

# **From arrest to conviction: Court outcomes of police-reported sexual assaults in Canada, 2009 to 2014**

by Cristine Rotenberg  
Canadian Centre for Justice Statistics

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# From arrest to conviction: Court outcomes of police-reported sexual assaults in Canada, 2009 to 2014: Highlights

## Criminal justice outcomes of sexual assault

- Over a six-year period between 2009 and 2014, sexual assault cases experienced attrition at all levels of the criminal justice system: an accused was identified in three in five (59%) sexual assault incidents reported by police; less than half (43%) of sexual assault incidents resulted in a charge being laid; of these, half (49%) proceeded to court; of which just over half (55%) led to a conviction; of which just over half (56%) were sentenced to custody.<sup>1</sup>
- Overall, one in five (21%) sexual assaults reported by police led to a completed court case within the six-year reference period. This is compared with nearly double the proportion (39%) of physical assaults.
- About 1 in 10 (12%) sexual assaults reported by police led to a criminal conviction, and 7% resulted in a custody sentence. This is compared with 23% and 8%, respectively, for physical assaults.
- Three in five (60%) sexual assault charges recommended by police were changed to another offence type once in court; most were changed to other types of sexual offences, physical assault, or administration of justice-related offences.
- When compared with physical assaults, sexual assaults were far more prone to dropping out of the justice system between police and court: while three-quarters (75%) of physical assaults proceeded to court after being charged by police, only half (49%) of sexual assaults did.
- Of incidents retained in the justice system, sexual assaults were marginally less likely than physical assaults to result in conviction (55% versus 59%), but if convicted, were far more likely to result in a custody sentence (56% versus 36%). It may be suggested that the small proportion of sexual assaults that proceed to court are among the most serious in nature or have the greatest likelihood of conviction based on available evidence, which may explain why conviction rates are similar and sentencing outcomes are harsher when compared with physical assaults.

## Sexual assault justice outcomes by incident, accused, and victim characteristics

- The more time that passed between the sexual assault and when it was reported to police, the less likely the charge was to proceed to court or result in a conviction. While over half (53%) of sexual assaults reported to police on the same day they took place proceeded from police charge to court, only one in five (19%) that were reported over one year after the crime took place went to court. Of cases that went to court, conviction rates were higher for sexual assaults that were reported to police on the day of the crime (56%) than for those reported over one year after they took place (43%). Similar gaps were observed among physical assaults, which suggests that delay in reporting may impact justice outcomes irrespective of the offence type.
- Sexual assaults involving weapons were more likely than sexual assaults without a weapon to: result in charges laid (53% versus 45%), proceed to court (60% versus 49%), lead to conviction (55% versus 51%), or receive a custody sentence (60% versus 55%).
- Victims sexually assaulted by someone they knew were far less likely than those victimized by a stranger to see their assailant go to court after a charge was laid (47% versus 64%). In cases where the accused was a member of the victim's family, attrition was notably higher with only one in three (36%) charged incidents proceeding to court. However, for the minority that went to court, conviction and sentencing outcomes were among the harshest if the victim was related to their assailant.
- Cases involving parents accused of sexual assaulting their child were among those most prone to dropping out of the justice system. Overall, about 1 in 10 (13%) sexual assaults of this nature that were reported by police led to conviction, compared with nearly three times this proportion (30%) for child sexual assaults perpetrated by someone who met the age-based criteria for pedophilia and who was a stranger to the victim. This gap remained even after controlling for delay in reporting, which was more common among cases of sexual assault against children victimized by a family member.

## From arrest to conviction: Court outcomes of police-reported sexual assaults in Canada, 2009 to 2014

by Cristine Rotenberg

Sexual assault is a gendered violent crime prone to high levels of underreporting and low case retention in the Canadian criminal justice system.<sup>2</sup> The majority of victims of sexual assault are female, particularly young women and girls (Rotenberg 2017). As previous research has found, only a minority (5% (use with caution)) of sexual assaults in Canada are reported to the police (Conroy and Cotter 2017), a low reporting rate similar to those in other western countries (Kaufman 2008; Welch and Mason 2007). Nearly half of sexual assault victims who did not report the crime to police cited reasons related to the hassle, burden or belief that they would not see a positive outcome in the justice system<sup>3</sup> (Conroy and Cotter 2017).

But of the sexual assaults that are reported to police, how many go to court and how many result in conviction? According to an analysis of crimes reported by police, between 2009 and 2014 there were 117,238 sexual assaults where the sexual assault was the most serious violation in the incident (see the “Definitions and key concepts” section). A charge was laid by police in less than half (41%) of these incidents (Rotenberg 2017). Over the same time period, the Canadian criminal court system saw 26,078 sexual assault court cases completed in adult or youth court, and just under half (45%) of these cases resulted in a guilty finding.<sup>4</sup> However, these court figures do not necessarily represent the same individuals charged by police over the same time frame, as police and court data are independent from each other and cases can take time to move through the court system.

While conviction rates (percentage of cases found guilty in court) and severity of sentencing outcomes are often used as measures of criminal justice, neither take into account the potentially large volume of cases that never made it to court. The ‘fall-out’ of cases before court can provide vital context for how sexual assaults are handled in the criminal justice system. In order to address this knowledge gap, for the first time, this *Juristat* article uses linked data to determine what proportion of sexual assaults drop out between police and court.

Specifically, three independent, though related, measures of justice are explored: Part 1 explores the attrition of sexual assault cases, that is, the ‘drop-off’ of cases out of the justice system between police and court; Part 2 presents conviction rates once in court; and Part 3 looks at the severity of sentencing outcomes for convicted cases, namely the percent sentenced to custody. Finally, Part 4 of this article explores to what extent selected incident, victim, and accused characteristics may be a factor in justice outcomes for sexual assault. Refer to Table 1, Table 2 and Table 3 for a detailed compilation of all three measures by selected characteristics.

This *Juristat* article examines justice outcomes of sexual assaults alongside physical assaults,<sup>5</sup> where applicable, in order to provide an analytical point of reference. Both sexual and physical assault are violent offences, and both have three levels of severity as per the *Criminal Code* of Canada, with similar sentencing penalties (see Text box 1). While the nature of sexual and physical assaults is unquestionably different in terms of the motive of the accused and experience of the victim, physical assault is the best suited comparable offence type within the context of this analysis. Existing justice research has used physical assault as a yardstick from which to compare findings for sexual assault with respect to non-reporting, attrition and court outcomes (see Felson and Paré 2005; Thompson et al. 2007).

A preceding *Juristat* article (Rotenberg 2017) presented the scope of police-reported sexual assaults in Canada in addition to a comprehensive profile of incident, victim, and accused characteristics. The present study should be considered in tandem with the findings of the previous article when considering a baseline profile for police-reported sexual assaults in Canada.

Part 1: Attrition of sexual assault cases across the criminal justice system

Part 2: Conviction outcomes of sexual assaults that proceed to court

Part 3: Sentencing outcomes of convicted sexual assaults

Part 4: Sexual assault justice outcomes by incident, accused, and victim characteristics

**Text box 1****Definitions of sexual assault by level**

**Sexual assault (level 1)** (s. 271 of the *Criminal Code* of Canada) is a hybrid offence that criminalizes assault of a sexual nature involving a violation of the sexual integrity of the victim.<sup>6</sup> The maximum penalties are 10 years imprisonment if prosecuted by indictment and 18 months if prosecuted by summary conviction. If the victim is under 16 years of age, mandatory minimum penalties of one year apply if prosecuted by indictment and 90 days if prosecuted by summary conviction. Level 1 sexual assaults accounted for the vast majority (98%) of all police-reported sexual assaults in Canada between 2009 and 2014 (Rotenberg 2017).

**Sexual assault with a weapon or causing bodily harm (level 2)** (s. 272) is an indictable offence that criminalizes sexual assault involving a weapon, bodily harm or threats to cause bodily harm to a third party. The maximum penalty is 14 years imprisonment and mandatory minimum penalties apply, including a five-year mandatory minimum penalty where the victim is under 16 years of age. Level 2 sexual assaults accounted for approximately 2% of police-reported sexual assaults in Canada between 2009 and 2014 (Rotenberg 2017).

**Aggravated sexual assault (level 3)** (s. 273) is an indictable offence that criminalizes sexual assault involving wounding, maiming, disfiguring or endangering the life of the victim. The maximum penalty is life imprisonment. Mandatory minimum penalties apply, including a five-year mandatory minimum penalty where the victim is under 16 years of age. Level 3 sexual assaults accounted for less than 1% of police-reported sexual assaults in Canada between 2009 and 2014 (Rotenberg 2017).

**Part 1: Attrition of sexual assault cases across the criminal justice system**

For most crimes in Canada, the number of alleged perpetrators typically far outweighs the number of people who are convicted and sentenced for their crimes. This phenomenon is referred to as ‘attrition’, where people who commit crime drop out of the criminal justice system at various stages, and for various reasons (Fitzgerald 2006; Johnson 2012; Lievore 2003). Attrition occurs in large part at the outset with unreported crime—that is, when a crime takes place but is not reported to police—thus never entering the criminal justice system. Attrition due to non-reporting is higher for sexual assaults than any other violent offence, with only an estimated 5% (use with caution) reported to police (Conroy and Cotter 2017). Reasons for not reporting a sexual assault to police can range from the victim’s perception that the crime was not worth taking the time to report to feeling discouraged by the criminal justice system process (see Conroy and Cotter 2017).

Once brought to the attention of the police, incidents may be classified as ‘founded’ when through investigation, it is determined that a violation of the law took place. These incidents make up what is referred to within this analysis as ‘police-reported crime’ and exclude incidents deemed by police as ‘unfounded’ (see Text box 2).

Attrition also occurs at the charging stage, where once a crime is deemed founded by police, it then either leads to an accused being charged, cleared otherwise, or the incident is not cleared (because no accused was identified in connection with the incident). After a charge is laid, the case may proceed to court for a ruling on the guilt of the accused. Cases that drop out between police charge and court are the focus of attrition in this study, as this was previously a gap in justice data. Crimes that had a charge laid but did not go to court are considered in this report to have dropped out of the criminal justice system, though not all of these cases are necessarily an indication of a negative justice outcome (see Text box 3).

In this report, ‘going to court’ is used as a simplified term for a criminal incident reported by police between 2009 and 2014 where a charge was laid and resulted in a case completed in court (i.e., a verdict was rendered) between 2009/2010 and 2014/2015. Due to the unavailability of data, cases that went to superior courts in certain provinces are not counted as having gone to court. This is estimated to account for at most 2% of sexual assaults and less than 1% of physical assaults. In addition, police-reported sexual assaults in the latter years of study (e.g., 2013 and 2014) must have led to a court case that was completed by the end of 2014/2015 in order to be counted as having gone to court. Cases that were still in progress as of the end of 2014/2015 would not be counted as having gone to court since they had not yet been completed. As such, the threshold for ‘going to court’ is quite high and requires that an accused person completed the court process and that a final decision was rendered within the constraints of the reference period. This would exclude accused persons who went to court for a brief time without completing a formal case, such as for a preliminary inquiry that resulted in an interim decision. For more detailed information about what is counted in the linkage and its limitations, see the “Methodology: Record linkage” section at the end of this report.

**Text box 2****Unfounded sexual assaults**

Police-reported sexual assault data used in this article represent criminal incidents reported by police to the Uniform Crime Reporting (UCR) Survey where it was determined through investigation that a violation of the law took place. This excludes incidents reported to police that were deemed 'unfounded.' An incident is classified as unfounded if police investigation determined that the reported offence did not occur, nor was it attempted. At the time of writing this report (2017), since 2006, information on unfounded incidents has not been collected by Statistics Canada through the UCR, and unfounded incidents of sexual assault are not reflected in this article. Statistics Canada collected data on unfounded incidents beginning in 1962 with the introduction of the UCR. Over time, inconsistent reporting led to poor data quality. A review conducted in 2006 found that reporting of unfounded incidents was incomplete and Statistics Canada stopped publishing this information (Statistics Canada 2017).

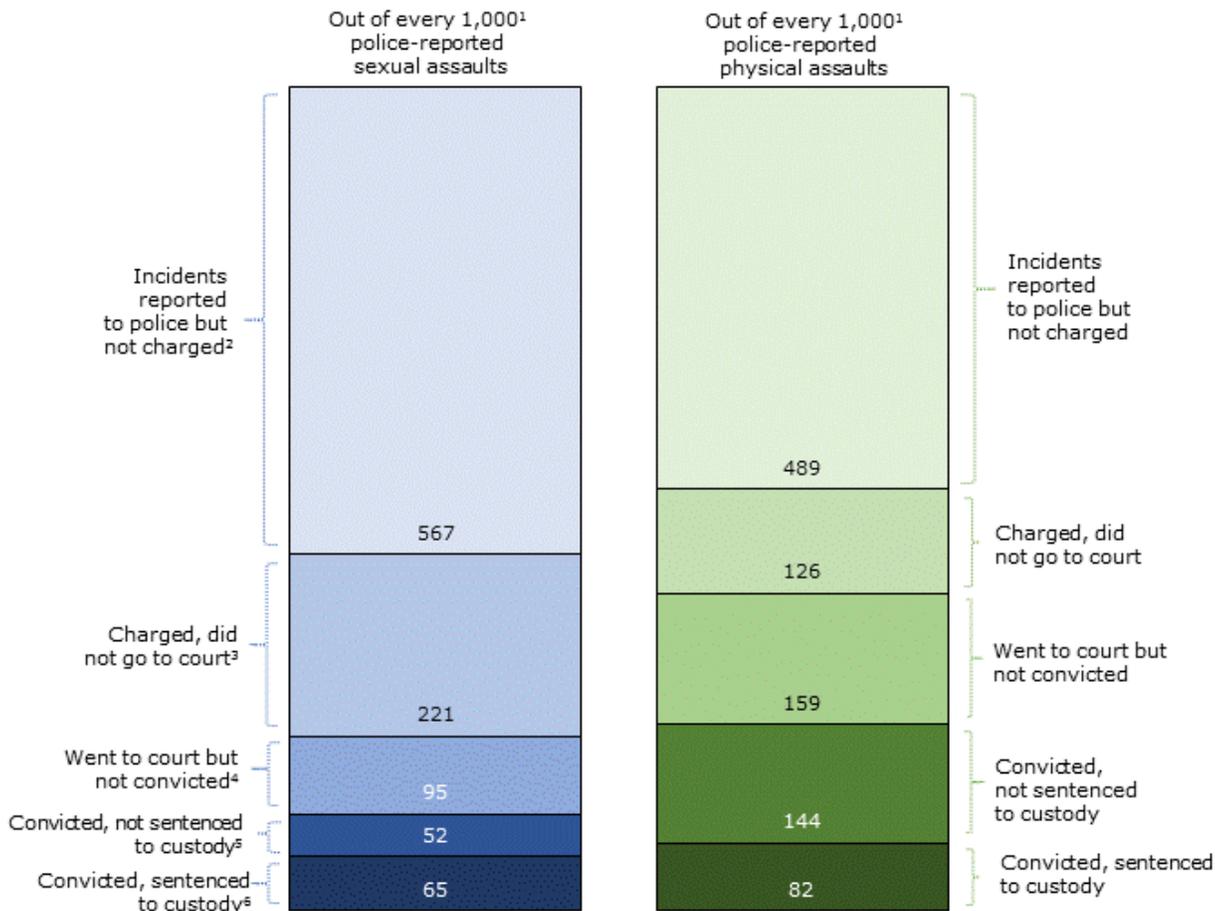
In April 2017, the Police Information and Statistics Committee (POLIS) of the Canadian Association of Chiefs of Police recommended resuming the collection, analysis and dissemination of unfounded incidents, including sexual assault, by Statistics Canada (Canadian Association of Chiefs of Police 2017; Department of Justice Canada 2017). POLIS further recommended the adoption of a common approach to be taken by police services for the classification and reporting of unfounded incidents. As a result, Statistics Canada will provide standards and guidelines to police services to ensure standardized reporting of unfounded incidents to the UCR. The implementation of these changes will be phased in over time.

In July 2018, Statistics Canada will publish the first set of results on unfounded incidents for 2017, including sexual assault.

**Four in five sexual assaults reported by police did not end up in court**

The attrition rate,<sup>7</sup> defined broadly as the proportion of criminal incidents that drop out of the criminal justice system, remains higher for sexual assault than for physical assault at all levels of the justice system with the exception of custody sentencing. Most (79%) sexual assaults reported by police (whether or not an accused was identified and whether they were charged or not) did not proceed to court within the six-year reference period.<sup>8</sup> This means that for every five sexual assaults reported by police, one went to court while four did not. By comparison, two in every five physical assaults went to court (attrition rate of 61%). The full picture of attrition for sexual and physical assaults is presented in Figure 1 as a rate per 1,000 incidents to more clearly depict the differences in their respective attrition patterns.<sup>9</sup> Conviction and sentencing outcomes are discussed in greater detail in Part 2 and Part 3 of this article.

**Figure 1**  
**Attrition of criminal incidents from police to court, sexual assault**  
**versus physical assault, adjusted out of 1,000, Canada, 2009 to 2014**



1. Figures were adjusted proportionally out of 1,000 from 93,501 in-scope incidents for sexual assault (level 1, 2 and 3) and 885,847 in-scope incidents for physical assault (level 1, 2 and 3). Court figures were further adjusted to match the number of police-reported incidents that linked to court in order to maintain a constant denominator and allow for a global measure of attrition. Sentencing figures were adjusted for adult court (increased proportionally to match the total number of court cases after youth sentencing outcomes were excluded due to the fundamental differences between adult and youth sentencing principles).

2. Includes sexual assault or physical assault incidents reported by police between 2009 and 2014 where sexual/physical assault was the most serious violation in the incident that were not charged or recommended for charge by police. One incident may include multiple offences. Includes incidents where no accused was identified in connection with the incident (73% of sexual assaults and 52% of physical assaults that were not charged).

3. Includes incidents with a charge laid or charge recommended by police that did not link to a court case completed in adult or youth court between 2009/2010 and 2014/2015. One court case can include multiple charges.

4. Includes linked cases completed in adult or youth court (that retained at least one sexual/physical assault charge in the case) that did not have a guilty decision for the most serious offence in the case. This includes the following decisions: stayed, withdrawn, dismissed, discharged, acquitted, or another decision type.

5. Includes linked guilty court cases (adults only) that were not sentenced to custody as the most serious sentence. This can include being sentenced to: a conditional sentence, probation, a fine, or other type of sentence (such as restitution, absolute or conditional discharge, a suspended sentence, a community service or prohibition order, among others). Excludes youth sentences due to the fundamental differences between adult and youth sentencing principles. Excludes cases found guilty where no sentencing detail was available (7% for sexual assault and 4% for physical assault).

6. Includes linked guilty court cases (adults only) that were sentenced to custody as the most serious sentence.

**Note:** Data exclude incidents reported by police in Quebec and Prince Edward Island due to missing personal identifiers required to link to court data. Excludes police-reported incidents involving multiple accused due to analytical challenges introduced when associating accused characteristics to more than one person. Incidents considered in-scope for this study represented 80% of all sexual assaults and 76% of all physical assaults reported by police in Canada between 2009 and 2014. Record linkage is subject to false negative linkage issues where police-reported incidents may not have linked to court cases due to data quality issues in administrative data (e.g., incorrect birthdates or different personal identifiers for the same accused). Court data exclude cases that were completed in superior court in Ontario, Manitoba and Saskatchewan due to the unavailability of data. It is estimated that the addition of this data would increase the linkage rate slightly (at most 2%). The linkage rate is lowest for incidents reported by police in 2014 due to the short time period in which they were able to reach a final decision in court (by 2014/2015), though this bias appears to affect sexual and physical assaults equally. For these reasons, the linkage rate from police to court may be an underestimation. Numbers may not add up to totals due to rounding.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Integrated Criminal Court Survey linked file.

It is worth noting that at the police-investigation level, sexual assaults were less likely than physical assaults to have an accused identified in connection with the incident (59% versus 75%).<sup>10</sup> However, of incidents where an accused was identified and thus a charge could be laid, a greater proportion of sexual assaults resulted in a charge being laid than physical assaults (74% versus 68%).

Moving forward through the justice system, a notable gap between sexual and physical assaults is the proportion of incidents that had a charge laid but did not proceed to court (Chart 1). Half (51%) of charged sexual assaults did not proceed to a court case that was completed during the six-year reference period, compared with only one in four (25%) physical assaults that had dropped out. This suggests that relative to physical assaults, sexual assaults are at greatest risk of dropping out of the justice system between police charge and court. That being said, there are a number of reasons why criminal incidents may not proceed to court after being charged by police. These are explored in Text box 3.

### **Text box 3**

#### **Reasons why criminal incidents may not proceed to court**

As noted above, many criminal incidents do not proceed to court because no accused was identified in connection with the crime. Further, when an accused is identified, charges are not always laid. This may be because there was insufficient evidence to lay a charge, or in incidents where the accused was a youth, they may have been dealt with by other measures (see Text box 5).

When a charge is laid by police, there are many additional reasons why a criminal offence does not make it to court, and not all of them signify a negative outcome or a failure of the justice system. Sometimes crimes do not go to court because the victim sought an alternative to the court process, such as restorative justice options for reconciliation, or other alternative measures that may have been deemed best suited by those involved given the circumstances (Cormier 2002; Daly 2006). Pre-charge diversion programs may also be used to curb the number and types of cases proceeding to court, particularly for young offenders (see Text box 5). Victims may decline to proceed with charges against the accused at the police investigation stage, or if in court, victims may ask the Crown to withdraw the charges or decide they no longer wish to participate in the trial which may ultimately result in a dropped charge if the victim's testimony was the main source of evidence (Spohn et al. 2001).

A criminally charged offence may also not make it to court because the Crown may decide that there is insufficient evidence to determine whether an accused is guilty. For example, in provinces where the Crown is responsible for laying criminal charges, police may recommend a charge but the Crown may deny it due to the absence of evidence required to satisfy the threshold for criminal convictions in Canadian courts—that is, that the evidence must be sufficient to find the accused guilty beyond a reasonable doubt. If the Crown does not see this as a possibility, they may opt to decline the charge (Lonsway and Archambault 2012). The same attempt to filter out cases with low chances of conviction may occur at the police level for provinces where police are responsible for laying criminal charges.<sup>11</sup> This is not unique to Canada; internationally, prosecutors tend to limit the filing of sexual assault charges to cases with a perceived greater chance of conviction (Hohl and Stanko 2015; Lievore 2003; O'Neal et al. 2015).

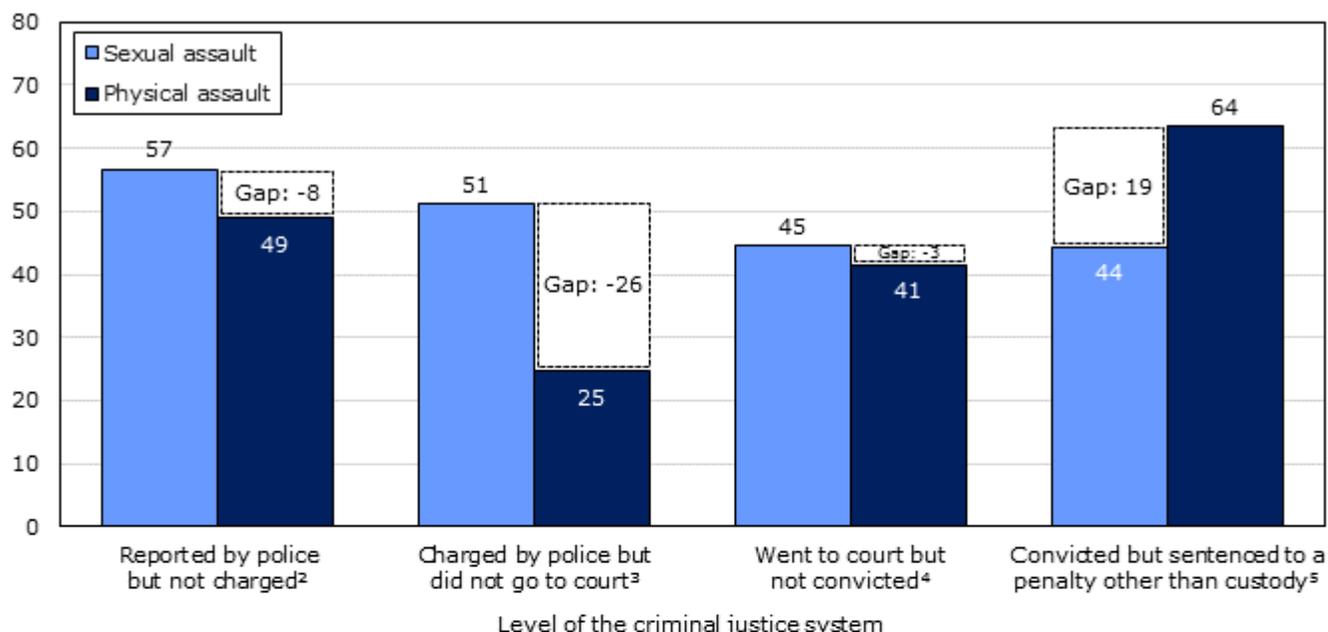
Pre- and post-charge screening may also be used to filter incidents recommended for charge by police before proceeding to court. Pre-charge screening typically involves the Crown reviewing the charge recommended by police to determine its suitability to move forward (Public Prosecution Service of Canada 2014). This may include changing the offence type to be charged, often to a less serious offence, in order to gain a greater chance of securing a conviction. Pre-charge screening takes place at the discretion of the Crown in British Columbia, Quebec and New-Brunswick. In provinces without pre-charge screening, police do not need Crown approval to charge an individual with a crime. In addition, post-charge review is an ongoing process in which new information or evidence may come to light after a charge is laid that may enhance, or reduce, the Crown's prospect of a conviction. This can result in a decision not to continue with a given charge.

Finally, some charges may appear to have not proceeded to court as a result of incomplete court data, standard methodological issues introduced during record linkage, or the limitations of the imposed reference period that would not count court cases completed after 2014/2015. Refer to the "Methodology: Record linkage" section at the end of this report for more on record linkage and its limitations.

**Chart 1**

**Attrition gaps between sexual assault and physical assault incidents, by level of the criminal justice system, Canada, 2009 to 2014**

attrition rate<sup>1</sup>



1. The attrition rate is a measure of 'fall-out' of incidents from the criminal justice system, and is presented in this chart by respective level of the justice system.

2. Represents police-reported incidents between 2009 and 2014 where sexual/physical assault was the most serious offence in the incident and did not have a charge laid.

3. Represents incidents with a charge laid or charge recommended by police between 2009 and 2014 that did not link to a court case completed in adult or youth court between 2009/2010 and 2014/2015.

4. Represents linked incidents completed in court that did not result in a conviction as the most serious decision in the case for cases that included at least one charge of sexual/physical assault in the case. Court figures were adjusted for most serious decision in the court case (increased proportionally to match the number of police-reported incidents that linked to court).

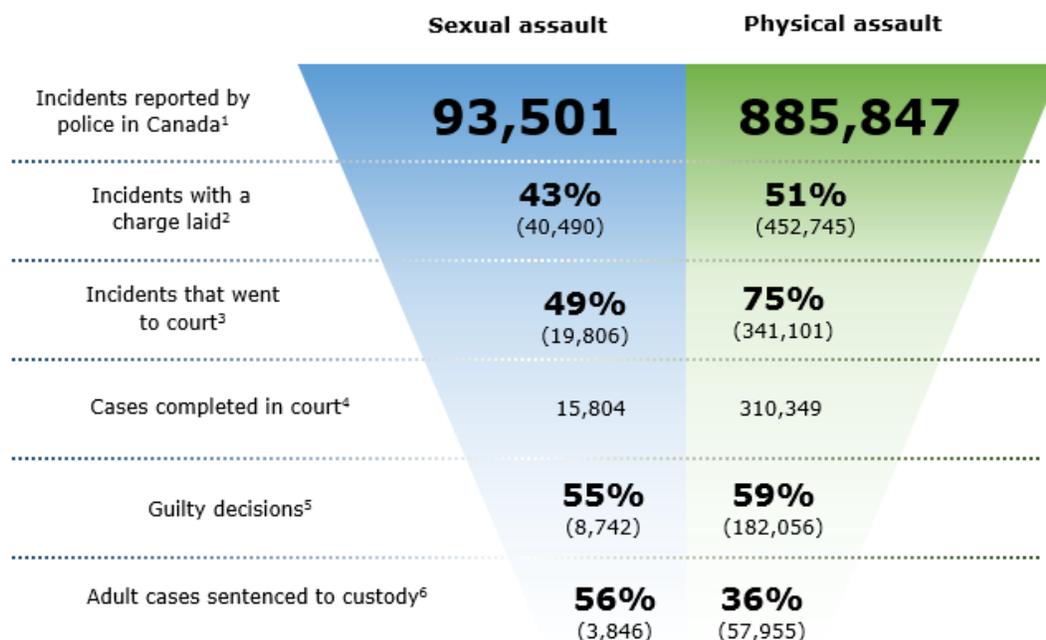
5. Represents adjusted linked guilty court cases (adults only) with at least one charge of sexual/physical assault in the case that were convicted as the most serious decision in the case and were sentenced to a penalty other than custody, including probation, conditional sentence, fine, unavailable or other sentence types. Excludes cases found guilty where no sentencing detail was available (7% for sexual assault and 4% for physical assault). Note that adult sentencing outcomes were increased proportionally to match the total number of adjusted court cases after excluding sentences due to the fundamental differences between adult and youth sentencing principles.

