



Juristat

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ADULT CRIMINAL COURT STATISTICS, 2000/01

by *Mikhail Thomas*¹

Highlights

- In the fiscal year 2000/01, adult criminal courts in eight provinces and territories (not including New Brunswick, Manitoba, British Columbia, the Northwest Territories, and Nunavut) processed 375,466 cases involving 816,449 charges, a 1% decrease from the previous year. Since 1996/97, total cases have declined by 10% in these jurisdictions.
- *Crimes Against the Person* (e.g., homicide, robbery, assaults) accounted for 21% of the cases heard in 2000/01, *Crimes Against Property* (e.g., break and enter, theft, fraud) accounted for 24%, and *Other Criminal Code Violations* (e.g., administration of justice and weapons) accounted for 30%. *Criminal Code Traffic* comprised 13% of all cases. The remaining 12% of cases dealt with *Other Federal Statutes* (e.g., Controlled Drugs and Substances Act, Firearms Act, Income Tax Act).
- The two offences most frequently heard in court were common assault (12%) and impaired driving (12%).
- Since 1996/97, the distribution of cases across the offence categories has remained relatively stable. Two exceptions are impaired driving, which has decreased from 15% to 12% of total cases, and administration of justice (e.g., failure to appear in court, and failure to comply with a probation order) which has increased from 9% to 11%.
- Of total cases in 2000/01, 32% were resolved within a month, and less than half (44%) took between one and eight months to complete. It took between eight months and one year to complete 13% of cases, and the elapsed time was more than one year in 11% of cases heard.
- The average number of charges per case has increased 5%, rising from 2.06 in 1996/97 to 2.17 in 2000/01. The proportion of cases with three or more charges has increased from 18% of all cases in 1996/97 to 21% in 2000/01.
- A conviction was recorded in 61% of the 375,466 cases heard in court in 2000/01. The proportion of cases resulting in a conviction has varied by three percentage points over the past five years.
- A term of probation was the most frequently imposed sanction (44% of convicted cases). A fine was imposed in 37% of cases, and a term of imprisonment in 35% of cases.
- The proportion of cases sentenced to prison varies across the country. In 2000/2001, the highest incarceration rate was in Prince Edward Island, where 59% of convicted cases resulted in a term of imprisonment, while the lowest incarceration rate was in Saskatchewan, where prison was imposed in 22% of cases.
- The median amount of fine, which was \$300 between 1996/97 and 1999/00, increased to \$400 in 2000/01.

¹ Analyst, Courts Program.



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INTRODUCTION

Courts are responsible for making a number of critical decisions about a criminal case. These decisions include the determination of whether the Crown has established the guilt of the accused beyond a reasonable doubt, and for those offenders found guilty (or who plead guilty), the court must determine the nature of the sentence that will be imposed.

This *Juristat* summarises trends from adult provincial/territorial criminal courts in the seven provincial and one territorial departments of justice (**Box 1**) which provided data to the Adult Criminal Court Survey (ACCS) for the 2000/01 fiscal year. In this *Juristat* information is presented on the characteristics of cases and accused persons, the number of appearances, conviction rates, sentencing trends and related issues.

Box 1 About the Survey

The analysis in this report is based on data from the Adult Criminal Court Survey. Data on disposed federal statute charges 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 presented against an individual and disposed of in court on the same day. All case information that is used to define the case, is determined by the "most serious offence", as described in the methodology section. The individuals involved are persons 18 years or older at the time of the offence, 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. Reporting jurisdictions include: Newfoundland and Labrador, Prince Edward Island, Nova Scotia, Quebec, Ontario, Saskatchewan, Alberta, and Yukon. In addition, in 2000/01 Prince Edward Island, Alberta and the Yukon reported Superior Court data to the ACCS. These eight jurisdictions represent approximately 80% of the national adult criminal court caseload. The information presented in this report covers only these eight participating jurisdictions. The remaining jurisdictions² (i.e., New Brunswick, Manitoba, and British Columbia and Nunavut) will be supplying data to the survey within the next few years.

OVERVIEW OF TRENDS

The number of cases heard in adult criminal court has declined, but the average number of charges per case has increased

In 2000/01, adult criminal courts in eight provinces and territories processed 375,466 cases involving 816,449 charges. The number of cases processed in 2000/01 represents a 1% decline for the same eight jurisdictions over the previous year, and a drop of 10% for the same eight jurisdictions since 1996/97.

The large majority of cases (88%) had a *Criminal Code* charge as the most serious offence in the case.³ *Crimes Against Property* accounted for 24%, and *Crimes Against the Person* accounted for a further 21% of the total number of cases (**Table 1**). *Criminal Code Traffic* comprised 13% of all cases, while the category *Other Criminal Code Violations* (which includes weapons offences and public order offences, among others) represented 30% of all cases. The remaining 12% of cases dealt with *Other Federal Statutes*.⁴ In 1996/97, *Crimes Against the Person* accounted for 20% of all cases, and *Crimes Against Property*, 27% of all cases.

² In 2000/01, the Northwest Territories did not participate in the survey. In 1999/00, data from the Northwest Territories (for the three fiscal quarters reported) accounted for 0.4% of the total caseload reported to the ACCS.

³ For statistical purposes, when a case has more than one charge, it is necessary to decide which charge will be used to represent the case. If the case includes a conviction, that charge will always be considered the most serious. The most serious offence in a case with multiple convictions is determined based on the type of convicted offences and the sentences imposed. See the methodology section for more details.

⁴ *Other Federal Statutes* refers to offences against Canadian federal statutes, such as the *Customs Act*, the *Employment Insurance Act*, *Firearms Act*, the *Income Tax Act*, and the *Controlled Drugs and Substances Act*. This offence category excludes *Criminal Code* offences.

The average number of charges per case has increased 5%, rising from 2.06 in 1996/97 to 2.17 in 2000/01. Multiple-charge cases⁵, which are more complex and often more serious, increased from 46% of all cases in 1996/97 to 48% in 2000/01. In 2000/01, 27% of all cases involved two charges and 21% had three or more charges.

Impaired driving and common assault are the most frequent offences

In 2000/01, the most frequently occurring offences were common assault⁶ (12%) and impaired driving (12%). Administration of justice offences, which are offences related to case processing (e.g., failure to appear in court, and failure to comply with a probation order), represented 11% of all cases, theft offences represented 10% of cases, while major assault comprised 6% of cases. Taken together, all forms of sexual assault and sexual abuse accounted for less than 2% of the caseload in adult criminal courts. Homicide, attempted murder, and kidnapping together accounted for 0.3% of total cases (Table 1).

