



Juristat

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ADULT CRIMINAL COURT STATISTICS, 2001/02

by Paul Robinson¹

Highlights

- In 2001/02, adult criminal courts in ten provinces and territories (not including Manitoba, Northwest Territories, and Nunavut) processed 452,450 cases involving 992,567 charges.
- Of total cases in 2001/02, nearly one-third (31%) were resolved within a month, and almost half (45%) took between one and eight months to complete. It took between eight months and one year to complete 11% of cases, and the elapsed time was more than one year in 12% of cases heard.²
- A guilty decision was recorded in 60% of cases heard in 2001/02, and 3% were acquitted. One-third (34%) of cases were either stayed, withdrawn, dismissed or discharged, and 3% were otherwise terminated by the court (e.g., decisions of not criminally responsible, waived out of province/territory, Charter arguments and accused was found unfit to stand trial).
- A term of probation was the most frequently imposed sanction (44% of guilty cases). A term of imprisonment was imposed in 34% of cases, and a fine was imposed in 34% of cases.
- The proportion of cases sentenced to prison varies across the country. In 2001/02, the highest incarceration rate was in Prince Edward Island, where 59% of guilty cases resulted in a term of imprisonment, while the lowest incarceration rate was in Saskatchewan, where prison was imposed in 23% of cases.
- In 2001/02, total cases processed by adult criminal courts increased 4% from the previous year for the eight jurisdictions reporting to the ACCS since 1997/98. These jurisdictions are Newfoundland and Labrador, Prince Edward Island, Nova Scotia, Quebec, Ontario, Saskatchewan, Alberta, and Yukon. This is the first increase in cases processed in five years. Total cases in 2001/02 were down 4% from 1997/98.
- The average number of charges per case (2.2) has increased very slightly since 1997/98 for the eight jurisdictions. The proportion of cases with three or more charges has increased from 19% of all cases in 1997/98 to 22% in 2001/02.

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² In *R. v. Morin*, the Supreme Court of Canada established an administrative guideline of 8 to 10 months for acceptable institutional delay for matters heard in provincial/territorial court, and an additional 6 to 8 months following a committal for trial.



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INTRODUCTION

This *Juristat* summarises trends from adult provincial/territorial criminal courts in the nine provinces and one territory (**Box 1**) which provided data to the Adult Criminal Court Survey (ACCS) for the 2001/02 reference 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.

At the time of this report, adult criminal courts in nine provinces and one territory reported to the ACCS. Reporting jurisdictions include: Newfoundland and Labrador, Prince Edward Island, Nova Scotia, New Brunswick, Quebec³, Ontario, Saskatchewan, Alberta, British Columbia⁴ and Yukon. In addition, in 2001/02 Prince Edward Island, New Brunswick, Alberta, British Columbia, and Yukon reported superior court data to the ACCS. These ten jurisdictions represent approximately 90% of the national adult criminal court caseload. The information presented in this report covers only these ten participating jurisdictions. The remaining jurisdictions (i.e. Manitoba, Northwest Territories⁵ and Nunavut) will be supplying data to the survey within the next few years.

The primary unit of analysis is the case, which is defined as one or more charges 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.

CASES HEARD IN ADULT CRIMINAL COURT

In 2001/02, adult criminal courts in ten provinces and territories processed 452,450 cases involving 992,567 charges. The large majority of cases (87%) had a *Criminal Code* charge as the most serious offence in the case.⁶ *Crimes Against the Person* accounted for 27%, and *Crimes Against Property* accounted for a further 23% of the total number of cases (**Table 1**). *Administration of Justice* offences constituted 17% of all cases, while *Criminal Code Traffic* comprised 14% of total cases. *Other Criminal Code* (which includes weapons offences and disturbing the peace offences, among others) represented 7% of all cases. The remaining 13% of cases dealt with *Other Federal Statutes*.^{7,8}

³ Information from Quebec’s 140 municipal courts (which account for approximately 20% of federal statute charges in that province) are not yet collected.

⁴ During 2001/02, British Columbia was completing the implementation of a new justice information system, and some court information was not captured in the new system prior to the extraction of data for the ACCS. The level of under-coverage resulting from the system changes is estimated to be less than 5 percent.

⁵ The Northwest Territories last participated in the survey in 1999/00. In that year, data from the Northwest Territories accounted for 0.4% of the total caseload reported to the ACCS.

⁶ 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 finding of guilt, that charge will always be considered the most serious. The most serious offence in a case with multiple guilty findings is determined based on the type of offence and the sentences imposed. See the methodology section for more details.

⁷ *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.

⁸ Percentages may not add to 100 due to rounding.

Table 1

Offence Group	Total Cases	%
Total Offences	452,450	100
Criminal Code Total	395,792	87
Crimes Against the Person	120,512	27
Homicide	540	0.1
Attempted murder	389	0.1
Robbery	5,602	1.2
Sexual Assault	4,917	1.1
Other sexual offences	2,383	0.5
Major assault	25,732	5.7
Common assault	51,478	11.4
Uttering threats	22,757	5.0
Criminal harassment	3,572	0.8
Other crimes against the person	3,142	0.7
Crimes Against Property	104,764	23
Theft	41,117	9.1
Breach and enter	13,181	2.9
Fraud	19,858	4.4
Mischief	11,874	2.6
Possess stolen property	17,833	3.9
Other property crimes	901	0.2
Administration of Justice	76,913	17
Fail to appear	10,979	2.4
Breach of probation	26,683	5.9
Unlawfully at large	3,213	0.7
Fail to comply with order	33,604	7.4
Other administration of justice	2,434	0.5
Other Criminal Code	30,156	7
Weapons	6,149	1.4
Prostitution	2,503	0.6
Disturbing the peace	2,994	0.7
Residual Criminal Code	18,510	4.1
Criminal Code Traffic	63,447	14
Impaired driving	52,662	11.6
Other Criminal Code traffic	10,785	2.4
Other Federal Statute Total	56,658	13
Drug possession	19,539	4.3
Drug trafficking	15,729	3.5
Young Offenders Act	2,156	0.5
Residual federal statutes	19,234	4.3

Notes: Due to rounding, percentages may not add to 100. In Québec, most drug offences are recorded under residual federal statutes, resulting in an undercount of drug possession and drug trafficking cases and an overcount of residual federal statute cases. Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut.

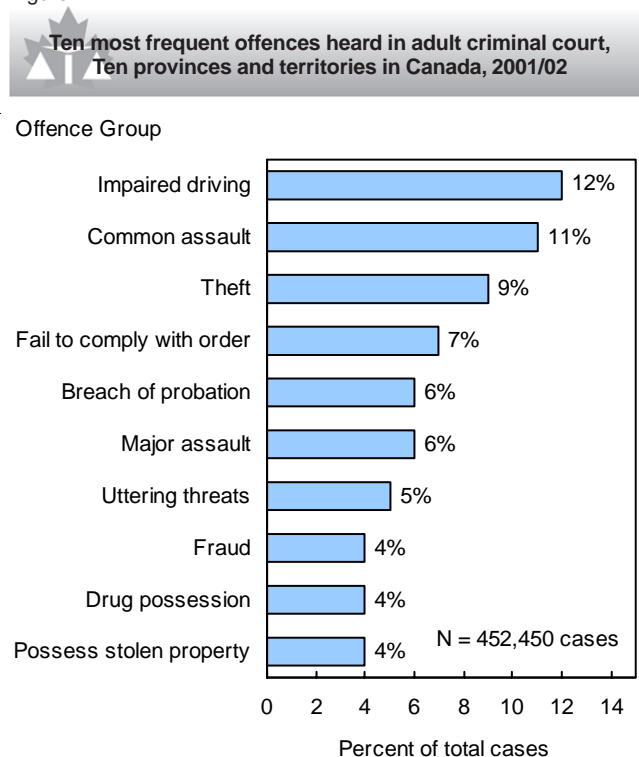
Source: Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Impaired driving and common assault are the most frequent offences

In 2001/02, the most frequently occurring offence was impaired driving, representing 12% of all cases, while common assault⁹ represented 11% of cases. Theft offences represented 9% of all cases, while two offences related to administration of justice, failure to comply with a court order (7%) and breach of probation (6%), were the next most frequently occurring

offences. Other frequently occurring offences were major assault (6%) and uttering threats (5%) (Figure 1). Taken together, all forms of sexual assault and sexual offences accounted for less than 2% of the caseload in adult criminal courts. Homicide and attempted murder together accounted for 0.2% of total cases.

Figure 1



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

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

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 a male accused, while 15% of cases involved a female accused. In 2001/02, the sex of the accused was not recorded in less than 2% of the cases. The remaining cases (less than 1%) involved a company as the accused.

⁹ 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).

Although males accounted for the majority of cases, the distribution varied by type of offence. For *Crimes Against the Person* and *Criminal Code Traffic*, 86% of cases involved males, while males were involved in 78% of *Crimes Against Property*. The few offences for which females accounted for significant percentages of cases included: prostitution (46%), fraud (30%), 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 2001/02, 18 to 24 year olds comprised 12% of the adult population, but accounted for 31% of all cases in adult criminal court.¹⁰ 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 less than 5% of adult criminal court cases (Table 2).

