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# uristat

Canadian Centre for Justice Statistics



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## THE JUSTICE FACTFINDER, 1998

*Integration and Analysis Program*

### Introduction

Each year, the Canadian Centre for Justice Statistics (CCJS) at Statistics Canada produces publications and survey products covering the principle components of the criminal justice system: police, courts and corrections. “The Justice Factfinder” is produced in response to questions posed by the justice community, the media and the general public. This information is intended to provide a national summary of critical issues covered in-depth by publications produced over the course of the year. This year’s Factfinder Juristat will address the following questions:

- Are crime rates increasing or decreasing?
- *What does violent crime look like in Canada?*
- Should we be concerned about the presence of firearms?
- What kinds of offences do youths commit?
- How are courts dealing with youth crime?
- How many youths are in custody?
- What is the nature and extent of family violence?
- Who is hurting our children?
- Who is committing family homicide?
- Is decreasing police reported crime affecting court caseloads?
- How are courts responding to crime?
- How many people are under correctional supervision?
- Who is in custody?
- What do justice services cost?

#### **Text Box 1** **The Justice Factfinder**

This *Juristat* provides an overview of the criminal justice system from the reporting of a crime to the serving of a sentence. Tracking the flow of persons or events from one justice sector to another presents many challenges. For one, data from different sectors do not always operate on the same time frames. Also, some justice surveys are still being implemented and have not yet achieved complete or representative coverage across Canada. There are also problems in identifying repeat offenders in the same year, or linking police-reported offences with court cases, due to reporting variations. Despite some limitations, questions on what happens at each stage of the justice system can be effectively answered. In addition to addressing each sector of the justice system, this *Juristat* also answers some pertinent questions on topical issues such as youth crime and family violence.

### Are crime rates increasing or decreasing?

There were 2.5 million Criminal Code incidents reported in 1998 which translates into a crime rate of 8,102 incidents per 100,000 population<sup>1</sup>. In the early 1990s, Canada’s crime rate peaked, however, since that time it has been falling at a steady rate. From 1997 to 1998 the police reported crime rate dropped by 4%. This is the seventh consecutive year the crime rate has dropped representing a total decrease of 22% since 1991 making 1998 the lowest rate since 1979. Despite the decline in reported crime, a recent public opinion survey indicated that 75% of Canadians feel crime is getting worse (Environics, 1998).

<sup>1</sup> For further information, see “Crime Statistics in Canada, 1998” by Sylvain Tremblay, *Juristat*, Catalogue 85-002, Vol. 19, No. 9.



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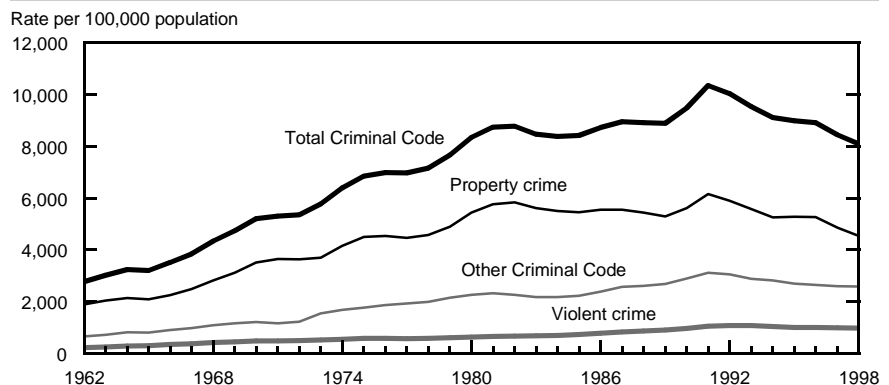
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Examining the number and kinds of incidents reported to the police can provide a clearer understanding of the crime picture in Canada. Property crime accounted for the largest proportion (56%), followed by other Criminal Code incidents, including failure to appear and public order offences, among others, (32%) while violent crime made up only 12%. This breakdown has been consistent historically.

Figure 1

**Crime Rates by Major Offence Category, Canada, 1962-1998**



Source: Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics.

Other countries have also experienced recent declines in their crime rates. The Federal Bureau of Investigation (FBI) reported that the 1999 preliminary indexed crime rate<sup>2</sup> in the United States also dropped for the eighth year in a row, down 7% from the previous year. Similarly, overall reported crime in England and Wales has fallen at a steady rate since 1992 including an 8% decrease from 1997 to 1998.

**What does violent crime look like in Canada?**

Violent crimes are those which fall into one of the following categories: homicide, attempted murder, sexual assault, assault, other sexual offences, abduction/kidnapping, robbery, and other violent offences, such as assault against a public/peace officer and criminal harassment. In keeping with the overall trend, violent crime rates have declined since 1992, including a 2% drop in 1998. From 1977 to 1992, violent crime rates had increased (Figure 1), however, much of that increase is directly attributable to a large increase in the rate of common, or level 1, assaults<sup>3</sup>. Common assault is the least serious form of assault and it accounts for more than 6 out of 10 violent crimes (Figure 2).

Homicide is commonly considered an important indicator of violent crime due to the fact that all homicides are almost certainly recorded in police statistics. In 1998, there were 555 homicides and 738 attempted murders. The homicide rate (1.8 per 100,000 population in 1998) has generally been declining since the mid-1970s. This trend continued with 31 fewer homicides in 1998 compared to 1997, representing a 6% drop in the rate. The rate of attempted murders also fell in 1998 (-16%), generally following the trend in the rate of homicide.<sup>4</sup>

<sup>2</sup> The U.S. Crime Index is composed of the violent crimes of murder, non-negligent manslaughter, forcible rape, robbery and aggravated assault, and the property crimes of burglary, larceny-theft, motor vehicle theft and arson.

<sup>3</sup> The Criminal Code defines different categories of assault. Assault (level 1) or common assault is the least severe form of assault. This offence includes behaviours such as pushing, slapping, punching, face-to-face verbal threats, and threats by an act or gesture which were used in the commission of the assault, however, there was little or no bodily harm inflicted. Assault (level 2) is assault with a weapon or causing bodily harm. Assault (level 3) is aggravated assault. Lastly, there are other assaults which include assault on a peace officer, unlawfully causing bodily harm, discharge of firearm with intent and all other assaults.

<sup>4</sup> For further information, see "Homicide in Canada, 1998" by Orest Fedorowycz, Juristat, Catalogue 85-002, Vol. 17, No. 3.

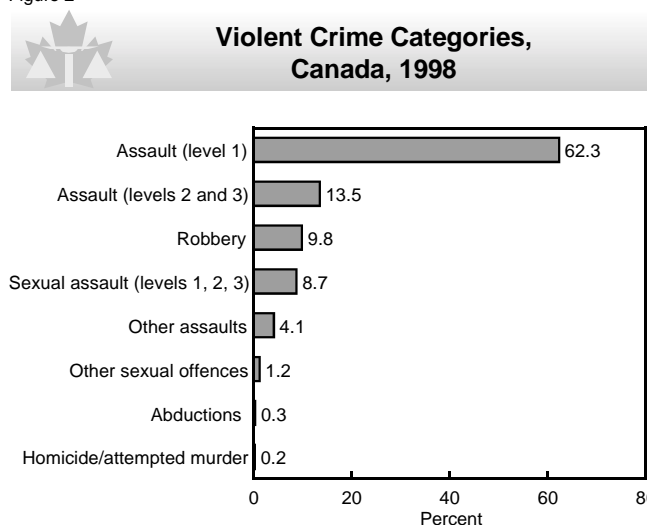
**Text Box 2**

**1998 UCR2 - Incident-Based Data File**

The revised UCR survey captures detailed information on individual criminal incidents reported to police, including characteristics of victims, accused persons and incidents. The survey presently collects data from 169 police agencies in six provinces. These data represent 46% of the national volume of actual Criminal Code crimes.

