



Juristat

Canadian Centre for Justice Statistics



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JUSTICE SPENDING IN CANADA, 2000/01

by Andrea Taylor-Butts

Highlights¹

- Expenditures on policing, courts, legal aid, criminal prosecutions and adult corrections totalled more than \$11 billion or \$362 per Canadian in 2000/01. Total expenditures for these five sectors of the justice system increased approximately 3% over 1999/00 spending levels and 10% over 1996/97 expenditures.²
- For every dollar spent on these sectors of the justice system, 61 cents went to policing, 22 cents to adult corrections, 9 cents to courts, 5 cents to legal aid plans and 3 cents to criminal prosecutions.
- Since 1998/99 (the last year for which data were available for all 5 justice sectors), per capita expenditures increased in most provinces and territories. Among the provinces, Manitoba, Alberta and British Columbia recorded the largest increases, each gaining 7%. Per person expenditures were also up in Yukon (+6%), Newfoundland and Labrador (+6%), Saskatchewan (+5%), Ontario (+4%), New Brunswick (+3%), and Prince Edward Island (+2%). Spending remained constant in Quebec and Nova Scotia, varying by 1% or less.³
- In 2000/01 policing expenditures totalled \$6.8 billion, up 4% from the previous year.
- Overall, 2000/01 adult corrections costs were fairly stable at \$2.5 billion, rising only 1% over the previous year.
- Expenditures on courts amounted to just over \$1 billion in 2000/01. Total court spending increased 4% since 1998/99 (the last year for which courts data were available).
- Legal aid plan expenditures totalled \$512 million in 2000/01, up 2% from 1999/00.
- Criminal prosecution expenditures were \$335 million, up 15% from 1998/99 (the last year for which criminal prosecution data were available).

¹ Unless otherwise stated, all percentage change figures appearing in the Highlights section were calculated using constant dollars.

² Courts and prosecutions data are collected biennially. In order to make annual comparisons, court expenditures for 1993/94, 1995/96, 1997/98 and 1999/00 have been estimated based on the average between the reporting years preceding and following the reference period. Prosecutions expenditures for 1995/96, 1997/98 and 1999/00 were estimated in a similar manner.

³ In 2000/01, per capita expenditures in the Northwest Territories grew by 28% due, in part, to notable increases recorded for courts and adult corrections. Court expenditures included a marked increase in the cost of personnel benefits. For adult corrections, the inclusion of expenditure figures that were previously unavailable contributed to higher expenditures in 2000/01. See the Courts and Adult Corrections sections of this report for more information.



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Introduction

An effective and efficiently administered justice system is a concern for the public and governments alike. Expenditures on justice services must meet public expectations and needs while corresponding with fiscal realities.

This *Juristat* examines some of the government expenditures associated with operating five major sectors of the Canadian justice system: policing, courts, legal aid, criminal prosecutions and adult corrections. Expenditures for 2000/01 will be presented along with trends in justice spending. To remove the effects of inflation, data are based on constant dollars. To control for differences in population across the country and over time, expenditures are expressed in dollars per capita.⁴ To simultaneously adjust for the effects of inflation and population variations, per capita constant dollars are used.

Expenditure data for this *Juristat* cover the period up to 2000/01 and come principally from The Canadian Centre for Justice Statistics' resource, expenditure and personnel surveys and Statistics Canada Financial Management System. The data on justice expenditures generally include operating costs, but exclude capital costs, such as building construction (see *Box 2: About justice spending data* and *Data Sources* for details).

The 2000/01 economic climate and government spending

Knowledge of the general economic landscape can provide a context in which to better understand trends in government spending. In 2000, the Canadian economy continued to grow at a steady pace, but slower than the pace set in 1999. Signs of economic deceleration became visible. Gains in employment diminished, dropping to an annual rate of 2.2% from 2.8% in 1999. Fuelled by rising energy costs, inflation accelerated 4.1% in 2000, the greatest increase since 1989. Industry output also showed signs of slowing in 2000.⁵ The economic slowdown, which began in 2000, continued into 2001. For the first half of 2001, higher interest rates and energy prices, along with a drop in global high technology investment, ushered in a sharp decline in growth in all major economies around the globe, including Canada's.⁶

In terms of the government sector, 2000 saw the largest budgetary surpluses in a decade. This favourable financial position helped to encourage increases in government spending. Between 1999/00 and 2000/01, consolidated expenditures for federal, provincial/territorial and local governments grew nearly 5% to \$439 billion;⁷ adjusting for inflation, this represents a growth of 2%.⁸ During the 1970s and 1980s, government constant dollar per capita expenditures generally increased. After peaking in 1992/93, per capita constant dollar spending declined steadily until 1997/98, but has been on the rise since 1998/99.

Total government spending up in some sectors, down in others

The consolidated spending of federal, provincial/territorial and local governments on the 'protection of persons and property', of which justice is a part,⁹ totalled \$32.6 billion in 2000/01, or 7% of total spending. Although government spending on

⁴ Throughout this *Juristat*, the population estimates used to calculate per capita figures are provided by Statistics Canada, *Census and Demographic Statistics, Demography Division. Populations as of July 1, 2001: final intercensal estimates for 1992 to 1995; final postcensal estimates for 1996 to 1997; updated postcensal estimates for 1998 to 2000; and preliminary postcensal estimates for 2001.*

⁵ For further information see *Statistics Canada 2001, "Year-End Review" and Statistics Canada 2002, "Economic Trends in 2001"*.

⁶ For further information, see *Department of Finance Canada 2001, The Budget in Brief 2001.*

⁷ This is based on data from *Statistics Canada's Financial Management System (FMS)*. See *Data Sources* for more information.

⁸ To adjust for inflation, the *Consumer Price Index (CPI)* with a base year of 1992=100 was used to calculate constant dollars. For example, the CPI for 1999 was used to adjust spending figures for fiscal year 1999/00. So for every \$100 spent on justice services in 1992, \$110.50 was spent in 1999/00.

⁹ Protection of persons and property also comprises spending on national defence and other protection costs such as regulatory measures and firefighting. Justice spending is spending on policing, courts and corrections.

justice ceased being available as a separate category after 1998/99, data show that from 1972/73 to 1998/99, expenditures on justice have consistently accounted for about 40% of all protection of persons and property expenditures and 3% of total government expenditures.

In 2000/01, the majority of government spending went to social services (30% or \$133.3 billion), health care (16% or \$69.4 billion), education (14% or \$61.7 billion) and debt charges (13% or \$57.9 billion). Since the previous year, health care expenditures expressed in constant dollars increased notably, rising 8%. However, total constant dollar expenditures for protection of persons and property (-1%) and education (-1%), slipped slightly downward. Inflation-adjusted debt charge expenditures (-0.3%), and social service expenditures (+0.3%) went virtually unchanged from 1999/00 to 2000/01.

Compared to a decade ago, per capita inflation-adjusted spending figures dipped by more than 4%. Among the aforementioned sectors, debt charge per capita expenditures declined the most, down 18%, followed by protection of persons and property (-11%), and education (-2%). Social service (+4%) and health care (+15%) per capita expenditures both grew between 1990/91 and 2000/01.

Spending Within Selected Sectors of the Justice System¹⁰

In total, more than \$11 billion was spent on policing, courts, legal aid, criminal prosecutions and adult corrections in 2000/01. Spending for these sectors of the justice system amounted to \$362 per Canadian in 2000/01 (see Table 1). Taking into account the effects of inflation, total expenditures for these five sectors of the justice system increased approximately 3% over 1999/00. Policing activities represented 61% of the \$11 billion. At 22%, the costs associated with operating Canada's adult correctional system constituted the second largest share of justice dollars spent in 2000/01. Courts (9%), legal aid plans (5%) and criminal prosecutions (3%) expenditures made up the remaining 17% of justice spending. This distribution of expenditures is similar to that of previous years.

¹⁰ This Juristat will discuss expenditures and personnel for policing, courts, legal aid plans, criminal prosecutions and adult corrections. Previous Juristats have also included spending data for youth corrections. However, data for youth corrections are unavailable after 1998/99. Therefore, the most recent data available for youth corrections expenditures will be included in tables when applicable, but will not be included in any analysis. See Box 2: About justice spending data for more information on the data sources used.

Box 1: 2001/02 and beyond: Funds to increase the security and protection of Canadians

In the wake of the events in the United States on September 11, 2001, the security and protection of Canadians have been of particular concern.

In October of 2001, as part of its \$280-million Anti-Terrorism Plan, the federal government announced \$64 million in immediate, new funding for the Royal Canadian Mounted Police (RCMP) and the Solicitor General of Canada to help improve the identification, prevention and elimination of threats to the security of Canadians.

From this \$64 million:

- The RCMP received \$10.3 million dollars for new technologies that will enhance security at airports, major centres, ports and border crossings. Along with technological enhancements, these funds have also been dedicated to improving the tactical capabilities of the RCMP Emergency Response Team.
- Another \$35 million is devoted to enhancing the ability of the RCMP to gather, analyse, assess and share intelligence and investigation information through new technologies, better technical and operational support and improved infrastructure systems (e.g., forensic laboratory services).
- \$9 million annually will be dedicated to RCMP staffing priorities, such as the Integrated National Security Enforcement Teams (INSETs) and Integrated Border Enforcement Teams (IBETs). INSETs partner the efforts of law enforcement and intelligence agencies to increase shared intelligence, investigation and enforcement capacity. IBETs are multi-agency law enforcement teams that integrate the efforts of Canadian (federal, provincial, and municipal) law enforcement agencies with those of their American counterparts, in order to ensure the secure and efficient operation of the Canada-U.S. border.
- \$5 million goes to support the deployment of RCMP to protect designated persons and sites in Canada.