**Note:** Gap figures represent the difference in percentage points between sexual assault and physical assault attrition rates. Numbers may not add up to totals due to rounding. Data exclude incidents reported by police in Quebec and Prince Edward Island due to missing personal identifiers required to link to court data. Excludes police-reported incidents involving multiple accused due to analytical challenges introduced when associating accused characteristics to more than one person. Incidents considered in-scope for this study represented 80% of all sexual assaults and 76% of all physical assaults reported by police in Canada between 2009 and 2014. Record linkage is subject to false negative linkage issues where police-reported incidents may not have linked to court cases due to data quality issues in administrative data (e.g., incorrect birthdates or different personal identifiers for the same accused). Court data exclude cases that were completed in superior court in Ontario, Manitoba and Saskatchewan due to the unavailability of data. It is estimated that the addition of this data would increase the linkage rate slightly (at most 2%). The linkage rate is lowest for incidents reported by police in 2014 due to the short time period in which they were able to reach a final decision in court (by 2014/2015), though this bias appears to affect sexual and physical assaults equally. For these reasons, the attrition rate may be an overestimation.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Integrated Criminal Court Survey linked file.

Another way to examine justice system outcomes of sexual assault is by looking at cases that are retained in the system. Retention is essentially the inverse of attrition, and represents cases that were carried forward in the criminal justice system process. Figure 2 presents cascading retention figures for police-reported sexual and physical assault incidents at each respective stage of the criminal justice system.

**Figure 2**  
**Retention of criminal incidents in the criminal justice system, sexual assault versus physical assault, Canada, 2009 to 2014**



1. Represents sexual assault or physical assault incidents (level 1, 2 and 3) reported by police between 2009 and 2014 where sexual/physical assault was the most serious violation in the incident and where the incident was in-scope for linkage to court (see note). One incident may include multiple offences. Out of the 93,501 sexual assault incidents, an accused was identified in 55,077 (59%) incidents, and charged in three-quarters (74%) of these. The corresponding figures for physical assault were 663,552 (75%) incidents with an identified accused, with a charge laid in 68% of these incidents.

2. Represents in-scope police-reported incidents where a charge was laid or charge recommended by police, out of all police-reported incidents whether or not an accused was identified, and where sexual/physical assault was the most serious violation in the incident.

3. Represents incidents with a charge laid or charge recommended by police that linked to a court case completed in adult or youth court between 2009/2010 and 2014/2015.

4. Represents linked cases completed in adult or youth court that had at least one sexual/physical assault charge in the case. One court case can include multiple charges. The number of cases completed in court is lower than the number of incidents that linked to court in part because multiple incidents may be grouped into one court case. This is often the case for accused facing more than one criminal charge. In addition to this, cases were limited to those that had a sexual/physical charge in the case in order to ensure court outcomes are most appropriate and relevant to the target offence being analyzed. This represents 84% of cases resulting from police-reported sexual assaults that went to court and 96% of physical assaults.

5. Represents linked cases completed in adult or youth court (that had at least one sexual/physical assault charge in case) that received a guilty decision for the most serious offence in the case.

6. Represents linked guilty court cases (adults only) sentenced to custody as the most serious sentence. Excludes youth sentences due to the fundamental differences between adult and youth sentencing principles. Also excludes guilty cases where no sentencing detail was available (7% for sexual assault and 4% for physical assault).

**Note:** Data exclude incidents reported by police in Quebec and Prince Edward Island due to missing personal identifiers required to link to court data. Excludes police-reported incidents involving multiple accused due to analytical challenges introduced when associating accused characteristics to more than one person. Incidents considered in-scope for this study represented 80% of all sexual assaults (93,501/117,238) and 76% of all physical assaults (885,847/1,167,777) reported by police in Canada between 2009 and 2014 where the assault was the most serious violation in the incident. Record linkage is subject to false negative linkage issues where police-reported incidents may not have linked to court cases due to data quality issues in administrative data (e.g., incorrect birthdates or different personal identifiers for the same accused). Court data exclude cases that were completed in superior court in Ontario, Manitoba and Saskatchewan due to the unavailability of data. It is estimated that the addition of this data would increase the linkage rate slightly (at most 2%). The linkage rate is lowest for incidents reported by police in 2014 due to the short time period in which they were able to reach a final decision in court (by 2014/2015), though this bias appears to affect sexual and physical assaults equally. For these reasons, the linkage rate from police to court may be an underestimation.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Integrated Criminal Court Survey linked file.

Between 2009 and 2014, police reported 117,238 sexual assaults in Canada where sexual assault was the most serious violation in the incident. After removing incidents that could not be linked to court for methodological reasons (see the “Methodology: Record linkage” section), there were 93,501 in-scope sexual assaults. An accused was identified in just over 55,000 (59%) of these incidents, and every three in four (74%) of these resulted in a charge being laid. In other words, an accused was not charged in one in four (26%) incidents in which they were identified by police. Overall, this means that less than half (43%)<sup>12</sup> of sexual assault incidents resulted in a criminal charge being laid. Of these charged incidents, half (49%) proceeded to court. Of the approximately 15,000 resulting court cases that retained a sexual assault charge,<sup>13</sup> just over half (55%) resulted in conviction, and just over half (56%) of these led to a custodial sentence. However, it must be noted that going to court after being charged with sexual assault by police does not necessarily mean that the charges heard in court were specifically for sexual assault. Changes in criminal offence charges between police and court are discussed in the next section.

### Three in five sexual assault charges recommended by police were changed to another offence type once in court

Upon processing a case in court, a change in the offence type from what was initially charged by police is common. This change may occur as a result of plea bargaining or going to court in a jurisdiction without pre-charge screening, or for other administrative, judicial, or procedural reasons (see Text box 3). In this study, sexual and physical assaults are included in attrition and conviction analyses irrespective of whether the charge initially laid by police changed to a different offence type once in court. However, in the aim of providing important context, a brief overview of change in charges is provided below.

Of the sexual assault incidents charged by police that went to court,<sup>14</sup> two in every five (40%) court charges remained sexual assault. The other three in five (60%) sexual assaults charged by police were changed to a different offence type by the time the court case was completed. The corresponding figure for linked physical assaults whose charges were changed once in court was less than half (45%).

Nearly one-third (29%) of sexual assault charges that had changed once in court were changed to a sexual offence other than sexual assault.<sup>15</sup> Most of these were specifically for offences that apply to victims under the age of sexual consent, such as sexual interference of a person under 16 years of age (accounting for 60% of charges changed to a different sexual offence), invitation to sexual touching of a person under 16 (15%), and sexual exploitation of a young person where the accused was in a position of trust or authority (10%).

One-quarter (25%) of sexual assault charges that were changed once in court became physical assault charges, the majority (84%) of which were for physical assault level 1. Given the negative social stigma attached to convictions for sexual offences as well as the mandatory application of the *Sex Offender Information Registration Act* (Davies 2017), this may play a role in the decision to change a sexual assault charge to an offence that is non-sexual in nature once in court, such as physical assault. Finally, about one in five (19%) sexual assault charges were changed to an administration of justice-related offence charge,<sup>16</sup> largely consisting of failure to comply with an order (52%) and breach of probation offences (41%).

By comparison, of physical assault charges that had changed between police and court, over one-third (39%) were changed to administration of justice offences, one in five (20%) to threats, criminal harassment or other crimes against the person, and 14% had changed to mischief or disturbing the peace charges. Administration of justice charges generally see high conviction rates, with a guilty finding in three of every four cases (Burczycka and Munch 2015). As such, this may be part of the reason for why sexual or physical assault charges are changed to an administration of justice offence if the Crown is seeking a charge with the highest likelihood of conviction.

It is important to note that when a criminal incident is charged by police, other offences may be associated with the incident that were not all necessarily charged (see 'most serious violation in the incident' in the "Key concepts and definitions" section). Over half (55%) of police-reported sexual assaults that went to court had at least one more offence on the incident file in addition to the sexual assault. These secondary offences most frequently included: other sexual offences (43%) (e.g., sexual interference, sexual exploitation); physical assaults (31%); administration of justice offences (19%), and other violent offences that were considered a less serious violation than the sexual assault<sup>17</sup> (17%). Secondary violation information provides more context about an incident and suggests that most sexual assault charges that were changed once in court were in fact switched to an offence that had been on the initial police file as a secondary violation. Said otherwise, these were not so much changes to an unrelated criminal offence, but rather re-classifications to an offence that was committed alongside the sexual assault but was not the most serious offence charged initially by police.

A change in charge type may also be the result of a plea bargain. Instead of pleading guilty to the charged offence, the Crown may offer the accused a plea bargain—more or less a judicial compromise—where the accused accepts responsibility for a specific offence or offences. The defence and Crown do not debate the guilt of the accused, rather, they opt to agree on the facts admitted by the accused, who is then sentenced on the charges they plead guilty to. Sometimes an accused will plead guilty to all charges that were laid, but it is not uncommon for an accused to enter guilty pleas to only some of the charges, or lesser charges, depending on the circumstances (e.g., where charges are duplicative of one another). Even for cases resolved by way of a plea bargain, the judge retains the discretion to impose a sentence that may be higher or lower than what the Crown and/or the defence proposed.

Figures presented in this section represent the changes in offence types at the charge level. However, court outcomes must also be considered at the case level. Given that an accused can be charged with multiple different offences within a single court case, judicial decisions are typically made based on the full picture of all the charges in a case and not on one single charge. Sexual assault court cases contained an average of 13 criminal charges, while physical assaults contained an average of nine charges per court case. Most (84%) sexual assault linked court cases had at least one charge within the case that was specifically for sexual assault, even if it was not the offence that resulted in a guilty verdict. The corresponding figure for physical assault was 96%. Taken together, findings suggest that while a sexual assault charge initially assigned by police is often changed to another offence type by the time the case is completed in court, for the majority of cases, at least one sexual assault charge is retained within the court case, even if it was not the charge that received the guilty verdict.

## Part 2: Conviction outcomes of sexual assaults that proceed to court

Once a criminal charge is accepted by the Crown and a court case is heard, the accused may be convicted (i.e., found guilty), acquitted, or the case may be stayed, withdrawn, dismissed, or discharged. Because this study derived court outcomes from police-reported incidents, the methodological challenges that come with using linked data should be considered when interpreting the results.

Police and court data are two separate information sources and each has different ways of counting records. One police-reported incident does not necessarily amount to one court charge or one court case—it is not a simple one-to-one relationship. For example, multiple police-reported incidents can lead to the same court case; there can be many different criminal charges within one court case (some of which may be unrelated to the sexual assault incident reported by police used in this analysis); one individual can be implicated in more than one court case; new charges may be laid by the Crown or by police after the case begins; and due to the possibility for a change in the offence type charged between police and court, not all charges heard in court are necessarily for the same offence(s) that were initially charged by police. Attrition findings presented thus far used police-reported incidents as the unit of count; however, measuring conviction outcomes requires analyzing linked data by court cases.

Moving forward, for ease of readability, this report uses the term ‘sexual assault cases’ when analyzing conviction outcomes. This does not necessarily mean that a court case resulted in a conviction specifically for the sexual assault charge; rather, a conviction is represented by the most serious offence in the case, which depends on the charge with the most serious decision in the case (e.g., guilty). This means that the conviction may have been for an offence other than sexual assault. Given the complexities of using linked data from two different sources, these particulars should be noted. All conviction outcomes presented from this point on represent the most serious offence in a court case that retained at least one sexual assault charge within the case, and that had linked to a police-reported sexual assault within the six-year reference period.

For more information on the methodology behind analyzing court data, see Text box 4.

### Text box 4

#### Analytical considerations when determining court outcomes of linked data

Typically, sexual assault court outcomes from the Integrated Criminal Court Survey (ICCS) are determined using the “most serious offence in the case”<sup>18</sup> where sexual assault was the most serious charge in the court case (see Maxwell 2017). Information on the ICCS is independent from police records and unlike linked data, is unable to demonstrate that many police-reported sexual assaults end up as offences other than sexual assault once in court. These sexual assaults are retained in the present study in order to provide the complete picture of court outcomes for all police-reported sexual assaults. That being said, analyzing outcomes of court charges that are unrelated to sexual assault may not be wholly representative of sexual assault court outcomes in the truest sense, as these court decisions would be based on various other offences, some of which may be less serious in nature (e.g., administration of justice offences). For this reason, a compromise of the two analytical options was applied to facilitate the most meaningful and relevant analysis of what happens to police-reported sexual assaults once they get to court: analyzing court outcomes of sexual assaults with a charge laid that linked to a court case which retained at least one sexual assault charge within the court case, regardless of whether it was the most serious charge in the case. This represents 84% of all court cases in the sexual assault linkage and 96% of all court cases for the corresponding physical assault linkage.

Although all court cases analyzed herein will have a sexual assault charge present in the case, this does not mean that guilty cases were convicted specifically on the sexual assault charge. Convictions represent a guilty finding for the most serious offence in the case, which is selected based on: 1) the charge with the most serious decision (i.e., guilty would be the most serious decision possible); and then by 2) the seriousness of the offence type based on sentencing decisions and duration of the sentence (e.g., length of the average custody sentences). In other words, not all court cases had a sexual assault charge that represented the most serious offence in the case: just over half (52%) of convicted court cases had been found guilty specifically for a sexual assault charge as the most serious offence in the case. The other half (48%) were convicted of a different offence, though a sexual assault charge was present elsewhere in the case.

**Text box 4 — continued****Analytical considerations when determining court outcomes of linked data**

Finally, in an effort to further simplify the presentation and interpretation of findings, court decision outcomes are presented as ‘convicted cases’ or ‘cases found guilty’ as opposed to the standard ICCS language (‘cases resulting in a guilty decision’ or ‘guilty findings’). Technically, it is a person that can be convicted or found guilty, and a court case which can result in a guilty finding.

**Comparability to standard court data**

Given that this study uses new linked data in addition to a different method of measuring court outcomes, conviction rates for sexual assaults presented in this article will not match previously published ICCS figures for the same period of study. For reference, between 2009/2010 and 2014/2015, ICCS data reported that just under half (45%) of cases (including adult and youth) were found guilty of sexual assault as the most serious offence in the case, compared with half (51%) of physical assault cases. Though these figures are different from the findings of the present study (55% and 59%), the disparity between the two assault types is similar.

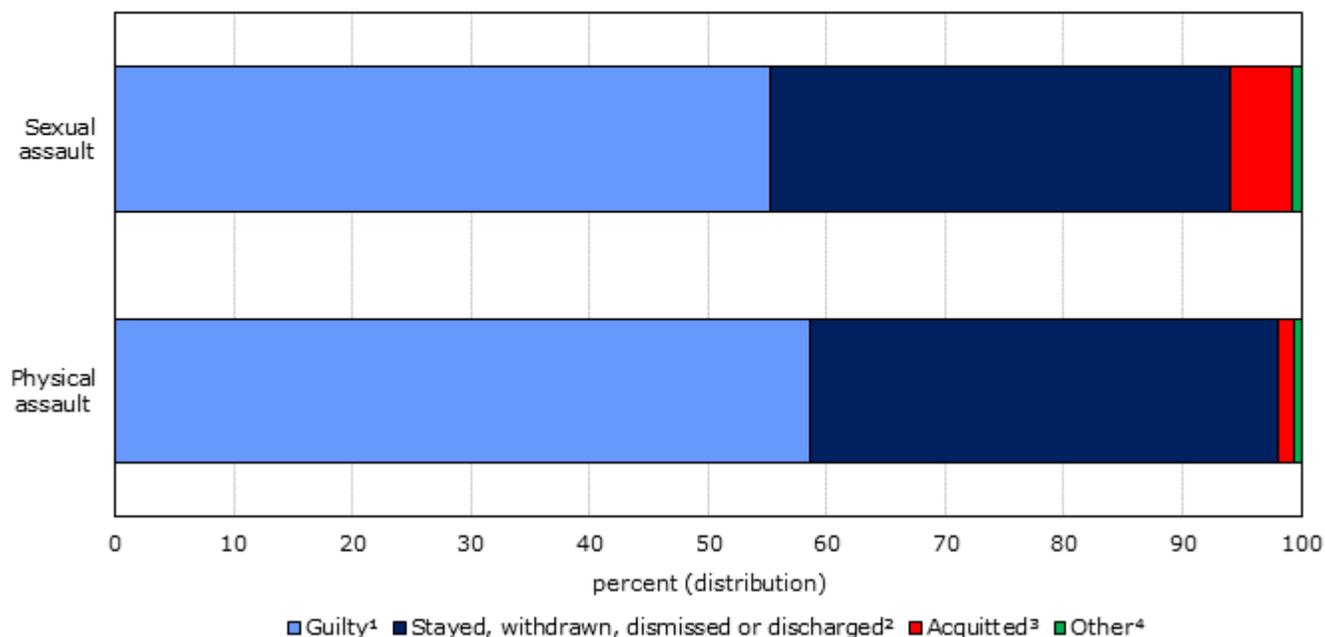
For more information on analytical and methodological considerations of the data, see the “Analytical approach: Court outcomes” section at the end of this report.

**Just over half of sexual assault cases were convicted**

Of the police-reported sexual assaults that went to adult or youth court within the six-year reference period and resulted in a completed court case that retained at least one sexual assault charge (see Text box 4), just over half (55%) were found guilty.<sup>19</sup> This is compared with a slightly higher conviction rate (59%) for physical assaults. Two in five (39%) sexual assault linked cases were stayed, withdrawn, dismissed or discharged,<sup>20</sup> 5% were acquitted, and 1% of cases resulted in other decisions<sup>21</sup> (Chart 2). The corresponding figures for physical assault were the same (39%) for stayed, withdrawn, dismissed or discharged cases,<sup>22</sup> 1% for acquittals, and 1% for other decisions. Verdicts of stayed, withdrawn, discharged or dismissed are not the same thing as an acquittal—an acquittal requires that a trial took place and a verdict of not guilty was reached for all the charges presented before the court. A verdict of stayed, withdrawn, discharged or dismissed signifies that the prosecution or the court opted to discontinue the charges against the accused or put the charges on hold (including due to unreasonable delays in hearing the case) and a trial was either not held or partially held.

**Chart 2**  
**Court case decisions, linked sexual assaults versus physical assaults**  
**charged by police, Canada, 2009 to 2014**

Assault type



1. Represents the percentage of linked cases completed in adult or youth court (that had at least one sexual/physical assault charge in the case) that received a guilty decision for the most serious offence in the case. Guilty findings include guilty of the offence, of an included offence, of an attempt of the offence, or of an attempt of an included offence. Also includes guilty pleas, and cases where an absolute or conditional discharge has been imposed.
2. Includes stays as well as court referrals to alternative or extrajudicial measures and restorative justice programs, withdrawals, dismissals and discharges at preliminary inquiry. These decisions refer to the court either putting the charges against the accused on hold or stopping criminal proceedings against the accused.
3. An acquittal requires that a trial took place and a verdict of not guilty was reached for all the charges presented before the court.
4. Includes final decisions of found not criminally responsible and waived out of province or territory. Also includes any order where a conviction was not recorded, the court's acceptance of a special plea, cases that raise Charter arguments and cases where the accused was found unfit to stand trial.

**Note:** Data represent the distribution of court decisions for the most serious offence in a case that linked from a police-reported sexual/physical assault incident with a charge laid or charge recommended between 2009 and 2014 to a court case completed in adult or youth court between 2009/2010 and 2014/2015 (that had at least one sexual/physical assault charge in the case). Data exclude incidents reported by police in Quebec and Prince Edward Island due to missing personal identifiers required to link to court data. Court data exclude cases that were completed in superior court in Ontario, Manitoba and Saskatchewan due to the unavailability of data. Excludes police-reported incidents involving multiple accused. Record linkage is subject to false negative linkage issues where police-reported incidents may not have linked to court cases due to data quality issues in administrative data (e.g., incorrect birthdates or different personal identifiers for the same accused). Decisions do not necessarily reflect verdicts rendered specifically for a sexual/physical assault charge, but rather the outcome of the most serious offence in a case that was associated with a sexual/physical assault incident charged by police.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Integrated Criminal Court Survey linked file.

From an attrition perspective, for every 1,000 sexual assaults reported by police, only 117 resulted in a court conviction for the most serious offence in the case (Figure 1). This translates into a global attrition rate of 88%, where nearly 9 in 10 sexual assaults reported by police did not result in conviction. The corresponding police-to-conviction attrition rate was 77% for physical assaults.

**One in four sexual assault charges was convicted**

Conviction outcomes can also be analyzed by individual charges. Though many police-reported sexual assaults that proceed to court do not end up as sexual assault charges, the outcomes of those that do remains important. Put simply, these include sexual assaults charged by police that remained sexual assault charges once they proceeded to court, representing 40% of all sexual assaults that went to court.<sup>23</sup> One-quarter (24%) of these sexual assault charges were convicted. The corresponding

conviction rate for linked physical assault charges was nearly double (40%). Recall that these convictions do not take into account guilty findings on different charges within the same case, as discussed in Text box 4.

Of the sexual assault cases that resulted in a guilty finding, the vast majority (81%) involved sexual assault charges that represented the most serious offence in their respective cases. The remaining 19% involved a guilty finding on a charge that was not sexual assault. This means that when a sexual assault charge is retained in court, most of the time the guilty finding is specifically for a sexual assault, however for every one in five sexual assault cases, the conviction is for an offence other than the sexual assault.

### **Part 3: Sentencing outcomes of convicted sexual assaults**

Similar to conviction outcomes, sentencing decisions presented in this report reflect the most serious sentence handed down in a court case that resulted from a sexual assault reported by police between 2009 and 2014 where a charge was laid. Consequently, sentencing outcomes do not necessarily represent a sentence assigned specifically for the sexual assault, but rather, the sentence for whichever charge was the most serious offence within a given case (see the “Key concepts and definitions” section).

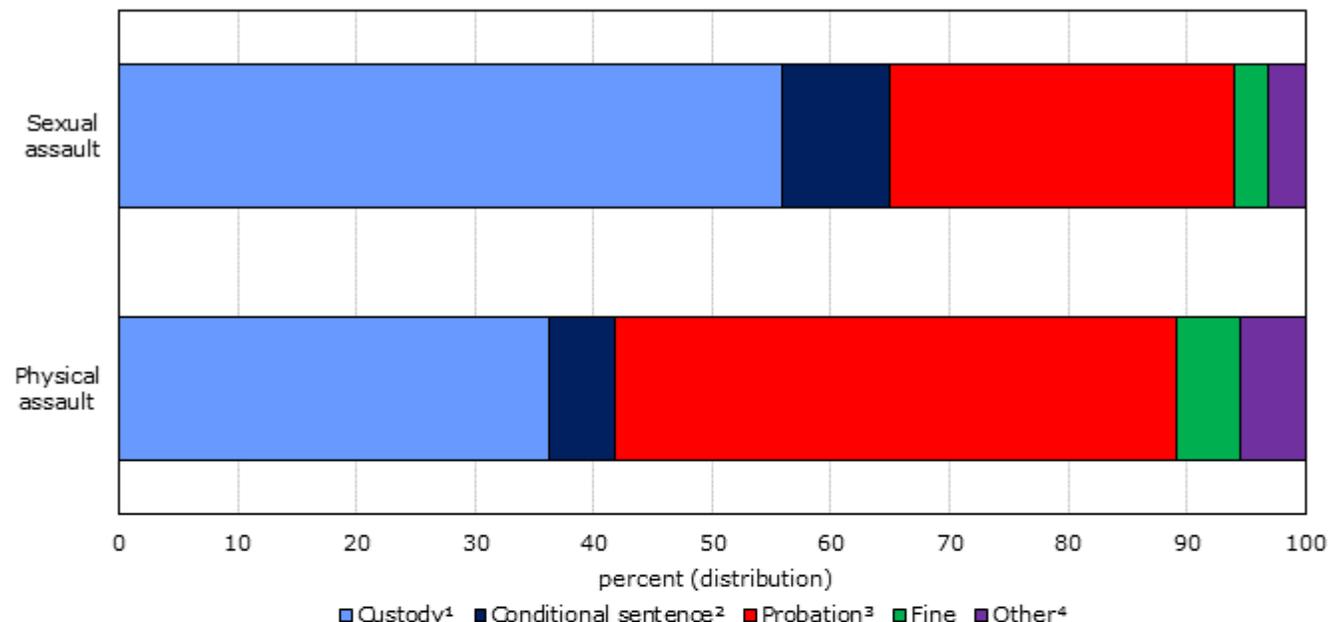
#### **Sexual assaults far more likely to result in a custody sentence than physical assaults**

Sentencing was the one stage of the criminal justice system where sexual assault cases were dealt with more harshly than physical assault cases. Of the linked cases convicted in adult court, over half (56%) were sentenced to custody as the most serious sentence in the case. This is compared with about one-third (36%) of physical assault cases (Chart 3). Other sentences imposed in linked sexual assault cases convicted in adult court include probation (29%), conditional sentences (9%), fines (3%), and other types of sentences<sup>24</sup> (3%).<sup>25</sup>

Because young offenders have different sentencing principles and sentence types than adult offenders, findings presented in the body of this report pertain only to adult sentencing outcomes. Adult court cases represented 87% of all linked court cases with at least one sexual assault charge in the case and 85% of all convicted cases. Data specific to sentencing outcomes completed in youth court are provided in Text box 5 along with attrition and conviction outcomes for young offenders.

**Chart 3**  
**Sentencing outcomes of adult court cases found guilty, by linked sexual assaults versus physical assaults, Canada, 2009 to 2014**

Assault type



1. A custodial sentence refers to being sentenced to time in prison or jail.
2. A conditional sentence requires that the accused serve his/her sentence in the community under supervision. For a conditional sentence to be imposed, the following conditions must be met: the offence must not be subject to a mandatory minimum sentence; the maximum length of the prison sentence associated with the offence must be less than two years; and the court must have good reason to believe that the offender will not be a threat to the community. The accused who receives a conditional sentence must comply with certain conditions, such as house arrest, curfews, refraining from drinking alcohol or driving, treatment programs or community service orders. The accused may be imprisoned if he/she violates these conditions. The collection of data on conditional sentences in the various jurisdictions is not consistent over time.
3. A probation sentence requires the offender to remain in the community and be subject to particular conditions, such as keeping the peace and appearing in court as required. Probation is mandatory in cases where the accused receives a conditional discharge or a suspended sentence.
4. Other types of sentences for convicted adult court cases can include restitution, absolute and conditional discharge, suspended sentence, community service order and prohibition orders, among others.

**Note:** Data represent the distribution of court sentencing decisions for the most serious decision in a guilty case (adults only) that linked from a police-reported sexual/physical assault incident with a charge laid or charge recommended between 2009 and 2014 to a court case completed in adult court between 2009/2010 and 2014/2015 (that had at least one sexual/physical assault charge in the case). Excludes youth sentences due to the fundamental differences between adult and youth sentencing principles (see Text box 5 "Justice outcomes for young offenders accused of sexual assault"). Excludes guilty cases where no sentencing detail was available (7% for sexual assault and 4% for physical assault). Data exclude incidents reported by police in Quebec and Prince Edward Island due to missing personal identifiers required to link to court data. Court data exclude cases that were completed in superior court in Ontario, Manitoba and Saskatchewan due to the unavailability of data. Excludes police-reported incidents involving multiple accused. Record linkage is subject to false negative linkage issues where police-reported incidents may not have linked to court cases due to data quality issues in administrative data (e.g., incorrect birthdates or different personal identifiers for the same accused). Sentencing decisions do not necessarily reflect sentences handed down specifically for a sexual/physical assault charge, but rather the outcome of the most serious decision in a case that was associated with a sexual/physical assault incident charged by police.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Integrated Criminal Court Survey linked file.

**Text box 5****Justice outcomes for young offenders accused of sexual assault**

The *Youth Criminal Justice Act (YCJA)* applies to youth between 12 and 17 years of age who were accused of a crime and carries different sentencing principles than those applied in adult court. These include, briefly: to take into account the maturity of the young person and the circumstances under which the crime was committed; to impose the least restrictive sentence capable of achieving the purpose of sentencing and most likely to rehabilitate and reintegrate the youth; and to reduce the use of custody and consider all other available reasonable sentencing options first (Department of Justice Canada 2015).

Police-reported sexual assaults that involved a youth accused were far less likely than those that involved an adult accused (18 years of age and older) to have a charge laid in the incident (60% versus 78%).<sup>26</sup> For physical assaults, an even wider gap in charge rate was observed between youth and adult accused (48% versus 72%). However, the attrition rate between police charge and court was nearly the same for youth (49%) as it was for adults (51%) accused of sexual assault. This suggests that the biggest driver of attrition for youth accused of sexual assault occurs at the outset of the criminal justice system when a decision is made by police or the Crown to not lay charges. Much of this attrition is explained by the use of alternative or extrajudicial measures as encouraged by the *YCJA*, where police exercise their discretion and can refer young offenders to diversion programs instead of going through the formal judicial system.

Court cases completed in youth court between 2009/2010 and 2014/2015 represent 13% of all linked court cases in this study. Of these youth cases, nearly two in three (62%) resulted in a guilty finding on the most serious offence in the case, which is higher than the proportion of guilty adult cases (54%).<sup>27</sup> About one-third (32%) of youth sexual assault cases were stayed, withdrawn, dismissed or discharged, 5% were acquitted, and 1% resulted in other decisions. As was the case in adult court, conviction rates in youth court were marginally lower for linked sexual assault cases (62%) than for physical assault cases (65%).