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.

Multiple charge cases,¹¹ which are complex and often more serious, accounted for 49% of all cases in 2001/02. In that year, 27% of all cases involved two charges and 23% had three or more charges.¹²

Median elapsed time from first to last court appearance just over 3 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*,¹³ the case elapsed time issue has received even more attention. Overall, the median¹⁴ elapsed time from first to last appearance was 92 days. Median elapsed times varied considerably between jurisdictions. Median elapsed times were longest in Quebec (124 days) and Ontario (99 days). In Prince Edward Island most cases were handled in one court appearance (Table 3).

Twelve percent of cases took more than 1 year to resolve

Of total cases in 2001/02, 31% were resolved in one month or less, and almost half (45%) took between one and eight months to complete. It took between eight months and one year to

Text Table 1

Median elapsed time to complete a case in adult criminal court, Cases by number of appearances, Ten provinces and territories in Canada, 2001/02

Number of Appearances in the case	Total Cases	Median Time (days)
One Appearance	69,736	1
Two Appearances	65,061	22
Three Appearances	59,457	60
Four Appearances	50,884	99
Five Appearances	42,429	133
Six or more Appearances	164,883	244
TOTAL	452,450	92

Notes: 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 Manitoba, Northwest Territories, and Nunavut.

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

complete 11% of cases, and the elapsed time was more than one year in 12% of cases heard.¹⁵

Some offences take longer to resolve than others, such as sexual assault, other sexual offences and homicide. Sexual assault and other sexual offences had a median elapsed time of 219 and 244 days respectively in 2001/02. One of the shortest median elapsed times in 2001/02 occurred for failure to comply with a court order and failure to appear in court (29 days for both offences).

OVERVIEW OF CASE OUTCOMES

A majority of cases had at least one conviction

Six out of every ten cases heard in adult criminal court had a guilty decision in 2001/02 (Figure 2).¹⁶ In 34% of the cases, the most serious offence was resolved by being stayed, withdrawn, or dismissed, 3% of the cases resulted in the acquittal of the accused, and 3% had an 'other' decision (see Box 2).

¹⁰ Excludes 9,381 (2.1%) cases where age of the accused was unknown and 681 (0.2%) cases against companies.

¹¹ The classification of a case as a single-charge or multiple-charge is based on the total number of charges heard in the case, not just those charges resulting in a finding of guilt.

¹² Percentages may not add due to rounding.

¹³ 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 by *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.

¹⁴ The median represents the mid-point of a group of values when all values are sorted by size.

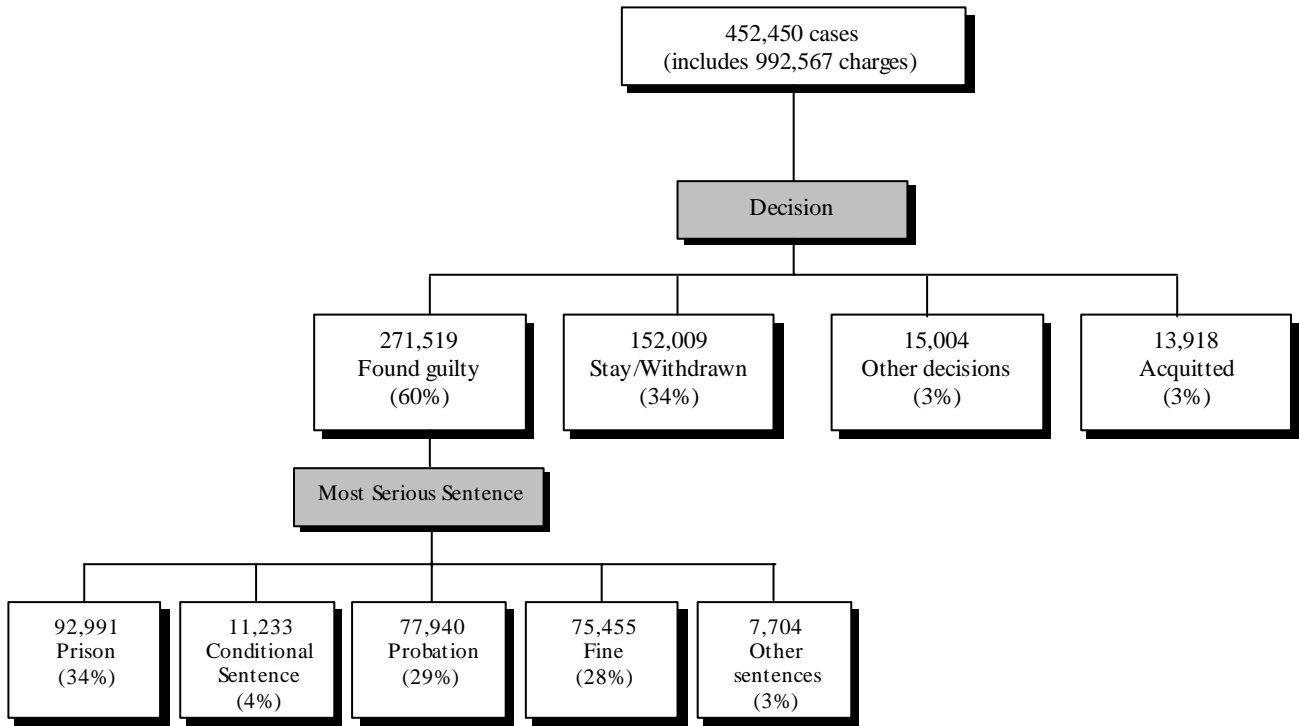
¹⁵ Percentages may not add to 100 due to rounding.

¹⁶ Includes absolute and conditional discharges. After a guilty decision is rendered, the court may discharge the accused absolutely or on conditions specified in a probation order (CCC s.730). Approximately 7% of cases with a guilty decision in 2001/02 had an absolute or conditional discharge.

Figure 2



**Adult court processing of federal statute cases in provincial and selected superior courts,
Ten provinces and territories in Canada, 2001/02**



Notes: Found guilty decisions include absolute and conditional discharges. Stay/Withdrawn includes cases stayed, withdrawn, dismissed and discharges at preliminary inquiry. Other decisions includes final decisions of found not criminally responsible, waived in province/territory, and waived out of province/territory. This category also includes any order where a conviction was not recorded, the court's acceptance of a special plea, cases which raise Charter arguments and cases where the accused was found unfit to stand trial. The sentence was not known in approximately 2% of convicted cases in 2001/02. Conditional sentencing data was not collected in Québec for 2001/02, resulting in an undercount of conditional sentences. Probation totals include mandatory probation for cases given a conditional discharge (approximately 5% of cases with a guilty finding) or a suspended sentence (approximately 10% of cases with a guilty finding). Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut.

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

Box 2

Decisions in Adult 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. This category also includes cases where an absolute or conditional discharge has been granted.
- **Stay/Withdrawn/Dismissed** includes stay of proceedings, and withdrawn/dissmised/discharged at preliminary inquiry. These decisions all refer to the court stopping criminal proceedings against the accused.
- **Acquittal** means that the accused has been found not guilty of the charges presented before the court.
- **Other decisions** includes final decisions of found not criminally responsible, waived in province/territory, and waived out of province/territory. This category also includes any order where a conviction was not recorded, the court's acceptance of a special plea, cases which raise Charter arguments and cases where the accused was found unfit to stand trial. In jurisdictions not providing superior court data (i.e., Newfoundland and Labrador, Nova Scotia, Quebec, Ontario, Saskatchewan), the "other decision" category includes charges having a committal for trial in superior court as the decision on the final appearance in provincial court.

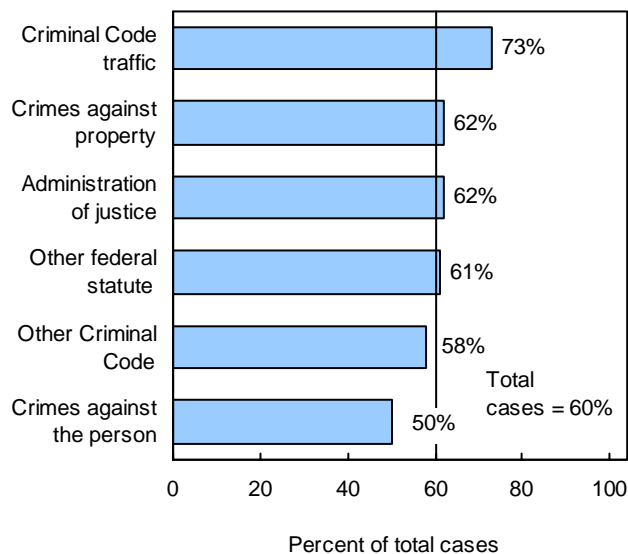
Conviction rates vary by offence group

Criminal Code Traffic offences had the highest conviction rate¹⁷ (73%) in 2001/02 (**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 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



Offence category



Note: Convictions include absolute and conditional discharges. Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut.
Source: Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

On average, 50% of *Crimes Against the Person* resulted in a guilty decision (**Figure 4**). Conviction rates range from 14% for attempted murder to 53% for common assault and 55% for robbery. 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 54% for possession of stolen property to 68% for break and enter. On average, 62% of *Crimes Against Property* resulted in a conviction (**Figure 5**).

