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# Feasibility Study on Crime Comparisons Between Canada and the United States

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# Feasibility Study on Crime Comparisons Between Canada and the United States

By Maire Gannon

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## Note of appreciation

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## Table of Contents

	Page
<b>Executive Summary</b> .....	<b>4</b>
<b>Acknowledgements</b> .....	<b>4</b>
<b>Introduction</b> .....	<b>5</b>
<b>Police Reported Data – The Uniform Crime Reporting Surveys</b> .....	<b>5</b>
Aggregate UCR Surveys .....	5
Incident-based UCR Surveys .....	6
<b>Part A: Aggregate UCR Survey Comparison</b> .....	<b>7</b>
<b>Offences Available at the Incident Level</b> .....	<b>7</b>
1. Comparisons Recommended .....	7
1.1 Homicide .....	7
1.2 Robbery .....	8
1.3 Aggravated Assault .....	8
1.4 Break and Enter .....	9
1.5 Theft .....	10
1.6 Motor Vehicle Theft .....	10
1.7 Arson .....	11
2. Comparisons Not Recommended .....	11
2.1 Sexual Assault .....	11
3. Crime Totals .....	11
3.1 Total Selected Violent Crimes .....	11
3.2 Total Selected Property Crimes .....	12
3.3 Total Selected Crimes .....	12
<b>Offences Available at the Accused Level Only</b> .....	<b>12</b>
4. Comparisons Recommended .....	12
4.1 Prostitution .....	12
4.2 Drug Violations .....	13
4.3 Impaired Driving .....	13
5. Comparisons Not Recommended .....	13
5.1 Assaults, other than aggravated assaults .....	13
5.2 Fraud .....	14
5.3 Possession of Stolen Property .....	14
5.4 Mischief (Canada) / Vandalism (United States) .....	14
5.5 Offensive Weapons Violations .....	14
5.6 Other Sex Offences .....	15
5.7 Gaming and Betting .....	15
5.8 Disturbing the Peace (Canada) / Disorderly Conduct (United States) .....	15

**Table of Contents – Concluded**

	Page
<b>Part B: Incident-Based UCR Survey Comparison .....</b>	<b>16</b>
Comparison of Offences .....	16
Comparison of Characteristics .....	16
<b>Conclusion .....</b>	<b>16</b>
<b>References .....</b>	<b>17</b>
<b>Tables</b>	
Table 1: Comparison of Aggregate UCR Surveys in the United States and Canada .....	18
Table 2: Comparison of Incident-based UCR Surveys in the United States and Canada .....	19
Table 3: The Comparability of Specific Offences between the United States and Canada.....	20
Table 4: Comparison of Data Elements in the Incident-Based Surveys .....	21
<b>Appendices</b>	
American and Canadian Definitions of Offences Available at the Incident Level .....	22
American and Canadian Definitions of Offences Available at the Accused Level .....	24
American and Canadian Definitions of Comparable Incident-Based Offences .....	26

## Executive Summary

A comparison of crime rates between Canada and the United States is often sought by the media, researchers and policy makers. Both countries have their own Uniform Crime Reporting (UCR) survey. However, no official study on the comparability of the crime rates resulting from these surveys has been conducted. With the recent growth of the Internet, many unofficial crime comparisons are being performed, with very little attention paid to differences in definitions, classification, and scoring rules.

This methodological study was undertaken to determine if police-reported crime categories could be compared between Canada and the United States. As there are only eight “index” offences in the American UCR survey (compared to over 100 in the Canadian UCR survey), the study was limited to examining these eight offences at the incident level.

This assessment has concluded that comparisons could be made for seven of the eight offences. While homicide was directly comparable, the remaining offences required some minor modifications for one or both countries. The seven comparable offences include: homicide, attempted murder/aggravated assault, robbery, breaking and entering, motor vehicle theft, other theft, and arson. It was found that the Canadian offence of sexual assault could not be made comparable to the American offence of forcible rape.

Arrest data are available from the American UCR for an additional 21 offences. However, given the limitations in comparing clearance rates and charging practices between countries and even among individual police forces, only those offences that, by nature, had a one-to-one correspondence between the number of “actual” incidents and the number of incidents “cleared by charge” (e.g., prostitution) were deemed appropriate for comparison.

It is recommended that only three offences be compared at the charge level: prostitution, impaired driving, and drug offences. Even so, caution will still have to be exercised in terms of being aware of differing charging policies and practices not only between the two countries, but also within them.

The study concludes that there is a sufficient number of comparable offences between the two countries to proceed with a report during 2001-02 which will actually make comparisons at the national, provincial/state, and municipal levels. This future report will also examine some of the characteristics of crime using data from the incident-based microdata crime surveys. For example, the frequency in the use of firearms in the commission of crimes can be compared among specific communities.

## Acknowledgements

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## Introduction

Governments, academics, and journalists often express an interest in cross-national crime comparisons, particularly between Canada and the United States. This interest stems from the desire to discover causal explanations for crime and to develop more effective criminal justice and social policies (Archer & Gartner 1984; Howard, Newman, Pridemore 2000). Unfortunately, methodological complexities have placed considerable barriers to such comparisons. Differences between national data sources, both for police reported and victimization surveys, have hampered accurate comparisons. Despite these divergent national data collection systems, the tendency has been to compare crime rates between countries with little or no attention to these limitations. Recently, the proliferation of the Internet has led to the growth in this type of misinformation.

Recognizing the methodological hurdles, along with the benefits of comparing crime rates between Canada and the United States, the Canadian Centre for Justice Statistics has undertaken the task of assessing the feasibility of comparing police reported statistics between Canada and the United States. This report, which represents the first step of this study, compares and contrasts the specific offence definitions, classification, and scoring rules between the Canadian and American Uniform Crime Reporting (UCR) surveys. Where applicable, this discussion notes modifications that could allow for reliable cross-national comparisons.

Official crime statistics also have general limitations. Many crimes are never reported to or detected by police and consequently, police reported data under-estimates the amount of crime, especially for highly unreported crimes such as sexual assault. National household victimization surveys, including the American National Crime Victimization Survey (NCVS) and the Canadian General Social Survey (GSS), can estimate the amount of unreported crimes by capturing both offences that have been reported to police and those that have gone unreported. While the rate of reportability may vary for each country, the different survey designs prevent direct comparison between Canada and the United States. Despite this inability, it is reasonably safe to assume that the rate of reportability is similar between the two countries (Ouimet 1999). Moreover, data from the International Crime Victimization Survey (1990) suggests that Canadian and American reporting patterns tend to be constant for certain crimes, namely burglary and robbery.<sup>1</sup>

Reporting by police to the UCR surveys is another factor influencing police reported crime rates. Although it is impossible to estimate its effect, it is important to recognize the jurisdictional variations in the decision to record reported crimes as actual or unfounded offences.

## Police Reported Data – The Uniform Crime Reporting Surveys

Currently, both countries collect police reported data using two Uniform Crime Reporting (UCR) surveys: the aggregate survey and the incident-based survey. The Canadian and American aggregate data are based on aggregated counts of offences, while the incident-based surveys provide detailed information on each criminal incident, victim, and offender.

### Aggregate UCR Surveys<sup>2</sup>

The aggregate UCR surveys provide information on the number of:

- reported incidents
- unfounded incidents
- founded (actual) incidents
- incidents cleared by charge or otherwise, and
- persons arrested/charged by sex.

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<sup>1</sup> Van Dijk, J.J.M., P. Mayhew, M. Killias. 1990. Experiences of Crime around the World: Key Findings from the 1989 International Crime Survey. *Deventer, Netherlands: Kluwer.*

<sup>2</sup> For general information on the aggregate surveys, refer to table 1.

Both surveys follow a version of the most serious offence rule, which means that each incident is categorized according to the most serious offence; less serious offences in an incident are suppressed. With the exception of homicide, attempted offences are included within the offence counts.

Despite these similarities, there are differences between the two countries. The Canadian aggregate survey collects offence and charge data on 106 different offences. In comparison, the American survey captures offence data on only 8 offences and collects arrest data on an additional 21 offences. The different range of offences presents an important cautionary note for comparisons. When reporting offences to the UCR survey, police agencies in Canada have more offences to choose as the most serious. As a result, less serious offences will be under-reported to the Canadian UCR survey. For further details on the most serious offence rule, please refer to the textbox on the next page.

