



Juristat

Canadian Centre for Justice Statistics



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ADULT CRIMINAL COURT STATISTICS, 1996-97

by *Denyse Carrière*

HIGHLIGHTS

- Three offences accounted for almost 40% of cases heard in adult criminal court: impaired driving (15% of all cases), common assault (12%), and theft (11%).
- Eighty-five percent of cases involved males and 64% involved adults between 18 and 34 years of age.
- Adults aged 18 to 24 years were proportionately more involved in property crime cases than adults in other age groups.
- Sixty-four percent of the cases resulted in a finding of guilt for at least one charge in the case. The highest conviction rates were recorded for cases involving other federal statutes (80%) and *Criminal Code* traffic offences (77%).
- A prison sentence was imposed in 33% of cases with convictions. This proportion varied across jurisdictions, ranging from 21% in Nova Scotia to 50% in Prince Edward Island.
- Of the cases resulting in prison, 50% of the sentences were for 1 month or less, while 3% were for two years or more. The median length of prison sentences, excluding one day prison sentences, was 60 days.
- A sentence of probation was given in 41% of cases resulting in conviction. The median length of probation sentences was one year.
- The accused was ordered to pay a fine in 44% of the cases resulting in conviction. Of these cases, 56% of the accused were sentenced to pay a fine of \$300 or less, and 21% a fine of more than \$500.
- Multiple-charge cases tended to result in more serious sentences than single-charge cases. In cases involving more serious offences (crimes against the person, property crimes and drug-related crimes), the median prison sentence length was about 50% longer for multiple-charge cases.
- For cases requiring more than one court appearance (80% of the caseload), the median elapsed time, from first to last appearance, was approximately two and one half months. Generally speaking, the more serious offences took longer to process, the median elapsed time for offences against the person being the longest at 4 months.



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INTRODUCTION

Courts are the keystone of the criminal justice system. They are responsible for adjudicating criminal cases 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 1996-97 fiscal year. Its main objective is to improve public understanding of adult criminal court activity.

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

The analysis in this report is based on case characteristics data from the Adult Criminal Court Survey (ACCS). These data on federal statute charges disposed of in 1996-97 are collected by the Canadian Centre for Justice Statistics (CCJS) in collaboration with provincial and territorial government departments responsible for adult criminal courts.

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

At the time of this report, adult criminal courts in seven provinces and one territory reported to the ACCS. They are: Newfoundland, Prince Edward Island, Nova Scotia, Quebec, Ontario, Saskatchewan, Alberta and Yukon. These jurisdictions represent approximately 80% of the national adult criminal court caseload. The information presented in this report covers only these eight participating jurisdictions.

OVERVIEW OF ADULT CRIMINAL COURT CASES

Adult criminal courts in participating jurisdictions disposed of 859,890 charges, or 417,393 cases during 1996-97. A majority of cases (54%)² contained one charge, 27% of cases contained two charges and the remaining 19% contained more than two charges. There were on average 2.1 charges per case. All of these cases were for federal statute violations, of which 88% were *Criminal Code* offences. The remaining cases involved violations of other federal statutes, such as the *Narcotic Control Act (NCA)*, *Food and Drugs Act (FDA)*, and *Income Tax Act*. Provincial/territorial statute offences are not included in this report. The 1996-97 figures represent a decrease of 6% in the number of cases over the two previous years³. In 1994-95 there were 446,086 cases before adult criminal courts and in 1995-96, there were 435,569 cases. The average number of charges per case, however, has increased slightly during that period, from 2.0 in 1994-95 and 1995-96. The percentage of *Criminal Code* offences has remained the same throughout the three year period (88%).

Property offences most common type of case

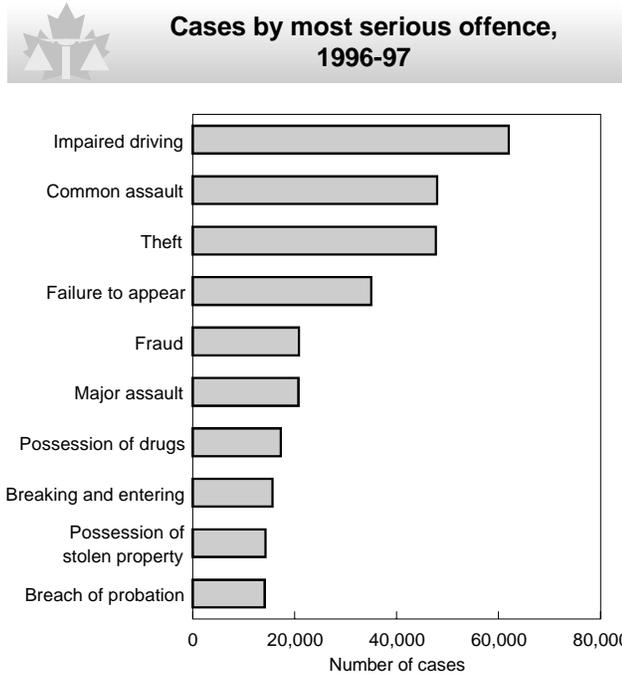
In 1996-97, participating jurisdictions reported 111,023 cases of Crimes against Property (26% of total caseload), 104,435 Other *Criminal Code* cases (25%), 81,739 cases involving Crimes against the Person (20%), 70,455 Traffic cases (17%), 27,295 Drug-Related Offences cases (7%), and 22,446 Other Federal Statutes cases (5%) (**Box 1**). **Figure 1** shows the relative frequency of the 10 most frequent offence types for cases heard in adult criminal court, of which the four most common are impaired driving (15%), common assault (12%), theft (11%), and failure to appear in court (8%). Frequencies for failure to appear, among others, are shown in **Box 2**.

¹ For the remainder of this *Juristat*, adult provincial/territorial criminal courts will be referred to as adult 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, not just those charges resulting in a conviction.

³ In 1996-97, the Northwest Territories did not participate in the survey. The data from that jurisdiction accounted for 0.7% of the total caseload reported to the ACCS in 1995-96.

Figure 1



Notes: The 10 most frequent offences account for 71% of the total number of cases.

Eight jurisdictions only.

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

Box 1 Standard offence categories used by the ACCS

- Crimes against the Person
 - Homicide and related
 - Attempted murder
 - Robbery
 - Kidnapping
 - Sexual assault
 - Other sexual offences
 - 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

* Includes, among others, dangerous operation, driving while disqualified and failing to stop at the scene of an accident.

Box 2 Unspecified *Criminal Code* of Canada, 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 group encompasses a variety of offences focused on ensuring that individuals follow the orders of the court. The police or other agencies 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 adult criminal courts.

Other Federal Statutes

In addition to the *Criminal Code of Canada*, the ACCS collects information on a variety of other federal statutes. These include the fisheries acts and regulations, *Customs Act*, *Immigration Act*, *Indian Act*, *Unemployment Insurance Act*, *Environment Protection Act*, *Parking Act*, *Young Offenders Act*, as well as sections of the *Narcotics Control Act* and the *Food and Drugs Act* dealing with drug trafficking/importing and possession, and other.

Unspecified <i>Criminal Code</i>		
	Number	%
Total Unspecified <i>Criminal Code</i>	44,908	100
Failure to comply with probation order	14,128	31
Uttering threats	8,359	19
Failure to keep the peace	8,104	18
Conspiracy	2,044	5
Criminal harassment	1,525	3
Other unspecified	10,748	24

Administration of Justice		
	Number	%
Total	39,073	100
Failure to appear	35,035	90
Unlawfully at large	3,217	8
Escape custody	568	1
Prison break	21	--
Other administration of justice	232	1

Other Federal Statutes		
	Number	%
Total	22,446	100
Fisheries acts and regulations	4,482	20
CA, IA, IA, UIA, EPA, PA	3,764	17
<i>Young Offenders Act</i>	1,277	5
Other FDA and NCA	148	1
Other	12,775	56

Cases against companies

Participating jurisdictions reported a total of 5,634 charges, or 1,179 cases against companies during 1996-97. Almost all of the cases heard against companies (85%) were for violations under other federal statutes, rather than the *Criminal Code of Canada*. Of the cases involving *Criminal Code* offences, the most common were for morals-gaming (41%), unspecified *Criminal Code* (28%), and fraud (20%) offences.