Sentencing outcomes were generally less harsh in youth court than in adult court. Given the different sentencing principles for young offenders, this is to be expected. Of linked sexual assaults convicted in youth court where a sexual assault charge was retained in the case, nearly two in three (64%) were sentenced to probation as the most serious sentence in the case. About one in five (23%) youth court cases were sentenced to custody (includes custody and supervision or deferred custody and supervision), 3% to intensive support and supervision, 1% to community supervision, and 9% to other types of sentences.<sup>28</sup> A similar sentencing pattern was seen among youth cases of physical assault: over half (54%) were sentenced to probation and one in five (22%) were sentenced to a form of custody.<sup>29</sup>

Overall, the findings show that sexual assaults committed by youth were far less likely to be charged by police than those perpetrated by adult offenders, and this marks the greatest driver of attrition for young offenders accused of sexual assault. Of the cases that were retained in the system and proceeded to court, youth were more likely to be convicted in sexual assault cases than adults, but were sentenced more leniently. The same attrition, conviction and sentencing patterns were also observed among youth and adult physical assault cases.

**Sexual assaults more prone to dropping out of the justice system than physical assaults, but if retained they are convicted at similar rates and sentenced more harshly**

The overall attrition, conviction, and sentencing outcome analyses presented in this study suggest the following key points: 1) sexual assaults were far more likely to drop out of the justice system between police charge and court than were physical assaults; 2) when sexual assaults proceeded to court, just over half were convicted—which is similar to the conviction rate for physical assault; 3) of the minority of sexual assaults that went to court and were convicted (12%), sentencing outcomes were notably harsher when compared with physical assaults. Nonetheless, despite these important findings and the advantages of linked data in quantifying the drop-off at each level of the justice system, the events that take place between a police charge and court—including the incidence of alternative justice measures, plea bargains and/or charge downgrading—remain a significant information gap in wholly answering the question of why sexual assaults drop out of the justice system.

## Part 4: Sexual assault justice outcomes by incident, accused, and victim characteristics

Part 1 through Part 3 of this report established the overall attrition, conviction and sentencing outcomes for sexual assaults reported by police in Canada. But do justice outcomes vary depending on where the sexual assault took place, or by who the accused or the victim was? Is dropping out of the justice system more common for assailants who were related to their victims? Are sexual assaults that were reported to police long after they occurred less likely to secure a conviction? Is sentencing harsher for perpetrators who caused physical injuries to their victim? This section explores how various incident, accused and victim characteristics may play a role in court outcomes.

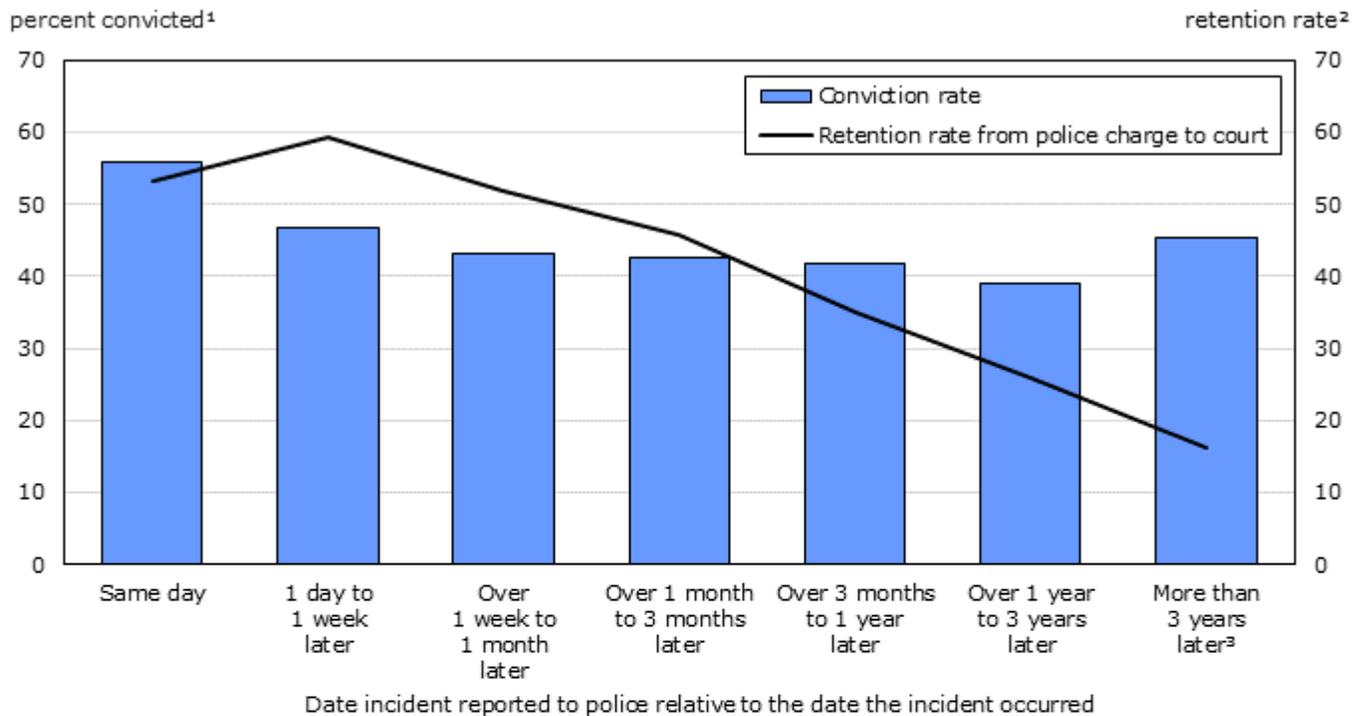
As discussed in Part 2 and Part 3, conviction rates and sentencing outcomes presented herein do not reflect convictions or sentences specifically for a sexual assault charge, but rather for the most serious offence in cases that retained a sexual assault charge through from police to court. Similarly, the same methodological limitations apply, including the unavailability of data from superior court cases in certain provinces and the limitations of the imposed six-year reference period (refer to the “Methodology: Record linkage” section). In addition to these limitations, some additional caveats for analysis of court outcomes by the characteristics of the police-reported incident apply (see the “Analytical approach: Court outcomes” section for further detail). Due to the fundamentally different sentencing principles applied in youth court (Text box 5), sentencing outcomes discussed below represent court sentences handed down in adult court only unless otherwise specified.

### Court outcomes and investigative challenges

#### Delayed reports of sexual assault to police see high attrition and low conviction rates

A delay in reporting to police—the time between when the offence took place and when it was reported to police—is far more common among sexual assaults than physical assaults (Rotenberg 2017). For victims of sexual assault, non-reporting or a delay in reporting has been attributed to the emotional trauma endured (DuMont et al. 2003), including feelings of shame and a victim’s fear that they will be blamed or humiliated for the incident (Weiss 2010). Further, a prior relationship with the assailant may be a barrier for some victims to promptly report the sexual assault to police (Felson and Paré 2005; Jones et al. 2009), which is important to consider given that the vast majority (87%) of sexual assaults charged by police are committed by someone known to the victim (Rotenberg 2017).

Notwithstanding the important context behind the delay in reporting for victims of sexual assault, this study found that the longer the time period between the sexual assault and when it was reported to police, the more likely the incident was to drop out of the justice system before court (Chart 4, secondary axis). Specifically, of sexual assaults charged by police that were reported the same day the incident occurred, just over half (53%) proceeded to court, compared with one-third (34%) that were reported over one week after the incident, and only one in five (19%) that were reported more than one year later. Just 16% of charged sexual assaults that had been reported more than three years after they took place proceeded to court.

**Chart 4****Conviction and retention rates of sexual assault incidents, by length of delay in reporting to police, Canada, 2009 to 2014**

1. Represents the percentage of linked cases completed in adult or youth court (that had at least one sexual assault charge in case) that received a guilty decision for the most serious offence in the case. Excludes cases where the most serious offence in the court case linked to a police-reported incident that was not sexual assault.

2. The retention (linkage) rate is a measure of incidents that remain in the criminal justice system (the inverse of the attrition rate), and represents the percentage of sexual assault incidents with a charge laid or charge recommended by police between 2009 and 2014 that linked to a court case completed in adult or youth court between 2009/2010 and 2014/2015.

3. Child victims are greatly overrepresented among sexual assault incidents reported to police more than three years after they took place by approximately three times, which drives the uptick in convictions at the three-year mark given increased conviction rates for sexual assaults involving children overall.

**Note:** The incident date is the date the incident is known or believed to have occurred. Excludes court cases associated with sexual assault incidents with missing date information or report dates that were erroneously reported as prior to the incident date (<1%). Data exclude incidents reported by police in Quebec and Prince Edward Island due to missing personal identifiers required to link to court data. Excludes police-reported incidents involving multiple accused. Record linkage is subject to false negative linkage issues where police-reported incidents may not have linked to court cases due to data quality issues in administrative data (e.g., incorrect birthdates or different personal identifiers for the same accused). Court data exclude cases that were completed in superior court in Ontario, Manitoba and Saskatchewan due to the unavailability of data. It is estimated that the addition of this data would increase the linkage rate slightly (at most 2%). The linkage rate is lowest for incidents reported by police in 2014 due to the short time period in which they were able to reach a final decision in court (by 2014/2015), though this bias appears to affect sexual and physical assaults equally. For these reasons, the retention/linkage rate may be an underestimation.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Integrated Criminal Court Survey linked file.

As the time between when a sexual assault occurred and when it was reported to police increased, the likelihood of conviction decreased (Chart 4, primary axis). Over half (56%) of sexual assault court cases where the incident had been reported to police on the same day it took place were found guilty, compared with about two in five (43%) cases where there was a delay in reporting of more than one week (data not shown). Sexual assaults reported over three years after they took place are an exception: the uptick in conviction rate (45%) (Chart 4) is largely driven by the overrepresentation of child victims of sexual assault among incidents reported over three years after they occurred. Sexual assault cases involving children have higher conviction rates more generally (see the subsequent section “Child victims of sexual assault most likely to see perpetrator convicted, but least likely to see charge proceed to court”).

These findings resonate with other research which suggests that a delay in reporting of a sexual assault to police impedes the collection of forensic evidence which may then be lost over time, or may undermine witnesses’ memories which can affect their credibility (Cashmore et al. 2016; Lievore 2003). Additionally, the case may be dropped because of the perception that if a victim delays in reporting then the legitimacy of the allegation should be called into question (Spohn et al. 2001).

Once a conviction was secured, delay in reporting of a sexual assault to police did not have a notable impact on sentencing outcomes. Sexual assaults reported to police on the same day they occurred did not see a marked difference in the proportion of guilty cases sentenced to custody (56%) in adult court compared with those reported over three years after they occurred (59%). The absence of disparity may be explained by the filtering effect of the court process, given that a much smaller proportion of delayed reports of sexual assault made it to the sentencing stage of the justice system (e.g., 3% of sexual assaults reported over one year after they occurred were convicted and eligible for sentencing compared with 13% of sexual assaults that were reported on the same day).

The relationship between delay in reporting and increased attrition and low conviction rates was not unique to sexual assaults; this pattern was also observed for physical assaults. For example, the majority (76%) of physical assaults with a charge laid that were reported to police on the same day the incident occurred proceeded to court, compared with less than two-thirds (63%) that were reported over one week after the incident, and nearly one-third (38%) of physical assaults that were reported more than one year later.

Moreover, while over half (54%) of physical assaults reported on the same day of the assault were convicted once in court, a lower proportion (43%) of those reported over one week after the incident resulted in a conviction, as did less than one-third (31%) of physical assaults reported over one year after they took place.

These findings suggest that delay in reporting may impact justice outcomes irrespective of the assault type. However, given that sexual assaults are far more likely to involve cases of delayed reporting than physical assaults (Rotenberg 2017), sexual assaults may be more prone to the high attrition and low conviction rates that come with delayed reporting. These findings offer important context to consider when comparing justice outcomes between sexual and physical assaults.

### **Sexual assaults with complete incident information more likely to be retained in the justice system**

Sexual assaults with complete information on the incident file provided by police<sup>30</sup>—including known time or location type of the crime, the relationship between the accused and the victim, presence of weapons or degree of physical injury to the victim—were more likely to move forward through the justice system than sexual assaults with incomplete information. Over half (53%) of sexual assaults charged by police that had complete incident information proceeded to court, compared with two in five (42%) sexual assaults that had at least one incomplete or unknown element on the file. Further, a smaller proportion (38%) of sexual assaults with two or more incomplete elements on file proceeded to court.

Of incidents that went to court, a marginally lower proportion of sexual assaults that had at least one unknown element on the incident file were convicted (48%) compared with those with complete information (51%). Of convicted cases, no significant differences in severity of sentencing were observed (Table 3).

Given the relationship between delay in reporting to police and the incidence of incomplete information or unknowns present on the police incident file (Rotenberg 2017), neither factor should be interpreted as independently decreasing the chances of conviction or retention in the system. Both factors appear to collectively constitute investigational challenges for sexual assaults that may, in part, explain why some cases do not move forward in the justice system.

### **Court outcomes by location, weapons, and injuries**

#### **Sexual assaults committed on private property less likely to go to court**

Sexual assaults that took place on private property<sup>31</sup> were more likely to drop out of the justice system than those that occurred in open areas.<sup>32</sup> While three in five (60%) sexual assaults that were committed in an open area proceeded from police charge to court, less than half (46%) of sexual assaults committed on private property did. Other research has found that in absence of third party witnesses or other corroborating evidence, sexual assaults are not likely to proceed to court (Spohn et al. 2001). Though information on the presence of witnesses is not currently available from police-reported data, the location type of the crime may serve as a proxy for witnesses given the possible increased chance for witnesses to be present when a crime is committed in an open area than for one committed on private property.

Sexual assaults that happened on private property were equally as likely as those that occurred in an open area to be convicted once in court (53% for both). Of note, a lower proportion of sexual assaults that took place on school property<sup>33</sup> or in a commercial space<sup>34</sup> resulted in a conviction (44% for both).

Upon sentencing, custody sentences were most likely to be imposed for cases that involved a sexual assault on private property (60%) than for sexual assaults committed in an open area (53%).

## Sexual assaults committed in major cities were more likely to go to court but less likely to be convicted

A greater proportion of sexual assaults charged by police within a census metropolitan area (CMA) proceeded to court after being charged by police (52%) compared with sexual assaults that occurred outside of a CMA (46%) (see the “Key concepts and definitions” section). However, once in court, CMA-based sexual assaults were less likely to result in conviction (48%) than sexual assaults that took place outside of a CMA (56%). This was not unique to sexual assaults; however, as a similar discrepancy in conviction rate was also observed among physical assault cases (50% versus 60%).

In Canada, practices such as pre-charge screening, which takes place prior to a formal court hearing, can vary by province or territory<sup>35</sup> (Maxwell 2017). As such, attrition rates by province or territory should not be interpreted or compared without the context of the different procedural practices in place at the provincial or territorial level.

The attrition rates between police charge and completed court case were highest in Nunavut (77%), the Northwest Territories (64%) and New Brunswick (59%) (see Table 1). Police-reported sexual assault charges were most likely to result in a completed court case within the six-year reference period in Yukon (lowest attrition rate of 33%), Newfoundland and Labrador (45%), and Alberta (46%).

Notwithstanding differences in pre-charge screening processes by province or territory, conviction rates were highest in the territories (Yukon at 69%, Nunavut at 65%, and the Northwest Territories at 61%) as well as in New Brunswick (69%). Conversely, conviction rates were lowest in Alberta (47%), followed by Ontario (49%). Stays, withdrawals, dismissals or discharges of cases were most common in Ontario (46%) and Alberta (45%), and acquittals were proportionally highest in Nova Scotia (12%). Outcomes for regions with low base figures, such as the territories and in smaller provinces, should be noted and interpreted with caution (see Table 2).

Sentencing outcomes by province and territory are not provided in Table 3 due to small counts and concerns of data comparability and reliability.<sup>36</sup>

## Long-term incidents of sexual assault more likely to drop out of the justice system

Sexual assaults that were considered by police to have been perpetrated over a period of time longer than one week (defined here as ‘long-term’ sexual assaults) were at much greater risk of dropping out of the criminal justice system between police charge and court compared with isolated incidents of sexual assault (68% versus 45%). This discrepancy may be explained by the overrepresentation of children among victims of long-term sexual assaults (Rotenberg 2017), given that sexual assaults of children are among the most likely to drop out of the justice system (see the subsequent section “Child victims of sexual assault most likely to see perpetrator convicted, but least likely to see charge proceed to court”).

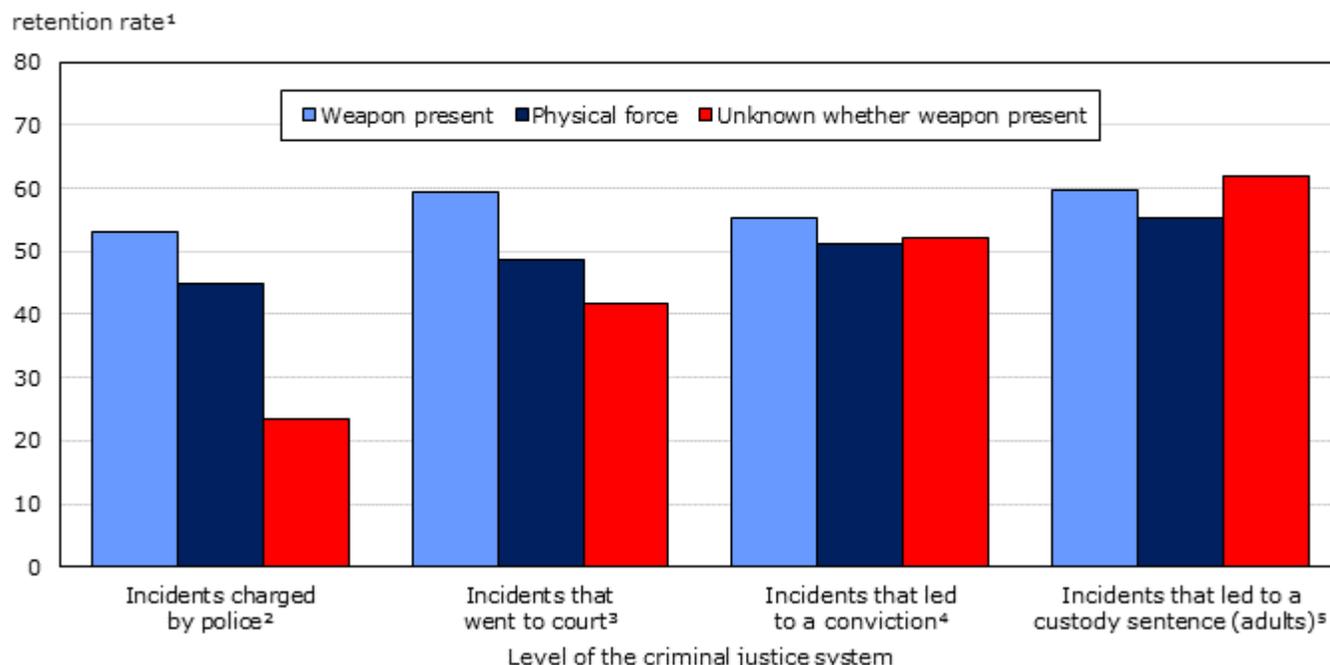
Long-term sexual assault incidents saw a marginally lower conviction rate (49%) than isolated sexual assaults (52%). No notable differences in severity of sentencing decisions were observed.

## Sexual assaults that involved a weapon more likely to be charged by police, go to court, be convicted, and sentenced more harshly

Though the legal characterization of the seriousness of a sexual assault is determined by the *Criminal Code* in three levels (Text box 1 and Text box 6), the severity of a sexual assault may also be characterized by the degree of physical injuries sustained by the victim or by whether weapons were present.

When there was a weapon present during the sexual assault, cases were retained at all levels of the justice system at higher rates than those with no weapon present.<sup>37</sup> Sexual assaults with a weapon present were more likely to: be charged by police (53% versus 45%), proceed to court after being charged (60% versus 49%), be convicted (55% versus 51%), and more likely to receive a custody sentence (60% versus 55%) (Chart 5). Given that only a minority (4%) of sexual assaults overall involve a weapon (Rotenberg 2017), the increased retention rates seen for cases with a weapon present do not apply to the vast majority of sexual assaults. Of note, sexual assaults where the presence of a weapon could not be determined by police and was reported as unknown were far less likely to result in a charge laid by police (23%) or to proceed to court (42%) (Chart 5), findings of which speak to the increased attrition rates seen among incidents with incomplete or unknown information more generally as previously discussed in this article.

**Chart 5**  
**Retention rates of sexual assault incidents by level of the criminal justice system and weapon presence, Canada, 2009 to 2014**



1. The retention (linkage) rate is a measure of incidents that remain in the criminal justice system (the inverse of the attrition rate), and is presented in this chart by respective level of the justice system.
2. Represents the proportion of sexual assault incidents (level 1, 2 and 3) reported to police between 2009 and 2014 that had a charge laid or charge recommended by police.
3. Represents the proportion of sexual assault incidents with a charge laid or charge recommended by police that linked to a court case completed in adult or youth court between 2009/2010 and 2014/2015.
4. Represents linked cases completed in adult or youth court (that had at least one sexual/physical assault charge in case) that received a guilty decision for the most serious offence in the case. Excludes cases where the most serious offence in the court case linked to a police-reported incident that was not sexual assault.
5. Represents linked guilty court cases (adults only) sentenced to custody as the most serious sentence. Excludes youth sentences due to the fundamental differences between adult and youth sentencing principles. Also excludes guilty cases where no sentencing detail was available.

**Note:** Weapon presence represents the most serious weapon present during the commission of the sexual assault, whether used or not. Weapons include any object used or intended to be used in causing or threatening injury or death (e.g., knife, gun, blunt instrument, etc.). Physical force includes incidents where physical force or threats were considered the most serious 'weapon' used in the commission of the sexual assault, such as the use of the accused body strength intended to cause bodily injury or death, or threats made by the accused. Data exclude incidents reported by police in Quebec and Prince Edward Island due to missing personal identifiers required to link to court data. Excludes police-reported incidents involving multiple accused. Record linkage is subject to false negative linkage issues where police-reported incidents may not have linked to court cases due to data quality issues in administrative data (e.g., incorrect birthdates or different personal identifiers for the same accused). Court data exclude cases that were completed in superior court in Ontario, Manitoba and Saskatchewan due to the unavailability of data. It is estimated that the addition of this data would increase the linkage rate slightly (at most 2%). The linkage rate is lowest for incidents reported by police in 2014 due to the short time period in which they were able to reach a final decision in court (by 2014/2015), though this bias appears to affect sexual and physical assaults equally. For these reasons, the retention/linkage rate may be an underestimation.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Integrated Criminal Court Survey linked file.

### Sexual assaults that caused physical injury to the victim more likely to be retained in the justice system

Physical injury to the victim can be a key piece of evidence presented in court when an accused is being tried for a violent offence. Despite the absence of physical injury to the victim in most cases (66%) of sexual assault (Rotenberg 2017), some research has found that physical injury is the strongest predictor of a positive legal outcome for sexual assault cases with respect to harsher conviction rates and sentencing penalties (DuMont and White 2007).

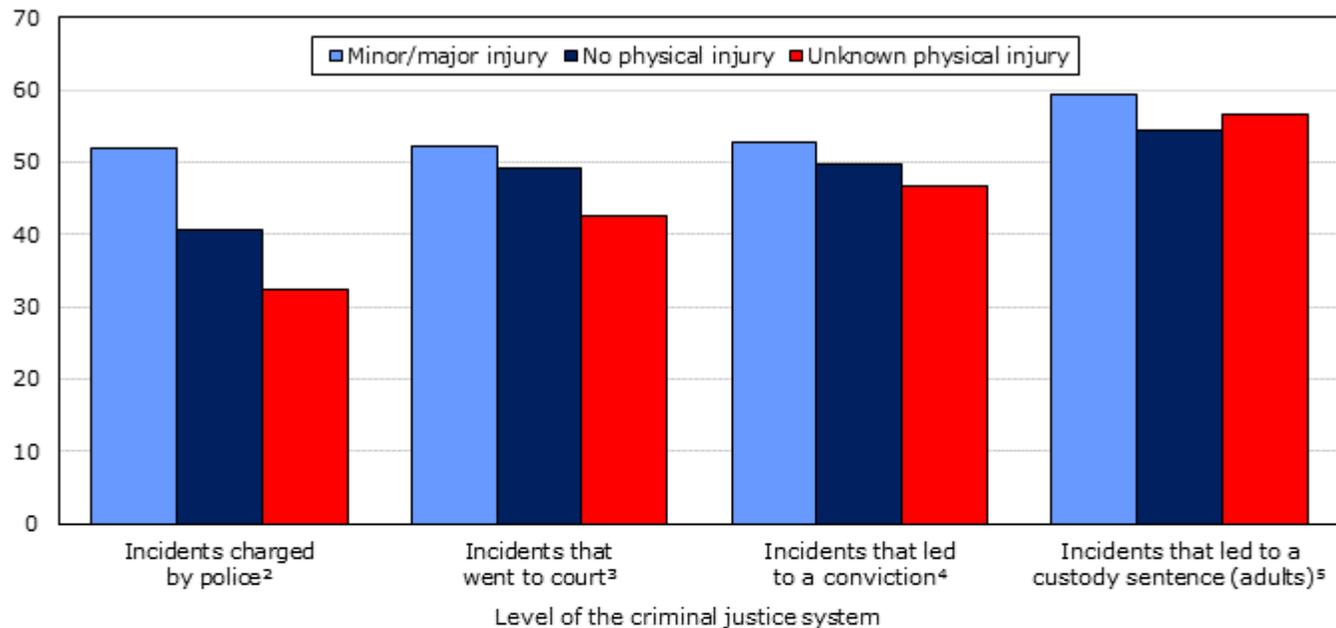
Similar to weapon presence, physical injury to the victim also appears to be associated with greater retention of sexual assault cases in the justice system<sup>38</sup> (Chart 6). The same pattern was observed among physical assaults. The retention gap was widest for sexual assaults at the police charge stage, where findings suggest that police-reported sexual assaults with no

or unknown levels of victim injury are at greatest risk for not securing a charge, consequently dropping out of the justice system at the earliest stage analyzed in this study.

### Chart 6

#### Retention rates of sexual assault incidents by level of the criminal justice system and level of physical injury experienced by the victim, Canada, 2009 to 2014

retention rate<sup>1</sup>



1. The retention (linkage) rate is a measure of incidents that remain in the criminal justice system (the inverse of the attrition rate), and is presented in this chart by respective level of the justice system.

2. Represents the proportion of sexual assault incidents (level 1, 2 and 3) reported to police between 2009 and 2014 that had a charge laid or charge recommended by police.

3. Represents the proportion of sexual assault incidents with a charge laid or charge recommended by police that linked to a court case completed in adult or youth court between 2009/2010 and 2014/2015.

4. Represents linked cases completed in adult or youth court (that had at least one sexual/physical assault charge in case) that received a guilty decision for the most serious offence in the case. Excludes cases where the most serious offence in the court case linked to a police-reported incident that was not sexual assault.

5. Represents linked guilty court cases (adults only) sentenced to custody as the most serious sentence. Excludes youth sentences due to the fundamental differences between adult and youth sentencing principles. Also excludes guilty cases where no sentencing detail was available.

**Note:** Injuries represent the level of physical injury to the victim incurred at the time of the sexual assault, as reported by police. Minor/major physical injuries range from those that did not require medical treatment, to some first aid, to injuries that required transportation to a medical facility. Unknown physical injuries represent incidents where the extent of victim injuries could not be determined by police. Data exclude incidents reported by police in Quebec and Prince Edward Island due to missing personal identifiers required to link to court data. Excludes police-reported incidents involving multiple accused. Record linkage is subject to false negative linkage issues where police-reported incidents may not have linked to court cases due to data quality issues in administrative data (e.g., incorrect birthdates or different personal identifiers for the same accused). Court data exclude cases that were completed in superior court in Ontario, Manitoba and Saskatchewan due to the unavailability of data. It is estimated that the addition of this data would increase the linkage rate slightly (at most 2%). The linkage rate is lowest for incidents reported by police in 2014 due to the short time period in which they were able to reach a final decision in court (by 2014/2015), though this bias appears to affect sexual and physical assaults equally. For these reasons, the retention/linkage rate may be an underestimation.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Integrated Criminal Court Survey linked file.

While these findings are limited to a victim's physical injury as reported by police and do not capture other forensic evidence that may have been presented in court (such as sexual assault kits), they align with the broader scope of research on the value of physical evidence in charging and prosecuting sexual assault cases (Campbell et al. 2009; Gray-Eurom et al. 2002; Johnson and Peterson 2008; McGregor et al. 1999; Spaulding and Bigbee 2001; Tasca et al. 2012).

**Text box 6****Court outcomes by level of sexual assault**

Drawing conclusions from court outcomes of sexual assaults by level (as defined by the *Criminal Code*) should be done with caution given the small number of incidents for the higher levels of sexual assault. As previously reported, the vast majority (98%) of sexual assault incidents reported by police between 2009 and 2014 were level 1 offences (Rotenberg 2017). Further, as with any offence that proceeds to court, the specific *Criminal Code* offence that an accused is charged with may change between the charge laid by police or the Crown and the charge heard in court.