Table 1

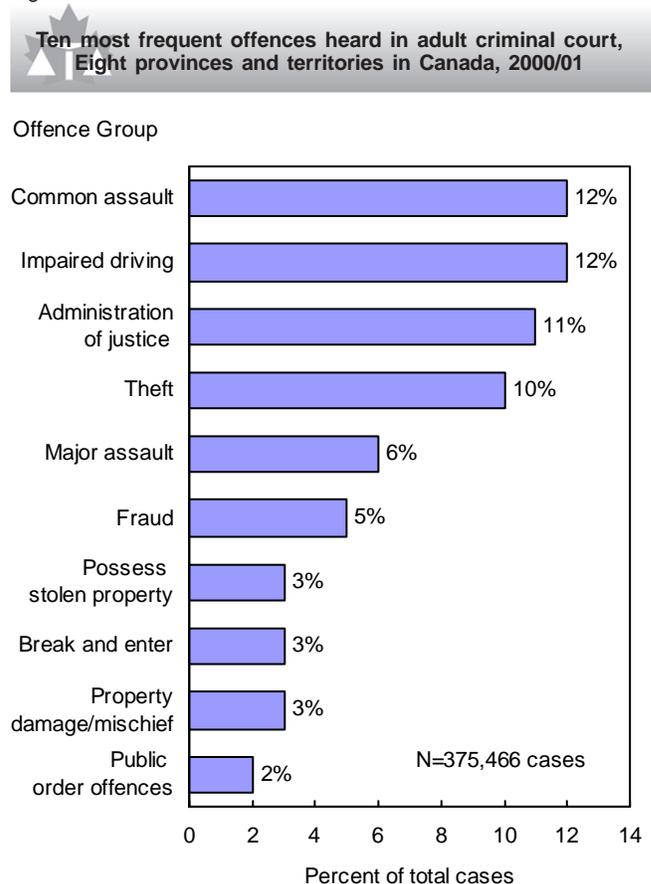
Cases heard in adult criminal court, Eight provinces and territories in Canada, 2000/01		
Offence Group	Total Cases	%
Total Offences	375,466	100.0
Criminal Code Total	331,667	88.3
Crimes Against the Person	78,146	20.8
Homicide and related	404	0.1
Attempted murder	277	0.1
Robbery	4,276	1.1
Kidnapping	363	0.1
Sexual assault	4,881	1.3
Sexual abuse	1,189	0.3
Major assault	21,332	5.7
Abduction	110	0
Common assault	45,314	12.1
Crimes Against Property	90,449	24.1
Break and enter	11,777	3.1
Arson	601	0.2
Fraud	19,018	5.1
Possess stolen property	12,008	3.2
Theft	35,719	9.5
Property damage/mischief	11,326	3.0
Other Criminal Code Violations	112,668	30.0
Weapons	7,256	1.9
Administration of justice	42,370	11.3
Public order offences	9,020	2.4
Morals - sexual	4,164	1.1
Morals - gaming	792	0.2
Unspecified Criminal Code	49,066	13.1
Criminal Code Traffic	50,404	13.4
Other Criminal Code traffic	7,187	1.9
Impaired driving	43,217	11.5
Other Federal Statute Total	43,799	11.7

Notes: Adult Criminal Court Survey data are not reported by New Brunswick, Manitoba, British Columbia, Northwest Territories, and Nunavut.

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

Since 1996/97, the distribution of cases across the offence categories has remained relatively stable. The most notable exceptions include impaired driving, which has decreased from 15% to 12% of total cases, and administration of justice (e.g., failure to appear in court, and failure to comply with a probation order) which has increased from 9% to 11%. Figure 1 illustrates the distribution of cases for the most frequently occurring offences and offence categories.

Figure 1



Note: Adult Criminal Court Survey data are not reported by New Brunswick, Manitoba, British Columbia, Northwest Territories, and Nunavut.

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

⁵ 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.

⁶ There are three levels of assault in the Criminal Code: (Assault Level 1, s. 266), (Assault Level II, s. 267), (Assault Level III, s. 268). Common assault (Assault Level 1, s. 266) is the least serious of the three types of assault in the Criminal Code. A common assault has been committed when an individual intentionally applies force or threatens to apply force to another person, without that person's consent. Major assault is an offence category that includes the higher levels of assault in the Criminal Code: assault with a weapon (Assault Level II, s. 267), aggravated assault (Assault Level III, s. 268), and other assaults (e.g., assaulting a police officer, and unlawfully causing bodily harm).

DEMOGRAPHIC CHARACTERISTICS OF PERSONS APPEARING IN COURT

Most adult criminal court cases involve males

Fully 83% of all cases at the adult criminal court level involved male accused, while 15% of cases involved a female accused. In 2000/01, less than 1% of the cases involved a company as the accused. In the remaining cases (less than 2%), the sex of the accused was not recorded.

Although males accounted for the majority of cases, the distribution varied by type of offence. For *Crimes Against the Person*, 85% of cases involved males, while males were involved in 78% of *Crimes Against Property*, and 86% of cases for *Criminal Code Traffic*. The few offences for which females accounted for significant percentages of cases included:

morals-sexual offences (43%, primarily soliciting), abduction (44%, mainly child related), fraud (28%), and theft (27%, including shoplifting).

Younger adults are over represented in court cases

Younger adults were over represented in court when comparing the age distribution of the offender to the age distribution of the adult population. In 2000/01, 18 to 24 year olds comprised 12% of the adult population, but accounted for 31% of all cases in adult criminal court.⁷ Offenders under 45 years of age accounted for 85% of the total cases heard in adult criminal court and 53% of the adult population. In contrast, persons 55 or older represented 28% of the adult population, but accounted for 5% of adult criminal court cases (**Table 2**).

⁷ Excludes 10,775 (2.9%) cases where age of the accused was unknown and 712 (0.2%) cases against companies.

Table 2

Offence Group	Total Cases	Cases by age of accused, Eight provinces and territories in Canada, 2000/01									
		Age Group									
		18 to 24		25 to 34		35 to 44		45 to 54		55 plus	
	#	%	#	%	#	%	#	%	#	%	
Total Offences	363,979	111,334	30.6	106,966	29.4	92,315	25.4	36,950	10.2	16,414	4.5
Criminal Code Total	322,247	94,782	29.4	95,741	29.7	83,529	25.9	33,330	10.3	14,865	4.6
Crimes Against the Person	75,691	18,872	24.9	24,001	31.7	21,465	28.4	7,942	10.5	3,411	4.5
Homicide and related	347	108	31.1	99	28.5	68	19.6	42	12.1	30	8.6
Attempted murder	258	92	35.7	80	31.0	54	20.9	19	7.4	13	5.0
Robbery	4,177	1,926	46.1	1,271	30.4	749	17.9	196	4.7	35	0.8
Kidnapping	357	127	35.6	131	36.7	67	18.8	25	7.0	7	2.0
Sexual assault	4,770	847	17.8	1,393	29.2	1,369	28.7	675	14.2	486	10.2
Sexual abuse	1,166	184	15.8	263	22.6	364	31.2	196	16.8	159	13.6
Major assault	20,705	6,163	29.8	6,629	32.0	5,270	25.5	1,843	8.9	800	3.9
Abduction	103	15	14.6	36	35.0	43	41.7	8	7.8	1	1.0
Common assault	43,808	9,410	21.5	14,099	32.2	13,481	30.8	4,938	11.3	1,880	4.3
Crimes Against Property	88,559	33,233	37.5	25,210	28.5	19,883	22.5	7,211	8.1	3,022	3.4
Break and enter	11,604	5,888	50.7	3,227	27.8	1,958	16.9	429	3.7	102	0.9
Arson	589	237	40.2	144	24.4	123	20.9	63	10.7	22	3.7
Fraud	18,531	5,329	28.8	6,196	33.4	4,722	25.5	1,725	9.3	559	3.0
Possess stolen property	11,800	5,270	44.7	3,364	28.5	2,241	19.0	716	6.1	209	1.8
Theft	34,884	11,868	34.0	9,116	26.1	8,502	24.4	3,541	10.2	1,857	5.3
Property damage/mischief	11,151	4,641	41.6	3,163	28.4	2,337	21.0	737	6.6	273	2.4
Other Criminal Code Violations	107,878	33,032	30.6	32,956	30.5	27,371	25.4	10,298	9.5	4,221	3.9
Weapons	7,012	2,372	33.8	1,796	25.6	1,468	20.9	867	12.4	509	7.3
Administration of justice	41,830	14,352	34.3	12,995	31.1	10,061	24.1	3,349	8.0	1,073	2.6
Public order offences	8,901	3,431	38.5	2,839	31.9	1,819	20.4	602	6.8	210	2.4
Morals - sexual	4,102	727	17.7	1,479	36.1	1,200	29.3	466	11.4	230	5.6
Morals - gaming	697	46	6.6	155	22.2	183	26.3	166	23.8	147	21.1
Unspecified Criminal Code	45,336	12,104	26.7	13,692	30.2	12,640	27.9	4,848	10.7	2,052	4.5
Criminal Code Traffic	50,119	9,645	19.2	13,574	27.1	14,810	29.5	7,879	15.7	4,211	8.4
Other Criminal Code traffic	7,112	1,566	22.0	2,246	31.6	1,990	28.0	890	12.5	420	5.9
Impaired driving	43,007	8,079	18.8	11,328	26.3	12,820	29.8	6,989	16.3	3,791	8.8
Other Federal Statute Total	41,732	16,552	39.7	11,225	26.9	8,786	21.1	3,620	8.7	1,549	3.7

Notes: Due to rounding, percentages may not add to 100.

