

1) the convictions by the courts ;

2) the infractions which the police admit not having solved (paragraph 86).

40 — Since the court statistics based on the number of delinquents brought before the courts merely show localized increases in crime, and as the police statistics based on the number of offences show considerable increases, there is reason to believe that an important share of crime is committed by a relatively small group of individuals (paragraph 89).

THE CONTEXT OF QUEBEC CRIME (paragraphs 90 to 124)

41 — The silence about unreported crime in Quebec statistics is absolute. The figures published annually, whether they come from the police forces or the courthouses, do not give any indication of the volume of hidden crime.

42 — In our opinion, the volume and nature of unreported crime varies according to sociological contexts. Thus the North American business world quite readily closes its eyes with regard to a series of "economic crimes" which in another context, would arouse much more violent reactions.

43 — A large number of citizens who are today living normally, are able to do so, not because they have always abstained from reprehensible acts, but because they were able to avoid detection.

44 — Even if it is impossible to establish any kind of relationship between the volume of known crime and hidden crime, it is reasonable to state that in our Province the unknown figure works in specific areas :

a) the hidden crime tends to be much greater in the area of economic offences ;

b) one must assume that our population is less and less tolerant with regard to aggressions of all kinds, and that the unknown figure in the area of crimes of violence is thus being reduced.

c) the unknown figure might hide :

-- persons appearing to be good citizens who commit crimes without being suspected or

-- punishable acts carried out with impunity by all categories of individuals (criminals as "honest" citizens).

45 — At the present time it would appear that amongst the important causes of crime can be listed not only urbanization or industrialization but the tempo at which major changes are made (paragraph 105).

46 — The city such as it originated, and, as it has been allowed to develop in our province, has certainly fostered an important part of criminality. This statement takes into consideration the swiftness of social changes and the fact that one single urban concentration has attracted almost half of the population of Québec, which intensifies the impact of uprooting: the transition is not made from the village to the city but from the parish to the metropolis (paragraph 107).

47 — In the face of the Quebec reality (in terms of sociology and criminality), it becomes necessary to do some thinking in terms of:

- a) the type of legislation suitable for a milieu more and more anonymous, mobile and pluralistic;
- b) the police functions in this new world;
- c) the possibility of minimizing through planning, some of the unfortunate corollaries of urbanization and industrialization (paragraph 107).

THE PLACE OF YOUTH

48 — The indices of crime are frequently at their peak not amongst the youths of 16 to 18 or 18 to 20, but amongst the youths of 14 and 15 years of age (paragraph 109).

49 — Rarely does anyone take the trouble to localize the increase of juvenile criminality within the increase of the juvenile population. It is quite true that youths often commit a greater number of crimes, but most frequently this is because they constitute today a greater part of the population than in the past (paragraph 110).

50 — Notwithstanding nuances, it is true that juvenile crime has increased considerably and that its most rapid growth occurs in the most serious crimes (paragraph 111).

51 — As it appears that delinquency takes different forms as an individual passes from one stage to another in his evolution, statistics would gain considerably by separating the groups of delinquents and placing more stress on the characteristics of each group (paragraph 112).

52 — Canadian statistics show that young delinquents (16 to 17 years) only hold the top place in two sectors: breaking and entering, and

theft. The group of 18 to 19 years also plays an important part in the same areas with the addition of crimes of rape (paragraph 114).

53 — Even though violence has increased rapidly amongst youth, it is not the uncontested realm of the younger generation. It would seem on the contrary that youth arrives at crime by way of theft and burglary and does not risk crimes of violence until after the age of twenty (paragraph 115).

54 — It is therefore necessary to conclude that violence is much more frequent than previously amongst youths of less than 20 or 21 years.

55 — The violent criminal, most of the time is an individual of more than 20 years; often he is over 30.

56 — There are more likely to be repeaters in the case of crimes against property than in the case of crimes of violence against the person.

57 — Violence very often takes place amongst individuals who have known each other previously.

58 — Generally speaking, it is still possible to state that the increases are greater in crimes of violence against property than in those of violence against the person.

59 — Without wishing to minimize the seriousness of other forms of criminality, it is necessary to place at the head of the list of matters of concern, economic crimes and crimes without victims.

60 — The economic losses attributable to white collar crime have always been more costly than the forms of violent crimes (paragraph 126).

61 — In certain respects, economic crimes are related to the normal and legal objectives of private enterprises. In other words, it is often paradoxical to encourage an enterprise to continually increase its revenues and profits while at the same time expecting this enterprise to accept a number of controls and limitations (paragraph 133).

62 — Notwithstanding numerous Crown actions, a large number of enterprises constantly endeavour to act as monopolies and circumvent most of the laws which are intended to govern the activities of corporations.

