

Just Facts

December 2022

Research and Statistics Division

Overrepresentation of Black people in the Canadian criminal justice system

Black people are overrepresented in Canada's criminal justice system as both victims and people accused or convicted of crime. This fact sheet presents a statistical overview of the key areas of overrepresentation of Black people at different stages of the criminal justice system.

National disaggregated data on the racialized identity of those who come in contact with the criminal justice system remain fairly limited and underreported. However, some information is available and presented in the current fact sheet. The data presented are drawn from Statistics Canada's Canadian Centre for Justice and Community Safety Statistics (CCJCSS), the Department of Justice Canada's Research and Statistics Division (RSD), the Correctional Service of Canada (CSC), and the Office of the Correctional Investigator (OCI).

Black people report being less confident in the criminal justice system

According to the 2019 General Social Survey on victimization,¹ nearly one in five (18%) Black people reported having "not very much" or "no" confidence in the police, which is more than double the proportion among the non-Indigenous, non-racialized population (8%).^{2,3}

The 2022 National Justice Survey⁴ found that Black respondents (19%) were less likely than White respondents (24%) to report they were confident that the Canadian criminal justice system is fair to all people (a rating of 4 or 5 on a 5 points scale). However, a similar proportion among Black and White respondents reported they were confident that the Canadian criminal justice system is accessible to all people (31% and 32%, respectively).

¹ The General Social Survey (GSS) on Victimization is conducted every five years by the CCJCSS at Statistics Canada. It presents data on Canadians aged 15 years and older who report having been victimized in the previous twelve months. The GSS focuses on eight specific types of criminal offences: sexual assault, robbery, physical assault, theft of personal property, break and enter, theft of motor vehicle or parts, theft of household property, and vandalism.

² Ibrahim, D. (2020). *Public perceptions of the police in Canada's provinces, 2019*. Statistics Canada. Catalogue no. 85-002-X. Retrieved from <https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00014-eng.htm>.

³ The source document for this information (see note 2) uses the term "non-visible minorities" instead of "non-Indigenous, non-racialized."

⁴ The National Justice Survey is an annual public opinion survey commissioned by the Department of Justice Canada to explore Canadians' perceptions and knowledge of various justice-related issues.



Black respondents were more likely than White respondents to report they were not aware (a rating of 1 & 2 out of a 5 points scale) of the role of the police (16% vs 10%). Similar proportions of Black and White respondents said they were not aware of the role of the courts (21% and 17%, respectively) and the role of corrections (32% and 28%, respectively).

Black people are more likely to report experiencing discrimination when dealing with the police

According to the 2019 General Social Survey, nearly half (46%) of Black people aged 15 years and older reported experiencing at least one form of discrimination in the past 5 years, compared to 16% of the non-Indigenous, non-racialized population.^{5,6}

Of all Black people, four in ten (41%) experienced discrimination based on their race or skin color, a proportion that is about 15 times higher than the proportion among the non-Indigenous, non-racialized population (3%). Among those who reported being discriminated against, 16%⁷ of Black people said it was when dealing with police, compared to 4% of non-Indigenous, non-racialized respondents.

Black people are more likely to report lived experiences of physical or sexual abuse during their childhood

In 2018, the same proportion of Black and non-Black people, aged 15 to 24 years, reported experiencing one or more incidents of physical or sexual assault since the age of 15 (37% each).⁸

However, in the same year, a higher proportion of Black people (32%), than non-Black people (27%), aged 15 years or older, reported experiencing one or more incidents of physical or sexual abuse by an adult before the age of 15.⁹

Police-reported hate crimes motivated by hatred of a race or ethnicity most frequently targeted the Black population

In 2020, police-reported hate crimes motivated by hatred of a race or ethnicity represented 62% of all hate crimes.¹⁰ These crimes most frequently targeted the Black population (42% of all hate crimes, or 663

⁵ Cotter, A. (2022). *Experiences of discrimination among the Black and Indigenous populations in Canada, 2019*. Statistics Canada. Catalogue no. 85-002-X. Retrieved from <https://www150.statcan.gc.ca/n1/pub/85-002-x/2022001/article/00002-eng.htm>.

⁶ The source document for this information (see note 5) uses the term “non-visible minorities” instead of “non-Indigenous, non-racialized.”