Age is the age of the accused at the time of the offence.

Excludes 10,775 (2.9%) cases where age of the accused was unknown and 712 (0.2%) cases against companies.

Age unknown includes accused under the age of 18 at the time of offence.

Adult Criminal Court Survey data are not reported by New Brunswick, Manitoba, British Columbia, Northwest Territories, and Nunavut.

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

CASE PROCESSING

An offender's right to be brought to trial in a timely manner is a fundamental principle within the Canadian criminal justice system. Preparations for each case commence in the court registry with the scheduling of the first court appearance, and continue with further co-ordination of judicial resources throughout the criminal court process. There are a variety of factors, many of which are not under the direct control of the courts, that affect both case management and processing. Such factors include: the volume of cases being processed by a court; the complexity of cases; the types of offences being prosecuted; issues related to the co-ordination and availability of various participants within the criminal justice process; lawyers' decisions on the most appropriate course of action for their clients; and accused failing to appear in court.

Median elapsed time from first to last court appearance just over 4 months

The amount of time it takes to complete the processing of a case has always been an important issue for court administrators, but since the 1990 Supreme Court decision in *R. v. Askov*⁸, the case elapsed time issue is even more visible. In 2000/01, 17% of cases were dealt with at the first appearance. The median⁹ elapsed time from first to last appearance for cases with more than one appearance was slightly more than four months (124 days). Cases requiring more appearances took longer to complete. The median time for cases with four appearances was 103 days, and for cases with six or more appearances it was 243 days (Table 3).

Cases are taking more time to process

Between 1996/97 and 2000/01, the overall median elapsed time from first to last appearance in court for total cases increased 9% from 80 to 87 days. The median processing time for the least complex cases, those with a single charge, increased 22%, from 63 to 77 days, while the processing time for more complex cases (i.e., multiple-charge cases) was 98 days in both years.

Table 3

 Median elapsed time by number of appearances, Eight provinces and territories in Canada, 2000/01		
Number of Appearances in the Case	Total Cases	Median Time (days)
One Appearance	64,688	0
Two Appearances	56,373	24
Three Appearances	51,221	63
Four Appearances	43,924	103
Five Appearances	34,966	139
Six or more Appearances	124,294	243
TOTAL	375,466	87

Notes: Zero (i.e., the case was completed in a single appearance).
 The median represents the mid-point of a group of values when all the values are sorted by size.
 Median elapsed time is measured from first to last court appearance.
 Adult Criminal Court Survey data are not reported by New Brunswick, Manitoba, British Columbia, Northwest Territories, and Nunavut.

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

Eleven percent of cases took more than 1 year to resolve

Of total cases in 2000/01, 32% were resolved within a month, and less than half (44%) took between one and eight months to complete. It took between eight months and one year to complete 13% of cases, and the elapsed time was more than one year in 11% of cases heard.

The distribution of cases across these elapsed time categories has changed in the last five years. The number of cases taking more than one year has risen 6% since 1996/97, while the number of cases requiring one appearance decreased 24% over the same period.

Some offences take longer to resolve than others, such as sexual abuse, sexual assault, gaming and homicide. Sexual assault and sexual abuse cases had a median elapsed time of 221 and 239 days respectively in 2000/01. In 1996/97, the median elapsed time for these types of cases was, respectively, 182 and 191 days. These median values can be compared to the overall median elapsed time for *Crimes Against the Person*, 118 days in 1996/97 and 126 days in 2000/01. One of the shortest median elapsed times in 2000/01 occurred for administration of justice cases (26 days).

Cases have become more complex

The percentage of cases taking six or more appearances increased from 26% to 33% over the past five years. The mean number of appearances per case has increased 19%, from 4.2 appearances in 1996/97 to 5.0 appearances in 2000/01. This suggests that although the total number of cases being processed by the courts has been falling, the demand on court resources by these complex cases has increased.

The composition of cases being heard is one factor that has contributed to this increase. Cases involving multiple charges require a higher mean number of appearances to be resolved than cases involving a single charge (5.5 appearances versus 4.6). From 1996/97 to 2000/01, multiple-charge cases have increased from 46% to 48% of cases heard in court. The largest increase in the proportion of multiple-charge cases occurred for public order offences, rising from 31% in 1996/97 to 52% in 2000/01. The percentage of multiple-charge cases declined for homicide, attempted murder, impaired driving and gaming offences.

The proportion of cases with three or more charges has increased from 18% of all cases in 1996/97 to 21% in 2000/01. The proportion of multiple-charge cases with six or more appearances increased from 30% of all multiple-charge cases to 37% of all multiple-charge cases during this same period.

⁸ 59 C.C.C. (3d) 449. In this decision, the Supreme Court affirmed the right of an accused to be brought to trial without excessive delay. Further clarification of the issue was provided in *R. v. Morin* (1992) 71 C.C.C. (3d) 193 (S.C.C.). The judgement in *Morin* suggested that an eight to ten month delay was tolerable between charges being laid and the subsequent trial in provincial court.

⁹ The median represents the mid-point of a group of values when all the values are sorted by size.

OVERVIEW OF CASE OUTCOMES

Conviction rates stable over the period 1996/97 to 2000/01

A conviction was recorded in 61% of cases heard in court in 2000/01 (Figure 2).¹⁰ In 33% of the cases the most serious offence was resolved by being stayed, withdrawn, or dismissed and 2% of the cases resulted in the acquittal of the accused. The proportion of cases resulting in a conviction has varied by three percentage points over the past five years.

Conviction rates vary by offence group

Criminal Code Traffic offences had the highest conviction rate (76%) in 2000/01 (Figure 3). Several factors impact on differing conviction rates for offence categories. For example, some crimes may be easier to prove than others, depending on the number and availability of witnesses and the complexity of

¹⁰ The calculation of conviction rates excludes 3,701 (1.0%) cases with final decisions of 'Commit for Trial in Superior court' and 'Re-election to Provincial Court'.

Box 2

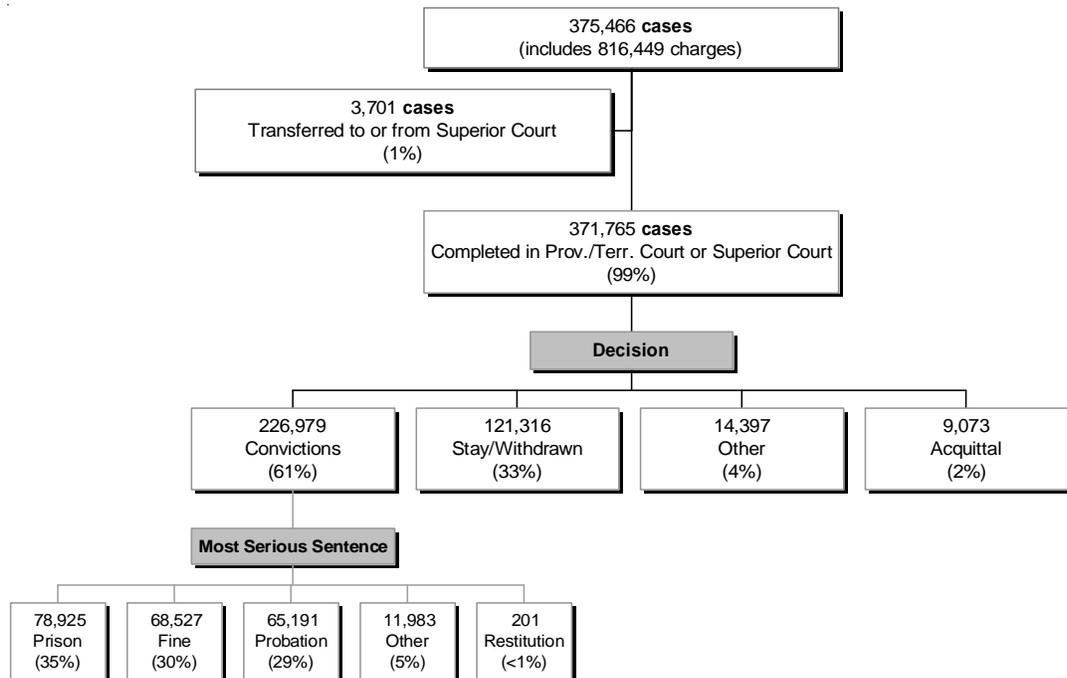
Decisions in Adult Provincial/Territorial Criminal Court

