

Adult criminal court processing times, Canada, 2015/2016

Released at 8:30 a.m. Eastern time in *The Daily*, Tuesday, February 13, 2018

There were over 1.1 million charges completed in adult criminal courts in Canada in 2015/2016. The vast majority of these charges were heard in provincial courts. The median amount of time it took to complete a charge in provincial court (from first appearance to final decision) was 112 days. Over three-quarters (77%) of all charges heard in provincial courts were completed in nine months or less. This trend has generally remained stable for most of the last decade.

See chart "[Charges remaining to be completed in adult criminal provincial court, by month, Canada, 2015/2016.](#)"

Using data from the Integrated Criminal Court Survey (ICCS), indicators of the time it takes to process a charge through the courts have been developed and are now available in the *Juristat* article "[Adult criminal court processing times, Canada, 2015/2016.](#)" These indicators measure the elapsed time from an individual's first court appearance on a criminal charge to the final decision being reached by the courts (for example, guilty, acquitted, stayed, withdrawn).

There was an increase in the median elapsed time it took to complete provincial court charges in many provinces and territories. Most notably, in Newfoundland and Labrador, the provincial court median increased by 18 days compared with 2014/2015 (+13%), and by 56 days (+57%) compared with 2006/2007, to reach a high of 155 days in 2015/2016.

The median elapsed time to process a charge in Quebec (excluding municipal court data) also increased for most of the last decade, ranging from 151 days in 2007/2008 to 203 days in 2014/2015.

In contrast, the median elapsed time generally decreased in Saskatchewan (64 days), and remained relatively stable in Alberta (106 days) in 2015/2016.

Over the years, a number of court rulings have emphasized the importance of avoiding court delays, and have reiterated that there must be a balance between meeting the needs of the accused, victim(s), and society as a whole.

One of those rulings was the Supreme Court of Canada *R. v. Jordan* decision, which was released in July 2016. This decision set out new timelines (also referred to as the 'presumptive ceiling') for processing criminal court cases in Canada—18 months for cases tried in provincial court; and 30 months for cases tried in superior court, or in provincial court after a preliminary inquiry.

Of all charges completed in provincial court in 2015/2016, 6% took longer than 18 months when there was no preliminary inquiry and 30 months when there was a preliminary inquiry. Certain offences tended to take longer to resolve. For example, impaired driving offences accounted for 13% of all provincial court charges that exceeded the presumptive ceiling in 2015/2016, followed by failure to comply with a court order (8%).

Charges heard in superior courts tend to be more serious than those heard in provincial courts (for example, major assaults). Superior court charges typically take longer to process than provincial court charges, and their median time to completion has generally risen over time.

According to the six provinces and two territories that reported this data to the ICCS, there were 13,105 charges completed in superior courts in Canada in 2015/2016. These charges took a median of 419 days to reach a final decision.

Of all superior court charges reported, three-quarters (75%) were completed in about 25 months in 2015/2016. The available superior court data from 2015/2016 indicated that 15% of all superior court charges exceeded the 30-month presumptive ceiling, a proportion that has generally been increasing since 2007/2008 when 10% of superior court charges exceeded the ceiling.



See chart "[Charges remaining to be completed in adult criminal superior court, by month, Canada, 2015/2016.](#)"

Weapons offences accounted for 12% of the superior court charges that exceeded the presumptive ceiling, followed by major assault (7%) and sexual assault (7%).

It took longer to complete provincial court charges that were acquitted (296 days) than those in the other decision categories (for example, 95 days for guilty decisions includes guilty pleas). Nevertheless, in 2015/2016, charges that exceeded the presumptive ceiling in both provincial and superior court were generally more likely to result in a guilty decision.

A number of factors were associated with longer court processing times. Regardless of the level of court, more court appearances generally resulted in longer charge completion times, and court appearances tended to be more concentrated at the beginning of the court process.

More time between each court appearance tended to increase charge processing times. Charges also generally took longer if a preliminary inquiry or trial was involved, if there was more than one accused person, and if there were multiple charges being processed together as part of the same court case.

Note to readers

The statistical trends presented in this report reflect the impact of a variety of factors that can influence the amount of time it takes a given charge to reach a final decision in court, as well as the progress made over the years in implementing practices and initiatives which could improve the efficiency of the criminal justice system. It is difficult to identify a specific factor or initiative as the source of the findings presented in this report; rather, the trends reflect the cumulative results of many of these elements combined.

A **completed charge** is defined as a formal accusation against an accused person or company involving a federal statute offence that has been processed by the courts and received a final decision. Charge lengths are calculated based on the number of days it takes to complete a charge, from first appearance to final decision.

For charges completed in provincial court, the **presumptive ceiling** is more than 18 months if there was not a preliminary inquiry, or more than 30 months if there was a preliminary inquiry. The presumptive ceiling is more than 30 months for all charges completed in superior court. It is important to note that the Integrated Criminal Court Survey (ICCS) is unable to determine if the time exceeding the presumptive ceiling is attributable to the Crown or the defence.

The data presented in this article are drawn from the adult portion (people 18 years and older) of the ICCS. In 2015/2016, information was unavailable from superior courts in Prince Edward Island, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec. Superior court data reported to the survey in 2015/2016 represented around 1% of all completed charges.

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

The *Juristat* article "[Adult criminal court processing times, Canada, 2015/2016](#)" ([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).