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Canadian Centre for Justice Statistics



Statistics Canada – Catalogue no. 85-002-XPE Vol. 17 no. 6

ADULT CRIMINAL COURT STATISTICS, 1995-96

Craig Grimes

Highlights

- A large number of the cases heard in adult court involved relatively minor offences such as impaired driving (15% of all cases), common assault (12%), and theft (11%).
- Approximately 80% of cases were against males and 65% were against adults between 18 and 34 years of age.
- Two thirds of the cases heard resulted in a finding of guilt for at least one charge in the case. The highest conviction rates were recorded for cases involving impaired driving (79%), morals-sexual offences (76%), and drug possession (75%).
- Of the cases resulting in a prison sentence, almost 50% received terms of 1 month or less, while 3% had sentences of two years or more. The median sentence length for cases receiving prison, excluding one day prison sentences, was 46 days.
- A sentence of probation was given in 37% of cases resulting in conviction. The median length of probation for cases receiving probation was one year.
- The accused was ordered to pay a fine in 45% of the cases resulting in conviction. Of these cases, 56% were sentenced to pay a fine of \$300 or less and 20% were fined more than \$500.
- Approximately 20% of cases required 1 appearance to reach completion, while nearly 1 in 5 took more than 8 months.
- Almost three quarters of cases took five court appearances or less to reach completion. The median elapsed time from the first to the last appearance was 77 days.



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May 1997
ISSN 0715-271X

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Introduction

Courts are the keystone of the criminal justice system. They are responsible for adjudicating the criminal case against the accused through an evaluation of the evidence presented by the Crown. This *Juristat* summarizes the activity of adult provincial / territorial criminal courts¹ in Canada for the 1995-96 fiscal year. Its main objective is to improve public understanding of provincial adult court activity.

Information is presented on the demographic characteristics of accused persons, court findings and sanctions for cases heard in provincial criminal courts.

The analysis in this report is based on case characteristics data from the Adult Criminal Court Survey (ACCS). These data on completed federal statute charges are collected by the Canadian Centre for Justice Statistics (CCJS) in collaboration with provincial and territorial government departments responsible for provincial criminal courts.

The primary unit of analysis is the case, which is defined as one or more charges laid against an individual which are disposed of in court on the same day. The individuals involved are persons 18 years or older, companies, and youths that have been raised to adult criminal court.

At the time of this report, provincial criminal courts in seven provinces and two territories (representing approximately 80% of the national provincial criminal court caseload) reported to the ACCS. They are; Newfoundland (2.0%), Prince Edward Island (0.4%), Nova Scotia (4.1%), Quebec (20.6%), Ontario (50.9%), Saskatchewan (6.5%), Alberta (14.3%), Yukon (0.5%) and the Northwest Territories (0.7%).

Overview of Provincial Criminal Court Cases

Provincial criminal courts in participating jurisdictions disposed of 886,300 charges, or 435,500 cases during 1995-96. Most cases (55%)² contained only one charge, 27% had two charges, and the remaining 18% of cases containing three or more charges. All of these cases are for federal statute violations, of which 88% were Criminal Code offences. The remaining cases involve violations of other federal statutes, such as the *Narcotic Control Act* (NCA), *Food and Drugs Act* (FDA), and *Income Tax Act*. Provincial statute offences are not included in this report.

Adult court cases most often involve property offences

In 1995-96, participating jurisdictions reported 115,000 cases of crimes against property, 107,300 "other" Criminal Code violation cases, 86,600 cases involving crimes against the person, 73,700 traffic cases (primarily impaired driving), 27,800 drug-related cases, and 25,100 other federal statute cases. (**Box 1**) Figure 1 shows the relative frequency of 10 offence types heard in provincial criminal court, of which the four most common offences are impaired driving, common assault, theft, and failure to appear in court cases. (**Box 2**)

Most provincial criminal court cases involve males

During the reference period, approximately 85% of cases heard in provincial criminal courts were against males.³ In addition, most of the cases heard were against adults under 35 years of age. Cases involving 18 to 24 year olds represented 30% of all cases, while 35% of cases tried were against 25 to 34 year olds. The proportion of the provincial criminal court caseload decreased with each subsequent age group. Cases against individuals 35 to 44 years of age were 22% of completed cases, while the

¹ For the remainder of this *Juristat*, adult provincial/territorial criminal courts will be referred to as provincial criminal courts.

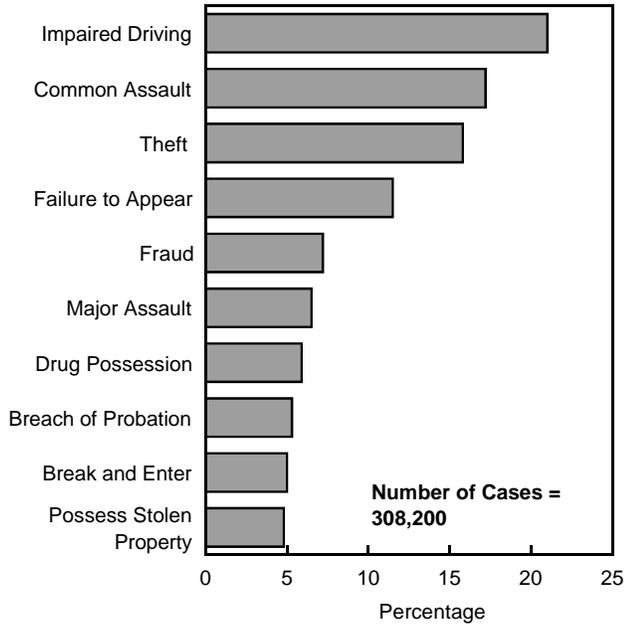
² The classification of a case as single-charge or multiple-charge is based on the total number of charges heard in the case, and not just those charges resulting in a conviction.

³ "Sex" is unknown in 14,631 cases, or 4% of the cases heard in provincial criminal court.

⁴ The age of the accused was unknown or less than 18 years of age in 22,120 cases, or 5% of provincial court caseload. Companies were involved in 1,253 of these cases.

Figure 1

Cases by Most Serious Offence, Nine Jurisdictions, 1995-96



Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Box 1

Standard offence categories used by the ACCS

Crimes against the person

- Homicide and related
- Attempted murder
- Robbery
- Kidnapping
- Sexual assault
- Sexual abuse
- Major assault
- Abduction
- Common assault

Crimes against property

- Break and enter
- Arson
- Fraud
- Possession of stolen property
- Theft
- Property damage/mischief

Other Criminal Code

- Weapons
- Administration of justice (Includes Failure to Appear)
- Public order offences
- Morals – sexual
- Morals – gaming
- Unspecified Criminal Code (Includes Breach of Probation)

Traffic

- Criminal Code traffic
- Impaired driving

Drug related offences

- Trafficking
- Possession

Other federal statutes

- all other federal statutes

Box 2

Unspecified CCC, Administration of Justice, and Other Federal Statutes

Unspecified Criminal Code

Two of the most frequently occurring “unspecified Criminal Code” offences are “failure to comply with a probation order”, and “failure to keep the peace”. These offences are related to previous court cases, where a court order has been made against the accused. Failing to follow this court order has resulted in another court case against the same accused. These offences are good examples of how some charges and cases are related to previous or ongoing court cases.