Cases against Companies	Number	%
Total	1,179	100
<i>Income Tax Act</i>	217	18
<i>Criminal Code of Canada</i>	172	15
<i>Unemployment Insurance Act</i>	38	3
<i>Customs Act</i>	21	2
Fisheries acts and regulations	20	2
NCA and FDA	18	1
All other federal statutes	693	59

Most adult criminal court cases involve males

During the reference period, approximately 85% of cases heard in adult criminal courts were against males (excludes 14,562 cases where sex was unknown⁴ and 1,179 cases against companies). In comparison, the proportion of police-reported incidents involving males in 1996 was 84%. In addition, a majority of cases involved adults under 35 years of age. Cases involving 18 to 24 year olds represented 30% of all cases where the age of the accused was known, while 34% of cases tried were against 25 to 34 year olds. The proportion of the adult criminal court caseload decreased with each subsequent age group. Cases against individuals 35 to 44 years of age comprised 23% of completed cases, while the accused was over 45 years in the remaining 13% (excludes 19,522 cases where the age was unknown).

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 of crimes against property than any other age group. While the percentage of cases involving property offences ranged from 20% to 25% for offenders aged 25 years and older, for young adults, this proportion was 34%.

Median age of males and females different for property crimes

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). Within individual offence groups, the median age of males and females showed more variation.

Younger adults were involved in proportionately more cases of breaking and entering, possession of stolen property, property damage/mischief, drug possession, public order offences and failure to appear in court than any other age group. Theft cases were heard most often (13%) for individuals 18 to 24 years of age (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 frequent type of case when the accused was 25 years of age and older. In addition, individuals over the age of 25 had proportionately fewer cases of Crimes against Property and more cases comprising Other Federal Statute offences. Older individuals, 55 years of age and older, had the highest proportion of impaired driving cases (26%) and the lowest proportion of drug-related cases (2%) (Table 2). Although the proportion of impaired driving cases was higher for older offenders, the actual number of offences for this group was lower because older offenders account for a much smaller proportion of the total caseload (Figure 2).

⁴ In Quebec, sex is determined on the basis the accused's name, producing a relatively higher rate of sex unknown.

Table 1

Percentage Distribution of Offence Groups and Median Age of Accused by Sex, 1996-97

Offence Group	Total Cases			Males			Females		
	Number	%	Median Age	Number	%	Median Age	Number	%	Median Age
TOTAL OFFENCES	398,421*	100	30	327,198	100	30	57,635	100	31
CRIMINAL CODE TOTAL	351,914	88	31	289,039	88	30	51,758	90	31
Crimes against the Person	77,561	20	31	66,940	20	31	8,777	15	30
Crimes against Property	107,339	27	28	81,424	25	27	22,139	38	31
Other Criminal Code	96,991	24	30	80,303	25	30	14,190	25	30
Traffic	70,023	18	34	60,372	18	34	6,652	12	34
FEDERAL STATUTE TOTAL	46,507	12	30	38,159	12	30	5,877	10	31
Drug-Related Offences	26,316	7	28	21,911	7	28	3,326	6	29
Other Federal Statutes	20,191	5	33	16,248	5	33	2,551	4	33

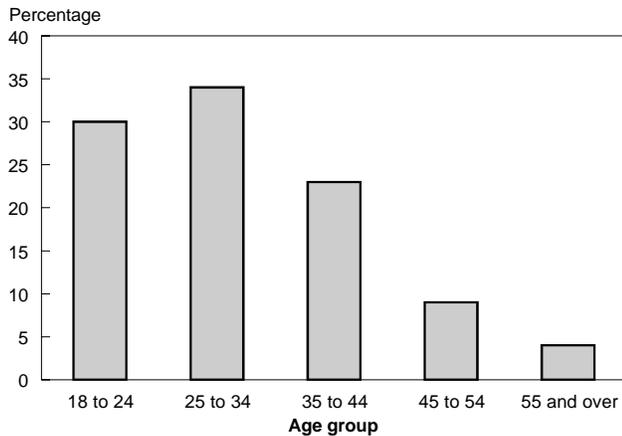
* Includes 13,588 cases for which the sex of the accused was unknown; excludes 17,793 cases where the age of the accused was unknown and 1,179 cases against companies.

Note: Eight jurisdictions only.

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

Figure 2

Percentage of cases by age group, 1996-97



Notes: Excludes 19,522 cases for which the age is unknown.
Eight jurisdictions only.

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

Older adults were also proportionately more involved in sexual assault, theft and other federal statute offence cases.

Theft most frequent offence for females

Proportionately, females appeared more frequently in relation to theft cases (22%) than any other offence. This offence made up a greater proportion in older age groups, accounting for 29% of cases involving females aged 45 to 54 and 50% of all cases for females aged 55 and older. While females were involved in theft offences to a greater extent than males, the actual number of cases was lower for females because they account for only 15% of the caseload. Although females were involved in impaired driving cases to a lesser degree than were males, the proportion of these cases did tend to increase with age. Impaired driving cases accounted for 6% of cases for females aged 18 to 24 years, 17% of cases for females aged 45 to 54 years and 14% of case for females aged 55 years and older.