**The reader is cautioned that these data are not nationally representative:** respondents from Quebec account for 41% of the sample and those from Ontario account for a further 35%. Outside of Quebec, these data are largely an urban sample. Please refer to the methodology section for more information. All calculations exclude records where the variable under study is reported as "unknown", unless otherwise mentioned.

Figure 2



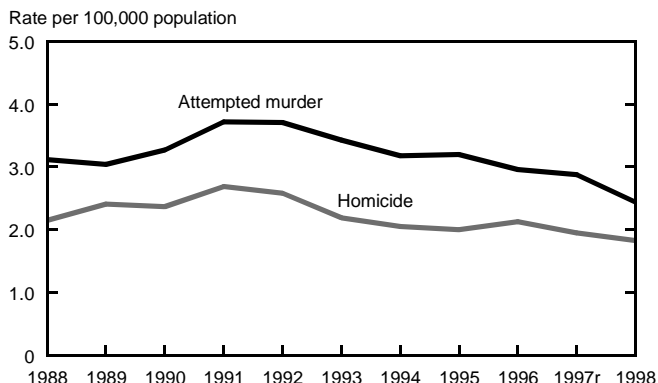
Source: Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics.

While homicide is considered to be the most serious crime, sexual assault is also ranked as one of the most serious types of violent crime. Like assault, sexual assault is divided into one of three levels according to the severity of the incident. There were 25,493 reported incidents of sexual assault in 1998 representing less than 10% of all violent crimes (84 per 100,000 population). The vast majority (97%) of these incidents were Level 1 sexual assault. The rate of total sexual assaults has declined for five consecutive years, including the most recent drop of 7% in 1998.

Data from the Incident-based Uniform Crime Reporting (or UCR2) survey (see text box 2) illustrate that the vast majority of victims of sexual assault were female (85%). Female victims were most frequently victimized by a casual acquaintance (33%), followed by a stranger (26%) and a family member (25%). Victims of sexual assault tended to be quite young, with almost 60% of victims under 18 years of age.

Figure 3

**Homicide and Attempted Murder Incidents, Canada, 1988-1998**



Source: Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics.

**Should we be concerned about the presence of firearms?**

Despite growing concerns about the use of firearms (see text box 3) in violent crime, data from 94 police departments indicate the percentage of violent crime with a firearm present declined from 6.5% in 1994 to 4.8% in 1998 (Table 1). Firearms were present in 34% of homicide incidents, 29% of attempted murders, 10% of aggravated assaults and in 9% of assaults with a weapon.

According to the aggregate UCR survey, fewer robberies now involve firearms. In the last seven years the rate for this type of robbery has fallen by a total of 44%, including a 4% decrease in 1998. Of all robberies committed in 1998, 18% of these were committed with a firearm. This compares favorably to ten years ago when the rate was 25% and twenty years ago when the rate was 37%.

Table 1

**Presence of Most Common Weapons in Violent Incidents, Sample of 94 Police Services, 1994-1998**

	1994	1995	1996	1997	1998
	%				
Firearms	6.5	6.0	6.1	5.2	4.8
Knives	8.0	7.9	8.2	8.2	7.0
Club/Blunt Instrument	7.8	6.7	6.3	6.3	6.2
Other Piercing/Cutting Objects	1.7	1.6	1.6	1.5	1.5
<b>Total Most Common Weapons</b>	<b>24.0</b>	<b>22.2</b>	<b>22.2</b>	<b>21.2</b>	<b>19.5</b>

Source: Non-representative sample of 94 police services representing 35% of all volume crime.

**Text Box 3**

**The New Firearms Legislation**

The new Firearms Legislation, which stemmed from Bill C-68 adopted by Parliament in 1995, began its gradual introduction on December 1, 1998. The legislation created new offences for gun smuggling and trafficking, as well as prohibiting a number of different types of handguns, and introduced new mandatory penalties for those who use firearms during the commission of a crime. The new law requires all firearm owners and users to obtain a firearm license before January 1, 2001 and to register all firearms (including rifles and shotguns) by January 1, 2003. The law aims at reducing the number of deaths and injuries attributable to firearms by encouraging safer usage and storage of firearms as well as facilitating police investigations when incidents involve such weapons. As a result of the new legislation, the UCR survey has undergone modifications to the statistical breakdowns related to offensive weapons and a new general category entitled "Firearms Act" under "other Federal Statutes" has been created. In 1999, the UCR survey will begin collecting data according to the new offences, which include illegal use of firearms, illegal possession of weapon, weapon trafficking and importation, and other offences related to weapons.

**Text Box 4**

**Youth Crime – Alternative Measures**

Young persons in conflict with the law may or may not be formally charged. The decision to proceed with the laying of a charge is influenced by many factors, one of which is the eligibility of the youth for an alternative measures program. As outlined in the Young Offenders Act, the objective of alternative measures (AM) is to avoid court proceedings for young persons, provided certain conditions are met. Generally, referrals to AM programs are made before charges are laid and are reserved for first time offenders. In addition, when dealing with first-time offenders involved in minor incidents, police may choose to deal with a youth informally by giving them a warning or discussing the incident with the youth's parents.

As a result, charge rates are influenced by the extent to which AM is used, whether AM is used at the pre- or post-charge stage, and the extent to which youths are dealt with informally. Consequently, there are limitations to using the youth charge rate as an indicator of the prevalence of youth crime, particularly with respect to measuring relatively minor offences committed by first time offenders.

**What kinds of offences do youths commit?**

In recent years, the media have reported several cases of extreme violence involving young offenders between the ages of 12 and 17 years. These highly publicized cases may have contributed to the increased concern of Canadians about crime committed by young people.

Fuelled by a decrease in youth charged for property crimes (-8%), the overall rate of youths charged with Criminal Code offences dropped for a seventh consecutive year in 1998 (-4%). In total, youths aged 12 to 17 years were charged with Criminal Code offences at a rate of 4,363 per 100,000 youths, compared to 6,259 in 1991.<sup>5</sup>

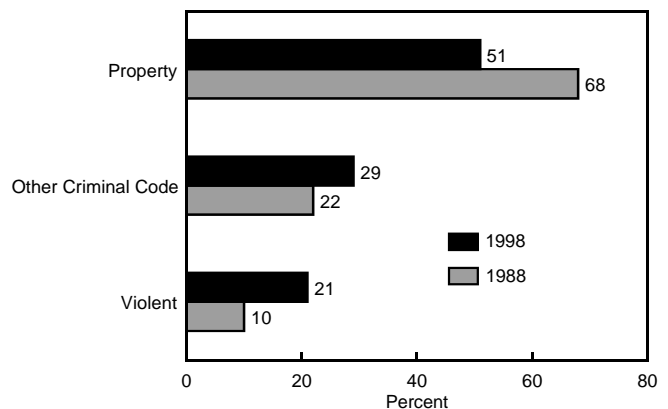
With the increasing use of diversion for many first-time, non-violent offenders, it is important to also examine the trend in youths "not formally charged" by police. While not all police services provide these statistics, those that collect such information indicate that the number of youths "not charged" has also been stable or declining in recent years. This suggests that the decrease in youths charged is not simply a reflection of increased use of alternative measures. The term alternative measures refers to formalized programs across Canada, other than judicial proceedings, that are designed to balance society's right to protection with the needs of youth and adults in conflict with the law. These alternatives can include such things as apologies, financial restitution, community service, and counseling to name but a few.<sup>6</sup> (see text box 4)

In general, youth crime tends to be more property-oriented than crimes committed by adults. Following this pattern, in 1998, property crimes still accounted for half (51%) of youth crime, compared to only 37% of all adults charged. A further 21% of youths were charged with violent crime, compared to 29% of adults. The remaining youths were charged with other Criminal Code offences, such as mischief and offences against the administration of justice. This reflects the change in distribution from a decade ago when 68% of youths were charged with property crimes and 10% with violent crimes

(Figure 4). Increases in youths charged with common assault (level 1) and decreases in charges for theft and breaking and entering account for much of this shift.