Although there is a greater number of offences available for comparison at the accused level, there are some major limitations. Arrest/charge data may not be representative of the amount of crime in a country. Not all incidents of crime result in the discovery of an accused person. Even when an accused has been identified, police may apply diversion and/or alternative measures at the pre-charge level. These offenders would not be recorded in the arrest/charge statistics. Also, one offence may result in the charging of more than one offender.

There are, however, certain offences that do not suffer from the above problems. Prostitution-related offences, drug violations and impaired driving are often driven by the level of police enforcement and thus, have high clearance rates. In these cases, arrests/charges would closely resemble the actual number of reported offences.

### **Incident-based UCR Surveys<sup>3</sup>**

Along with providing more detail on each incident than the aggregate surveys, the incident-based surveys expand the number of offences for which data are captured. The Canadian incident-based survey (UCR2) collects information on 140 offences and the American survey collects offence and arrest data on 46 offences and arrest data on an additional 11 offences. Neither survey has achieved full national coverage: the Canadian survey has 53% coverage, while the United States has 15% coverage. As such, cross-national offence comparisons are not available with these surveys.

Characteristics, however, can be compared by regions and/or municipalities collecting incident-based data. The possibility of comparing particular characteristics is also available using the American aggregate UCR survey and the Canadian incident-based one. This is because the American aggregate survey contains information on offence specific details, such as the location of robbery. Although these comparisons would not be nationally representative, these analyses would cover a greater population area, given that it is not restricted to the 15% coverage of the American incident-based survey.

It is important to note that both countries also maintain an incident-based homicide survey, which captures additional details on the circumstances of homicides. While Canada has 100 percent coverage, the American homicide survey covers approximately 92% of homicides reported to the UCR survey (Bureau of Justice Statistics 2000).<sup>4</sup>

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<sup>3</sup> For general information on the incident-based surveys, refer to table 2.

<sup>4</sup> The National Archive of Criminal Justice Data (NACJD) in the U.S. estimates the missing reports using national and state data. For unsolved murders, this involves using an imputation algorithm to deduce the characteristics of unidentified offenders. This is accomplished by matching unsolved cases to similar solved homicide cases.



## Key terminology and definitions

### Arrest versus charge data

These two types of data refer to the number of offenders reported by police. The term “arrest” is used by the American UCR survey to describe persons who have received a citation or summons or who have been detained pending criminal charges. Arrest is not a required element in the Canadian aggregate UCR survey. Rather, this survey uses the term “charge” to describe persons who have been formally charged or recommended to be charged by police.

### Hierarchy rule and the most serious offence rule

The American and Canadian aggregate UCR surveys count only the most serious offence committed in each criminal incident. However, the procedure to determine the level of seriousness varies between the two countries. To address differences in the state penal codes, the American UCR survey has created a hierarchical scale itemizing the different seriousness of specific offences. This survey terms the suppression of lesser offences as the “hierarchy rule”. The Canadian UCR survey follows the offence categories of the *Canadian Criminal Code* and determines the level of offence seriousness according to the designated maximum penalties. Violent crimes always take precedence over non-violent offences. For this survey, the rule is known as the “most serious offence rule”. It is noteworthy that offences are not uniformly considered the same level of seriousness between the two nations.

### Criminal Incident

One criminal incident can include more than one offence. For incidents involving multiple offences, the aggregate surveys count only the most serious offence in the incident. The incident-based survey, on the other hand, counts all offences occurring in an incident.

### Crime Index

This term refers to a group of selected offences. An index is generally used when it is impossible to include all offences reported to law enforcement. In the American aggregate survey, there are three types of crime indexes: the violent crime index, the property crime index, and the crime index total. The Canadian UCR survey does not use a crime index.

### Offence Classification

The offence classification is the set of categories used to classify UCR data. Once a crime is reported to the police, it is classified into an offence category, such as the categorization of manslaughter within homicide. At times, this classification scheme differs between the United States and Canada.

### Scoring rule

Both the Canadian and American UCR surveys include detailed “scoring rules” to assist the police forces in scoring a particular incident in a manner consistent with national standards. However, there are scoring rule differences between the two countries.

## Part A: Aggregate UCR Survey Comparison

### Offences Available at the Incident Level<sup>5</sup>

#### 1. Comparisons Recommended

##### 1.1 Homicide

***The comparison of homicide is possible. Offence definitions, classifications, and scoring rules are similar in Canada and the United States.***

In general, homicide is the most reliable police-reported offence in Canada and the United States. It is the least likely to suffer from under-reporting and has one of the highest arrest and clearance rates.

In Canada, homicide statistics combine three types of offences: murder (first and second degree), manslaughter, and infanticide. Deaths caused by negligence, suicide, and traffic accidents are not included. Although the United States has four categories of homicide (murder, non-negligent manslaughter, negligent manslaughter, and justifiable homicide), only murder and non-negligent manslaughter are counted within the crime index. Unfortunately, the United States does not separate infanticide, but includes it within the offence of murder. Since only totals for homicide would be compared, this difference does not pose a problem.

<sup>5</sup> For a brief overview of the comparability of specific offences, please refer to table 3.

The American exclusion of two types of criminally related deaths is appropriate for comparisons, as Canada does not consider these acts as homicides. The FBI's category of justifiable homicide, which is the killing of a felon by a peace officer or private citizen, is scored as a reported offence but is not recorded or counted as an actual homicide. Canada does not have a similar classification. While the United States considers negligent manslaughter within the homicide category, the FBI has chosen not to present this crime within the published culpable homicide statistics. Their negligent manslaughter approximates the Canadian category of criminal negligence causing death. Given that the Canadian aggregate survey only captures this information in the residual "Other Criminal Code" category, it is not possible to compare this offence.

Homicide also presents a special case for comparison. Both Canada and the United States have been collecting supplementary homicide reports since the 1960s. Additional information is provided on the circumstances of the crime, along with the victim and offender characteristics, such as age, sex, and victim-offender relationship.

## 1.2 Robbery

***By noting minor differences in scoring rules, the comparison of robbery offences is possible.***

The same elements characterize robbery in the two countries. These include the presence of force or threat of force, stealing or attempts to steal, and persons or establishments as victims (e.g., businesses, financial institutions, etc.). Both surveys record incidents with no violence or threat of violence, such as pick-pocketing, as thefts. More specifically, Canada defines robbery as stealing "for the purpose of extorting whatever is stolen or to prevent or overcome resistance to the stealing, uses violence or threats of violence to a person or property"; stealing and "immediately before or immediately thereafter, wounds, beats, strikes, or uses any personal violence to that person"; assaulting "with the intent to steal"; or stealing "while armed with an offensive weapon or imitation thereof" (*Canadian Criminal Code*, s. 343). Similarly, the *Uniform Crime Reports* in the United States define robbery as "the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear" (FBI 1984: 12).

Besides the ability to compare total robberies, the similarity extends to the subcategories of the offence. Both Canadian and American surveys classify robbery according to the presence of weapons. Canada divides the offence into robbery with a firearm, other weapon, or no weapon. The American aggregate survey uses a comparable classification but separates "other weapons" into knife/cutting instrument and other dangerous weapon.<sup>6</sup> For comparison purposes with the Canadian "other weapon" category, knife/cutting instrument and other dangerous weapon should be combined.

Along with actual offence counts, details about the location of the robbery are also contained in the American aggregate survey.<sup>7</sup> Although the Canadian aggregate UCR survey does not capture this information, comparisons may be made using the Canadian incident-based survey.

Despite the fact that robbery is an offence less likely to suffer from problems relating to scoring rules, the potential for a slight "undercount" of American robbery offences should be noted. The FBI ranks robbery below rape, and thus, an incident with both rape and robbery will only result in the recording and counting of rape. Conversely, robbery is considered more serious than sexual assault in Canada. This amplification is insignificant, as data from the incident-based survey show that only 0.3% of robbery incidents involve a sexual assault.<sup>8</sup>

## 1.3 Aggravated Assault

***By combining three Canadian offences (aggravated assault, assault with a weapon, and attempted murder), it is possible to compare aggravated assault.***

The *Canadian Criminal Code* defines aggravated assault as an assault that "wounds, maims, disfigures or endangers the life of the complainant" (s. 268.1). The American definition is remarkably similar, describing the offence as "an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury" (FBI 1984: 16).