- The Solicitor General of Canada received \$4.9 million to develop and implement the Canada Public Safety Information Network (CPSIN), a national information network linking various criminal justice, enforcement and national security agencies. A portion of this money also goes to training and planning initiatives under the Counter-Terrorism Operational Readiness Program, in order to strengthen Canada's ability to respond to terrorist attacks.

Source: Solicitor General of Canada. 2001. Backgrounder: An Investment in Canada's National Security. Ottawa.

Initiatives outlined in the 2001 federal budget maintain the federal government's commitment to enhancing the security of Canadians. The budget, announced on December 10, 2001, presented a five-year \$7.7 billion funding strategy for initiatives intended to improve the safety and protection of Canadians. A number of these initiatives will have direct implications for the justice sector.

- For instance, \$1.6 billion over five years is allocated to strengthen intelligence and policing. This intelligence and policing effort will, among other things, provide monies to improve information sharing capabilities among law enforcement, intelligence and national security agencies; to increase the number of police and intelligence officers; and to see that these officers are better equipped.
- Another \$2.2 billion is dedicated to measures to improve the safety of air travel and implement new air security measures.
- As well, the budget provides \$1.2 billion for enhancing the security and efficiency of the Canada-U.S. border. Part of this \$1.2 billion will go to the creation of more Integrated Border Enforcement Teams.

Source: Department of Finance Canada. 2001. The Budget in Brief 2001. Ottawa.

Total per capita spending on justice services has increased fairly consistently over the last four years. If inflation is taken into consideration, per capita spending on justice rose 6% between 1996/97 and 2000/01 (see Table 1). Nevertheless, despite recent increases 2000/01 per capita constant dollar spending was 3% below that of 1990/91.¹¹

A more detailed discussion of expenditures within each of these five sectors is offered below. However, readers should bear in mind that the data do not cover all justice spending. For instance, capital expenditures (e.g., spending on prison construction) are generally not included, nor are the costs for justice-related policy development and research activities. As well, the expenditures discussed here generally do not include

funding of direct services provided by non-government organizations, such as those offered to victims and offenders. Spending on court-ordered child support programs, victims' services, victims' compensation awards, and funding for crime prevention are also excluded from expenditure figures.

Provincial and territorial variations in spending

Justice spending can differ strikingly between provinces and territories (see Box 3). Across the provincial and territorial jurisdictions the cost of administering justice services in 2000/01 ranged from \$186 per capita in Newfoundland and Labrador up to \$1,106 per capita in the Northwest Territories (see Table 2).

Between 1998/99 and 2000/01, total inflation-adjusted, per capita expenditures on justice increased in most provinces and territories (see Table 2).¹² Among the provinces, Manitoba, Alberta and British Columbia recorded the largest increases, each gaining 7%. Per person expenditures were also up in Newfoundland and Labrador (+6%), Saskatchewan (+5%), Ontario (+4%), New Brunswick (+3%), and Prince Edward Island (+2%). Spending remained constant in Quebec and Nova Scotia, varying by 1% or less. Spending also rose in the territories. Justice expenditures increased 6% in Yukon, while spending on justice services in the Northwest Territories was 28% greater than in 1998/99.¹³

Box 2: About justice spending data

The Canadian Centre for Justice Statistics collects resource and expenditure data for five justice sectors: policing, courts, legal aid, criminal prosecutions and adult corrections. In the case of youth corrections, national estimates on spending are available from Justice Canada up to 1998/99.

Police expenditures include actual operating expenditures that are paid from police force budgets, such as salaries and wages. Revenues, recoveries and capital expenditures are excluded. All police agencies are covered, with the exception of specialized enforcement areas such as the Canadian Security Intelligence Service. Personnel involved in the enforcement of specific statutes in the areas of income tax, customs and excise, immigration, fisheries and wildlife are also excluded.

Court expenditures include all operating expenditures (salaries and benefits) for judges and support staff in the Supreme Court, the Tax Court, the Federal Court of Canada, the Office of the Commissioner for Federal Judicial Affairs, the Judicial Council and all courts in the provinces and territories. Excluded are maintenance enforcement services, building occupancy costs, prisoner escort services, and costs associated with coroner inquests.

Legal aid plan expenditures include payments made to private law firms and legal aid plan staff for the provision of legal advice and representation in criminal and civil matters. Law office and community law clinic expenses (staff salaries, benefits and overhead) are included, as are all central administrative expenses. These expenditures represent spending by legal aid plans only. It should be noted that this spending may not equal government contributions to legal aid plans in a given year.

Criminal prosecution expenditures include all operating expenditures (salaries and benefits) for full-time and contract lawyers, who conduct the prosecution of criminal cases on behalf of the Crown. All direct support staff costs are also included.

Adult correctional expenditures include operating expenditures for federal and provincial correctional facilities (salaries and benefits for custodial and non-custodial staff), community supervision (probation, parole, bail supervision), headquarters, and parole boards (federal and provincial).

Youth correctional expenditures are estimates provided by Justice Canada and are likely an underestimate of the total costs of youth correctional expenditures. The figures include youth alternative measures, custodial services, probation supervision, judicial interim release supervision, medical and psychological reports, post-adjudication detention, pre-disposition reports, review boards and screening services. Excluded are those costs related to pre-trial detention (remand and lock-ups) and the adjudication of young offenders for provincial offences. These data are not available beyond 1998/99.

Box 3: Factors that contribute to expenditure differences across provinces and territories

The distinct characteristics of each jurisdiction make it rather difficult to simply compare per capita figures. Differences in the population characteristics of a jurisdiction (i.e., its size, density and socio-economic attributes), crime rates, caseloads, as well as how the various sectors of the justice system are organized and administered within each province and territory are all examples of factors that can influence justice spending.

For instance, it is often more difficult and more costly (on a per person basis) to deliver services to smaller populations that are distributed across vast areas than it is to service less remote areas with higher population densities. Thus, the unique geographic and demographic characteristics of the territories help to explain why per capita spending on justice services is considerably higher in Yukon, the Northwest Territories and Nunavut, than it is elsewhere in Canada (see Table 3).

Therefore, comparisons across provinces and territories should be made with caution.

¹¹ Spending comparisons between 1990/91 and 2000/01 only include expenditures for policing, courts, legal aid, and adult corrections, since prosecution data are unavailable prior to 1994/95 and youth corrections data are unavailable after 1998/99.

¹² Data for court and criminal prosecution expenditures are only available on a biennial basis. Therefore, the percentage change in total justice spending between 1999/00 and 2000/01 could not be calculated.

¹³ Higher per capita expenditures in the Northwest Territories are, in part, the result of a marked increase in the cost of benefits paid to court personnel in 2000/01 and the inclusion of expenses for adult corrections that were previously unavailable. See the Courts and Adult Corrections sections of this report for more information.

Box 4: Funding for victims of crime

Efforts to enhance the role of victims in the criminal justice process have been under way since the mid-1980s. In December 1999, changes to the *Criminal Code* came into effect that strengthen the role and participation of crime victims in the criminal justice system and improve the mechanisms for victim support. To further address victims' needs, in March 2000 the federal government committed \$25 million over a 5-year period to victim-related initiatives. As part of this commitment, \$15 million of the funding is dedicated to consultation, research and public education on victims' rights. The other \$10 million (\$2 million per year for five years) is dedicated to the Victims' Fund. The Victims' Fund was established in August 2000 with the following objectives:

- To promote public awareness of victimization and its effects, victims' needs, the availability of victims' services, the role of victims in the justice system and relevant legislation
- To improve access to and participation in the justice system
- To identify and develop programs to fill gaps in victims' support services
- To enhance the role of community and non-governmental organizations as service-providers; to build networks to improve service delivery; and to increase the involvement of community and non-governmental organizations in policy and legislation development

- To provide financial support to family members of homicide victims as well as limited, emergency funding to victims when other financial assistance is unavailable
- To promote the implementation of legal reforms that address victims' needs
- To promote the implementation of the Canadian Statement of Basic Principles of Justice for Victims of Crime

Funding for victims' services will also come from the monies collected from victim surcharges (court-imposed penalties that offenders must pay). Revenues from victim surcharges must be used for victim services within the province or territory where they were generated. It is expected that in total, these surcharges will produce more than \$10 million in revenues annually.

Sources: Department of Justice Canada. 2000. *Background: Victims Fund*. Ottawa.

Department of Justice Canada, Policy Centre for Victim Issues. *Victims of Crime Initiative*. <<http://Canada.justice.gc.ca/en/ps/voc/fund.html>>. Last modified August 3, 2000. (Accessed on February 21, 2002).

Department of Justice Canada, Policy Centre for Victim Issues. 2001. *Fact Sheet: The Victim Fund*. Ottawa.

Box 5: Justice revenues

There are a number of activities within the justice sector that help to generate funds. Below are a few examples of these revenue-generating activities from some of the different sectors of the justice system.