Figure 4

**Youths Charged by Offence Category, 1988-1998**



Source: Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics.

Notwithstanding recent declines, the violent youth crime rate is still 77% higher than 10 years ago. In 1998, the rate of youths charged with violent crime declined slightly (-1%) for the third year in a row, while the rate of youths charged with sexual assault decreased for the fifth year in a row, reaching its lowest level since 1988. An examination of the characteristics of youth victimization reveals that over half (52%) of the victims of violent crimes committed by youths are other youths. Children under 12 account for 11% of the victims,

<sup>5</sup> For further information, see "Youth Violent Crime", by Josée Savioe, *Juristat*, Catalogue 85-002, Vol. 19, No. 12.

<sup>6</sup> For further information, see "Alternative Measures for Youth in Canada", by Melanie Kowalski, *Juristat*, Catalogue 85-002, Vol. 19, No. 8.

while adults account for the remaining 37% of the victims. In 1998, only 2% of victims of youth violent crime were 55 years of age or over.

Further analysis reveals that a weapon was present in 14% of violent incidents committed by youths, similar to the proportion for adults (13%). The most common weapon was a knife or other cutting object (48% and 29% respectively). Male youths tended to use knives more frequently than adult males (48% vs. 38%); however, the proportions were more similar between female youths and adults.

## How are courts dealing with youth crime?

Like the perceived increase in youth crime rates, the sentencing of young offenders is also a subject of concern, with the YOA frequently being criticized by opponents as being too lenient. In 1998/99 106,655 cases were processed in youth courts in Canada. This represents a 4% decrease from the previous year and a decrease of 7% from 1992/93.

Consistent with previous years, over two-thirds (67%) of the cases heard resulted in a finding of guilt. Of these cases, almost half (48%) received probation as the most serious disposition, and over one-third (35%) received a custodial sanction. Community service orders (7%), fines (6%) and other sanctions (5%) such as restitution and conditional discharges, made up the remainder of dispositions.

Of those cases that received a custodial sanction (open and closed), most were for three months or less. Approximately one-third (32%) were for terms of less than one month, 45% were from one to three months, 16% for terms of four to six months, and 7% for a term of over six months. The median sentence length for cases resulting in custody was one month. The vast majority (78%) of cases receiving probation as the most serious disposition were for periods not exceeding one year. Less than one-quarter (23%) were for periods under six months, 55% ranged from 7 to 12 months, and the remainder (22%) were for more than one year. The median sentence length for probation was just under one year.

Much concern has also been raised about repeat young offenders and the sentences they receive. Most young offenders are not repeat offenders. In 1998/99, 42% of youths sentenced were considered recidivists. One in five convicted young offenders (20%) had only one previous conviction, 10% had two previous convictions and 12% had 3 or more previous convictions. Sentencing patterns reveal that recidivists generally received harsher sanctions. In 1998/99, 14% of cases involving first-time offenders resulted in a custody term, while this sanction was imposed in 33% of cases involving young offenders with one prior conviction, 48% of those with two prior convictions, and 66% of those with three or more prior convictions.<sup>7</sup>

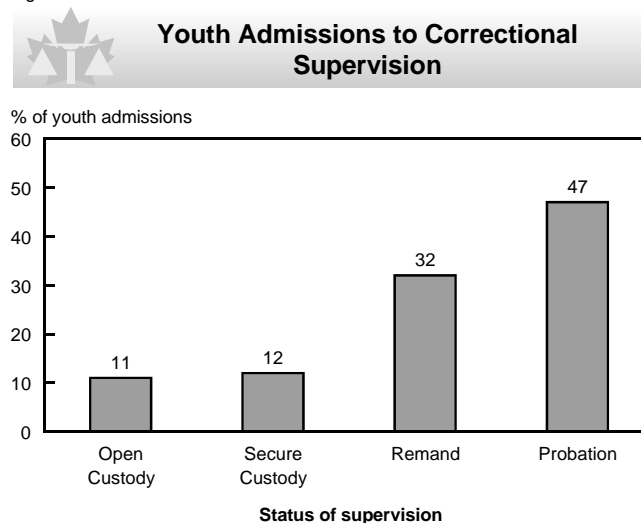
## How many youths are in custody?

Information on those admitted to supervision reveals that in 1997/98, there were over 42,000 young offender admissions (excluding Saskatchewan) into either remand, secure or open custody. This translates to a rate of 182 admissions per 10,000 youth in the population. Overall, there were 80,000 admissions

into some form of supervision (secure, open, remand or probation). Although the largest proportion was for probation (47%), the remainder were held under some form of custody<sup>8</sup> (Figure 5).

Female offenders made up less than one in five (17%) of the total admissions to open or secure custody.<sup>9</sup> The most common age for both sexes was 16 years old. Although more males were admitted than females, a larger proportion of females under 15 years old were admitted to either open or secure custody.

Figure 5



Source: Youth Custody and Community Services Survey, Canadian Centre for Justice Statistics.

## What is the nature and extent of family violence?

In 1998, victims of spousal violence represented 18% of all victims of violent offences reported to the UCR2 survey. While men comprise a small proportion of these victims, women were more likely to be victimized by a spouse than men. Of the more than 24,000 incidents of spousal violence reported in 1998, women accounted for 87% of victims.

Based on a sample of 110 police agencies in 5 provinces that have consistently participated in the UCR2 survey since 1995, it is possible to examine certain emerging trends in police-reported spousal violence in Canada. Overall, the number of incidents reported to the police between 1995 and 1998 has declined 2%. However, there was great variation in the number of incidents reported to police within these years. Between 1995 and 1997 the number of incidents reported to the police dropped 14% then rose 12% between 1997 and

<sup>7</sup> For further information, see "Youth Court Statistics, 1998/99 – Highlights" by Denyse Carrière, Juristat, Catalogue 85-002, Vol. 20, No. 2.

<sup>8</sup> For further information see, "Youth Custody and Community Services in Canada, 1997-98" by Leonard et al., Juristat, Catalogue 85-546.

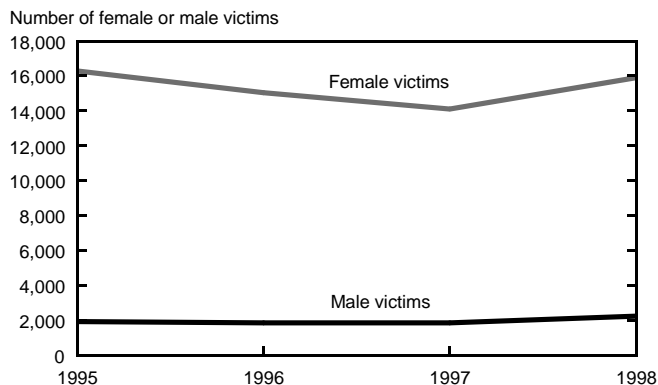
<sup>9</sup> Excludes data from New Brunswick, Quebec, Saskatchewan and the Northwest Territories.