Administration of Justice

The “administration of justice” offence category encompasses a variety of offences focused on ensuring that individuals follow the decisions of the court. The court will lay additional charges when an accused fails to appear in court on a set date, escapes from custody, or when the accused breaks out of a correctional facility. “Failure to appear” is one of the most frequent offences heard in provincial criminal courts.

Other Federal Statutes

In addition to the Criminal Code of Canada, the ACCS collects information on a variety of other federal statutes. Offences under these statutes have been grouped into one of three offence categories: 1) trafficking/importing drugs; 2) drug possession; and, 3) other federal statutes. Trafficking/ importing drugs and drug possession cases involve specific NCA and FDA sections, which specify drug trafficking and drug possession offences. The remaining NCA, FDA, and federal statute offences are grouped under “other federal statutes”.

Unspecified Criminal Code

	Number	%
Total unspecified Criminal Code	45,245	100
Failure to comply with probation order	16,455	39
Uttering threats	8,587	20
Failure to keep the peace	6,935	16
Conspiracy	1,975	5
Criminal harassment	1,935	5
Other unspecified	6,358	15

Administration of Justice

	Number	%
Total	39,806	100
Failure to appear	35,302	89
Unlawfully at large	3,446	9
Escape custody	688	2
Prison break	31	--
Other Administration of Justice	370	1

accused was over the age of 45 years in the remaining 13%.⁴

Most property crime is committed by males under 30 years of age

Only one offence type, crimes against property, had a significant difference in the age of males and females. In property cases, the median age of females was 31 years, while the median age of males was 27 years at the time of the offence. The median age of males and females was almost the same for all other offence groups. Overall, the median age of males appearing in court was 30 years, while the median age of females was 31 years. (Table 1)

Participating jurisdictions reported a total of 6,796 charges, or 1,253 cases against companies during 1995-96. Almost all of the cases heard against companies (89%) were for violations under federal statutes, other than the Criminal Code of Canada.

Cases against Companies	Number	%
Total	1,253	100
Criminal Code offences	143	11
Income Tax Act	232	19
Customs Act	27	2
Unemployment Insurance Act	27	2
All other federal statutes	824	66

Young adults commit more property offences

Young adults, 18 to 24 years of age, tended to appear in court for different kinds of cases than older adults. This age group had proportionately more cases heard for "crimes against property" than any other age group. One-third of the cases heard against young adults were property cases.

Younger adults were involved in proportionately more cases for property damage / mischief, possession of stolen property, break and enter, drug possession, failure to appear in court, and public order offences than any other age group. Theft cases were heard most often (13%) for individuals 18 to 24 years of age. In comparison to other age groups, young adults had the lowest proportion of impaired driving cases in provincial criminal court. (Table 2)

Impaired driving most frequent offence for adults over 25 years

The proportion of impaired driving cases increased with the age of the accused and was the most frequently heard case when the accused was 25 years of age and older. In addition, individuals over age 25 had proportionately fewer cases heard for crimes against property and more cases heard for other federal statute violations than were heard against young adults. Older individuals, 55 years of age and older, had the largest proportion of impaired driving cases (26%) and the lowest proportion of drug-related cases (2%).

Table 1

Offence Group	Median ¹ Age of Accused by Sex, Nine Jurisdictions, 1995-96					
	Total Cases ²		Males ³		Females ³	
	Number	median	Number	median	Number	median
TOTAL OFFENCES	414,019	30	339,774	30	59,614	31
CRIMINAL CODE TOTAL	364,880	30	299,709	30	53,350	31
Crimes Against The Person	81,658	31	70,596	31	8,916	30
Crimes Against Property	110,559	28	83,601	27	23,143	31
Other Criminal Code	99,551	29	82,354	29	14,527	29
Traffic	73,112	34	63,158	34	6,764	34
FEDERAL STATUTE TOTAL	49,139	30	40,065	30	6,264	31
Drug-Related Offences	26,667	28	22,280	28	3,421	29
Other Federal Statutes	22,472	33	17,785	33	2,843	33

¹ Median refers to the middle value when data are ranged in order of magnitude.

² Excludes 14,631 cases in which the sex of the accused was unknown; and, 20,232 cases where the age of the accused was not stated, which includes 1,253 cases against companies.

³ The calculation of median age excludes age unknown.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Table 2



Cases by Age of Accused, Nine Jurisdictions, 1995-96

Offence Group ¹	Age Group													
	Total Cases		18 to 24		25 to 34		35 to 44		45 to 54		55 plus		Unknown ²	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	#	%
TOTAL OFFENCES	435,504	100	123,581	100	144,570	100	91,058	100	36,208	100	17,967	100	22,120	100
CRIMINAL CODE TOTAL	382,545	87.8	108,410	87.7	127,331	88.1	80,770	88.7	31,958	88.3	15,881	88.4	18,195	82.3
Crimes Against The Person	86,610	19.9	20,897	16.9	30,625	21.2	19,318	21.2	7,153	19.8	3,506	19.5	5,111	23.1
Homicide and Related	439	0.1	120	0.1	168	0.1	81	0.1	33	0.1	16	0.1	21	0.1
Attempted Murder	402	0.1	123	0.1	134	0.1	83	0.1	29	0.1	12	0.1	21	0.1
Robbery	4,124	0.9	1,655	1.3	1,541	1.1	646	0.7	88	0.2	20	0.1	174	0.8
Kidnapping	307	0.1	77	0.1	107	0.1	63	0.1	26	0.1	10	0.1	24	0.1
Sexual Assault	6,829	1.6	1,311	1.1	2,155	1.5	1,599	1.8	775	2.1	581	3.2	408	1.8
Sexual Abuse	1,546	0.4	222	0.2	429	0.3	348	0.4	201	0.6	192	1.1	154	0.7
Major Assault	19,882	4.6	5,826	4.7	7,159	5.0	4,053	4.5	1,464	4.0	638	3.6	742	3.4
Abduction	135	--	18	--	53	--	40	--	12	--	3	--	9	--
Common Assault	52,946	12.2	11,545	9.3	18,879	13.1	12,405	13.6	4,525	12.5	2,034	11.3	3,558	16.1
Crimes Against Property	114,958	26.4	42,015	34.0	35,804	24.8	20,570	22.6	7,915	21.9	4,078	22.7	4,576	20.7
Break and Enter	15,345	3.5	8,206	6.6	4,520	3.1	1,694	1.9	361	1.0	87	0.5	477	2.2
Arson	658	0.2	218	0.2	196	0.1	140	0.2	65	0.2	22	0.1	17	0.1
Fraud	22,195	5.1	5,706	4.6	8,106	5.6	4,776	5.2	1,732	4.8	526	2.9	1,349	6.1
Possess Stolen Property	14,796	3.4	7,144	5.8	4,276	3.0	1,959	2.2	640	1.8	202	1.1	575	2.6
Theft	48,788	11.2	15,438	12.5	14,407	10.0	9,857	10.8	4,384	12.1	2,970	16.5	1,732	7.8
Property Damage/Mischief	13,176	3.0	5,303	4.3	4,299	3.0	2,144	2.4	733	2.0	271	1.5	426	1.9
Other Criminal Code Violations	107,268	24.6	31,685	25.6	35,801	24.8	21,046	23.1	7,558	20.9	3,290	18.3	7,888	35.7
Weapons	8,930	2.1	2,562	2.1	2,595	1.8	1,757	1.9	896	2.5	475	2.6	645	2.9
Failure to Appear in Court	35,302	8.1	11,997	9.7	12,565	8.7	6,836	7.5	2,121	5.9	839	4.7	944	4.3
Other Administration of Justice	4,504	1.0	1,408	1.1	1,704	1.2	762	0.8	204	0.6	50	0.3	376	1.7
Public Order Offences	7,669	1.8	2,952	2.4	2,666	1.8	1,303	1.4	453	1.3	152	0.8	143	0.6
Morals-Sexual	4,754	1.1	909	0.7	1,876	1.3	1,182	1.3	424	1.2	220	1.2	143	0.6
Morals-Gaming	864	0.2	81	0.1	228	0.2	208	0.2	96	0.3	90	0.5	161	0.7
Breach of Probation	16,160	3.7	5,668	4.6	5,641	3.9	2,958	3.2	961	2.7	335	1.9	597	2.7
Other Unspecified Criminal Code	29,085	6.7	6,108	4.9	8,526	5.9	6,040	6.6	2,403	6.6	1,129	6.3	4,879	22.1
Traffic	73,709	16.9	13,813	11.2	25,101	17.4	19,836	21.8	9,332	25.8	5,007	27.9	620	2.8
Criminal Code Traffic	9,151	2.1	2,266	1.8	3,582	2.5	2,067	2.3	789	2.2	333	1.9	114	0.5
Impaired Driving	64,558	14.8	11,547	9.3	21,519	14.9	17,769	19.5	8,543	23.6	4,674	26.0	506	2.3
FEDERAL STATUTE TOTAL	52,959	12.2	15,171	12.3	17,239	11.9	10,288	11.3	4,250	11.7	2,086	11.6	3,925	17.7
Drug Related Offences	27,844	6.4	9,650	7.8	10,336	7.1	5,270	5.8	1,108	3.1	278	1.5	1,202	5.4
Trafficking	9,702	2.2	2,541	2.1	3,763	2.6	2,056	2.3	538	1.5	163	0.9	641	2.9
Possession	18,142	4.2	7,109	5.8	6,573	4.5	3,214	3.5	570	1.6	115	0.6	561	2.5
Other Federal Statutes	25,115	5.8	5,521	4.5	6,903	4.8	5,018	5.5	3,142	8.7	1,808	10.1	2,723	12.3