Policing

Many police agencies offer cost recovery services such as employee and volunteer security screening, security clearance checks, fingerprinting, insurance confirmations, as well as issuing permits and licences. In addition, the RCMP develops advanced policing technologies such as bomb disposal units, biotechnology products as well as education and training tools, which it markets internationally (Law Commission of Canada 2002).

In 1989, legislation was passed allowing the RCMP to confiscate wealth (e.g., money, vehicles, houses, jewellery) acquired through illicit activities. Seized assets are held pending the outcome of judicial procedures. If the courts determine that assets are to be forfeited, the proceeds from these forfeitures go to the government, which can in turn, use these revenues to fund social and other programs. In 2000/01, forfeiture proceeds totalled \$10.7 million and the RCMP Proceeds of Crime units impounded assets valued at approximately \$23.6 million. (It should be noted that forfeitures are dependent on the decisions of the court. Confiscated assets may not result in forfeiture if charges are dismissed before the case goes to trial or if there is not a conviction. As well, it may take two or three years for a case to come to trial, thereby delaying the time between asset seizure and forfeiture.)

Courts

The fines paid by offenders are another source of justice revenue. However it must be noted, that while the court may issue a fine, there is no guarantee that it will be paid. Additionally, many fines are paid through fine option programs. Fine option programs allow offenders to work off all or part of their fines through community service.

In adult criminal courts fines were imposed in 37% of convictions, with a median amount of \$400, in 2000/01 (Thomas 2002). In total, \$145 million in fines was issued to adult offenders by provincial/territorial court judges across eight jurisdictions.¹⁴ Under the *Young Offenders Act*, convicted youth may also be ordered to pay fines, up to a maximum of \$1,000. In 2000/01, youth courts ordered a total of nearly \$1 million in fines for all federal statute offences.¹⁵ The median fine imposed in youth court cases in 2000/01 was \$125 (deSouza 2002).

¹⁴ This figure is based on data from the Adult Criminal Court Survey (ACCS) and does not include data from New Brunswick, Manitoba, British Columbia, the Northwest Territories and Nunavut in 2000/01. The figure for the total fines imposed does not cover superior courts.

¹⁵ This figure is based on data from the Youth Courts Survey (YCS), which has full national coverage.

Legal Aid

Depending on their financial circumstances and the eligibility of their case, some legal aid clients may be required to contribute to the cost of their legal defence. These client contributions, along with monies recovered as the result of court settlements, awards and judgements, are a source of revenue for the legal aid system. In 2000/01, client contributions and recoveries generated \$16.3 million in revenue nationally. This amount represented 3% of total legal aid revenues in 2000/01.

Adult Corrections

CORCAN is a Correctional Service of Canada program that provides federal offenders with employment, job and life skill training to help offenders develop the skills they will need to become productive employees upon their release from prison. In 2000/01, CORCAN employed over 2,000 employees in the areas of manufacturing, agribusiness, construction, textiles, and services. CORCAN products and services are sold primarily to government departments, public institutions and non-profit organizations. In 1999/00 CORCAN had sales of almost \$70 million and earned revenues of nearly \$57 million in 2000/01. In 2000/01, manufacturing produced the largest portion of CORCAN's total revenues (37%), followed by construction (27%).

Sources: Correctional Service Canada. 2001. *CORCAN Annual Report 2000-2001*. Ottawa.

deSouza, Paul. 2002. "Youth Court Statistics, 2000/01." *Juristat*. (Statistics Canada Catalogue no. 85-225-XPE). Ottawa: Minister responsible for Statistics Canada, Vol.22, no. 3.

Law Commission of Canada. 2002. *In Search of Security: The Roles of Public Police and Private Agencies, Discussion Paper*. Ottawa.

Royal Canadian Mounted Police. 2001. *2000/01 Performance Report, Royal Canadian Mounted Police*. Ottawa.

Statistics Canada, Canadian Centre for Justice Statistics. 2002b. *Legal Aid in Canada: Resources and Caseload Statistics 2000-01*. (Statistics Canada Catalogue no. 85F0015XIE). Ottawa: Minister responsible for Statistics Canada.

Thomas, Mikhail. 2002. "Adult Criminal Court Statistics, 2000/01." *Juristat*. (Statistics Canada Catalogue no. 85-002-XIE). Ottawa: Minister responsible for Statistics Canada, Vol.22, no. 2.

Policing¹⁶

The federal, provincial and municipal governments all assume some responsibility for policing in Canada. At the federal level, the Royal Canadian Mounted Police (RCMP) is responsible for enforcing federal statutes. The RCMP also provides national police service through the operation of forensic laboratories, identification services, the Canadian Police Information Centre (a national computer information system), and the Canadian Police College.

Provincial/territorial police enforce the *Criminal Code*, some other federal statutes, as well as provincial statutes in areas not served by municipal police. Responsibility for provincial/territorial policing rests with each province/territory. Quebec and Ontario have their own provincial police services. Newfoundland and Labrador also maintain their own police services but share provincial policing duties with the RCMP. In the remaining provinces and territories, the RCMP is contracted to provide provincial/territorial police services.

Municipal policing also falls under the jurisdiction of each province/territory. Municipal police enforce the *Criminal Code*, other federal statutes, provincial statutes and municipal by-laws for a given municipality or municipal region. Municipalities may contract provincial police or the RCMP to provide municipal services.

Increased spending on policing¹⁷

Police expenditures represent actual operating expenditures and include salaries and wages, benefits, as well as other operating expenses such as accommodation costs, fuel and maintenance. Capital expenditures, revenues and recoveries are excluded. It should be noted that the specific items included in operating expenditures tend to differ considerably from municipality to municipality. For example, for some municipalities certain costs (e.g., accommodation, by-law enforcement, and court security) and services (e.g., computing, personnel, and financial services) may be included within the police service's operating budget. However, in others these costs and services may be paid for by other departments or through the service's capital budget, which is not included among the operating expenditures. Figures should therefore, be viewed as approximate.

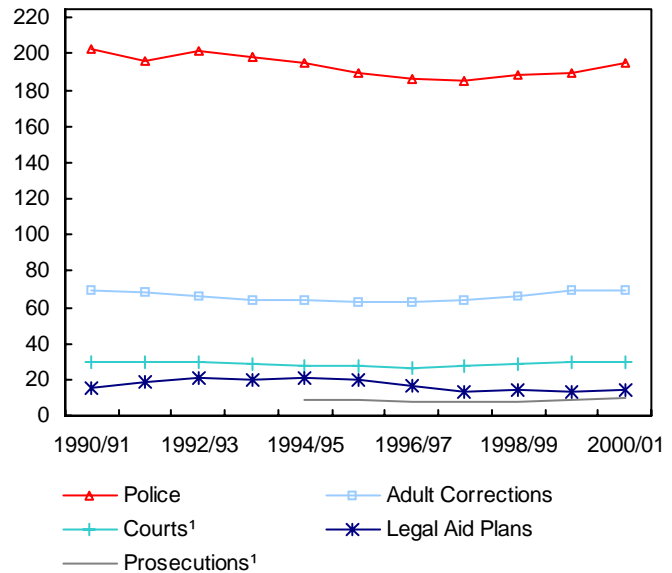
Expenditures on policing were more than \$6.8 billion in 2000/01, representing a 4% increase over the previous year, after controlling for inflation (see Table 1). Employing over two-thirds of the 56,000 police officers in Canada, municipal policing represented about 57% (\$3.9 billion) of all policing expenditures. Provincial/territorial policing accounted for 23% (\$1.6 billion) of expenditures and federal policing for 19% (\$1.3 billion).

After adjusting for inflation, per capita spending on policing in 2000/01 was 4% below 1990/91 expenditures. However, since 1997/98, per capita constant dollar expenditures have actually increased nearly 5% (see Figure 1). These recent increases in police costs coincide with a slight rise in the number of police officers hired over the last few years. Following seven consecutive years of decline, the number of police officers per capita has grown modestly for each of the last 3 years and reached 182 per 100,000 population in 2000.¹⁸

Figure 1



Spending per capita (constant 1992\$)



¹ Figures for 1991/92, 1993/94, 1995/96, 1997/98 and 1999/00 for Courts and Prosecutions are estimates.

Sources: Statistics Canada, Canadian Centre for Justice Statistics: Police Administration Annual Survey; Courts Resources, Expenditures and Personnel Survey; Legal Aid Survey; Criminal Prosecutions Personnel and Expenditures Survey; and Adult Correctional Services Survey.

All provinces and territories seeing a rise in police spending

There is considerable variation in the cost of policing across the provinces and territories.¹⁹ Historically among the provinces, policing costs have been typically lowest in the Atlantic provinces and highest in Ontario and Quebec. This trend continued in 2000/01. Further, the sparse populations of Yukon, the Northwest Territories and Nunavut make the cost

¹⁶ Policing expenditures provided in this report do not include Canadian Security Intelligence Service, railway or military police; private security guards and investigators; or federal and provincial personnel deployed to enforce statutes such as income tax, customs and excise, immigration, fisheries and wildlife statutes.

¹⁷ Most municipal police services operate on a calendar year (e.g., 2000) while provincial services and the RCMP use a fiscal year (e.g., 2000/01). All policing expenditures will be referred to using in a fiscal year.

¹⁸ For more information on police personnel see Filyer 2002, Police Resources in Canada, 2001.