1998. Both women and men reported increases in spousal violence between 1997 and 1998 (11% and 17% respectively) (Figure 6).

Figure 6

**Recent Increases in the Number of Spousal Assaults Reported to the Police, 1995-1998<sup>1</sup>**



<sup>1</sup> Based on a sample of 110 police forces reporting consistently to the UCR2 from 1995 to 1998.  
**Source:** Revised Uniform Crime Reporting Survey (UCR2), Canadian Centre for Justice Statistics.

The decline in reporting between 1995 and 1997 appears to have been driven by the number of women who reported spousal violence incidents to the police. Between 1995 and 1997, the number of spousal incidents reported to the police by women dropped 15%, while the number of spousal incidents reported to the police by men dropped 4%.

**Who is hurting our children?**

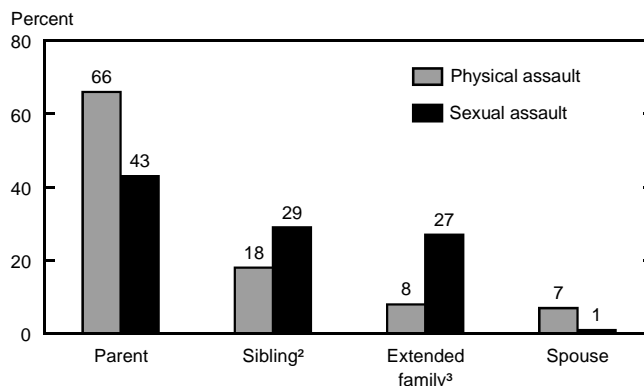
While police-reported incidents of violence against children<sup>10</sup> represent only a partial image of the extent of such violence, these reports provide an opportunity to profile cases of maltreatment that are detected and acted on by a sample of police agencies in Canada. In 1998, children and youth under 18 years of age made up 24% of the Canadian population and were the victims in 24% of all police-reported assaults. They represented a majority of all sexual assault victims (59%), and nearly one-fifth (19%) of all physical assault victims. It should be noted, however, that in actual number, physical assaults against children and youth outnumbered sexual assaults by nearly 3 to 1.

Family members were suspected in one-quarter (24%) of all assaults against children and youth (31% were sexual assaults, and 21% were physical assaults) reported to the police in 1998. Girls and boys were the victims of sexual assault by family members in roughly similar proportions (30% and 32% respectively). In the case of physical assault, however, girls were comparatively more likely than boys to be assaulted by family members and less likely to be assaulted by strangers (31% and 15% respectively). This is consistent with the pattern of physical assaults against adults, where a higher proportion of women were victimized by family members (59%), and specifically by spouses (47%), than was the case for men (13% and 7% respectively).

Within families, parents are the main perpetrators of assault against children and youth. Parents represented 66% of family members accused of physically assaulting their children and 43% of those accused of sexual assault (Figure 7). Siblings accounted for 18% and 29%, respectively, and extended family members for 8% and 27%, respectively. Finally, spouses accounted for 8% of the perpetrators of physical assault and 1% of the perpetrators of sexual assault.<sup>11</sup> The majority of these were against females, for whom physical assault by spouses made up 13% of cases.

Figure 7

**Parents Most Frequently Accused in Assaults Against Children and Youth Committed by Family Members, 1998<sup>1</sup>**



Figures may not add up to 100% due to rounding.  
<sup>1</sup> Includes victims under the age of 18 years where sex of the victim is known.  
<sup>2</sup> Sibling includes natural, step, half, foster or adopted siblings.  
<sup>3</sup> Extended family includes others related by blood or marriage.  
**Source:** Revised Uniform Crime Reporting Survey (UCR2), Canadian Centre for Justice Statistics.

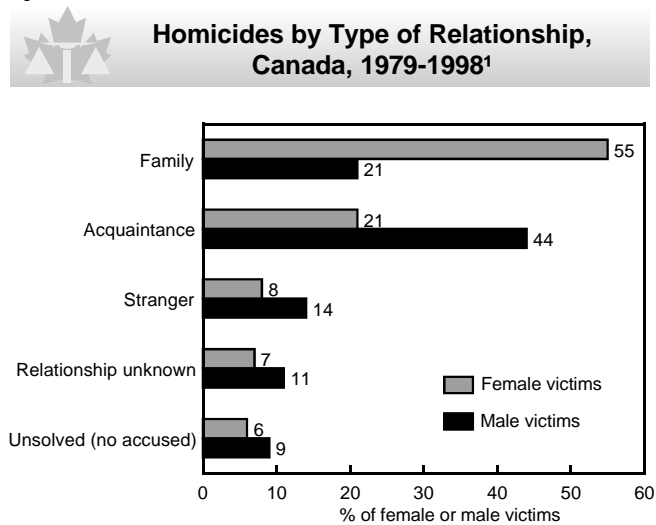
**Who is committing family homicide?**

From 1979 to 1998 there were 12,764 victims of homicide in Canada. Family members were responsible for nearly one-third (30%) of these, another 39% were committed by acquaintances, and 12% by strangers. Throughout the period, women and girls were most likely to be killed by a family member (55%), whereas, men and boys were most likely to be killed by acquaintances (44%) (Figure 8).

Husbands represent the vast majority of family members who kill female victims (66%). Parents accounted for the next largest proportion of suspects in family homicides involving female victims (18%). Male victims of family homicide were most likely to have been killed by parents (28%), followed by wives (including current or estranged partners) (26%). Other

<sup>10</sup> In this section, violence against children and youth includes police-reported incidents of physical and sexual assault and homicide where the victim is under 18 years of age. "Family" refers to immediate and extended family members related by blood, marriage, common-law or adoption, as well as legal guardians. If an accused is a boyfriend or girlfriend of a parent, he or she is likely to be reported as a non-family member.  
<sup>11</sup> These refer to younger spouses that fall within the under 18 age category.

Figure 8



Figures may not add up to 100% due to rounding.  
<sup>1</sup> Includes only those cases in which the sex of the victim is known.  
**Source:** Homicide Survey, Canadian Centre for Justice Statistics.

family members, including extended family members such as grandparents, aunts, uncles, cousins, and in-laws, accounted for 20% of the perpetrators.