Notwithstanding these limitations, court outcome analysis by the sexual assault level initially charged by police suggests that the most serious sexual assaults (level 2 and 3) were more likely to proceed to court, marginally more likely to be convicted, and are sentenced more severely than level 1 sexual assaults.

Overall, a notably higher proportion of police-reported level 2 and 3 sexual assaults went to court than level 1 sexual assaults (36% versus 21%). Once in court, a similar proportion of level 2 and 3 sexual assaults (53%) were convicted as level 1 sexual assaults (51%), though recall that this is not necessarily a reflection of the offences actually heard in court (see the “Three in five sexual assault charges recommended by police were changed to another offence type once in court” section).

Of police-reported sexual assaults that resulted in a conviction, a higher proportion of level 2 or 3 sexual assaults were sentenced to custody (70%) than level 1 sexual assaults (55%).

**Court outcomes by accused characteristics****Females accused of sexual assault more likely to drop out of the justice system**

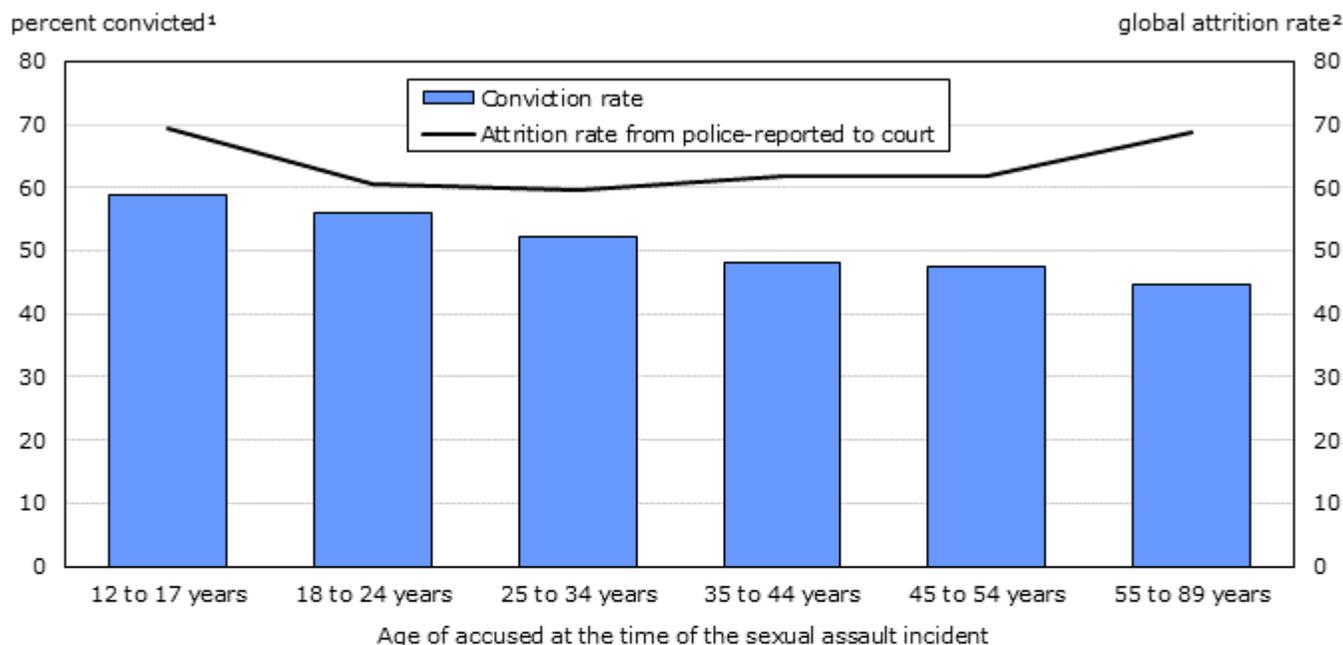
Notwithstanding that females account for a minority (2%) of persons charged with sexual assault (Rotenberg 2017), they were more likely than their male counterparts to experience attrition out of the justice system. This discrepancy was noted at the charge level, where police-reported sexual assaults involving a female accused were far less likely to result in a charge laid (51%) than incidents involving a male accused (74%). Further, of those charged by police, female-perpetrated sexual assaults were less likely to go to court (39%) than those perpetrated by a male (49%).

Of cases that went to court, a lower proportion of female-perpetrated sexual assaults were convicted relative to those committed by a male (45% versus 52%). Base figures for sentencing outcomes of females convicted of sexual assault were too low to deduce a meaningful comparison (Table 3); however, when considering criminal offences more generally, females tend to see less harsh sentencing outcomes than males (Hotton Mahony et al. 2017).

**Youngest and oldest accused most likely to drop out of the justice system**

As explained in Text box 5, youth accused of sexual assault were most likely to drop out of the justice system at the police charge level. However, when considering all age groups, the data show that youth accused (between 12 and 17 years old) as well as older accused (55 years and older) were most likely to drop out of the justice system between police and court (Chart 7, secondary axis). For both of these accused age groups, less than one-third (31%) went to court, compared with two in five (40%) accused who were between 25 and 34 years of age.

**Chart 7**  
**Conviction and attrition rates of sexual assault incidents, by accused age groups, Canada, 2009 to 2014**



1. Represents the percentage of linked cases completed in adult or youth court (that had at least one sexual assault charge in case) that received a guilty decision for the most serious offence in the case. Excludes cases where the most serious offence in the court case linked to a police-reported incident that was not sexual assault.

2. The global attrition rate is a wider measure of 'fall-out' of incidents from the criminal justice system between police and court and represents the percentage of sexual assault incidents reported by police between 2009 and 2014 (whether charged or not) that did not link to a court case completed in adult or youth court between 2009/2010 and 2014/2015.

**Note:** Data exclude accused under 12 or those aged 90 or above due to data quality concerns (<1%). Data exclude incidents reported by police in Quebec and Prince Edward Island due to missing personal identifiers required to link to court data. Excludes police-reported incidents involving multiple accused due to analytical challenges introduced when associating accused characteristics to more than one person. Record linkage is subject to false negative linkage issues where police-reported incidents may not have linked to court cases due to data quality issues in administrative data (e.g., incorrect birthdates or different personal identifiers for the same accused). Court data exclude cases that were completed in superior court in Ontario, Manitoba and Saskatchewan due to the unavailability of data. It is estimated that the addition of this data would increase the linkage rate slightly (at most 2%). The linkage rate is lowest for incidents reported by police in 2014 due to the short time period in which they were able to reach a final decision in court (by 2014/2015), though this bias appears to affect sexual and physical assaults equally. For these reasons, the retention/linkage rate may be an underestimation.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Integrated Criminal Court Survey linked file.

Age of the accused charged in connection with a sexual assault also appeared to be related to the conviction rate: the older the accused, the less likely they were to be convicted (Chart 7, primary axis). Specifically, of the youth accused who were between 12 and 17 years old at the time of the sexual assault and whose case proceeded to court, three in five (59%) were convicted. The proportion convicted declined for every subsequent older age group. The same pattern of declining conviction rate with age of the accused was observed among physical assault cases (data not shown).

No cascading patterns in proportion sentenced to custody were observed by accused age group; however, older accused aged 55 years and older were far less likely to be sentenced to custody than all other adult accused aged 18 to 54 (44% versus 57%). For sentencing outcomes of youth accused of sexual assault, refer to Text box 5.

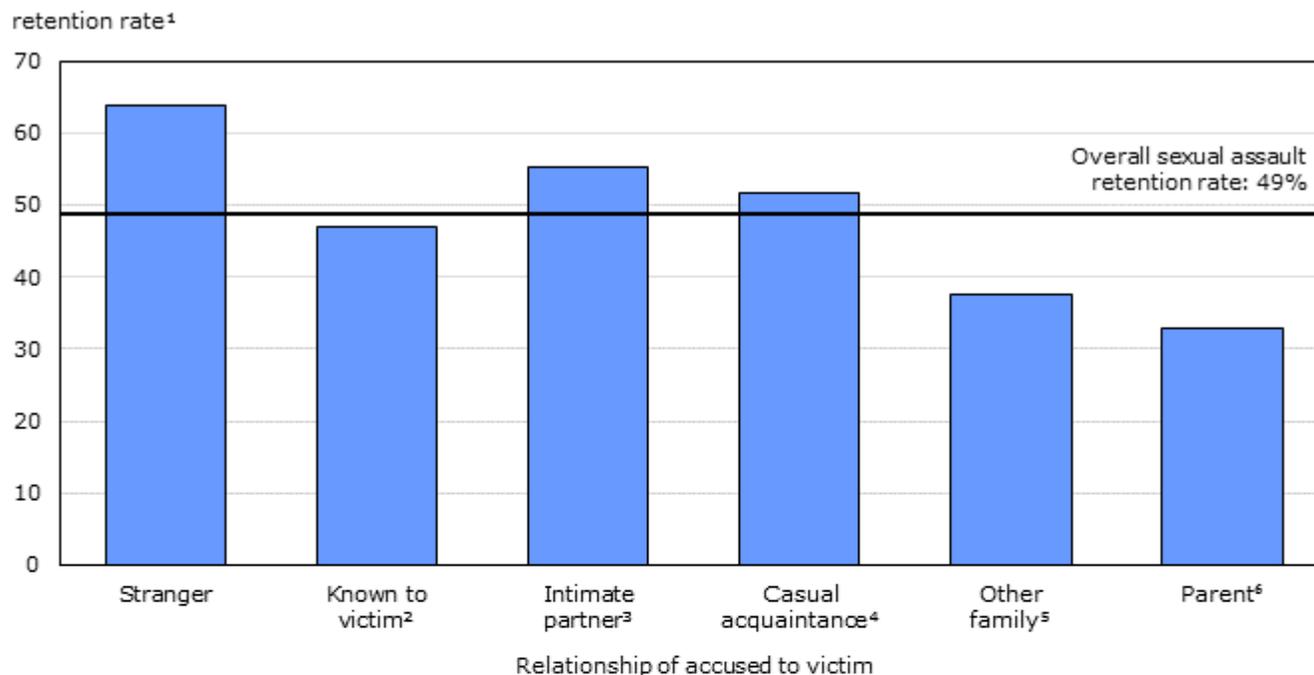
### Court outcomes by relationship and age characteristics

#### Victims sexually assaulted by someone they knew were far less likely than those victimized by a stranger to see their assailant go to court

The likelihood of going to court was far lower when the victim knew their assailant: nearly two in three (64%) sexual assaults committed by a stranger proceeded to court after being charged by police, whereas less than half (47%) of sexual assaults committed by someone known to the victim did (Chart 8). Given that the vast majority (87%) of sexual assaults are

perpetrated by someone known to the victim (Rotenberg 2017), these findings are of particular importance in understanding the course of justice for most victims of sexual assaults. It should be noted that certain alternative measures or reasons why a case may not proceed to court (see Text box 3) may more applicable in cases where the victim knew their assailant.

**Chart 8**  
**Retention rates of sexual assault incidents charged by police that went to court by selected relationship types between the victim and their assailant, Canada, 2009 to 2014**



1. The retention (linkage) rate is a measure of incidents that remain in the criminal justice system (the inverse of the attrition rate), and represents the percentage of sexual assault incidents with a charge laid or charge recommended by police between 2009 and 2014 that linked to a court case completed in adult or youth court between 2009/2010 and 2014/2015.

2. Known to victim includes all relationship types other than stranger. This category overlaps with intimate partner, casual acquaintance, parent and other family as it is a measure of retention for all relationships where the victim knew the offender overall.

3. Intimate partner includes current or ex-spouses either by marriage or common-law, current or ex-boyfriends or girlfriends, or other types of intimate relationships.

4. Denotes a social relationship between the victim and their assailant which is neither long-term nor close. This can include known by sight only.

5. Other family excludes parents and includes brothers or sisters of the victim (including step/half/foster/adopted siblings), extended family (including grandparents, aunts or uncles, cousins, sister/brother-in-law, parents-in-law, etc.), and though extremely small in count, children or step-children of the victim.

6. Parents can include the natural father or mother of the victim, a step-parent, or the legal guardian of the victim.

**Note:** Relationship categories reflect the relationship of the accused relative to the victim. Chart excludes some relationship categories that are smaller in frequency (e.g., friends, business relationship, criminal relationship, and neighbours). Data exclude incidents reported by police in Quebec and Prince Edward Island due to missing personal identifiers required to link to court data. Excludes police-reported incidents involving multiple accused. Record linkage is subject to false negative linkage issues where police-reported incidents may not have linked to court cases due to data quality issues in administrative data (e.g., incorrect birthdates or different personal identifiers for the same accused). Court data exclude cases that were completed in superior court in Ontario, Manitoba and Saskatchewan due to the unavailability of data. It is estimated that the addition of this data would increase the linkage rate slightly (at most 2%). The linkage rate is lowest for incidents reported by police in 2014 due to the short time period in which they were able to reach a final decision in court (by 2014/2015), though this bias appears to affect sexual and physical assaults equally. For these reasons, the retention/linkage rate may be an underestimation.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Integrated Criminal Court Survey linked file.

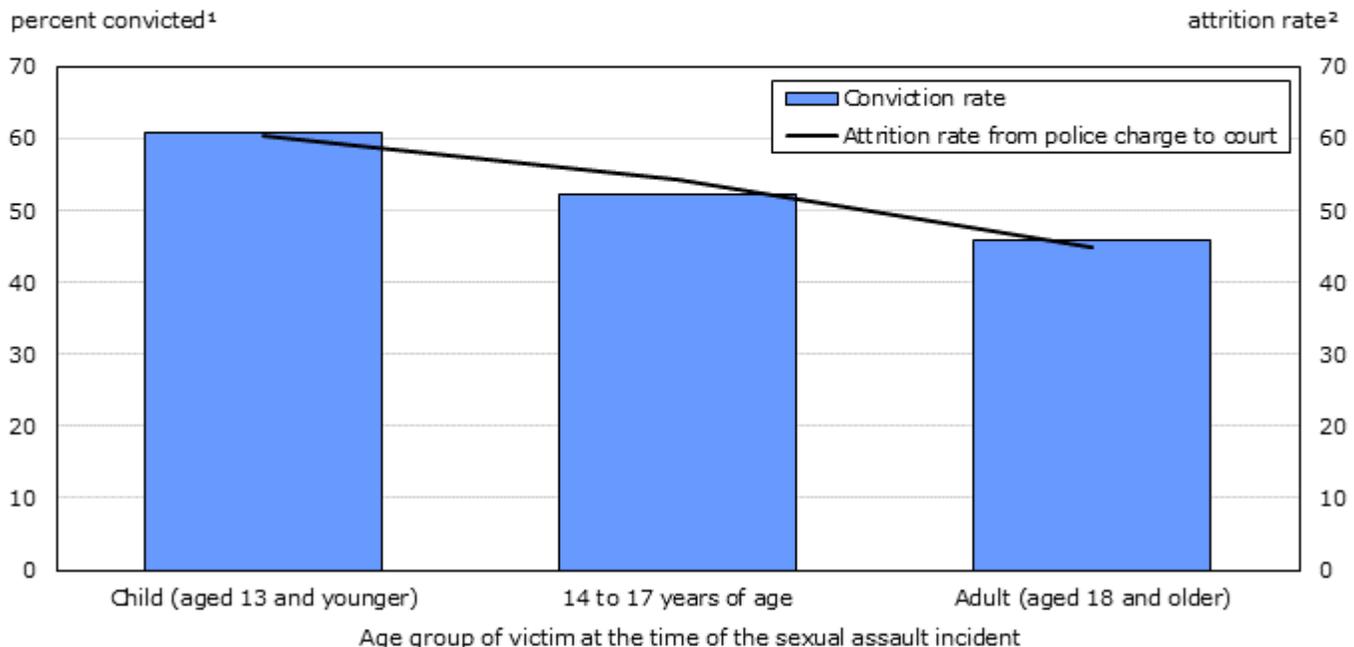
Of sexual assaults that went to court, there were no prominent differences in conviction rate for those victimized by a stranger compared with victims sexually assaulted by someone they knew (52% versus 50%). A slightly lower proportion of convicted cases involving a stranger were sentenced to custody compared with those involving an assailant known to the victim (52% versus 57%).

## Child victims of sexual assault most likely to see perpetrator convicted, but least likely to see charge proceed to court

Although sexual assaults involving a child victim aged 13 and younger<sup>39</sup> were slightly more likely than sexual assaults of adults aged 18 and older to be charged by police (44% versus 40%), they were far less likely to make it to court after a charge was laid (40% versus 55%).

Of the sexual assaults that proceeded to court, cases involving child victims were far more likely than those involving adult victims to result in conviction (61% versus 46%) (Chart 9). By comparison, among linked physical assaults, the difference in conviction rate between cases of child versus adult victims was marginal (54% versus 52%).

**Chart 9**  
**Conviction and attrition rates of sexual assault incidents, by major victim age group, Canada, 2009 to 2014**



1. Represents the percentage of linked cases completed in adult or youth court (that had at least one sexual assault charge in case) that received a guilty decision for the most serious offence in the case. Excludes cases where the most serious offence in the court case linked to a police-reported incident that was not sexual assault.

2. The attrition rate is a measure of 'fall-out' of incidents from the criminal justice system and represents the percentage of sexual assault incidents with a charge laid or charge recommended by police between 2009 and 2014 that did not link to a court case completed in adult or youth court between 2009/2010 and 2014/2015.

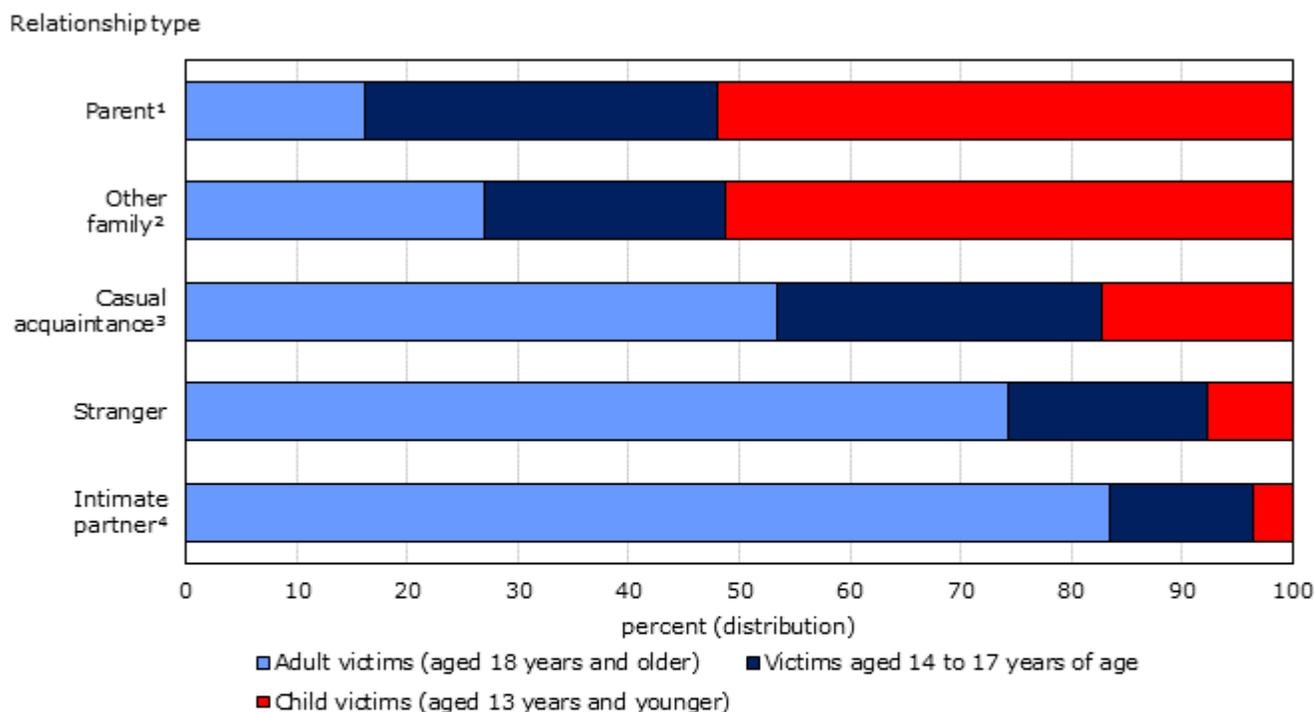
**Note:** Data exclude victims aged 90 and older due to data quality concerns (<1%). Data exclude incidents reported by police in Quebec and Prince Edward Island due to missing personal identifiers required to link to court data. Excludes police-reported incidents involving multiple accused. Record linkage is subject to false negative linkage issues where police-reported incidents may not have linked to court cases due to data quality issues in administrative data (e.g., incorrect birthdates or different personal identifiers for the same accused). Court data exclude cases that were completed in superior court in Ontario, Manitoba and Saskatchewan due to the unavailability of data. It is estimated that the addition of this data would increase the linkage rate slightly (at most 2%). The linkage rate is lowest for incidents reported by police in 2014 due to the short time period in which they were able to reach a final decision in court (by 2014/2015), though this bias appears to affect sexual and physical assaults equally. For these reasons, the attrition rate may be an overestimation.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Integrated Criminal Court Survey linked file.

Three in four (74%) convicted cases of sexual assault against a child were sentenced to custody compared with half (49%) of cases that involved a sexual assault against an adult victim. Given that certain sexual offences against children, including sexual assault, carry mandatory minimum penalties (Public Prosecution Service of Canada 2014), a higher proportion of custody sentences is expected for offenders who sexually assaulted a child. Moreover, the commission of an offence against a child is an aggravating factor in sentencing and the courts are required to give primary consideration to denunciation and deterrence (para. 718.2(a) (ii.1) and s. 718.01 *Criminal Code*). Notwithstanding these sentencing considerations, the findings are in line with other research including among international studies, which have generally agreed that the minority of child sexual assault cases that make it to court are more likely to be convicted or sentenced more harshly in part because the filtering of the attrition process has left behind the most serious of cases (Bunting 2008; Fitzgerald 2006; Parkinson et al. 2002).

Overall, the findings suggest that despite high conviction rates and harsher sentencing outcomes, sexual assaults against children are far less likely to go to court than sexual assaults of adult victims. However, this study also found higher attrition rates among family-perpetrated sexual assaults, and given that children are overrepresented among those sexually assaulted by a family member (Chart 10) (Rotenberg 2017), justice outcomes for child victims of sexual assault should not be considered a result of their age alone. Some research has attributed the increased attrition of child sexual assault cases to insufficient evidence when dealing with children, and in some cases, the parents’ decision to protect their child from the burden of court proceedings (Parkinson et al. 2002).

**Chart 10**  
**Representation of child victims among sexual assaults charged by police that went to court, by selected relationship types between the victim and their assailant, Canada, 2009 to 2014**



1. Parents can include the natural father or mother of the victim, a step-parent, or the legal guardian of the victim.
2. Other family excludes parents and includes brothers or sisters of the victim (including step/half/foster/adopted siblings), extended family (including grandparents, aunts or uncles, cousins, sister/brother-in-law, parents-in-laws, etc.), and though extremely small in count, children or step-children of the victim.
3. Denotes a social relationship between the victim and their assailant which is neither long-term nor close. This can include known by sight only.
4. Intimate partner includes current or ex-spouses either by marriage or common-law, current or ex-boyfriends or girlfriends, or other types of intimate relationships.

**Note:** Relationship categories reflect the relationship of the accused relative to the victim. Percentages represent the distribution of police-reported sexual assault incidents with a charge laid or charge recommended by police between 2009 and 2014 that linked to a court case completed in adult or youth court between 2009/2010 and 2014/2015, by age group of the victim. Data exclude victims aged 90 and older due to data quality concerns (<1%). Chart excludes some relationship categories that are smaller in frequency (e.g., figures of authority, friends, business relationship, criminal relationship, and neighbours).

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Integrated Criminal Court Survey linked file.

Further, some of the attrition among cases of child sexual assault is driven by the compounding effect of delayed reporting: if only sexual assaults reported to police on the same day they occurred are considered, the retention rate for sexual assaults against child victims rises from 40% to 45%. That being said, this figure is still well under the corresponding retention rate of 57% for sexual assaults against adult victims that had no delay in reporting. This suggests that even when controlling for delay in reporting, sexual assaults against children still see greater attrition out of the justice system compared with sexual assaults of adult victims.

### **Sexual assaults perpetrated by a family member of the victim most likely to drop out of the justice system**

Sexual assaults committed by someone who was related to the victim (of any age group) were least likely of all relationship types to go to court. Specifically, while half (49%) of all sexual assault incidents proceeded from police charge to court, only one-third (33%) of sexual assaults involving a parent or step-parent who victimized their child went to court, as did just over one-third (38%) of sexual assaults where the accused was otherwise related to the victim (Chart 8).

Of the minority (17%) of police-reported sexual assaults perpetrated by a family member of the victim that went to court, justice outcomes were harsher than for victims who were not related to their assailant. Two in three (67%) cases involving immediate family members of the victim (e.g., siblings) were convicted, as were over half (59%) of those involving extended family (e.g., grandparents, aunts, uncles, cousins, sister/brother-in-law, parents-in-law, etc.). Parents or step-parents were convicted to a lesser extent in half (50%) of cases, however these lower conviction rates may be partly explained by the increased delay in reporting for cases where children have been sexually assaulted by a parent (Rotenberg 2017) and the lower likelihood of conviction found among cases with a delayed report overall.

About half (52%) of sexual assaults that involved an assailant who was a stranger to the victim were convicted, as were half (50%) of cases that involved an intimate partner, and just under half (48%) that involved a casual acquaintance. Once convicted, parents saw the harshest sentencing outcomes with four in five (79%) cases sentenced to custody, while two in three (67%) cases involving family members other than parents were sentenced to the same. This is compared with half (52%) of sexual assault cases perpetrated by a stranger, and less than half (46%) of sexual assaults perpetrated by an intimate partner (the least likely relationship group to be sentenced to custody) (Table 3).

As previously established for police-reported sexual assaults overall, children are overrepresented among victims sexually assaulted by a family member (Rotenberg 2017). This holds true for sexual assaults that proceeded to court, where over half (52%) of sexual assaults perpetrated by a parent involved a child victim aged 13 and younger as did over half (51%) of those perpetrated by a family member other than a parent (Chart 10). In contrast, only a minority (8%) of sexual assaults perpetrated by a stranger that went to court involved a child victim. Therefore, when interpreting court outcomes by the nature of the relationship between the victim and their assailant, it is important to consider whether child victims were involved given that children represent a far greater proportion of victims of family members than they do of strangers.

These findings suggest that while victims sexually assaulted by a family member—half of whom were children—do see high conviction rates and harsher sentencing penalties relative to other types of relationships between the victim and their assailant, these only represent a small minority of cases, given that most family-perpetrated sexual assaults against children drop out of the justice system before court. Because of the increased likelihood of attrition at the outset, children sexually assaulted by a parent were in fact one of the least likely groups to see their assailant convicted if the full scope of the justice system from police to conviction is considered, with only 8% of all police-reported sexual assaults perpetrated by a parent against their child leading to conviction.

### **Sexual assaults involving male victims were more likely than female victims to drop out of the justice system, whether the victim was a child or an adult**

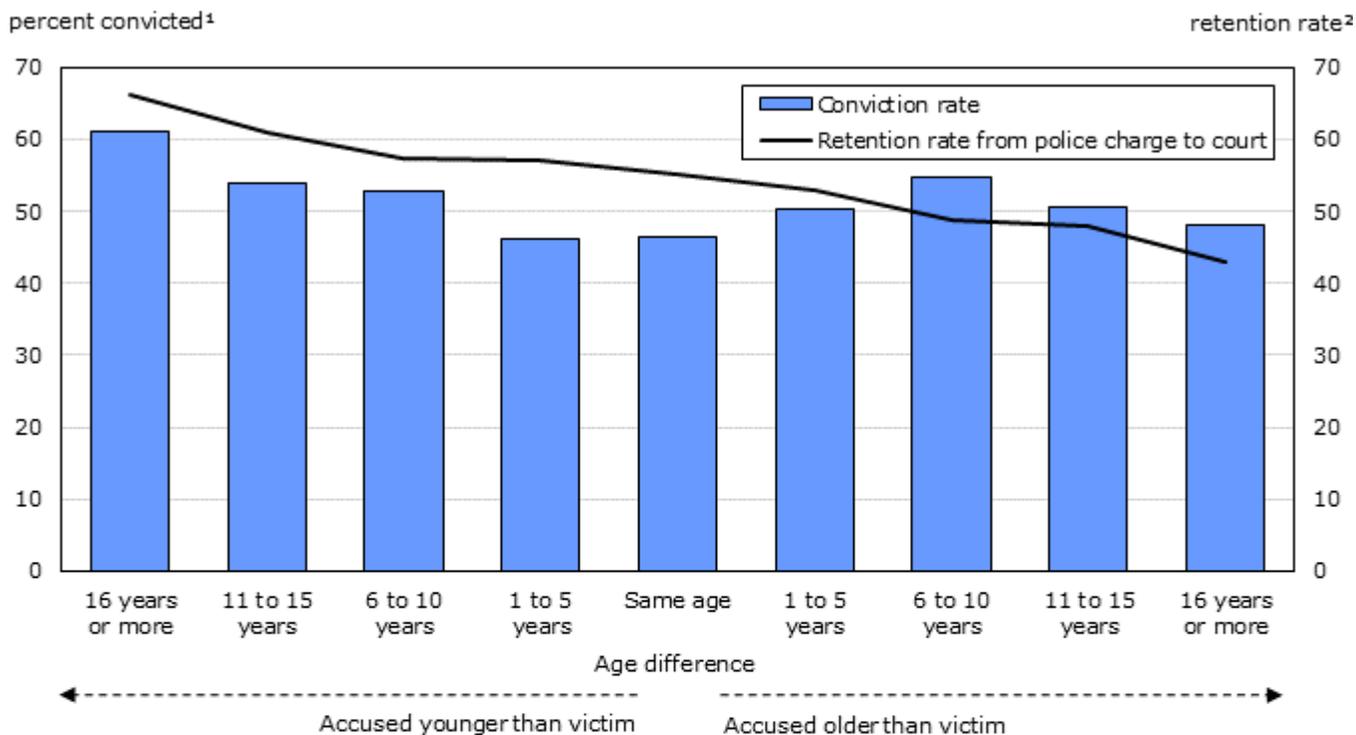
Notwithstanding that males represent a minority (13%) of victims of sexual assault (Rotenberg 2017), sexual assaults of male victims were more likely than those of female victims to drop out of the justice system between police charge and court (59% versus 50%). However, sexual assaults of males were slightly more likely to result in a conviction (54% versus 50%), and marginally more likely to be sentenced to custody (58% versus 56%). Some of this is explained by the overrepresentation of males among child victims of sexual assault: while males accounted for 11% of victims of sexual assaults reported by police overall (that were in-scope for the linkage), they represented 23% of child victims. Thus, the higher attrition rate for sexual assaults against male victims may be in part due to the fact that male victims are more likely to be children, and child sexual assaults overall see higher attrition in addition to greater conviction rates and an increased likelihood of a custody sentence.