¹⁹ Provinces and territories are not responsible for federal policing and other RCMP administrative expenditures. Therefore, expenditure data by province/territory only include spending for municipal and provincial/territorial policing. Provincial/territorial expenditures on RCMP contracts reflect only the cost billed to the province/territory or municipality and not the total cost of the contract or any additional policing costs. Remaining RCMP contract costs are included among the federal expenditures.

of policing in the territories much higher than elsewhere in Canada. While nationally, police spending amounted to \$221 per Canadian in 2000/01 (see Table 1), per capita policing costs were \$480 per person for Nunavut, \$449 for the Northwest Territories and \$333 for Yukon (see Table 3).

Since the previous year, police expenditures grew in every province and territory across Canada, to some extent (see Table 3). Controlling for inflation, increases in per capita spending on police services were the highest in Nunavut (+14%), British Columbia (+8%) and Yukon (+5%). Nova Scotia, Alberta and Quebec had the smallest change in per capita policing costs, increasing less than 1% from 1999/00. In the remaining jurisdictions, inflation-adjusted per capita police expenditures were up between 2% and 4% in 2000/01.

Courts²⁰

The Canadian court system is the shared responsibility of the federal and provincial/territorial governments. There are four principal levels of courts: Federal Courts; Provincial/Territorial Appeal Courts; Provincial/Territorial Superior Courts; and Provincial/Territorial Courts. The Federal Courts are the highest courts in the country, are national in scope, and are administered by the federal government. Included at this level are the Supreme Court of Canada, the Tax Court of Canada and the Federal Court of Canada. The Provincial/Territorial Courts of Appeal are the highest courts in the provinces and territories, followed by the Provincial/Territorial Superior Courts. The Courts of Appeal and Superior Courts are administered by the provinces/territories, but federally appointed judges preside over these courts. Finally, the fourth tier of the court system is composed of the Provincial/Territorial Courts. These courts and the appointment of their judges are solely the responsibility of the provinces/territories.

Expenditures for courts increased, federally and provincially/territorially²¹

Court expenditures include the cost of personnel salaries, wages and benefits along with a number of other operating expenditures such as costs for human resources services, computer systems, transcripts, law library/publications and witnesses, to name a few. However, there are inter-jurisdictional differences in what types of costs are included among these 'other' expenditures. For example, most witness costs are included in the budgets of courts in Prince Edward Island, New Brunswick, Ontario, Alberta, Yukon, the Northwest Territories and Nunavut, but for the other jurisdictions, these costs are not included.

In 2000/01, just over \$1.0 billion was spent to operate Canadian courts, amounting to \$34 per Canadian (see Table 1). Since 1998/99 (the last year for which data were available), total court expenditures increased 4% when controlling for inflation. Spending at the provincial/territorial level constitutes more than 91% of all court expenditures.²² Total spending increased across both federal and provincial/territorial jurisdictions between 1998/99 and 2000/01. In constant dollars, expenditures rose 3% at the federal level and 4% across the provinces/territories.

After peaking in the earlier 1990s and declining throughout the middle of the decade, per capita spending on court operations has been on the rise over the last few years. After 1992/93, per capita costs began to decline and by 1996/97 per capita constant dollar spending had dropped 11%. In 2000/01 per capita constant dollar expenditures had not quite reached 1992/93 levels, but were up 2% from 1998/99 and 9% from the 1996/97 low (see Figure 1).

Total court expenditures up in more than half of provincial/territorial jurisdictions

Across Canada, total court spending rose in seven of the thirteen provincial and territorial jurisdictions, with many of the increases likely due to negotiated salary and benefit increases.²³ In addition to salary increases, the recent rise in national court expenditures could also be due to the increase in the number of more complex cases, which require more court appearances and take longer to resolve. For example, despite an overall drop in the number of cases, the average number of charges per case in adult criminal courts grew from 2.13 in 1998/99 to 2.17 in 2000/01, and has increased 5% since 1996/97. This growth in the number of charges per case coincides with a rise in the amount of time it takes to process cases. In 2000/01, the mean number of court appearances per case was 5, up 6% from 1998/99 and 19% from 1996/97. Similarly, while in 1996/97 the median processing time for all adult criminal court cases was 80 days, this figure rose to 84 days in 1998/99 and 87 days by 2000/01.²⁴

Nationally, salaries and benefits for personnel constitute 80% (\$829 million) of the cost of operating Canada's courts. Court and administrative staff accounted for 54% of salary and benefits expenditures, and judiciary for the remaining 46%. Between 1998/99 and 2000/01, total inflation-adjusted expenditures on court salaries and benefits increased 3%. Aside from salaries and benefits, other operating expenditures rose 10%.

Per capita court spending increased in 2 territories and 6 provinces

Among the territories in 2000/01, court costs varied from \$65 per person in Nunavut (which only has a territorial superior court) to \$165 per capita in Yukon and \$188 in the Northwest Territories (which each have territorial superior courts as well as territorial courts). Among the provinces, per capita expenditures ranged from \$22 per capita in Quebec to \$43 in Nova Scotia (see Table 3).

²⁰ Courts spending data are collected biennially. Therefore, data are only available for alternate years beginning with 1988/89.

²¹ Revenues, recoveries and capital expenditures for long-term assets are excluded.

²² Provincial/territorial expenditures include the salaries, benefits, allowances and annuities paid to federally appointed judges presiding over provincial/territorial appeal and superior courts (Section 96 judges). These costs are paid by the Office of the Commissioner for Federal Judicial Affairs (OCFJA), but are entered under the jurisdiction where the judges are working rather than the OCFJA in order to determine the true cost of operating the courts.

²³ For further information see *Snowball 2002a*, Courts Personnel and Expenditures, 2000/01.

²⁴ For more information see *Roberts and Grimes 2000*, "Adult Criminal Courts Statistics, 1998/99". Also see *Thomas 2002*, "Adult Criminal Courts Statistics, 2000/01".

Looking at spending on a per person basis, the Northwest Territories reported the largest constant dollar increase in court expenditures among all jurisdictions (+34%) since 1998/99, followed by Yukon (+22%).²⁵ As mentioned earlier, these increases in expenditures are generally the result of negotiated salary and benefit increases and retroactive payments. In Alberta, spending also grew notably, rising 21%. However, this increase was due largely to retroactive benefits and one-time compensation pay-outs along with the purchase of telecommunications equipment and development costs for a criminal tracking system. If these one-time costs were excluded from 2000/01 expenditures, then the increase in per capita spending would be just 2%. Compared to 1998/99, 2000/01 per capita provincial court costs moved modestly upward in Newfoundland and Labrador, New Brunswick, Manitoba, and Saskatchewan, increasing between 2% to 5%. Ontario was stable at 1%. However, per capita constant dollar spending decreased between 3% and 8% in Prince Edward Island, Nova Scotia, Quebec and British Columbia.

Legal Aid

Legal aid services assist in assuring that Canadians have access to justice by providing low-income individuals in need of professional legal counsel with information, referrals, advice and representation. Accordingly, there are financial eligibility criteria and depending on the client's financial situation, legal costs may be covered in part or in full. The nature of the case is also taken into consideration before legal aid is granted.

While the extent of coverage varies, both civil and criminal matters are covered by legal aid plans. Family matters constitute many of the civil cases covered by legal aid, especially in Prince Edward Island, Nova Scotia, Saskatchewan and Yukon. Family matters are the only types of civil cases handled by legal aid plans in New Brunswick. In most jurisdictions coverage for criminal matters is available for indictable offences (i.e., offences which are more serious and carry a maximum sentence of 5 years in prison). Cases involving the least serious types of *Criminal Code* offences, summary offences (i.e., offences carrying a fine of not more than \$2,000 or imprisonment of not more than 6 months), are generally eligible for coverage only if there is a threat of imprisonment or loss of livelihood.²⁶

There are cost-sharing agreements between the federal and provincial/territorial governments to fund legal aid programs. However, each province and territory is responsible for the administration and delivery of its own legal aid services. And while each jurisdiction has a unique legal aid plan, there are 3 general models on which the various legal aid systems are based.

First, Judicare is a fee-for-service system where clients can retain any private-sector attorney willing to represent them in their case. The lawyer then bills the legal aid program for services rendered. The Judicare system is used in New Brunswick, Ontario and Alberta. Second is a staff system that is used in Newfoundland and Labrador,²⁷ Prince Edward Island, Nova Scotia and Saskatchewan. In a staff system a team of lawyers is employed for the explicit purpose of providing legal aid services. However, even with a staff system, the use of

private lawyers may be necessary from time to time. Finally, the mixed model, operating in Quebec, Manitoba, British Columbia, Yukon, the Northwest Territories and Nunavut, uses private and staff lawyers in combination. Under this delivery system, clients choose their representation from a selection of private and staff attorneys.

Legal aid plan expenditures up modestly

In 2000/01 a total of \$512 million was spent on the provision of legal aid services in Canada, an increase of 2% over the previous year (in inflation-adjusted dollars). On a per capita basis, total legal aid plan expenditures were the equivalent of nearly \$17 per Canadian (see Table 1). The amount of expenditures reported represents spending by legal aid plans only. It should be noted that this spending may not equal government contributions to legal aid plans in a given year.

The activities involved in delivering legal services directly to clients represent the largest portion of legal aid plan expenditures. The referrals, guidance and legal representation provided by private and staff lawyers as well as other legal aid staff constituted 83% of legal aid plan expenditures in 2000/01. The administrative costs of operating legal aid offices represented 14% of legal aid plan expenditures and other legal aid program activities such as, research, public legal advice and grants to other agencies, constituted the remaining 3%.