Between 1979 and 1998, the annual rate of spousal homicide was on average 11 wives and 3 husbands per million couples in Canada. Despite yearly fluctuations, the rate has gradually declined over this period. This was particularly the case for wives for whom the rate decreased by 47% from 15 per million couples in 1979 to 8 in 1998. For husbands, the rate dropped from a high of 5 per million couples in 1987 to 2 per million in 1998.<sup>12</sup>

## Is decreasing police-reported crime affecting court caseloads?

In 1998/99, the number of cases heard in adult criminal court declined, while the average number of charges per case and the number of appearances have increased. Adult criminal courts in 9 provinces and territories processed 394,884 cases involving 840,539 charges. The number of cases processed in 1998/99 represents a 4% decline over the previous year, and a drop of 11% since 1994/95 (Figure 9). This reflects the declining number of incidents reported to police.<sup>13</sup>

Despite the decline in the number of cases heard in court, there has been little change in recent years in the distribution of cases across different categories of crime. Crimes against the person accounted for 21% of the total number of cases in 1998/99, and crimes against property accounted for a further 26% (Table 2). Traffic-related offences accounted for 14% of all cases, while the category Other Criminal Code accounted for 28% of all cases. The remaining (11%) arose with respect to Federal statute offences, which included drug-related offences (5%), and other federal statutes (6%).<sup>14</sup>

While the number of adult court cases has declined significantly in recent years, the average number of charges per

Table 2

Offence Group	# Cases	%
<b>TOTAL OFFENCES</b>	<b>394,884</b>	<b>100</b>
<b>CRIMINAL CODE OFFENCES</b>	<b>350,850</b>	<b>88.8</b>
<b>Crimes against the person</b>	<b>82,097</b>	<b>20.8</b>
Homicide and related	480	0.1
Attempted murder	362	0.1
Robbery	4,691	1.2
Kidnapping	297	0.1
Sexual assault	6,140	1.6
Sexual abuse	1,360	0.3
Major assault	21,761	5.5
Abduction	147	0.0
Common assault	46,859	11.9
<b>Crimes against property</b>	<b>101,168</b>	<b>25.6</b>
Break and enter	14,268	3.6
Arson	619	0.2
Fraud	20,835	5.3
Possess stolen property	13,610	3.4
Theft	40,291	10.2
Vol	40,291	10.2
Property damage/mischief	11,545	2.9
<b>Other Criminal Code offences</b>	<b>110,940</b>	<b>28.1</b>
Weapons	7,501	1.9
Administration of justice	40,777	10.3
Public order offences	8,977	2.3
Morals-sexual	5,830	1.5
Morals-gaming	777	0.2
Residual Criminal Code	47,078	11.9
<b>Traffic-related offences</b>	<b>56,645</b>	<b>14.3</b>
Criminal Code traffic	8,488	2.1
Impaired driving	48,157	12.2
<b>FEDERAL STATUTE OFFENCES</b>	<b>44,034</b>	<b>11.2</b>
<b>Drug-related offences</b>	<b>20,166</b>	<b>5.1</b>
Trafficking	7,895	2.0
Possession	12,271	3.1
<b>Other federal statutes</b>	<b>23,868</b>	<b>6.0</b>

Note: Data from the Adult Criminal Court Survey are not nationally comprehensive as they exclude New Brunswick, Manitoba, and British Columbia for all years and Northwest Territories for 1996/97.

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

case has increased from 1.97 in 1994/95 to 2.13 in 1998/99. A majority of the cases (53%) contained a single charge, but the more complex multiple-charge cases have been increasing over the past five years, from 44% of all cases in 1994/95 to 47% in 1998/99. In 1998/99, 27% of all cases involved two charges and 20% had three or more charges.

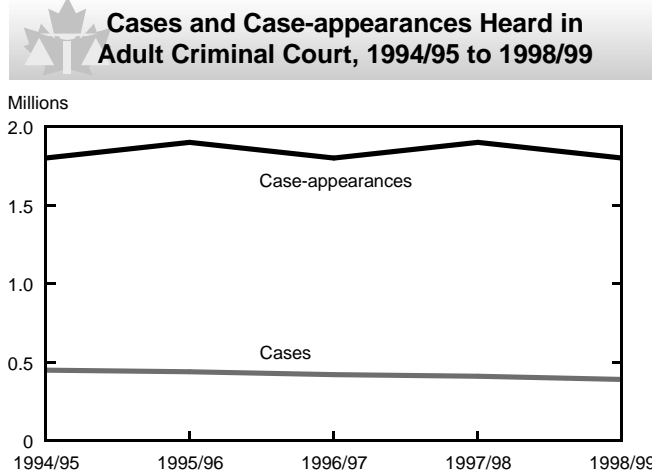
<sup>12</sup> For further information, see "Family Violence in Canada: A Statistical Profile 1999", by Robin Fitzgerald Catalogue No. 85-224.

<sup>13</sup> For further information, see "Adult Criminal Court Statistics, 1998/99", by Julian Roberts and Craig Grimes, Juristat, Catalogue No. 85-002, Vol 20, No. 1.

<sup>14</sup> Such offences refer to offences against Canadian federal statutes, such as the Customs Act, the Employment Insurance Act, Firearms Act, Food and Drugs Act (FDA), the Income Tax Act, and the Narcotic Control Act (NCA). This offence category excludes Criminal Code offences.

Not surprisingly, the growing proportion of multiple charge cases is having an impact on the time required to process cases in adult criminal court. Between 1994/95 and 1998/99, the median elapsed time from first to last appearance in court has increased 15% from 73 to 84 days, and the processing time for the most complex cases (i.e., multiple-charge cases) has increased from 89 to 98 days (10%). These trends may be an indication of the demand placed on court resources by the changes in case complexity. The number of additional appearances required by multiple charge cases may be making it more difficult to schedule and complete all cases, thus increasing the processing time for single charge cases as well (Figure 9). This would explain the similar increase in the median processing time for the single charge cases from 63 to 70 days (11%).

Figure 9



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

## How are courts responding to crime?

Many considerations are taken into account at sentencing, including: the criminal record of the offender, whether the accused pleaded guilty, the nature of information contained in a victim impact statement and other mitigating and aggravating factors relating to the offence and the offender.<sup>15</sup> In determining the relative importance of these variables, judges are guided by the fundamental principle that “a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender”.<sup>16</sup>

In 1998/99, as in previous years, a term of probation was the most frequently occurring sentence, imposed in 42% of all cases with a conviction. A fine was imposed in 40% of all cases, while a prison term was imposed in 35% of cases.<sup>17</sup> A high percentage of cases (47%) received what are classified as “other sentences”. Absolute discharges, conditional discharges, suspended sentences, license suspensions, prohibitions against the ownership of firearms, and other court-ordered sanctions are included in this category of sentences.

The decline in the number of crimes reported to police, cases heard in court and convictions recorded explain the 5% decline in the number of cases sentenced to prison from 88,690 cases

in 1994/95 to 84,011 in 1998/99. There was an 11% decline in the number of convicted cases over the five-year period 1994/95 to 1998/99. This is consistent with the decline in sentenced admissions to provincial/territorial custody between 1994/95 and 1997/98.<sup>18</sup>

While it is true that only 39% of cases of convicted crimes against the person were sentenced to prison, common assault, which represents the majority (59%) of the cases in this category, has a relatively low use of incarceration (29%). The crimes against the person category has a much higher use of incarceration, with 55% of all convicted cases sentenced to prison in 1998/99 when common assault is excluded from the category. While the number of cases sentenced to prison actually decreased, the proportion of cases where prison was used as a sanction increased slightly, from 33% in 1994/95 to 35% in 1998/99.<sup>19</sup> (Table 3).

Analysis indicates that a substantial proportion of cases involving a crime against the person received probation in addition to a term of imprisonment. In 1998/99, almost three-quarters (72%) of convicted cases of crimes against the person were sentenced to a term of probation, compared to 53% of cases convicted of a crime against property.

## How many people are under correctional supervision?

The size and characteristics of correctional populations (custody and community) are affected by a number of variables, such as changes in the crime rate, sentencing patterns, and legislative reforms relating to sentencing or the parole system.