To control for this, when sexual assaults were limited to only those involving adult victims aged 18 and older, the conviction rate flips and is slightly lower for cases involving male victims than female victims (42% versus 46%). However, higher attrition rates for sexual assaults involving adult male victims remained, with 51% of incidents dropping out of the system between police charge and court compared with 45% for sexual assaults of adult women. This may be partly attributed to the tendency for male victims of sexual assault (including adult males) to delay in reporting to police longer than females (Rotenberg 2017), and the subsequent impact of delayed reporting on case attrition. Overall, findings suggest that although sexual assaults against males are far less common than those against females, they were more likely to drop out of the justice system whether the male victim was a child or an adult.

### Retention rate highest for accused who were significantly younger than their victims and lowest for accused who were far older than their victims

Retention of sexual assault offences in the justice system appeared to be correlated with the age difference between the accused and the victim (Chart 11, secondary axis). The younger the accused was in relation to the victim, the more likely they were to be retained in the system: two in three (66%) sexual assaults involving an accused younger than their victim by 16 years or more went to court after being charged by police, compared with less than half (43%) of sexual assaults involving an accused older than their victim by 16 years or more. Much of the latter low retention rate was driven by sexual assaults perpetrated by family members far older than the victim, specifically parents or step-parents.

**Chart 11**  
**Conviction and retention rates of sexual assault incidents, by age difference between the victim and their assailant, Canada, 2009 to 2014**



1. Represents the percentage of linked cases completed in adult or youth court (that had at least one sexual assault charge in case) that received a guilty decision for the most serious offence in the case. Excludes cases where the most serious offence in the court case linked to a police-reported incident that was not sexual assault.

2. The retention (linkage) rate is a measure of incidents that remain in the criminal justice system (the inverse of the attrition rate), and represents the percentage of sexual assault incidents with a charge laid or charge recommended by police between 2009 and 2014 that linked to a court case completed in adult or youth court between 2009/2010 and 2014/2015.

**Note:** Includes incidents with only a single accused and single victim. Excludes incidents where the accused or victim was aged 90 and older due to data quality concerns. Data exclude incidents reported by police in Quebec and Prince Edward Island due to missing personal identifiers required to link to court data. Record linkage is subject to false negative linkage issues where police-reported incidents may not have linked to court cases due to data quality issues in administrative data (e.g., incorrect birthdates or different personal identifiers for the same accused). Court data exclude cases that were completed in superior court in Ontario, Manitoba and Saskatchewan due to the unavailability of data. It is estimated that the addition of this data would increase the linkage rate slightly (at most 2%). The linkage rate is lowest for incidents reported by police in 2014 due to the short time period in which they were able to reach a final decision in court (by 2014/2015), though this bias appears to affect sexual and physical assaults equally. For these reasons, the retention/linkage rate may be an underestimation.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Integrated Criminal Court Survey linked file.

Notwithstanding that most sexual assaults involve an accused several years older than their victim (Rotenberg 2017), incidents involving an accused who was far younger than their victim had the greatest chance of conviction: three in five (61%) cases where the accused was 16 or more years younger than the victim were convicted compared with less than half (46%) of cases where the accused was either the same age or within 1 to 5 years younger than the victim (Chart 11, primary axis).

Upon sentencing, the greater the age difference between the victim and the accused, the more likely the case was sentenced to custody (Table 3). This was true in either direction, whether the accused was significantly older than the victim or whether the accused was far younger, in both adult and youth court.

To simplify and contextualize the findings, it may be suggested that middle-aged to older women sexually assaulted by young men were most likely to see their assailant go to court and be convicted, whereas younger female and male victims of sexual assault (including children) who were victimized by middle-aged to older men many years older than them were less likely to see the same course of justice.

### **Sexual assaults where the accused met some of the criteria for pedophilia most likely to drop out of the justice system before going to court**

Pedophilia is clinically defined as having intense and recurrent sexual urges (whether acted upon or not) towards prepubescent children, where the person diagnosed is at least 16 years old and at least five years older than the child aged 13 and younger (American Psychiatric Association 2013). While the *Criminal Code* does not have offences specific to the clinical diagnosis of pedophilia, nor does police-reported data contain information on pedophiles as a distinct group of accused, the age-based component of the clinical definition of pedophilia is applied in this study to infer which sexual assault cases involve an accused who may meet some of the criteria for pedophilia (see the “Key concepts and definitions” section). About one in five (19%) sexual assaults that were charged by police over a six-year period involved an accused who met the age-based criteria for pedophilia as defined by this study (see also Rotenberg 2017).

Accused who met the age-based criteria for pedophilia experienced greater attrition out of the justice system than any other age-based groups: while over half (54%) of sexual assaults involving a victim and an assailant within the same peer age group (within five years) went to court after being charged by police, less than two in five (37%) pedophile-perpetrated sexual assaults did. Much of this attrition was driven by family-perpetrated sexual assaults in particular: sexual assaults committed by a family member accounted for half (49%) of all pedophile-perpetrated sexual assaults that went to court, but only 18% of sexual assaults that went to court overall. Consequently, sexual assaults involving pedophiles who were strangers to their victims saw a much higher retention rate between police charge and court (59%) than did sexual assaults involving pedophiles who were related to the victim (33%) (Table 1).

These findings of increased attrition for sexual assaults with a pedophile accused should not be interpreted independently; rather, other factors such as family relationships and delay in reporting appear to have a compounding effect on attrition. For example, when controlling for delay in reporting by limiting cases to those reported to police on the same day they occurred, the attrition rate declined from 63% to 57% for pedophile-perpetrated sexual assaults, and from 46% to 43% for sexual assaults perpetrated by someone in the same peer age group as the victim (within five years). This suggests that investigative challenges resulting from delayed reporting to police may explain some of the higher attrition rates seen among pedophile-perpetrated sexual assaults against children; however, even when controlling for delay in reporting, attrition remains higher among sexual assaults that were perpetrated by someone who met the age-based criteria for pedophilia.

Put simply, for sexual assaults perpetrated by a possible pedophile, if the accused was a stranger to the child victim then most cases were retained in the justice system. However, sexual assaults perpetrated by a possible pedophile who was a family member of the victim—including the victims’ parents—were at greatest risk of dropping out of the justice system. Delayed reporting of child sexual assaults to police further compounded the risk of attrition.

### **Children sexually assaulted by their parent least likely to see them go to court or be convicted**

If the age of the victim, the accused, and the relationship between them are all considered in tandem, parents or step-parents accused of sexually assaulting their child aged 13 and younger were the least likely group to go to court or be convicted.

A sexual assault committed by a parent against their child aged 13 years and younger is considered in this study as pedophilia by default.<sup>40</sup> Two in three (67%) sexual assaults of this nature dropped out of the justice system between police charge and court (Table 1). When compared with the attrition rate for sexual assaults perpetrated by pedophiles who were strangers to their victim (41%), this 26 percentage-point gap marks one of the largest attrition gaps observed for all incident, accused, and victim characteristics analyzed in this study.

Though controlling for delay in reporting reduced the attrition rate for sexual assaults committed by a parent against their child (from 67% to 61%) and those perpetrated by a possible pedophile who was a stranger to their victim (from 41% to 36%), it is clear that delay in reporting does not explain the remaining large gap in attrition between these two types of pedophile-perpetrated sexual assaults.

For cases that proceeded to court, conviction rates for parents accused of sexually assaulting their child were among the lowest (49%) out of all other groups analyzed (Table 2). Overall, based on police-reported sexual assaults, about one in three

(30%) children victimized by someone who was a stranger to them and met the age-based criteria for pedophilia saw their assailant convicted in court, while only about 1 in 10 (13%) children who were sexually assaulted by their parent saw the same justice outcome.

Of cases that were convicted in adult court, four in five (81%) cases that involved parents accused of sexually assaulting their child were sentenced to custody. This is far greater than the proportion of pedophile-perpetrated sexual assaults where the assailant was a stranger to the victim that were sentenced to custody (68%) and the proportion of sexual assaults sentenced to custody overall (56%) (Table 3).

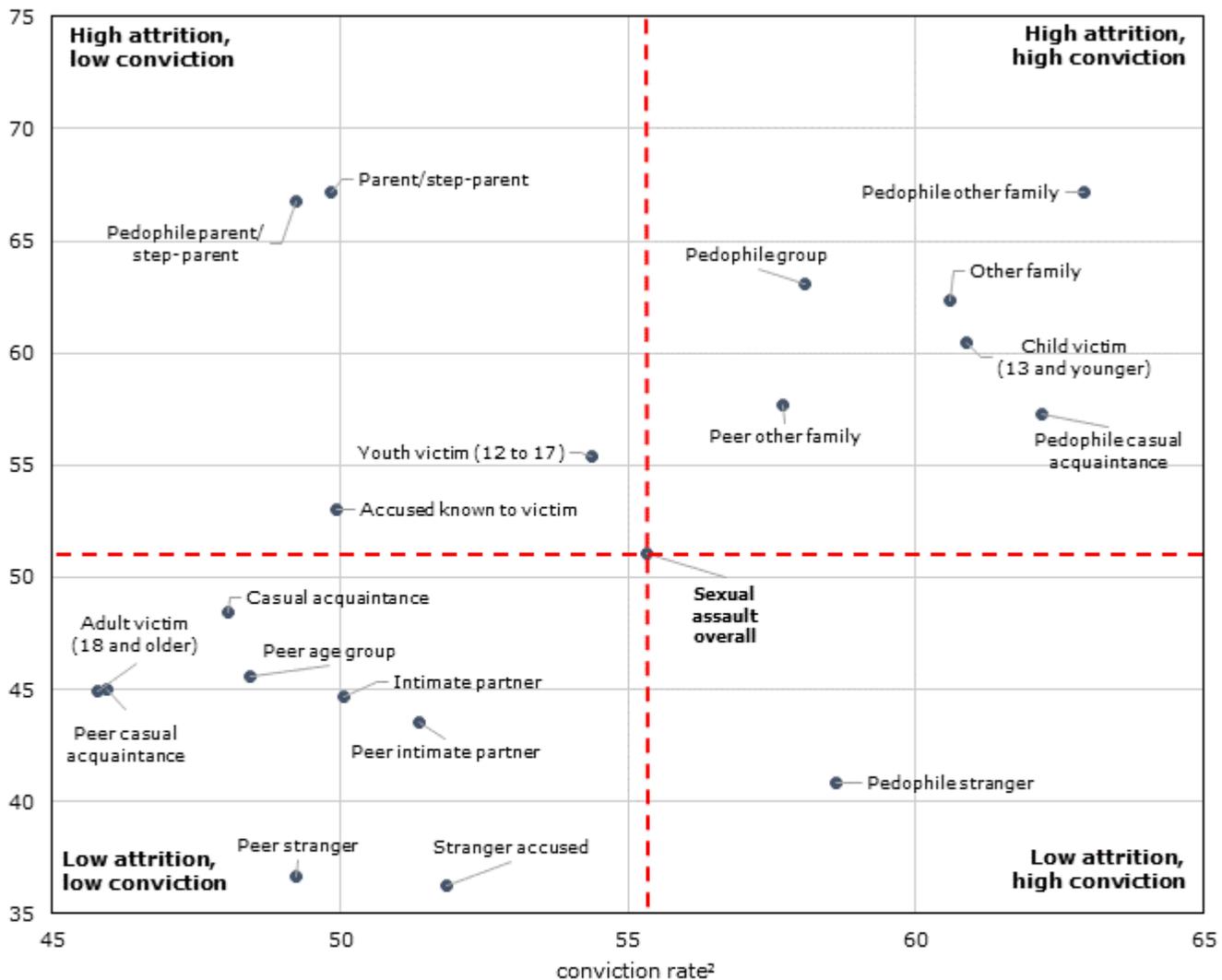
To best summarize the justice outcomes for the different types of complex victim-accused relationships discussed thus far, Figure 3 provides a visual depiction of both attrition and conviction rates for the pertinent victim and accused groups by nature of their relationship. This matrix allows for both justice measures to be considered simultaneously. Data points towards the far ends of each quadrant represent the types of relationships that deviate most from the baseline figures for sexual assault incidents overall (the intersection of the red dash lines). Note that categories may overlap.

Overall, while retention is highest and court outcomes are harsher among sexual assaults involving perpetrators who met the age-based criteria for pedophilia and who were strangers to their victims, the reverse is true for children who were victimized by their parent. Parents accused of sexually assaulting their child were among those with the highest attrition and lowest conviction rates, even after controlling for delay in reporting, making these cases most suspect to dropping out of the justice system.

Sexual assaults of adult victims perpetrated by someone in the victim's peer age group had a relatively greater chance of making it to court, but conviction rates were among the lowest (Figure 3). This was particularly the case for sexual assaults perpetrated by someone who was a stranger or casual acquaintance to the victim and was within five years of the same age as the victim.

**Figure 3**  
**Conviction and attrition rate matrix for selected accused and victim relationship-based characteristics, linked sexual assault incidents, Canada, 2009 to 2014**

attrition rate<sup>1</sup>



1. Attrition rate represents the percentage of sexual assault incidents reported by police between 2009 and 2014 that were in-scope for linkage and charged by police but did not link to a completed court case in youth or adult court between 2009/2010 and 2014/2015, also referred to as the rate of 'drop-off' between police charge and court.

2. Conviction rate represents the percentage of guilty decisions for the most serious decision in a linked court case that had at least one sexual assault charge in the case, where the most serious decision charge linked back to a police-reported sexual assault (for all data points with the exception of sexual assault overall).

**Note:** Excludes sexual assault incidents with multiple victims and/or multiple accused. For detailed information on victim and accused relationship groupings and characteristics plotted in this matrix, see applicable footnotes in Tables 1 and 2. Some groupings overlap (e.g., youth aged 12 to 17 would have some victims that are also captured under child victims aged 13 and younger). Data points presented do not control for delay in reporting; see accompanying text for further information. Record linkage is subject to false negative linkage issues where incidents may not have linked due to data quality issues in administrative data (e.g., incorrect birthdates or different personal identifiers for the same accused). Consequently, the attrition rate may be an overestimation.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Integrated Criminal Court Survey linked file.

## Summary

This study traced sexual assault offences from police to court and analyzed three key measures of justice: attrition of sexual assault cases between police and court, conviction rates for those that proceeded to court, and sentencing outcomes for guilty cases. By using linked sexual assault data, for the first time, it was possible to measure attrition across the justice system as opposed to analysing police figures and court outcomes independently of each other.

The findings show that the majority (79%) of sexual assaults reported by police did not end up in a court case that was completed within the six-year reference period of study. This attrition rate is notably higher than that of physical assaults (61%). The greatest driver of attrition for sexual assaults was at the outset of the criminal justice system, with less than half (43%) of police-reported incidents that were charged by police. However, relative to physical assaults, sexual assaults were far more likely to drop out of the justice system between the police charge and court stage, at which point half (49%) of sexual assaults charged by police proceeded to court, compared with a much larger proportion (75%) of physical assaults. Of the minority of assaults that went to court, sexual assaults saw a slightly lower conviction rate than physical assaults (55% versus 59%), but if convicted, sexual assaults were far more likely to result in a custody sentence (56% versus 36%).

If attrition across the criminal justice system is considered in its entirety, put simply, just over 1 in 10 (12%) sexual assaults reported and substantiated by police led to a criminal conviction, and only 7% resulted in a custody sentence. Overall, the findings of this study are not unlike those echoed in past research which has articulated a concern for the high attrition of sexual assaults in the justice system some decades ago (Gregory and Lees 1996; Gunn and Linden 1997; McNickle et al. 1978; Roberts 1994; Roberts 1996; Tang 1998).

Justice outcomes were also analyzed by available incident, victim and accused characteristics in the aim of identifying which factors may contribute to higher attrition or lower conviction rates (see Text box 7 for a high-level summary). Higher attrition rates were seen among sexual assaults that: were reported to police long after they took place, had incomplete or unknown elements on the incident file as reported by police, did not involve a weapon, did not result in physical injury to the victim, took place on private property, involved a young offender, a child victim, a young male victim, a parent who had sexually assaulted their child, and/or victims who were otherwise related to their assailant (excluding spouses). Of incidents that went to court, lower conviction rates were observed among sexual assaults that involved: a delay in reporting to police, a female accused, an older accused aged 55 and older, a parent who had sexually assaulted their child, and adult victims sexually assaulted by someone within their peer age group, specifically by a casual acquaintance. Upon sentencing of convicted cases, more lenient sentences (i.e., a lower proportion sentenced to custody) were seen among sexual assaults where: no weapon was present, an adult was victimized by someone within their peer age group, and cases where victims were in a current or previous intimate relationship with their assailant.

These findings provide insight on the types of sexual assaults that are more prone to dropping out of the justice system and resonate with other research which attributes the attrition of sexual assault cases to both legal and extralegal factors (Spears and Spohn 1997; Tasca et al. 2012). Policy-makers may benefit from the findings of this study to inform discussions about how different sexual assault cases are handled in the justice system, specifically delayed reports of sexual assault, and cases involving younger victims sexually assaulted by a family member. Further, findings may be beneficial to those developing best practices for sexual assault victim services who aid in navigating victims through the justice system process.

By nature of the offence, sexual assaults may prove more challenging to charge and convict than physical assaults for many reasons, including but not limited to: the absence of third-party witnesses (Felson and Paré 2007) and having taken place on private property (this study), the absence of forensic evidence or physical injury (McGregor et al. 1999; Tasca et al. 2012; this study), investigational challenges such as delayed reporting and incomplete information about the incident (Johnson and Peterson 2008; Spaulding and Bigbee 2001; Lievore 2003; this study), pre-existing relationships between the victim and their assailant whether through intimate relationship or family (Felson and Paré 2005; Jones et al. 2009; this study), inconsistencies in victim statements (Alderden and Ullman 2012), the application of harmful gender stereotypes and rape myths (Grubb and Turner 2012; Sampert 2010; Weiss 2009), and the burden on the Crown to prove absence of consent beyond a reasonable doubt (Randall 2010). Finally, although corroboration from a third party is not required to convict an accused person of sexual assault (s. 274 *Criminal Code*), the production of supporting evidence that a sexual assault took place and that consent was not given by the victim may be especially challenging to prove given the often private nature of the act itself.

## Future research

Using the methodology established in this study to trace police-reported sexual assaults through to court outcomes, future research may benefit from applying this model to other offence types. In particular, repeating a similar attrition analysis for all sexual offences against children would be of value. Under the *Criminal Code*, there are many other offences against children that are sexual in nature beyond just sexual assault, such as child sexual exploitation and sexual interference. Given that sexual assaults perpetrated by someone who met the aged-based criteria for pedophilia resulted in some of the highest

attrition rates observed in the present study, focusing on child victims of all sexual offences and exploring what types of incident, victim, and accused characteristics may present as a barrier in moving forward through the levels of the criminal justice system is warranted.

Attrition due to lack of criminal charge laid at the police or Crown level was analyzed to a limited extent in the present study where findings were most pertinent, as attrition analysis was mostly focused on the drop-off between police charge and court. As such, there is further room to analyze the drop-off of sexual assault cases at the charge level by incident, victim and accused characteristics in the aim of determining what kinds of sexual assault cases are most prone to dropping out of the justice system at an earlier stage in the process.

While the present study analyzed overall attrition and court outcomes for youth who had been accused of sexual assault, it was out of scope to explore incident, accused and victim characteristics specifically among cases of sexual assaults perpetrated by a youth against another youth. Given that one-third of sexual offences against children or youth were committed by another youth (Cotter and Beaupré 2014), further research on attrition between police and court would also benefit from focusing on youth-against-youth sexual assaults to examine how these cases are handled in the justice system. Further, because this study focused on the attrition between police and court, a disproportionate number of youth accused were dropped from the analysis because young offenders are less likely to be charged in the first place. In addition, sentencing outcomes for youth convicted of sexual assault or other sexual offences is another area that could be explored in further detail.

Finally, additional research on delay in reporting to police would offer a broader understanding of to what extent delayed reports of crimes may influence court outcomes for different criminal offences. Although increased delays in reporting also appeared to hinder retention rates and conviction outcomes for physical assaults, examining whether other violent and non-violent offences are equally impacted by a delay in reporting would build on this new area of research.

### Text box 7

#### Summary of characteristics that may contribute to sexual assault justice outcomes

##### Characteristics observed among cases with higher attrition and/or lower conviction rates:

- Delay in reporting of the sexual assault to police
- Incomplete or unknown information on the incident file
- Took place on private property
- No physical injury suffered by the victim
- Female perpetrator
- Youth accused aged 17 and younger (greater attrition, but higher conviction rates)
- Child victims
- Male victims
- Accused was someone the victim knew, specifically a family member or a casual acquaintance
- Child victims sexually assaulted by a parent
- Large age gaps where the victim was significantly younger than their assailant

##### Characteristics observed among cases with lower attrition and/or higher conviction rates:

- Sexual assaults classified by police as level 2 or 3
- Reported to police on the same day the sexual assault took place
- Complete information on the incident file
- Presence of a weapon during the sexual assault
- Victim suffered a physical injury
- Child victim sexually assaulted by someone who met the age-based criteria for pedophilia and was a stranger or a casual acquaintance
- Older victims sexually assaulted by someone far younger than them
- Victims sexually assaulted by a stranger or current or ex-intimate partner in their peer age group (within five years)

Note that some of these characteristics may be co-occurring or can have a compounding effect on attrition or conviction rates when two or more factors apply to the same case. Refer to the body of the article for more context.

## Survey description

### Incident-based Uniform Crime Reporting Survey

The Incident-based Uniform Crime Reporting (UCR) Survey collects detailed information on criminal incidents that have been reported to and substantiated by Canadian police services. This information includes characteristics pertaining to incidents (e.g., weapon, location, delay in reporting), victims (e.g., age, sex, victim-accused relationship, physical injury) and accused persons (e.g., age, sex, charge laid). Between 2009 and 2014, data from police services covered 99% of the population of Canada. Incidents are based on pooled UCR micro-data for each individual year, and will not match data from CANSIM tables as these capture aggregate-based data.

## Integrated Criminal Court Survey

The objective of the Integrated Criminal Court Survey (ICCS) is to develop and maintain a national database of statistical information on appearances, charges, and cases in youth and adult criminal court. The survey is intended to be a census of pending and completed federal statute charges heard in provincial-territorial and superior courts in Canada. Appeal courts, federal courts (e.g., Tax Court of Canada) and the Supreme Court of Canada are not covered by the survey. See the “Analytical approach: Court outcomes” section for information on how ICCS data was interpreted for this study.

## Methodology: Record linkage

In order to follow sexual assaults through the justice system between police and court, a deterministic record linkage was undertaken to link Uniform Crime Reporting (UCR) Survey data on police-reported sexual assault incidents between 2009 and 2014 to Integrated Criminal Court Survey (ICCS) data on outcomes of criminal court cases completed between 2009/2010 and 2014/2015. The same linkage steps were also applied to link physical assault incidents to court to offer a comparator for sexual assault outcomes.

The scope for the linkage included police-reported incidents where sexual assault level 1, 2 or 3 was the most serious violation in the incident, and where the accused was not a company. Due to lack of personal identifiers on the court side in Quebec and Prince Edward Island required to identify unique offenders, these two provinces were excluded from the linkage. These exclusions represented 19% of sexual assault incidents and 19% of physical assault incidents. Incidents with more than one accused were excluded at the outset because of analytical issues introduced when analyzing the characteristics of multiple accused within the same criminal incident (exclusions represent 5% of sexual assaults and 14% of physical assaults). Overall, after exclusions within police data, in-scope sexual assault incidents represented 80% (93,501) of the 117,238 total sexual assaults reported by police in Canada between 2009 and 2014. The corresponding figure was 76% for physical assaults (885,847 out of 1,167,777).

In order to infer the linkage rate to court (the inverse of the attrition rate), in-scope police-reported incidents were then reduced to those with an accused identified in connection with the incident, followed by those with charge laid. Of the 93,501 sexual assault incidents that were in-scope for linkage to court, 59% (55,077) had an accused identified by police in connection with the incident. A criminal charge was laid in three-quarters (74%) of these incidents. Overall, this meant that 43% (40,490 out of 93,501) of sexual assault incidents resulted in a charge being laid, while 41% were not cleared (no accused identified), and the remaining 16% of incidents had an accused identified but the incident was cleared otherwise. The corresponding figures for physical assault were: 75% (663,552 out of 885,847) had an accused identified; a criminal charge was laid in 68% of these incidents; and subsequently, 51% (452,745 out of 885,847) overall resulted in a charge laid.

To link charged incidents from the UCR to court records from the ICCS, accused were matched by personal and incident identifiers including accused soundex (an algorithm that encodes names for confidentiality reasons), date of birth of the accused, sex of the accused, the province where the incident was reported to police, and the date of the offence. Court outcomes from both adult and youth court were included in the linkage. Court data exclude information from superior courts in Prince Edward Island, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec. These data are not available for extraction from the provinces' electronic reporting systems and therefore, are not presently reported to the ICCS. This is currently the case for all criminal court-related publications utilizing ICCS data. This exclusion is estimated to represent at most 2% of all sexual assaults in-scope for linkage and 0.1% of all in-scope physical assault incidents. These estimates were derived by applying the proportion of incidents that went to superior court among provinces that report superior court information to those that do not. Nunavut was excluded from this estimation as there is one single level of court (unified trial court) in that territory. Overall, this means that if superior court data were available in all provinces that were in-scope for linkage, it is estimated that the linkage rate from police charge to court would increase from 49% to (at most) 51% for sexual assault incidents, and increase by less than 1% and remain 75% for physical assault incidents.

In the present study, 'going to court' is used as a simplified term for ease of comprehension purposes, and represents sexual assault incidents reported by police between 2009 and 2014 that linked to at least one charge in a court case that was completed between 2009/2010 and 2014/2015. Given that the median length of court case processing time for sexual assault cases is about double that of physical assault cases (Maxwell 2017; Standing Senate Committee on Legal and Constitutional Affairs 2017), it is possible that the linkage rate may be biased for sexual assaults that were in court towards 2014/2015 if they take longer to complete than physical assaults. To check for this, the linkage rate was analyzed by year. As may be expected, incidents reported by police in the last year of study (2014) had a notably lower linkage rate (21% for sexual assaults; 52% for physical assaults) than all other years given the narrow period of time in which a court case could be completed to be included in the study. If police incidents reported in 2014 and court cases completed in 2014/2015 were excluded, the linkage rate would increase from 49% to 54% for sexual assaults and from 75% to 80% for physical assaults. While these figures show an increase in the linkage rate by a few percentage points, the gap between sexual and physical assault remains the same. This suggests that although incidents reported in 2014 have a lower linkage rate, no notable bias in the linkage rate for the last year of study was detected specifically for sexual assaults when compared with physical

assaults. For this reason, and to preserve the maximum number of linked cases when conducting more granular analyses at the characteristics-level, this study retained all six years of data from police and court for the linkage.

After removing incidents that were out of scope as well as duplicate records and potentially false or bad links, the final linkage rates from police-reported incidents with a charge laid to completed court cases was 49% (19,806 out of 40,490) for sexual assault incidents and 75% (341,101 out of 452,745) for physical assault incidents.

As with any record linkage undertaking, linkage results are subject to false negative linkage issues where incidents may not have linked due to data quality issues in administrative data (e.g., incorrect birthdates or inconsistent personal identifiers used for the same accused). Consequently, in combination with other methodological considerations explained above, the linkage rate from police to court may be an underestimation, and in turn, the attrition rate may be an overestimation.

## Analytical approach: Court outcomes

When a criminal case is heard in Canadian criminal court, it can have many different offences charged within the same case. 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, or date of decision) into a single case. Having multiple different charges within a case introduces a challenge in analyzing linked court outcomes of sexual assaults charged by police because it is not a one-to-one relationship. For example, of the completed court cases linked from a single police-reported sexual assault incident, there was an average of 13 charges per court case. These were typically not all charges for sexual assault-related offences, rather, they were often unrelated charges associated with other incidents the accused had been involved in that were outside of the scope of the linkage at the police level, or were other charges introduced by the Crown.