Controlling for the effects of inflation, per capita spending on legal aid has been stable since 1998/99, following several years of decline. Legal aid plan expenditures climbed upward throughout the first half of the 1990s, peaking in 1994/95, then declined consistently until 1998/99 (see Figure 1). Adjusting for inflation, 2000/01 per capita expenditures were 14% below 1996/97 spending levels. In 2000/01, per capita spending was down just 3% from 1998/99 and had increased 1% over the previous year.

Recent increases in the number of filed and approved legal aid applications, along with the recent growth in legal aid personnel, may help explain the recent increase in legal aid plan spending.²⁸ Since 1998/99, there has been a steady rise in the number of applicants approved for full legal aid services, with approvals gaining 3% in 2000/01 over the previous year.

²⁵ Court expenditures for the Northwest Territories in 2000/01 reflect a marked increase in the cost of benefits paid to court personnel. Court expenditures for the Northwest Territories in 2000/01 include a \$500,000 payment to the judiciary pension plan. As well, revisions in the methods used to calculate court staff benefits also contributed to the difference in court benefit expenditures between 1998/99.

²⁶ For more information on legal aid coverage, see *Statistics Canada, Canadian Centre for Justice Statistics 2002b, Legal Aid in Canada: Resource and Caseload Statistics 2000-01*.

²⁷ Newfoundland and Labrador consider their delivery system to be a mixed system. However, because spending on staff lawyers constitutes such a high proportion of its direct legal expenditures on legal aid, data for Newfoundland and Labrador are presented as if it operated primarily as a staff system.

²⁸ For more information on trends in legal aid plan applications, see *Statistics Canada, Canadian Centre for Justice Statistics 2002b, Legal Aid in Canada: Resource and Caseload Statistics 2000-01*.

Increases in spending by legal aid plans greatest in Ontario and Nunavut

In 2000/01, legal aid plan expenditures were highest in Nunavut, costing \$104 per capita. Particularly for this territory, the need to send lawyers to a number of remote communities coupled with high transportation costs contributed to high per capita legal aid plan expenditures. In the Northwest Territories and Yukon expenditures were comparatively lower at \$86 and \$34 per capita, respectively. Among the provinces,²⁹ spending on legal aid services ranged from about \$5 per capita in Prince Edward Island and New Brunswick to \$22 per capita in British Columbia.

Between 1999/00 and 2000/01, legal aid plans in Ontario (+4%) and Nunavut (+3%) recorded the highest per capita constant dollar increases in expenditures (see Table 3). Per capita spending also rose slightly in British Columbia (+2%), Prince Edward Island (+1%) and Saskatchewan (+1%). Except for in Yukon (-18%) and the Northwest Territories (-7%), year-over-year constant dollar spending by legal aid plans declined between 1% and 4% in the remaining jurisdictions.

Criminal Prosecutions³⁰

Crown prosecutors are attorneys who prosecute violations of the *Criminal Code* and other federal statutes on behalf of the Crown. Additionally, Crown attorneys in some jurisdictions also prosecute violations of provincial statutes and municipal bylaws. Responsibility for Crown prosecution activities is divided between the Attorney General of Canada (who is also the Minister of Justice) and the Attorney General of each province.

In all provinces except Nova Scotia, which operates an independent prosecution service, Crown attorneys are provincially appointed. However in some provinces, Justice Canada is responsible for prosecuting violations of federal legislation other than the *Criminal Code* (e.g., the *Controlled Drugs and Substances Act*, and the *Customs Act*). In the territories, where all Crown counsel are federally appointed representatives of the Attorney General of Canada, Justice Canada handles all criminal prosecutions. At times when all other Crown attorneys are occupied, it may be necessary for private lawyers to be granted the authorization to act as agents of the Crown, on a per diem basis. This practice is employed, to at least some extent, in all provincial/territorial and federal jurisdictions.

In addition to their responsibilities in the courtroom, Crown prosecutors are involved in a variety of other functions such as pre-charge consultations with police, pre- and post-trial activities, communicating with victims and witnesses, policy development, as well as public education. The Crown prosecutors in British Columbia, Quebec and New Brunswick are also responsible for approving a charge prior to it being laid by police. The range of functions fulfilled by Crown attorneys plays a role in determining prosecutorial costs and consequently, inter-jurisdictional variations in spending.

Criminal prosecution expenditures up, with notable increases at the federal level

In 2000/01, over \$335 million was spent on federal and provincial criminal prosecutions. Total prosecution

expenditures amounted to almost \$11 per Canadian (see Table 1). Prosecution expenditures include the cost of salaries, wages, and benefits for permanent lawyers and those on contract, as well as other prosecutorial personnel such as paralegal and clerical staff. These costs made up the bulk (75% or \$253 million) of prosecution expenditures. Other operating costs associated with prosecutions include private attorneys (10% or \$32.6 million), and other operating costs such as witness costs, transportation and training (15% or \$49.6 million).

In 2000/01, total criminal prosecution expenditures expressed in constant dollars jumped 15% over 1998/99 figures, the last year for which expenditure data are available. Expenditure data for criminal prosecutions are collected biennially and are only available as far back as 1994/95. Total inflation-adjusted per capita spending on prosecutions declined between 1994/95 and 1996/97, and rose in subsequent years (see Figure 1). Adjusting for inflation and population changes, total operating expenditures for prosecutions increased by 14% over 1996/97 spending levels.

As the responsibility for the majority of criminal prosecutions rests with the provinces, provincial expenditures on criminal prosecutions accounted for 83% of total criminal prosecution spending. Provincial expenditures on prosecutions totalled \$278 million dollars in 2000/01, an increase in constant dollars of 12% over 1998/99. However at 33%, Justice Canada constant dollar spending increased by more than double the provincial rate. At the provincial level, recent increases in criminal prosecution expenditures in most jurisdictions are generally due to negotiated increases in salaries. At the federal level, prosecution activities stemming from the Integrated Proceeds of Crime Legislation, Anti-Smuggling Initiative, Canada Drug Strategy and Organized Crime Legislation stimulated an increase in caseload, personnel and salaries, thereby accounting for much of the escalation in spending from 1998/99 to 2000/01.³¹

Prosecution expenditures up in all provinces but three

Typically, criminal prosecution spending varies considerably from province to province.³² In total, the provincial price tag for prosecution services amounted to about \$9 per capita in 2000/01 (see Table 3).³³ Expenditures in the provincial jurisdictions ranged from \$6 per capita in Prince Edward Island to \$15 per capita in British Columbia.

²⁹ Data for Newfoundland and Labrador were unavailable.

³⁰ Data on criminal prosecutions resources, expenditures and personnel are only available as far back as 1994/95 and are collected on a biennial basis. Therefore, these data are unavailable for 1995/96, 1997/98 and 1999/00.

³¹ For further information see, *Snowball 2002b*, Criminal Prosecutions Personnel and Expenditures, 2000/01.

³² Justice Canada is responsible for criminal prosecutions in Yukon, the Northwest Territories and Nunavut. Therefore, separate expenditures for each territory are not available.

³³ Expenditures on private lawyers were not available for Newfoundland and Labrador, Quebec's expenditures exclude municipal court prosecutions (which constitute about 20% of the caseload), and Saskatchewan's expenditures exclude employee benefits.

From 1998/99 to 2000/01, criminal prosecution expenditures rose in most provinces. Manitoba experienced the largest percentage increase in prosecution spending, where per capita expenditures grew 27%, after adjusting for inflation. Constant dollar per capita expenditures dropped in three provinces: Nova Scotia (-7%), Newfoundland and Labrador (-3%), and Prince Edward Island (-3%).

Adult Corrections³⁴

On any given day in 2000/01, there was an average of 151,500 adults under the supervision of the Canadian correctional system.³⁵ The majority of adult offenders (79%) were under community supervision, while the remaining 21% were in custody.³⁶ Among those under detention, 40% were under federal authority and 60% were in provincial/territorial custody. Caseload data are available for the following key areas of correctional responsibility: custodial remands and other temporary detention (e.g., immigration holds), custodial sentences, conditional sentences, probation and conditional release.

The adult correctional system is split between federal and provincial/territorial jurisdictions. Custodial remands and other temporary detention, conditional sentences and probation are the responsibility of provincial/territorial correctional services. Offenders serving custodial sentences of less than two years are the responsibility of the provinces/territories and those serving two years or more fall under federal jurisdiction. Provincial/territorial authorities undertake the supervision of conditionally released provincial/territorial offenders and the National Parole Board and Correctional Service Canada share the responsibility for federal offenders. With the exception of the provinces of Quebec, Ontario and British Columbia (which have their own parole boards), the parole of offenders sentenced to provincial/territorial facilities as well as those in federal institutions falls under the jurisdiction of the National Parole Board.

Little change in spending on corrections over previous year

In 2000/01, nearly \$2.5 billion was spent on operating adult correctional services in Canada. This amount is almost unchanged from the previous year, rising just 1% when controlling for inflation. Adult corrections costs amounted to \$80 per Canadian (see Table 1).

The greatest portion of the corrections dollar went to custodial services (74%) followed by community supervision (13%), headquarters and central services (11%) and parole (2%). In recent years, there has been a small shift in spending proportions with slightly less being allotted to custodial services (which accounted for 77% in 1996/97) and slightly more to community supervision and headquarters and central services.