<sup>6</sup> The terminology is slightly different between the two surveys. The American survey describes the absence of weapon as strong arm robbery.

<sup>7</sup> These locations include street/highway, commercial house, gas or service station, convenience store, residence, bank or miscellaneous.

<sup>8</sup> Data come from the Canadian UCR2 trend database. This database represents a sub-set of the UCR2, including those respondents who have been reporting to the survey for the last five years. These respondents accounted for 41% of the national volume of crime in 1999.

Additional elements distinguish the American offence from the Canadian one. Assaults involving the use of a weapon and attempted murder are included in the American offence.<sup>9</sup> While the Canadian offence of aggravated assault may include a weapon, an assault with a weapon, which does not fulfill the definition above, is scored as a separate offence. Similarly, attempted murder is scored independently.

To create a comparable Canadian aggravated assault category requires combining three Canadian offences: aggravated assault, assault with a weapon, and attempted murder. The effects of classification differences should be noted. In both countries, assault or the threat of assault, which is a necessary component of robbery, is not counted if the incident also involves a robbery. However, if a robbery co-occurs with an attempted murder, Canada scores the attempted murder, while the United States counts the robbery since aggravated assault, which includes attempted murder, remains a required element of robbery. As a result, the Canadian rate will be inflated, given that 3.7% of attempted murders also involve a robbery.<sup>10</sup> This classification difference, however, is negligible when examining its effect on the entire category. The Canadian rate of aggravated assault would be inflated by only 0.1%.

Finally, it is important to note that the United States sub-classifies aggravated assault offences according to the weapon used (firearms, knives & cutting instruments, personal weapons, and other weapons). Cross-national comparison on the use of weapons in aggravated assaults may be feasible using the Canadian incident-based survey, which records this type of information.

#### 1.4 Break and Enter

***By noting the differences in classification and scoring rules, the comparison of break and enter is possible.***

The definition of break and enter in Canada is almost identical to the definition of burglary in the United States. Canada defines this offence as break and enter into a place to commit an indictable offence, while the FBI defines burglary as “the unlawful entry of a structure to commit a felony or a theft” (1984: 17).

There are some scoring rule differences, however, between the two surveys. First, the American definition of a “residential place” does not include premises used for recreational purposes such as tents, trailers and other mobile homes. Thefts from these areas are counted as larcenies/thefts. However, the volume of these locations in the Canadian survey is not significant enough to hinder comparisons. Second, the American UCR survey uses a “hotel rule”, which states that multiple break and enters to premises under one management (e.g., hotel rooms) are scored as only one offence. The Canadian UCR survey does not use this same rule. However, as break-ins to hotel rooms account for less than 1% of all break and enters in Canada, this difference is negligible.

There are similarities in the scoring of residential break-ins. For break and enters into houses, apartments, and condominiums, Canada and the United States count each break-in as a separate crime. Both surveys also do not count break and enters into attached or unattached garages and sheds as separate offences *if* the single house was also broken into.

The other two Canadian categories of places, “business” and “other”, are combined in the United States. Upon grouping the two Canadian categories together, the scoring rules are very similar. However, there are two minor differences. First, the FBI does not consider violations involving unattached truck trailers as burglaries, whereas Canada includes these cases within the break and enter offence. A second difference is that Canada applies a version of the American “hotel rule” to storage lockers. That is, break and enters into storage lockers under one management are counted as one offence. Conversely, the American aggregate survey considers such break and enters as separate violations. The impact of this divergence can be estimated using the American incident-based survey, which considers storage lockers under the hotel rule. In contrasting the rates of break and enter between the aggregate and incident-based survey, the U.S. Bureau of Justice Statistics (Rantala 2000) noted that the American burglary rate was only 0.5% lower when the hotel rule was applied.

Overall, the comparison of break and enter is methodologically feasible, providing that the minor impacts resulting from classification and scoring rules are noted. It is also possible to compare specific characteristics of break and enter incidents using the American aggregate UCR survey and the Canadian incident-based UCR survey. The

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<sup>9</sup> It should be noted that there is considerable jurisdictional variation within the United States in deciding whether assaults are aggravated (Feeley, BJS 1998). For instance, a report by the U.S. Bureau of Justice Statistics (Rantala 2000) notes that there may be an undercount in aggravated assaults, given that the failure to record the presence of weapons may lead to a misclassification as a simple assault (page 5).

<sup>10</sup> Data come from the Canadian UCR2 trend database.

following characteristics can be examined this way: forcible entry, unlawful entry – no force, and attempted forcible entry; and daytime versus nighttime occurrences.

## 1.5 Theft

***By noting minor differences in classification and scoring rules, the comparison of thefts is possible.***

The *Canadian Criminal Code* contains a range of sections (sections 322 to 335 inclusive) dedicated to the offence of theft. Generally, theft can be defined as the taking without permission of any inanimate or animate object from the owner or person with special interest in it. The *Canadian Criminal Code* prescribes different penalties for theft over \$5,000 and theft under \$5,000 and correspondingly, the UCR survey captures these two categories separately. In comparison, the FBI defines larceny/theft as “the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another” (FBI 1984: 24). While this definition is similar to the Canadian one, the FBI classifies thefts into three monetary values: \$200 and over, \$50 to \$200, and under \$50. This difference in classification makes comparisons limited to theft totals.

The types of offences classified as thefts impact the reliability of comparing theft counts. Some offences which Canada counts as either break and enters or motor vehicle thefts are considered larcenies in the American UCR survey. In particular, the FBI classifies the illegal entry into tents and trailers, along with thefts of bulldozers, motorboats, and farm and construction equipment as “other larcenies”. Consequently, the American rate of theft would be high when comparing it with the narrower Canadian category. This caveat should be noted when comparisons are performed.

Since thefts are the largest category of property crimes, both Canada and the United States sub-classify thefts according to the type.<sup>11</sup> Thefts of bicycles and shoplifting are the only types of thefts that are identical between the two surveys. However, the Canadian category of theft from motor vehicle is equivalent to the American categories of theft from motor vehicles and theft of motor vehicle parts and accessories. Also, the Canadian sub-category of “other” thefts would equal the sum of the additional American theft types of pocket-picking, purse snatching, theft from buildings open to the public, theft from coin-operated device, and all other larcenies.

## 1.6 Motor Vehicle Theft

***By noting minor differences in classification and scoring rules, the comparison of motor vehicle thefts is possible.***

Both aggregate surveys define motor vehicle theft as unlawfully taking or attempting to take a motor vehicle without consent. However, two differences should be noted. First, the types of vehicles included under motor vehicle theft vary slightly between Canada and the United States. Specifically, the Canadian category incorporates farm equipment, construction equipment, and bulldozers, whereas the American category excludes these particular offences.<sup>12</sup> The Canadian rate of motor vehicle theft would be artificially higher when compared alongside the American rate. Although it is not possible to pull these offences from the Canadian category, the percentage of motor vehicle thefts that account for these vehicles could be estimated using the Canadian UCR2 trend database. This procedure reveals that only 0.5% of motor vehicle thefts involved farm and construction equipment and consequently, cross-national analysis is not adversely affected by this difference.

The second difference relates to the scoring of thefts involving two or more vehicles. While both surveys record each theft of a motor vehicle as separate offences, even if they occurred at the same time and place, one exception is when the place is a car dealership. Canada counts all motor vehicle thefts occurring in the same car dealership as only one offence, whereas the United States counts each offence separately. In turn, Canada’s rate of motor vehicle theft would be artificially lower. However, the Canadian UCR2 trend database reveals that only 1% of motor vehicle thefts occurred in a car dealership and of these, 9.7% involved two or more vehicles. This would mean that the scoring rule decreases the Canadian rate of motor vehicle theft by only 0.1%.

Both Canadian and American surveys contain separate categories for automobiles and trucks/buses. The U.S. groups the remaining motor vehicles thefts as “others”, while Canada divides “others” into motorcycles and others. For comparison purposes, Canada should group together the latter categories.

<sup>11</sup> Given the great volume of thefts of motor vehicles, both the Canadian and the American UCR surveys count these offences separately.

<sup>12</sup> Both aggregate surveys exclude airplanes or vehicles on rails.