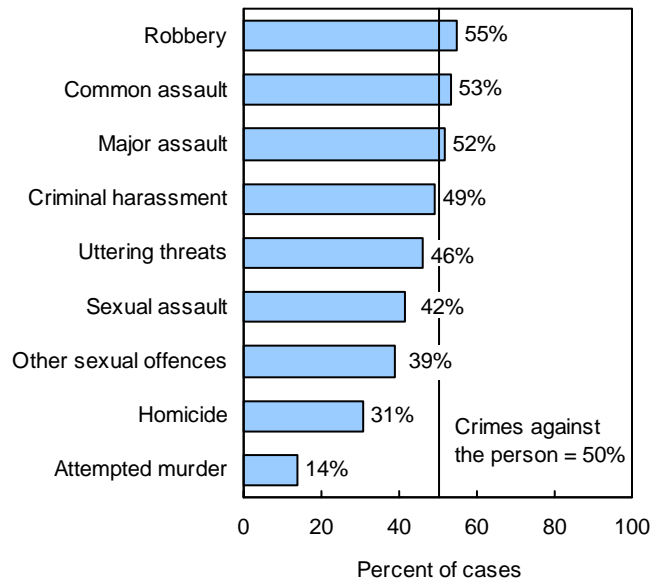
New Brunswick, Quebec, and Newfoundland and Labrador have higher conviction rates

Overall conviction rates were highest in New Brunswick (74%), Quebec (73%), and Newfoundland and Labrador (70%), and lowest in Nova Scotia (53%), Ontario (55%), and British Columbia (55%) (**Table 4**).

Figure 4



Offence type

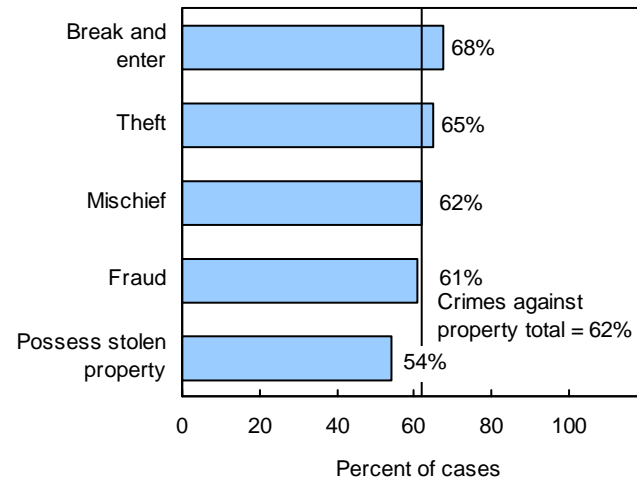


Note: Convictions include absolute and conditional discharges. Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut.
Source: Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Figure 5



Offence type



Note: Convictions include absolute and conditional discharges. Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut.
Source: Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

¹⁷ The conviction rate is the proportion of cases with a finding of guilt.

There are several possible factors that influence variations in 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, 42% of cases were stayed or withdrawn in Ontario, whereas 11% were terminated this way in Quebec. Thirdly, the use of pre-charge screening by the Crown, which occurs in Quebec, New Brunswick and British Columbia may also affect the percentage of convictions through increased vetting of charges. Fourthly, the number of convictions recorded is slightly lower in jurisdictions not providing superior court data. In these jurisdictions (i.e., Newfoundland and Labrador, Nova Scotia, Quebec, Ontario, and Saskatchewan) the final court decision for cases completed in superior court (approximately 2% of caseload) would be committed for trial in superior court. 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.

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, as outlined by section 718 of the Criminal Code.

Probation was the most common sentence in 2001/02

Probation was the most frequent sentence, imposed in 44% of all cases with a conviction.¹⁸ Prison was imposed in 34% of cases, and fines in 34% of all cases.¹⁹ A majority of convicted cases (62%) received what are classified as “other sentences”. This category includes absolute discharges, conditional discharges, restitution, suspended sentences, and conditional sentences.

More than one third of convictions for *Crimes Against the Person* received prison

In 2001/02, 36% 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 (25%) – represented a large proportion (45%) of convicted cases in the *Crimes Against the Person* category. When common assault is removed, the remainder of the *Crimes Against the Person* category has a higher use of incarceration (45%) (Table 5).

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

Offenders were sentenced to prison in 39% of the convicted *Crimes Against Property* cases. Persons committing these offences tend to have longer criminal histories, 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.²⁰ Prison was frequently used as a sanction for convictions in several *Crimes Against Property* offences. For example, 58% of convicted break and enter cases, 49% of possession of stolen property cases, and more than a third (37%) of theft cases resulted in a prison sentence.

A majority of convictions (52%) for *Administration of Justice* offences were sentenced to prison. This category is dominated by offences related to the criminal history of the accused (e.g., breach of probation, and failure to comply with a court order) and the courts consider administration of justice offences to be very serious.

Use of imprisonment varies considerably across the country

The proportion of cases sentenced to prison varies across the country. In 2001/02, 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 23% 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 26% 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 at 28%. The lowest rate of incarceration occurred in Nova Scotia where 4% 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 large 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.

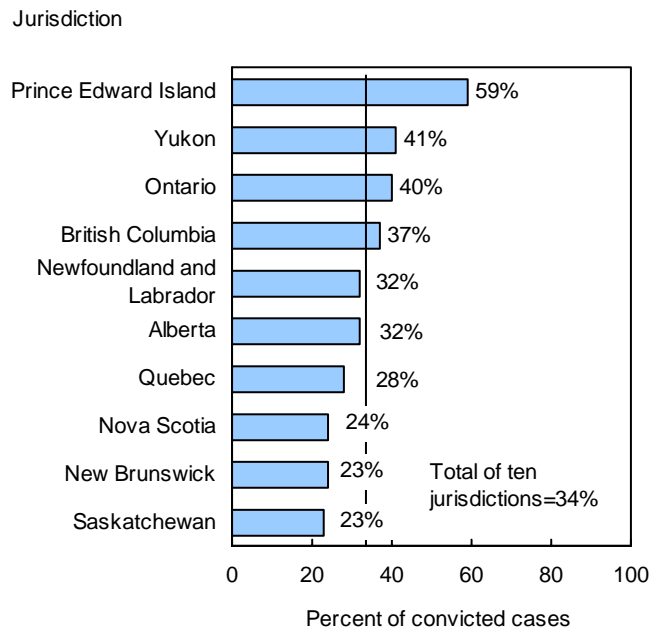
¹⁸ Probation is mandatory in cases where the accused is given a conditional discharge (approximately 5% of guilty cases in 2001/02) or a suspended sentence (approximately 13% of convictions).

¹⁹ Cases can have more than one sentence. Therefore, sanctions are not mutually exclusive and will not add to 100%.

²⁰ See M. Thomas, H. Hurley, and C. Grimes. 2002. *Pilot Analysis of Recidivism among Convicted Youth and Young Adults – 1999/00*. Statistics Canada Catalogue no. 85-002 Vol.22 No.9. Ottawa: Statistics Canada.

Figure 6

**Percent of convicted cases sentenced to prison for the most serious offence in the case
Ten provinces and territories in Canada, 2001/02**



Notes: Includes cases completed in superior courts in Prince Edward Island, New Brunswick, Alberta, British Columbia, and Yukon. Information from Québec'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 Manitoba, Northwest Territories, and Nunavut.
Source: Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Most terms of imprisonment are relatively short

Over half (54%) of all custodial sentences imposed in 2001/02 were one month or less, while an additional 34% were for periods from greater than one month up to six months.²¹ Custodial sentences of greater than six months but less than two years were imposed in 9% of convicted cases with prison, and 4% were sentenced to custody for two years or more (Figure 7).²²

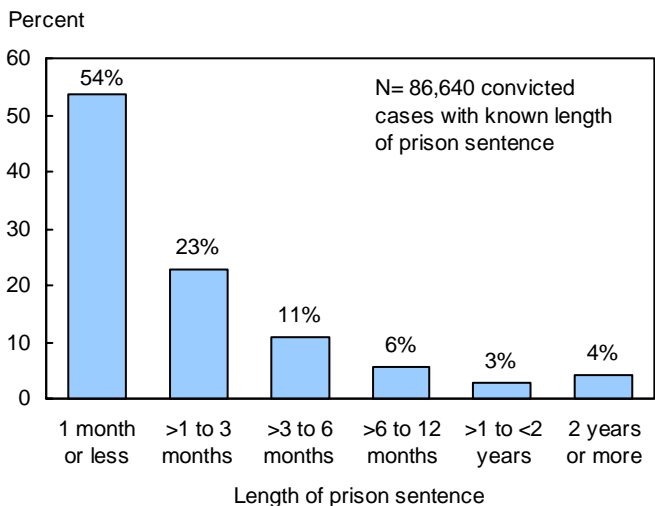
Use of probation²³ and fines

In 2001/02, *Crimes Against the Person* were most likely to result in a sentence of probation (Table 5). Almost three-quarters (73%) of convicted cases in this category were sentenced to a term of probation, compared to 54% of offenders convicted of a *Crime Against Property*. It should be noted that a substantial proportion of cases involving *Crimes Against the Person* received a term of imprisonment along with a probation order. Of the 44,346 convicted *Crimes Against the Person* cases that received probation in 2001/02, 30% also received a prison sentence.

