

From arrest to conviction: Court outcomes of police-reported sexual assaults in Canada

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In Canada, sexual assault is one of the most underreported crimes to police, and of those incidents which are reported, a low number make their way through the criminal justice system. Sexual assault can range from unwanted sexual touching to endangering the life of the victim through physical violence of a sexual nature.

From 2009 to 2014, slightly over 1 in 10 (12%) sexual assaults reported to and substantiated by police in Canada resulted in a criminal conviction. In comparison, nearly double the proportion (23%) of physical assaults led to a conviction.

A *Juristat* article released today titled "[From arrest to conviction: Court outcomes of police-reported sexual assaults in Canada, 2009 to 2014](#)," uses linked police and court administrative records to provide, for the first time, a more complete picture of what happens to sexual assault cases once they enter the Canadian criminal justice system.

According to the General Social Survey (GSS) on Canadians' Safety (Victimization), most sexual assaults never enter the criminal justice system. Sexual assault remains one of the most underreported crimes in Canada, with an estimated 1 in 20 incidents brought to the attention of police in 2014. Consequently, the current study refers only to those sexual assaults that were reported to police and excludes any incidents that were deemed 'unfounded'. These findings are important for informing sexual assault policies and programs, as they explain the course of justice for cases that do enter the criminal justice system.

The Canadian criminal justice system has several stages and crimes do not necessarily advance through all of them. First, in order to enter the justice system, an incident must be reported to police. Once brought to the attention of police, police must substantiate that a criminal offence took place. Next, if an accused is identified, a decision to lay a criminal charge is made based on available evidence. After a criminal charge, the case may proceed to court where the accused is formally tried, or it may be handled outside of the court process and not result in a trial, such as through a plea bargain or referral to alternative measures. The courts may also decide to dismiss the case before a trial if the evidence is perceived as insufficient to find the accused guilty beyond a reasonable doubt. If the case is tried in court, a decision is made on the guilt of the accused. If found guilty, then a decision on how the accused will be sentenced follows.

Around 1 in 10 sexual assaults substantiated by police resulted in a criminal conviction

Most sexual assaults do not make it to the court trial or sentencing stage of the criminal justice system and drop out at some point beforehand (see [Retention of criminal incidents in the criminal justice system, sexual assault versus physical assault, Canada, 2009 to 2014](#)).

Of all sexual assaults reported to and substantiated by police from 2009 to 2014, less than half (43%) resulted in a criminal charge being laid by police, around one in five (21%) went to court, and slightly over 1 in 10 (12%) led to a criminal conviction over the six-year period ([Chart A.1](#)).

Sexual assaults less likely to proceed to court than physical assaults

Sexual assaults were less likely to advance through the criminal justice system than were physical assaults ([Chart A.2](#)). Compared with physical assaults, sexual assaults were less likely to: have an accused identified by police in connection with the incident (59% of sexual assaults versus 75% of physical assaults); result in a criminal charge being laid (43% versus 51%); proceed to court after being charged (49% versus 75%); and result in a criminal conviction (55% versus 59%).

When there was a conviction, sexual assault cases were, however, far more likely than physical assault cases to result in a custody (prison or jail) sentence (56% versus 36%).



Overall, if the full scope of the justice system between police and courts is considered, physical assaults reported by police were nearly twice as likely as sexual assaults to lead to a criminal conviction within the six-year period of study (23% versus 12%).

There are many reasons why a sexual assault that is reported to and substantiated by police may not proceed to court. For example, alternative measures for reconciliation outside of a formal criminal court process may be sought by the victim, or, instead of criminal charges, a diversion program focused on rehabilitation may be offered to the accused. This is often the case for young offenders, who are far less likely than adults to be charged with sexual assault. From 2009 to 2014, 60% of youth (under age 18) accused of sexual assault were charged, compared with 78% of adults. It should be noted that youth are often dealt with by other means in the justice system, under the *Youth Criminal Justice Act*.

In addition, crimes may not proceed to court if there is insufficient evidence to lay criminal charges or if it is unlikely that the accused will be found guilty beyond a reasonable doubt. Pre- and post-charge screening can be used to assess the appropriateness of a criminal charge and, similar to plea bargains, may result in a change to the offence type charged. However, the frequency of each of these events is not currently known due to the challenges in collecting information between and across different levels of the justice system.

The longer the delay in reporting to police, the less likely the case was to go to court or result in a conviction

Regardless of the assault type, crimes charged by police were more likely to proceed to court and result in a criminal conviction if they had been reported to police soon after the crime took place ([Chart A.3](#)).