## 1.7 Arson

***By noting minor differences in definitions and scoring rules, the comparison of arson is possible.***

Four sections of the *Canadian Criminal Code* define arson (s. 433 to 436 inclusive), including intentionally or recklessly causing fire or smoke damage to property with disregard for human life, damaging property owned by another person or by the offender (with or without the intent to defraud), arson by negligence, and possession of incendiary material. The FBI's definition of arson is less broad. Arson is defined as "any willful or malicious burning or attempt to burn, with or without the intent to defraud". Negligent burning and possession of arson paraphernalia are not included in the American survey. As a result, the American rate of arson would be artificially low. There are no procedures to correct for this counting problem.

The most critical issue is the American absence of the hierarchy rule for arson. This means that arson is always recorded when incidents involve more serious offences, such as criminal homicide. Both arson and the most serious offence would be counted. Since Canada does not follow this same rule, it is important to determine the impact of this scoring difference. The Canadian incident-based survey, which does not apply the most serious offence rule, indicates that only 2.8% of arson incidents contain offences that are more serious.<sup>13</sup>

The feasibility of comparison is reaffirmed by the similarity in the offence specific scoring rule. Both national surveys count the number of incidents as the number of places set on fire, rather than the number of places affected by the arson.

A minor variation between the two surveys, which does not affect counts, is the consideration of arson as a property crime in the U.S. and as an "other" *Criminal Code* offence in Canada. Also, Canada groups all types of arson together, while the United States breaks down arson into targets: structural, mobile and other. For comparison purposes, only totals could be used.

## 2. Comparisons Not Recommended

### 2.1 Sexual Assault

***Due to significant definitional differences, it is impossible to compare sexual assault in Canada to forcible rape in the United States.***

Following the *Canadian Criminal Code*, the Canadian UCR compiles statistics on three types of sexual assault: aggravated sexual assault, sexual assault with a weapon, and simple sexual assault. These three sections are not grouped together but are spread along the offence seriousness scale to match their respective maximum penalties. In contrast, the American UCR crime index contains only one narrow version of sexual assault. The offence of forcible rape is limited to forced sexual intercourse by a male against a female. This crime differs from the Canadian sexual assault offences, which are neither gender-specific nor confined to sexual intercourse. Although Canada does not describe sexual assault in the *Criminal Code*, sexual assault can be defined as an assault of a sexual nature that does not require sexual penetration. Therefore, comparing the Canadian sexual assault offence and American offence of forcible rape would not be reliable.

## 3. Crime Totals

### 3.1 Total Selected Violent Crimes

***Although the direct comparison of each country's violent crime total is inappropriate, it is possible to compare the total of the three comparable violent offences: homicide, aggravated assault, and robbery.***

Despite a tendency to simply compare Canada's violent crime rate with the FBI's violent crime index, this type of comparison is inappropriate. First and foremost, Canada's violent crime rate contains a greater number of violent

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<sup>13</sup> Data come from the Canadian UCR2 trend database.

offences, including homicide, attempted murder, assault (3 levels), sexual assault (3 levels), robbery, other sexual offences, and abductions. The FBI only includes four main offences in the violent crime index – homicide, forcible rape, robbery, and aggravated assault. The FBI's exclusion of simple assault, which is the leading contributor to Canada's violent crime rate, makes this comparison impossible.

Therefore, a new "total selected violent crimes" category must be created, which includes the total comparable violent crimes: homicide, robbery and aggravated assault. As described earlier, the Canadian aggravated assault category would include assault levels 2 and 3 and attempted murder.

### 3.2 Total Selected Property Crimes

***Although the direct comparison of total property crime rates is inappropriate, it is possible to compare selected property crimes of break and enter, theft, motor vehicle theft, and arson.***

### 3.3 Total Selected Crimes

***Although the direct comparison of total crime rates is inappropriate, the comparison of selected crimes is possible by summing the total of the seven comparable offences.***

The seven offences to be combined are homicide, robbery, aggravated assault, break and enter, theft, motor vehicle theft, arson.

## Offences Available at the Accused Level Only

### 4. Comparisons Recommended<sup>14</sup>

The recording of prostitution-related offences, drug violations, and impaired driving is typically the result of proactive policing rather than reporting to police. In other words, statistics for these crimes reflect more the level of police enforcement, rather than actual behavioural patterns. The subsequent high clearance rates for these particular crimes result in a close one-to-one correspondence between arrest/charge data and actual criminal incidents. For this reason, cross-national comparisons of these accused level offences are recommended.<sup>15</sup>

#### 4.1 Prostitution

***By noting differences in definitions, the comparison of prostitution-related arrests is possible.***

In Canada, prostitution is not illegal; rather the *Criminal Code* proscribes the acts surrounding prostitution. This contrasts the American offence which prohibits prostitution in itself. Despite the apparent divergence, it is well recognized that the Canadian prostitution offences, including communicating for the purpose of buying and selling sexual services, make it practically impossible to legally engage in prostitution in Canada (Lowman 1998). As such, the Canadian offences related to prostitution are relatively comparable to the American offence of selling and buying sexual services. The definitional difference should, however, be noted when comparisons are actually made.

The other prostitution crimes are also similar in Canada and the United States, including bawdy-house offence, pandering, detaining, and transporting persons for immoral purposes. For comparison purposes, only totals can be used, since the U.S. does not collect prostitution subtotals.

<sup>14</sup> For a brief overview of the comparability of specific offences, please refer to table 3.

<sup>15</sup> The reader should be aware that arrest data in the United States is not identical to charge data in Canada. Please refer to textbox for further information.

## 4.2 Drug Violations

***By adjusting for differences in the sub-classification of drug offences, comparisons of drug violations are possible.***

In Canada, illegal and restricted drugs are governed by federal legislation: *the Controlled Drugs and Substance Act*.<sup>16</sup> In comparison, local and state laws define drug violations in the United States.<sup>17</sup> Both aggregate UCR surveys subdivide drug offences according to seriousness. The Canadian survey sub-classifies offences in terms of possession, trafficking, cultivation, and importation, while the FBI records drug offences under the broad categories of possession and sale/manufacture. Cross-national analysis of arrest rates for importation and exportation is not possible, since the American aggregate survey does not capture arrest data on these offences. However, the remaining offences are comparable. To facilitate comparison, the Canadian categories of trafficking and cultivation must be combined to emulate the American category of sale/manufacture. The subcategory of possession does not require any modifications for comparison.

Along with differentiating drug offences according to seriousness, both aggregate surveys categorize drug offences in terms of the type of drug. With the exception of cocaine, it is impossible to compare arrests for specific drugs, since the categories differ between the two aggregate surveys.

## 4.3 Impaired Driving

***Noting some caveats, comparisons of impaired driving are possible.***

The Canadian UCR survey groups together many types of impaired driving offences, including impaired operation of a motor vehicle, boat, or aircraft causing death or bodily harm; impaired driving caused by alcohol or a drug; driving with over 80 mg. of alcohol per 100 ml. of blood; and failing to provide a breath and/or blood sample when requested by a police officer. The American offence records the offence of operating a motor vehicle, engine, train, streetcar, boat etc. while under the influence of alcohol or drugs. However, the act of refusing a breathalyzer test, which is not considered a separate American offence, will often lead to an arrest for impaired driving. Therefore, despite the absence in the American impaired driving category, the Canadian offence of refusing a breathalyzer test should still be used for comparison purposes. Impaired driving causing harm or death should, however, be excluded from the Canadian category.

Due to the different state penal codes, individual states follow their own alcohol concentration levels. While 21 states and the District of Columbia have the same blood/alcohol level requirements as Canada, 28 states follow a higher blood/alcohol threshold at 100 mg. of alcohol per 100 ml. of blood (U.S. Department of Transportation, 2001). One state does not have any legal standard; rather an alcohol concentration over 80 mg. allows for “permissible inference” of intoxication. This state-by-state variation is hidden in the American impaired driving offence and consequently, a caveat should be noted when comparisons are performed.

## 5. Comparisons Not Recommended

Arrest/charge data often do not match the number of criminal incidents. This may result from low clearance rates, different reporting practices by the public, and the decision-making process of police. Although the following offences are not recommended for comparison, some of these offences are comparable at a conceptual level.