In 2001/02, the most common probation term length was "greater than six months to one year" (47% of convicted cases

Figure 7

Convicted cases by length of prison sentence, Ten provinces and territories in Canada, 2001/02



Notes: Due to rounding, percentages may not add to 100. The length of prison was unknown in approximately 7% of cases where prison was ordered. Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut.
Source: Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

with probation) (Figure 8).²⁴ One-third (32%) of cases were greater than 12 months to two years. Sixteen per cent were for six months or less. Only 6% of probation terms were for a period of more than two years. (The statutory limit on a term of probation is three years.)

In 2001/02, one-third (34%) of convicted cases were given a fine (Table 5). The median amount of fine was \$500.

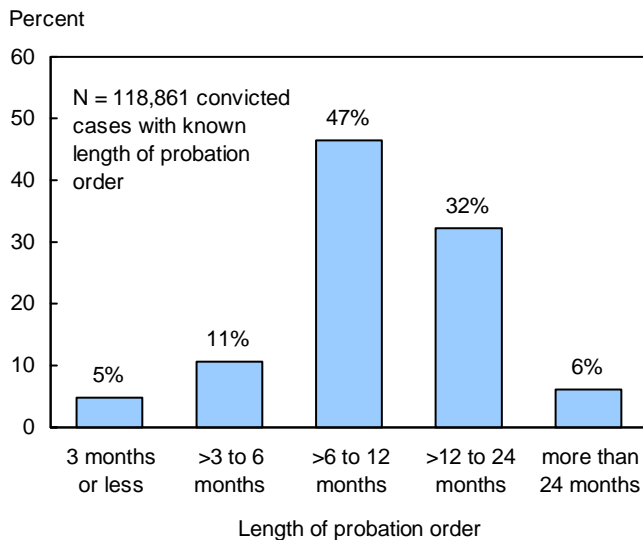
TRENDS IN CASE PROCESSING STATISTICS

This section highlights trends in Adult Criminal Court statistics from 1997/98 to 2001/02 for the eight jurisdictions that have participated in the Adult Criminal Court Survey for each of the past five years. The jurisdictions are Newfoundland and Labrador, Prince Edward Island, Nova Scotia, Quebec, Ontario, Saskatchewan, Alberta, and Yukon. These eight jurisdictions represent approximately 80% of the national adult criminal court caseload.

²¹ Excludes 6,351 (6.8%) cases with a prison sentence, but unknown prison length.
²² Percentages do not add to 100 due to rounding.
²³ This includes cases given a conditional discharge or a suspended sentence. Probation is mandatory in cases where a conditional discharge (CCC s.730(1)) or a suspended sentence (CCC s.731(1)(a)) are imposed.
²⁴ The length of probation was unknown in 465 (<1.0%) cases where probation was ordered.

Figure 8

Convicted cases by length of probation for the most serious offence in the case, Ten provinces and territories in Canada, 2001/02



Notes: Due to rounding, percentages may not add to 100. Probation totals include mandatory probation for cases given a conditional discharge (approximately 5% of convictions) or a suspended sentence (approximately 10% of convictions). The length of probation was unknown in 465 (<1.0%) cases where probation was ordered. Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut.

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

The number of cases²⁵ heard in adult criminal court has increased

The number of cases processed in 2001/02 increased to 382,072 for the eight jurisdictions, up by 4% over the previous year (Table 7). The 2001/02 increase is the first increase in cases heard during the last five years. Despite the recent increase, the total number of cases is still down 4% from 1997/98 totals.

The increase in cases reflects the recent trends in crime rates reported in the *Crime Statistics in Canada, 2001* Juristat.²⁶ In the eight jurisdictions, both actual and cleared by charge criminal incidents increased by 3% in 2001 from the previous calendar year,²⁷ the largest increase in those statistics in ten years.

The proportion of *Administration of Justice* cases has been increasing over the five-year period. In 1997/98, *Administration of Justice* cases accounted for 14% of all cases for the eight jurisdictions. By 2001/02, *Administration of Justice* represented 18% of all cases. The proportion of *Crimes Against the Person* cases has also increased since 1997/98, from 25% of cases to 27% in 2001/02.

The proportion of *Crimes Against Property* and *Criminal Code Traffic* cases, on the other hand, have each fallen 2 percentage points since 1997/98. *Crimes Against Property* and *Criminal Code Traffic* constituted 23% and 14% of cases, respectively, in 2001/02 (Table 7).

Cases are becoming more complex

The average number of charges per case has increased 4% rising from 2.12 in 1997/98 to 2.20 in 2001/02. Additionally, the proportion of multiple-charge cases increased from 47% of all cases to 49% over the five-year period. Further, the proportion of cases with three or more charges has increased from 19% of all cases in 1997/98 to 22% in 2001/02.

Cases require more time and more appearances to process

Between 1997/98 to 2001/02, the overall median case elapsed time from first to last appearance in court for the eight jurisdictions increased 8% from 89 to 96 days. The median processing time for the least complex cases, those with a single charge, increased 13% from 78 to 88 days, while the processing time for more complex cases (i.e., multiple-charge cases) was 102 days in 1997/98 and 106 days in 2001/02.

The mean number of appearances per case has increased 17%, from 4.6 appearances in 1997/98 to 5.4 appearances in 2001/02. The proportion of cases with six or more appearances increased from 29% of all cases to 36% during this same period. This suggests that although fewer cases were processed by the courts in 2001/02 compared to 1997/98, the actual demand on court resources by these complex cases has likely increased.

Conviction rates are stable

A guilty decision was recorded in 60% of cases heard in court in 2001/02 for the eight jurisdictions. The proportion of cases resulting in a conviction has varied by two percentage points over the past five years (62% in 1997/98).

²⁵ Revised figures for 1997/98, 1998/99, 1999/00, and 2000/01. Revisions were made to the ACCS counting procedures and offence classifications, and applications under CCC s.810, s.810.01, s.810.1, and s.810.2 (peace bond applications) were excluded. Overall, the revisions reduced the number of cases in 1997/98 (2.5%), 1998/99 (1.8%), 1999/00 (1.9%), and 2000/01 (2.0%). See methodology section for more information on the changes to ACCS counting procedures.

²⁶ See J. Savoie. 2002. *Crime Statistics in Canada, 2001*. Statistics Canada Catalogue no. 85-002 Vol.22 No.6. Ottawa: Statistics Canada. See also "Comparisons with other sectors in the justice system" in the methodology section for an overview of the differences between *Crime Statistics* and *Adult Criminal Court Statistics*.

²⁷ *Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, Statistics Canada.*

Box 3

Superior court statistics, selected provinces and territories, 2001/02


In 2001/02, data on superior courts²⁸ were collected in Prince Edward Island, New Brunswick, Alberta, British Columbia, and the Yukon. Superior courts hear only indictable offences, and are the only courts with jurisdiction to try first and second degree murder charges. For charges other than the most serious indictable offences,²⁹ the accused can elect the mode of trial. This text box summarizes case processing, case outcomes, and sentencing in superior courts, and compares these statistics with similar statistics for provincial courts.

Case Processing: In 2001/02, 2,916 cases (2% of total cases) were completed in superior court in the five reporting jurisdictions. The most common cases were *Crimes Against the Person* (43% of superior court cases), followed by *Other Federal Statute* (29%) and *Crimes Against Property* (14%). *Other Criminal Code* cases accounted for 8% of superior court cases, and a small proportion of cases involved *Criminal Code Traffic* (4%) and *Administration of Justice* (1%) matters.³⁰

More than half of the homicide³¹ cases (56%) for the five jurisdictions were completed in superior court in 2001/02. Approximately one quarter of other sexual offences cases (26%) and 22% of sexual assault cases were completed in superior court.

In 2001/02, superior court cases took longer to process than provincial court cases. In four jurisdictions,³² the median elapsed time for superior court cases was over nine months (290 days), compared to 74 days for provincial court cases, and for each offence type completed in superior court, the median elapsed times were considerably longer in superior court than provincial court (**Table 6**). The procedures used to elect trial in superior court, scheduling a trial, and jury selection are some of the factors contributing to the longer case processing times. Although superior courts process relatively few cases, the inclusion of superior court data in the ACCS slightly increased overall case processing times for the four jurisdictions.

