

Criminal court outcomes of Black accused persons in Canada

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Despite representing 3.7% of the Canadian adult population in 2021, Black people comprised 6.2% of all accused persons in adult criminal courts from 2016/2017 to 2022/2023.

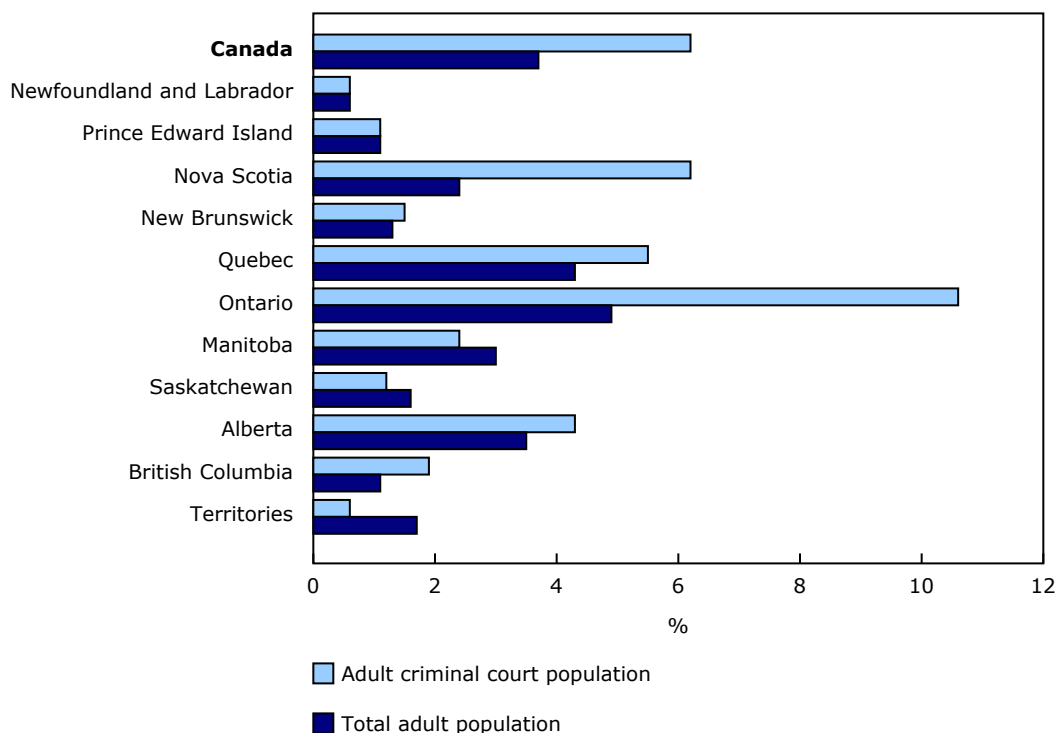
The *Juristat* article "[Criminal court outcomes of Black accused persons in Canada, 2016/2017 to 2022/2023](#)," released today, uses linked data from the Integrated Criminal Court Survey (ICCS) and the Census of Population to examine the court outcomes of Black accused persons in adult criminal courts. These outcomes include the number and types of charges heard by the courts, case decisions, sentence types, and case processing times. Where relevant, findings for Black accused persons are compared with those for non-Black accused persons.

This article was developed by Statistics Canada in support of [Canada's Black Justice Strategy](#).

Black people are overrepresented as accused persons in adult criminal courts

There were 100,450 court cases completed in adult criminal courts in Canada from 2016/2017 to 2022/2023 that involved a Black accused person, representing 6.2% of all accused persons in adult criminal courts. Black accused persons were overrepresented in adult criminal courts in several provinces over this period, most notably in Nova Scotia and in Ontario, where their proportion among accused persons was more than double their representation in the adult population of these provinces.