In order to accurately present court outcomes of the linkage and align with best practices for analysis of Integrated Criminal Court Survey (ICCS) data, all sequential charges within a court case—not only those that were linked to the police-reported sexual assault—were required. Once the linkage identified which court cases had at least one charge within the case had linked directly from a police-charged sexual assault incident on the Uniform Crime Reporting (UCR) Survey, a subsequent ICCS case-to-charge linkage was undertaken to pull off all sequential charges for the linked court cases. Doing so resulted in a duplication of some court charge information wherein the same court charge had linked back to not only the sexual assault, but an additional unrelated UCR incident (frequency of 11% for sexual assault linkage and 3% for physical assault linkage). An unduplication exercise was then undertaken to force a one-to-one relationship between every UCR incident (whether related to sexual assault or not) and each ICCS court charge. Incidents were prioritized by the target offence (sexual assault or physical assault for each respective linkage file first), followed by the complexity of the offences (multiple violations on the same incident), the seriousness of the offence, then the date of the offence, among other prioritization rules designed to retain the most relevant incident related to sexual assault.

After adding all sequential court charges and cleaning the data, the most serious offence in the case method was used as the primary method to measure court case outcomes. On the ICCS, a case that involves more than one charge is represented by the most serious offence, which is selected according to the following rules: First, court decisions are considered and the charge with the most serious decision is selected. Decisions are ranked from most serious to least serious as follows: 1) guilty; 2) guilty of a lesser offence; 3) acquitted; 4) stay of proceeding; 5) withdrawn, dismissed or discharged; 6) not criminally responsible; 7) other; and 8) transfer of court jurisdiction.

Second, in cases where two or more criminal charges resulted in the same most serious decision (e.g., both found guilty), then *Criminal Code* sentences were considered. Charges were classified according to an offence seriousness scale, which is based on actual sentences handed down by courts in Canada. Each offence is ranked by looking at: 1) the proportion of guilty charges where custody was imposed; and 2) the average (mean) length of custody for the specific type of offence. These values were multiplied together to arrive at the final seriousness ranking for each type of offence. If two charges remained tied according to this criterion, information about the sentence type and length was then considered (e.g., custody and length of custody, probation and length of probation).

In order to increase the relevance of the most serious offence in the case method specifically for sexual assaults, a subset of court cases where at least one charge within the case was specifically for sexual assault level 1, 2 or 3 was derived. These cases represented 84% of all court cases within the sexual assault linkage and 96% of cases within the physical assault linkage.

For analysis involving court outcomes by incident, victim, or accused characteristics, a separate subset was created to ensure that the outcome of the most serious offence in the case method reflected a court charge that linked back to a sexual assault incident from the UCR. Recall that after retrieving all sequential court charges in the linked court cases, some had been associated with police incidents unrelated to a sexual assault. Evidently, analyzing outcomes of court cases in relation to incident characteristics such as location type or delay in reporting, for example, would be confounded with other types of incidents if the associated incident was not a sexual assault incident. Thus analysis of the most serious offence by charge in a court case (irrespective of what the court charge was for) by incident, victim or accused characteristics was limited to those

that linked back to a police-reported sexual assault. These exclusions represented 15% of court cases within the sexual assault linkage and 16% of cases within the physical assault linkage.

Standard subsets for analysis of victim characteristics were created where necessary, such as filtering to incidents with only one victim and a complete victim record. Limiting incidents to those with one victim per incident was necessary in order to avoid confounding the characteristics of two or more victims. The single victim subset was also applied when analyzing victim variables in relation to the accused such as the nature of the relationship between the victim and the accused, as well as the age gap between them. Age-based analytical subsets were also created for victim and/or accused-based analysis where applicable, and required excluding incidents with invalid victim ages (missing or aged 90 and older for data quality reasons), as well as for accused (missing, aged under 12, or aged 90 and older).

## Key concepts and definitions

**Acquittal** (at the court level): requires that a trial took place and a verdict of not guilty was reached for all the charges presented before the court.

**Age gap:** the age difference (in years) between the victim and their assailant at the time of the sexual or physical assault incident. Includes incidents where a charge was laid on the accused.

**Attrition:** the proportion of criminal incidents that 'dropped out' of the criminal justice system at a given level, most commonly defined in this study as the percentage of incidents charged by police that did not turn up in a court case completed within the reference period. The attrition rate can also be defined as the inverse of the 'linkage rate', or the inverse of the rate of retention of cases in the criminal justice system. Attrition can also be measured using a broader scope, such as by global attrition (the percentage of incidents reported by police, irrespective of whether they were cleared or whether an accused was identified or charged, that were not found in a court case completed within the reference period).

**Casual acquaintance:** a social relationship between the victim and the accused which is neither long-term nor close and can include acquaintances known by sight only.

**Census metropolitan area (CMA):** consists of one or more neighbouring municipalities situated around a major urban core. A CMA must have a total population of at least 100,000 of which 50,000 or more live in the urban core. To be included in the CMA, other adjacent municipalities must have a high degree of integration with the central urban area, as measured by commuting flows derived from census data. A CMA typically comprises more than one police service.

**Charged by police:** criminal incidents that were either charged or recommended to be charged by police as reported to the Uniform Crime Reporting Survey, or where a charge was laid by the Crown in provinces where the Crown is responsible for laying a charge (British Columbia, Quebec, and New Brunswick). An incident identified as 'charged by police' in this study reflects the clearance code assigned by police to the incident; however, once the incident information is relayed to the courts, the Crown reserves the right to deny and dismiss the charge, which means that the incident was not formally charged. Data on Crown acceptance or denial of charges recommended by police is not available from police-reported data.

**Child victim:** contrary to other *Juristat* articles, this report defines child victims as those aged 13 and younger at the time of the criminal incident in order to align with the definition of pedophilia which is used to characterize certain sexual assaults against children aged 13 and younger also analyzed in this report.

**Delay in reporting:** defined by the time (in days) elapsed between the date a criminal incident is known or believed to have occurred and the date the incident was formally reported to police, whether by the victim, a friend or family member of the victim, or a third party. In this study, a 'delayed report' includes any incident that was reported to police at least one day after it took place (and was substantiated/declared 'founded' by police).

**Family member:** includes parents (natural father or mother, legal guardian, or step-parent of the victim), other immediate family (natural brother or sister of the victim or step/half/foster/adopted sibling), and any extended family related to the victim either by blood or by marriage (e.g., grandparents, aunts, uncles, cousins, sister/brother-in-law, parents-in-law, etc.). Spouses of the victim are excluded from family members for the purposes of this *Juristat* article and are captured under 'intimate relationship'.

**Guilty** (at the court level): guilty decisions rendered for cases completed in court including guilty of the offence, of an included offence, of an attempt of the offence, or of an attempt of an included offence. Also includes guilty pleas, and cases where an absolute or conditional discharge has been imposed.

**Hybrid offences:** crimes that can be processed as either summary or indictable offences. These can include sexual assault level 1, child pornography, sexual violations against children and some firearms offences, where the offence is “deemed indictable unless and until the Crown has elected to proceed summarily” (*R. v. Dudley* 2009).

**Indictable offence:** generally include more serious crimes (such as level 2 and level 3 sexual assault) that carry greater maximum penalties and involve more complex court procedures (such as preliminary hearings and juries).

**Intimate relationship:** a close or previously close relationship between the victim and the accused defined by a sexual relationship or mutual sexual attraction. This can include a spouse (married or common-law) or ex-spouse (separated or divorced) of the victim, current or ex-boyfriend or girlfriend of the victim, or any other intimate relationship type including ‘one-night stands’ or otherwise a person with whom the victim had a brief sexual relationship with. Applies to any sexual orientation.

**Long-term sexual assault:** defined in this report as sexual assaults that were reported by police as having begun on a given date (first incident date) and continued for longer than a one-week period (i.e., the last incident date must be at least 8 days after the first incident date). These sexual assault incidents are contrasted with isolated incidents, which are reported by police to have only one associated incident date. Long-term sexual assaults are not necessarily a measure of repeat victimization or offending, as a new incident for the same victim and/or accused may be entered by police if the circumstances or nature of the incident change.

**Major physical injuries:** physical injuries to the victim at the time of the incident or as determined through police investigation that were more than ‘trifling’ or ‘transient’ in nature and required professional medical treatment or immediate transportation to a medical facility. This is reported by police to the Uniform Crime Reporting Survey and does not necessarily reflect evidence of physical injury that may have been presented in court.

**Minor physical injuries:** physical injuries to the victim at the time of the incident or as determined through police investigation that did not require professional medical treatment or only some first-aid (e.g., band-aid, ice, etc.). This is reported by police to the Uniform Crime Reporting Survey and does not necessarily reflect evidence of physical injury that may have been presented in court.

**Most serious decision in a case** (at the court level): based on the court charge in a given case with the most serious verdict assigned. 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 or discharged; 6) not criminally responsible; 7) other; and 8) transfer of court jurisdiction. For example, if there are six criminal charges in a court case and at least one of them is assigned a guilty verdict, then the most serious decision in that case would be guilty.

**Most serious offence in a case** (at the court level): represents a court case that has more than one charge. The most serious offence in a case is selected by: 1) the charge with the most serious decision in the case (see above); and then by 2) the charge with the most serious offence type according to an offence seriousness scale which is based on sentencing information, specifically, the proportion of custody sentences imposed and the average length of custody sentences. If, after looking at the offence seriousness scale, two or more charges remain tied then information about the sentence type and duration of the sentence are considered (e.g., custody and length of custody, then probation and length of probation, etc.).

**Most serious sentence in a case** (at the court level): based on the sentence imposed by the courts on a guilty charge. In cases where several charges in a case are found guilty, additional criteria are applied to select a single charge to represent the case. If the ‘most serious offence’ is associated with several sentences, a ranking is applied to the types of sentences to determine which is the most serious, beginning with custody sentences.

**Most serious violation in the incident** (at the police level): determined by police based on a number of classification rules regarding the seriousness of the offence. Because one incident can involve multiple (up to four) criminal offences, the most serious violation is often used to represent the incident. Classification rules take into account whether or not the offence was violent, the maximum penalty imposed by the *Criminal Code*, whether the incident involved a homicide violation (which would always take precedence over other violations with the same maximum penalty), and the discretion of the police department. The most serious violation in the incident is not the same thing as the most serious violation against the victim, which identifies the most serious violation committed against an individual person.

**Pedophile group:** represents police-reported sexual assault incidents charged by police involving an accused who may meet some of the clinical criteria for pedophilia as defined by the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-5) based on the age of the accused, the age of their victim, and the fact that the criminal offence was sexual in nature. The clinical diagnosis of pedophilia requires: 1) intense and recurrent sexual urges towards and fantasies about prepubescent children that have either been acted upon or which caused the person with the attraction distress or interpersonal difficulty; and that 2) the person diagnosed be at least 16 years old, and at least five years older than the child

aged 13 or younger (American Psychiatric Association 2013). While police-reported data does not contain information on such clinical diagnoses, the fact that the offence was reported as sexual assault by police is used to infer that an act of a sexual nature took place. However, this does not mean that the accused would definitively meet the clinical criteria for pedophilia, as they may not have, for example, had intense and recurrent sexual urges towards prepubescent children. The pedophile group used in this *Juristat* article is thus defined as persons charged with sexual assault who were 16 years of age or older at the time of the incident, with a victim who was 13 years of age or younger, and there was at least a five year age difference between them. This grouping does not represent an actual diagnosis of pedophilia by a medical professional, but rather an age-based grouping using accused and victim information which may suggest, given the sexual nature of the offence, that the accused may meet part of the criteria for pedophilia.

**Peer age group:** represents police-reported sexual or physical assault incidents where the victim and the accused were within five years in age of each other (whether older or younger), and the incident did not meet the criteria for the pedophile group.

**Physical assault:** refers to three levels of physical assault detailed in the *Criminal Code*, which include the following categories:

- **Physical assault (common assault, level 1):** the least serious form of physical assault, including pushing, slapping, punching, and face-to-face verbal threats towards the victim.
- **Major assault (level 2):** more serious forms of physical assault, including assault with a weapon or causing bodily harm and carrying, using or threatening to use a weapon against someone or causing the victim bodily harm.
- **Major assault (level 3):** includes aggravated assault and involves wounding, maiming, disfiguring or endangering the life of the victim.

**Sexual assault:** ranges from unwanted sexual touching to sexual violence resulting in serious physical injury or disfigurement to the victim in the following categories as per the *Criminal Code* (see also Text box 1):

- **Sexual assault (level 1):** does not involve a weapon or evidence of bodily harm.
- **Sexual assault with a weapon or causing bodily harm (level 2):** includes sexual assault with a weapon, threats or causing bodily harm.
- **Aggravated sexual assault (level 3):** results in wounding, maiming, disfiguring or endangering the life of the victim.

**Single accused:** police-reported criminal incidents where there was only one person who was accused in a given incident. Incidents with more than one accused are excluded from any analysis of accused characteristics in order to avoid the methodological issue of confounding accused characteristics for incidents with multiple accused.

**Single victim:** police-reported criminal incidents where there was only one victim present in a given incident. Incidents with more than one victim are excluded from any analysis of victim characteristics in order to avoid the methodological issue of confounding victim characteristics for incidents with multiple victims.

**Stayed, withdrawn, dismissed or discharged** (at the court level): these decisions refer to the court either putting the charges against the accused on hold or discontinuing criminal proceedings against the accused (including due to unreasonable delays in hearing the case). As a result, a trial was either not held or partially held. Includes stays, court referrals to alternative or extrajudicial measures and restorative justice programs, withdrawals, dismissals and discharges at preliminary inquiry.

**Summary conviction offences:** generally includes less serious crimes such as mischief or petty theft, however it may include sexual assault level 1 in some circumstances. Summary offences are heard by provincial court judges and carry lower maximum sentences.

**Unfounded:** incidents reported to police where it was determined through investigation by police that no violation of the law took place. These incidents are not captured among crimes reported by police to the Uniform Crime Reporting Survey. For more information, see Text box 2.

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## Notes

1. Due to the complex characterization of linked data, findings are simplified in the Highlights section. Refer to Text box 4 and the "Methodology: Record linkage" section at the end of this report for a full explanation of how figures presented throughout this article were produced and how they should be interpreted.

2. In addition to the criminal justice system, victims may pursue a sexual assault case in civil court, for example when seeking monetary damages (see Hoddenbagh et al. 2014); however, this article pertains to only sexual assaults within the criminal justice system.

3. Reasons include not wanting the hassle of dealing with the police (45%), belief that police would have not considered the sexual assault important enough (43%), a perceived lack of evidence (43%), a belief that the offender would not be convicted or adequately punished (40%), or that the victim feared or did not the hassle of dealing with the court process (34%) (see Conroy and Cotter 2017).

4. See CANSIM Table 252-0053 (adult court) and CANSIM Table 252-0064 (youth court).

5. Physical assault, also referred to as common or major assault, includes level 1 assault, level 2 assault with a weapon or causing bodily harm and level 3 aggravated assault. Between 2009 and 2014, the average annual rate of physical assault in Canada was 640.6 incidents per 100,000 population, which is approximately 10 times higher than the rate of sexual assaults (62.1).

6. Typically, level 1 sexual assaults involve violations of a sexual nature without a weapon or evidence of bodily harm, such as unwanted touching or other non-consensual bodily contact for sexual purposes. However, some studies suggest that non-consensual sexual intercourse can be charged as a level 1 sexual assault (DuMont 2003; Johnson 2012). Several factors beyond the seriousness of the incident may play a role in the decision to charge a sexual assault as level 1 instead of level 2 or 3, including the sufficiency of evidence of bodily harm or the use of a weapon, and the desire to proceed as a summary offence so that the victim does not have to testify twice.

7. The attrition of crime concept can be applied at varying levels of the criminal justice system. For example, there can be attrition between crime and what gets reported to police (the 'dark figure of crime'), attrition between police-reported crime and incidents charged by police, between being charged by police and turning up in court (the inverse of the linkage rate), and a more global measure of attrition between crimes that are reported by police and those that end up being convicted in court. When this article uses the term attrition rate, the two levels of the criminal justice system being applied to measure attrition will be clearly identified.

8. In order to accurately determine attrition, some cleaning of the data was required. Of the 117,238 police-reported sexual assaults in Canada during the reference period where the sexual assault was the most serious violation in the incident (as established in Rotenberg 2017), 93,501 were in-scope to proceed with the linkage component—this meant first eliminating incidents that were ineligible for linkage due to missing personal identifiers or other required qualifiers (see the "Methodology: Record linkage" section). Of these 93,501 sexual assaults, 73,695 (79%) did not proceed to a court case that was completed within the reference period.

9. Incidents per 1,000 pertaining to sentencing outcomes were adjusted for adult/youth court figures in order to deduce a true distribution of attrition by level of the criminal justice system. Specifically, the sum of the number of adult cases sentenced to custody and not sentenced to custody was adjusted up to match the base number of all court cases that were convicted (including adult and youth). This meant ultimately excluding youth sentencing outcomes and replacing them with adult sentencing outcomes. Youth sentencing outcomes were excluded in sentencing counts due to fundamental differences in sentencing principles. For this reason, sentencing outcomes should not be construed as representative of sentences received by youth.

10. These figures differ slightly from those reported in a previous article (Rotenberg 2017) because the present study was limited to sexual assaults that were in-scope for linking to court. This required excluding sexual assaults from two provinces as well as limiting incidents to those with a single accused. See the "Methodology: Record linkage" section for more information.

11. Police are responsible for laying charges in most provinces except British Columbia, Quebec, and New Brunswick, where charges are laid by the Crown (note: Quebec was excluded from this study for other methodological reasons). Incident clearance statuses other than 'charged' were examined by province to see if there was a bias in incidents cleared otherwise; however, no notable differences were detected as these statuses were used very infrequently across all provinces. Overall,

between 2009 and 2014, at most 4% of sexual assaults reported by police (in New Brunswick or Saskatchewan) were cleared otherwise as 'beyond the control of the department', and 9% in Ontario were cleared otherwise via 'departmental discretion', as were 3% in British Columbia and New Brunswick.

12. This proportion differs from the 41% charge rate reported in a previous *Juristat* article (Rotenberg 2017) because the present study was limited to sexual assaults that were in-scope for linking to court. This required excluding sexual assaults from two provinces as well as limiting incidents to those with a single accused. See the "Methodology: Record linkage" section for more information.

13. Includes police-reported sexual assaults that linked to a court case that retained at least one sexual assault charge within the case. This represents most (84%) court cases that linked from a police-reported sexual assault incident. The remaining 16% of court cases originated from a police-reported sexual assault incident, but once in court, there was no sexual assault charge present in the case. For more information on changes in criminal charges between police and court, refer to the "Three in five sexual assault charges recommended by police were changed to another offence type once in court" section. For the methodological reasons behind limiting to court cases that retained a sexual assault charge, refer to Text box 4.

14. Represents police-reported incidents with a charge laid where the most serious violation in the incident was sexual assault that linked to a completed court case during the reference period of which the charge for the most serious offence in the case linked back to a sexual assault (see the "Analytical approach: Court outcomes" section). A police incident can include up to four violations and it is possible that some of the secondary violations were what the court charge was changed to, however this is still considered a change in charge from police to court for the purposes of this analysis.

15. Other sexual offences include, in order of frequency: sexual interference, invitation to sexual touching, sexual exploitation, indecent acts, child pornography, anal intercourse, luring a child via a computer, voyeurism, and other sexual crimes.

16. Administration of justice offences include, in order of frequency: fail to comply with an order, breach of probation, obstruct public/peace officer, other offences against the administration of justice, fail to appear, escape or helps to escape from lawful custody, and prisoner unlawfully at large.

17. Includes other violations involving violence or the threat of violence, including, in order of frequency: uttering threats to a person, criminal harassment, indecent/harassing telephone calls, intimidation of a non-justice system participant, robbery, and robbery to steal a firearm. Excludes violent violations causing death, physical assaults, and offences resulting in the deprivation of freedom (e.g., kidnapping, abduction, trafficking in persons, etc.).

18. The most serious offence in a case is based on the charge with the most serious decision, beginning with guilty. 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 or discharged; 6) not criminally responsible; 7) other; and 8) transfer of court jurisdiction.

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

20. Just over 1 in 10 (13%) sexual assault cases were stayed, one in five (19%) were withdrawn, 5% were dismissed, and 0.4% were discharged. These decisions refer to the court either putting the charges against the accused on hold or stopping criminal proceedings against the accused. The staying of sexual assault cases has recently been raised as a concerning practice, particularly in the case of sexual assaults against children (Standing Senate Committee on Legal and Constitutional Affairs 2017).

21. Other decisions include final decisions of found not criminally responsible and waived out of province or territory. Also includes any order where a conviction was not recorded, the court's acceptance of a special plea, cases that raise *Charter* arguments and cases where the accused was found unfit to stand trial.

22. Just over 1 in 10 (12%) physical assault cases were stayed, one in five (22%) were withdrawn, 4% were dismissed, and less than 0.1% were discharged.

23. This includes charges whether the sexual assault charge represented the most serious offence in the case or not.

24. Other types of sentences for convicted adult court cases can include restitution, absolute and conditional discharges, a suspended sentence, a community service order or prohibition order, among others.

25. Excludes guilty cases where no sentencing details were available (7% for linked sexual assaults, 4% for linked physical assaults). Guilty cases with no sentencing detail available are typically the result of a delay in the sentencing process, where if a sentencing hearing is postponed, data on the type of sentence handed down may be incomplete. It is possible that some of these cases were given a custody sentence, however due to data reporting challenges, the sentence type is unknown.

26. Charge rates for youth will differ from those reported in a previous *Juristat* article (Rotenberg 2017) because the present study was limited to sexual assaults that were in-scope for linking to court. This required excluding sexual assaults from two provinces as well as limiting incidents to those with a single accused. See the "Methodology: Record linkage" section for more information.

27. This 54% conviction rate represents the proportion of guilty findings for linked sexual assaults completed in adult court. The 55% conviction rate figure discussed in the preceding sections of this report represents the combined conviction rate for cases completed in both adult and youth court.

28. Other types of sentences for convicted youth court cases can include compensation, pay purchaser, compensation in kind, restitution, prohibition, seizure, forfeiture, conditional discharge, absolute discharge, essays, apologies and other counselling programs. Fines and reprimands are also sentencing options for youth; however, they represent less than 1% of decisions. Sentencing types exclude cases where no sentencing detail was available (9%).

29. Calculations exclude cases where no sentencing detail was available (4%).

30. As set out in Rotenberg (2017), the ‘completeness’ of information about an incident is characterized by the entry of information on the Uniform Crime Reporting (UCR) Survey for the time of the incident, location type of the incident, presence of weapons, level of physical injury to the victim, and relationship between the victim and the accused. Incidents are considered complete if all five of these elements are populated and were not reported as missing or unknown. Incidents characterized as incomplete or unknown must have at least one of the identified elements reported as such on the UCR. Having an incomplete or unknown element does not mean that police did not conduct a thorough investigation, but rather that certain fields related to the incident were reported by police on the UCR Survey to Statistics Canada as missing or recorded as unknown.

31. Private property includes a single home or house, a dwelling unit or private property structure. An offence that took place on private property does not mean that the victim and the assailant were alone during the commission of the crime, it is a description of the type of location.

32. Open areas include streets, roads or highways, parking lots, transit bus/bus shelters, subway/subway stations, other public transportation and connected facilities, and other open areas.

33. School property includes junior kindergarten through to grade 13 schools or equivalent, whether during supervised or unsupervised activities, as well as university, college or business school campuses.

34. Commercial spaces include commercial dwelling units (motel or hotel rooms, bed and breakfast accommodations, short term rental units) or other commercial or corporate places (locations where the principal purpose is to conduct legitimate business for profit, including building or warehouse surrounding areas).

35. Pre-charge screening currently takes place in New Brunswick, British Columbia and Quebec (Public Prosecution Service of Canada 2014), though Quebec was excluded from the scope of this linkage due to missing personal identifier information. In addition, superior court information from Prince Edward Island, Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec are not reported to the Integrated Criminal Court Survey.

36. In addition to varying court practices such as pre-charge screening, sentencing outcomes of convicted cases vary greatly by province and reliable data are not available from all provinces. Specifically, for the Northwest Territories, New Brunswick, Alberta and British Columbia, a large proportion of convicted cases are missing sentencing detail (ranging between 12% and 24%). These proportions of missing sentencing detail are too large to allow for an accurate analysis of sentencing outcomes by province or territory.

37. Incidents with no weapons represent those where the most serious weapon present during the commission of the sexual assault was either physical force (involves the use of the accused body strength intended to cause bodily harm or death; e.g., choking, pushing or punching), threats (any gesture or vocal indication that conveys to the victim a threat that is construed to imply that death or injury is possible), or otherwise not a physical object weapon (such as a knife, club, gun, etc.). The presence of weapons during a sexual assault is not the same thing as classifying a sexual assault with a weapon as level 2 as per the *Criminal Code* because the latter relies on a legal definition that takes into account bodily harm, rather than solely the presence of a weapon that was not necessarily used during the commission of the offence, as defined by and reported on the Uniform Crime Reporting Survey.

38. Physical injury to the victim in this study is reported at the police-level on the Uniform Crime Reporting (UCR) Survey incident file and may be reported as either 1) no injuries—no visible physical injury to the victim at the time of the incident though weapons or physical force were used; 2) minor physical injury—physical injury to the victim that required no professional medical treatment or only some first injury aid (e.g., band aid, ice, etc.); or 3) major physical injury—physical injury to the victim that was more than “trifling” or “transient” in nature and that required professional medical attention at the scene or transportation to a medical facility. Physical injury to the victim may be reported as unknown when the extent of injuries to the victim could not be determined by police though weapons or physical force that were used against the victim. Note that physical injury to the victim as measured in this study represents only incidents where physical injury was reported by police to the UCR, and as such these findings do not represent evidence of physical injury to the victim presented in court.

39. Contrary to other *Juristat* articles, this report defines child victims as those aged 13 and younger in order to align with the definition of pedophilia which is used to characterize sexual assaults elsewhere in this article.

40. Given that part of the clinical definition of pedophilia requires that there be at least five years between the age of the victim and the perpetrator, it is assumed that all parents who have sexually assaulted their child would satisfy this criteria. While there are cases of parents sexually assaulting their child aged 14 and older, findings for this section are limited to children aged 13 and younger.

## Detailed data tables

**Table 1**  
**Attrition and retention rates of sexual assault incidents, between police charge and completed court case, by selected incident characteristics, Canada, 2009 to 2014**

Selected incident characteristics	Incidents charged by police that went to court		Incidents charged by police that did not go to court		
	Total number	number	retention rate <sup>1</sup>	number	attrition rate <sup>2</sup>
<b>Total sexual assaults</b>	<b>40,490</b>	<b>19,806</b>	<b>49</b>	<b>20,684</b>	<b>51</b>
Sexual assault level 1	39,145	19,040	49	20,105	51
Sexual assault level 2	951	549	58	402	42
Sexual assault level 3	394	217	55	177	45
<b>Total physical assaults</b>	<b>452,745</b>	<b>341,101</b>	<b>75</b>	<b>111,644</b>	<b>25</b>
Physical assault level 1	333,586	251,145	75	82,441	25
Physical assault level 2	108,929	82,817	76	26,112	24
Physical assault level 3	10,230	7,139	70	3,091	30
<b>Incident characteristics</b>					
<b>Location<sup>3</sup></b>					
Private property	28,567	13,075	46	15,492	54
Open area	4,759	2,846	60	1,913	40
Commercial area	2,810	1,685	60	1,125	40
School	1,087	609	56	478	44
Other	2,217	1,176	53	1,041	47
Unknown	1,050	415	40	635	60
<b>Population density region<sup>4</sup></b>					
Census metropolitan area (CMA)	20,713	10,737	52	9,976	48
Outside of CMA	19,777	9,069	46	10,708	54
<b>Province<sup>5</sup></b>					
Newfoundland and Labrador	713	395	55	318	45
Nova Scotia	1,242	650	52	592	48
New Brunswick	1,157	470	41	687	59
Ontario	18,090	9,048	50	9,042	50
Manitoba	3,257	1,528	47	1,729	53
Saskatchewan	2,536	1,355	53	1,181	47
Alberta	5,893	3,193	54	2,700	46
British Columbia	6,185	2,684	43	3,501	57
Yukon	198	132	67	66	33
Northwest Territories	524	188	36	336	64
Nunavut	695	163	23	532	77
<b>Weapon presence during sexual assault<sup>6</sup></b>					
Weapon present	1,719	1,023	60	696	40
Only physical force	36,851	17,984	49	18,867	51
Unknown	1,920	799	42	1,121	58
<b>Delay in reporting to police<sup>7</sup></b>					
Reported same day as incident occurred	22,399	11,892	53	10,507	47
Reported at least one day after	17,653	7,723	44	9,930	56
Reported more than week after	10,928	3,736	34	7,192	66
Reported more than one year after	4,476	862	19	3,614	81
<b>Long-term incidents<sup>8</sup></b>					
Isolated incident	26,594	14,565	55	12,029	45
Occurred over a one week period or longer	10,702	3,420	32	7,282	68
<b>Incomplete information on incident file<sup>9</sup></b>					
No unknowns	23,846	12,606	53	11,240	47
At least one unknown	12,939	5,494	42	7,445	58
Two or more unknowns	2,605	992	38	1,613	62
<b>Accused characteristics</b>					
<b>Accused sex<sup>10</sup></b>					
Male accused	39,724	19,568	49	20,156	51
Female accused	603	238	39	365	61
<b>Accused age groups<sup>11</sup></b>					
Youth (12 to 17 years of age)	5,152	2,627	51	2,525	49
Adults (18 and older)	35,320	17,175	49	18,145	51
18 to 24	7,486	3,805	51	3,681	49
25 to 34	9,117	4,535	50	4,582	50
35 to 44	8,208	3,877	47	4,331	53
45 to 54	5,951	2,872	48	3,079	52
55 to 89	4,558	2,086	46	2,472	54

See notes at the end of the table.