The decision categories in this report are as follows:

- **Guilty** includes guilty of the charged offence, of an included offence, of an attempt of the charged offence, or of an attempt of an included offence.
- **Superior Court** represents criminal proceedings that have been transferred to another level of court. This includes cases in provincial/territorial criminal court that are transferred to Superior Court, and Superior Court cases that have a re-election back to provincial court as their final appearance. In 2000/01, Prince Edward Island, Alberta and the Yukon supplied criminal trial data from Superior court, and data on the re-election of cases back to provincial court.
- **Other Decision** includes found not criminally responsible, waived in province/territory, and waived out of province/territory. This category also includes any order that does not carry a conviction, the court's acceptance of a special plea, cases which raise Charter arguments and cases where the accused was found unfit to stand trial.
- **Stay/Withdrawn/Dismissed** includes stay of proceedings, and withdrawn/dismitted/discharged at preliminary inquiry. These decisions 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.

Figure 2

Adult court processing of federal statute cases in provincial and selected superior courts, Eight provinces and territories in Canada, 2000/01

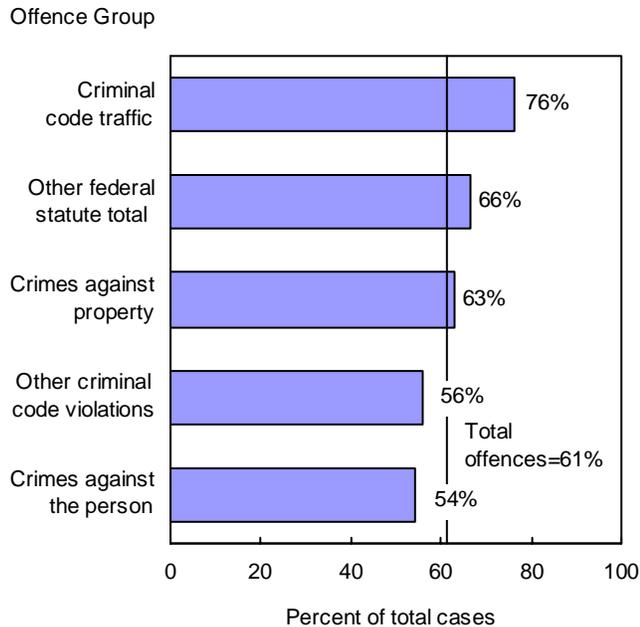


Notes: The calculation of conviction rates excludes 3,701 (1.0%) cases with final decisions of 'Commit for Trial in Superior court' and 'Re-election to Provincial Court'. Superior Court transfers represent cases where the last available disposition is a change in court level (i.e., Committed for Trial in Superior Court, and Re-election to Provincial Court). Dispositions of this type indicate an incomplete criminal trial process, where the guilt or innocence of the accused has not been determined. In 2000/01, Prince Edward Island, Alberta and the Yukon supplied criminal trial data from Superior court, and data on the re-election of cases back to provincial court. Quebec was unable to provide data on restitution for 2000/01. Of convicted cases in Quebec in 1999/00, 81 (0.2%) had a Most Serious Sentence of restitution. The sentence was not known in 2,152 (0.9%) convicted cases in 2000/01. Adult Criminal Court Survey data are not reported by New Brunswick, Manitoba, British Columbia, Northwest Territories, and Nunavut.

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

evidence presented by the Crown. As well, the number of charges the police lay for each incident will influence the number of charges coming into court and may have an impact on the distribution of case decisions if some charges are dropped.

Figure 3
 Conviction rates for cases, Eight provinces and territories in Canada, 2000/01



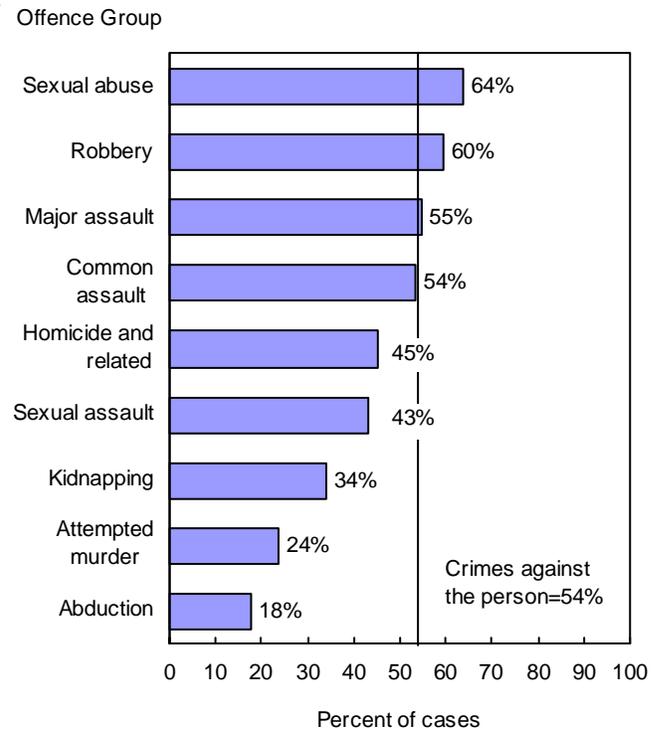
Note: The calculation of conviction rates excludes 3,701 (1.0%) cases with final decisions of 'Commit for Trial in Superior court' and 'Re-election to Provincial Court'. Adult Criminal Court Survey data are not reported by New Brunswick, Manitoba, British Columbia, Northwest Territories, and Nunavut.
Source: Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

On average, 54% of *Crimes Against the Person* resulted in a conviction (Figure 4). As can be seen, there was considerable variability, with the conviction rates ranging from 18% for abduction to 60% for robbery and 64% for sexual abuse. In contrast to *Crimes Against the Person*, there was considerable uniformity in the conviction rates for *Crimes Against Property*, with the conviction rates ranging from 60% for arson to 69% for break and enter. On average, 63% of *Crimes Against Property* resulted in a conviction (Figure 5).

Quebec, Newfoundland and Labrador, and Prince Edward Island have higher conviction rates

As can be seen in Table 4, overall conviction rates were highest in Quebec (73%), Newfoundland and Labrador (73%), and Prince Edward Island (70%), and lowest in Nova Scotia (53%), Ontario (57%) and the Yukon (51%).

Figure 4
 Conviction rates for cases with a crime against the person as the most serious offence in the case, Eight provinces and territories in Canada, 2000/01



Note: The calculation of conviction rates excludes 1,836 (2.3%) *Crimes Against the Person* cases with final decisions of 'Commit for Trial in Superior court' and 'Re-election to Provincial Court'. Adult Criminal Court Survey data are not reported by New Brunswick, Manitoba, British Columbia, Northwest Territories, and Nunavut.
Source: Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

There are several possible factors that influence variations in conviction rates between those provinces with high conviction rates and those with lower conviction rates. First, some jurisdictions use diversion and alternative measures to a greater extent, which affects the number and types of cases that proceed to court. Secondly, the use of stays and withdrawals varies across the country, and this will have an impact on the percentage of cases in which a conviction is recorded. For example, 41% of cases were stayed or withdrawn in Ontario, whereas 11% were terminated in this way in Quebec. Thirdly, the use of pre-charge screening by the Crown, which occurs in Quebec,¹¹ may also affect the percentage of convictions through increased vetting of charges. Finally, the number of charges laid against an individual in relation to similar incidents may vary from one jurisdiction to another. For example, the same criminal incident may result in one charge (e.g., major assault) in one jurisdiction, and two charges (e.g., major assault and attempted murder) in another jurisdiction.