### 5.1 Assaults, other than aggravated assaults<sup>18</sup>

***Due to differences in classification, the comparison of simple assault arrest is impossible.***

Level one assault, the most frequently occurring violent crime in Canada, is described as applying force to another person, without the presence of a weapon and without involving severe injury. Although the FBI does not have the same category, it does collect arrest data on “other assaults (simple)”. Despite the fact that the American definition

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<sup>16</sup> This Act came into force in May 1997 to replace The Narcotic Control Act and the Food and Drugs Act.

<sup>17</sup> It should be noted that the absence of U.S. federal statistics impacts drug arrests more than any other offence (Feeley 1998: 82). To be sure, only 3% of all U.S. drug arrests were federal crimes (Ibid.).

<sup>18</sup> Although the category of “other assaults” is a Part 2 offence, the FBI collects incident data on this offence for the purposes of data quality control.

of “other assaults” resembles the Canadian category of level one assault, it encompasses more offences, such as injury caused by culpable negligence and intimidation. Canada scores these offences separately. Thus, it is not recommended to compare this offence.

## 5.2 Fraud

***By recognizing and adjusting for differences in fraud classification, the comparison of arrests for fraud is conceptually possible.***

The *Canadian Criminal Code* has a myriad of offences related to any attempt through deceit or falsehood to obtain goods, services, or financial gain. These offences are coded into three offence types: cheque fraud, credit card fraud, and “other fraud”.<sup>19</sup> In comparison, the American aggregate UCR category of fraud is narrower, since it separates fraud offences from embezzlement offences and from forgery and counterfeiting offences.

To make the Canadian and American offences conceptually comparable, the three American offence categories must be combined. Along with this adjustment, the Canadian fraud category must also be expanded to include counterfeiting currency, since the American survey groups together forgery and counterfeiting offences. While these classification modifications would render fraud offences conceptually comparable, it should be noted that some fraud related offences are not catalogued in the Canadian fraud category, such as forging a passport.

## 5.3 Possession of Stolen Property

***By noting differences in classification, the comparison of arrests for possession of stolen property is conceptually possible.***

The *Canadian Criminal Code* defines the possession of stolen goods as the possession of any property derived either directly or indirectly from a crime, as well as the unlawful possession of mail, possession of stolen goods imported into Canada, and the importation of stolen goods to Canada.<sup>20</sup> The similar American offence identifies three offences related to stolen property: buying, receiving, and possession. Despite the fact that the American offence appears to include more crimes, the crimes of buying and receiving are components of the Canadian offence.

## 5.4 Mischief (Canada) / Vandalism (United States)

***Due to differences in classification, the comparison of arrests for mischief is impossible.***

The Canadian UCR category of mischief includes offences causing property damage and excludes offences likely to cause actual danger to life.<sup>21</sup> Similarly, the American UCR defines vandalism as the “destruction, injury, disfigurement, or defacement of any public or private property” (FBI 1984). However, the Canadian category might be inflated in comparison with the American offence, as it includes two offences that are not considered vandalism. Specifically, the Canadian offence encompasses any act that “obstructs, interrupts or interferes with the lawful use” of property or interferes with persons trying to lawfully use property (*Canadian Criminal Code*, s. 430 (1c,d)). Unfortunately, there is no way to isolate these acts from the general category and accordingly, comparisons are not warranted.

## 5.5 Offensive Weapons Violations

***Due to classification differences, the comparison of weapons offences is impossible. These differences stem from the divergent gun control policies.***<sup>22</sup>

To reflect the recent implementation of the new *Firearms Act*, the Canadian UCR survey created four weapons offence categories: illegal use of a firearm or replica; illegal possession of a weapon; weapon importation, exportation

<sup>19</sup> Cheque frauds s. 362 (1c,4,5), s.364 (2f,3); Credit card frauds (s. 342); Other frauds (s. 336, 361-365, 367-370, 374, 375; 371, 372 (1); 376, 377, 378, 380-390, 392, 393, 394-396, 397-402, 403-405, 406-413)

<sup>20</sup> The specific sections of the Code are s.354, 356.1b, and 357.

<sup>21</sup> The mischief category excludes sections 430(2) and 430 (5.1a, 5.1b) of the Canadian Criminal Code.

<sup>22</sup> In fact, the divergent gun control legislation has been the subject of academic research. See Mundt, Robert J. 1990 (Jan). “Gun Control and Rates of Firearms Violence in Canada and the United States” Canadian Journal of Criminology.



and trafficking; and other offences related to weapons.<sup>23</sup> The amount of offences surpasses those in the American UCR survey. The American UCR survey does not have offences relating to importation or exportation, documentation or administration of firearms, unsafe storage, and others. The offences that are similar include the making, sale and possession of deadly weapons, and carrying deadly weapons. The FBI also has additional types of weapons offences involving the manufacture and use of silencers, furnishing deadly weapons to minors, and aliens possessing deadly weapons. The divergent number and type of weapons violations between the two countries nullify the possibility of comparison.

## 5.6 Other Sex Offences

***Due to classification differences, the comparison of “other sex offences” is impossible.***

Both the Canadian and the American UCR surveys contain a residual category for other sex offences. Despite the similar name of these categories, a simple comparison is not possible. There is substantial variation in the types of offences catalogued under the “other sex offences” category. The Canadian UCR category groups the *Criminal Code* offences of sexual interference, invitation to sexual touching, sexual exploitation, incest, anal intercourse, and bestiality. In comparison, the FBI combines incest, anal intercourse, and statutory rape with offences against morals and decency, such as adultery, seduction, and indecent exposure. There is no way to isolate the similar offences for comparison purposes. Also, grouping together the Canadian categories of “other sex offences” and “corrupting morals” would only inflate the Canadian rate, as both these broad categories contain more offences than the American “sex offence” category.

## 5.7 Gaming and Betting

***The comparison of arrests for gaming and betting is conceptually possible.***

The Canadian UCR category of gaming and betting and the American UCR category of gambling both refer to engaging in illegal gambling activities. While both aggregate surveys break down gambling offences into smaller categories, only the totals are comparable since the sub-categories do not correspond with each other. Canada differentiates offences related to betting house, gaming house, and all other gaming and betting activities (s. 201, 202, 203, 204, 206, 209). Some of these “other” offences include cheating, bookmaking, and lottery schemes. The United States differentiates offences that fall under “other” gambling offences in Canada. Specifically, police report bookmaking and numbers/lottery separately. The American residual category of other gambling offences may include offences related to illegal gambling premises. Despite the divergent sub-classification, cross-national analysis of total gambling offences is conceptually possible.

## 5.8 Disturbing the Peace (Canada) / Disorderly Conduct (United States)

***Due to classification differences, the comparison of disturbing the peace is impossible.***

While the elements of disturbing the peace and using obscenities in public places are included in the offence category of both surveys, the other acts are dissimilar. Canada includes some offences of indecent exhibition in public, which are sex offences in the American survey; being drunk in public, which is a separate offence in the U.S.; and finally, loitering, which is a component of the vagrancy offence in the U.S. On the other hand, the FBI includes acts that are not catalogued under disturbing the peace in Canada. The acts of disturbing meetings and unlawful assemblies are recorded as “other” *Criminal Code* offences in Canada. The American inclusion of refusing to assist a police officer is catalogued within “obstructing peace officer” in Canada. Finally, the American act of desecrating the flag is not a crime in Canada.

*In addition to the above offences, there are other offences that for reasons of a lack of an equivalent category or lack of reliable and distinct coding are not included in this offence comparison. These American offences include drunkenness/intoxication, vagrancy, liquor laws, runaways, violations against family and children, suspicion, curfew and loitering laws for individuals under the age of 18 years, and other offences.*

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<sup>23</sup> The Firearms Act was adopted by Parliament in 1995 and began gradual implementation in 1998.

## Part B: Incident-Based UCR Survey Comparison

As previously discussed, there are two major enhancements with the incident-based surveys: the expansion of the number of offences available for comparison and the provision of details on the incident, victim, and offender.

### Comparison of Offences

Although offence-specific comparisons are limited to respondents that collect data using the incident-based survey, it is important to note the positive effects of the greater number of offences in the Canadian and the American surveys. For example, the isolation of the Canadian offence of criminal negligence causing death allows for a comparison with the American offence of manslaughter by negligence.<sup>24</sup>

In the American UCR survey, offences such as drug violations, prostitution and vandalism, which are available only at the “accused level” in the aggregate survey, are available at the “incident level” in the incident-based survey. This difference between the American aggregate and incident-based surveys increases the potential for reliable comparisons, given the aforementioned limitations of relying exclusively on arrest data.