**Table 1 — continued**  
**Attrition and retention rates of sexual assault incidents, between police charge and completed court case, by selected incident characteristics, Canada, 2009 to 2014**

Selected incident characteristics	Incidents charged by police			Incidents charged by police that did not go to court	
	Total number	number that went to court	retention rate <sup>1</sup>	number	attrition rate <sup>2</sup>
<b>Victim characteristics<sup>12</sup></b>					
<b>Victim sex<sup>13</sup></b>					
Male victim	3,362	1,368	41	1,994	59
Female victim	33,353	16,698	50	16,655	50
<b>Victim age groups<sup>14</sup></b>					
Child (13 and younger)	8,642	3,416	40	5,226	60
Older than child (14 and older)	28,071	14,635	52	13,436	48
Youth (12 to 17)	12,016	5,357	45	6,659	55
Adult (18 and older)	19,278	10,616	55	8,662	45
18 to 24	7,588	4,117	54	3,471	46
25 to 34	5,600	3,102	55	2,498	45
35 to 44	3,419	1,896	55	1,523	45
45 to 54	1,863	1,036	56	827	44
55 to 89	808	465	58	343	42
<b>Physical injury to victim<sup>15</sup></b>					
Minor or major	9,719	5,071	52	4,648	48
No injury	23,272	11,419	49	11,853	51
Unknown	3,794	1,610	42	2,184	58
<b>Victim and accused relationship characteristics<sup>16</sup></b>					
<b>Relationship of victim to accused<sup>17</sup></b>					
Stranger	4,876	3,110	64	1,766	36
Known to victim	31,909	14,990	47	16,919	53
Intimate partner	7,030	3,889	55	3,141	45
Parent	2,815	924	33	1,891	67
Other family	5,688	2,144	38	3,544	62
Casual acquaintance	9,593	4,948	52	4,645	48
<b>Group type (age-based)</b>					
<b>Pedophile-perpetrated sexual assaults<sup>18</sup></b>					
Pedophile stranger	350	207	59	143	41
Pedophile known to victim	6,143	2,189	36	3,954	64
Pedophile parent	1,419	472	33	947	67
Pedophile other family	2,106	691	33	1,415	67
Pedophile casual acquaintance	1,243	531	43	712	57
<b>Peer-perpetrated sexual assaults<sup>19</sup></b>					
Peer stranger	11,576	6,300	54	5,276	46
Peer known to victim	1,283	813	63	470	37
Peer intimate partner	10,293	5,487	53	4,806	47
Peer family	4,106	2,320	57	1,786	43
Peer casual acquaintance	1,040	440	42	600	58
Peer casual acquaintance	3,362	1,850	55	1,512	45
<b>Age gap between victim and accused<sup>20</sup></b>					
<b>Accused older than victim</b>					
1 to 5 years apart	30,073	14,197	47	15,876	53
6 to 10 years apart	7,539	3,991	53	3,548	47
11 to 15 years apart	6,017	2,936	49	3,081	51
16 or more years apart	3,468	1,664	48	1,804	52
Same age	13,049	5,606	43	7,443	57
<b>Accused younger than victim</b>					
1 to 5 years apart	1,569	867	55	702	45
6 to 10 years apart	5,056	2,983	59	2,073	41
11 to 15 years apart	2,719	1,551	57	1,168	43
16 or more years apart	980	562	57	418	43
	550	335	61	215	39
	807	535	66	272	34
<b>Relationship by sex</b>					
Female victim, male accused	32,960	16,595	50	16,365	50
Male victim, male accused	3,076	1,260	41	1,816	59
Female victim, female accused	275	103	37	172	63
Male victim, female accused	259	108	42	151	58

1. The retention (linkage) rate is a measure of incidents that remain in the criminal justice system, and represents the percentage of sexual assault incidents with a charge laid or charge recommended by police between 2009 and 2014 that linked to a court case completed in adult or youth court between 2009/2010 and 2014/2015.

2. The attrition rate is a measure of 'fall-out' of incidents from the criminal justice system and represents the percentage of sexual assault incidents with a charge laid or charge recommended by police between 2009 and 2014 that did not link to a court case completed in adult or youth court between 2009/2010 and 2014/2015. This is the inverse of the retention/linkage rate.

3. Locations of incidents include private property (home or house, dwelling unit or other private property structure); open areas (streets, roads or highways, parking lots, transit bus/bus shelters, subway/subway stations, other public transportation and connected facilities, and other open areas); commercial areas (commercial dwelling units such as motel or hotel rooms, bed and breakfast accommodations, or short term rental units), or other commercial or corporate places); schools (junior kindergarten through to high school or equivalent, universities or colleges, during unsupervised or unsupervised activity); other location types (non-commercial/corporate places, bars or restaurants, hospitals, correctional institutions, convenience stores, gas stations, religious institutions, banks or other financial institutions, construction sites, and homeless shelters/mission locations); or unknown location (the place where the incident occurred cannot be determined).

## Table 1 — end

### Attrition and retention rates of sexual assault incidents, between police charge and completed court case, by selected incident characteristics, Canada, 2009 to 2014

4. A census metropolitan area (CMA) consists of one or more neighbouring municipalities situated around a major urban core. A CMA must have a total population of at least 100,000 of which 50,000 or more live in the urban core. To be included in the CMA, other adjacent municipalities must have a high degree of integration with the central urban area, as measured by commuting flows derived from census data. A CMA typically comprises more than one police service.
  5. Due to varying provincial court practices, comparison of attrition outcomes by province is not advised and figures are provided for reference purposes only. There are many reasons why the retention or attrition rate will vary by province, including but not limited to: varying degrees of specificity of personal identifiers, varying court case processing times, and different diversion, alternative measures or case referral practices. For example, pre-charge screening, a process whereby the Crown determines whether a criminal charge is laid before proceeding to court, is practiced in New Brunswick and British Columbia, which may result in a greater attrition rate.
  6. Represents the most serious weapon present during the commission of the sexual assault, which does not necessarily mean the weapon was used against the victim. Weapons include any object that could be used in causing or threatening death or injury to a person (e.g., firearm, knife, blunt instrument, etc.), excluding physical force or verbal or gestured threats of injury, which is captured under the 'only physical force' category. Unknown weapons signify incidents where a weapon was present during the sexual assault, however the type of weapon was unknown.
  7. Represents the period of time between the date the sexual assault incident is known or believed to have occurred and the date it was reported to police. Excludes incidents where the incident date was erroneously reported as after the report date. Some categories overlap with others.
  8. Represents the duration of the sexual assault incident as determined by the first incident date (earliest possible date on which the incident could have occurred) to the most recent incident date. Incidents with only one incident date (the most recent) or incidents beginning and ending on the same date are classified as single or isolated incidents, and incidents with a first incident date at least 8 days earlier than the most recent incident are classified as 'long-term' for having occurred over more than a one-week period. Incidents occurring over a period of 2 to 7 days are excluded from this table.
  9. Incidents with incomplete or unknown elements includes having at least one of the following fields on the Uniform Crime Reporting (UCR) Survey as reported by police as missing or unknown: time of incident, location of incident, presence of weapons, level of physical injury to the victim, or relationship between the victim and the accused. Note that relationship unknowns are based on the records that were imputed, that is, initially reported as unknown relationship type by police but was imputed during UCR processing using the nearest-neighbour approach in matching incidents based on a number of similarities on other variables. For the purposes of this portion of the analysis, the relationship imputation was undone and the initial unknown relationship incidents were kept as a measure of police investigation unknowns. The category 'at least one unknown' overlaps with 'two or more unknowns'.
  10. Excludes incidents where the sex of the accused was unknown.
  11. Represents the age of the accused at the time of the sexual assault incident. Excludes incidents where the accused was under 12 years of age, or where the accused was 90 years of age and older due to data quality concerns. Some age group categories overlap others.
  12. Represents incidents with single victims (incidents where there was only one victim) in order to accurately count and present victim characteristics by attrition outcomes. Incidents without victim information (i.e., no victim identifier) were excluded.
  13. Excludes incidents where the sex of the victim was unknown.
  14. Represents the age of the victim at the time of the sexual assault incident. Excludes incidents where the victim was 90 years of age and older due to data quality concerns. Some age group categories overlap others.
  15. Represents the level of physical injury suffered by the victim as a result of the sexual assault incident as reported by police. Injuries are defined on the Uniform Crime Reporting Survey as: 1) no injuries—no visible physical injury at the time of the incident though weapons or physical force were used; 2) minor physical injury—physical injury that required no professional medical treatment or only some first injury aid (e.g., band aid, ice, etc.); and 3) major physical injury—physical injury that is more than "trifling" or "transient" in nature and that injury required professional medical attention at the scene or transportation to a medical facility. Injury is reported as unknown when the extent of injuries to the victim could not be determined though weapons or physical force that were used against the victim.
  16. Includes sexual assault incidents where a single accused matched to a single victim.
  17. Represents selected relationship types between the victim and their assailant. Accused known to their victims include all relationship types other than stranger. Intimate partner includes boyfriend/girlfriend, ex-boyfriend/girlfriend, spouse, ex-spouse, or another intimate relationship type. Parent includes natural father or mother of the victim, the legal guardian, or step-parent of the victim. Other family includes immediate family other than spouse (i.e., natural brother or sister of the victim or step/half/foster/adopted family brother or sister), extended family (all others related to the victim either by blood or by marriage, e.g., grandparents, aunts, uncles, cousins, sister/brother-in-law, parents-in-law, etc.), and children that are step/half/foster/adopted and therefore assume the same relationships to the extended family as a 'natural offspring'. Casual acquaintance includes social relationships which is neither long-term nor close (includes known, by sight only, etc.). Other relationship types not presented in this table include accused in a position of authority over the victim, friends, business or criminal associates, neighbours, roommates, and reverse authority figures.
  18. Pedophile-perpetrated sexual assaults include incidents where the accused may meet the age-based criteria for pedophilia. This requires that the accused was 16 years of age and older, their victim was 13 years of age and younger, and that there was an age difference of at least five years between them. This grouping does not represent an actual diagnosis of pedophilia by a medical professional, but rather an age-based grouping using accused and victim information, and the fact that the criminal offence was sexual in nature.
  19. Peer-perpetrated sexual assaults include incidents where the victim and the accused were within 5 years of each other's age, and the accused did not qualify as meeting the criteria for a pedophile. For sexual assaults perpetrated by a family member within the same peer age group as the victim, relationships identified as parent are excluded for data quality reasons.
  20. The age gap between the victim and the accused is a measure of the difference in age between the two parties in years, at the time of the sexual assault incident. Excludes incidents where the accused was under 12 years of age, or 90 years and older, and incidents where the victim was 90 years and older.
- Note:** Data exclude incidents reported by police in Quebec and Prince Edward Island due to missing personal identifiers required to link to court data. Excludes police-reported incidents involving multiple accused due to analytical challenges introduced when associating accused characteristics to more than one person. Incidents considered in-scope for this study represented 80% of all sexual assaults and 76% of all physical assaults reported by police in Canada between 2009 and 2014. Record linkage is subject to false negative linkage issues where police-reported incidents may not have linked to court cases due to data quality issues in administrative data (e.g., incorrect birthdates or different personal identifiers for the same accused). Court data exclude cases that were completed in superior court in Ontario, Manitoba and Saskatchewan due to the unavailability of data. It is estimated that the addition of this data would increase the linkage rate slightly (at most 2%). The linkage rate is lowest for incidents reported by police in 2014 due to the short time period in which they were able to reach a final decision in court (by 2014/2015), though this bias appears to affect sexual and physical assaults equally. For these reasons, the retention/linkage rate may be an underestimation, and in turn, the attrition rate may be an overestimation. When base figures are low, corresponding percentages should be interpreted with caution.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Integrated Criminal Court Survey linked file.

**Table 2**  
**Case decision outcomes for sexual assaults charged by police that went to adult or youth court, by selected incident characteristics, Canada, 2009 to 2014**

Selected incident characteristics	Total		Guilty <sup>1</sup>		Stayed, withdrawn, dismissed or discharged <sup>2</sup>		Acquitted <sup>3</sup>	
	number	number	percent	number	percent	number	percent	
<b>Total sexual assaults<sup>4</sup></b>	<b>15,804</b>	<b>8,742</b>	<b>55</b>	<b>6,118</b>	<b>39</b>	<b>811</b>	<b>5</b>	
Sexual assault level 1	13,032	6,695	51	5,456	42	758	6	
Sexual assault level 2	311	180	58	122	39	6	2	
Sexual assault level 3	138	72	52	56	41	6	4	
<b>Total physical assaults<sup>4</sup></b>	<b>310,379</b>	<b>182,056</b>	<b>59</b>	<b>122,182</b>	<b>39</b>	<b>4,474</b>	<b>1</b>	
Physical assault level 1	188,728	95,209	50	89,483	47	2,895	2	
Physical assault level 2	66,711	40,884	61	24,268	36	1,207	2	
Physical assault level 3	5,976	4,140	69	1,604	27	170	3	
<b>Incident characteristics</b>								
<b>Location<sup>5</sup></b>								
Private property	8,951	4,721	53	3,633	41	526	6	
Open area	1,892	997	53	768	41	104	5	
Commercial area	1,165	513	44	572	49	69	6	
School	407	178	44	208	51	18	4	
Other	794	390	49	343	43	42	5	
Unknown	272	148	54	110	40	11	4	
<b>Population density region<sup>6</sup></b>								
Census metropolitan area (CMA)	7,335	3,501	48	3,362	46	396	5	
Outside of CMA	6,146	3,446	56	2,272	37	374	6	
<b>Province<sup>7</sup></b>								
Newfoundland and Labrador	276	143	52	117	42	13	5	
Nova Scotia	493	260	53	170	34	58	12	
New Brunswick	338	232	69	70	21	30	9	
Ontario	6,026	2,931	49	2,745	46	297	5	
Manitoba	1,017	539	53	445	44	30	3	
Saskatchewan	955	554	58	358	37	37	4	
Alberta	2,210	1,033	47	989	45	153	7	
British Columbia	1,814	1,028	57	641	35	134	7	
Yukon	99	68	69	27	27	3	3	
Northwest Territories	138	84	61	44	32	9	7	
Nunavut	115	75	65	28	24	6	5	
<b>Weapon presence during sexual assault<sup>8</sup></b>								
Weapon present	625	345	55	261	42	11	2	
Only physical force	12,299	6,311	51	5,146	42	725	6	
Unknown	557	291	52	227	41	34	6	
<b>Delay in reporting to police<sup>9</sup></b>								
Reported same day as incident occurred	8,184	4,559	56	3,158	39	384	5	
Reported at least one day after	5,179	2,322	45	2,430	47	381	7	
Reported more than week after	2,347	1,002	43	1,142	49	180	8	
Reported more than one year after	503	215	43	248	49	32	6	
<b>Long-term incidents<sup>10</sup></b>								
Isolated incident	10,211	5,353	52	4,202	41	567	6	
Occurred over a one week period or longer	1,990	981	49	869	44	114	6	
<b>Incomplete information on incident file<sup>11</sup></b>								
No unknowns	8,713	4,456	51	3,673	42	506	6	
At least one unknown	3,663	1,763	48	1,626	44	236	6	
Two or more unknowns	687	318	46	320	47	44	6	
<b>Accused characteristics</b>								
<b>Accused sex<sup>12</sup></b>								
Male accused	13,341	6,884	52	5,563	42	767	6	
Female accused	140	63	45	71	51	3	2	
<b>Accused age groups<sup>13</sup></b>								
Youth (12 to 17 years of age)	1,910	1,122	59	663	35	107	6	
Adults (18 and older)	11,568	5,825	50	4,968	43	663	6	
18 to 24	2,531	1,421	56	992	39	102	4	
25 to 34	3,002	1,567	52	1,244	41	164	5	
35 to 44	2,589	1,243	48	1,138	44	193	7	
45 to 54	1,967	932	47	910	46	106	5	
55 to 89	1,479	662	45	684	46	98	7	

See notes at the end of the table.

**Table 2 — continued**  
**Case decision outcomes for sexual assaults charged by police that went to adult or youth court, by selected incident characteristics, Canada, 2009 to 2014**

Selected incident characteristics	Total	Guilty <sup>1</sup>		Stayed, withdrawn, dismissed or discharged <sup>2</sup>		Acquitted <sup>3</sup>	
	number	number	percent	number	percent	number	percent
<b>Victim characteristics<sup>14</sup></b>							
<b>Victim sex<sup>15</sup></b>							
Male victim	906	491	54	359	40	40	4
Female victim	11,446	5,720	50	4,926	43	701	6
<b>Victim age groups<sup>16</sup></b>							
Child (13 and younger)	2,460	1,498	61	797	32	133	5
Older than child (14 and older)	9,880	4,704	48	4,485	45	608	6
Youth (12 to 17)	3,685	2,004	54	1,405	38	248	7
Adult (18 and older)	7,123	3,262	46	3,383	47	414	6
18 to 24	2,837	1,298	46	1,332	47	187	7
25 to 34	2,079	939	45	1,012	49	114	5
35 to 44	1,206	549	46	577	48	71	6
45 to 54	670	323	48	309	46	27	4
55 to 89	331	153	46	153	46	15	5
<b>Physical injury to victim<sup>17</sup></b>							
Minor or major	3,432	1,812	53	1,415	41	164	5
No injury	7,811	3,877	50	3,357	43	506	6
Unknown	1,133	530	47	527	47	72	6
<b>Victim and accused relationship characteristics<sup>18</sup></b>							
<b>Relationship of victim to accused<sup>19</sup></b>							
Stranger	2,083	1,080	52	872	42	105	5
Known to victim	10,293	5,139	50	4,427	43	637	6
Intimate partner	2,363	1,183	50	1,085	46	79	3
Parent	626	312	50	265	42	41	7
Other family	1,551	940	61	508	33	89	6
Casual acquaintance	3,564	1,713	48	1,568	44	256	7
<b>Group type (age-based)</b>							
<b>Pedophile-perpetrated sexual assaults<sup>20</sup></b>							
Pedophile stranger	145	85	59	48	33	5	3
Pedophile known to victim	1,548	898	58	542	35	96	6
Pedophile parent	333	164	49	143	43	21	6
Pedophile other family	491	309	63	148	30	33	7
Pedophile casual acquaintance	381	237	62	120	31	21	6
<b>Peer-perpetrated sexual assaults<sup>21</sup></b>							
Peer stranger	4,196	2,032	48	1,892	45	242	6
Peer known to victim	522	257	49	225	43	36	7
Peer intimate partner	3,674	1,775	48	1,667	45	206	6
Peer family	1,417	728	51	634	45	45	3
Peer casual acquaintance	312	180	58	112	36	15	5
Peer family	1,314	604	46	603	46	103	8
<b>Age gap between victim and accused<sup>22</sup></b>							
<b>Accused older than victim</b>							
1 to 5 years apart	9,823	4,949	50	4,168	42	616	6
6 to 10 years apart	2,681	1,348	50	1,160	43	155	6
11 to 15 years apart	2,030	1,110	55	786	39	117	6
16 or more years apart	1,155	584	51	491	43	66	6
<b>Same age</b>							
16 or more years apart	3,957	1,907	48	1,731	44	278	7
Same age	561	260	46	268	48	32	6
<b>Accused younger than victim</b>							
1 to 5 years apart	1,953	993	51	843	43	93	5
6 to 10 years apart	1,032	476	46	487	47	58	6
11 to 15 years apart	364	192	53	155	43	11	3
16 or more years apart	212	114	54	80	38	15	7
16 or more years apart	345	211	61	121	35	9	3
<b>Relationship by sex</b>							
Female victim, male accused	11,387	5,700	50	4,893	43	698	6
Male victim, male accused	841	460	55	325	39	40	5
Female victim, female accused	59	20	34	33	56	3	5
Male victim, female accused	65	31	48	34	52	0	0

1. Represents the percentage of linked cases completed in adult or youth court (that had at least one sexual/physical assault charge in the case) that received a guilty decision for the most serious offence in the case. Guilty findings include guilty of the offence, of an included offence, of an attempt of the offence, or of an attempt of an included offence. Also includes guilty pleas, and cases where an absolute or conditional discharge has been imposed.

2. Includes stays as well as court referrals to alternative or extrajudicial measures and restorative justice programs, withdrawals, dismissals and discharges at preliminary inquiry. These decisions refer to the court either putting the charges against the accused on hold or stopping criminal proceedings against the accused.

3. An acquittal requires that a trial took place and a verdict of not guilty was reached for all the charges presented before the court. This table excludes figures for other decisions including final decisions of found not criminally responsible and waived out of province or territory, any order where a conviction was not recorded, the court's acceptance of a special plea, cases that raise Charter arguments, and cases where the accused was found unfit to stand trial. However, percentages for other categories are presented with other decision counts factored into the denominator.

4. All sexual assault incident, accused or victim-based counts exclude cases where the most serious offence in the court case linked to a police-reported incident that was not sexual assault (15%). As a result, the 'total sexual assaults' and 'total physical assaults' figures will differ from the sum of the figures that are broken down by incident characteristics, including sexual/physical assault incidents by level. See the "Analytical approach: Court outcomes" section for more information.

**Table 2 — end****Case decision outcomes for sexual assaults charged by police that went to adult or youth court, by selected incident characteristics, Canada, 2009 to 2014**

5. Locations of incidents include private property (home or house, dwelling unit or other private property structure); open areas (streets, roads or highways, parking lots, transit bus/bus shelters, subway/subway stations, other public transportation and connected facilities, and other open areas); commercial areas (commercial dwelling units such as motel or hotel rooms, bed and breakfast accommodations, or short term rental units), or other commercial or corporate places); schools (junior kindergarten through to high school or equivalent, universities or colleges, during unsupervised or unsupervised activity); other location types (non-commercial/corporate places, bars or restaurants, hospitals, correctional institutions, convenience stores, gas stations, religious institutions, banks or other financial institutions, construction sites, and homeless shelters/mission locations); or unknown location (the place where the incident occurred cannot be determined).
  6. A census metropolitan area (CMA) consists of one or more neighbouring municipalities situated around a major urban core. A CMA must have a total population of at least 100,000 of which 50,000 or more live in the urban core. To be included in the CMA, other adjacent municipalities must have a high degree of integration with the central urban area, as measured by commuting flows derived from census data. A CMA typically comprises more than one police service.
  7. Due to varying provincial court practices, comparison of conviction outcomes by province is not advised and figures are provided for reference purposes only.
  8. Represents the most serious weapon present during the commission of the sexual assault, which does not necessarily mean the weapon was used against the victim. Weapons include any object that could be used in causing or threatening death or injury to a person (e.g., firearm, knife, blunt instrument, etc.), excluding physical force or verbal or gestured threats of injury, which is captured under the 'only physical force' category. Unknown weapons signify incidents where a weapon was present during the sexual assault, however the type of weapon was unknown.
  9. Represents the period of time between the date the sexual assault incident is known or believed to have occurred and the date it was reported to police. Excludes incidents where the incident date was erroneously reported as after the report date. Some categories overlap with others.
  10. Represents the duration of the sexual assault incident as determined by the first incident date (earliest possible date on which the incident could have occurred) to the most recent incident date. Incidents with only one incident date (the most recent) or incidents beginning and ending on the same date are classified as single or isolated incidents, and incidents with a first incident date at least 8 days earlier than the most recent incident are classified as 'long-term' for having occurred over more than a one-week period. Incidents occurring over a period of 2 to 7 days are excluded from this table.
  11. Incidents with incomplete or unknown elements includes having at least one of the following fields on the Uniform Crime Reporting (UCR) Survey as reported by police as missing or unknown: time of incident, location of incident, presence of weapons, level of physical injury to the victim, or relationship between the victim and the accused. Note that relationship unknowns are based on the records that were imputed, that is, initially reported as unknown relationship type by police but was imputed during UCR processing using the nearest-neighbour approach in matching incidents based on a number of similarities on other variables. For the purposes of this portion of the analysis, the relationship imputation was undone and the initial unknown relationship incidents were kept as a measure of police investigation unknowns. The category 'at least one unknown' overlaps with 'two or more unknowns'.
  12. Excludes incidents where the sex of the accused was unknown.
  13. Represents the age of the accused at the time of the sexual assault incident. Excludes incidents where the accused was under 12 years of age, or where the accused was 90 years of age and older due to data quality concerns. Some age group categories overlap others.
  14. Represents incidents with single victims (incidents where there was only one victim) in order to accurately count and present victim characteristics by attrition outcomes. Incidents without victim information (i.e., no victim identifier) were excluded.
  15. Excludes incidents where the sex of the victim was unknown.
  16. Represents the age of the victim at the time of the sexual assault incident. Excludes incidents where the victim was 90 years of age and older due to data quality concerns. Some age group categories overlap others.
  17. Represents the level of physical injury suffered by the victim as a result of the sexual assault incident as reported by police. Injuries are defined on the Uniform Crime Reporting Survey as: 1) no injuries—no visible physical injury at the time of the incident though weapons or physical force were used; 2) minor physical injury—physical injury that required no professional medical treatment or only some first injury aid (e.g., band aid, ice, etc.); and 3) major physical injury—physical injury that is more than "trifling" or "transient" in nature and that injury required professional medical attention at the scene or transportation to a medical facility. Injury is reported as unknown when the extent of injuries to the victim could not be determined though weapons or physical force that were used against the victim.
  18. Includes sexual assault incidents where a single accused matched to a single victim.
  19. Represents selected relationship types between the victim and their assailant. Accused known to their victims include all relationship types other than stranger. Intimate partner includes boyfriend/girlfriend, ex-boyfriend/girlfriend, spouse, ex-spouse, or another intimate relationship type. Parent includes natural father or mother of the victim, the legal guardian, or step-parent of the victim. Other family includes immediate family other than spouse (i.e., natural brother or sister of the victim or step/half/foster/adopted family brother or sister), extended family (all others related to the victim either by blood or by marriage, e.g., grandparents, aunts, uncles, cousins, sister/brother-in-law, parents-in-law, etc.), and children that are step/half/foster/adopted and therefore assume the same relationships to the extended family as a 'natural offspring'. Casual acquaintance includes social relationships which is neither long-term nor close (includes known, by sight only, etc.). Other relationship types not presented in this table include accused in a position of authority over the victim, friends, business or criminal associates, neighbours, roommates, and reverse authority figures.
  20. Pedophile-perpetrated sexual assaults include incidents where the accused may meet the age-based criteria for pedophilia. This requires that the accused was 16 years of age and older, their victim was 13 years of age and younger, and that there was an age difference of at least five years between them. This grouping does not represent an actual diagnosis of pedophilia by a medical professional, but rather an age-based grouping using accused and victim information, and the fact that the criminal offence was sexual in nature.
  21. Peer-perpetrated sexual assaults include incidents where the victim and the accused were within 5 years of each other's age, and the accused did not qualify as meeting the criteria for a pedophile. For sexual assaults perpetrated by a family member within the same peer age group as the victim, relationships identified as parent are excluded for data quality reasons.
  22. The age gap between the victim and the accused is a measure of the difference in age between two the two parties in years, at the time of the sexual assault incident. Excludes incidents where the accused was under 12 years of age, or 90 years and older, and incidents where the victim was 90 years and older.
- Note:** Data represent court decisions for the most serious offence in the case that linked from a sexual/physical assault incident reported by police between 2009 and 2014 to a court case completed in adult or youth court between 2009/2010 and 2014/2015 (that had at least one sexual/physical assault charge in the case). 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, or date of decision) into a single case. Data exclude incidents reported by police in Quebec and Prince Edward Island due to missing personal identifiers required to link to court data. Court data exclude cases that were completed in superior court in Ontario, Manitoba and Saskatchewan due to the unavailability of data. Excludes police-reported incidents involving multiple accused due to analytical challenges introduced when associating accused characteristics to more than one person. Record linkage is subject to false negative linkage issues where police-reported incidents may not have linked to court cases due to data quality issues in administrative data (e.g., incorrect birthdates or different personal identifiers for the same accused). Decisions do not necessarily reflect verdicts rendered specifically for a sexual/physical assault charge, but rather the outcome of the most serious offence in a case that was associated with a sexual/physical assault incident charged by police. When base figures are low, corresponding percentages should be interpreted with caution.
- Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Integrated Criminal Court Survey linked file.