¹¹ New Brunswick and British Columbia also have pre-charge screening, but these jurisdictions do not currently report to the Adult Criminal Court Survey.

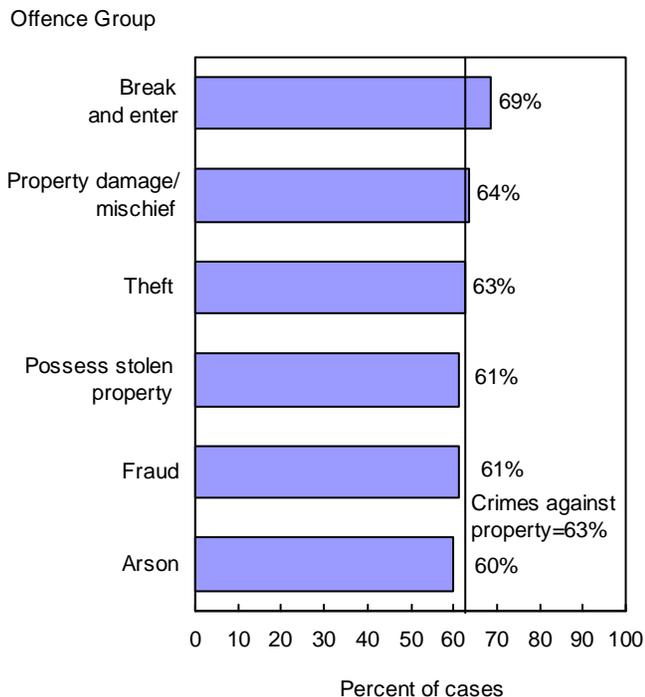
Table 4

Jurisdiction	Total Cases	Decision							
		Guilty		Other		Stay/Withdrawn		Acquitted	
		#	%	#	%	#	%	#	%
TOTAL	371,765	226,979	61.1	14,397	3.9	121,316	32.6	9,073	2.4
Newfoundland and Labrador	6,881	5,033	73.1	195	2.8	1,650	24.0	3	0
Prince Edward Island	1,725	1,210	70.1	27	1.6	472	27.4	16	0.9
Nova Scotia	15,145	7,980	52.7	732	4.8	5,846	38.6	587	3.9
Quebec	68,474	49,869	72.8	4,795	7.0	7,501	11.0	6,309	9.2
Ontario	190,239	107,438	56.5	4,511	2.4	77,288	40.6	1,002	0.5
Saskatchewan	26,072	16,000	61.4	827	3.2	8,943	34.3	302	1.2
Alberta	62,095	38,868	62.6	3,243	5.2	19,153	30.8	831	1.3
Yukon	1,134	581	51.2	67	5.9	463	40.8	23	2.0

Notes: Due to rounding, percentages may not add to 100.
 The calculation of conviction rates excludes 3,701 (1.0%) cases with final decisions of 'Commit for Trial in Superior court' and 'Re-election to Provincial Court'.
 Includes cases completed in superior courts in Prince Edward Island, Alberta and Yukon.
 Information from Quebec's 140 municipal courts (which account for approximately 20% of federal statute charges in that province) are not yet collected.
 Adult Criminal Court Survey data are not reported by New Brunswick, Manitoba, British Columbia, Northwest Territories, and Nunavut.
Source: Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Figure 5

Conviction rates for cases with a crime against property as the most serious offence in the case, Eight provinces and territories in Canada, 2000/01



Note: The calculation of conviction rates excludes 716 (0.8%) Crimes Against Property cases with final decisions of 'Commit for Trial in Superior court' and 'Re-election to Provincial Court'. Adult Criminal Court Survey data are not reported by New Brunswick, Manitoba, British Columbia, Northwest Territories, and Nunavut.
Source: Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

SENTENCING PATTERNS

Determining the sentence to be imposed is one of the most complex and challenging decisions for a court. At sentencing, the court will seek to impose a sentence that reflects the purpose, objectives and principles of the sentencing process. Since 1996, the *Criminal Code* contains a section that outlines the purposes and principles of sentencing (Section 718).

Probation was the most common sentence in 2000/01

Probation was the most frequent sentence, imposed in 44% of all cases with a conviction. Fines were imposed in 37% of all cases. Prison was imposed in 35% of cases.¹² A high percentage of cases (48%) received what are classified as "other sentences". This category of sentence includes: conditional sentences, absolute discharges, conditional discharges, suspended sentences, licence suspensions, prohibitions against the ownership of firearms, and other court-ordered sanctions.

About four in every ten convictions for Crimes Against the Person received prison

Incarceration was imposed as a sentence for slightly more than one third (35%) of all cases. In 2000/01, 38% of convicted *Crimes Against the Person* cases were sentenced to prison. One factor to be considered when examining the use of incarceration in this category is that common assault — the least serious form of assault with a relatively low use of incarceration (28%) — represents the majority (59%) of convicted cases in the *Crimes Against the Person* category.

¹² Cases can have more than one sentence. Therefore, sanctions are not mutually exclusive and will not add to 100%.

When common assault is removed, the remainder of the *Crimes Against the Person* category has a much higher use of incarceration (53%). **Table 5** provides information relating to the type of sentence for the most serious offence from 1996/97 to 2000/01.

Majority of offenders convicted of break and enter were sentenced to prison

Offenders were sentenced to prison in 40% of the convicted *Crimes Against Property* cases. Persons committing these offences tend to have longer criminal histories¹³, and after the seriousness of the crime, an offender's criminal history is one

of the most important factors considered by the court when determining the sanction to be imposed. Prison was frequently used as a sanction for convictions in several *Crimes Against Property* offences. For example, 61% of convicted break and enter cases, 38% of convicted theft cases, and more than a third (35%) of convicted fraud cases resulted in a prison sentence.

¹³ See G. Campbell. 1993. An Examination of Recidivism in Relation to Offence Histories and Offender Profiles. *Statistics Canada Catalogue no. 85F0022XPE*. Ottawa: Statistics Canada.

Table 5



Convicted cases by type of sentence for the most serious offence in the case, Eight provinces and territories in Canada, 2000/01