¹ The standard ACCS offence categories for the 'administration of justice' and 'unspecified Criminal Code' offence categories have been subdivided in this table. 'Failure to appear' in court and 'breach of probation' do not normally appear in standard ACCS offence groupings. The standard 'administration of justice' offence category equals the sum of 'failure to appear' and 'other administration of justice' offences. The standard 'unspecified Criminal Code' offence category equals the sum of 'breach of probation' and 'other unspecified Criminal Code' offences.

² Unknown includes not stated and age less than 18.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Dispositions

The frequency with which each province and territory uses available dispositional options offers insight into the complexity of jurisdictional caseloads, the mix of offences in the case, and the administrative and procedural considerations that have to be addressed in court. The wide range of possible court disposition types have been grouped into a small number of categories to improve comparisons across provinces and territories. These categories are guilty, committed for trial in Superior Court, stay / withdrawn, acquitted, and other. Due to the inconsistent use of stay, withdrawn, dismissed and discharged dispositions across reporting jurisdictions, cases with these disposition types have been grouped under one category, called 'stay / withdrawn'. **(Box 3)**

Two thirds of provincial criminal court cases result in conviction

A finding of guilt for at least one charge in the case was reached in a total 270,200 cases, or 64% of the cases tried in reporting provincial criminal courts during 1995-96. The final dispositions for the remaining cases completed included stayed / withdrawn (30% of cases heard), acquittal (3%), and other (4%). **(Box 4)**

Box 3

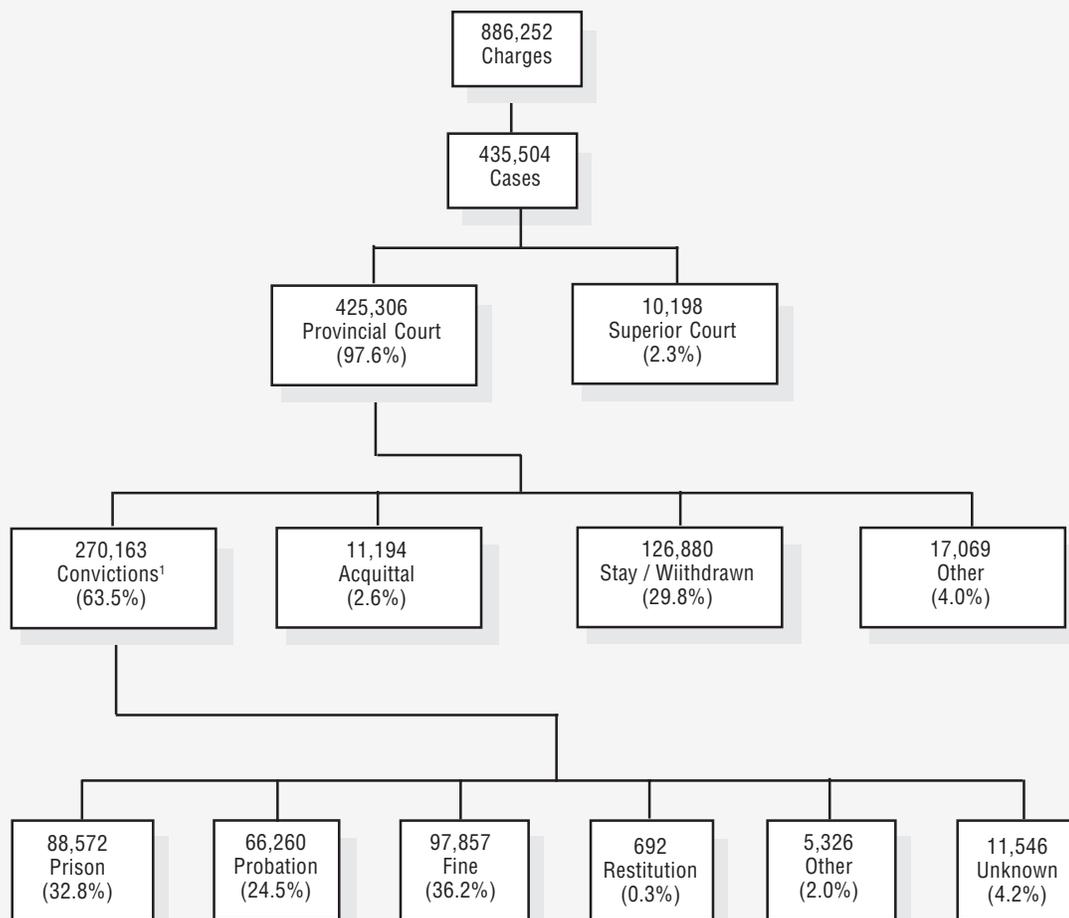
Dispositions in Adult Provincial/Territorial Criminal Court

The disposition categories in this report are grouped as follows:

- Guilty includes guilty of the charged offence, an included offence, an attempt of the charged offence, and attempt of an included offence.
- Superior Court represents the number of criminal proceedings that have been moved to a court of higher jurisdiction. The accused may re-elect to provincial court for the completion of the trial.
- Other disposition includes, for example, acquitted on account of insanity, waived in province/territory, and waived out of province/territory. This category also includes any order made against the accused that does not carry a conviction, and the court's acceptance of a special plea.
- Stay/Withdrawn includes stay of proceedings, and withdrawn/dissmissed/discharged at preliminary. These disposition categories all refer to the court stopping or interrupting criminal proceedings against the accused.
- Acquitted means that the accused has been found not guilty of the charges presented before the court.