The American incident-based UCR survey also contains new offence definitions and classifications. For example, the American sexual assault offence is no longer restricted to forced sexual intercourse on a female. As such, it is possible to compare this new American offence with the three levels of sexual assault in Canada. Comparisons, however, must note the exclusion of statutory rape in the American offence, since the Canadian survey considers sex with youths under the age of 14 as sexual assault.

Additionally, three new offences are comparable at the incident level: kidnapping/abduction, intimidation, and simple assault. This comparability hinges on appropriate modifications and caveats. To make kidnapping categories equivalent between the two countries, the Canadian kidnapping and abduction offences<sup>25</sup> must be combined to mirror the broader American offence. Similarly, the Canadian offences of criminal harassment and uttering threats must be combined to compare with the American offence of intimidation.

For simple assault, the new American category parallels “level one” assault in Canada, since both offences involve a physical attack with the absence of a weapon or aggravated bodily injury. However, it is necessary to note that attempted assaults are not scored in the American offence, while both attempted and completed assaults comprise the Canadian category. This difference would not adversely affect comparisons, as only 0.03% of all “level one” assaults in Canada are not completed.<sup>26</sup>

Although there are other American offences available for comparison at the incident and the accused levels, such as pornography and extortion, the inability to correct for significant definitional and classification differences prevents the possibility of comparison.

### Comparison of Characteristics

Table 4 lists the data elements available for comparison at the incident, victim, and accused level. For instance, it is possible to compare the use of weapons (e.g., firearms) in violent crime, as well as the relationship of victims and accused persons. However, given the current survey coverage, it is strongly recommended that any comparison of incident-based UCR data be done only between specific police forces and not at a national or state/provincial level.

### Conclusion

This study was conducted to evaluate the feasibility of comparing American and Canadian police-reported crime data. The results from this study showed that it is feasible, with appropriate modifications and caveats, to compare seven offences at the incident level, three offences at the accused level, and five offences in the incident-based surveys. It was also determined that detailed incident characteristics could be compared between specific police forces. This report represents a necessary precursor to the upcoming *Juristat* being produced during 2001-02 that will actually make comparisons at the national, provincial/state and municipal levels.

<sup>24</sup> Unlike the American aggregate survey, the incident-based survey does not record arrests in connection with traffic fatalities under negligent manslaughter.

<sup>25</sup> These offences include kidnapping, abduction of person under 14 years, abduction of persons under 16 years, abduction counter to custody order, and abduction with no custody order.

<sup>26</sup> Data comes from the Canadian UCR2 trend database.

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**Table 1: Comparison of Aggregate UCR Surveys in the United States and Canada**

	<b>The American UCR Survey</b>	<b>The Canadian UCR Survey</b>
<b>Background Information</b>	<p>Started in 1930 by U.S. FBI within the Department of Justice</p> <p>Collects data from local police services and from state level UCR data collection agencies.</p> <p>Releases data at the national, state, and standard metropolitan statistical areas (SMSA), and individual police forces.</p>	<p>Started in 1962 by Statistics Canada</p> <p>Collects data from individual municipal, provincial, and federal police services.</p> <p>Releases data at national, provincial/territorial, census metropolitan areas (CMA), and individual police forces.</p>
<b>Classification</b>	<p>Crime classification is based on offence descriptions in the <i>Uniform Crime Reporting Handbook, 1984</i>. This type of uniform coding was created to overcome the differences in state penal codes. The FBI collects offence and arrest data for eight index crimes. It also collects arrest data for an additional 21 crimes.</p>	<p>Crime classification is based on offences listed in <i>Canadian Criminal Code, Controlled Drugs and Substances Act (CDSA), Federal Statutes</i>, such as the <i>Young Offenders Act</i> and the <i>Firearms Act</i>. The UCR survey collects information on 106 different offences.</p>
<b>Scoring</b>	<p>Offences are scored according to the hierarchy rule. In multiple offence situations, the offence with a higher ranking within the <i>Uniform Crime Reporting Handbook, 1984</i> is the only one counted. For violent crimes, one offence is counted for each victim (except robbery) and for non-violent crimes, one offence is counted for each incident.</p>	<p>Offences are scored according to the most serious offence. In multiple offence situations, the offence with the highest maximum penalty is the only one counted. If the maximum penalty is the same, the police choose which offence is most serious. Violent offences always take precedence over non-violent ones. For violent crimes, one offence is counted for each victim (except robbery) and for non-violent crimes, one offence is counted for each incident.</p>
<b>Coverage</b>	<p>Aggregate UCR has approximately 95% coverage of all police forces. The FBI estimates the missing crime counts within three areas: Standard Metropolitan Statistical Areas (SMSAs), cities outside SMSAs, and rural counties.</p>	<p>Aggregate UCR has virtually 100% coverage of all police forces.</p>

**Table 2: Comparison of Incident-Based UCR Surveys in the United States and Canada**

	<b>The American National Incident-Based Reporting System (NIBRS)</b>	<b>The Canadian Incident-Based UCR Survey (UCR2)</b>
<b>Background Information</b>	<p>Implemented in 1988 through a joint venture of the FBI and the Bureau of Justice Statistics to eventually replace the summary Uniform Crime Reporting Survey.</p> <p>Collects data from state level UCR data collection agencies.</p>	<p>Implemented in 1988 by the Canadian Centre for Justice Statistics to eventually replace the aggregate Uniform Crime Reporting Survey.</p> <p>Collects data from individual police services.</p>
<b>Classification</b>	<p>Offence classification is based on the NIBRS Data Collection Guidelines. These definitions originate from the <i>UCR Handbook</i>, <i>Black’s Law Dictionary</i>, and the <i>National Crime Information Center (NCIC) Uniform Offense Classifications</i>. The survey collects offence and arrest data for 46 offences. It also collects arrest data for an additional 11 crimes.</p>	<p>Offence classification based on the <i>Canadian Criminal Code</i>, <i>Control Drugs and Substances Act (CDSA)</i>, <i>Federal Statutes</i>, such as the <i>Young Offenders Act</i> and the <i>Firearms Act</i>. The UCR survey collects information on 140 offences.</p>
<b>Scoring</b>	<p>Offences are recorded and counted per incident. Unlike the Summary UCR, multiple offences in an incident are recorded and counted. No hierarchy rule applies. This survey also includes more data elements on the incident, such as the relationship of accused to the victim, the use of alcohol and drugs, etc.</p>	<p>Offences are recorded by incident. Unlike the Aggregate UCR, multiple offences in an incident are recorded. This improved UCR Survey captures more data elements on the incident, such as the relationship of accused to the victim, the location of the incident, the level of injury, etc.</p>
<b>Coverage</b>	<p>NIBRS has 15% coverage of the American population. Some of the larger police agencies that contribute to the NIBRS include Austin, TX; Nashville, TN; Colorado Springs, CO; Cincinnati, OH.</p> <p>NIBRS is converted to a format compatible with a summary form, but only for offences that are included within the aggregate survey.</p>	<p>The UCR2 survey has approximately 53% of the national volume of crime. Coverage is currently greatest in the province of Quebec. Virtually all major urban police forces have been implemented.</p> <p>UCR2 data is converted to a format compatible with the aggregate form.</p>

**Table 3: The Comparability of Specific Offences between the United States and Canada**

United States	Canada	Comparable	Comparable with some caveats	Comparable with modifications	Not comparable
<b>Aggregate Offences Available for Comparison at the Incident Level</b>					
Homicide	Homicide	X			
Robbery	Robbery		X		
Forcible Rape	Sexual Assault (3 levels)				X
Aggravated Assault	Aggravated Assault, Assault with a Weapon, and Attempted Murder			X	
Burglary	Break and Enter		X		
Larceny	Theft		X		
Motor vehicle theft	Motor vehicle theft		X		
Arson	Arson		X		
<b>Aggregate Offences for Comparison at the Accused Level Only</b>					
<i>Due to the high clearance rate, which means that person data closely resembles incident-level data, comparisons of the following offences are reliable. The remaining offences available at the accused level are excluded, given their low clearance status.</i>					
Prostitution	Prostitution-related offences		X		
Drug violations	Drug violations			X	
Driving Under the Influence	Impaired Driving		X		
<b>Incident-based Offences for Comparison at the Incident Level</b>					
Kidnapping/Abduction	Kidnapping & Abduction			X	
Intimidation	Criminal Harassment and Uttering Threats			X	
Simple Assault	Level one assault		X		