Chart 1
Percent of accused persons in adult criminal courts and in the total adult population who are Black, by province or region, 2016/2017 to 2022/2023



Note(s): Black accused persons include those who reported being "Black" or "Black" and "White" in the Census of Population. Data exclude information from

superior courts in Ontario, Manitoba and Saskatchewan, as well as municipal courts in Quebec, because of the unavailability of data. Superior court information for Prince Edward Island was also unavailable until 2018/2019. Data for Quebec were not available for 2021/2022 and 2022/2023. Total adult population is based on data from the 2021 Census of Population. There are many factors that may influence variations between jurisdictions, therefore, comparisons should be made with caution.

Source(s): Integrated Criminal Court Survey (3312) and Census of Population (3901) linked file.

Although the number of cases involving Black accused persons has declined overall—from 16,320 completed cases in 2016/2017 to 12,650 in 2022/2023 (-22%)—their representation among accused persons in adult criminal courts has generally increased, reaching 7.1% in 2022/2023, the second-highest level during the reference period.

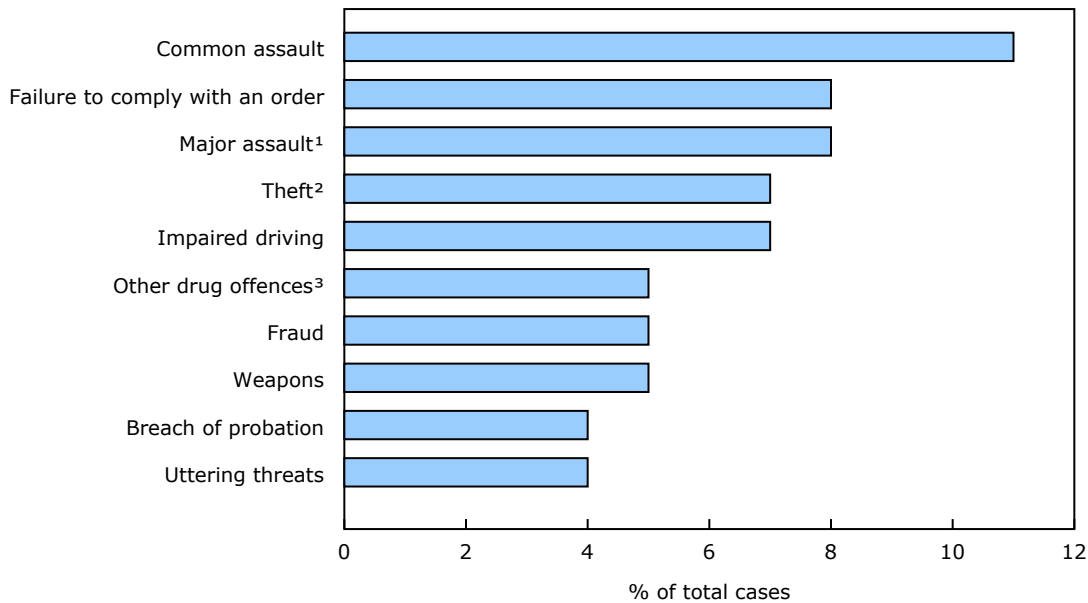
About one-third of completed court cases involving Black accused persons are for violent offences

Almost one-third (32%) of completed cases involving Black accused persons from 2016/2017 to 2022/2023 had a violent crime identified as the most serious offence in the case. This was followed by property crime cases (23%) and administration of justice offence cases (e.g., breach of probation) (17%). By comparison, proportions were lower among non-Black accused persons for violent crime cases (29%) and property crime cases (21%), and slightly higher for administration of justice offence cases (18%).

Overall, Black accused persons were most often in adult criminal courts for common assault cases (11%). Other offences frequently identified as the most serious in the case included failure to comply with an order (8%), major assault (8%), theft (7%) and impaired driving (7%).

Chart 2

The 10 most common offences for cases completed in adult criminal courts involving Black accused persons, Canada, 2016/2017 to 2022/2023



1. Includes, for example, assault with a weapon (level 2) and aggravated assault (level 3).

2. Includes theft over \$5,000 and theft of \$5,000 and less.

3. Includes drug trafficking, production, importing and exporting.

Note(s): A case is one or more charges against an accused person that were processed by the courts at the same time and received a final decision. Cases that involve more than one charge are represented by the most serious offence. Black accused persons include those who reported being "Black" or "Black" and "White" in the Census of Population. Data exclude information from superior courts in Ontario, Manitoba and Saskatchewan, as well as municipal courts in Quebec, because of the unavailability of data. Superior court information for Prince Edward Island was also unavailable until 2018/2019. Data for Quebec were not available for 2021/2022 and 2022/2023.