Box 4

Adult Court Processing of Federal Statute Cases



¹ Convictions are for "Most Serious Sentence."

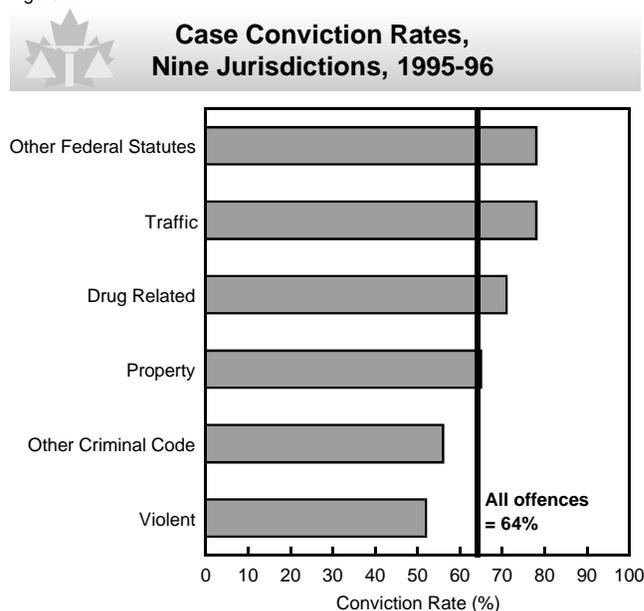
Since provincial court dispositions of “committal for trial in Superior Court” do not result in the completion of criminal proceedings in provincial court, these cases (10,200 cases or 2% of all cases heard) have been removed from the calculation of conviction rates. For those cases reaching completion, the conviction rate was the highest for cases involving “other federal statutes” and traffic offences and lowest for cases involving violent offences. (Figure 2)

Inter-Jurisdictional Comparisons

The proportion of cases resulting in a conviction ranged from 57% in Ontario and 58% in the Yukon to 76% in Quebec and 86% in Prince Edward Island. (Table 3) The jurisdictions with the highest conviction rates, Quebec, Prince Edward Island and the Northwest Territories, also had among the lowest stay / withdrawn rates, 10%, 13% and 21% respectively. Conversely, jurisdictions with the lowest conviction rates, Ontario, Yukon, and Nova Scotia had the highest stay / withdrawn rates (40%, 28% and 29% of cases).

The differences in the distribution of dispositions across participating jurisdictions may be a reflection of varying Crown and police charging practices, pre-trial review practices, survey coverage limitations, offence distributions, case complexity, and administrative and procedural considerations that are addressed prior to case completion. ACCS rules for counting charges and cases may also affect the frequency of certain disposition types.⁵

Figure 2



Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Table 3

Cases by Disposition, 1995-96

Jurisdiction	Total Cases ¹	Convicted %	Other %	Stay / Withdrawn %	Acquitted %
TOTAL	425,306	63.5	4.0	29.8	2.6
Newfoundland	8,362	75.8	2.1	22.1	--
Prince Edward Island	1,520	85.9	0.2	12.8	1.1
Nova Scotia	17,573	62.9	5.3	29.1	2.7
Quebec	89,891	75.7	5.2	10.0	9.1
Ontario	215,317	56.5	3.2	39.8	0.5
Saskatchewan	27,737	70.0	4.4	24.6	1.0
Alberta	59,739	65.0	4.8	28.4	1.9
Yukon	2,051	58.4	11.8	28.0	1.7
Northwest Territories	3,116	77.2	1.2	20.6	1.0

¹ Excludes cases committed for trial in Superior Court.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey

Sentencing

In an attempt to improve the understanding of sentencing practices, this section examines some of the factors considered by the court during sentencing. Of particular interest are the questions; how much does the type of offence influence the sentence, and is the sentence given to the most serious offence in the case affected by the number of charges in the case?

When determining the sanctions to be imposed on an accused a judge may weigh the influence of many factors. Some of which may include the criminal history and attitude of the accused, aggravating and mitigating factors, and victim-impact statements. Information on these factors are not collected by the ACCS. Data

⁵ For reporting purposes, the ACCS considers any changes in court level or court location to be final. This recording practice may lead to more than one disposition for some charges and cases. Cases with more than one charge are categorized by the most significant disposition, most serious charge, and most serious sentence. Consequently, less serious dispositions, charges, and sentences in multiple charge cases are under-represented.

available on the type of most serious offence in the case and the number of charges associated with the case, offer some information on the nature of the case before the court.⁶

Fines were given more frequently than any other sanction

In participating jurisdictions, a fine was given as the sole sentence or as part of a combination sentence in a total of 121,500 convicted cases, or 45% of all convictions. Fines were the most frequently occurring sentence in five of the nine reporting jurisdictions (ranged 50 – 58%). In Quebec, probation, fines and other sentences were ordered in about half of all cases. Prison, probation and fines were used with approximately the same frequency in Ontario and the Northwest Territories (36% to 38% of cases), while prison and probation were the most common sentences in the Yukon.⁷ (Table 4)

Most Serious Sentence

If there are several convictions in the case, the type of offence and the magnitude of the sanction are used to determine the most serious conviction in the case. Sanction types are ordered from most to least serious as follows: prison, probation, fine, restitution / compensation, and other. In 1995-96, prison was the most serious sentence in 33% of the cases with a finding of guilt.⁸ Fines were given as the most serious sentence in another 36%, probation⁹ in 25%, and 'other sentence' in 2% of convicted cases.¹⁰ Restitution was the most serious sentence in less than 1% of convicted cases.¹¹

Most cases with convictions are given multiple sanctions

Forty percent of all cases with a guilty finding involved only one sanction, 45% resulted in two sanctions, and almost 10% involved three or more sanctions. For cases resulting in multiple

sanctions, the most frequent sanction combinations include probation with another sanction, fine with another sanction, prison and probation, and probation and fine.

Combination Sentences ¹²	Number	%
Probation and other	61,753	23
Fine and other	52,324	19
Prison and probation	33,304	12
Probation and fine	22,056	8

Prison Sentences

Prison is the most serious sentence handed out in provincial criminal court and is frequently given as the only sentence.¹³ In nine participating jurisdictions, a prison sentence was imposed in 88,600 convicted cases, or 33% of all convicted cases, and was the only sentence imposed in almost half of these cases.

⁶ Case sentencing information reflects the sanctions imposed on the most serious offence in the case. The most serious offence in the case is determined through a sorting of charges according to the seriousness of the final disposition (guilty dispositions are the most serious), the seriousness of the offence, and the sentence.

⁷ Sanctions may be used alone or in combination, and as such, the percentages presented in table four are not mutually exclusive and will, therefore total more than 100% when added across.

⁸ The sentence was unknown in 5% of cases with a finding of guilt.

⁹ Data on probation orders imposed in Nova Scotia are currently unavailable.

¹⁰ Figures for "other" as the most serious sentence are low since they are among the least serious sentence types, and are often used in combination with other more serious sentences. 'Other sentence' includes absolute discharge conditional discharge, suspended sentence and payment of legal costs. Many of the sanctions captured as 'other' by the ACCS may be conditions placed on a probation order.