In 1998/99, an average of 150,986 adult offenders were under the supervision of the correctional system. This represents a decrease of 3% in the average adult correctional population from 1997/98. Of all those supervised, 67% were on probation, 7% on some form of conditional release, and 5% serving a conditional sentence.<sup>20</sup>

In 1998/99, provincial/territorial and federal inmates accounted for about one-fifth (21%) of the average correctional population (12% and 9% respectively). On average, there were 32,411 adult inmates (including those on remand or other temporary forms of detention, such as immigration holds) in provincial/territorial and federal facilities, a slight (1%) decrease from 1997/98.

<sup>15</sup> See C. Ruby (1999) *Sentencing. Fifth Edition*. Toronto: Butterworths.

<sup>16</sup> *Criminal Code*, section 718.1.

<sup>17</sup> Cases can have more than one sentence; therefore, sanctions will not add to 100%.

<sup>18</sup> See the methodology section for more details on the comparisons between the ACCS and the Adult Correctional Services (ACS) Survey.

<sup>19</sup> The trend in actual admissions to correctional facilities indicates that the proportion going into custody is decreasing. It is important to note however that many cases not involving supervision do not form part of the correction caseload, while they are integral components of court caseload (e.g., fines). Given that the rate of decrease of unsupervised dispositions is substantially higher than supervised dispositions, adult criminal court caseload can indicate an increased proportion of sentences to prison, while adult correctional caseload indicates the opposite.

<sup>20</sup> For further information, see “Adult Correctional Services in Canada”, by Jennifer Thomas, *Juristat*, Catalogue 85-002, Vol. 20, No. 2.



Table 3


**Cases by type of sentence for the most serious offence in the case  
Selected provinces and territories in Canada, 1994/95 to 1998/99**

Fiscal Year	Case convictions	Type of sentence for most serious offence					
		Prison		Probation		Fine	
		#	%	#	%	#	%
<b>1994/95 Total</b>	<b>270,874</b>	<b>88,690</b>	<b>32.7</b>	<b>98,891</b>	<b>36.5</b>	<b>127,541</b>	<b>47.1</b>
<b>Criminal Code offences</b>	<b>233,709</b>	<b>82,378</b>	<b>35.2</b>	<b>93,546</b>	<b>40.0</b>	<b>100,262</b>	<b>42.9</b>
Crimes against the person	40,194	15,710	39.1	26,707	66.4	9,862	24.5
Crimes against property	73,398	26,823	36.5	36,871	50.2	23,814	32.4
Other Criminal Code offences	59,636	24,769	41.5	18,793	31.5	21,682	36.4
Traffic-related offences	60,481	15,076	24.9	11,175	18.5	44,904	74.2
<b>Federal Statute offences</b>	<b>37,165</b>	<b>6,312</b>	<b>17.0</b>	<b>5,345</b>	<b>14.4</b>	<b>27,279</b>	<b>73.4</b>
Drug-related offences	16,733	5,092	30.4	4,541	27.1	8,752	52.3
Other federal statutes	20,432	1,220	6.0	804	3.9	18,527	90.7
<b>1995/96 Total</b>	<b>270,204</b>	<b>88,586</b>	<b>32.8</b>	<b>103,368</b>	<b>38.3</b>	<b>121,499</b>	<b>45.0</b>
<b>Criminal Code offences</b>	<b>232,102</b>	<b>81,992</b>	<b>35.3</b>	<b>96,717</b>	<b>41.7</b>	<b>94,366</b>	<b>40.7</b>
Infractions au Code criminel	232,102	81,992	35.3	96,717	41.7	94,366	40.7
Crimes against the person	42,576	16,969	39.9	28,765	67.6	9,806	23.0
Crimes against property	72,895	27,077	37.1	36,993	50.7	21,909	30.1
Other Criminal Code offences	59,358	23,902	40.3	19,878	33.5	20,538	34.6
Traffic-related offences	57,273	14,044	24.5	11,081	19.3	42,113	73.5
<b>Federal Statute offences</b>	<b>38,102</b>	<b>6,594</b>	<b>17.3</b>	<b>6,651</b>	<b>17.5</b>	<b>27,133</b>	<b>71.2</b>
Drug-related offences	18,531	5,521	29.8	5,841	31.5	9,360	50.5
Other federal statutes	19,571	1,073	5.5	810	4.1	17,773	90.8
<b>1996/97 Total</b>	<b>261,644</b>	<b>86,026</b>	<b>32.9</b>	<b>106,872</b>	<b>40.8</b>	<b>115,034</b>	<b>44.0</b>
<b>Criminal Code offences</b>	<b>225,322</b>	<b>79,844</b>	<b>35.4</b>	<b>99,805</b>	<b>44.3</b>	<b>89,338</b>	<b>39.6</b>
Crimes against the person	41,383	16,309	39.4	29,522	71.3	8,553	20.7
Crimes against property	71,870	26,599	37.0	38,174	53.1	20,162	28.1
Other Criminal Code offences	57,792	24,287	42.0	20,972	36.3	19,000	32.9
Traffic-related offences	54,277	12,649	23.3	11,137	20.5	41,623	76.7
<b>Federal Statute offences</b>	<b>36,322</b>	<b>6,182</b>	<b>17.0</b>	<b>7,067</b>	<b>19.5</b>	<b>25,696</b>	<b>70.7</b>
Drug-related offences	18,515	5,143	27.8	6,229	33.6	9,585	51.8
Other federal statutes	17,807	1,039	5.8	838	4.7	16,111	90.5
<b>1997/98 Total</b>	<b>250,073</b>	<b>82,668</b>	<b>33.1</b>	<b>106,438</b>	<b>42.6</b>	<b>103,498</b>	<b>41.4</b>
<b>Criminal Code offences</b>	<b>218,583</b>	<b>76,877</b>	<b>35.2</b>	<b>99,295</b>	<b>45.4</b>	<b>82,550</b>	<b>37.8</b>
Crimes against the person	42,105	15,847	37.6	30,506	72.5	7,629	18.1
Crimes against property	65,643	24,670	37.6	35,978	54.8	16,688	25.4
Other Criminal Code offences	59,204	24,898	42.1	22,443	37.9	18,323	30.9
Traffic-related offences	51,631	11,462	22.2	10,368	20.1	39,910	77.3
<b>Federal Statute offences</b>	<b>31,490</b>	<b>5,791</b>	<b>18.4</b>	<b>7,143</b>	<b>22.7</b>	<b>20,948</b>	<b>66.5</b>
Drug-related offences	11,490	3,159	27.5	4,210	36.6	5,718	49.8
Other federal statutes	20,000	2,632	13.2	2,933	14.7	15,230	76.2
<b>1998/99 Total</b>	<b>240,653</b>	<b>84,011</b>	<b>34.9</b>	<b>100,897</b>	<b>41.9</b>	<b>95,989</b>	<b>39.9</b>
<b>Criminal Code offences</b>	<b>209,923</b>	<b>77,918</b>	<b>37.1</b>	<b>93,783</b>	<b>44.7</b>	<b>75,825</b>	<b>36.1</b>
Crimes against the person	42,654	16,787	39.4	30,786	72.2	7,190	16.9
Crimes against property	63,580	26,098	41.0	33,571	52.8	15,370	24.2
Other Criminal Code offences	60,453	26,381	43.6	22,209	36.7	18,865	31.2
Traffic-related offences	43,236	8,652	20.0	7,217	16.7	34,400	79.6
<b>Federal Statute offences</b>	<b>30,730</b>	<b>6,093</b>	<b>19.8</b>	<b>7,114</b>	<b>23.2</b>	<b>20,164</b>	<b>65.6</b>
Drug-related offences	12,004	3,455	28.8	3,411	28.4	6,004	50.0
Other federal statutes	18,726	2,638	14.1	3,703	19.8	14,160	75.6