Table 2

Cases by Age of Accused, 1996-97

Offence Group	Total Cases	Total %	Age											
			18 to 24		25 to 34		35 to 44		45 to 54		55 plus		Unk. ¹	
			#	%	#	%	#	%	#	%	#	%	#	%
TOTAL OFFENCES	417,393	100	118,057	100	135,151	100	91,489	100	35,761	100	17,413	100	19,522	100
CRIMINAL CODE TOTAL	367,652	88.1	103,381	87.6	119,630	88.5	81,333	88.9	31,688	88.6	15,414	88.5	16,206	83.0
Crimes against the Person	81,739	19.6	19,649	16.6	28,350	21.0	19,272	21.1	6,914	19.3	3,238	18.6	4,316	22.1
Homicide and Related	434	0.1	121	0.1	143	0.1	86	0.1	33	0.1	15	0.1	36	0.2
Attempted Murder	403	0.1	133	0.1	135	0.1	65	0.1	35	0.1	22	0.1	13	0.1
Robbery	4,265	1.0	1,772	1.5	1,551	1.1	629	0.7	143	0.4	15	0.1	155	0.8
Kidnapping	350	0.1	97	0.1	108	0.1	75	0.1	30	0.1	8	--	32	0.2
Sexual Assault	6,203	1.5	1,175	1.0	1,961	1.5	1,530	1.7	724	2.0	515	3.0	298	1.5
Other Sexual Offences	1,287	0.3	163	0.1	363	0.3	338	0.4	153	0.4	152	0.9	118	0.6
Major Assault	20,749	5.0	6,054	5.1	7,237	5.4	4,528	4.9	1,495	4.2	709	4.1	726	3.7
Abduction	118	--	23	--	40	--	29	--	12	--	6	--	8	--
Common Assault	47,930	11.5	10,111	8.6	16,812	12.4	11,992	13.1	4,289	12.0	1,796	10.3	2,930	15.0
Crimes against Property	111,023	26.6	40,276	34.1	34,168	25.3	20,990	22.9	7,772	21.7	3,993	22.9	3,824	19.6
Break and Enter	15,656	3.8	8,315	7.0	4,486	3.3	1,947	2.1	390	1.1	92	0.5	426	2.2
Arson	626	0.1	205	0.2	160	0.1	138	0.2	70	0.2	45	0.3	8	--
Fraud	20,841	5.0	5,469	4.6	7,512	5.6	4,492	4.9	1,664	4.7	505	2.9	1,199	6.1
Possess Stolen Property	14,289	3.4	6,555	5.6	4,298	3.2	2,180	2.4	612	1.7	208	1.2	436	2.2
Theft	47,688	11.4	14,952	12.7	13,860	10.3	10,091	11.0	4,407	12.3	2,902	16.7	1,476	7.6
Property Damage/Mischief	11,923	2.9	4,780	4.0	3,852	2.9	2,142	2.3	629	1.8	241	1.4	279	1.4
Other Criminal Code	104,435	25.0	30,201	25.6	34,110	25.2	21,596	23.6	7,670	21.4	3,234	18.6	7,624	39.1
Weapons	8,060	1.9	2,218	1.9	2,339	1.7	1,759	1.9	849	2.4	416	2.4	479	2.5
Administration of Justice	39,073	9.4	12,992	11.0	13,532	10.0	7,840	8.6	2,356	6.6	918	5.3	1,435	7.4
Public Order Offences	6,800	1.6	2,615	2.2	2,361	1.7	1,185	1.3	391	1.1	134	0.8	114	0.6
Morals-Sexual	4,831	1.2	894	0.8	1,950	1.4	1,168	1.3	474	1.3	246	1.4	99	0.5
Morals-Gaming	763	0.2	60	0.1	176	0.1	171	0.2	109	0.3	77	0.4	170	0.9
Unspecified Criminal Code	44,908	10.8	11,422	9.7	13,752	10.2	9,473	10.4	3,491	9.8	1,443	8.3	5,327	27.3
Traffic	70,455	16.9	13,255	11.2	23,002	17.0	19,475	21.3	9,332	26.1	4,949	28.4	442	2.3
Criminal Code Traffic ²	8,478	2.0	2,036	1.7	3,176	2.3	2,051	2.2	759	2.1	355	2.0	101	0.5
Impaired Driving	61,977	14.8	11,219	9.5	19,826	14.7	17,424	19.0	8,573	24.0	4,594	26.4	341	1.7
FEDERAL STATUTE TOTAL	49,741	11.9	14,676	12.4	15,521	11.5	10,156	11.1	4,073	11.4	1,999	11.5	3,316	17.0
Drug-Related Offences	27,295	6.5	9,816	8.3	9,565	7.1	5,365	5.9	1,243	3.5	311	1.8	995	5.1
Trafficking	10,014	2.4	2,692	2.3	3,689	2.7	2,229	2.4	676	1.9	210	1.2	518	2.7
Possession	17,281	4.1	7,124	6.0	5,876	4.3	3,136	3.4	567	1.6	101	0.6	477	2.4
Other Federal Statutes	22,446	5.4	4,860	4.1	5,956	4.4	4,791	5.2	2,830	7.9	1,688	9.7	2,321	11.9

-- amount too small to be expressed.

¹ Unknown includes not stated and age less than 18.

² Includes, among others, dangerous operation, driving while disqualified, and failing to stop at the scene of an accident.

Note: Eight jurisdictions only.

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

Comparisons of offence types across jurisdictions

There is considerable variation across jurisdictions in the types of offences that make up the caseload. For example, Crimes against Property accounted for a greater proportion of the caseload in Newfoundland (31%) and in Alberta (31%). The proportion of these cases was lowest in the Yukon (18%). Among property offence cases, theft cases showed the greatest fluctuation, and it is this offence which had the greatest impact on the property cases total. Theft cases ranged from 7% of the caseload in the Yukon to 16% of the caseload in Newfoundland (Table 3).

Cases involving Crimes against the Person also varied across jurisdictions, ranging from 16% of the total caseload in Prince Edward Island to 27% in the Yukon. Within the violent offence category, it is the percentage of common assault cases which

showed the greatest variability and which drives the total for that category of cases.

Criminal Code traffic offence cases accounted for 20% or more of the overall caseload in 4 jurisdictions: Alberta (20%), Yukon (23%), Saskatchewan (26%) and Prince Edward Island (30%). The lowest percentage of Traffic offence cases was reported in Ontario (14%).

DISPOSITIONS

The frequency with which each province and territory uses available dispositions offers insight into the complexity of jurisdictional caseloads, the mix of offences in a case, and the administrative and procedural considerations that have to be addressed prior to case completion. The various

Table 3

Percentage Distribution of Cases by Jurisdiction, 1996-97

Offence Group	Province								
	Canada	Nfld.	P.E.I.	N.S.	Que. ¹	Ont.	Sask.	Alta.	Y.T.
TOTAL OFFENCES	417,393	8,164	1,777	17,606	85,119	213,945	27,523	61,359	1,900
CRIMINAL CODE TOTAL	88	84	86	87	82	89	93	91	93
Crimes against the Person	19	20	16	20	17	21	17	18	27
Homicide and Related	--	--	--	--	--	--	--	--	--
Attempted Murder	--	--	--	--	--	--	--	--	--
Robbery	1	--	--	1	2	1	1	1	1
Kidnapping	--	--	--	--	--	--	--	--	--
Sexual Assault	2	2	2	2	1	2	1	2	2
Other Sexual Offences	--	1	--	--	--	--	--	--	--
Major Assault	5	4	2	4	5	5	5	4	6
Abduction	--	--	--	--	--	--	--	--	--
Common Assault	12	13	12	13	9	13	10	11	17
Crimes against Property	27	31	24	26	24	27	26	31	18
Break and Enter	4	5	4	3	6	3	4	3	2
Arson	--	--	--	--	--	--	--	--	--
Fraud	5	4	5	4	5	5	4	5	2
Possess Stolen Property	3	2	2	3	2	4	3	4	2
Theft	11	16	10	12	8	12	11	15	7
Property Damage/Mischief	3	3	3	4	2	3	4	4	5
Other Criminal Code	25	18	16	25	24	27	24	22	25
Weapons	2	1	1	2	2	2	1	2	3
Administration of Justice	9	4	3	3	7	11	10	9	7
Public Order Offences	2	3	3	2	1	1	2	2	2
Morals-Sexual	1	--	--	1	--	2	1	1	--
Morals-Gaming	--	--	--	--	--	--	--	--	--
Other Criminal Code	11	10	9	16	13	10	10	8	12
Traffic	17	15	30	16	17	14	26	20	23
Criminal Code Traffic ²	2	1	3	1	1	2	4	3	1
Impaired Driving	15	14	27	15	16	12	22	18	22
FEDERAL STATUTE TOTAL	12	15	13	13	18	11	7	9	7
Drug-Related Offences	7	5	7	5	9	6	4	5	6
Trafficking	3	1	1	2	4	2	1	2	2
Possession	4	4	6	3	5	4	2	3	4
Other Federal Statutes	5	10	6	8	9	5	3	3	1

- nil or zero.

-- amount too small to be expressed.

¹ Municipal courts are not included.

² Includes, among others, dangerous operation, driving while disqualified, and failing to stop at the scene of an accident.

Notes: Percentage in columns may not add up to 100% due to rounding.

Eight jurisdictions only.

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

possible court dispositions have been grouped into a small number of categories to improve comparisons across provinces and territories. These categories are shown in **Box 3**. Due to the inconsistent use of the following dispositions across reporting jurisdictions - stay of proceedings, withdrawn, dismissed and discharged - cases with these disposition types have been grouped under one category called 'Stay/Withdrawn'.

Almost two thirds of adult criminal court cases result in conviction

A finding of guilt for at least one charge in the case was reported in a total 261,644 cases, or 64% of the cases tried in participating adult criminal courts during 1996-97. The final dispositions for the remaining cases included stayed/withdrawn (30% of cases heard), other (3%), acquittal (3%) (**Box 4**).