In 2000/01, the federal portion of the corrections bill amounted to almost \$1.3 billion (52% of total spending), while the provincial/territorial price tag was just under \$1.2 billion (48% of total spending). Since 1999/00, total constant dollar spending at the federal level decreased 3%, while provincial and territorial expenditures rose about 6%.³⁷ Nevertheless, there were variations in the percentage increases across the provinces and territories, with some provinces/territories experiencing

notable spending growth and others recording no change or declines in expenditures.

During the early to mid-1990's, expenditures on adult corrections declined but generally have been increasing since 1996/97. Based on inflation-adjusted figures, per capita spending in 2000/01 was 1% higher than a decade earlier and 12% higher than 1996/97 spending levels (see Figure 1).

There are a number of factors that can affect variations in adult correctional expenditures across jurisdictions and over time. Included among these factors are differences in supervision requirements; the type and extent of programming available; the nature of caseloads (e.g., the number of higher supervision and remand cases); and the jurisdictional budgetary situation.

Most provinces and territories witnessed increases in corrections spending

Among the provinces in 2000/01, corrections expenditures ranged from \$25 per capita in Quebec and New Brunswick to \$60 in Saskatchewan (see Table 3). Among the territories, spending was \$242 per capita in Nunavut, \$270 per capita in Yukon, and \$383 per capita in the Northwest Territories.

The large majority of provinces and territories reported increases in spending in 2000/01. Nevertheless, a couple of jurisdictions witnessed declines.³⁸ After contract re-negotiations resulted in decreased spending in New Brunswick during 1999/00, per capita constant dollar expenditures were up 16% in 2000/01. Manitoba and Quebec also reported noteworthy expenditure increases in 2000/01, with per capita constant dollar spending up 7% and 6% respectively, over 1999/00. In Ontario, Saskatchewan, Alberta, British Columbia and Yukon per capita constant dollar costs rose between 2% and 4%. Since 1999/00, per capita constant dollar spending in Prince Edward Island has varied little, while expenditures in Newfoundland and Labrador as well as Nova Scotia dropped 3% each from 1999/00 to 2000/01.

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. The survey encompasses both institutional corrections and community corrections (offenders in the community on

³⁴ Because the data for youth corrections are based on estimates and are unavailable after 1998/99, no analysis will be presented.

³⁵ Average counts of inmates in custody or those under community supervision are a snapshot of the correctional population on any given day. These figures are then used to calculate annual average counts.

³⁶ Figures are based on data from the Adult Correctional Services (ACS) Survey. See Statistics Canada, Canadian Centre for Justice Statistics 2002a, Adult Correctional Services in Canada, 2000-2001.

³⁷ Since 2000/01 adult corrections expenditures for the Northwest Territories and Nunavut include expenses that were unavailable in 1999/00, year-over-year comparisons for total provincial/territorial expenditures exclude spending for these territories.

³⁸ It is not possible to present year-over-year spending trends in adult corrections for the Northwest Territories and Nunavut, as some expenditure figures included in 2000/01 were unavailable in 1999/00.

Box 6: Employment in selected sectors of the justice system

A sizeable portion of criminal justices expenditures are dedicated to the cost of salaries, wages and benefits paid to those who provide justice services and help to operate the justice system. In 2000/01, almost 127,000 people worked in policing, courts, legal aid, adult corrections and criminal prosecutions (see Table 4). Since 1998/99, the number of people working in the justice field has grown, including a 5% increase in 2000/01. This period of growth follows years of decline from the early to mid-1990s. (See Table 5 for information on justice system employees in the provinces and territories.)

Police³⁹

In 2000, there were 19,909 civilians employed in police services, down 1% from 1999 and 55,954 police officers in Canada, up 1% from 1999. On a per capita basis there were almost 182 police officers for every 100,000 Canadians in 2000. Since 1996, the number of civilian personnel moved upwards 2%, and the number of officers rose 3%. However, the number of police officers per 100,000 population dropped 1% between 1996 and 2000.

Courts

In 2000/01, there were 2,011 judiciary and 9,890 non-judiciary for a total of 11,901 court personnel. This represents a decline of less than 1% from 1998/99. However since 1996/97, the total number of court personnel has declined 3%.

Legal Aid

Nationally, legal aid personnel totalled 2,944, a 6% gain from 1999/00. The recent increase in legal aid employees follows five consecutive years of declines.

Criminal Prosecutions

From 1994/95 to 1998/99, the number of prosecution personnel went virtually unchanged. Then in 2000/01, the number of people employed in criminal prosecutions rose more than 15% over 1998/99, to 3,609.

Adult Corrections

Across Canada, there were 32,607 full-time employees in the adult correctional system in 2000/01, up 8% from the previous year. In 2000/01, the number of corrections workers was 18% higher than in 1996/97.

Sources: Filyer, Rebecca E. 2002. *Police Resources in Canada, 2001*. (Statistics Canada Catalogue no. 85-225-XIE). Ottawa: Minister responsible for Statistics Canada.

Snowball, Katie. 2002a. *Courts Personnel and Expenditures, 2000/01*. (Statistics Canada Catalogue no. 85-403-XIE). Ottawa: Minister responsible for Statistics Canada.

Snowball, Katie. 2002b. *Criminal Prosecutions Personnel and Expenditures, 2000/01*. (Statistics Canada Catalogue no. 85-402-XIE). Ottawa: Minister responsible for Statistics Canada.

Statistics Canada, Canadian Centre for Justice Statistics. 2002a. *Adult Correctional Services in Canada, 2000-2001*. (Statistics Canada Catalogue no. 85-211-XIE). Ottawa: Minister responsible for Statistics Canada.

Statistics Canada, Canadian Centre for Justice Statistics. 2002b. *Legal Aid in Canada: Resources and Caseload Statistics 2000-01*. (Statistics Canada Catalogue no. 85F0015XIE). Ottawa: Minister responsible for Statistics Canada.

³⁹ Police personnel are reported on a calendar-year basis. Personnel counts are based on permanent, full-time equivalents as of June 15, 2000. Part-time employees are converted to full-time equivalents. Temporary and auxiliary police and other volunteer personnel are excluded.

Box 7: Volunteering in justice-related organizations

Every year thousands of individuals offer their time and skills, volunteering in justice-related, non-profit organizations and groups. Justice sector volunteers may participate in agencies (including those in the government sector), that provide legal services, promote crime prevention and public safety, rehabilitate offenders, provide support and services for victims of crime and protect the rights of consumers.

According to the 2000 National Survey of Giving, Volunteering and Participating (NSGVP), more than 118,000 people in Canada volunteered over 13.3 million hours of their time in these types of law and legal service organizations, between October 1, 1999 and September 30, 2000. The number of volunteers in justice-related organizations dropped 9% since 1997, the last time the NSGVP was conducted. Of all Canadians who reported volunteering in the last year, justice-sector volunteers accounted for 2%. Despite fewer volunteers, the average number of hours volunteered rose from 82 hours/year in 1997 to 108 hours/year in 2000. In addition to time, more than 676,000 Canadians gave donations totalling \$17.9 million to law and legal service organizations during 2000. The average donation was about \$25.

Source: Statistics Canada, 2000 National Survey of Giving, Volunteering and Participating (NSGVP).

Statistics Canada, 1997 National Survey of Giving, Volunteering and Participating (NSGVP).

probation or some form of conditional release) in both the provincial/territorial and federal corrections sectors. Information is collected on the cost, resources, and personnel required to maintain the correctional system in Canada. Capital costs are not included. The survey is conducted annually.

Adult Criminal Court Survey (ACCS)

The purpose of the Adult Criminal Court Survey (ACCS) is to provide 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. Some limitations on coverage of the survey should be noted. 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, information from Quebec's 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.

Courts Resources, Expenditures and Personnel Survey

The Courts Resources, Expenditures and Personnel Survey provides administrative information on the Canadian court process and its costs. The survey collects aggregate expenditure and personnel information from all provinces and territories and the four federal jurisdictions, which are the Supreme Court of Canada, the Federal Court of Canada, the Tax Court of Canada and the Office of the Commissioner for Federal Judicial Affairs. This survey is conducted biennially.

Criminal Prosecutions Resources, Expenditures and Personnel Survey

The Criminal Prosecutions Resources, Expenditures and Personnel Survey provides information on personnel (e.g., lawyers, para-legals, management) and the costs (e.g., wages, training, operating expenditures) associated with the delivery of criminal prosecutions services in Canada. Data are collected from all provinces and from Justice Canada, which has responsibility for prosecution services in Yukon, the Northwest Territories and Nunavut, as well as prosecutions under federal statutes. In the case of Quebec, data on the delivery of prosecution services are not available for municipal courts. (It is estimated that 20% of federal statute charges in Quebec are heard in municipal courts). The survey, which began in 1994/95, is conducted biennially.

Financial Management System (FMS)

Statistics Canada's Financial Management System provides time series data on government spending. The FMS standardizes the presentation of government financial information and employs a consolidation process. In consolidation, intergovernmental transfers are eliminated so that an accurate picture of total government spending can be obtained.

The FMS monitors spending on three broad categories of justice services related to the protection of persons and property – policing, courts of law, and corrections and rehabilitation. It should be noted that the figures provided by the FMS are not equivalent to those produced by CCJS surveys due to differences in data sources, definitions, coverage and methodology.