Fiscal Year	Convicted Cases	Type of Sentence for Most Serious Offence					
		Prison		Probation		Fine	
		#	%	#	%	#	%
1996/97 Total	261,644	86,026	32.9	106,872	40.8	115,034	44.0
Criminal Code Total	225,322	79,844	35.4	99,805	44.3	89,338	39.6
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 Violations	57,792	24,287	42.0	20,972	36.3	19,000	32.9
Criminal Code Traffic	54,277	12,649	23.3	11,137	20.5	41,623	76.7
Other Federal Statute Total	36,322	6,182	17.0	7,067	19.5	25,696	70.7
1997/98 Total	250,073	82,668	33.1	106,438	42.6	103,498	41.4
Criminal Code Total	218,583	76,877	35.2	99,295	45.4	82,550	37.8
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 Violations	59,204	24,898	42.1	22,443	37.9	18,323	30.9
Criminal Code Traffic	51,631	11,462	22.2	10,368	20.1	39,910	77.3
Other Federal Statute Total	31,490	5,791	18.4	7,143	22.7	20,948	66.5
1998/99 Total	240,653	84,011	34.9	100,897	41.9	95,989	39.9
Criminal Code Total	209,923	77,918	37.1	93,783	44.7	75,825	36.1
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 Violations	60,453	26,381	43.6	22,209	36.7	18,865	31.2
Criminal Code Traffic	43,236	8,652	20.0	7,217	16.7	34,400	79.6
Other Federal Statute Total	30,730	6,093	19.8	7,114	23.2	20,164	65.6
1999/00 Total	228,267	77,977	34.2	96,761	42.4	89,556	39.2
Criminal Code Total	199,066	72,349	36.3	89,587	45.0	71,095	35.7
Crimes Against the Person	40,055	15,312	38.2	29,144	72.8	6,587	16.4
Crimes Against Property	58,959	23,532	39.9	31,542	53.5	14,076	23.9
Other Criminal Code Violations	59,796	25,847	43.2	22,325	37.3	18,223	30.5
Criminal Code Traffic	40,256	7,658	19.0	6,576	16.3	32,209	80.0
Other Federal Statute Total	29,201	5,628	19.3	7,174	24.6	18,461	63.2
2000/01 Total	226,979	78,925	34.8	99,666	43.9	84,386	37.2
Criminal Code Total	198,263	73,522	37.1	92,083	46.4	66,914	33.8
Crimes Against the Person	40,803	15,672	38.4	30,390	74.5	5,809	14.2
Crimes Against Property	56,670	22,667	40.0	31,315	55.3	12,615	22.3
Other Criminal Code Violations	62,843	27,898	44.4	23,926	38.1	18,104	28.8
Criminal Code Traffic	37,947	7,285	19.2	6,452	17.0	30,386	80.1
Other Federal Statute Total	28,716	5,403	18.8	7,583	26.4	17,472	60.8

Notes: The sentence types presented are not mutually exclusive, and will not add to 100.

Adult Criminal Court Survey data are not reported by New Brunswick, Manitoba, British Columbia, Nunavut for all years, and Northwest Territories for 1996/97 and 2000/01.

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

Similarly, *Other Criminal Code Violations* cases which were sentenced to prison in 44% of convicted cases, were dominated by offences related to the criminal history of the accused. This offence category includes administration of justice offences. The courts consider administration of justice offences to be very serious, and the majority (56%) of such cases were sentenced to prison.

Use of imprisonment varies considerably across the country

The proportion of cases sentenced to prison varies across the country. In 2000/2001, the highest incarceration rate was in Prince Edward Island, where 59% of convicted cases resulted in a term of imprisonment, while the lowest incarceration rate was in Saskatchewan, where prison was imposed in 22% of cases (Figure 6).

This variation in the use of incarceration reflects the influence of several factors. First, the mix of offences being sentenced can vary from jurisdiction to jurisdiction. If a particular jurisdiction has a higher than average percentage of the more serious crimes, it may also have a higher than average overall percentage of cases being sent to prison.

Second, courts in different parts of the country may use incarceration in different ways. In Prince Edward Island, for example, first offenders convicted of impaired driving are frequently sent to prison. Since this offence category accounts for 27% of convicted cases in the province, the overall proportion of cases sentenced to prison in Prince Edward Island will be higher than the national average. Of all impaired driving convictions in Prince Edward Island, 91% resulted in incarceration. This is by far the highest in Canada followed by Newfoundland and Labrador with 26%. The lowest rate of incarceration occurred in Nova Scotia where 5% of the convicted impaired drivers were incarcerated.

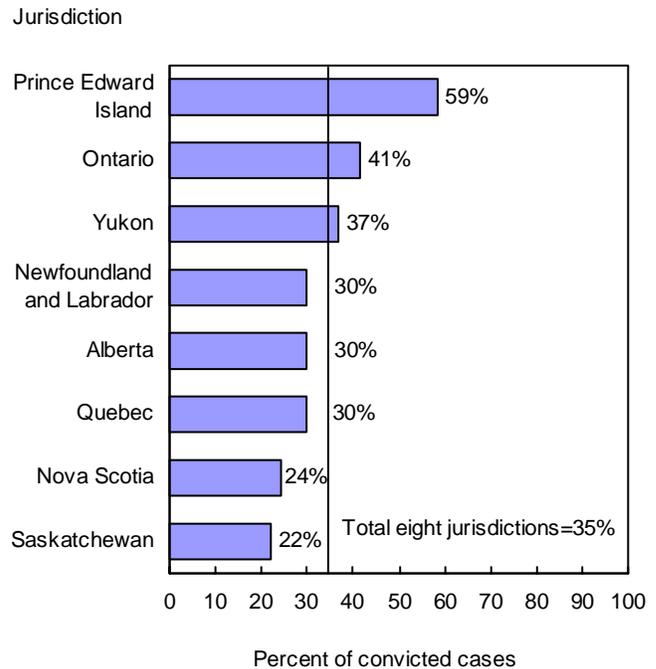
It should be added that those jurisdictions that sentence a relatively lower percentage of convicted offenders to prison still may have relatively larger per capita prison populations. If there is a high volume of convicted cases processed in a jurisdiction, the absolute number of offenders incarcerated may also be high, and this may result in a higher per capita prison population.

Little change in proportion of cases sentenced to prison between 1996/97 and 2000/01

The proportion of cases where prison was used as a sanction remained relatively stable between 1996/97 (33%) and 2000/01 (35%) (Table 5). However, some variability was evident at the offence level. For example, in the *Crimes Against the Person* category, the incarceration rate for sexual assault was 53% of convicted cases in 2000/01, down eight percentage points from 1996/97. The incarceration rate for major assault dropped from 50% to 48% during the same period. No offence in the *Crimes Against the Person* category showed an increased incarceration rate from four years earlier.

In the *Crimes Against Property* category, two offences showed a notable increase between 1996/97 and 2000/01. Theft and possess stolen property saw increases in their incarceration rates, growing from 33% and 42% in 1996/97 to 38% and

Figure 6

Note: Includes cases completed in superior courts in Prince Edward Island, Alberta and Yukon. Information from Quebec's 140 municipal courts (which account for approximately 20% of federal statute charges in that province) are not yet collected. Adult Criminal Court Survey data are not reported by New Brunswick, Manitoba, British Columbia, Northwest Territories, and Nunavut.
Source: Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

46%, respectively, in 2000/01. In the *Crimes Against Property* category the only offence showing a slight decline in the incarceration rate during the same period was break and enter where the proportion of cases being sentenced to prison dropped slightly from 62% to 61%.

Most terms of imprisonment are relatively short

Over half (52%) of all custodial sentences imposed in 2000/01 were one month or less, while an additional 35% were for periods for greater than one month up to six months.¹⁴ Custodial sentences of two years or more were imposed in 4% of convicted cases with prison (Table 6).

Some offences show increases in prison sentence lengths

The median prison sentence length for *Criminal Code* offences has been 30 days for four of the past five years. Only in 1998/99 did the median prison length increase, moving up to 31 days. While the overall prison sentence length has remained stable, there has been movement in the median sentence

¹⁴ Excludes 4,085 (5.2%) cases with unknown prison length.

Table 6

Fiscal Year	Convicted Cases With Prison	Convicted cases by length of prison sentence, Selected provinces and territories in Canada, 1996/97 to 2000/01									
		Length of Prison Sentence									
		1 month or less		>1 to 6 months		>6 to 12 months		>1 to <2 years		2 years or more	
#	%	#	%	#	%	#	%	#	%		
1996/97	84,470	41,922	49.6	31,664	37.5	5,405	6.4	2,733	3.2	2,746	3.3
1997/98	80,788	39,959	49.5	30,135	37.3	5,369	6.6	2,676	3.3	2,649	3.3
1998/99	80,206	39,415	49.1	29,569	36.9	5,272	6.6	2,788	3.5	3,162	3.9
1999/00	74,131	37,389	50.4	26,815	36.2	4,620	6.2	2,396	3.2	2,911	3.9
2000/01	74,840	39,191	52.4	25,874	34.6	4,464	6.0	2,463	3.3	2,848	3.8

Notes: Due to rounding, percentages may not add to 100.