Source(s): Integrated Criminal Court Survey (3312) and Census of Population (3901) linked file.

Cases involving Black accused persons receive a guilty decision less often than those involving non-Black accused persons

More than two in five cases (42%) involving a Black accused person completed in adult criminal courts from 2016/2017 to 2022/2023 resulted in a guilty decision, which includes findings of guilt by the court and guilty pleas. This was equal to the proportion of cases involving Black accused persons that were withdrawn, dismissed or discharged over this period (42%), which collectively refer to the court stopping criminal proceedings against the accused person. By comparison, a larger proportion of cases involving non-Black accused persons resulted in a guilty decision over the same period (55%), and a smaller proportion were withdrawn, dismissed or discharged (28%).

Nearly half of violent crime cases involving Black accused persons are withdrawn, dismissed or discharged

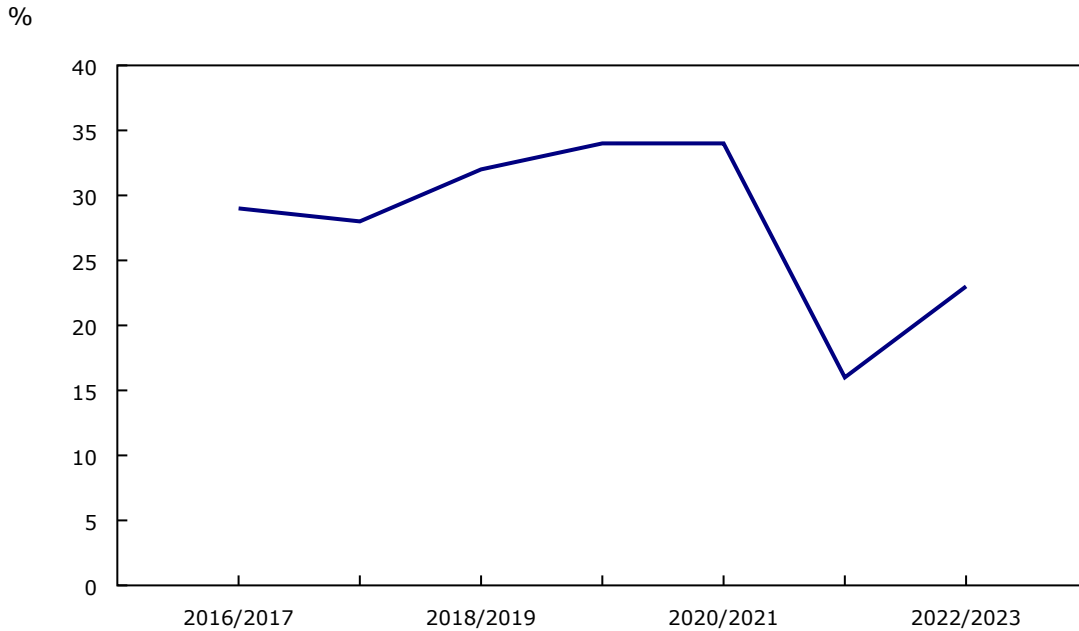
The decisions that Black accused persons received in adult criminal court cases from 2016/2017 to 2022/2023 varied by type of offence. Black accused persons most often received a guilty decision for cases where the most serious offence in the case was a *Criminal Code* traffic offence (e.g., impaired driving) (69%) or an administration of justice offence (49%), and least often for cases involving a violent offence (33%). Nearly half (47%) of violent crime cases involving Black accused persons were withdrawn, dismissed or discharged over this period. By contrast, a higher proportion of non-Black accused persons received a guilty decision for all types of offence categories, and a lower proportion had their case withdrawn, dismissed or discharged.