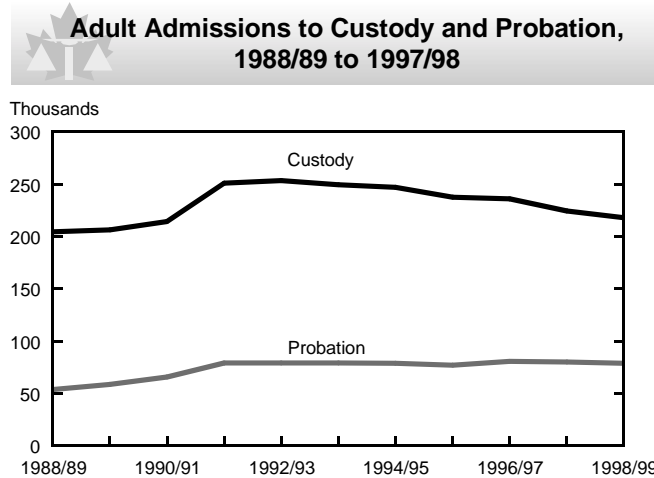
Notes: The sentence types presented are not mutually exclusive and will not total 100%.

Data from the Adult Criminal Court Survey are not nationally comprehensive as they exclude New Brunswick, Manitoba, and British Columbia for all years and Northwest Territories for 1996-97.

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

Similar to trends in the crime rate, admissions to federal and provincial/territorial custody have steadily decreased (Figure 10). In 1998/99, there were 218,242 admissions to federal and provincial/territorial adult correctional facilities. This number is 3% less than 1997/98 levels and represents the sixth consecutive year of decreased admissions. The majority of this decrease occurred in provincial/territorial facilities where 210,591 total admissions represented a decline of 3% from 1997/98. On the other hand, the 7,418 federal admissions represent an increase of 3% from 1997/98, after having decreased steadily for four years.

Figure 10



Source: Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

The type of federal and provincial/territorial admissions also differs. Almost 61% of inmates admitted to federal custody are serving court-ordered sentences; however, at the provincial/territorial level 44% of inmates have been admitted to sentenced custody. This difference occurs because, at the provincial/territorial level, one in two inmates have been remanded to custody. This means that these individuals are awaiting trial, sentencing, or are being held for other reasons after which they may commence provincial/territorial sentenced custody, federal custody if the sentence is longer than two years, or community-based dispositions such as probation. There were 104,975 remand admissions in 1998/99, consistent with 1997/98. Nonetheless, admissions to both federal and provincial/territorial sentenced custody have followed the overall patterns (i.e. declining 4% provincially and increasing 6% federally from 1997/98 levels).

There are other individuals held in custody, some of whom may not have been accused of committing an offence. Individuals detained on "other/temporary detention" status include persons held for immigration purposes, offenders held on exchange of service agreement or those in transit. In 1998/99, there were 12,571 admissions to provincial/territorial custody for such reasons, a decrease of 2% over 1997/98.

### Who is in custody?

Women represent a small proportion of those admitted to provincial/territorial custody and federal prison (9% and 4%

respectively). In 1998/99, males represented 91% of all offenders admitted to provincial and territorial custody, a percentage that has not changed since 1992/93. Males represented a similar proportion (96%) of offenders sent to federal prisons in 1998/99.

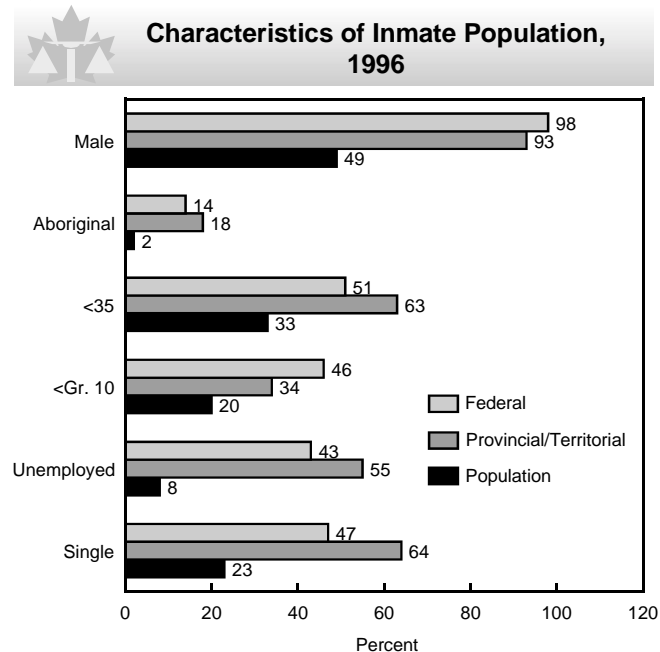
The prison population is getting older in provincial and territorial institutions, but getting younger in federal prisons. For provincial and territorial inmates, the median age ranged from a low of 29 years in Saskatchewan to a high of 34 years in Quebec. On the other hand, the median age of offenders in federal prisons was 31 in 1998/99, the same as the previous year.

The median time that federal inmates served in penitentiaries during 1998/99 was 37 months, the same as the previous year. Those serving life sentences represented 4% of the population in federal prisons in 1998/99, almost unchanged from the year before.

The Canadian Centre for Justice Statistics conducted a One-Day Snapshot of inmates in adult correctional facilities in Canada on October 5<sup>th</sup>, 1996. Based on these data, in-depth information on the characteristics of inmates on-register in correctional facilities can be examined.

In addition to the characteristics previously mentioned, analysis of the One-Day Snapshot reveals the inmate population to be: disproportionately Aboriginal (17% as compared to 3% of the general population); experiencing much higher unemployment at the time of admission; and more likely to be single. It was also found that 83% of inmates had at least one previous conviction as adults. Specifically, 72% had a prior term of provincial/territorial incarceration, and 49% had a previous probation term.

Figure 11



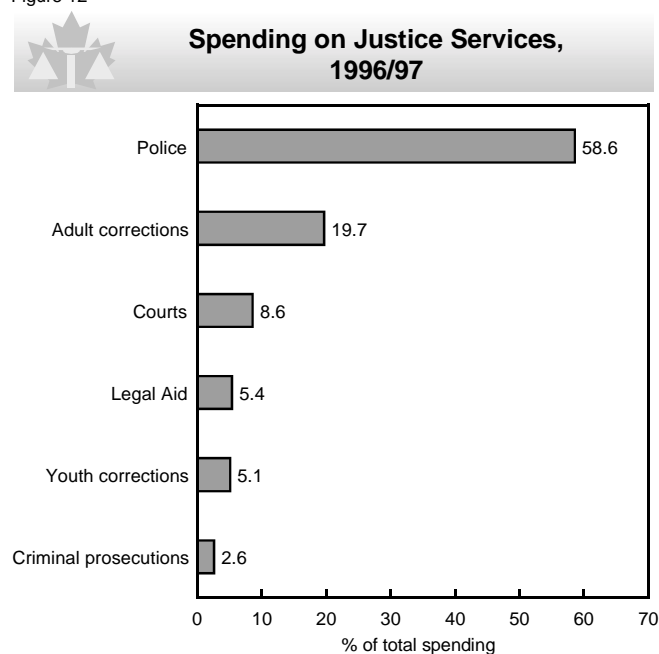
Source: One-Day Snapshot of Inmates in Adult Correctional Facilities, 1996, Canadian Centre for Justice Statistics.