**Table 4: Comparison of Data Elements in the Incident-Based Surveys**

<b>Data Type</b>	<b>The United States</b>	<b>Canada<sup>1</sup></b>
<b>Incident Data</b> U.S. Administration File Canada Incident File	ORI number (Originating Agency Identifier)	Respondent code
	Incident number Incident date/hour Exceptional clearances Exceptional clearance date - -	Incident file number Incident date/time Date charges laid or recommended or accused processed by other means Incident/clearance status Clearance date
U.S. Offence File Canada Incident File	Offence code Attempted/completed Bias motivation Location Method of Entry  Type of Criminal Activity Type of Weapon/force involved -	Violation Code Attempted/Completed Violation - Location Method of Entry (Modus Operandi of Selected Violations) - Most serious weapon present Weapon causing injury (Victim File) Type of Fraud
	Type of property Property description Value of property  Date recovered - Number of Stolen Motor Vehicles  Number of Recovered Motor Vehicles Suspected Drug Type Drug Quantity -	Property stolen  Dollar value of property damaged or stolen or committed by fraud (not available in UCR 2.1) - Type of Vehicle Counter- Motor Vehicles  Number of Recovered Motor Vehicles (not available from UCR 2.0) - - Dollar value of illicit drugs (not available from UCR 2.1)
<b>Accused Data</b>	Age Sex Race Arrestee was armed with. . . Offender suspected of using. . . (Offence File)	Age Sex Aboriginal Status - Alcohol/drug consumption (not available from UCR 2.1)
	<b>Victim Data</b> Type of victim (Ind., Business etc.) Age Sex Race Relationship of victim to offender Ethnicity of victim Resident Status of victim (optional data) Circumstances of aggravated assault/homicide Type of injury	Target of violation (Incident File) Age Sex Aboriginal Status Relationship of accused to victim - - - Level of Injury

<sup>1</sup> In recent years, the incident-based UCR survey has undergone improvements and revisions to address implementation difficulties. Although the newest version will eventually replace the older one, there are currently two versions of the incident-based survey: UCR 2.0 and the revised version, UCR 2.1. Differences in the types of data elements are noted.

## Appendices

### American and Canadian Definitions of Offences Available at the Incident Level

	American offences as defined by the UCR Handbook	Canadian offences as defined by the Criminal Code
<b>Homicide</b>	<p><b>Murder and nonnegligent manslaughter:</b> the “willful (nonnegligent) killing of one human being by another” (FBI 1984, 6). The American category also includes justifiable homicide, which is the killing of a felon by a peace officer or private citizen. Although it is a reported offence, it is not counted as an actual homicide and therefore, it does not appear in the homicide statistics.</p>	<p><b>First Degree Murder:</b> s.231(2) “murder is first degree when it is planned and deliberate”, (4) murder of peace officer, (5) attempting to commit hijacking, sexual assault or kidnapping (6) sexual harassment; (6.1) using explosives with criminal org.</p> <p><b>Second Degree</b> s.231(7): “all murder that is not first degree”</p> <p><b>Manslaughter:</b>s.232 (1) “culpable homicide that would otherwise be murder” but “the person who committed it did so in the heat of passion caused by sudden provocation”; s.234 “culpable homicide that is not murder or infanticide is manslaughter”</p> <p><b>Infanticide:</b> s. 233 “a female person commits infanticide when by a wilful act or omission she causes the death of her newly-born child, if at the time of the act or omission she is not fully recovered from the effects of giving birth to the child or by reason thereof or of the effect of lactation consequent on the birth of the child her mind is then disturbed”.</p>
<b>Robbery</b>	<p><b>Robbery:</b> “the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force, threat of force or violence and/or by putting the victim in fear” (FBI 1984, 12).</p>	<p><b>Robbery:</b> s. 343 “every one commits robbery who (a) steals, and for the purpose of extorting whatever is stolen or to prevent or overcome resistance to the stealing, uses violence or threats of violence to a person or property; (b) steals from any person and, at the time he steals or immediately before or immediately thereafter, wounds, beats, strikes or uses any personal violence to that person; (c) assaults any person with intent to steal from him; or (d) steals from any person while armed with an offensive weapon or imitation thereof”</p>
<b>Sexual Assault</b>	<p><b>Forcible Rape:</b> “the carnal knowledge of a female forcibly and against her will” (FBI 1984, 10).</p>	<p><b>Aggravated Sexual Assault (Level 3):</b> s.273 (1) “every one commits an aggravated sexual assault, who in committing a sexual assault, wounds, maims, disfigures or endangers the life of the complainant”</p> <p><b>Sexual Assault (Level 2):</b> s. 272(1) “Every person commits an offence who, in committing a sexual assault (a) carries, uses or threatens to use a weapon or an imitation of a weapon; (b) threatens to cause bodily harm to a person other than the complainant; (c) causes bodily harm to the complainant; or (d) is a party to the offence with any other person”</p> <p><b>Sexual Assault (Level 1):</b> s. 271</p>



**American and Canadian Definitions of Offences Available at the Incident Level – Concluded**

	<b>American offences as defined by the UCR Handbook</b>	<b>Canadian offences as defined by the Criminal Code</b>
<b>Aggravated Assault</b>	<b>Aggravated Assault:</b> “an unlawful attack on one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is accompanied by the use of a weapon or by means likely to produce death or great bodily harm” (FBI 1984, 9).	<b>Aggravated Assault:</b> s. 268 (1) “every one commits an aggravated assault who wounds, maims, disfigures or endangers the life of the complainant”  <b>Assault with Weapon or Causing Bodily Harm:</b> s. 267 “every one who, in committing an assault (a) carries, uses or threatens to use a weapon or an imitation thereof, or (b) causes bodily harm to the complainant”  <b>Attempted Murder:</b> s. 239 “every person who attempts by any means to commit murder”. It is important to note that the offence of attempted murder is not typically scored under aggravated assault in Canada. However, to allow for comparison with the broader American offence, attempted murder must be included in the Canadian category of aggravated assault.
<b>Break and Enter</b>	<b>Burglary:</b> “the unlawful entry of a structure to commit a felony or a theft” (FBI 1984, 17).	<b>Break and Enter:</b> s. 348 (1) “every one who a) breaks and enters a place with intent to commit an indictable offence therein b) breaks and enters a place and commits an indictable offence therein or c) breaks out of a place after (i) committing an indictable offence therein or (ii) entering the place with intent to commit an indictable offence therein”
<b>Motor Vehicle Theft</b>	<b>Motor Vehicle Theft:</b> “the theft or attempted theft of a motor vehicle” (FBI 1984, 28).	<b>Motor Vehicle Theft:</b> s.335 (1) “Taking motor vehicle or vessel or round therein without consent”
<b>Theft</b>	<b>Larceny:</b> “the unlawful taking, carrying, leading or riding away of property from the possession, or constructive possession of another” (FBI 1984, 24).	<b>Theft:</b> the intentional taking without permission of any inanimate or animate objects.  <b>Theft Under \$5,000:</b> s. 334(b).  <b>Theft over \$5,000:</b> s. 334 (a)
<b>Arson</b>	<b>Arson:</b> “any willful or malicious burning or attempt to burn, with or without the intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.” (FBI 1984, 30).	<b>Arson:</b> s. 434 arson -damage to property- “every person who intentionally or recklessly causes damage by fire or explosion to property that is not wholly owned by that person” s. 434.1 arson -own property -”every person who intentionally or recklessly causes damage by fire or explosion to property that is owned, in whole or in part...where the fire or explosion seriously threatens the health, safety or property of another person”; s. 435.1: arson for fraudulent purpose; s. 436(1) arson by negligence; s. 436.1 possession of incendiary material

**Sources:** *Federal Bureau of Investigation, Department of Justice. 1984. Uniform Crime Reporting Handbook. Washington. Criminal Code of Canada R.S.C. 1985.*