While over half (53%) of sexual assault incidents reported to police the same day proceeded to court after a charge was laid, only around one in five (19%) that were reported more than one year after the sexual assault occurred went to court. Moreover, the conviction rate was higher for sexual assaults that were reported to police on the day of the crime (56%) compared with those reported over one year after they took place (43%).

Similar gaps were also observed among physical assaults, which suggests that delays in reporting to police may impact justice outcomes regardless of whether the assault was a physical or sexual offence.

It is well-documented in research on trauma experienced by victims of sexual assault that psychological and emotional factors can contribute to delayed reporting or non-reporting, not just to law enforcement, but to those close to the victim.

Incidents involving victims sexually assaulted by someone they knew were less likely to proceed to court than incidents involving strangers

Of incidents charged by police, nearly two in three (64%) sexual assaults committed by a stranger proceeded to court, whereas fewer than half (47%) of sexual assaults committed by someone known to the victim did. Given that the vast majority (87%) of sexual assaults are perpetrated by someone known to the victim, these findings are of critical importance in understanding the course of justice for most sexual assault cases.

Sexual assaults perpetrated by a family member of the victim (excluding a spouse) were least likely to proceed to court (36%). This attrition or drop-off was largely driven by cases where a child was sexually assaulted by a parent or an older relative. These findings remained the same even after controlling for delays in reporting, which were more common among sexual assaults involving children victimized by a family member.

Cases involving children sexually assaulted by a parent were the least likely to proceed to court or result in conviction

After being charged by police, one in three (33%) sexual assaults of children (aged 13 or under) perpetrated by a parent or step-parent went to court. By comparison, about three in five (59%) incidents where a child was sexually assaulted by an older stranger (16 years or older) went to court.

Overall, the study found that, of sexual assaults reported by police as a crime, those involving parents accused of sexually assaulting their child were one of the least likely groups to advance through the justice system and see a criminal conviction (13%). This is compared with more than double the proportion (30%) of sexual assault cases involving children victimized by an older stranger at least 16 years of age that resulted in conviction.

Note to readers

This study is a follow-up to a preceding Juristat article titled "[Police-reported sexual assaults in Canada, 2009 to 2014: A statistical profile](#)," which provides a comprehensive profile of sexual assaults in Canada, including the characteristics of the victims, the accused, and the relationship between them.

The current study looked at 93,501 sexual assaults reported by police from 2009 to 2014. These incidents represent a subset of the total police-reported sexual assaults analyzed in the previous study (117,238). This subset was used for methodological reasons regarding the eligibility for incidents to link to court records. Incidents from the Uniform Crime Reporting Survey (UCR) where a sexual assault (level 1, 2, or 3) was the most serious violation in the incident from 2009 to 2014 were linked to adult and youth court cases completed between 2009/2010 and 2014/2015 as reported to the Integrated Criminal Court Survey (ICCS). Because there can be more than one criminal offence in a single police-reported incident, the most serious of these offences was used to represent the incident. This means that sexual assault was the most serious (or the only) offence in the sexual assault incidents analyzed for this study. The same linkage was conducted with physical assault incidents over the same time period for comparison purposes.

Police-reported crimes exclude incidents reported to police that were deemed 'unfounded'. Unfounded incidents have not been collected by Statistics Canada since 2006 due to data quality concerns. Statistics Canada and policing services are working together to develop a common approach for the classification and reporting of unfounded incidents and plan to release first results in July 2018.

In this study, court cases that were still in progress at the end of 2014/2015 would not count as having gone to court. The possible effect of longer case processing times for sexual assaults was considered, and it was determined that while the attrition or drop-off rate may decrease slightly if a narrower time frame was used, the gap in the proportion of incidents that went to court remained the same between sexual and physical assaults.

In order to accurately conduct the linkage, some cases were excluded for methodological reasons. This includes incidents reported by police in Quebec and Prince Edward Island due to the absence of unique identifiers required to link the data. For more detailed information about what is included in the linkage and its limitations, see the Methodology: Record linkage section in the corresponding Juristat article.

Definitions, data sources and methods: survey numbers [3302](#) and [3312](#).

The Juristat article "[From arrest to conviction: Court outcomes of police-reported sexual assaults in Canada, 2009 to 2014](#)" ([85-002-X](#)) is now available.

For more information, or to enquire about the concepts, methods or data quality of this release, contact us (toll-free 1-800-263-1136; 514-283-8300; STATCAN.infostats-infostats.STATCAN@canada.ca) or Media Relations (613-951-4636; STATCAN.mediahotline-ligneinfomedias.STATCAN@canada.ca).