¹¹ Sentence was unknown in 4% of convicted cases.

¹² The categories presented in this table may include additional sanctions, and are therefore not mutually exclusive.

¹³ The ACCS is unable to determine whether the prison sentence is to be served concurrently or consecutively with another prison sentence, and is not able to measure the length of the aggregate prison sentence given to an accused in cases involving convictions on more than one offence.

Table 4

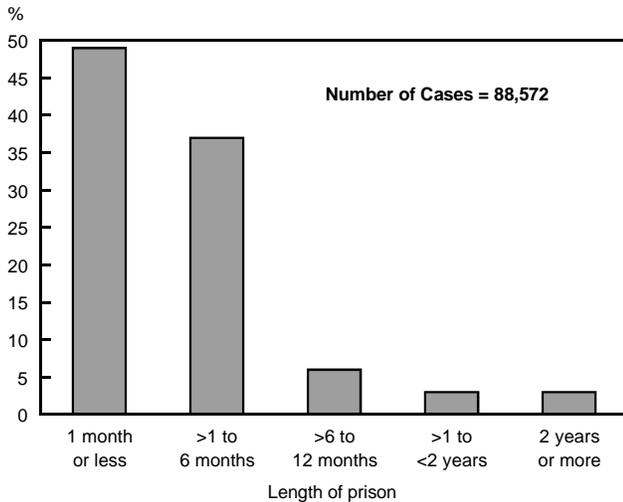
Cases by Type of Sentence, Nine Jurisdictions, 1995-96						
	Total Cases	Prison %	Probation %	Fine %	Restitution %	Other %
TOTAL¹	270,163	32.8	36.9	45.0	4.3	44.1
Newfoundland	6,337	31.3	43.2	49.8	5.9	64.2
Prince Edward Island	1,306	47.9	36.8	54.5	11.6	18.5
Nova Scotia	11,060	21.3	--	57.6	6.8	44.5
Quebec	68,086	30.2	50.6	50.2	2.7	50.1
Ontario	121,562	37.4	37.3	35.5	4.5	40.4
Saskatchewan	19,405	24.6	31.9	52.4	5.8	57.9
Alberta	38,803	29.6	22.9	57.9	3.5	37.2
Yukon	1,198	43.2	44.0	35.1	6.6	22.0
Northwest Territories	2,406	37.1	37.7	35.5	19.2	27.1

¹ Columns are not mutually exclusive and therefore will not balance when added across. The sentence was unknown in 4% of convicted cases.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Figure 3

Cases by Length of Prison for most serious offence, Nine Jurisdictions, 1995-96



Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Of the cases resulting in prison, almost 50% were sentenced to one month or less, while 3% had sentences of two years or more.¹⁴ (Figure 3)

Serious offences receive longer prison sentences

The median sentence length for all cases receiving prison was 46 days.¹⁵ The types of offences receiving a lengthy prison sentence were usually serious by nature, with violent offences receiving three of the four longest median prison sentences. In total there were twelve offences with a median prison sentence of 90 days or more. Common assault was the only violent offence with a median length of prison that was less than three months. (Table 5)

In general, offences with the longest median prison sentences also had the highest rates of incarceration. For example, homicide (median sentence 7 years), attempted murder (5 year median), and robbery (2 year) cases all had incarceration rates above 70%. There were only two offences – weapons and abduction offences – where a long median length of prison was associated with a low incarceration rate.

Probation Orders

Probation sentences are less serious than a prison sentence and most probation orders carry conditions that convicted individuals have to meet in order to continue serving their sentence in the community. Some of the conditions placed on probation orders include, firearms restrictions, license restrictions, community service, order of prohibition, or a restriction against the accused holding public office. Most of these sanctions are captured by the ACCS under ‘other

sentence’, which is reflected in the larger number of probation sentences (62%) associated with an “other sentence”. When the accused fails to follow a probation condition, new charges and cases often appear in provincial criminal court. There were 16,500 breach of probation cases heard in reporting provincial criminal courts in 1995-96.

The median probation sentence was one year

A sentence of probation was imposed in 37% of the cases resulting in conviction. Of these cases, approximately 40% had a probation sentence length that was between six and twelve months.¹⁶ (Figure 4) Convicted cases for all offence categories had a median length of probation sentence of approximately one year.¹⁷

In total there were thirteen offences with a median length of probation that was 15 months or more. The types of offences receiving these lengthy probation orders were usually serious by nature, with eleven of the twelve offence types also having long median prison sentences. Fraud was the only offence type with a long median probation term that did not also receive a long median prison term. Most violent crimes were given long probation terms, with attempted murder cases receiving the longest probation term allowed by law, 3 years. Only three violent offences, abduction, major assault and common assault, had a median length of probation that was under 2 years. (see table 5)

Cases Receiving Probation	No.	Median Days
Attempted Murder	9	1,095
Homicide and Related	10	913
Robbery	937	730
Kidnapping	51	730
Sexual Assault	1,363	730
Sexual Abuse	666	730
Break and Enter	5,868	730
Arson	215	730
Drug Trafficking	2,721	730
Abduction	29	540
Major Assault	5,730	540
Weapons	2,097	540
Fraud	7,708	450
Total Cases	99,166	365

Fines

Cases receiving fines tend to be less serious than those receiving other penalties. Only 3% of the cases with a prison sentence were also ordered to pay a fine. Almost half (46%) of all convicted cases ordered to pay a fine had no other sanction associated with the case. Of the convicted cases with a fine, 56% were sentenced to pay a fine of \$300 or less, 24% were fined between \$300 and \$500, and the remaining 20% were fined more than \$500.¹⁸ (Figure 5) The median fine amount was \$300.¹⁹

¹⁴ The length of the prison sentence was unknown in 1,787 cases, or 2% of the cases where a prison sentence was imposed.

¹⁵ The calculation of the median sentence length for prison excludes all cases where the sentence length was 1 day or unknown. One day prison sentences are usually a way of identifying prison sentences of time served, or prison time served in conjunction with a probation order, which cannot be given on its own.

¹⁶ The length of the probation sentence was unknown in 398 cases where probation was indicated.

¹⁷ The calculation of the median sentence length for probation excludes all cases where the sentence length was unknown.

¹⁸ The amount of fine was unknown in 1,280 cases, or 1% of the cases where a fine sentence was imposed.

¹⁹ The calculation of the median amount of fine excludes all cases where the amount of fine was unknown.