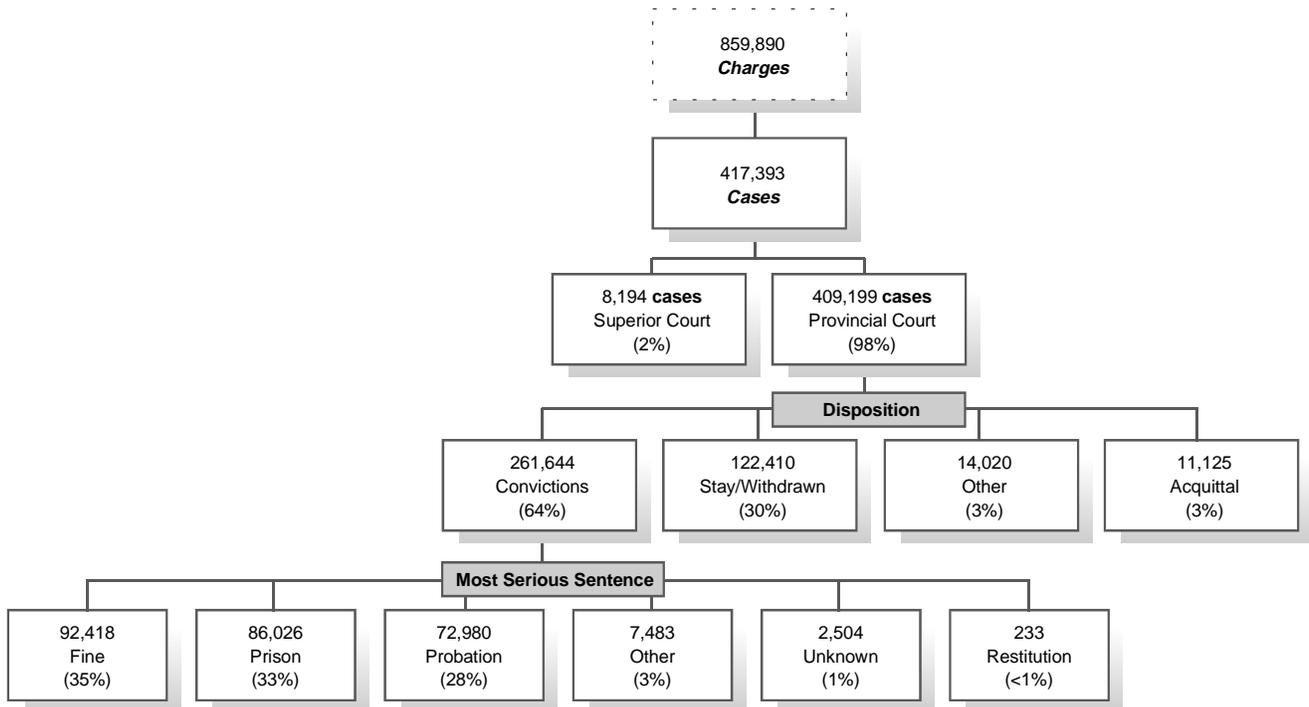
Box 3
Dispositions in Adult Provincial/Territorial Criminal Court

The disposition categories in this report are as follows:

- **Guilty** includes guilty of the charged offence, of an included offence, or an attempt of the charged offence, and attempt of an included offence.
- **Committal for Trial in Superior Court** represents criminal proceedings that have been transferred to a court of higher jurisdiction. When in Superior Court, the accused may re-elect to provincial court for the completion of the trial.
- **Stay/Withdrawn** includes stay of proceedings, and withdrawn/dissmised/discharged at preliminary inquiry. These dispositions all refer to the court stopping criminal proceedings against the accused.
- **Acquitted** means that the accused has been found not guilty of the charges presented before the court.
- **Other Disposition** includes 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, the court's acceptance of a special plea, cases where the accused/defence raise Charter arguments and cases where the accused was found unfit to stand trial.

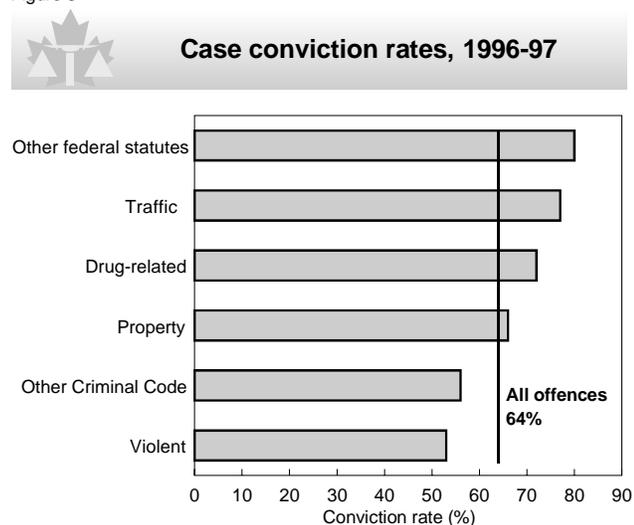
Box 4

Adult court processing of federal statute cases, eight jurisdictions, 1996-97



Since adult criminal court dispositions of committal for trial in Superior Court do not result in the completion of criminal proceedings, these cases (8,194 cases or 2% of all cases heard) have been removed for the calculation of conviction rates. For those cases reaching completion, the conviction rate was the highest for cases involving Other Federal Statutes (80%) and Traffic offences (77%) and lowest for cases involving Crimes against the Person (53%) (Figure 3).

Figure 3



Note: Eight jurisdictions only.

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

Comparisons across jurisdictions

Differences in the distribution of dispositions across participating jurisdictions is a reflection of varying circumstances and practices. For example, the number of charges laid against an individual in relation to similar incidents may vary from one jurisdiction to another. As well, in some jurisdictions, police diversion and referral to

alternative measures programs is handled before the charges are laid, whereas in other jurisdictions this takes place after the charges are laid. In the latter jurisdictions, cases are then withdrawn or stayed. There are also differences in the use of stays and withdrawals for administrative purposes such as to make changes to an information. Varying pre-trial review practices, survey coverage limitations, volumes of cases and case complexity, and different methods of grouping charges together to form a case also have an impact on the distribution of dispositions. ACCS rules for counting charges and cases may also affect the frequency of certain disposition types.⁵

The proportion of cases resulting in a conviction ranged from 59% in both Ontario and Nova Scotia, to 76% in Newfoundland and 81% in Prince Edward Island (Table 4). The provinces with the highest conviction rates, Prince Edward Island and Newfoundland, also had among the lowest stay/withdrawn rates, 18% and 22% respectively. Quebec had the third highest conviction rate (76%) and the lowest rate of cases stayed/withdrawn (9%). Conversely, the provinces with the lowest conviction rates, Ontario, and Nova Scotia (both 59%), had the highest stay/withdrawn rates (39% and 32% respectively).

Jurisdictions showing the lowest convictions rates are also the jurisdictions with a higher percentage of offences least likely to result in a guilty verdict (i.e., violent offences). In Nova Scotia, Ontario and the Yukon, the proportions of violent offences were the highest (20%, 21% and 27% respectively). Conversely, in Prince Edward Island, where the conviction rate was highest, the proportion of traffic offences was the highest (30%) (Table 3). As seen before, traffic offences have the second highest conviction rate. Although there is no evidence of a direct link between the frequency of certain offence types and the conviction rates, the type of offence may be one of the factors affecting the overall conviction rate.

⁵ For reporting purposes, the ACCS counts cases transferred to another court level or location as completed. As these cases are then reinitiated in another court, they will be disposed of a second time. 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.

Table 4



Jurisdiction	Total Cases ¹	Convicted %	Stay/Withdrawn %	Acquitted %	Other %
TOTAL	409,199	63.9	29.9	2.7	3.4
Newfoundland	7,947	76.0	22.0	0.1	1.9
Prince Edward Island	1,751	80.7	18.2	1.0	0.1
Nova Scotia	17,211	59.1	31.5	3.5	5.9
Quebec ²	85,060	75.9	9.0	9.7	5.4
Ontario	209,102	58.6	39.3	0.5	1.6
Saskatchewan	26,965	67.6	26.2	1.0	5.2
Alberta	59,293	63.4	29.5	1.7	5.4
Yukon	1,870	61.7	23.6	1.4	13.3

¹ Excludes cases committed for trial in Superior Court.