⁷ Statistics Canada notes that the reader should accept this statistic with caution.

⁸ Statistics Canada, Survey of Safety in Public and Private Spaces, 2018, special request. Similar results were obtained when removing Indigenous people from the comparison group (i.e., non-Black people).

⁹ *Ibid*, see note 8.

¹⁰ Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Incident-based Uniform Crime Reporting Survey.

incidents motivated by a hatred of race or ethnicity) — this represents the highest recorded number of incidents since 2009. In comparison, hate crimes motivated by a hatred of race or ethnicity less commonly targeted White people (5%).

Between 2019 and 2020, the number of police-reported hate crimes motivated by hatred of a race or ethnicity increased by 80% from 884 to 1,594.¹¹ Much of this increase was a result of more police-reported hate crimes targeting the Black population (+318 incidents).

Black people are overrepresented among homicide victims

In 2021, there were 788 homicide¹² victims for whom police reported on racialized identity, 31% (or 247 victims) of whom were racialized.¹³ Almost half (49% or 120 victims) of these racialized victims were identified as Black. The proportion of homicide victims identified as Black increased by 35% between 2019 and 2021 (from 89 victims to 120 victims). Black male victims accounted for 51% of all racialized male victims and Black female victims represented 41% of all racialized female victims. The rate of homicide victims identified as Black was 4 times higher than the rate for non-racialized people¹⁴ (7.72 victims per 100,000 population compared with 1.81; see Figure 1).

Black people are overrepresented among persons accused of homicide

In 2021, 20% of people accused of homicide were identified as Black, representing an increase from 14% in 2020.¹⁵ The rate of Black people accused of homicide was almost 6 times higher than the rate for non-racialized people¹⁶ (8.17 accused per 100,000 population compared with 1.43; see Figure 1). Black male persons accused of homicide accounted for 65% of all racialized male persons accused of homicide and Black female persons accused of homicide represented 54% of all racialized female persons accused of homicide.

¹¹ Wang, J. H. & Moreau, G. (2022). *Police-reported hate crime in Canada, 2020*. Statistics Canada. Catalogue no. 85-002-X. Retrieved from <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2022001/article/00005-eng.pdf?st=ZbWHYGm1>.

¹² Homicide includes *Criminal Code* offences of murder, manslaughter, and infanticide.

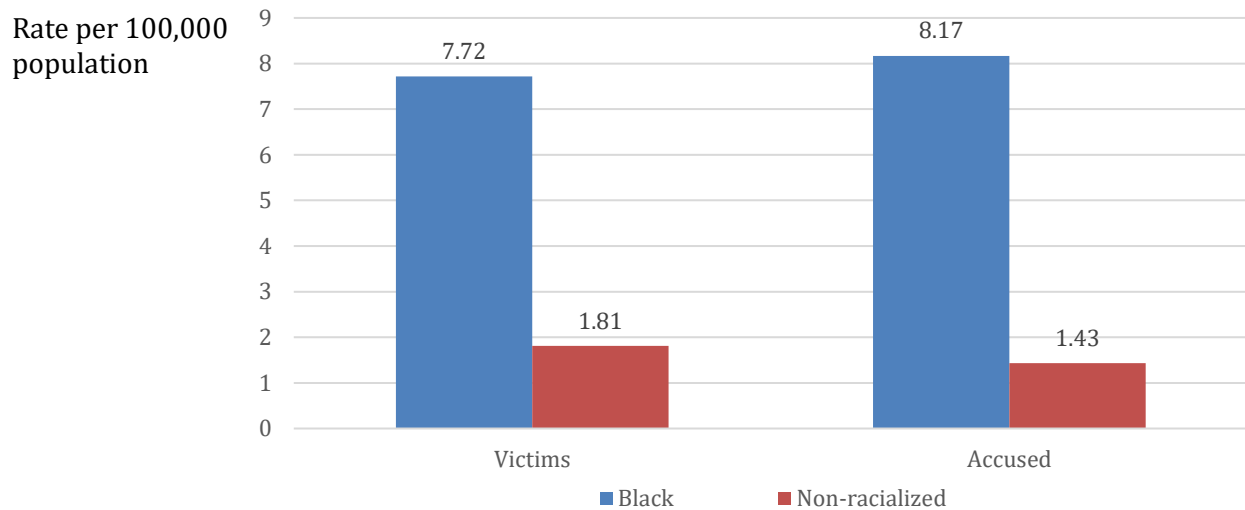
¹³ Statistics Canada. [Table 35-10-0206-01 Number, percentage and rate of homicide victims, by racialized identity group, gender and region](#).