Legal Aid Survey

The annual Legal Aid Survey has been in operation since 1984. Among other things, it measures expenditures and personnel associated with the delivery of legal aid services in Canada. Expenditures include money spent on the provision of legal services, e.g., staff salaries and benefits and private lawyers' fees and disbursements. Expenditures also include money spent on legal research activities and head office functions. Personnel include lawyers and non-lawyers who provide legal advice and/or representation directly to clients, plus other staff, such as accountants, librarians and clerical workers.

Police Administration Annual Survey

The Police Administration Annual Survey collects national statistics on personnel and expenditures from municipal, provincial and federal police services. Personnel counts are

based on permanent, full-time equivalents; part-time employees are converted to full-time equivalents (e.g., 4 employees each working 10 hours per week would equal 1 full-time employee). Expenditures are based on operating costs and include salaries and wages, benefits and other expenses such as accommodation costs. Capital costs are not included.

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Table 1


Spending on Justice Services, 1994/95 to 2000/01

	1994/95		1995/96		1996/97		1997/98		1998/99		1999/00		2000/01	
	Total	Per capita	Total	Per capita	Total	Per capita	Total	Per capita	Total	Per capita	Total	Per capita	Total	Per capita
Population (000s)¹	29,036.0		29,353.9		29,671.9		29,987.2		30,248.2		30,499.2		30,769.7	
CPI (1992=100)²	102.0		104.2		105.9		107.6		108.6		110.5		113.5	
	millions \$		\$ millions \$		\$ millions \$		\$ millions \$		\$ millions \$		\$ millions \$		\$ millions \$	\$
Spending in current \$														
Police	5,784	199	5,809	198	5,856	197	5,989	200	6,210	205	6,394	210	6,801	221
Courts ³	838	29	848	29	859	29	907	30	955	32	997	33	1,039	34
Legal Aid Plans ⁴	646	22	622	21	536	18	455	15	494	16	487	16	512	17
Adult Corrections	1,894	65	1,919	65	1,969	66	2,077	69	2,200	73	2,365	78	2,454	80
Prosecutions ³	257	9	261	9	265	9	271	9	278	9	307	10	335	11
Sub-total	9,419	324	9,459	322	9,484	320	9,700	323	10,138	335	10,550	346	11,141	362
Youth Corrections ⁵	526	18	508	17	513	17	499	17	498	16	..	..	..	..
Total	9,944	342	9,967	340	9,998	337	10,199	340	10,636	352	...	...	...	...
Spending in constant 1992\$²														
Police	5,670	195	5,574	190	5,530	186	5,566	186	5,718	189	5,787	190	5,992	195
Courts ³	821	28	814	28	811	27	843	28	880	29	902	30	915	30
Legal Aid Plans ⁴	634	22	597	20	506	17	423	14	455	15	441	14	451	15
Adult Corrections	1,856	64	1,842	63	1,859	63	1,931	64	2,026	67	2,140	70	2,162	70
Prosecutions ³	252	9	250	9	250	8	252	8	256	8	278	9	295	10
Sub-total	9,234	318	9,078	309	8,956	302	9,015	301	9,335	309	9,548	313	9,815	319
Youth Corrections ⁵	515	18	488	17	485	16	464	15	458	15	..	..	..	..
Total	9,749	336	9,565	326	9,441	318	9,479	316	9,793	324	...	...	...	...

.. figures not available for specific reference period

... figures not applicable

¹ The population estimates used to calculate per capita figures are provided by Statistics Canada, Census and Demographic Statistics, Demography Division. Populations as of July 1, 2001: final intercensal estimates for 1992 to 1995; final postcensal estimates for 1996 to 1997; updated postcensal estimates for 1998 to 2000; and preliminary postcensal estimates for 2001.

² In order to create constant dollar figures with the effects of inflation removed, figures were converted to a base of 1992=100 using Statistics Canada's Consumer Price Index (CPI).

³ In order to make annual comparisons, court expenditures for 1993/94, 1995/96, 1997/98 and 1999/00 have been estimated based on the average between the reporting years preceding and following the reference period. Prosecutions expenditures for 1995/96, 1997/98 and 1999/00 were estimated in a similar manner.

⁴ These expenditures represent spending by legal aid plans only and may not equal government contributions to legal aid plans in a given year.

⁵ Youth corrections costs are estimates. The figures likely underestimate total costs.

Sources: Young Offenders Cost-Sharing Agreements, Justice Canada. 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.

Table 2


Spending on Justice Services in the Provinces and Territories,¹ 1996/97, 1998/99 and 2000/01

	1996/97		1998/99		2000/01		1996/97 to	1998/99 to
	Per capita spending ²		Per capita spending ²		Per capita spending ²		2000/01	2000/01
	current \$	constant \$ ³	current \$	constant \$ ³	current \$	constant \$ ³	% change in constant \$	% change in constant \$
Newfoundland and Labrador ⁴	165	156	168	155	186	164	5.4	6.1
Prince Edward Island	180	171	182	172	196	175	2.3	2.1
Nova Scotia	197	186	210	194	224	196	5.1	1.3
New Brunswick	181	172	184	171	198	175	1.8	2.5
Quebec	243	235	248	233	260	235	-0.1	0.8
Ontario	264	249	273	250	298	261	4.8	4.4
Manitoba	236	216	253	224	284	241	11.2	7.3
Saskatchewan	231	212	252	226	278	238	12.3	5.4
Alberta	202	188	212	192	240	204	8.4	6.5
British Columbia	240	221	244	222	269	237	7.5	7.1
Yukon	670	623	730	658	802	700	12.3	6.4
Northwest Territories ⁵	857	792	839	776	1,106	994	25.6	28.2
Nunavut ⁶	...	...	...	...	890	800	...	...
Total	243	230	251	231	273	241	4.8	4.1

... figures not available for specific reference period

... figures not applicable

¹ Includes spending on policing, courts, legal aid plans, adult corrections and prosecutions as described in Table 1.

² The population estimates used to calculate per capita figures are provided by Statistics Canada, Census and Demographic Statistics, Demography Division. Populations as of July 1, 2001: final postcensal estimates for 1996 to 1997; updated postcensal estimates for 1998 to 2000; and preliminary postcensal estimates for 2001.

³ In order to create constant dollar figures with the effects of inflation removed, figures were converted to a base of 1992=100 using Statistics Canada's Consumer Price Index.

⁴ Does not include legal aid plan expenditures.

⁵ In 2000/01, total expenditures for the Northwest Territories reflect notable increases in spending on courts and adult corrections. There was a marked increase in the cost of benefits paid to court personnel and revisions were made to the methods used to calculate court staff benefits. In addition, 2000/01 adult corrections costs for the Northwest Territories include expenses not available in 1998/99 and 1999/00. Consequently, caution should be exercised when comparing total expenditures from 1998/99 to those from 2000/01 for this jurisdiction.

⁶ Nunavut officially became a Canadian territory April 1, 1999. Prior to this time it was part of the Northwest Territories.

Sources: 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.

Table 3


Spending on Justice Services in the Provinces and Territories, by Sector, 1999/00 and 2000/01

	Police ¹		Courts ²		Legal Aid Plans ³		Prosecutions ⁴		Adult Corrections ⁵		Population ⁶ 000s	CPI ⁷ 1992=100
	Per capita spending		Per capita spending		Per capita spending		Per capita spending		Per capita spending			
	current \$	constant \$	current \$	constant \$	current \$	constant \$	current \$	constant \$	current \$	constant \$		
1999/00												
Newfoundland and Labrador	105	95	..	..	..	..	..	..	39	35	540.7	110.0
Prince Edward Island	107	100	..	..	5	5	..	..	40	37	137.6	107.3
Nova Scotia	126	114	..	..	12	11	..	..	27	25	939.7	110.3
New Brunswick	124	113	..	..	5	5	..	..	21	20	754.4	109.2
Quebec	187	173	..	..	14	13	..	..	23	21	7,349.7	108.0
Ontario	188	169	..	..	19	17	..	..	40	36	11,522.7	111.0
Manitoba	159	138	..	..	15	13	..	..	49	42	1,142.4	115.2
Saskatchewan	148	130	..	..	10	9	..	..	57	50	1,025.5	113.7
Alberta ⁸	145	128	..	..	9	8	..	..	28	24	2,959.5	113.4
British Columbia	136	122	..	..	21	19	..	..	43	39	4,028.1	111.2
Yukon	311	277	..	..	40	36	..	..	259	231	31.0	112.1
Northwest Territories ⁹	427	391	..	..	91	83	..	..	257	235	41.0	109.3
Nunavut ¹⁰	413	378	..	..	99	90	..	..	127	116	26.9	109.3
Total	169	153	...	...	16	14	...	...	36	32	30,499.2	110.5
2000/01												
Newfoundland and Labrador	112	99	28	24	..	..	7	6	39	34	537.2	113.3
Prince Edward Island	113	101	30	27	5	5	6	5	42	37	138.1	111.7
Nova Scotia	131	115	43	37	12	10	11	10	27	24	941.2	114.2
New Brunswick	130	115	29	26	5	5	7	6	25	23	755.3	112.8
Quebec	193	175	22	20	14	13	5	5	25	23	7,377.7	110.6
Ontario	197	172	28	25	21	18	9	8	43	38	11,685.3	114.2
Manitoba	166	141	39	33	16	13	10	9	53	45	1,146.0	118.1
Saskatchewan	158	135	40	34	11	9	10	8	60	51	1,022.0	116.7
Alberta ⁸	151	129	41	35	9	8	9	8	29	25	3,009.2	117.4
British Columbia	150	132	36	32	22	19	15	14	46	40	4,058.8	113.3
Yukon	333	290	165	144	34	29	..	..	270	236	30.6	114.6
Northwest Territories ⁹	449	403	188	169	86	77	..	..	383	344	40.9	111.2
Nunavut ¹⁰	480	431	65	58	104	93	..	..	242	218	27.4	111.2
Total	178	157	31	27	17	15	9	8	38	34	30,769.7	113.5

.. figures not available for specific reference period

... figures not applicable

¹ Excludes federal spending on the RCMP. Also, provincial/territorial expenditures on RCMP contracts reflect only the cost billed to the province/territory or municipality and not the total cost of the contract or any additional policing costs. Remaining RCMP contract costs are included among the federal expenditures.