² Municipal courts are not included.

Note: Eight jurisdictions only.

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

SENTENCING

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 following questions:

- How much does the type of offence influence the sentence?
- 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 impose on an accused, a judge weighs many factors. Some of these may include the criminal history and attitude of the accused, aggravating and mitigating circumstances, and victim-impact statements. Information on these factors is not collected by the ACCS. Data on the most serious offence in the case and the number of charges in the case, which are collected by the ACCS, offer some information on the nature of the case before the court.⁶

Jurisdictional patterns in sentencing

The most frequently imposed sentence in 1996-97 was "other". This sentence category includes absolute discharge, conditional discharge, suspended sentence, conditional sentence, payment of legal costs, suspension of driver's license, firearms restrictions, motor vehicle operation restrictions, community service, treatment order, prohibition order, seizure and forfeiture, and other sentences. Many of

the sanctions captured as "other" by the ACCS may be conditions placed on a probation order. This type of sentence was given in 126,960 cases with convictions, or 49% of all cases with convictions. It was the most frequently imposed sentence in four of the eight reporting jurisdictions, the highest proportion being found in Newfoundland (66%) followed by Saskatchewan (58%), Quebec (52%) and Ontario (48%) (Table 5).

Fines, the second most frequent sentence, were given in 115,034 cases with convictions, or 44% of all cases with convictions. Fines were the most frequently occurring sentence in three of the eight reporting jurisdictions, being imposed in 52% of cases in Prince Edward Island, 55% of cases in Nova Scotia and 55% of cases in Alberta. In Quebec, probation, fines and "other" sentences were each ordered in about half of all cases. Probation sentences were most common in the Yukon. The percentage of cases resulting in prison sentences varied considerably across the country, ranging from a low of 21% in Nova Scotia to a high of 50% in Prince Edward Island where impaired driving cases account for a large proportion of the caseload. Because the incarceration rate of these cases is 78% in that province, they have a significant impact on the overall percentage (Table 5).

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.

Box 5 Analysis of sentences

In this section, data on sentencing is examined from two different perspectives. The majority of the analysis is based on the "types of sentences" imposed on offenders. In this view, all the sentences associated with the most serious charge in the case are counted. Because many cases with convictions result in more than one sentence, the total number of sentences imposed is greater than the total number of cases.

In the second perspective, which is presented both in Box 4 and in the sub-section entitled "Most serious sentence", only the most serious sentence for the most serious charge is retained for each case. Sentences are ordered from most to least serious as follows: prison, probation, fine, restitution/compensation and other. Understandably, the percentage distribution of sentences obtained from this method of calculation is substantially different from the "types of sentences" method.

Table 5

Cases with Convictions by Type of Sentence, 1996-97

Jurisdiction	Total Cases	Prison %	Probation %	Fine %	Restitution %	Other %
Total	261,644	33	41	44	5	49
Newfoundland	6,040	31	50	41	7	66
Prince Edward Island	1,413	50	39	52	10	21
Nova Scotia	10,165	21	35	55	6	45
Quebec	64,544	29	51	49	3	52
Ontario	122,480	38	42	37	5	48
Saskatchewan	18,237	25	31	50	6	58
Alberta	37,611	28	24	55	4	39
Yukon	1,154	42	55	26	13	28

Notes: Columns are not mutually exclusive and will therefore not equal 100% when added across. The sentence was unknown in 1% of cases with convictions. Eight jurisdictions only.

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

A majority of cases with convictions are given multiple sentences

Forty percent of all cases with a guilty finding⁷ involved one sanction, 48% resulted in two sanctions, and 12% involved three or more sanctions. For cases resulting in more than one sanction, the most frequent sentence combinations are shown in the accompanying box.

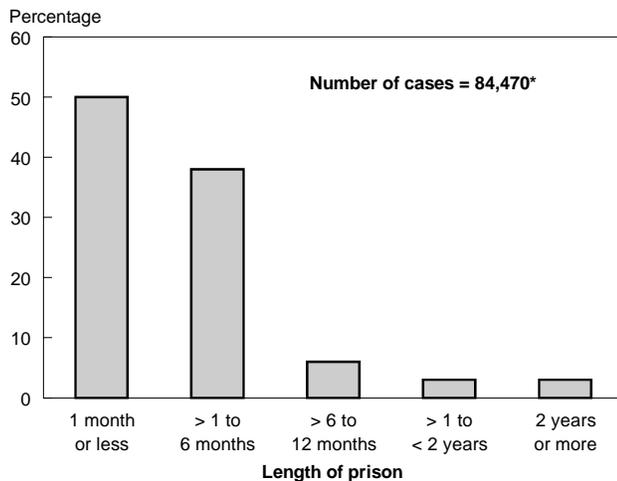
Combination Sentences	#	%
Probation and other	42,314	16
Fine and other	41,126	16
Prison and probation	21,927	8
Probation, fine and other	9,912	4
Prison, probation and other	9,148	4
Probation and fine	8,748	3
Prison and other	8,706	3

Prison Sentences

Prison is the most serious sentence handed out in adult criminal court and is often given as the only sentence.⁸ In the eight participating jurisdictions, a prison sentence was imposed in 33% of all cases with convictions, and was the only sentence imposed in almost half of these cases. Of the cases resulting in prison, 50% of the terms were for one month or less, while 3% were for two years or more (Figure 4).

Figure 4

Cases by length of prison for the most serious offence, 1996-97



* The prison term was unknown in 1,556 or 2% of the cases where a prison sentence was imposed.

Note: Eight jurisdictions only.

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

More serious offences receive longer prison sentences

The median sentence length for all cases receiving prison was 60 days.⁹ The categories of violent crimes and drug crimes have the longest median prison sentences (90 days).

Crimes against Property had a median prison sentence length of 75 days. The shortest median prison sentence lengths were reported for cases involving Other *Criminal Code* offences, Traffic, and Other Federal Statute offences (all 30 days) (Table 6).

The types of offences receiving a lengthy prison sentence were usually serious in nature, with offences against the person receiving the four longest median prison sentences. In total, there were twelve offences with a median prison sentence of 90 days or more. Eight of the twelve were offences against the person, but the list also includes breaking and entering, arson, drug trafficking and weapons offences. Common assault was the only offence against the person with a median length of prison that was less than the overall median sentence length of 60 days. Since common assault cases account for a large proportion of the offences against the person caseload, they play a major role in bringing down the median sentence for the Crimes against the Person category. The shortest median sentence length was for morals-sexual offences (21 days).

In general, offences with the longest median prison sentences also had the highest rates of incarceration. For example, homicide¹⁰ (median sentence of 6 years), attempted murder (median 2.5 of years), and robbery (1.6 years) cases all had incarceration rates 78% and above. There were only two offences - weapons and abduction offences - where a long median length of prison (90 days and 210 days respectively) was associated with a low incarceration rate (29% and 30% respectively).

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 weapons restrictions, motor vehicle operation restrictions, community service, or restrictions against the accused holding public office. Most of these sanctions are reported by the ACCS under "other", and this explains the large number of probation orders (58%) associated with an "other" sentence. When the accused fails to follow a probation condition, new charges may be heard in adult criminal court. There were 14,128 breach of probation cases heard in reporting adult criminal courts in 1996-97.

⁷ Excludes 2,504 cases, or 1% of cases for which the sentence was unknown.

⁸ 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.