Excludes cases with unknown length of prison sentence: 1996/97 (1,556); 1997/98 (1,880); 1998/99 (3,805); 1999/00 (3,846); 2000/01 (4,085).

Adult Criminal Court Survey data are not reported by New Brunswick, Manitoba, British Columbia, Nunavut for all years, and Northwest Territories for 1996/97 and 2000/01.

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

length for some offences. For instance, the median prison sentence for common assault rose by 20% from 30 days in 1996/97 to 36 days in 2000/01 (Table 7). Other increases during this period were for sexual assault and sexual abuse offences. The median prison sentence increased for sexual assault from 270 to 360 days and from 180 to 360 days for sexual abuse.

Use of probation

In 2000/01, as can be seen in Table 5, Crimes Against the Person were most likely to attract a sentence of probation. Three-quarters of convicted cases in this category were sentenced to a term of probation, compared to 55% of offenders convicted of Crimes Against Property. It should be noted that a substantial proportion of convicted cases involving Crimes Against the Person received a term of imprisonment along with the probation order. Of the 30,390 convicted Crimes Against the Person cases that received probation in 2000/01, 32% also received a prison sentence.

In 2000/01, the most common probation term length was "greater than six months to one year" (45% of convicted cases with probation) (Figure 7).¹⁵ One-third (34%) of cases were greater than 12 months to two years. Fifteen per cent were for six months or less. Only 7% of probation terms were for a period of more than two years. (The statutory limit on a term of probation is three years).

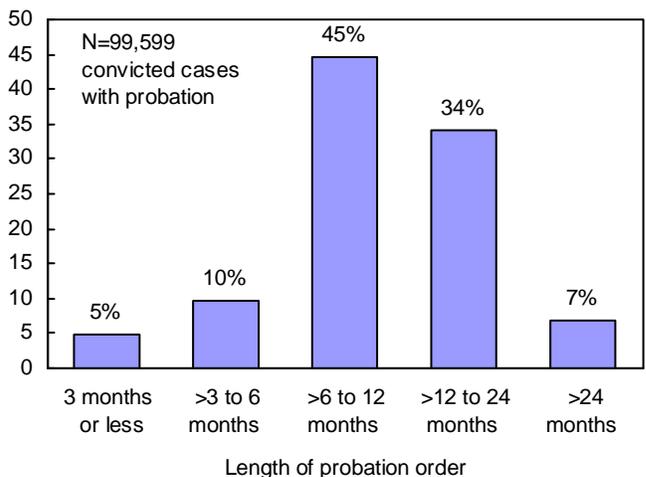
Trends in the use of probation

In recent years, adult criminal courts have been using probation more often as a sanction. Between 1996/97 and 1999/00, the rate of convicted cases receiving a probation sentence increased from 41% to 42%. This rate rose in 2000/01 to 44%. Among all offence groups, the largest increase between 1996/97 and 2000/01 occurred for Crimes Against the Person where the rate of probation for guilty cases increased from 71% to 75%. Gaming showed the largest change, with the proportion of convicted cases receiving probation increasing from 26% to 47%. Morals-sexual (mainly prostitution-related crimes),

Figure 7

Convicted cases by length of probation for the most serious offence in the case, Eight provinces and territories in Canada, 2000/01

Percent



Note: Due to rounding, percentages may not add to 100. The length of probation was unknown in 67 (<1.0%) cases where probation was ordered. Adult Criminal Court Survey data are not reported by New Brunswick, Manitoba, British Columbia, Northwest Territories, and Nunavut.

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

showed the second largest change, where 49% of convicted cases received probation in 2000/01 compared to 40% in 1996/97.

¹⁵ The length of probation was unknown in 67 (<1.0%) cases where probation was ordered.

Table 7



Convicted cases by median prison and probation sentence, and fine amount, Selected provinces and Territories in Canada, 1996/97 to 2000/01

Offence Group	1996/97			1997/98			1998/99			1999/00			2000/01		
	Prison	Probation	Fine												
	median (days)	median (days)	median (\$)	median (days)	median (days)	median (\$)	median (days)	median (days)	median (\$)	median (days)	median (days)	median (\$)	median (days)	median (days)	median (\$)
Total Offences	40	365	300	40	365	300	45	365	300	30	365	300	30	365	400
Criminal Code Total	30	365	300	30	365	350	31	365	350	30	365	400	30	365	500
Crimes Against the Person	90	365	300												
Homicide and related	2,190	730	250	2,555	730	275	2,190	913	525	2,190	725	500	2,780	540	700
Attempted murder	900	1,080	500	1,148	730	0	1,080	1,095	11,750	1,620	1,095	1,000	1,935	730	9,400
Robbery	540	730	300	540	730	350	540	730	300	540	730	300	540	730	400
Kidnapping	180	730	1,500	180	730	425	270	730	350	180	730	500	393	730	500
Sexual assault	270	730	500	270	730	500	360	730	500	300	730	500	360	730	500
Sexual abuse	180	730	500	222	730	500	210	730	500	240	730	500	360	730	500
Major assault	90	540	300	90	540	300	90	540	350	90	450	325	90	540	400
Abduction	180	730	125	89	720	450	30	730	600	180	453	50	30	365	0
Common assault	30	365	250	45	365	300	45	365	300	45	365	300	36	365	300
Crimes Against Property	60	365	200	60	365	250									
Break and enter	180	730	300	180	720	300	180	540	300	180	540	300	180	540	375
Arson	270	730	500	270	730	325	285	730	300	300	730	500	270	730	400
Fraud	60	450	200	60	365	200	70	365	200	60	365	250	60	365	250
Possess stolen property	60	365	300	60	365	300	60	365	300	60	365	300	60	365	300
Theft	30	365	200	30	365	200	30	365	200	30	365	200	30	365	200
Property damage/mischief	30	365	200	30	365	200	30	365	200	30	365	200	30	365	200
Other Criminal Code Violations	30	365	200	24	365	200									
Weapons	60	365	200	90	365	200	60	365	250	60	365	250	60	365	250
Administration of justice	20	365	150	20	365	150	20	365	150	17	365	150	15	365	150
Public order offences	15	360	200	15	360	200	30	360	200	30	360	200	20	360	200
Morals - sexual	15	365	200	10	365	200	12	365	200	10	365	200	10	365	250
Morals - gaming	3	360	750	7	360	750	16	360	1,000	90	360	1,000	75	365	1,500
Unspecified Criminal Code	30	365	200	30	365	200	30	365	200	30	365	200	30	365	250
Criminal Code Traffic	30	360	500	30	360	500	30	360	500	30	360	600	30	360	700
Other Criminal Code traffic	30	360	500	35	360	500	30	360	500	45	360	500	30	360	600
Impaired driving	30	360	500	30	360	500	30	360	500	30	360	600	30	360	700
Other Federal Statute Total	70	365	150	80	365	150	90	365	200	60	365	200	60	365	200

Notes: Revised figures for 1996/97, 1997/98, and 1998/99. Revisions were made to the calculation of median prison sentence lengths in 1999/00 and the previous three years were recalculated using the same formula. Excludes cases where the length of prison was not known, and cases where the length was specified as indeterminant. Cases sentenced to life imprisonment were recoded to 9,125 days (or 25 years) for the calculation of sentence lengths medians. Adult Criminal Court Survey data are not reported by New Brunswick, Manitoba, British Columbia, Nunavut for all years, and Northwest Territories for 1996/97 and 2000/01.

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

Length of probation terms stable over past five years

While the relative use of probation has increased over the past five years, there has been little change in the length of probation orders. The overall median length of all probation orders in 2000/01 was 365 days, which is the same since 1996/97 (Table 7).