Table 5

Offence Group	Total Convicted Cases	Prison ¹			Probation ²			Fine ³		
		Cases	%	median days	Cases	%	median days	Cases	%	median \$ amount
TOTAL OFFENCES	270,163	80,361	30	46	99,166	37	365	120,208	44	300
CRIMINAL CODE TOTAL	232,066	74,686	32	45	92,683	40	365	93,164	40	300
Crimes Against The Person	42,567	15,670	37	90	27,597	65	365	9,487	22	300
Homicide and Related	76	64	84	2,555	10	13	913	8	11	450
Attempted Murder	51	37	73	1,825	9	18	1,095	—	—	—
Robbery	2,153	1,807	84	630	937	44	730	25	1	200
Kidnapping	83	46	55	180	51	61	730	7	8	500
Sexual Assault	2,033	1,339	66	240	1,363	67	730	182	9	500
Sexual Abuse	811	458	56	180	666	82	730	62	8	500
Major Assault	9,360	4,643	50	90	5,730	61	540	1,973	21	300
Abduction	37	7	19	90	29	78	540	4	11	250
Common Assault	27,963	7,269	26	45	18,802	67	365	7,226	26	300
Crimes Against Property	72,885	24,867	34	89	35,270	48	365	21,572	30	200
Break and Enter	9,864	6,332	64	180	5,868	59	730	845	9	300
Arson	291	152	52	270	215	74	730	31	11	500
Fraud	13,424	4,314	32	60	7,708	57	450	3,344	25	200
Possess Stolen Property	8,910	3,535	40	60	3,653	41	365	2,935	33	300
Theft	31,658	9,035	29	45	12,879	41	365	11,408	36	200
Property Damage/Mischief	8,738	1,499	17	30	4,947	57	365	3,009	34	200
Other Criminal Code	59,349	20,358	34	30	19,197	32	365	20,243	34	175
Weapons	4,822	1,475	31	90	2,097	43	540	1,765	37	200
Administration of Justice	22,587	10,619	47	30	4,180	19	365	7,064	31	145
Public Order Offences	5,633	750	13	30	1,617	29	360	3,225	57	200
Morals-Sexual	3,595	471	13	30	1,204	33	365	1,247	35	200
Morals-Gaming	281	2	—	—	60	21	360	148	53	500
Unspecified Criminal Code	22,431	7,041	31	30	10,039	45	365	6,794	30	200
Traffic	57,265	13,791	24	30	10,619	19	360	41,862	73	500
Criminal Code Traffic	6,450	2,921	45	30	1,447	22	360	3,160	49	500
Impaired Driving	50,815	10,870	21	30	9,172	18	300	38,702	76	500
FEDERAL STATUTE TOTAL	38,097	5,675	15	90	6,483	17	365	27,044	71	130
Drug Related Offences	18,528	4,966	27	90	5,706	31	365	9,278	50	200
Trafficking	5,016	3,515	70	120	2,721	54	730	982	20	600
Possession	13,512	1,451	11	30	2,985	22	365	8,296	61	200
Other Federal Statutes	19,569	709	4	30	777	4	365	17,766	91	100

¹ Prison sentences of one day or less have been excluded from the calculation of median days (N= 8,211)

² Probation sentences with unknown lengths have been excluded from the calculation of median days (N= 398)

³ Fine sentences where the fine amount is unknown have been excluded from the calculation of median fine amounts (N= 1,280)

Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Traffic offences receive the largest fines

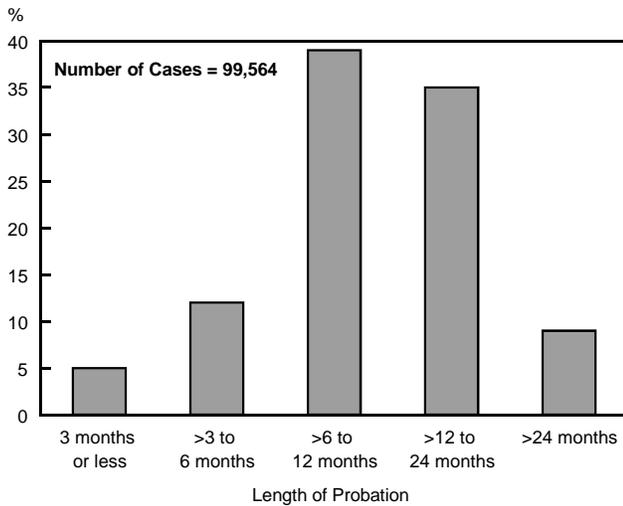
The median fine amount for traffic offence cases was \$500. This was the largest median fine amount imposed on any offence group, which reflects the mandatory \$300 fine for first time impaired driving convictions in this category. Almost one-third of all fine sentences were for impaired driving cases.

Sentencing in single-charge and multiple-charge cases

When examining the type, distribution and magnitude of sentences, it is very useful to distinguish between cases comprised of one charge versus those having more than one charge. Although it is not possible to establish the aggregate sentence given to an accused, the data indicate that the most serious offence in multiple-charge cases tend to receive longer sentences than the same offence in a single-charge case.

Figure 4

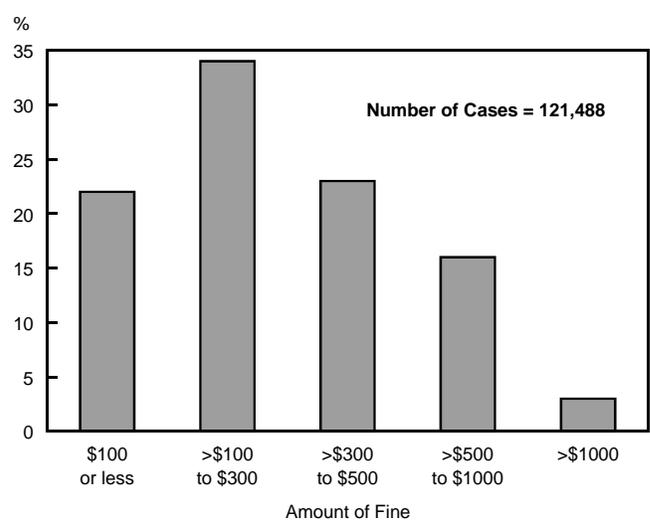
Cases by Length of Probation for most serious offence, Nine Jurisdictions, 1995-96



Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Figure 5

Cases by Amount of Fine for most serious offence, Nine Jurisdictions, 1995-96



Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Multiple-charge cases more likely to receive prison

The proportion of cases receiving prison as a sentence increased as the number of charges in the case increased. The most serious offence in approximately 40% of all convicted multiple-charge cases received prison as the most serious sentence, with almost two-thirds of cases with five or more charges receiving a prison sentence. In comparison, approximately one-quarter of single-charge cases were given a prison sentence. (Figure 6)

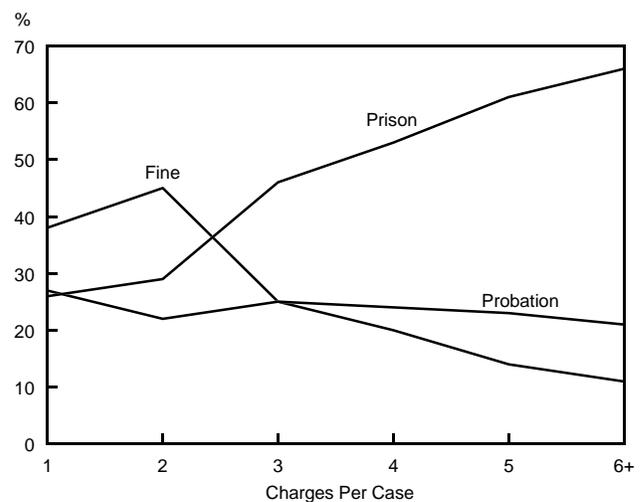
Length of prison increases with the number of charges in the case

The length of prison sentence also appears to be influenced by the number of charges in the case. Of the cases receiving prison, there were more short prison sentences for convicted single-charge cases than for the most serious offence in convicted multiple-charge cases. (Figure 7) The length of prison given was less than one month for 59% of single-charge cases compared to 42% for the most serious offence of multiple-charge cases. The median prison sentence length for multiple-charge cases was twice the duration of prison sentences given in cases with only one charge. The most serious offence in multiple-charge cases had a median prison sentence length of 60 days, whereas single-charge cases had a median prison length of 30 days.