¹⁴ Although the term non-racialized is used here, Statistics Canada uses the term “rest of the population” to describe this group. This refers to instances where the police have confirmed that the individual is not identified as belonging to a racialized identity group. “Rest of the population” includes Indigenous people.

¹⁵ Statistics Canada. [Table 35-10-0207-01 Number, percentage and rate of persons accused of homicide, by racialized identity group, gender and region](#).

¹⁶ *Supra*, see note 13.

Figure 1: Rate of homicide victims and accused identified as Black and as non-racialized, Canada, 2021



Source: Statistics Canada. [Table 35-10-0206-01 Number, percentage and rate of homicide victims, by racialized identity group, gender and region.](#); Statistics Canada. [Table 35-10-0207-01 Number, percentage and rate of persons accused of homicide, by racialized identity group, gender and region.](#)

Black accused in criminal courts are overrepresented and face disproportionate outcomes

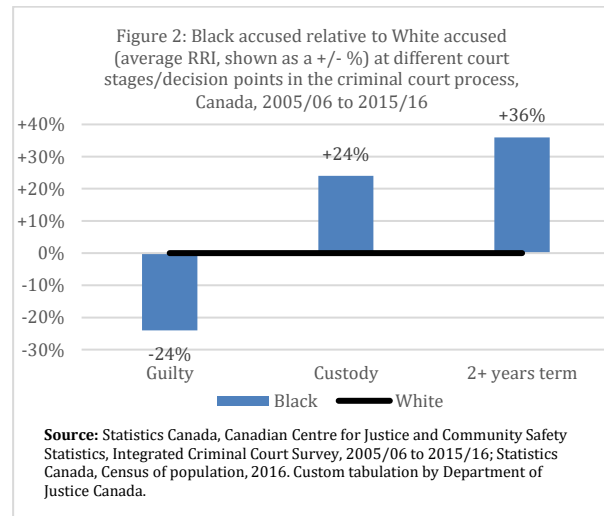
Canadian criminal courts do not currently collect information on the racialized identity of accused people. To address this data gap, Justice Canada collaborated with Statistics Canada to obtain the racialized identity of accused through a data linkage project.^{17,18}

The study found that in 2015/16, Black people (adults and youth) were overrepresented by a factor of two in the accused population; Black people accounted for 6% of all accused, while representing only 3% of the Canadian population. Between 2005/06 and 2015/16, compared to their White counterparts, Black accused were on average:

¹⁷ The linked data were used to generate two type of metrics: 1) proportions of Black accused in criminal courts; and 2) the Relative rate Index (RRI). RRIs were calculated to measure the likelihood of Black accused encountering specific court outcomes relative to White accused at key stages of the criminal court process.

¹⁸ Saghbini, C. & Paquin-Marseille, L. (Forthcoming). *Black People in Criminal Court in Canada: An Exploration using the Relative Rate Index*. Department of Justice Canada: Research and Statistics Division.

- 24% less likely to be found guilty (including guilty pleas), and 14% less likely to encounter a stay of proceedings;
- 65% more likely to encounter a withdrawal, dismissal or discharge and equally likely (+2%) to be acquitted;
- 24% more likely to receive a custodial sentence and 13% more likely to receive probation;
- 9% less likely to receive a conditional sentence, and 46% less likely to receive a fine; and
- 36% more likely to receive a long term custodial sentence of two years or more (see Figure 2).