Median amount of fine increases

Since 1996/97, the imposition of fine sentences has been decreasing (Figure 8). In 2000/01, 37% of convicted cases were given a fine, compared to 44% in 1996/97. During the same period, there has been a trend towards imposing higher fines. In 1996/97, 21% of all fines were for amounts over \$500, whereas by 2000/01, 42% of all fines were for amounts

over \$500 (Table 8).¹⁶ The median amount of fine, which was \$300 between 1996/97 and 1999/00, increased to \$400 in 2000/01 (Table 7).

METHODOLOGY

The purpose of the Adult Criminal Court Survey (ACCS) is to provide a national database of statistical information on the processing of cases through the adult criminal court system. The survey consists of a census of Criminal Code and other federal statute charges dealt with in provincial/territorial adult criminal courts.

¹⁶ Excludes cases with unknown fine amount: 1996/97 (1,651, 1.4%); 2000/01 (1,916, 2.3%).

Table 8



**Convicted cases by amount of fine,
Selected provinces and territories in Canada, 1996/97 to 2000/01**

Fiscal Year	Convicted Cases With a Fine	Amount of Fine (\$)									
		\$100 or less		>\$100 to \$300		>\$300 to \$500		> \$500 to \$1000		>\$1000	
		#	%	#	%	#	%	#	%	#	%
1996/97	113,383	24,798	21.9	38,564	34.0	26,643	23.5	19,247	17.0	4,131	3.6
1997/98	101,886	19,935	19.6	34,292	33.7	24,870	24.4	18,991	18.6	3,798	3.7
1998/99	94,690	18,782	19.8	32,411	34.2	22,492	23.8	17,243	18.2	3,762	4.0
1999/00	86,981	16,218	18.6	27,584	31.7	15,715	18.1	23,347	26.8	4,117	4.7
2000/01	82,470	13,882	16.8	23,460	28.4	10,447	12.7	29,716	36.0	4,965	6.0

Notes: Due to rounding, percentages may not add to 100.

Excludes cases with unknown fine amount: 1996/97 (1,651); 1997/98 (1,612); 1998/99 (1,299); 1999/00 (2,575); 2000/01 (1,916).

Adult Criminal Court Survey data are not reported by New Brunswick, Manitoba, British Columbia, Nunavut for all years, and Northwest Territories for 1996/97 and 2000/01.

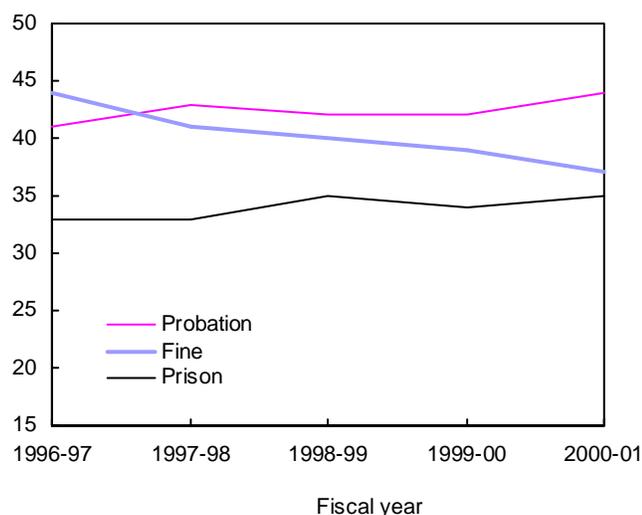
Source: Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Figure 8



**Convicted cases by type of sentence,
Selected provinces and territories in Canada,
1996/97 to 2000/01**

Percent convicted cases



Note: The sentence types presented are not mutually exclusive, and will not add to 100. Adult Criminal Court Survey data are not reported by New Brunswick, Manitoba, British Columbia, Northwest Territories, Nunavut for all years, and Northwest Territories for 1996/97 and 2000/01.

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

Coverage

Some limitations on coverage of the survey should be noted. Three provinces and one territory (New Brunswick, Manitoba and British Columbia and Nunavut) do not report to the survey at this time. The data do not include Northwest Territories for 1996/97 or 2000/01 and include two fiscal quarters of data for the territory in 1994/95 and three fiscal quarters of data in

1999/00. Also, some court locations in Quebec are not included. Information from Quebec's 140 municipal courts (which account for approximately 20% of federal statute charges in that province) are not yet collected. Finally, with the exception of Prince Edward Island, Alberta and the Yukon, no data are provided from the superior courts.

The absence of data from all but three Superior Court jurisdictions may result in a slight underestimation of the severity of sentences imposed across Canada. The reason for this is that some of the most serious cases, which are likely to result in the most severe sanctions, will be processed in superior courts. While these limitations are important, they have existed for several years, and this means that it is possible to make comparisons from one year to another using the ACCS.

Counting Procedures

The basic unit of count for the Adult Criminal Court Survey is a case. A case is one or more charges against an accused person or corporation, where the charges receive a final disposition on the same date. Charges are linked to a case on the basis of the accused identifier and the date of the last court appearance.

The Adult Criminal Court Survey counts a charge more than once under any of the following circumstances:

- a charge is stayed in one time period and restarted in another time period;
- a charge is stayed and subsequently restarted with different case identifiers;
- a charge is transferred from one court location to another; and
- a charge is transferred to superior court but subsequently returns to provincial court with different case identifiers.

Most Serious Offence and Decision Rules

When a case has more than one charge, it is necessary to decide which charge will be used to represent the case (since a case is identified by a single charge). In such multiple-charge cases, the "most serious decision" rule is applied.

Decisions are ranked from the most to the least serious as follows: 1) guilty, 2) guilty of a lesser offence, 3) committed for trial in a superior court, 4) other decisions were imposed, 5) stay of proceeding, withdrawn, dismissed 6) acquitted.

In cases where two or more offences have resulted in the same decision (e.g., guilty), the “most serious offence” rule is applied. All charges are ranked according to a seriousness scale based on the average length of prison sentence. If two charges are tied according to this criterion, information about the sentence type (e.g., prison, probation, and fine) is considered. If a tie still exists, the magnitude of the sentence is considered.

Factors influencing the number of charges laid

Charging policies are determined individually by provinces and territories. In British Columbia, Quebec, and New Brunswick, for example, the police must obtain the approval of the Crown prosecutor before a charge is laid. However, British Columbia and New Brunswick do not provide data to the ACCS at this time. In other provinces and territories, the police have exclusive responsibility for the laying of a charge. This variability may affect the number and nature of charges laid across the country.

Comparisons with other sectors of the justice system

Policing:

The Canadian Centre for Justice Statistics conducts the Uniform Crime Reporting (UCR) survey. This survey collects data on the crimes reported to the police. Counts from the UCR survey for offences cleared by charge are not

comparable to ACCS figures for charges disposed of. There are many reasons for this. In part, it is the result of scoring rules used by the UCR survey. The UCR survey counts violent offences in terms of the number of victims in the incident; non-violent offences are counted in terms of the number of separate incidents. Furthermore, the UCR figures include offences involving youths, while the ACCS case counts include only the very few youth offences that have been transferred to adult court.

Corrections:

The number of cases sentenced to prison, as reported by the ACCS, will differ from the number of actual admissions to correctional facilities. The CCJS conducts the Adult Correctional Services (ACS) Survey, which measures, among other things, the number of persons admitted to correctional facilities in Canada. The number of cases with prison sentences (ACCS) and the number of admissions to correctional facilities (ACS) differ because the number of sentenced admissions reported by the Adult Correctional Services survey includes persons sentenced to prison in Superior Courts as well as admissions resulting from fine defaults. In 2000/01, three jurisdictions, Prince Edward Island, Alberta and the Yukon, reported Superior Court data to the Adult Criminal Court Survey, and sentences to prison for reason of fine defaults are not collected by the survey. Also, any accused sentenced to time-served prior to a sentence commencing would be counted differently in each survey. The ACCS does not have data on the duration of prison time already served, and the correctional data would identify these sentences as a remand prior to the completion of the trial.

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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