**Table 3**  
**Selected sentencing outcomes of police-reported sexual assaults that were convicted in adult criminal court, by selected incident characteristics, Canada, 2009 to 2014**

Selected incident characteristics	Total		Custody <sup>1</sup>		Probation <sup>2</sup>		Conditional sentence <sup>3</sup>	
	number	number	percent	number	percent	number	percent	
<b>Total sexual assaults<sup>4</sup></b>	<b>6,891</b>	<b>3,846</b>	<b>56</b>	<b>2,006</b>	<b>29</b>	<b>629</b>	<b>9</b>	
Sexual assault level 1	5,173	2,861	55	1,564	30	518	10	
Sexual assault level 2	141	91	65	32	23	11	8	
Sexual assault level 3	50	42	84	3	6	1	2	
<b>Total physical assaults<sup>4</sup></b>	<b>159,551</b>	<b>57,955</b>	<b>36</b>	<b>75,554</b>	<b>47</b>	<b>8,752</b>	<b>5</b>	
Physical assault level 1	84,985	23,630	28	48,370	57	3,405	4	
Physical assault level 2	35,079	13,808	39	15,847	45	2,849	8	
Physical assault level 3	3,499	2,248	64	690	20	430	12	
<b>Incident characteristics</b>								
<b>Location<sup>5</sup></b>								
Private property	3,656	2,184	60	946	26	379	10	
Open area	782	417	53	273	35	60	8	
Commercial area	439	176	40	189	43	40	9	
School	47	12	26	28	60	6	13	
Other	322	141	44	131	41	28	9	
Unknown	118	64	54	32	27	17	14	
<b>Population density region<sup>6</sup></b>								
Census metropolitan area (CMA)	2,769	1,482	54	985	36	213	8	
Outside of CMA	2,595	1,512	58	614	24	317	12	
<b>Weapon presence during sexual assault<sup>7</sup></b>								
Weapon present	271	162	60	77	28	20	7	
Only physical force	4,888	2,705	55	1,482	30	484	10	
Unknown	205	127	62	40	20	26	13	
<b>Delay in reporting to police<sup>8</sup></b>								
Reported same day as incident occurred	3,630	2,022	56	1,092	30	353	10	
Reported at least one day after	1,687	946	56	492	29	175	10	
Reported more than week after	680	391	58	174	26	91	13	
Reported more than one year after	131	83	63	13	10	31	24	
<b>Long-term incidents<sup>9</sup></b>								
Isolated incident	4,222	2,325	55	1,292	31	415	10	
Occurred over a one week period or longer	655	375	57	184	28	72	11	
<b>Incomplete information on file<sup>10</sup></b>								
No unknowns	3,503	1,961	56	1,042	30	340	10	
At least one unknown	1,318	740	56	377	29	138	10	
Two or more unknowns	240	133	55	57	24	34	14	
<b>Accused characteristics</b>								
<b>Accused sex<sup>11</sup></b>								
Male accused	5,322	2,977	56	1,583	30	524	10	
Female accused	42	17	40	16	38	6	14	
<b>Accused age groups<sup>12</sup></b>								
18 to 24	1,309	734	56	385	29	140	11	
25 to 34	1,463	863	59	396	27	132	9	
35 to 44	1,123	648	58	316	28	104	9	
45 to 54	860	481	56	260	30	82	10	
55 to 89	609	268	44	242	40	72	12	
<b>Victim characteristics<sup>13</sup></b>								
<b>Victim sex<sup>14</sup></b>								
Male victim	288	166	58	74	26	29	10	
Female victim	4,528	2,531	56	1,344	30	449	10	
<b>Victim age groups<sup>15</sup></b>								
Child (13 and younger)	802	593	74	118	15	62	8	
Older than child (14 and older)	4,003	2,099	52	1,295	32	415	10	
Youth (12 to 17)	1,436	922	64	318	22	149	10	
Adult (18 and older)	2,924	1,433	49	1,031	35	302	10	
18 to 24	1,156	587	51	368	32	139	12	
25 to 34	847	393	46	321	38	86	10	
35 to 44	488	229	47	193	40	38	8	
45 to 54	291	144	49	103	35	27	9	
55 to 89	142	80	56	46	32	12	8	
<b>Physical injury to victim<sup>16</sup></b>								
Minor or major	1,452	863	59	381	26	129	9	
No injury	2,962	1,608	54	922	31	308	10	
Unknown	407	230	57	116	29	41	10	

See notes at the end of the table.

**Table 3 — continued**  
**Selected sentencing outcomes of police-reported sexual assaults that were convicted in adult criminal court, by selected incident characteristics, Canada, 2009 to 2014**

Selected incident characteristics	Total		Custody <sup>1</sup>		Probation <sup>2</sup>		Conditional sentence <sup>3</sup>	
	number	number	percent	number	percent	number	percent	
<b>Victim and accused relationship characteristics<sup>17</sup></b>								
<b>Relationship of victim to accused<sup>18</sup></b>								
Stranger	929	486	52	336	36	59	6	
Known to victim	3,892	2,215	57	1,083	28	419	11	
Intimate partner	1,031	479	46	402	39	84	8	
Parent	263	208	79	35	13	13	5	
Other family	573	385	67	95	17	74	13	
Casual acquaintance	1,313	781	59	330	25	152	12	
<b>Group type (age-based)</b>								
<b>Pedophile-perpetrated sexual assaults<sup>19</sup></b>								
Pedophile stranger	802	593	74	118	15	62	8	
Pedophile known to victim	78	53	68	16	21	5	6	
Pedophile parent	724	540	75	102	14	57	8	
Pedophile other family	135	109	81	16	12	6	4	
Pedophile casual acquaintance	235	177	75	35	15	14	6	
<b>Peer-perpetrated sexual assaults<sup>20</sup></b>								
Peer stranger	198	152	77	25	13	17	9	
Peer known to victim	1,369	638	47	520	38	134	10	
Peer intimate partner	205	106	52	74	36	12	6	
Peer family	1,164	532	46	446	38	122	10	
Peer casual acquaintance	605	253	42	267	44	44	7	
<b>Age gap between victim and accused<sup>21</sup></b>								
<b>Accused older than victim</b>								
1 to 5 years apart	3,871	2,191	57	1,097	28	403	10	
6 to 10 years apart	881	406	46	332	38	93	11	
11 to 15 years apart	776	452	58	198	26	85	11	
16 or more years apart	488	296	61	118	24	55	11	
<b>Same age</b>								
Accused younger than victim	1,726	1,037	60	449	26	170	10	
1 to 5 years apart	159	69	43	64	40	16	10	
6 to 10 years apart	775	432	56	252	33	58	7	
11 to 15 years apart	359	184	51	128	36	29	8	
16 or more years apart	161	93	58	47	29	15	9	
<b>Relationship by sex</b>								
Female victim, male accused	97	53	55	33	34	6	6	
Male victim, male accused	158	102	65	44	28	8	5	
Female victim, female accused	4,517	2,529	56	1,337	30	447	10	
Male victim, female accused	266	155	58	69	26	26	10	
Female victim, male accused	11	2	18	7	64	2	18	
Male victim, female accused	22	11	50	5	23	3	14	

1. A custodial sentence refers to being sentenced to time in prison or jail.

2. A probation sentence requires the offender to remain in the community and be subject to particular conditions, such as keeping the peace and appearing in court as required. Probation is mandatory in cases where the accused receives a conditional discharge or a suspended sentence.

3. A conditional sentence requires that the accused serve his/her sentence in the community under supervision. For a conditional sentence to be imposed, the following conditions must be met: the offence must not be subject to a mandatory minimum sentence; the maximum length of the prison sentence associated with the offence must be less than two years; and the court must have good reason to believe that the offender will not be a threat to the community. The accused who receives a conditional sentence must comply with certain conditions, such as house arrest, curfews, refraining from drinking alcohol or driving, treatment programs or community service orders. The accused may be imprisoned if he/she violates these conditions. The collection of data on conditional sentences in the various jurisdictions is not consistent over time.

4. All sexual assault incident, accused or victim-based counts exclude cases where the most serious offence in the court case linked to a police-reported incident that was not sexual assault (15%). As a result, the 'total sexual assaults' and 'total physical assaults' figures will differ from the sum of the figures that are broken down by incident characteristics, including sexual/physical assault incidents by level. See the "Analytical approach: Court outcomes" section for more information.

5. Locations of incidents include private property (home or house, dwelling unit or other private property structure); open areas (streets, roads or highways, parking lots, transit bus/bus shelters, subway/subway stations, other public transportation and connected facilities, and other open areas); commercial areas (commercial dwelling units such as motel or hotel rooms, bed and breakfast accommodations, or short term rental units), or other commercial or corporate places); schools (junior kindergarten through to high school or equivalent, universities or colleges, during unsupervised or unsupervised activity); other location types (non-commercial/corporate places, bars or restaurants, hospitals, correctional institutions, convenience stores, gas stations, religious institutions, banks or other financial institutions, construction sites, and homeless shelters/mission locations); or unknown location (the place where the incident occurred cannot be determined).

6. A census metropolitan area (CMA) consists of one or more neighbouring municipalities situated around a major urban core. A CMA must have a total population of at least 100,000 of which 50,000 or more live in the urban core. To be included in the CMA, other adjacent municipalities must have a high degree of integration with the central urban area, as measured by commuting flows derived from census data. A CMA typically comprises more than one police service.

7. Represents the most serious weapon present during the commission of the sexual assault, which does not necessarily mean the weapon was used against the victim. Weapons include any object that could be used in causing or threatening death or injury to a person (e.g., firearm, knife, blunt instrument, etc.), excluding physical force or verbal or gestured threats of injury, which is captured under the 'only physical force' category. Unknown weapons signify incidents where a weapon was present during the sexual assault, however the type of weapon was unknown.

### Table 3 — end

## Selected sentencing outcomes of police-reported sexual assaults that were convicted in adult criminal court, by selected incident characteristics, Canada, 2009 to 2014

8. Represents the period of time between the date the sexual assault incident is known or believed to have occurred and the date it was reported to police. Excludes incidents where the incident date was erroneously reported as after the report date. Some categories overlap with others.
9. Represents the duration of the sexual assault incident as determined by the first incident date (earliest possible date on which the incident could have occurred) to the most recent incident date. Incidents with only one incident date (the most recent) or incidents beginning and ending on the same date are classified as single or isolated incidents, and incidents with a first incident date at least 8 days earlier than the most recent incident are classified as 'long-term' for having occurred over more than a one-week period. Incidents occurring over a period of 2 to 7 days are excluded from this table.
10. Incidents with incomplete or unknown elements includes having at least one of the following fields on the Uniform Crime Reporting (UCR) Survey as reported by police as missing or unknown: time of incident, location of incident, presence of weapons, level of physical injury to the victim, or relationship between the victim and the accused. Note that relationship unknowns are based on the records that were imputed, that is, initially reported as unknown relationship type by police but was imputed during UCR processing using the nearest-neighbour approach in matching incidents based on a number of similarities on other variables. For the purposes of this portion of the analysis, the relationship imputation was undone and the initial unknown relationship incidents were kept as a measure of police investigation unknowns. The category 'at least one unknown' overlaps with 'two or more unknowns'.
11. Excludes incidents where the sex of the accused was unknown.
12. Represents the age of the accused at the time of the sexual assault incident. Excludes incidents that linked to youth court and incidents where the accused was 90 years of age and older due to data quality concerns.
13. Represents incidents with single victims (incidents where there was only one victim) in order to accurately count and present victim characteristics by attrition outcomes. Incidents without victim information (i.e., no victim identifier) were excluded.
14. Excludes incidents where the sex of the victim was unknown.
15. Represents the age of the victim at the time of the sexual assault incident. Excludes incidents where the victim was 90 years of age and older due to data quality concerns. Some age group categories overlap others.
16. Represents the level of physical injury suffered by the victim as a result of the sexual assault incident as reported by police. Injuries are defined on the Uniform Crime Reporting Survey as: 1) no injuries—no visible physical injury at the time of the incident though weapons or physical force were used; 2) minor physical injury—physical injury that required no professional medical treatment or only some first injury aid (e.g., band aid, ice, etc.); and 3) major physical injury—physical injury that is more than "trifling" or "transient" in nature and that injury required professional medical attention at the scene or transportation to a medical facility. Injury is reported as unknown when the extent of injuries to the victim could not be determined though weapons or physical force that were used against the victim.
17. Includes sexual assault incidents where a single accused matched to a single victim.
18. Represents selected relationship types between the victim and their assailant. Accused known to their victims include all relationship types other than stranger. Intimate partner includes boyfriend/girlfriend, ex-boyfriend/girlfriend, spouse, ex-spouse, or another intimate relationship type. Parent includes natural father or mother of the victim, the legal guardian, or step-parent of the victim. Other family includes immediate family other than spouse (i.e., natural brother or sister of the victim or step/half/foster/adopted family brother or sister), extended family (all others related to the victim either by blood or by marriage, e.g., grandparents, aunts, uncles, cousins, sister/brother-in-law, parents-in-law, etc.), and children that are step/half/foster/adopted and therefore assume the same relationships to the extended family as a 'natural offspring'. Casual acquaintance includes social relationships which is neither long-term nor close (includes known, by sight only, etc.). Other relationship types not presented in this table include accused in a position of authority over the victim, friends, business or criminal associates, neighbours, roommates, and reverse authority figures.
19. Pedophile-perpetrated sexual assaults include incidents where the accused may meet the age-based criteria for pedophilia. This requires that the accused was 16 years of age and older, their victim was 13 years of age and younger, and that there was an age difference of at least five years between them. This grouping does not represent an actual diagnosis of pedophilia by a medical professional, but rather an age-based grouping using accused and victim information, and the fact that the criminal offence was sexual in nature.
20. Peer-perpetrated sexual assaults include incidents where the victim and the accused were within 5 years of each other's age, and the accused did not qualify as meeting the criteria for a pedophile. For sexual assaults perpetrated by a family member within the same peer age group as the victim, relationships identified as parent are excluded for data quality reasons.
21. The age gap between the victim and the accused is a measure of the difference in age between two the two parties in years, at the time of the sexual assault incident. Excludes incidents where the accused was under 12 years of age, or 90 years and older, and incidents where the victim was 90 years and older.
- Note:** Data represent sentencing outcomes for the most serious sentence in a guilty case (adults only) that linked from a police-reported sexual/physical assault incident with a charge laid or charge recommended between 2009 and 2014 to a court case completed in adult court between 2009/2010 and 2014/2015 (that had at least one sexual/physical assault charge in the case). Excludes youth sentences due to the fundamental differences between adult and youth sentencing principles (see Text box 5 "Justice outcomes for young offenders accused of sexual assault"). Guilty findings include guilty of the offence, of an included offence, of an attempt of the offence, or of an attempt of an included offence. A case is one or more charges against an accused person or company that were processed by the courts at the same time and received a final decision. Percentages will not add up to 100% because cases may involve more than one type of sentence and because some less frequently imposed sentence types were excluded from this table, including (for linked sexual assault cases): fines (3%) or other types of sentences (3%; this can include restitution, absolute and conditional discharges, suspended sentences, and community service and prohibition orders, among others). The corresponding figures for physical assault were 5% and 6%, respectively. Excludes guilty cases where no sentencing detail was available (7% for sexual assault and 4% for physical assault). Data exclude incidents reported by police in Quebec and Prince Edward Island due to missing personal identifiers required to link to court data. Court data exclude cases that were completed in superior court in Ontario, Manitoba and Saskatchewan due to the unavailability of data. Excludes police-reported incidents involving multiple accused due to analytical challenges introduced when associating accused characteristics to more than one person. Record linkage is subject to false negative linkage issues where police-reported incidents may not have linked to court cases due to data quality issues in administrative data (e.g., incorrect birthdates or different personal identifiers for the same accused). Sentencing decisions do not necessarily reflect sentences handed down specifically for a sexual/physical assault charge, but rather the outcome for the most serious offence in a case that was associated with a sexual/physical assault incident charged by police. When base figures are low, corresponding percentages should be interpreted with caution.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Integrated Criminal Court Survey linked file.

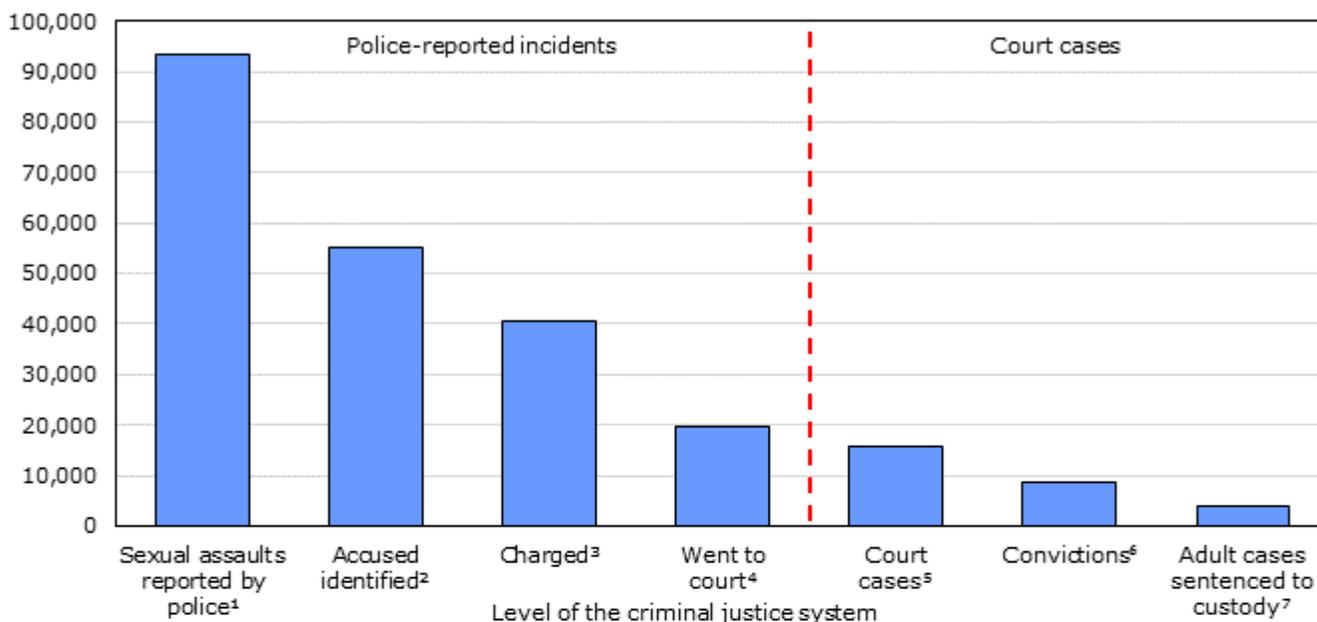
## Appendix — Daily charts

These charts accompany *The Daily* article released on October 26, 2017.

### Chart A.1

#### Attrition of sexual assault incidents/cases in the criminal justice system, Canada, 2009 to 2014

number of incidents/cases



1. Represents criminal incidents reported by police between 2009 and 2014 where a sexual assault was the most serious violation in the incident and where the incident was in-scope for linkage to court (see note). One incident may include multiple offences. This excludes incidents reported to police that were deemed 'unfounded.' An incident is classified as unfounded if police investigation determined that the reported offence did not occur, nor was it attempted. Information on unfounded sexual assaults will be published in July of 2018.

2. Represents police-reported sexual assault incidents where there was an accused identified by police in connection with the incident and the incident was either cleared by charge or cleared otherwise.

3. Represents police-reported sexual assault incidents with a charge laid or charge recommended by police to be laid on an accused.

4. Represents police-reported sexual assault incidents with a charge laid or charge recommended by police that linked to a court case that was completed in adult or youth court between 2009/2010 and 2014/2015.

5. Represents linked cases completed in adult or youth court that retained at least one sexual assault charge in the court case. One court case can include multiple charges. The number of cases completed in court is lower than the number of incidents that linked to court in part because multiple incidents may be grouped into a single court case. Cases were limited to those that had a sexual assault charge in the case in order to ensure that court outcomes were related to the initial sexual assault offence charged by police. This represents 84% of cases resulting from police-reported sexual assault incidents that went to court.

6. Represents linked cases completed in adult or youth court that received a guilty decision for the most serious offence in the case (regardless of whether the decision was specifically for the sexual assault charge).

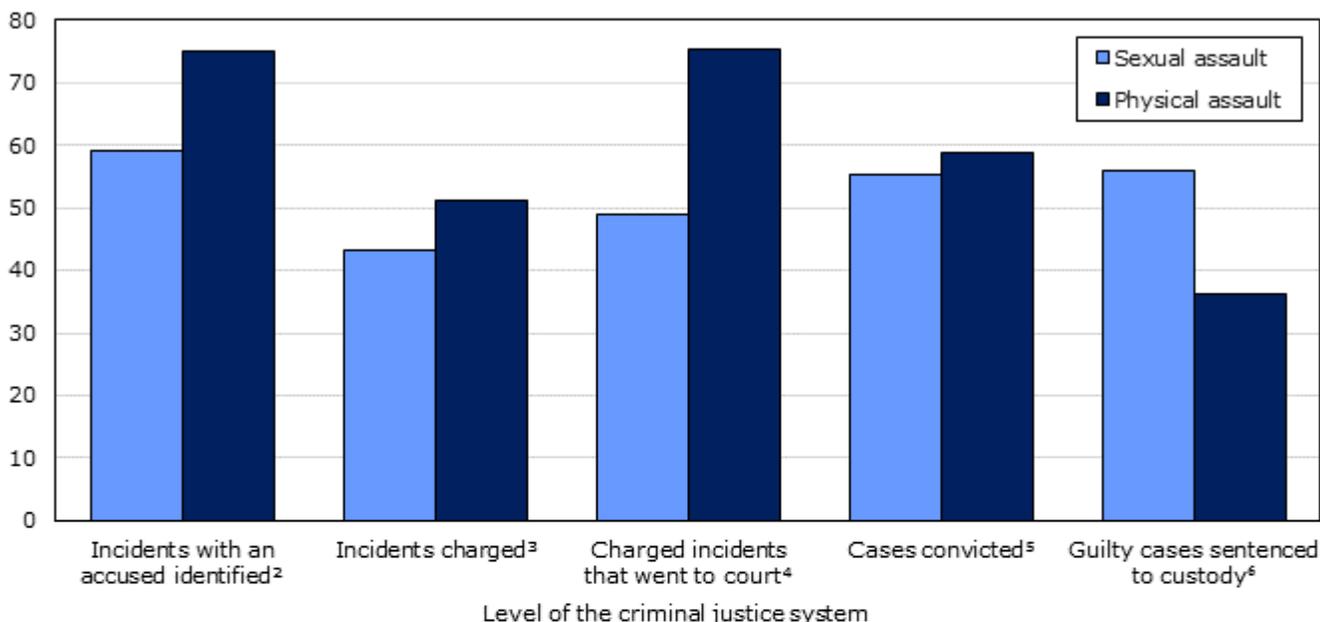
7. Represents linked guilty court cases (in adult court only) sentenced to custody as the most serious sentence. Excludes youth sentences due to the fundamental differences between adult and youth sentencing principles.

**Note:** Data are presented in actual figures for each level of the justice system. Attrition rates cannot be accurately derived using these raw figures because of the varying units of count (i.e., police incidents versus court cases). Please see the corresponding *Juristat* article for attrition findings that were adjusted to account for this. Data exclude incidents reported by police in Quebec and Prince Edward Island due to missing personal identifiers required to link to court data. Excludes police-reported incidents involving multiple accused. Incidents considered in-scope for this study represented 80% of all sexual assaults reported by police in Canada between 2009 and 2014. Record linkage is subject to false negative linkage issues where police-reported incidents may not have linked to court cases due to data quality issues in administrative data (e.g., incorrect birthdates or different personal identifiers for the same accused). Court data exclude cases that were completed in superior court in Ontario, Manitoba and Saskatchewan due to the unavailability of data. For these reasons, the attrition of incidents and cases depicted may be an overestimation.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Integrated Criminal Court Survey linked file.

**Chart A.2**  
**Proportion of incidents/cases that advanced through the criminal justice system, by level, sexual assault versus physical assault, Canada, 2009 to 2014**

retention rate<sup>1</sup>



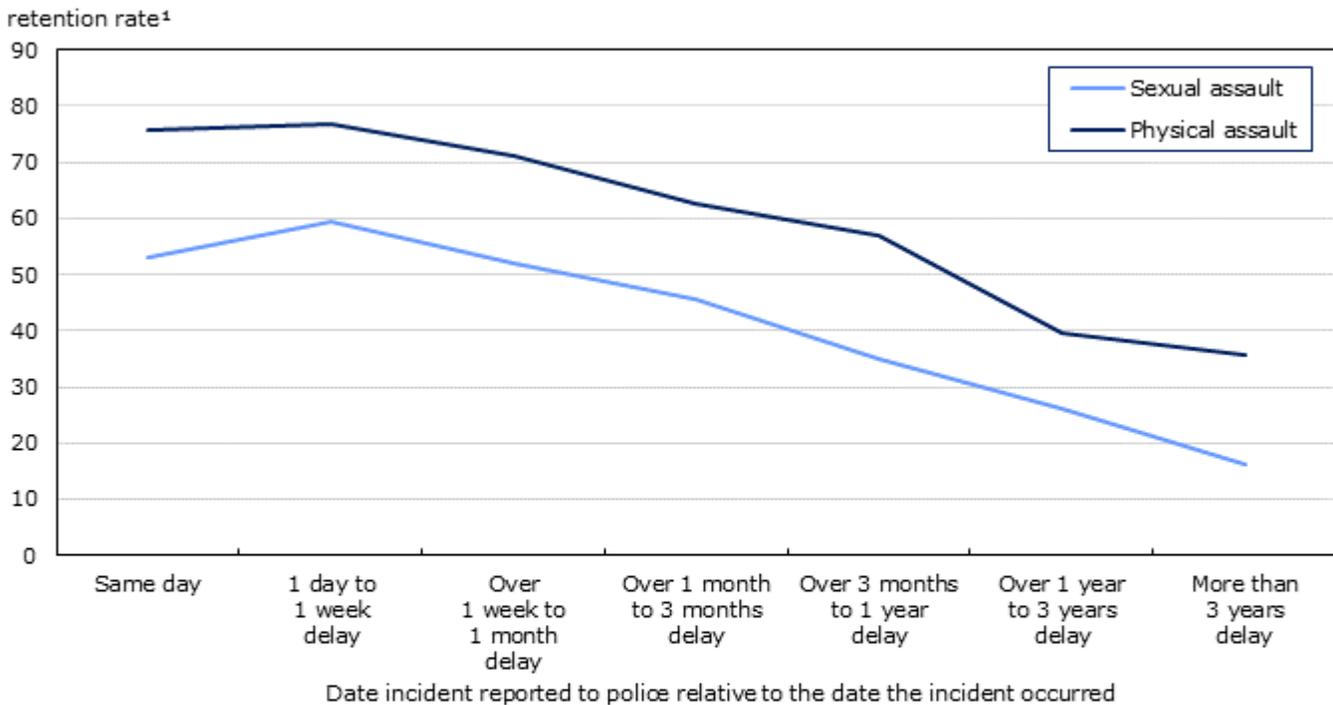
1. The retention rate is a measure of incidents that remain in the criminal justice system (the inverse of the attrition rate), and is presented in this chart by respective level of the justice system.
2. Represents the proportion of criminal incidents (sexual or physical assault) reported by police between 2009 and 2014 that had an accused identified by police in connection with the incident.
3. Represents the proportion of police-reported incidents with a charge laid or charge recommended by police.
4. Represents the proportion of police-reported incidents with a charge laid or charge recommended by police that linked to a court case completed in adult or youth court between 2009/2010 and 2014/2015.
5. Represents the proportion of linked cases completed in adult or youth court (that retained at least one sexual/physical assault charge in the court case) that received a guilty decision for the most serious offence in the case (regardless of whether the decision was specifically for the sexual/physical assault charge).
6. Represents the proportion of linked guilty court cases (in adult court only) that were sentenced to custody as the most serious sentence. Excludes youth sentences due to the fundamental differences between adult and youth sentencing principles. Excludes cases found guilty where no sentencing detail was available (7% for sexual assault and 4% for physical assault).

**Note:** Data exclude incidents reported by police in Quebec and Prince Edward Island due to missing personal identifiers required to link to court data. Excludes police-reported incidents involving multiple accused. Incidents considered in-scope for this study represented 80% of all sexual assaults and 76% of all physical assaults reported by police in Canada between 2009 and 2014. Record linkage is subject to false negative linkage issues where police-reported incidents may not have linked to court cases due to data quality issues in administrative data (e.g., incorrect birthdates or different personal identifiers for the same accused). Court data exclude cases that were completed in superior court in Ontario, Manitoba and Saskatchewan due to the unavailability of data. For these reasons, the retention rate may be an underestimation.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Integrated Criminal Court Survey linked file.

**Chart A.3**

**Proportion of incidents that remained in the criminal justice system between police charge and court, by length of delay in reporting the incident to police, sexual assault versus physical assault, Canada, 2009 to 2014**



1. The retention rate is a measure of incidents that remain in the criminal justice system (the inverse of the attrition rate), and represents the percentage of incidents with a charge laid or charge recommended by police between 2009 and 2014 that linked to a court case completed in adult or youth court between 2009/2010 and 2014/2015.

**Note:** The incident date is the date the incident is known or believed to have occurred. Excludes court cases associated with incidents with missing date information or report dates that were erroneously reported as prior to the incident date (<1%). Data exclude incidents reported by police in Quebec and Prince Edward Island due to missing personal identifiers required to link to court data. Excludes police-reported incidents involving multiple accused. Record linkage is subject to false negative linkage issues where police-reported incidents may not have linked to court cases due to data quality issues in administrative data (e.g., incorrect birthdates or different personal identifiers for the same accused). Court data exclude cases that were completed in superior court in Ontario, Manitoba and Saskatchewan due to the unavailability of data. For these reasons, the retention rate may be an underestimation.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey and Integrated Criminal Court Survey linked file.