Black offenders are overrepresented among admissions to provincial correctional services¹⁹

In 2020/21, Black adults (aged 18 years and more), who represented approximately 4% of the adult population in Canada,²⁰ were overrepresented to varying levels in provincial admissions²¹ to correctional services (custody and community services) across reporting jurisdictions, namely Nova Scotia, Ontario, Alberta, and British Columbia (see Figure 3).²²

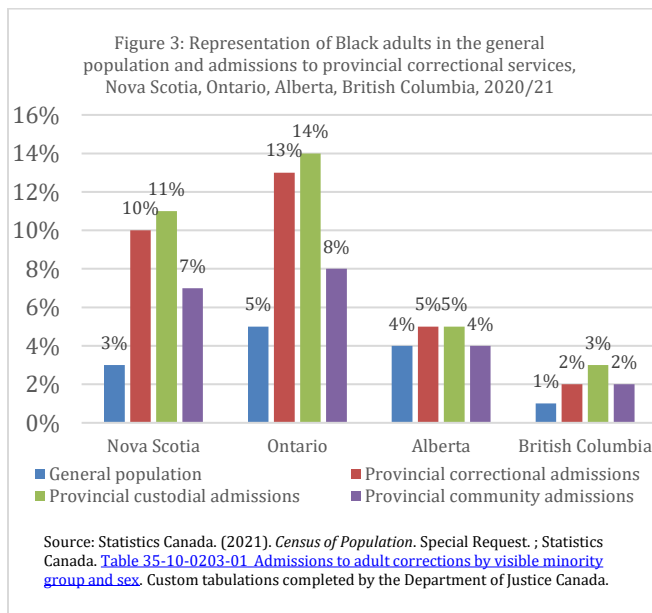
¹⁹ Data on the racialized identity of people admitted to provincial and territorial correctional services are not currently collected at a national level. To date, only a few provinces — Nova Scotia, Ontario, Alberta, and British Columbia — report data on the racialized identity of people admitted to provincial correctional services.

²⁰ Statistics Canada, 2021 population projections based on previous Census, Special request.

²¹ An admission is counted each time a person begins any period of supervision in a correctional institution or in the community. These data describe and measure the number of times a person moves from one type of correctional supervision to another. The same person may be included several times in the admission counts when moving from one correctional program to another (for example, from remand to sentenced custody) or re-entering the system later in the same year.

²² Statistics Canada. Table 35-10-0203-01 Admissions to adult corrections by visible minority group and sex.

Nova Scotia: Black adults made up approximately 3% of the adult population in Nova Scotia, but they accounted for 11% of admissions to custody and 7% of admissions to community services in that province. Black men accounted for 11% of male admissions to custody and 7% of community services, whereas Black women accounted for 9% of female admissions to custody and 7% of community services.



Ontario: Black adults made up about 5% of the adult population in Ontario, but they accounted for 14% of admissions to custody and 8% of admissions to community services in that province. Black men accounted for 15% of male admissions to custody and 9% of community services, whereas Black women accounted for 8% of female admissions to custody and 5% of community services.

Alberta: Black adults made up approximately 4% of the adult population in Alberta, whereas they accounted for 5% of admissions to custody and 4% of admissions to community services in that province. Black men accounted for 6% of male admissions to custody and 5% of community services, whereas Black women accounted for 1% of female admissions to custody and 2% of community services.

British Columbia: Black adults made up 1% of the adult population in British Columbia, but they accounted for 3% of admissions to custody and 2% of admissions to community services in that province. Black men accounted for 3% of male admissions to custody and 2% of community services, whereas Black women accounted for 1% each of female admissions to custody and services.

In 2020/21, Black youth (aged 12-17 years), were overrepresented in provincial admissions to correctional services (custody and community services) in the reporting jurisdictions, namely Nova Scotia, Alberta, and British Columbia.

While representing almost 4% of the combined youth population in Nova Scotia, Alberta and British Columbia,²³ Black youth accounted for approximately 10% of youth admissions to correctional services (custody and community) in these reporting jurisdictions.^{24,25} The number of Black youth admissions to correctional services in these jurisdictions decreased by 35% (from 586 in 2019/20 to 379 in 2020/21), but their proportion, relative to the rest of the correctional admissions, increased during this time (from 9% in 2019/20 to 10% in 2020/21). In 2020/21, Black youth made up 18% of youth admissions to custody and 7% of admissions to community services. Black male youth made up 19% of all male youth admissions

²³ Statistics Canada, 2021 Census of Population. Special request.

²⁴ Statistics Canada, Canadian Correctional Services Survey, Special request.

²⁵ The 2020/21 figures for Black youth admissions to correctional services represent aggregated data from Nova Scotia, Alberta, and British Columbia.

to custody and 8% of admissions to community services. Black female youth made up 11% of all female youth admissions to custody and 5% of admissions to community services.