Proportion of Black accused persons sentenced to custody comparable to non-Black accused persons

From 2016/2017 to 2022/2023, in almost 3 in 10 court cases involving Black accused persons that received a guilty decision (29%), the accused was sentenced to custody, a rate comparable to that of guilty non-Black accused persons (27%). Black accused persons were most often sentenced to custody for other *Criminal Code* offence cases (e.g., weapons offences) (41%) and least often sentenced to custody for *Criminal Code* traffic offence cases (12%).

Chart 3

Percent of guilty cases involving Black accused persons sentenced to custody in adult criminal courts, Canada, 2016/2017 to 2022/2023



Note(s): A case is one or more charges against an accused person that were processed by the courts at the same time and received a final decision. Guilty findings include guilty of the charged offence, of an included offence, of an attempt of the charged offence or of an attempt of an included offence. This category also includes guilty pleas and cases where an absolute or conditional discharge has been imposed. Black accused persons include those who reported being "Black" or "Black" and "White" in the Census of Population. Data exclude information from superior courts in Ontario, Manitoba and Saskatchewan, as well as municipal courts in Quebec because of the unavailability of data. Superior court information for Prince Edward Island was also unavailable until 2018/2019. Data for Quebec were not available for 2021/2022 and 2022/2023.

Source(s): Integrated Criminal Court Survey (3312) and Census of Population (3901) linked file.

The median length of custodial sentences for Black accused persons was 36 days for cases completed in adult criminal courts from 2016/2017 to 2022/2023, which was 6 days longer than that of non-Black accused persons (30 days). The length of custody sentences reported to the ICCS generally reflects the amount of time remaining to be served on a custodial sentence after credit has been awarded for time spent in pre-sentence custody.

Cases involving Black accused persons take nearly two months longer to complete in adult criminal courts than those involving non-Black accused persons

From 2016/2017 to 2022/2023, cases involving Black accused persons took a median of 219 days to reach a final decision in adult criminal courts. Overall, this was nearly two months longer than the time required to complete cases involving non-Black accused persons (165 days). Over time, cases involving Black accused persons have consistently taken longer to complete than those involving non-Black accused persons. This pattern was observed regardless of the type of final decision reached in the case.

In July 2016, the Supreme Court of Canada's *R. v. Jordan* decision set time limits for the completion of criminal charges: 18 months after the date on which a charge is laid for charges heard in provincial court and 30 months for charges heard in superior court or in provincial court following a preliminary inquiry. Charges exceeding these limits are considered unreasonable and can be stayed under s.11(b) of the *Charter of Rights and Freedoms*.

Of adult criminal court cases involving Black accused persons completed from 2016/2017 to 2022/2023, 10% exceeded the *Jordan* time limit. This was higher than the proportion of cases involving non-Black accused persons that exceeded the time limit over the same period (7%). It is important to note that the ICCS is unable to determine whether the time exceeding the presumptive ceiling is attributable to the Crown, the defence or institutional delays.

Just over one-third of Black accused persons have a criminal conviction in the previous five years, a slightly smaller proportion than that among non-Black accused persons

Just over one-third (36%) of Black accused persons with a case completed in adult criminal courts from 2016/2017 to 2022/2023 had a criminal conviction (i.e., had previously been found guilty of a criminal charge) in the preceding five years, compared with 39% of non-Black accused persons.

The proportion of Black accused persons with a five-year criminal conviction history has mostly been on a downward trend. In 2016/2017, 40% of Black accused persons had been convicted of a criminal offence in the preceding five years, dropping to 28% in 2022/2023.

From 2016/2017 to 2022/2023, equal proportions of Black accused persons (18%) and non-Black accused persons (18%) had been convicted of a violent criminal offence in the preceding five years.

Note to readers

Data in this article come from the Integrated Criminal Court Survey (ICCS), which collects statistical information on adult criminal and youth court cases involving Criminal Code and other federal statute offences in Canada. Data on adult criminal courts from the ICCS were linked to the 2016 and 2021 Census of Population long-form questionnaires to obtain information on the race or ethnic or cultural origins of accused persons, which is not collected by the ICCS. ICCS data are reported by fiscal year (April 1 to March 31).