² Courts data are collected biennially and are therefore, unavailable for 1999/00. Includes salaries, benefits, allowances and annuities paid to federally appointed judges presiding over provincial/territorial appeal and superior courts (Section 96 judges). These costs are paid by the Office of the Commissioner for Federal Judicial Affairs (OCFJA) but are entered under the jurisdiction rather than the OCFJA. Excludes spending on federal courts and administrative costs for the OCFJA.

³ These expenditures represent spending by legal aid plans only and may not equal government contributions to legal aid plans in a given year.

⁴ Prosecutions data are collected biennially, and are therefore unavailable for 1999/00. Excludes Justice Canada spending, including prosecution costs for Yukon, Northwest Territories and Nunavut. Also excludes prosecution costs for Quebec municipal courts estimated to represent 20% of the Quebec workload. Expenditures for Ad hoc/per diem lawyers in Newfoundland are excluded.

⁵ Excludes spending on federal corrections.

⁶ The population estimates used to calculate per capita figures are provided by Statistics Canada, Census and Demographic Statistics, Demography Division. Populations as of July 1, 2001: updated postcensal estimates for 1998 to 2000; and preliminary postcensal estimates for 2001.

⁷ In order to create constant dollar figures with the effects of inflation removed, figures were converted to a base of 1992=100 using Statistics Canada's Consumer Price Index.

⁸ Court expenditures for Alberta in 2000/01 include retroactive benefits and one-time compensation pay-outs along with costs associated with the purchase of telecommunications equipment and the development a criminal tracking system. Together these costs represent 16% of total spending in that province.

⁹ Court expenditures for the Northwest Territories in 2000/01 include a \$500,000 payment to the judiciary pension plan and reflect revisions in the methods used to calculate court staff benefits. Also, it is not possible to make year-over-year comparisons of spending on adult corrections in the Northwest Territories, as some spending sources were unavailable in 1999/00.

¹⁰ Although Nunavut officially became a Canadian territory April 1, 1999, Northwest Territories Legal Aid Services Board remained the provider of Legal Aid Services in Nunavut until June 30, 2000. It is not possible to make year-over-year comparisons of spending on adult corrections in Nunavut, as some spending sources were unavailable in 1999/00.

Sources: 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.

Table 4


Employees of the Justice System,¹ 1994/95 to 2000/01

	1994/95		1995/96		1996/97		1997/98		1998/99		1999/00		2000/01	
	Total	Per 100,000 population ²	Total	Per 100,000 population ²	Total	Per 100,000 population ²	Total	Per 100,000 population ²	Total	Per 100,000 population ²	Total	Per 100,000 population ²	Total	Per 100,000 population ²
Police	75,351	260	74,267	253	73,926	249	74,398	248	74,146	245	75,489	248	75,863	247
Officers	55,859	192	55,008	187	54,323	183	54,719	182	54,763	181	55,321	181	55,954	182
Civilians	19,492	67	19,259	66	19,603	66	19,679	66	19,383	64	20,168	66	19,909	65
Courts³	12,074	42	12,172	41	12,270	41	12,102	40	11,934	39	11,918	39	11,901	39
Judiciary	1,935	7	..	..	1,969	7	..	..	1,994	7	..	..	2,011	7
Non-Judiciary	10,139	35	..	..	10,301	35	..	..	9,940	33	..	..	9,890	32
Legal Aid Plans⁴	3,023	10	2,960	10	2,932	10	2,870	10	2,784	9	2,772	9	2,944	10
Lawyers	1,034	4	1,038	4	1,040	4	1,005	3	1,008	3	972	3	1,030	3
Non-lawyers	1,989	7	1,922	7	1,892	6	1,865	6	1,776	6	1,800	6	1,914	6
Adult Corrections	27,103	93	28,577	97	27,675	93	27,475	92	29,087	96	30,290	99	32,607	107
Custodial	22,099	76	23,330	79	22,626	76	22,285	74	23,262	77	24,017	79	25,666	84
Non-Custodial	3,154	11	3,338	11	3,014	10	3,069	10	3,303	11	3,455	11	3,727	12
Headquarters	1,394	5	1,505	5	1,638	6	1,710	6	2,198	7	2,330	8	2,698	9
Parole Boards	456	2	404	1	397	1	411	1	324	1	488	2	516	2
Prosecutions³	3,199	11	3,165	11	3,130	11	3,131	10	3,131	10	3,370	11	3,609	12
Staff Lawyers	1,825	6	..	..	1,825	6	..	..	1,868	6	..	..	2,161	7
Prosecutorial Support	207	1	..	..	150	1	..	..	149	0	..	..	166	1
Other Personnel	1,167	4	..	..	1,155	4	..	..	1,115	4	..	..	1,282	4
Total¹	120,750	416	121,141	413	119,933	404	119,976	400	121,082	400	123,839	406	126,924	412

.. figures not available for specific reference period

... figures not applicable

¹ Excludes youth corrections. All personnel figures are as of March 31, except for police personnel. Police personnel counts are as of June 15. Except for legal aid personnel, all counts are based on full-time equivalents. Legal aid plan figures represent the actual number of employees as of March 31.

² The population estimates used to calculate per capita figures are provided by Statistics Canada, Census and Demographic Statistics, Demography Division. Populations as of July 1, 2001: final intercensal estimates for 1992 to 1995; final postcensal estimates for 1996 to 1997; updated postcensal estimates for 1998 to 2000; and preliminary postcensal estimates for 2001.

³ In order to make annual comparisons, the number of court employees for 1993/94, 1995/96, 1997/98, and 1999/00 has been estimated based on the average between the reporting years preceding and following the reference period. Prosecutions personnel for 1995/96, 1997/98 and 1999/00 were estimated in a similar manner. Other personnel includes Ad hoc/per diem lawyers.

⁴ Does not include the number of private lawyers who provided legal aid services.

Sources: 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.

Table 5


Justice System Employees in the Provinces and Territories, by Sector,¹ 2000/01

	Police ²		Courts ³		Legal Aid Plans ⁴		Adult Corrections ⁵		Prosecutions ⁶	
	Total	Per 100,000 population ⁷	Total	Per 100,000 population ⁷	Total	Per 100,000 population ⁷	Total	Per 100,000 population ⁷	Total	Per 100,000 population ⁷
Newfoundland and Labrador	772	144	202	38	..	..	294	54	49	9
Prince Edward Island	205	148	53	38	7	5	110	80	13	9
Nova Scotia	1,600	170	594	63	125	13	338	36	129	14
New Brunswick	1,306	173	292	39	41	5	359	48	63	8
Quebec	13,835	188	2262	31	836	11	2,688	37	548	7
Ontario	21,637	185	3380	29	1135	10	6,695	58	1157	10
Manitoba	2,142	187	589	51	141	12	1,015	89	142	12
Saskatchewan	1,864	182	398	39	135	13	884	86	134	13
Alberta	4,613	153	1316	44	132	4	1,380	47	296	10
British Columbia	6,645	164	1861	46	325	8	2,360	59	641	16
Yukon	120	392	45	147	10	33	87	280	..	..
Northwest Territories	154	376	58	142	25	61	156	380	..	..
Nunavut ⁸	86	314	21	77	32	117	48	179	..	..
Total	54,979	179	11,071	36	2,944	10	16,414	54	3,172	10

.. figures not available

¹ All personnel figures are as of March 31, except for police personnel. Police personnel counts are as of June 15. Except for legal aid personnel, all counts are based on full-time equivalents. Legal aid plan figures represent the actual number of employees as of March 31.

² Includes municipal, provincial and RCMP police officers, except those at RCMP Headquarters and Training Academy. Civilian employees are excluded.

³ Court personnel figures for Nova Scotia and Manitoba are estimates.

⁴ Does not include the number of private lawyers who provided legal aid services.

⁵ Excludes employees working in federal corrections.

⁶ Excludes Justice Canada personnel, including those responsible for prosecution services in Yukon, Northwest Territories and Nunavut. Quebec figures exclude criminal prosecution personnel in municipal courts.

⁷ The population estimates used to calculate per capita figures are provided by Statistics Canada, Census and Demographic Statistics, Demography Division. Populations as of July 1st: updated postcensal estimates for 1998 to 2000; and preliminary postcensal estimates for 2001.

⁸ Although Nunavut officially became a Canadian territory April 1, 1999, Northwest Territories Legal Aid Services Board remained the provider of Legal Aid Services in Nunavut until June 30, 2000.

Sources: 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.

Canadian Centre for Justice Statistics

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