In more serious cases (crimes against the person, crimes against property, and drug related cases) the median prison sentence length given to the most serious offence was at least 50% longer for cases with multiple charges. There was, however, no difference in the median length of prison sentence imposed for

Figure 6

Most Serious Sentence by Number Of Charges In The Case, Nine Jurisdictions, 1995-96

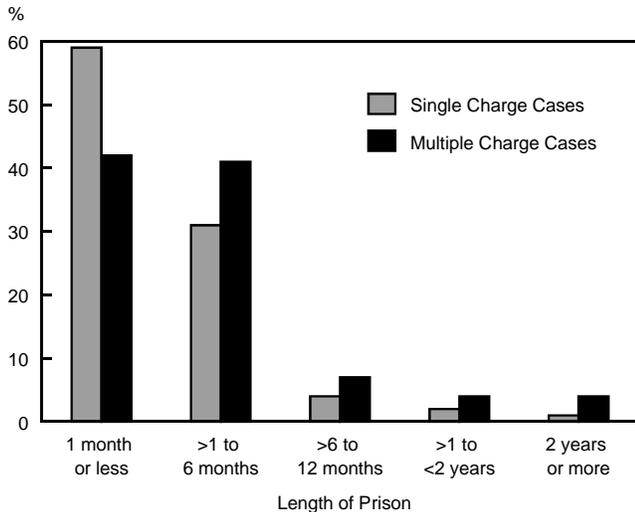


Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

less serious single and multiple charge cases. Convicted single and multiple-charge cases in the "other Criminal Code", traffic, and other federal statute offence categories were given the same median prison sentence length of 30 days.

Figure 7

Cases by Length of Prison, Nine Jurisdictions, 1995-96



Source : Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Length of probation and amount of fine increase with the number of charges

Similar to prison sentences, the number of charges in the case appears to influence the use of probation and fine sentences. Cases with more than one charge are slightly more likely to receive probation as a sentence, with 39% of multiple-charge cases compared to 35% of single-charge cases receiving probation.

Cases by Length of Probation, Nine Jurisdictions, 1995-96

Case Type	Single Charge Case	Multiple Charge
Cases with probation	46,232	53,332
3 months or less %	6.0	4.9
>3 - 6 months %	14.2	10.0
>6 - 12 months %	44.2	33.7
>12 - 24 months %	29.5	39.3
>24 months %	5.8	11.6

A higher proportion of convicted single-charge cases were given a short probation term. A probation term of 12 months or less was given to the most serious offence in 64% of convicted single-charge cases, compared to less than 50% for convicted multiple-charge cases. The median length of probation for multiple-charge cases (480 days) was one-third longer than the median length of probation for single-charge cases (365 days).

The most serious offence in the case was given a fine as a sanction in more single-charge cases (46%), than in multiple-charge cases (44%). However, the fine amount imposed on the most serious offence was larger for multiple-charge cases. A fine of \$300 or less was given in 70% of convicted single-charge cases, compared to approximately 40% for multiple-charge cases. The median fine given in multiple-charge cases (\$400) was double the median fine amount given in single-charge cases (\$200).

Cases by Amount of Fine, Nine Jurisdictions, 1995-96

Case Type	Single Charge Case	Multiple Charge
Cases with a fine	61,176	60,312
\$100 or less %	33.2	11.3
>\$100 to \$300 %	37.3	30.6
>\$300 to \$500 %	16.6	29.5
>\$500 to \$1000 %	9.1	23.7
>\$1000 %	2.7	4.0

In September 1996, the federal government proclaimed legislation in force affecting sentencing. Bill C-41 contained a number of provisions designed to improve the nature of the sentencing process in Canada. One of these reforms is a statement of purposes and principles in sentencing which aims to provide guidance to judges and promote more uniform sentencing patterns. As well, Bill C-41 mandated harsher penalties for crimes motivated by hate or which involve a breach of trust. Finally, Bill C-41 also created a new disposition called a conditional sentence, and introduced a number of additional changes to the sentencing process.

The principles of sentencing outlined under this legislation state that sanctions imposed by the court shall take into account relevant mitigating or aggravating circumstances, sentences imposed in similar cases with similar circumstances, and the impact of aggregate sentences on the accused. A further objective of this Bill is to promote the use of alternatives to imprisonment where appropriate, which could result in less-crowded and safer prisons.

Data presented in the sentencing section depict sentencing practices prior to the proclamation of the sentencing reform legislation. This information should be helpful in future assessments of the impact of sentencing reform on convicted individuals, the court system and correctional facilities.

Case Processing

The time necessary to process a criminal case is dependent on many factors including the coordination of court resources, availability of crown attorneys, the number of judge sitting days, the complexity of the case, and the types of cases being heard.

One in five cases are completed in one appearance

Twenty percent of all cases were dealt with in a single appearance and most cases (59%) were completed within 16 weeks of the first court appearance. Almost one quarter of single-charge cases were completed in one appearance compared to 15% for multiple-charge cases.

Cases by Elapsed Time	Number	%
Single appearance cases	88,895	20
Up to 4 weeks	63,004	14
> 4 to 16 weeks	108,298	25
> 16 to 32 weeks	93,168	21
> 32 to 52 weeks	47,875	11
> 52 weeks	34,264	8
Total Cases	435,504	

Processing time increased with the number of appearances

Undeniably, the more appearances a case has, the longer it will take. However, what is not clear, is how many days and months each additional appearance will add to the processing of a case. A close examination of the elapsed time data revealed that each additional appearance added approximately one month to the median processing time of cases. (Figure 8)

Serious offences take longer to process

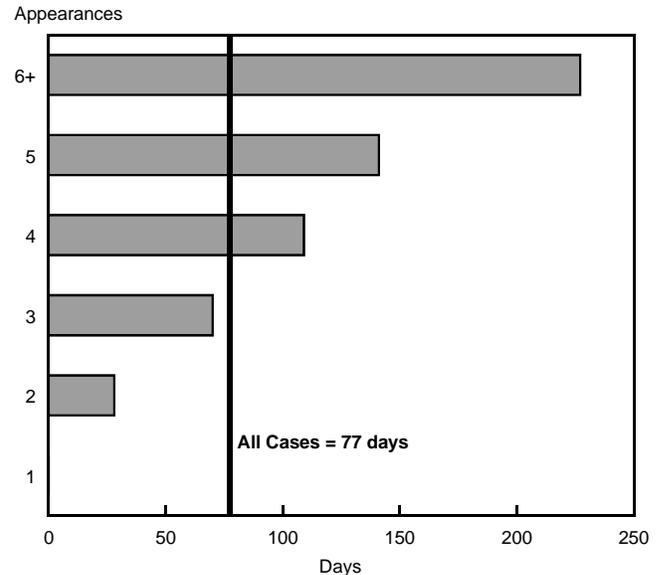
The median elapsed time from first appearance to last appearance was longer for more serious offences. Three of the five longest median elapsed times were for violent offences. (Table 6) Violent offences had the largest proportion of cases with four or more appearances and the longest median elapsed time. In contrast, cases for "other federal statutes" had the lowest median elapsed time and the largest proportion of single appearance cases.

Methodology

The objective of the Adult Criminal Court Survey (ACCS) is to develop and maintain a national adult criminal court database of statistical information on appearances, charges and cases. The survey is intended to be a census of federal and provincial / territorial statute charges and municipal by-law infractions heard in provincial criminal courts in Canada. The ACCS collects detailed data on completed charges, appearances and cases for federal statute offences, and aggregate data on completed and pending charges, appearances and cases for both federal and provincial statutes and municipal by-law offences.