Black people are also overrepresented among the federal offender population

In 2020/21, 9% of offenders under federal jurisdiction (in custody or under community supervision) were Black, despite only representing about 4% of adults in Canada.²⁶ Between 2016/17 and 2020/21, the total federal offender population decreased by almost 7% (from 23,045 to 21,512, respectively), but the number of Black people within this population increased by 2% (from 1,836 to 1,876, respectively).

Black people accounted for 9% of the federal in-custody offender population and 8% of the community offender population. Black men made up 9% of the total male offender population, representing 10% of the in-custody population and 8% of the community population. Black women made up 6% of the total female offender population, representing 4% of the in-custody population and 7% of the community population.

Black people more likely to be admitted to federal corrections for an offence punishable by a mandatory minimum penalty

Between 2010/11 and 2019/20, Black offenders were more likely than White offenders to be admitted to federal custody for an offence punishable by a mandatory minimum penalty (MMP)²⁷ (53% of Black offenders vs 46% of White offenders).²⁸ The proportions of Black offenders admitted for an offence punishable by an MMP has increased over a ten-year period, from 51% in 2010/11 to 59% in 2019/20.

Over the 10-year period, Black offenders comprised the greatest proportion (45%) of offenders admitted for an offence under section 6 of the *Controlled Drugs and Substances Act* (i.e., importing/exporting or possession for the purpose of exporting). Furthermore, while a lower proportion of offenders admitted for a firearm-related offence with an MMP were Black (18%) relative to White (43%), this rate was higher than their overall representation in admissions to federal custody (9%).²⁹

²⁶ Correctional Service of Canada. (n.d.) Special request.; Statistics Canada, 2021 population projections based on previous census. Special request.

²⁷ The following includes offenders for whom the most serious offence in a case upon admission to federal corrections was an offence punishable by a mandatory minimum penalty.

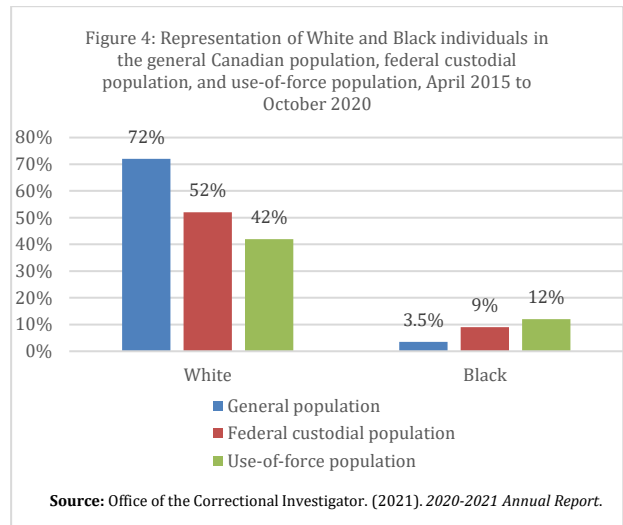
²⁸ Department of Justice Canada. (2022). *The Impact of Mandatory Minimum Penalties on Indigenous Peoples and Black and Other Racialized Groups*. Retrieved from <https://www.justice.gc.ca/eng/rp-pr/jr/jf-pf/2022/pdf/RSD-IF2022-MMP-EN.pdf>.

²⁹ Correctional Service of Canada. (n.d.) Special request.

Black offenders are overrepresented among those involved in use-of-force incidents in federal corrections

Use of force incidents are situations where correctional authorities determine a situation as problematic, disruptive, or potentially unsafe. In these situations, correctional staff may use a variety of tools and approaches to manage the situation including, but not limited to, physical handling, restraint equipment, and inflammatory spray.

Black offenders accounted for 12% of all use-of-force incidents³⁰ in federal corrections occurring between April 2015 and October 2020, while representing 9% of the federally incarcerated population.³¹ In comparison, White offenders made up 52% of the federal custodial population and accounted for 42% of use-of-force incidents (see Figure 4).



³⁰ Use-of-force incidents are cases, as determined and tracked by CSC, consisting of situations involving at least one individual where force was applied at least once, documented, and tracked.

³¹ Office of the Correctional Investigator. (2021). *2020-2021 Annual Report*. Retrieved from <https://www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20202021-eng.pdf>.