Text Table 2

 **Cases in superior and provincial/territorial criminal court, mean and median elapsed time to complete a case, 2001/02**

Court	Elapsed Time Three provinces and one territory		
	# of Court cases	median (in days)	mean (in days)
Total	132,351	78	170
Provincial court	129,482	74	165
Superior court	2,869	290	381


Notes: The median represents the mid-point of a group of values when all the values are sorted by size. Median and mean elapsed time is measured from first to last court appearance. Superior court data is collected in Prince Edward Island, New Brunswick, Alberta, British Columbia, and Yukon. Prince Edward Island superior court data does not include information on the number of appearances and elapsed time from first to last case appearance.

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

Case Outcomes: Cases completed in superior court in the five reporting jurisdictions had a conviction rate of 47%, much lower than for provincial court cases in the same jurisdictions in 2001/02. The lower conviction rate may be in part a reflection of the nature of superior court cases, as superior courts hear a relatively large proportion of cases involving serious offences. Conviction rates for some offences (e.g., robbery, sexual assault, and major assault) are slightly lower in superior courts than in provincial courts.

Sentencing: The majority (52%) of cases convicted in superior court were sentenced to prison and more than one-quarter (29%) were given a conditional sentence in 2001/02. Probation was the most serious sentence in 9% of convicted cases,³³ and 9% of cases received a fine as the most serious sentence. The remaining 1% of cases received, as the most serious sentence, other types of sentences.³⁴ Compared to provincial court, prison is more frequently used in superior court for offences under *Crimes Against the Person*. For other types of offences (*Other Federal Statute, Crimes Against Property*), the frequency of prison sentences differs little between superior and provincial courts.

Text Table 3

 **Cases in superior and provincial/territorial criminal court, mean and median prison sentence length, 2001/02**

Court	# of Court cases	Prison Length Four provinces and one territory	
		median (in days)	mean (in days)
Total	25,290	30	129
Provincial court	24,619	30	101
Superior court	671	540	1,187

Notes: The median represents the mid-point of a group of values when all the values are sorted by size. Superior court data is collected in Prince Edward Island, New Brunswick, Alberta, British Columbia, and Yukon.

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

In 2001/02, 56% of cases with a prison sentence in superior court had a sentence of more than one year, and 42% had a term of two years or more; in provincial court, only 6% of prison sentences were for more than one year. For all offence groups, the mean and median length of prison sentence were considerably higher in superior court than provincial court (**Table 6**).

²⁸ Superior court refers to Court of Queen's Bench in New Brunswick, and Alberta, and the Supreme Court in Prince Edward Island, British Columbia, and Yukon.

²⁹ Superior court has absolute jurisdiction over the indictable offences listed in section 469 of the Criminal Code. These offences include murder, treason, and intimidating Parliament, among others. Provincial court has absolute jurisdiction over the offences listed in CCC s. 553, which includes failure to comply with probation order, driving while disqualified, theft (other than theft of cattle), etc. All other indictable offences are eligible for election to superior court by the accused.

³⁰ Percentages may not add to 100 due to rounding.

³¹ The offence homicide includes offences such as murder, infanticide, and manslaughter.

³² Prince Edward Island superior court data do not include information on the number of appearances and elapsed time from first to last case appearance.

³³ Probation is mandatory in cases where the accused is given a conditional discharge or a suspended sentence.

³⁴ Excludes 32 cases (2%) with a conviction, and an unknown sentence.

SENTENCING TRENDS IN ADULT CRIMINAL COURT

The proportion of convicted cases sentenced to prison remains stable

The proportion of convicted cases where prison was used as a sanction remained stable between 1997/98 (33%) and 2001/02 (34%) for the eight jurisdictions. However, some variability in incarceration rates was evident at the offence level. For example, the incarceration rate for attempted murder and homicide had the largest increases, as attempted murder went from an incarceration rate of 61% in 1997/98 to 71% in 2001/02 and the incarceration rate for homicide increased from 81% to 88%³⁵. Alternatively, the incarceration rate for other sexual offences decreased 9 percentage points to 53% over the same period.

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 last five years, peaking at 35 days in 1998/99. While the overall prison sentence length has remained stable, there has been movement in the median sentence length for some offences. For instance, between 1997/98 and 2001/02, the median prison sentence for other sexual offences increased from 270 to 360 days and from 270 to 300 days for sexual assault (Table 8).

The use of probation and the length of orders has remained stable

The proportion of cases receiving probation as a sanction has been stable (approximately 44%) since 1997/98 (Figure 9). Among all offence groups, the largest increase between 1997/98 and 2001/02 occurred for *Other Federal Statutes* where the rate of probation for guilty cases increased from 23% to 28%. Weapons offences showed the largest increase, with the proportion of convicted cases receiving probation increasing from 45% to 51%.

The length of probation orders was also stable from 1997/98 to 2001/02. The overall median length of all probation orders was 365 days throughout the five year period (Table 8).

Imposition of fine sentences has been decreasing

Since 1997/98, the imposition of fine sentences has been decreasing (Figure 9). In 2001/02, 34% of convicted cases were given a fine, compared to 42% in 1997/98. During the same period, there has been a trend towards imposing higher fines. In 1997/98, 22% of all fines were for amounts over \$500, whereas by 2001/02, 45% of all fines were for amounts over \$500. The median amount of fine,³⁶ which was \$300 in 1997/98, increased to \$500 in both 2000/01 and 2001/02 (Table 8).

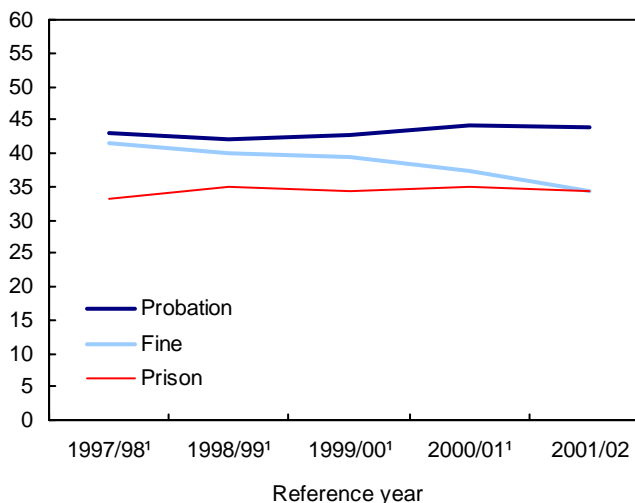
METHODOLOGY

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

Figure 9

Convicted cases by type of sentence, Eight provinces and territories in Canada, 1997/98 to 2001/02

Percent convicted cases



¹ Revised figures for 1997/98, 1998/99, 1999/00, and 2000/01. Revisions were made to the ACCS counting procedures and offence classifications, and applications under CCC s.810, s.810.01, s.810.1, and s.810.2 (peace bond applications) were excluded. Overall, the revisions reduced the number of cases in 1997/98 (2.5%), 1998/99 (1.8%), 1999/00 (1.9%), and 2000/01 (2.0%). See methodology section for more information on the changes to ACCS counting procedures.

Notes: The sentence types presented are not mutually exclusive and will not add to 100. This figure does not include data from New Brunswick, Manitoba, British Columbia, Northwest Territories and Nunavut.

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

federal statute charges dealt with in adult criminal courts. The ACCS represents approximately 90% of the national adult criminal court caseload.

Coverage

Some limitations on coverage of the survey should be noted. Manitoba is not included in the survey for any year. Data from Nunavut were included as part of the Northwest Territories prior to April 1, 1999; however, Nunavut has not reported to the ACCS since splitting from the Northwest Territories. Data from the Northwest Territories are not available for 1996/97, 2000/01, or 2001/02, and include two fiscal quarters of data for the territory in 1994/95 and three fiscal quarters of data in 1999/00. New Brunswick and British Columbia began reporting to the ACCS in 2001/02. There is slight under-coverage (i.e., less than 5%) of completed cases in British Columbia for 2001/02. 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) is not yet collected. Finally, with the exception of

³⁵ The 2001/02 incarceration rates for the eight jurisdictions may vary from those in Table 5 because the incarceration rates in Table 5 include New Brunswick and British Columbia.

³⁶ Fine amounts are given in current dollars.

Prince Edward Island, New Brunswick, Alberta, British Columbia and the Yukon, no data are provided from superior courts.

The absence of data from all but five 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, are processed in superior courts. While these limitations are important, comparisons from one year to another are possible if the reporting jurisdictions used in the comparison are held constant.

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; or,
- a charge is transferred from one province/territory to another.

Transfers

The commencement of data collection from superior courts in 1998/99 resulted in changes to the data collection and processing methods used by the ACCS. In the jurisdictions providing superior court data (i.e., Prince Edward Island, New Brunswick, Alberta, British Columbia, and Yukon), changes in court level – either committals for trial in superior court, or re-elections to provincial court – are not captured as final decisions for the reference period.³⁷ In contrast, elections to superior court are counted as final provincial court decisions in jurisdictions not providing superior court data (i.e., Newfoundland and Labrador, Nova Scotia, Quebec, Ontario, and Saskatchewan). This results in an under count of cases with a finding of guilt of approximately 2% in these jurisdictions.