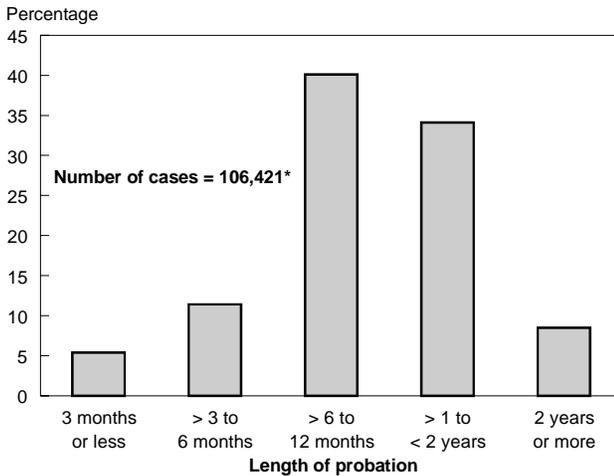
⁹ The median represents the mid-point of a group of values when all the values are sorted by size. The calculation of the median sentence length for prison excludes all cases where the sentence length was 1 day or unknown. One day prison sentences are usually a way of identifying prison sentences of time served, or prison time served in conjunction with a probation order, which cannot be given on its own.

¹⁰ Includes manslaughter and infanticide only. First and second degree murder cases are under the exclusive jurisdiction of superior courts, which do not yet provide data to the ACCS.

A sentence of probation was imposed in 41% of cases resulting in conviction. Of these cases, approximately three-quarters had a probation sentence length that was between six and twenty-four months (Figure 5). Overall, the median length of probation was one year.¹¹

Figure 5

Cases by length of probation for the most serious offence, 1996-97



* The length of probation was unknown in 451 or 0.4% of cases where probation was ordered.

Note: Eight jurisdictions only.

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

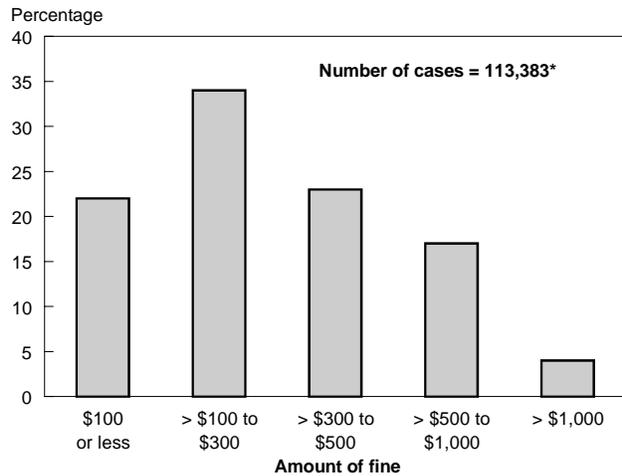
There were eleven offence types with a median sentence of probation of 18 months or longer. The types of offences receiving these lengthy probation orders were usually serious in nature, with ten also having long median prison sentences (120 days or more). Most violent crimes were given long probation terms, with attempted murder cases receiving the longest probation term allowed by law - 3 years. Only two violent offences - major assault and common assault - had a median length of probation that was under 2 years (Table 6).

Fines

Cases receiving fines tend to be less serious than those receiving other penalties. In only 3% of the cases resulting in a prison sentence was the offender also ordered to pay a fine. Fines are very frequently imposed as a single sentence. Forty-four percent of all the cases with convictions involving a fine had no other sanction associated with the case. Of the cases involving a fine, 56% were sentenced to pay a fine of \$300 or less and 21% were fined more than \$500 (Figure 6). The overall median fine amount was \$300.¹²

Figure 6

Cases by amount of fine for the most serious offence, 1996-97



* The amount of the fine was unknown in 1,651 or 1% of cases where a fine was imposed.

Note: Eight jurisdictions only.

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

Median amount of fine highest for traffic offence group

The median fine amount for Traffic offence cases with convictions was \$500. This was the largest median fine amount imposed for any offence category, and reflects the mandatory \$300 fine for first time impaired driving convictions in this category. One-third (34%) of all fine sentences were for impaired driving cases. For individual offence types, the highest median fine amounts were imposed for kidnapping cases (\$1,500), morals-gaming offence cases (\$750) and drug trafficking cases (\$650) (Table 6).

Most serious sentence

If the most serious charge in the case carries more than one sentence, the type of offence and the magnitude of the sentence are used to determine the most serious sentence in the case. Sanction types are ordered from most to least serious as follows: prison, probation, fine, restitution/compensation, and other. In 1996-97, prison was the most serious sentence in 33% of the cases with a finding of guilt.¹³ Fines were given as the most serious sentence in another 36%, probation in 28%, and "other" in 3% of cases with convictions.¹⁴ Restitution was the most serious sentence in less than 1% of cases with convictions (Box 4).

¹¹ The calculation of the median sentence length for probation excludes all cases where the sentence length was unknown.

¹² The calculation of the median amount of fine excludes all cases where the amount of fine was unknown.

¹³ The sentence was unknown in 1% of cases with a finding of guilt.

¹⁴ 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.

Table 6

Cases by Type of Sentence, 1996-97

Offence Group	Total	Prison ¹			Probation ²			Fine ³		
	Cases with Convictions	Number	%	Median Days	Number	%	Median Days	Number	%	Median \$ Amount
TOTAL OFFENCES	261,644	77,468	30	60	106,421	41	365	113,383	43	300
CRIMINAL CODE TOTAL	225,322	72,188	32	45	99,391	44	365	87,823	39	300
Crimes against the Person	41,383	15,125	37	90	29,414	71	365	8,153	20	300
Homicide and Related	78	66	85	2,190	11	14	730	9	12	250
Attempted Murder	85	72	85	900	21	25	1,080	1	1	500
Robbery	2,383	1,869	78	600	1,121	47	730	32	1	300
Kidnapping	87	49	56	240	60	69	730	11	13	1,500
Sexual Assault	2,072	1,234	60	300	1,524	74	730	177	9	500
Other Sexual Offences	703	421	60	180	580	83	730	41	6	500
Major Assault	10,662	4,965	47	90	7,256	68	540	2,022	19	300
Abduction	33	10	30	210	27	82	730	1	3	125
Common Assault	25,280	6,439	25	45	18,814	74	365	5,859	23	250
Crimes against Property	71,870	24,275	34	75	38,036	53	365	19,710	27	200
Break and Enter	10,693	6,408	60	180	6,909	65	730	921	9	300
Arson	342	162	47	270	269	79	730	24	7	500
Fraud	12,856	3,770	29	60	8,044	63	450	2,867	22	200
Possess Stolen Property	8,808	3,403	39	60	3,888	44	365	2,903	33	300
Theft	31,272	9,097	29	45	14,099	45	365	10,404	33	200
Property Damage/Mischief	7,899	1,435	18	30	4,827	61	360	2,591	33	200
Other Criminal Code	57,792	20,315	35	30	20,856	36	365	18,604	32	200
Weapons	4,439	1,307	29	90	2,089	47	365	1,600	36	200
Administration of Justice	22,330	10,368	46	30	4,926	22	365	6,672	30	150
Public Order Offences	5,002	734	15	30	1,514	30	360	2,816	56	200
Morals-Sexual	3,121	562	18	21	1,227	39	365	1,208	39	200
Morals-Gaming	318	5	1.6	30	84	26	360	200	63	750
Unspecified Criminal Code	22,582	7,339	32	30	11,016	49	365	6,108	27	200
Traffic	54,277	12,473	23	30	11,085	20	360	41,356	76	500
Criminal Code Traffic ⁴	5,959	2,697	45	30	1,456	24	360	2,875	48	500
Impaired Driving	48,318	9,776	20	30	9,620	20	360	38,481	80	500
FEDERAL STATUTE TOTAL	36,322	5,280	15	90	7,030	19	365	25,560	70	150
Drug-Related Offences	18,515	4,591	25	90	6,203	34	365	9,454	51	200
Trafficking	5,455	3,350	61	120	3,055	56	730	1,320	24	650
Possession	13,060	1,241	10	30	3,148	24	360	8,134	62	200
Other Federal Statutes	17,807	689	4	30	827	5	365	16,106	90	100

¹ Prison sentences of one day or less have been excluded from the calculation of median days as well as prison sentences of unknown length (N= 8,558).