Black accused persons include those who reported being "Black" or "Black" and "White" in the Census of Population. Non-Black accused persons include those who reported being non-racialized (i.e., "White") or in a racialized group other than "Black" in the Census of Population. This category also includes those who reported being Indigenous (First Nations, Métis or Inuit).

Not all individuals with a completed court case in the ICCS were linked to the Census of Population long-form questionnaire, as the latter covers 25% of the population. To account for the individuals who were not linked to the census, weights were produced to ensure that the linked population reflects all individuals with a completed court case in the ICCS from 2016/2017 to 2022/2023.

The unit of analysis is an accused person. An accused person can appear multiple times during the reference period (2016/2017 to 2022/2023). If an accused person was involved in multiple court cases in a given year, one case was randomly selected to represent the accused for that year.

A case is defined as one or more charges against an accused person that were processed by the courts at the same time and received a final decision. A case combines all charges against the same person having one or more key overlapping dates (date of offence, date of initiation, date of first appearance, date of decision or date of sentencing) into a single case.

A case that has more than one charge is represented by the charge with the "most serious offence." The most serious offence is selected using the following rules. First, court decisions are considered and the charge with the "most serious decision" is selected. Court decisions for each charge in a case are ranked from most to least serious as follows: (1) guilty; (2) guilty of a lesser offence; (3) acquitted; (4) stay of proceeding; (5) withdrawn, dismissed and discharged; (6) not criminally responsible; (7) other; and (8) transfer of court jurisdiction. Second, in cases where two or more charges result in the same most serious decision (e.g., guilty), Criminal Code sentences are considered.

Guilty findings include guilty of the charged offence, of an included offence, of an attempt of the charged offence or of an attempt of an included offence. This category also includes guilty pleas and cases where an absolute or conditional discharge has been imposed.

Data exclude information from superior courts in Ontario, Manitoba and Saskatchewan, as well as municipal courts in Quebec, because of the unavailability of data. Superior court information for Prince Edward Island was also unavailable until 2018/2019. Data for Quebec were not available for 2021/2022 and 2022/2023.

Table 1
Number of Black and non-Black accused persons in adult criminal courts, Canada, 2016/2017 to 2022/2023

	Black accused persons ¹		Non-Black accused persons ²		Total accused persons
	number	%	number	%	
2016/2017	16,320	5.7	268,030	94.3	284,350
2017/2018	16,450	5.9	262,880	94.1	279,330
2018/2019	15,360	6.1	238,350	93.9	253,720
2019/2020	15,350	6.1	235,530	93.9	250,890
2020/2021	11,360	5.9	182,650	94.1	194,010
2021/2022	12,950	7.2	167,890	92.8	180,830
2022/2023	12,650	7.1	164,320	92.9	176,970
Total	100,450	6.2	1,519,650	93.8	1,620,100

1. Black accused persons include those who reported being "Black" or "Black" and "White" in the Census of Population.

2. Non-Black accused persons include those who reported being non-racialized (i.e., "White") or in a racialized group other than "Black" in the Census of Population.

This category also includes those who reported being Indigenous (First Nations, Métis or Inuit).

Note(s): Data exclude information from superior courts in Ontario, Manitoba and Saskatchewan, as well as municipal courts in Quebec, because of the unavailability of data. Superior court information for Prince Edward Island was also unavailable until 2018/2019. Data for Quebec were not available for 2021/2022 and 2022/2023. All estimates have been rounded to the nearest 10. Estimates have been rounded independently; therefore, the sum of the rounded categories may not equal the rounded total. Percent calculations are based on rounded estimates.

Source(s): Integrated Criminal Court Survey (3312) and Census of Population (3901) linked file.

Definitions, data sources and methods: survey numbers 3312 and 3901.

The article "[Criminal court outcomes of Black accused persons in Canada, 2016/2017 to 2022/2023](#)" is now available as part of the publication *Juristat* (85-002-X).

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; infostats@statcan.gc.ca) or Media Relations (statcan.mediahotline-ligneinfomedias.statcan@statcan.gc.ca).