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, 6) acquitted, withdrawn, dismissed.

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 imposed on convicted charges between 1994/95 and 2000/01. 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. 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 the Adult Criminal Court Survey (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 published 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. Moreover, information is captured in the UCR with the laying of a charge, while in the ACCS, information is captured upon the court rendering a decision. This time lag in data collection between the two surveys further affects comparability.

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 2001/02, only five jurisdictions, Prince Edward Island, New Brunswick, Alberta, British Columbia, and the Yukon, reported superior court data to the ACCS. Sentences to prison for reason of fine defaults are not collected by the ACCS 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.

³⁷ The election is captured as a final decision if the election is the result for the final appearance record in the provincial/territorial court system during the data reference period. This situation is only possible near the end of the reference period when an accused elects to change their court level and the ACCS extracts court data prior to the next appearance of the accused in superior court or in provincial/territorial court on re-election from superior court.

Table 2


**Cases by age of accused,
Ten provinces and territories in Canada, 2001/02**

Offence Group	Total Cases	Age Group									
		18 to 24		25 to 34		35 to 44		45 to 54		55 plus	
		#	%	#	%	#	%	#	%	#	%
Total Offences	442,388	136,019	30.7	127,662	28.9	111,591	25.2	47,156	10.7	19,960	4.5
Criminal Code Total	388,062	115,077	29.7	113,136	29.2	100,010	25.8	42,015	10.8	17,824	4.6
Crimes Against the Person	117,479	28,507	24.3	35,740	30.4	34,015	29.0	13,570	11.6	5,647	4.8
Homicide	495	155	31.3	161	32.5	103	20.8	48	9.7	28	5.7
Attempted murder	376	134	35.6	106	28.2	74	19.7	32	8.5	30	8.0
Robbery	5,513	2,644	48.0	1,552	28.2	1,018	18.5	273	5.0	26	0.5
Sexual Assault	4,802	982	20.4	1,374	28.6	1,313	27.3	664	13.8	469	9.8
Other sexual offences	2,340	310	13.2	595	25.4	778	33.2	371	15.9	286	12.2
Major assault	25,198	7,719	30.6	7,740	30.7	6,299	25.0	2,451	9.7	989	3.9
Common assault	49,930	10,848	21.7	15,702	31.4	15,217	30.5	5,915	11.8	2,248	4.5
Uttering threats	22,354	4,466	20.0	6,565	29.4	7,201	32.2	2,923	13.1	1,199	5.4
Criminal harassment	3,443	484	14.1	963	28.0	1,190	34.6	560	16.3	246	7.1
Other crimes against the person	3,028	765	25.3	982	32.4	822	27.1	333	11.0	126	4.2
Crimes Against Property	102,954	38,067	37.0	28,994	28.2	23,376	22.7	8,970	8.7	3,547	3.4
Theft	40,439	12,978	32.1	10,766	26.6	10,141	25.1	4,494	11.1	2,060	5.1
Break and enter	12,970	6,550	50.5	3,528	27.2	2,227	17.2	560	4.3	105	0.8
Fraud	19,393	5,566	28.7	6,357	32.8	5,023	25.9	1,853	9.6	594	3.1
Mischief	11,715	5,020	42.9	3,157	26.9	2,373	20.3	821	7.0	344	2.9
Possess stolen property	17,549	7,565	43.1	4,930	28.1	3,451	19.7	1,188	6.8	415	2.4
Other property crimes	888	388	43.7	256	28.8	161	18.1	54	6.1	29	3.3
Administration of Justice	75,719	26,323	34.8	22,980	30.3	18,163	24.0	6,315	8.3	1,938	2.6
Fail to appear	10,779	4,167	38.7	3,353	31.1	2,278	21.1	758	7.0	223	2.1
Breach of probation	26,263	8,759	33.4	8,287	31.6	6,495	24.7	2,132	8.1	590	2.2
Unlawfully at large	3,165	1,022	32.3	1,055	33.3	833	26.3	198	6.3	57	1.8
Fail to comply with order	33,145	11,602	35.0	9,611	29.0	7,978	24.1	2,982	9.0	972	2.9
Other administration of justice	2,367	773	32.7	674	28.5	579	24.5	245	10.4	96	4.1
Other Criminal Code	28,890	9,921	34.3	8,396	29.1	6,354	22.0	2,907	10.1	1,312	4.5
Weapons	6,011	2,295	38.2	1,508	25.1	1,168	19.4	665	11.1	375	6.2
Prostitution	2,462	459	18.6	884	35.9	713	29.0	293	11.9	113	4.6
Disturbing the peace	2,938	1,274	43.4	755	25.7	543	18.5	263	9.0	103	3.5
Residual <i>Criminal Code</i>	17,479	5,893	33.7	5,249	30.0	3,930	22.5	1,686	9.6	721	4.1
Criminal Code Traffic	63,020	12,259	19.5	17,026	27.0	18,102	28.7	10,253	16.3	5,380	8.5
Impaired driving	52,357	9,711	18.5	13,704	26.2	15,136	28.9	8,967	17.1	4,839	9.2
Other <i>Criminal Code</i> traffic	10,663	2,548	23.9	3,322	31.2	2,966	27.8	1,286	12.1	541	5.1
Other Federal Statute Total	54,326	20,942	38.5	14,526	26.7	11,581	21.3	5,141	9.5	2,136	3.9
Drug possession	19,213	9,379	48.8	5,092	26.5	3,527	18.4	1,078	5.6	137	0.7
Drug trafficking	15,222	4,560	30.0	5,003	32.9	3,799	25.0	1,447	9.5	413	2.7
Young Offenders Act	2,103	2,077	98.8	12	0.6	10	0.5	3	0.1	1	0.0
Residual federal statutes	17,788	4,926	27.7	4,419	24.8	4,245	23.9	2,613	14.7	1,585	8.9

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

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

Excludes 9,381 (2.1%) cases where age of the accused was unknown or under 18 at the time of the offence and 681 (0.2%) cases against companies.

In Québec, most drug offences are recorded under residual federal statutes, resulting in an undercount of drug possession and drug trafficking cases and an overcount of residual federal statute cases.

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

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

Table 3



**Median elapsed time to complete a case in adult criminal court,
Cases by jurisdiction and by number of appearances,
Ten provinces and territories in Canada, 2001/02**

Elapsed time (in days) by number of appearances

Jurisdiction	Total Cases	median (in days)	One appearance		Two appearances		Three appearances		Four appearances		Five appearances		Six or more appearances	
			#	median (in days)	#	median (in days)	#	median (in days)	#	median (in days)	#	median (in days)	#	median (in days)
TOTAL	452,450	92	69,736	1	65,061	22	59,457	60	50,884	99	42,429	133	164,883	244
Newfoundland and Labrador	7,203	76	1,718	1	1,411	36	1,151	92	908	141	631	189	1,384	277
Prince Edward Island	1,859	1	1,098	1	376	22	214	50	93	87	45	92	33	183
Nova Scotia	13,923	91	3,206	1	2,928	43	2,474	117	1,857	169	1,250	240	2,208	340
New Brunswick	10,168	61	2,612	1	2,488	37	1,807	86	1,147	125	787	162	1,327	273
Québec	70,073	124	10,230	1	9,908	36	11,605	90	9,418	139	7,335	190	21,577	350
Ontario	200,252	99	23,791	1	23,710	21	21,841	44	20,235	77	18,519	109	92,156	229
Saskatchewan	26,789	70	5,993	1	4,950	28	3,950	71	3,216	120	2,398	162	6,282	288
Alberta	60,850	78	12,987	1	11,077	29	9,607	78	7,646	114	5,630	142	13,903	238
British Columbia	60,210	79	7,913	1	8,048	15	6,669	34	6,242	61	5,717	89	25,621	204
Yukon	1,123	72	188	1	165	26	139	43	122	79	117	91	392	179

Notes: 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. Information from Québec's 140 municipal courts (which account for approximately 20% of federal statute charges in that province) are not yet collected. Median elapsed time includes cases completed in superior courts in Prince Edward Island, New Brunswick, Alberta, British Columbia, and the Yukon. Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut.