² Probation sentences with unknown lengths have been excluded from the calculation of median days (N= 451).

³ Fine sentences where the fine amount is unknown have been excluded from the calculation of median fine amounts (N= 1,651).

⁴ Includes, among others, dangerous operation, driving while disqualified and failing to stop at the scene of an accident.

Note: Eight jurisdictions only.

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

Sentencing in single-charge and multiple-charge cases

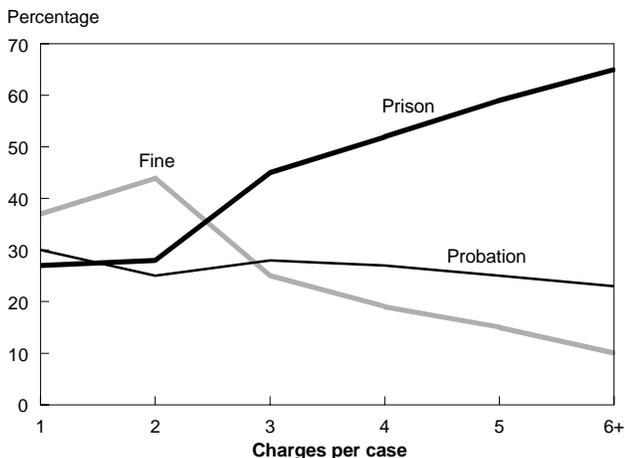
When examining the type, distribution and magnitude of sentences resulting from adult court cases with convictions, it is very useful to distinguish between cases containing only one charge versus those having more than one charge. The data indicate that, for the same offence type, multiple-charge cases tend to receive longer prison and probation sentences than single-charge cases.

Multiple-charge cases more likely to receive prison

The most serious offence in multiple-charge cases is sentenced more severely by the court. The proportion of cases receiving prison as a sentence increased as the number of charges in the case increased. In 27% of single-charge cases, the most serious offence was given a prison sentence. In contrast, 39% of all multiple-charge cases received prison and 63% of these cases with five or more charges received a prison sentence (Figure 7).

Figure 7

Most serious sentence by number of charges in the case, 1996-97



Note: Eight jurisdictions only.
Source: Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

As the number of charges increased, the proportion of prison sentences increased dramatically, the proportion of fine sentences decreased, while the proportion of probation sentences remained fairly constant.

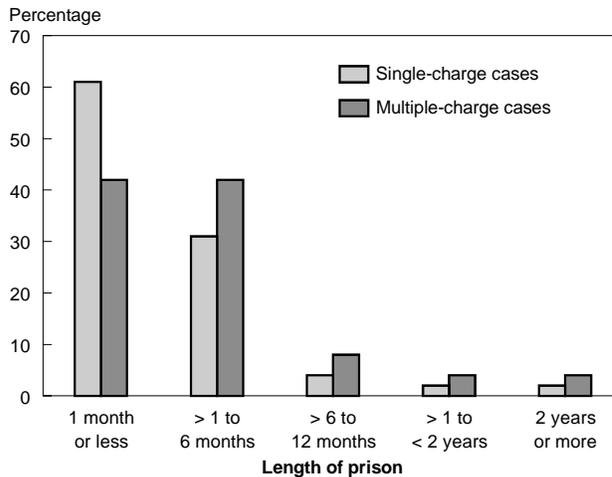
Length of prison term increases with the number of charges in the case

The length of prison sentence also appears to be influenced by the number of charges in the case. Of the cases receiving prison, single-charge cases resulted in shorter prison terms than the most serious offence in multiple-charge cases (Figure 8). The sentence length given was less than one month for 61% of single-charge cases compared to 42% for the most serious offence in multiple-charge cases. Overall, the median prison sentence length for multiple-charge cases was twice the duration of prison sentences given in cases with only one charge (60 days versus 30 days) (Table 7).

In cases involving more serious offences (Crimes against the Person, Crimes against Property, and Drug-Related Offences) the median prison sentence length given to the most serious offence was 50% longer for cases with multiple charges (90 days versus 60 days). There was, however, no difference in the median length of prison sentence imposed for less serious single and multiple-charge cases. Single

Figure 8

Cases by length of prison sentence ordered, 1996-97



Note: Eight jurisdictions only.
Source: Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

and multiple-charge cases with convictions in the Other Criminal Code, Traffic, and Other Federal Statutes categories were given the same median prison sentence length of 30 days (Table 7).

Median length of probation and amount of fine is influenced by the number of charges

In a manner similar to prison sentences, the number of charges in a case appears to influence probation and fine sentences. Cases with more than one charge were slightly more likely to receive probation as a sentence - 42% of multiple-charge cases compared to 40% of single-charge cases. For the Crimes against the Person, Crimes against Property and Other Criminal Code categories, the median probation length was 540 days for multiple-charge cases while, for single-charge cases, it was 365 days. For the Drug-Related Offences category, the median probation length of multiple-charge cases was double that of single-charge cases (730 days to 365 days) (Table 7).

The most serious offence in the case was given a fine as a sanction in slightly more single-charge cases (45%) than multiple-charge cases (43%). Overall, the median fine given in multiple-charge cases (\$400) was double the median fine amount given in single-charge cases (\$200) (Table 7).

**Box 6
 Sentencing reforms**

Some sentencing reforms have recently been introduced in Canada. In September 1996, the federal government proclaimed Bill C-41 which contains a number of provisions designed to improve the nature of the sentencing process in Canada. Some of these reforms include the addition of a new sentence called a conditional sentence (of imprisonment) and the introduction of a number of additional changes to the sentencing process. In future years, adjustments will be made to the Adult Criminal Court Survey to capture these changes and report on their impact.

Table 7

Median Sentence Length or Amount of Fine in Single-Charge and Multiple-Charge Cases, 1996-97

Offence Group	Prison Type of Case		Probation Type of Case		Fine Type of Case	
	Single in days	Multiple in days	Single in days	Multiple in days	Single \$	Multiple \$
Total Offences	30	60	365	365	200	400
Crimes against the Person	60	90	365	540	300	250
Crimes against Property	60	90	365	540	200	200
Other Criminal Code	30	30	365	540	200	200
Traffic	30	30	270	360	500	500
Drug-Related Offences	60	90	365	730	200	300
Other Federal Statutes	30	30	365	365	99	500

Note: Eight jurisdictions only.

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

CASE PROCESSING

The time necessary to process a criminal case is dependent on many factors including the co-ordination of court resources, the number of judge sitting days, the nature and complexity of the case, and lawyers' decisions on the appropriate course of action for their clients.

One in five cases are completed in a single appearance

Twenty percent of all cases were dealt with in a single appearance in 1996-97, a proportion that has remained unchanged since 1994-95. The proportion of cases requiring 6 or more appearances, however, has risen slightly from 23% to 26% in the same period.

Most cases (58%) were completed within 16 weeks of the first court appearance with only 9% taking longer than one year. This proportion has varied substantially over the last three years; it was 7% in 1994-95 and 26% in 1995-96.