Figure 8

Median Elapsed Time by Number of Appearances in the Case, Nine Jurisdictions, 1995-96



Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Coverage

Coverage limitations may also have an impact on the final dispositions reported by the ACCS. The absence of national coverage for provincial / territorial courts, and the lack of data from municipal, superior and appeal courts represent current limitations of the survey. In addition, not all provincial / territorial court locations in the participating jurisdictions report to the survey. Quebec's 140 municipal courts do not report to the survey. It is estimated that 20 percent of federal statute charges in Québec are heard in municipal courts.

The ACCS currently collects data from courts, including circuit court locations, in nine provinces and territories. They are:

- Newfoundland – 10 courts
- Prince Edward Island – 5 courts
- Nova Scotia – 38 courts
- Quebec – 54 courts
- Ontario – 92 courts
- Saskatchewan – 16 courts
- Alberta – 104 courts
- Yukon – 18 courts
- Northwest Territories – 66 courts

Since the ACCS does not collect information from Superior Court, variations across jurisdictions for serious offences moving to the higher level of court may result in slight variations in the proportions reported for each disposition group. When the case is moved, in effect transferred, to another court – in another province, or a different court location in the same province – the criminal case against the accused continues in the new court location. For reporting purposes, such cases will have a final disposition in the originating court location and a second disposition, which determines the guilt or innocence of the

Table 6

Total Cases, Median Elapsed Time by Number of Appearances, Nine Jurisdictions, 1995-96

Offence Group	Elapsed Time in Days													
	Total Cases		Single Appearance		Cases with 2 Appearances		Cases with 3 Appearances		Cases with 4 Appearances		Cases with 5 Appearances		Cases with 6 Plus Appearances	
	Number	median	%	median	%	median	%	median	%	median	%	median	%	median
TOTAL OFFENCES	435,504	77	20.4	–	16.4	28	14.9	70	12.6	109	9.7	141	26.0	227
CRIMINAL CODE TOTAL	382,545	83	18.4	–	16.3	26	15.4	70	13.1	107	10.1	140	26.8	224
Crimes Against The Person	86,610	112	9.5	–	13.0	31	15.7	77	15.3	109	12.4	140	34.0	218
Homicide and Related	439	161	9.6	–	5.7	14	8.4	48	6.6	124	8.0	132	61.7	209
Attempted Murder	402	103	9.7	–	4.7	8	9.0	24	6.7	62	11.4	57	58.5	184
Robbery	4,124	99	6.1	–	6.0	9	9.4	34	13.4	46	12.1	72	53.0	177
Kidnapping	307	113	13.0	–	9.4	21	9.8	48	12.4	118	8.1	101	47.2	204
Sexual Assault	6,829	170	6.8	–	9.4	56	11.2	105	12.8	126	11.0	168	48.9	287
Sexual Abuse	1,546	188	6.2	–	8.6	55	10.3	93	11.7	140	11.4	168	51.7	306
Major Assault	19,882	122	8.0	–	10.8	29	14.6	77	15.4	113	13.3	143	38.0	224
Abduction	135	98	22.2	–	10.4	46	8.1	88	10.4	88	11.1	132	37.8	214
Common Assault	52,946	102	10.8	–	15.1	31	17.6	77	16.1	108	12.4	139	28.1	207
Crimes Against Property	114,958	68	19.6	–	17.7	23	14.6	59	12.3	97	9.5	132	26.3	218
Break and Enter	15,345	80	11.6	–	12.7	15	14.0	45	14.9	77	11.7	116	35.0	203
Arson	658	158	7.1	–	5.6	28	11.4	77	10.5	92	12.9	149	52.4	262
Fraud	22,195	99	16.9	–	14.8	25	13.5	63	12.3	110	10.2	147	32.3	263
Possess Stolen Property	14,796	91	14.1	–	13.9	21	15.2	62	13.1	101	11.1	130	32.6	203
Theft	48,788	43	25.5	–	21.6	22	14.9	57	11.0	93	7.8	129	19.3	211
Property Damage/Mischief	13,176	74	18.5	–	19.0	28	15.9	66	12.9	106	10.0	135	23.7	198
Other Criminal Code	107,268	56	21.9	–	17.1	16	15.2	56	12.0	92	9.0	124	24.8	208
Weapons	8,930	91	15.8	–	12.8	28	14.3	70	12.2	98	10.2	128	34.7	207
Administration of Justice	39,806	27	25.3	–	18.3	7	14.6	34	11.4	70	8.0	101	22.4	181
Public Order Offences	7,669	61	24.2	–	19.7	28	16.4	70	12.0	112	8.6	141	19.1	216
Morals-Sexual	4,754	49	20.5	–	21.7	16	16.8	51	10.8	85	8.3	123	21.9	208
Morals-Gaming	864	131	7.1	–	9.7	34	17.6	64	10.8	138	14.8	113	40.0	216
Unspecified Criminal Code	45,245	77	20.1	–	16.0	26	15.4	69	12.7	105	9.7	139	26.0	231
Traffic	73,709	98	21.9	–	16.6	33	16.3	96	13.4	140	9.9	175	21.9	269
Criminal Code Traffic	9,151	101	16.6	–	15.7	29	16.0	84	13.7	120	11.1	148	26.8	237
Impaired Driving	64,558	97	22.7	–	16.8	33	16.3	98	13.3	142	9.7	181	21.2	276
FEDERAL STATUTE TOTAL	52,959	48	34.9	–	17.6	40	11.3	85	8.5	120	6.9	151	20.7	260
Drug Related Offences	27,844	93	19.7	–	14.0	28	13.6	78	11.7	116	9.9	147	31.1	243
Trafficking	9,702	158	6.5	–	7.9	28	11.2	79	13.1	113	12.8	149	48.5	266
Possession	18,142	63	26.7	–	17.3	28	15.0	77	10.9	117	8.3	144	21.8	220
Other Federal Statutes	25,115	–	51.8	–	21.6	49	8.8	92	5.1	135	3.6	179	9.2	363

Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

accused, in the court location where the cases was transferred. The relative impact on the distribution of dispositions will depend on the frequency of court transfers.

Differences in court structure will also affect the balance of disposition types within a jurisdiction. A higher number of "waived within province" dispositions, which are grouped in the 'other' category, are expected in those jurisdictions where a circuit court structure is employed.

Data Limitations

Charging policy is a provincial responsibility. In Quebec these policies require the approval of the Crown prosecutor before charges can be laid by police. The police will complete a "Report to Crown Counsel", which includes details of the case and the results of the investigation. Charges will be laid based on Crown Counsel's review of this report. Crown involvement in the charging process may influence Quebec's conviction rate. The police lay the charges in the other provinces and territories presently reporting to the ACCS.

Canadian Centre for Justice Statistics

For further information, please contact the Canadian Centre for Justice Statistics, 19th floor, R.H. Coats Building, Ottawa, Ontario K1A 0T6 at **(613) 951-9023** or call **toll-free 1 800 387-2231**. To order a publication, you may telephone (613) 951-7277 or fax (613) 951-1584 or internet: order@statcan.ca. You may also call 1 800 267-6677 (Canada and United States) toll-free. If you order by telephone, written confirmation is not required.

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