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

Table 4



**Cases by decision,
Ten provinces and territories in Canada, 2001/02**

Decision

Jurisdiction	Total Cases	Found Guilty		Stay/Withdrawn		Acquittal		Other	
		#	%	#	%	#	%	#	%
TOTAL	452,450	271,519	60.0	152,009	33.6	13,918	3.1	15,004	3.3
Newfoundland and Labrador	7,203	5,068	70.4	1,875	26.0	7	0.1	253	3.5
Prince Edward Island	1,859	1,230	66.2	582	31.3	16	0.9	31	1.7
Nova Scotia	13,923	7,329	52.6	5,747	41.3	536	3.8	311	2.2
New Brunswick	10,168	7,495	73.7	2,185	21.5	359	3.5	129	1.3
Québec	70,073	50,817	72.5	7,371	10.5	8,828	12.6	3,057	4.4
Ontario	200,252	110,038	54.9	84,054	42.0	998	0.5	5,162	2.6
Saskatchewan	26,789	16,899	63.1	8,677	32.4	315	1.2	898	3.4
Alberta	60,850	38,909	63.9	20,166	33.1	884	1.5	891	1.5
British Columbia	60,210	33,103	55.0	20,901	34.7	1,954	3.2	4,252	7.1
Yukon	1,123	631	56.2	451	40.2	21	1.9	20	1.8

Notes: Due to rounding, percentages may not add to 100. Found guilty decisions include absolute and conditional discharges. Stay/Withdrawn includes cases stayed, withdrawn, dismissed and discharged at preliminary inquiry. Other decisions includes final decisions of found not criminally responsible, waived in province/territory, and waived out of province/territory. This order also includes any order where a conviction was not recorded, the court's acceptance of a special plea, cases which raise Charter arguments and cases where the accused was found unfit to stand trial. In jurisdictions not providing superior court data (i.e., Newfoundland and Labrador, Nova Scotia, Quebec, Ontario, Saskatchewan), the other decision category includes charges having a committal for trial in superior court as the decision on the final appearance in provincial court. The calculation of conviction rates includes cases completed in superior courts in Prince Edward Island, New Brunswick, Alberta, British Columbia, and the Yukon. Information from Québec'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 Manitoba, Northwest Territories, and Nunavut.

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

Table 5



**Convicted cases by type of sentence for the most serious offence in the case,
Ten provinces and territories in Canada, 2001/02**

Offence group	Convicted Cases	Type of Sentence for Most Serious Offence					
		Prison		Probation		Fine	
		#	%	#	%	#	%
Total Offences	271,519	92,991	34.2	119,326	43.9	92,144	33.9
Criminal Code Total	237,142	86,229	36.4	109,665	46.2	73,823	31.1
Crimes Against the Person	60,488	21,838	36.1	44,346	73.3	7,064	11.7
Homicide	166	145	87.3	21	12.7	6	3.6
Attempted murder	55	39	70.9	15	27.3	0	0.0
Robbery	3,085	2,294	74.4	1,534	49.7	39	1.3
Sexual Assault	2,055	994	48.4	1,434	69.8	120	5.8
Other sexual offences	927	478	51.6	694	74.9	27	2.9
Major assault	13,311	6,078	45.7	8,980	67.5	1,560	11.7
Common assault	27,513	6,859	24.9	21,121	76.8	3,969	14.4
Uttering threats	10,498	3,863	36.8	8,218	78.3	1,149	10.9
Criminal harassment	1,751	553	31.6	1,536	87.7	121	6.9
Other crimes against the person	1,127	535	47.5	793	70.4	73	6.5
Crimes Against Property	65,140	25,476	39.1	34,922	53.6	12,730	19.5
Theft	26,635	9,921	37.2	13,029	48.9	6,314	23.7
Break and enter	8,901	5,171	58.1	5,312	59.7	570	6.4
Fraud	12,086	4,035	33.4	7,230	59.8	1,742	14.4
Mischief	7,342	1,456	19.8	4,699	64.0	1,841	25.1
Possess stolen property	9,683	4,708	48.6	4,348	44.9	2,163	22.3
Other property crimes	493	185	37.5	304	61.7	100	20.3
Administration of Justice	48,020	24,812	51.7	14,655	30.5	12,891	26.8
Fail to appear	5,191	2,781	53.6	1,317	25.4	1,424	27.4
Breach of probation	18,873	9,663	51.2	6,328	33.5	4,988	26.4
Unlawfully at large	2,580	2,140	82.9	352	13.6	239	9.3
Fail to comply with order	19,978	9,788	49.0	5,941	29.7	5,883	29.4
Other administration of justice	1,398	440	31.5	717	51.3	357	25.5
Other Criminal Code	17,375	5,439	31.3	8,039	46.3	5,458	31.4
Weapons	3,535	1,034	29.3	1,808	51.1	1,064	30.1
Prostitution	1,146	273	23.8	488	42.6	424	37.0
Disturbing the peace	1,858	240	12.9	784	42.2	865	46.6
Residual <i>Criminal Code</i>	10,836	3,892	35.9	4,959	45.8	3,105	28.7
Criminal Code Traffic	46,119	8,664	18.8	7,703	16.7	35,680	77.4
Impaired driving	38,640	5,241	13.6	5,487	14.2	32,508	84.1
Other <i>Criminal Code</i> traffic	7,479	3,423	45.8	2,216	29.6	3,172	42.4
Other Federal Statute Total	34,377	6,762	19.7	9,661	28.1	18,321	53.3
Drug possession	11,517	1,374	11.9	3,161	27.4	6,530	56.7
Drug trafficking	7,327	3,095	42.2	2,255	30.8	1,489	20.3
Young Offenders Act	1,396	567	40.6	453	32.4	452	32.4
Residual federal statutes	14,137	1,726	12.2	3,792	26.8	9,850	69.7

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


Probation totals include mandatory probation for cases given a conditional discharge (CCCs.730(1)) or a suspended sentence (CCC s.731(1)(a)).

In Québec, most drug offences are recorded under residual federal statutes, resulting in an undercount of drug possession and drug trafficking cases and an overcount of residual federal statute cases.

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

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

Table 6



**Cases in provincial and superior courts by mean and median elapsed time,
and by mean and median length of prison sentence in 2001/02**

Offence Category	Total			Provincial Court			Superior Court		
	#	median (in days)	mean (in days)	#	median (in days)	mean (in days)	#	median (in days)	mean (in days)
Elapsed time,¹ Total Cases	132,351	78	170	129,482	74	165	2,869	290	381
Crimes against the person	30,567	104	171	29,325	100	164	1,242	268	329
Crimes against property	34,791	82	208	34,404	80	205	387	283	483
Administration of justice	21,476	27	118	21,441	27	118	35	291	371
Other <i>Criminal Code</i>	7,971	74	157	7,747	71	149	224	300	442
<i>Criminal Code</i> traffic	20,173	73	157	20,047	72	156	126	311	387
Other federal statutes	17,373	91	177	16,518	84	166	855	335	393
Total Cases with prison²	25,290	30	129	24,619	30	101	671	540	1,187
Crimes against the person	4,944	60	331	4,593	60	222	351	730	1,770
Crimes against property	8,589	30	99	8,505	30	96	84	210	366
Administration of justice	6,167	7	20	6,160	7	20	7	1	8
Other <i>Criminal Code</i>	1,200	30	114	1,150	30	86	50	365	758
<i>Criminal Code</i> traffic	2,485	30	68	2,452	30	60	33	240	653
Other federal statutes	1,905	60	189	1,759	60	156	146	453	579

¹ Four provinces and territories (i.e., New Brunswick, Alberta, British Columbia, and Yukon).

² Five provinces and territories (i.e., Prince Edward Island, New Brunswick, Alberta, British Columbia, and Yukon).

Notes: 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.

Excludes cases where length of prison was not known, and cases where the length was specified as indeterminant. Cases sentenced to life imprisonment were recorded to 9,125 days (or 25 years) for the calculation of sentence lengths.

Superior court data is collected in Prince Edward Island, New Brunswick, Alberta, British Columbia, and Yukon.

Prince Edward Island superior court data does not include information on the number of appearances and elapsed time from first to last case appearance.