63 — It is generally quite easy for enterprises to commit offences as neither their competitors nor the media of publicity, nor the State consider such offences as very serious.

64 — The opportunity for crimes at the level of large corporations are so numerous and of such great consequence that a study of modern criminality necessarily leads to a study of the most fundamental economic principles (paragraph 141).

65 — Most of our economic customs (and some restrictive legislation) make it easy for organized crime to enter into the picture, to create its own monopolies and to insinuate itself within existing industries and cartels.

66 — Looked at from the point of view of the public, organized crime is generally a form of criminality without victims.

67 — By reason of connivance between the victim and his "tormentor" the police forces are generally powerless to combat organized crime (paragraph 144).

68 — The benefits resulting from organized crime are such that it has become possible for a criminal empire to pervert the mechanisms of our economy.

69 — Organized crime aggravates the problems of poverty and the dangers of social injustice; it also provides powerful reasons to question our entire society.

THE AUTHORS OF CRIMES (paragraphs 147 to 172)

70 — Crime is above all a masculine activity but, particularly amongst youths, feminine crime is increasing more rapidly than male criminality.

71 — Some crimes are exclusively feminine.

72 — It would appear that marriage exercises a beneficial and protective effect on delinquents.

73 — The gangs of young delinquents are the best reservoirs for adult criminals.

74 — Adolescent gangs are not formed solely and principally for criminal purposes, but for the younger generation they are a new form of living.

75 — The repeater is seen quite differently according to whether he is a youth or an adult. In the case of the youth, the crimes are much less stereo-typed and seldom take the form of a fixed idea. As the criminal matures, he has a tendency to concentrate on a specialty and to constantly repeat the same pattern of action.

76 — After three or four relapses, recidivism becomes established and the chances of rehabilitation diminish (paragraph 159).

77 — Most of the countries have adopted special legislation with regard to the habitual criminal.

78 — The most acceptable definition of the habitual criminal seems to be, in the opinion of criminologists, that given by Norval Morris :

"The habitual criminal is one who possesses inherent or latent criminal characteristics in his mental makeup (but who is not insane); who habitually lives a delinquent life; and is a danger to the society in which he lives, without however being a vagrant, a prostitute, a drunkard or an habitual petty offender".

79 — Consistently Quebec judges and Crown prosecutors have considered the habitual criminal as being more dangerous than the professional criminal and have restricted the area of application of the definition of this kind of criminal (paragraph 164).

80 — We believe that society must restrict its recourse to the preventive detention provided in Article 660 of the Criminal Code, to extremely serious cases, as has been done up to the present.

81 — Preventive detention, whatever the justification, will always be a stumbling block in our legislation. Whether the legislation dealing with habitual criminals is justified by invoking the necessity to punish more severely those who have shown resistance to all forms of correction, or whether it is justified by insisting on the right of society to protect itself against individuals who will carry out new crimes, the malaise remains : in one case there is the risk of punishing an individual twice for the same crime ; in the other, the presumption of innocence is blatantly disregarded (paragraph 166).

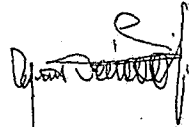
82 — We believe that recourse to preventive detention must be restricted as much as possible and that the definition of habitual criminal must include the idea of violence. In other words, we believe that the provisions of Article 660 would be abused if they were invoked against criminals, even professionals, who limit themselves to activities of an economic nature, and who in no way endanger either the life or the health of their co-citizens (paragraph 168).

83 — We believe that habitual criminals must enjoy certain fundamental rights and we are pleased to note that the habitual criminal, in Canada, is able to obtain his conditional release when the circumstances warrant it (paragraph 169).

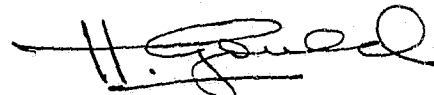
84 — All in all, there is obviously reason to restrict recourse to Article 660 as much as possible. In this regard Quebec has little reason to reproach itself. As of March 31, 1967 only 8 out of the 107 criminals placed under preventive detention in Canada, came from Quebec.

85 — We believe that research must be carried on in order to modify those aspects of Article 660 which might be excessively harsh. In some cases the definition of the habitual criminal given by the law is not enough to keep a dangerous criminal out of circulation. In other cases, the law makes it possible to incarcerate individuals who are not really a menace to security of society.

Quebec, June 23, 1969.

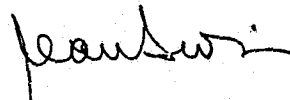


President



Commissioner

Laurin Laplante
Commissioner



Secretary

APPENDICES

APPENDICES

All the appendices from 1 to 9 will be found in the French volume,
a copy of which can be secured from the Quebec official Publisher.

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