Cases by Elapsed Time	Number	%
Single appearance cases	84,910	20
Up to 4 weeks	60,270	14
> 4 to 16 weeks	99,928	24
> 16 to 32 weeks	86,679	21
> 32 to 52 weeks	48,436	12
> 52 weeks	37,170	9
Total Cases	417,393	100

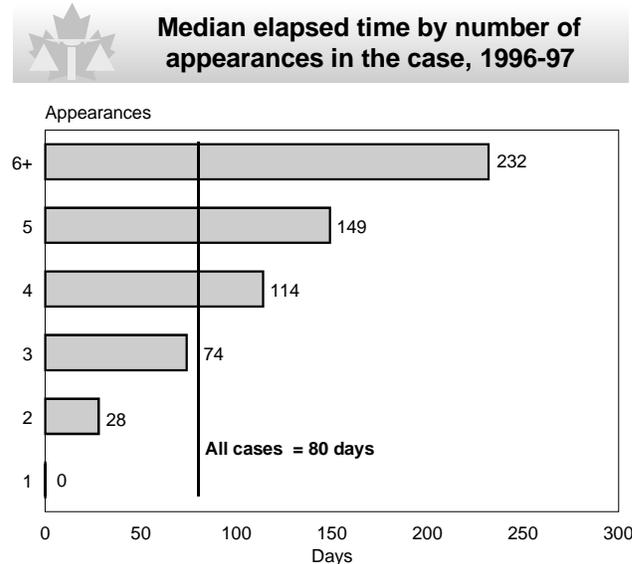
Almost one quarter of single-charge cases were completed in one appearance compared to 15% for multiple-charge cases. This situation has not varied since 1994-95.

Single-charge cases had the shortest median elapsed time from the first court appearance to the last court appearance (63 days). This was significantly lower than the median elapsed time of multiple-charge cases (98 days). While the median elapsed time of single-charge cases has not changed over the last three years, the median elapsed time of multiple-charge cases has increased from 89 days in 1994-95. Overall, the median elapsed time has increased from 73 days in 1994-95 to 80 days in 1996-97.

Processing time increased with the number of appearances

Undeniably, the more appearances a case has, the longer it will take. However, what is less clear, is how many days and months each additional appearance will add to the processing of a case. Examination of the elapsed time data revealed that each additional appearance added approximately one month to the median processing time of cases (Figure 9).

Figure 9



Note: Eight jurisdictions only.

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

An examination of the variations in processing time since 1994-95 reveals that only the processing time for cases with 2 appearances has remained stable during that period. The processing time has increased for all other cases with multiple appearances: from 70 days to 74 days for cases with 3 appearances, from 107 days to 114 days for cases with 4 appearances, from 140 days to 149 days for cases with 5 appearances and from 212 days to 232 days for cases with 6 or more appearances.

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 four longest median elapsed times were for violent offences such as other sexual offences (191 days), sexual assault (182 days) and homicide and related (162 days). The violent offences category (Crimes against the Person) had the largest proportion of cases with four or more appearances and the longest median elapsed time (118 days). In contrast, cases of offences against Other Federal Statutes had by far the lowest median elapsed time (1 day) and the largest proportion of single-appearance cases (50%) (Table 8).

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 adult 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/territorial statutes and municipal by-law offences.

Table 8

Total Cases, Median Elapsed Time by Number of Appearances, 1996-97

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 + Appearances	
	Number	Median	% of cases	Median	% of cases	Median	% of cases	Median	% of cases	Median	% of cases	Median	% of cases	Median
TOTAL OFFENCES	417,393	80	20.3	-	16.7	28	15.1	74	12.5	114	9.6	149	25.7	232
CRIMINAL CODE TOTAL	367,652	84	18.5	-	16.6	28	15.6	72	13.1	113	9.9	147	26.3	230
Crimes against the Person	81,739	118	9.3	-	13.2	32	16.7	84	15.1	117	11.9	146	33.8	223
Homicide and Related	434	162	10.6	-	9.2	26	5.3	42	10.6	112	7.6	120	56.7	240
Attempted Murder	403	133	6.7	-	7.7	34	7.9	51	6.2	60	9.9	95	61.5	192
Robbery	4,265	112	6.2	-	6.7	9	8.7	35	11.5	59	10.4	89	56.6	179
Kidnapping	350	137	8.6	-	11.7	31	12.0	59	12.9	147	9.1	179	45.7	200
Sexual Assault	6,203	182	6.5	-	9.4	63	11.7	113	13.0	147	11.3	173	48.1	280
Other Sexual Offences	1,287	191	6.1	-	7.7	55	12.3	115	11.9	132	12.3	189	49.7	293
Major Assault	20,749	133	7.3	-	10.4	28	15.3	86	15.3	122	13.0	154	38.7	234
Abduction	118	75	26.3	-	10.2	16	9.3	71	10.2	79	11.0	146	33.1	221
Common Assault	47,930	105	10.9	-	15.7	33	18.9	84	15.8	114	11.7	141	26.9	210
Crimes against Property	111,023	71	19.1	-	18.1	27	14.8	63	12.3	102	9.3	139	26.3	224
Break and Enter	15,656	87	11.4	-	12.4	20	13.7	49	14.1	86	12.0	118	36.4	199
Arson	626	133	8.6	-	6.9	32	11.5	45	11.2	96	12.3	121	49.5	236
Fraud	20,841	105	16.8	-	15.5	28	13.8	70	12.3	113	9.6	152	32.1	267
Possess Stolen Property	14,289	95	14.3	-	14.1	22	14.4	60	13.3	105	11.1	141	32.8	221
Theft	47,688	48	24.6	-	22.3	27	15.3	60	11.2	101	7.6	137	19.1	217
Property Damage/Mischief	11,923	76	18.2	-	19.2	28	16.8	70	13.8	105	9.5	140	22.6	212
Other Criminal Code	104,435	56	22.6	-	17.6	20	15.2	58	11.9	98	9.0	133	23.8	213
Weapons	8,060	98	14.8	-	14.6	28	13.7	68	13.0	110	10.4	133	33.6	217
Administration of Justice	39,073	25	26.3	-	17.8	7	14.5	35	10.8	69	8.2	105	22.4	185
Public Order Offences	6,800	61	24.2	-	20.3	28	16.6	76	12.2	114	8.5	154	18.2	225
Morals-Sexual	4,831	73	19.3	-	22.0	35	15.5	71	11.9	104	9.2	143	22.0	216
Morals-Gaming	763	193	9.0	-	12.7	35	8.1	61	10.1	111	11.4	348	48.6	301
Unspecified Criminal Code	44,908	71	21.3	-	17.0	27	15.9	70	12.6	112	9.5	145	23.8	231
Traffic	70,455	98	22.2	-	16.7	31	16.2	98	13.6	146	10.0	183	21.4	281
Criminal Code Traffic	8,478	105	16.0	-	16.0	31	16.3	85	14.1	122	11.4	158	26.2	243
Impaired Driving	61,977	98	23.1	-	16.8	31	16.2	99	13.5	148	9.8	189	20.7	288
FEDERAL STATUTE TOTAL	49,741	48	33.7	-	17.8	40	11.9	82	8.6	120	6.9	161	21.1	251
Drug-Related Offences	27,295	91	20.4	-	14.5	28	13.3	74	11.3	114	9.4	148	31.0	238
Trafficking	10,014	160	5.6	-	7.8	28	11.2	76	12.4	114	12.1	152	50.9	250
Possession	17,281	51	29.0	-	18.4	28	14.5	72	10.7	114	7.9	147	19.5	220
Other Federal Statutes	22,446	1	49.8	-	21.9	49	10.1	93	5.4	146	3.9	206	9.0	340

- nil or zero.

¹ Includes, among others, dangerous operation, driving while disqualified, and failing to stop at the scene of an accident.

Note: Eight jurisdictions only.

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

Coverage

Coverage limitations may have an impact on the information 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 Quebec are heard in municipal courts.

Since the ACCS does not collect information from superior courts, variations across jurisdictions for serious offences transferred to a higher level of court may result in slight differences in the proportions reported for each disposition group. When a case is transferred to another court - in another province/territory, or a different court location in the same province/territory - 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 accused, in the court location where the case was transferred. The relative impact on the distribution

and number 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/territory" dispositions, which are grouped in the 'other' category, are expected in those jurisdictions where a circuit court structure (satellite court locations which are in session on a rotational basis) is employed.

Factors influencing the number of charges laid

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

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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