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

Table 7


**Number of cases heard in adult criminal court,
Ten provinces and territories in Canada, 1997/98 to 2001/02**

Offence Category	1997/98 ¹		1998/99 ¹		1999/00 ¹		2000/01 ¹		2001/02	
	#	%	#	%	#	%	#	%	#	%
Total Offences	397,944	100	384,437	100	369,811	100	367,883	100	382,072	100
Criminal Code Total	352,277	88.5	339,889	88.4	325,289	88.0	323,418	87.9	337,001	88.2
Crimes Against the Person	99,400	25.0	97,295	25.3	93,749	25.4	95,405	25.9	102,576	26.8
Homicide	375	0.1	473	0.1	412	0.1	399	0.1	409	0.1
Attempted murder	430	0.1	378	0.1	322	0.1	270	0.1	326	0.1
Robbery	4,539	1.1	4,652	1.2	4,407	1.2	4,238	1.2	4,633	1.2
Sexual Assault	4,683	1.2	4,545	1.2	4,077	1.1	3,724	1.0	4,075	1.1
Other sexual offences	2,508	0.6	2,425	0.6	2,164	0.6	2,098	0.6	2,089	0.5
Major assault	21,427	5.4	21,276	5.5	20,793	5.6	21,196	5.8	22,549	5.9
Common assault	42,943	10.8	41,652	10.8	39,491	10.7	40,656	11.1	42,989	11.3
Uttering threats	17,210	4.3	16,775	4.4	17,061	4.6	17,620	4.8	19,724	5.2
Criminal harassment	2,677	0.7	2,458	0.6	2,568	0.7	2,626	0.7	3,105	0.8
Other crimes against the person	2,608	0.7	2,661	0.7	2,454	0.7	2,578	0.7	2,677	0.7
Crimes Against Property	100,433	25.2	95,269	24.8	89,518	24.2	85,071	23.1	86,413	22.6
Theft	37,766	9.5	35,452	9.2	33,039	8.9	31,002	8.4	32,046	8.4
Break and enter	14,984	3.8	13,911	3.6	12,486	3.4	11,643	3.2	11,230	2.9
Fraud	20,194	5.1	19,365	5.0	18,234	4.9	17,599	4.8	17,313	4.5
Mischief	10,102	2.5	9,662	2.5	9,443	2.6	9,573	2.6	10,202	2.7
Possess stolen property	16,410	4.1	15,968	4.2	15,386	4.2	14,424	3.9	14,837	3.9
Other property crimes	977	0.2	911	0.2	930	0.3	830	0.2	785	0.2
Administration of Justice	57,013	14.3	60,034	15.6	60,455	16.3	64,144	17.4	67,644	17.7
Fail to appear	10,707	2.7	10,752	2.8	10,072	2.7	9,860	2.7	9,963	2.6
Breach of probation	15,716	3.9	18,237	4.7	19,287	5.2	20,729	5.6	21,874	5.7
Unlawfully at large	3,690	0.9	3,395	0.9	3,285	0.9	3,338	0.9	2,942	0.8
Fail to comply with order	24,355	6.1	25,225	6.6	25,614	6.9	27,886	7.6	30,656	8.0
Other administration of justice	2,545	0.6	2,425	0.6	2,197	0.6	2,331	0.6	2,209	0.6
Other Criminal Code	30,225	7.6	28,329	7.4	26,046	7.0	25,951	7.1	26,077	6.8
Weapons	5,670	1.4	5,538	1.4	5,041	1.4	4,903	1.3	5,195	1.4
Prostitution	4,084	1.0	4,131	1.1	3,379	0.9	2,765	0.8	2,250	0.6
Disturbing the peace	2,675	0.7	2,675	0.7	2,541	0.7	2,517	0.7	2,711	0.7
Residual <i>Criminal Code</i>	17,796	4.5	15,985	4.2	15,085	4.1	15,766	4.3	15,921	4.2
Criminal Code Traffic	65,206	16.4	58,962	15.3	55,521	15.0	52,847	14.4	54,291	14.2
Impaired driving	53,902	13.5	48,709	12.7	46,387	12.5	44,036	12.0	45,002	11.8
Other <i>Criminal Code</i> traffic	11,304	2.8	10,253	2.7	9,134	2.5	8,811	2.4	9,289	2.4
Other Federal Statute Total	45,667	11.5	44,548	11.6	44,522	12.0	44,465	12.1	45,071	11.8

¹ Revised figures for 1997/98, 1998/99, 1999/00, and 2000/01. Revisions were made to the ACCS counting procedures and offence classifications, and applications under CCC s.810, s.810.01, s.810.1, and s.810.2 (peace bond applications) were excluded. Overall, the revisions reduced the number of cases in 1997/98 (2.5%), 1998/99 (1.8%), 1999/00 (1.9%), and 2000/01 (2.0%). See methodology section for more information on the changes to ACCS counting procedures.

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

Superior court data was collected in Alberta from 1998/99, in Yukon from 1999/00, and in Prince Edward Island from 2000/01. The inclusion of superior court data significantly increased the number of homicide cases reported.

Due to changes in the data collection of drug offences since the introduction of the Controlled Drugs and Substances Act, (i.e., some drug offences under the new legislation were originally coded to "Residual federal statutes") totals for the four offence.

This table does not include data from New Brunswick, Manitoba, British Columbia, Northwest Territories, and Nunavut.

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

Table 8


**Convicted cases by median prison and probation sentence, and fine amount,
Eight provinces and territories in Canada, 1997/98 to 2001/02**

Offence Group	1997/98 ¹			1998/99 ¹			1999/00 ¹			2000/01 ¹			2001/02		
	Prison		Fine	Prison		Fine	Prison		Fine	Prison		Fine	Prison		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	45	365	300	30	365	330	30	365	500	30	365	500
Criminal Code Total	30	365	350	35	365	350	30	365	400	30	365	500	30	365	600
Crimes Against the Person	90	365	300	90	365	300	90	365	300	60	365	300	60	365	300
Homicide	2,555	730	300	2,190	730	525	2,190	725	500	2,780	540	700	1,825	630	2,000
Attempted murder	1,148	730	0	1,080	1,095	11,750	1,620	1,095	1,000	1,858	730	9,400	1,620	730	0
Robbery	540	730	325	540	730	300	540	730	300	540	730	400	540	730	300
Sexual Assault	270	730	500	283	730	500	270	730	500	360	720	500	300	720	575
Other sexual offences	270	730	500	270	730	400	270	730	500	360	730	500	360	730	650
Major assault	90	540	300	90	540	350	90	450	350	90	540	400	75	540	400
Common assault	30	365	300	30	365	300	30	365	300	30	365	300	30	365	300
Uttering threats	60	540	200	60	540	200	60	540	200	45	540	250	45	540	200
Criminal harassment	60	730	250	60	730	250	60	730	250	60	730	250	60	730	300
Other crimes against the perso	180	720	250	240	730	300	180	540	250	240	540	300	180	730	300
Crimes Against Property	60	365	200	60	365	200	60	365	200	60	365	250	60	365	250
Theft	30	365	200	30	365	200	30	365	200	30	365	200	30	365	200
Break and enter	180	720	300	180	540	300	180	540	300	180	540	350	180	540	350
Fraud	60	365	200	60	365	200	60	365	250	60	365	250	60	365	250
Mischief	30	365	200	30	365	200	30	360	200	30	360	200	30	360	200
Possess stolen property	60	365	300	60	365	300	60	365	300	60	365	300	60	365	300
Other property crimes	135	540	300	135	540	300	150	540	400	180	540	400	90	540	300
Administration of Justice	21	365	150	24	365	150	21	365	150	20	365	200	15	365	200
Fail to appear	15	365	150	15	365	150	15	365	150	15	365	150	14	365	150
Breach of probation	30	365	200	30	365	200	30	365	200	30	365	200	30	365	200
Unlawfully at large	30	365	200	30	365	250	30	365	200	30	365	250	30	365	250
Fail to comply with order	15	365	150	15	365	150	15	365	150	15	365	150	14	365	150
Other administration of justice	30	365	350	30	365	300	30	365	300	30	365	300	30	365	300
Other Criminal Code	30	365	200	30	365	200	30	365	200	30	365	250	40	365	250
Weapons	60	365	200	60	365	250	60	365	250	60	365	250	54	365	250
Prostitution	7	360	200	8	360	200	7	360	200	5	360	250	8	360	250
Disturbing the peace	10	360	175	14	360	200	10	360	200	10	360	200	10	360	200
Residual Criminal Code	45	365	250	60	365	250	60	365	250	45	365	250	50	365	250
Criminal Code Traffic	30	360	500	30	360	500	30	360	600	30	360	700	30	360	700
Impaired driving	30	360	500	30	360	500	30	360	600	30	360	700	30	360	700
Other Criminal Code traffic	45	360	500	45	360	500	45	360	500	45	360	500	42	360	500
Other Federal Statute Total	90	365	150	90	365	200	60	365	200	60	365	200	60	365	250
Drug possession	15	360	200	15	360	200	15	360	200	15	360	200	10	360	200
Drug trafficking	180	730	500	120	365	700	120	365	600	90	365	750	90	365	800
Young Offenders Act	15	360	200	30	360	200	30	360	200	21	360	200	15	360	200
Residual federal statutes	50	365	125	90	450	140	90	365	150	90	540	200	100	540	200

¹ Revised figures for 1997/98, 1998/99, 1999/00, and 2000/01. Revisions were made to the ACCS counting procedures and offence classifications, and applications under CCC s.810, s.810.01, s.810.1, and s.810.2 (peace bond applications) were excluded. Overall, the revisions reduced the number of cases in 1997/98 (2.5%), 1998/99 (1.8%), 1999/00 (1.9%), and 2000/01 (2.0%). See methodology section for more information on the changes to ACCS counting procedures.

Notes: Revised figures for 1997/98 and 1998/99. Revisions were made to the calculation of median prison sentence lengths in 1999/00 and the previous two years were recalculated using the same formula. Excludes cases where length of prison was not known.

Probation totals include mandatory probation for cases given a conditional discharge (CCCs.730(1)) or a suspended sentence (CCC s.731(1)(a)).

In Québec, most drug offences are recorded under residual federal statutes, resulting in an undercount of drug possession and drug trafficking cases and an overcount of residual federal statute cases.

This table does not include data from New Brunswick, Manitoba, British Columbia, Northwest Territories, and Nunavut.

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

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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