## Appendices

### American and Canadian Definitions of Offences Available at the Accused Level

	American offences as defined by the UCR Handbook	Canadian offences as defined by the <i>Criminal Code</i>
<b>Prostitution</b>	<b>Prostitution and Commercial Vice:</b> “sex offences of a commercial nature” including prostitution, bawdy house, pandering, procuring, transporting or detaining women for immoral purposes.	<b>Offences related to prostitution:</b> includes soliciting, bawdy house, procuring and other offences as defined by sections 210 to 213
<b>Drug Violations</b>	<b>Drug Abuse Violations:</b> includes possession, use, trafficking, growing, and manufacturing of drugs as defined by state and local laws	<b>Drug Offences:</b> violations against the <i>Controlled Drugs and Substance Act</i> (CDSA), including possession, trafficking, importation, production, cultivation
<b>Impaired Driving</b>	<b>Driving Under the Influence:</b> “driving or operating of any vehicle or common carrier while drunk or under the influence of liquor or narcotics” (FBI 1984, 80).	<b>Impaired Driving:</b> s.253 “every one commits an offence who operates a motor vehicle or vessel or operates or assists in the operation of an aircraft or of railway equipment or has the care or control of a motor vehicle, vessel, aircraft or railway equipment, whether it is in motion or not, (a) while the person’s ability to operate the vehicle, vessel, aircraft or railway equipment is impaired by alcohol or a drug; or (b) having consumed alcohol in such a quantity that the concentration in the person’s blood exceeds eighty milligrams of alcohol in one hundred millilitres of blood”
<b>Non-Aggravated Assaults</b>	<b>Other Assaults:</b> offences “where no weapon was used or which did not result in serious or aggravated injury to the victim” (FBI 1984, 79).	<b>Simple Assault:</b> s. 266 assaults not involving the use of a weapon and which did not cause bodily harm
<b>Fraud</b>	<b>Fraud:</b> “fraudulent conversion and obtaining money or property by false pretenses” (FBI 1984, 79).  <b>Forgery and Counterfeiting:</b> “the making, altering, uttering, or possessing, with intent to defraud anything false in the semblance of that which is true” (FBI 1984, 79).  <b>Embezzlement:</b> “misappropriation or misapplication of money or property entrusted to one’s care, custody, or control” (FBI 1984, 79).	<b>Fraud:</b> includes false pretences, forgery, uttering, fraud and all related offences as defined by sections 336, 342, 361-365, 367-370, 371, 372, 374-378, 380-390, 392, 393, 394-396, 397-402, 403-405, 406-413  <b>Counterfeiting:</b> counterfeiting currency as defined by sections 449-454 and 460
<b>Possession of Stolen Property</b>	<b>Stolen Property:</b> “buying, receiving, and possessing stolen property” (FBI 1984, 79)	<b>Possession of Stolen Property:</b> obtaining property derived from a crime, as well as unlawfully possessing mail, possessing stolen goods imported into Canada, and importing stolen goods into Canada (s. 354, 356.1b, 357).

## American and Canadian Definitions of Offences Available at the Accused Level – Concluded

	American offences as defined by the UCR Handbook	Canadian offences as defined by the <i>Criminal Code</i>
<b>Mischief/Vandalism</b>	<b>Vandalism:</b> the “willful or malicious destruction, injury, disfigurement, or defacement of any public or private property, real or personal, without consent of the owner or person having custody or control” (FBI 1984, 79).	<b>Mischief:</b> s. 430 offences causing property damage. This category excludes offences likely to cause actual danger to life (s. 430(2))
<b>Offensive Weapons Violations</b>	<b>Weapons Offences:</b> offences are regulatory in nature relating to the sale, use, manufacture, and possession of weapons (FBI 1984, 80).	<b>Offensive Weapons Violations:</b> the illegal use of a firearm or replica, illegal possession of a weapon, weapon importation, exportation, and trafficking, and other offences related to weapons ( <i>Firearms Act</i> ).
<b>Other Sex Offences</b>	<b>Sex Offences:</b> includes “offences against chastity, common decency, morals and the like” (FBI 1984, 80).	<b>Other Sex Offences:</b> includes offences of sexual interference, invitation to sexual touching, sexual exploitation, incest, anal intercourse, and bestiality.
<b>Gaming and Betting</b>	<b>Gambling:</b> includes “all charges which relate to promoting, permitting, or engaging in illegal gambling” (FBI 1984, 80).	<b>Gaming and Betting:</b> includes offences relating to lottery, gaming, gaming and betting houses, and other gaming and betting offences as defined by sections 201, 202, 203, 204, 206, 209
<b>Disturbing the Peace/Disorderly Conduct</b>	<b>Disorderly conduct:</b> includes “all charges of committing a breach of the peace”, such as unlawful assembly and disturbing the peace (FBI 1984, 81).	<b>Disturbing the Peace:</b> s. 175 offences causing disturbances and offences related to indecent exhibition and loitering

**Sources:** *Federal Bureau of Investigation, Department of Justice. 1984. Uniform Crime Reporting Handbook. Washington. Criminal Code of Canada R.S.C. 1985.; The Controlled Drugs and Substances Act, S.C.; The Firearms Act, S.C.*

### American offences not included in this study<sup>1</sup>

Drunkenness/Intoxication  
 Vagrancy  
 Liquor Laws  
 Runaways  
 Violations against family and children  
 Suspicion  
 Curfew and Loitering Laws for persons under the age of 18 years  
 Other offences

<sup>1</sup> *These offences are excluded for reasons of a lack of an equivalent Canadian category or lack of reliable and distinct Canadian coding.*

## Appendices

### American and Canadian Definitions of Comparable Incident-Based Offences

#### Kidnapping/ Abduction

**Kidnapping/Abduction:** “the unlawful seizure, transportation, and/or detention of a person against his/her will, or a minor without the consent of his/her custodial parent(s) or legal guardian” (NIBRS, 8)

**Kidnapping:** s. 279(1) “every person commits an offence who kidnaps a person with intent (a) to cause the person to be confined or imprisoned against the person’s will; (b) to cause the person to be unlawfully sent or transported out of Canada against the person’s will; or (c) to hold the person for ransom or to service against the person’s will”

**Abduction of person under fourteen:** s. 281 “every one who, not being the parent, guardian or person having the lawful care or charge of a person under the age of fourteen years, unlawfully takes, entices away, conceals, detains, receives or harbours that person with intent to deprive a parent or guardian, or any other person who has the lawful care or charge of that person, of the possession of that person”

**Abduction of person under sixteen:** s. 280 “every one who, without lawful authority, takes or causes to be taken an unmarried person under the age of sixteen years out of the possession of and against the will of the parent or guardian of that person or of any other person who has the lawful care or charge of that person”

**Abduction in contravention of custody order:** s. 282 (1) “every one who, being the parent, guardian or person having the lawful care or charge of a person under the age of fourteen years, takes, entices away, conceals, detains, receives or harbours that person, in contravention of the custody provisions of a custody order in relation to that person made by a court anywhere in Canada, with intent to deprive a parent or guardian or any other person who has lawful care or charge of that person, of the possession of that person”

**Abduction:** s. 283 (1) “every one who, being the parent, guardian or person having the lawful care or charge of a person under the age of fourteen years, takes, entices away, conceals, detains, receives or harbours that person, whether or not there is a custody order in relation to that person made by a court anywhere in Canada, with intent to deprive a parent or guardian, or any other person who has the lawful care or charge of that person, of the possession of that person”

## American and Canadian Definitions of Comparable Incident-Based Offences – Concluded

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### Intimidation

**Intimidation:** “to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack” (NIBRS, 11).

**Criminal Harassment:** s. 264. (1) “no person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection (2) that causes that other person reasonable, in all circumstances, to fear for their safety or the safety of anyone known to them”

**Uttering threats:** s. 264.1 (1) “every one commits an offence who, in any manner, knowingly utters, conveys or causes any person to receive a threat (a) to cause death or bodily harm to any person; (b) to burn, destroy or damage real or personal property; or (c) to kill, poison, injure an animal or bird that is the property of any person”

### Simple Assault

**Simple Assault:** “an unlawful physical attack by one person upon another whether neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness” (NIBRS, 12).

**Assault - Level one:** s. 266 These are the least serious types of assault and include pushing, slapping, punching and threatening.

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**Sources:** Federal Bureau of Investigation, Department of Justice. 1992. *Uniform Crime Reporting Handbook, NIBRS Edition*. Washington. Criminal Code of Canada R.S.C. 1985.