## What do justice services cost?

Each year, governments must decide how to allocate funding to various competing priorities. Should more money be spent on health, education, or the environment? Another area where governments must decide is on what should be spent in the justice system, including policing, courts and the correctional system.<sup>21</sup>

By far the largest portion of justice dollars were spent on policing, which accounted for 59% of total spending (see Figure 12). The next most costly area was adult corrections (20%), followed by courts (9%). When spending figures are adjusted for inflation and changes in the population, spending on justice services appears to be decreasing; per capita spending (1996/97) was down approximately 2% from the year before.<sup>22</sup>

Figure 12



**Sources:** *Justice Canada, Young Offenders Cost-Sharing Agreements and Statistics Canada, Canadian Centre for Justice Statistics, Police Administration Annual Survey; Courts Resources, Expenditures and Personnel Survey; Criminal Prosecutions Resources, Expenditures and Personnel Survey; Legal Aid Survey; and Adult Correctional Services Survey.*

In 1998/99, overall operating expenditures for federal and provincial/territorial adult corrections reached \$2.26 billion compared with \$2.08 billion in 1997/98, an increase of 9%. However, after adjusting to control for inflation, total operating expenditures were \$2.08 billion in 1992/93 dollars, an 8% increase over 1997/98.

Despite the overall decline in justice spending, federal operating expenditures on corrections (including parole) reached \$1.14 billion in 1998/99, up 11% from 1997/98 while provincial/territorial levels reached \$1.11 billion, a 6% increase over 1997/98.

Correctional services continue to account for a large portion of justice spending. In 1998/99, the average daily cost of housing an inmate at the federal level was \$171, up 10% from 1997/98, however, the average daily cost of housing inmates at the provincial/territorial levels actually declined marginally (0.5%) to \$123. It is important to note that the average daily inmate cost varies substantially across the country. In 1998/99, it ranged from a low of \$81 per inmate per day in Alberta, to a high of \$230 in Yukon.

## Data Sources

### Adult Correctional Services (ACS) Survey

The Adult Correctional Services Survey is designed to collect information on adult offenders 18 years of age and over. Data pertain to both the provincial/territorial and federal corrections sectors. Information is collected on caseload (e.g., average daily counts and total number of admissions to custody and community corrections) and case characteristics (e.g., age, sex and aboriginal status of the inmate, and length of custody). The survey has full national coverage.

### Adult Criminal Court Survey (ACCS)

The ACCS collects detailed information on appearances, charges, and cases heard in adult criminal courts in Canada. In 1998/99, adult provincial/territorial courts in seven provinces and two territories (Newfoundland, Prince Edward Island, Nova Scotia, Quebec, Ontario, Saskatchewan, Alberta, Yukon and the Northwest Territories) contributed data to the survey. This represented approximately 80% of the national adult criminal court caseload. Sentencing information does not include cases that are transferred to superior courts. The cases heard by superior courts tend to be the most serious. The primary unit of analysis for the survey is the case, which is defined as one or more charges laid against an individual and disposed of in court on the same day. Individuals include persons 18 years or older and youths who have been transferred to adult court. Among other things, the ACCS collects information on how the case was disposed (transferred to superior court, found guilty, stayed/withdrawn, acquitted) and the type of sentence (prison, probation, fine, restitution, other).

### Homicide Survey

This survey provides police-reported information on the characteristics of homicide victims, homicide incidents, and those accused of homicide. The survey has collected detailed information on all homicides in Canada since 1961. It was revised in 1991 and 1997 in order to improve and expand upon the information being collected.

<sup>21</sup> Where appropriate, data are expressed in constant dollars, to remove the effects of inflation, and on a per capita basis, to eliminate the effects of differences in the population across the country and over time. Data for the report come from several sources, including the Canadian Centre for Justice Statistics' resource, expenditure and personnel surveys; Statistics Canada's Financial Management System; and Justice Canada. Depending on the source, the data cover the period up to 1996/97, 1997/98, or 1998/99. The data on justice expenditures generally include operating costs, but exclude capital costs, such as building construction.

<sup>22</sup> For further information, see "Justice Spending in Canada", by Sandra Besserer and Jennifer Tufts, *Juristat*, Catalogue 85-002, Vol. 19, No. 12.

## One-Day Snapshot

On October 5, 1996, the Canadian Centre for Justice Statistics, in collaboration with federal and provincial/territorial corrections authorities, conducted a census of inmates in all adult correctional facilities in Canada. A Saturday was chosen in order to include inmates serving intermittent sentences. The data include inmate demographic and background information (e.g. marital status, education, employment, criminal history), case characteristics, such as offence and sentencing data and program needs of inmates.

## Police Administration Statistics Annual Survey

The Police Administration Statistics Annual Survey collects national statistics on personnel and expenditures from municipal, provincial and federal police forces. Personnel counts are based on permanent, full-time equivalents; part-time employees are converted to full-time equivalents (e.g. 4 employees working 10 hours per week would equal 1 full-time employee).

## Uniform Crime Reporting Survey (UCR)

The UCR is a summary, or aggregate-based survey that records the number of criminal incidents reported to the police. It does not gather information on the victims, but does collect information on the number of persons charged by sex and by an adult/youth breakdown. For all violent crimes (except robbery), a separate incident is counted for each victim. For non-violent crimes, one incident is counted for each distinct occurrence. Incidents that involve more than one infraction are counted under the most serious violation. As a result, less serious offences are undercounted. The survey has been in operation since 1962 and has full national coverage.

## Incident-based Uniform Crime Reporting (UCR2)

In 1984, the UCR survey was redeveloped to expand the information collected. This expanded survey, called the Incident-based Uniform Crime Reporting Survey (UCR2), provides detailed information on criminal incidents reported to the police. Information includes the age and sex of the accused and the victim, the relationship of the victim to the accused, and the location of the incident. The 1998 data were collected from 169 police departments in six provinces (New Brunswick, Quebec, Ontario, Saskatchewan, Alberta and British Columbia) and represented about 46% of the national volume of crime. The data are primarily from urban police departments and are not nationally representative. The exception to this urban sample is in Quebec, where all police departments (municipal and provincial) report to the UCR2.

## Youth Court Survey (YCS)

The Youth Court Survey collects information on federal statute cases heard in youth courts across Canada. Federal statutes include the Criminal Code, Food and Drugs Act, Narcotic Control Act and the Young Offenders Act. Information is collected on charges, cases and accused persons aged 12 to 17 (up to the 18<sup>th</sup> birthday) at the time of the offence. Most analysis is based on the case, which is defined as one or more charges against the same person and presented in court on the same date. Cases are classified according to the most serious charge in the case, resulting in an undercounting of

less serious offences. The kind of information collected by the YCS includes the type of decision (transfer to adult court, guilty, not guilty, stayed, dismissed, withdrawn and other) and the type of disposition (including secure custody, open custody, probation, fine, and compensation).

## The Youth Custody and Community Services (YCCS) Survey

The YCCS survey is a micro data survey which focuses on statistical information for young offenders serving a sentence within a custodial facility or in the community. The survey is organized according to five distinct record types: Youth, Charge, Disposition, Event and Review. Although micro data were still limited, aggregate data for 1997/98 were available for every province and territory except Saskatchewan.

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