



# Juristat

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## Adult criminal court statistics, 2002/03

by *Adriana Ciccone McCutcheon*<sup>1</sup>

### Highlights

- In 2002/03, adult criminal courts in ten provinces and territories (not including Manitoba, Northwest Territories, and Nunavut) processed 467,500 cases involving approximately 1,042,500 charges.
- The mean elapsed time from first to last appearance for cases completed in adult criminal court was more than 6 months (194 days) in 2002/03.
- Some offences take longer to resolve than others, such as homicide (336 days), sexual assault (309 days), other sexual offences (318 days) and drug trafficking (263 days). The shortest mean elapsed times in 2002/03 occurred for the offence of unlawfully at large (103 days).
- The accused was found guilty in 60% of cases heard in 2002/03, 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 One-third (34%) of cases were either stayed, withdrawn, dismissed or discharged, and 3% were otherwise terminated by the court (e.g., decisions of not criminally responsible, waived out of province/territory,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 or accused was found unfit to stand trial).
- A term of probation was the most frequently imposed sanction (46% of guilty cases). A term of imprisonment was imposed in 35% of cases, and a fine was imposed in 33% of cases.
- The proportion of cases sentenced to prison varies across the country. In 2002/03, 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 Nova Scotia, where prison was imposed in 23% of cases.
- The number of cases processed in 2002/03 represents a 6% increase over the previous year for eight jurisdictions. These jurisdictions are Newfoundland and Labrador, Prince Edward Island, Nova Scotia, Quebec, Ontario, Saskatchewan, Alberta, and Yukon. The 2002/03 fiscal year marks the second consecutive increase in the number of cases heard following a long downward trend in the number of cases processed by adult criminal courts. Overall, there has been a 5% increase since 1998/99.
- The average number of charges per case in 2002/03 was 2.2 for the eight jurisdictions. The proportion of cases with three or more charges has increased from 17% of all cases in 1994/95 to 23% in 2002/03.

1. *Analyst, Courts Program.*



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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 2002/03 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, Quebec,<sup>2</sup> Ontario, Saskatchewan, Alberta, British Columbia and Yukon. In addition, in 2002/03 Prince Edward Island, Nova Scotia, New Brunswick, Alberta, British Columbia, and Yukon reported superior court data to the ACCS (less than 1% of total caseload). 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, Manitoba, Northwest Territories<sup>3</sup> 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. The charge information 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 2002/03, adult criminal courts in ten provinces and territories processed about 467,500 cases involving about 1,042,500 charges. The large majority of cases (87%) had a *Criminal Code* charge as the most serious offence in the case.<sup>4</sup> *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*.<sup>5,6</sup>

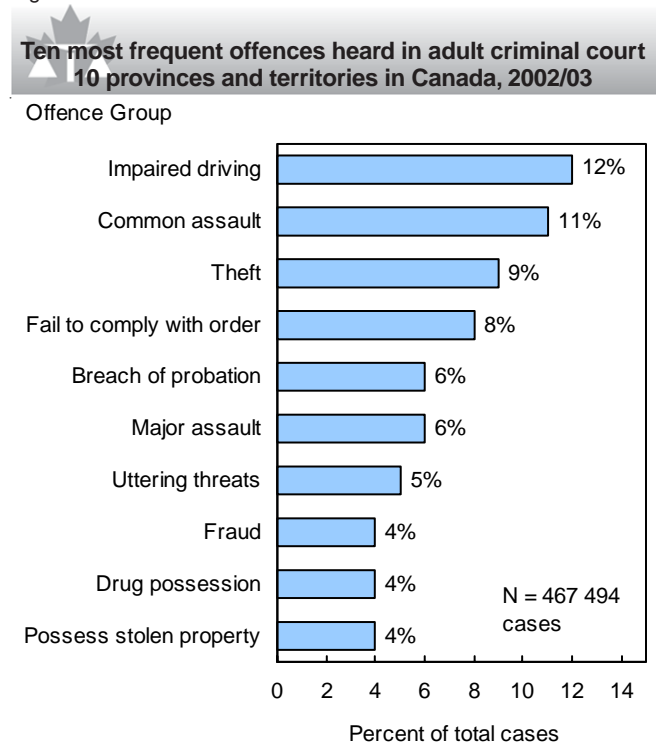
### One-third of cases involve impaired driving, common assault or theft

In 2002/03, the most frequently occurring offences were impaired driving (12%) and common assault (11%).<sup>7</sup> Theft offences represented 9% of all cases, while two offences related to administration of justice, failure to comply with a court order (8%)

- Information from Quebec's 87 municipal courts (which account for approximately 26% of federal statute charges in that province) is not yet collected.
- 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.
- For analytical 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.
- 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.
- Percentages may not add to 100 due to rounding.
- 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).

and breach of probation (6%), were the next most frequently occurring offences. Other frequently occurring offences were major assault (6%) and uttering threats (5%). Taken together, all forms of sexual assault and other sexual offences accounted for 2% of the caseload in adult criminal courts. Homicide and attempted murder together accounted for approximately 0.2% of total cases (Table 1).

Figure 1



**Notes:** Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories and Nunavut. For more information on grouped offences see methodology section. In Quebec, 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.

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

## Demographic characteristics of persons appearing in court

### Eight in ten adult criminal court cases involve males

Of all cases at the adult criminal court level, 83% involved a male accused, while 15% of cases involved a female accused. In 2002/03, 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.

Although males accounted for the majority of cases, the distribution varied by type of offence. For *Crimes Against the Person* and *Criminal Code Traffic*, 85% of cases involved males, while males were involved in 77% of *Crimes Against Property*. The few offences for which females accounted for a significant percentage of cases included: prostitution (43%), fraud (29%), and theft including shoplifting (28%).

### Younger adults accounted for almost one-third of court cases

Younger adults were over represented in court when compared to the age distribution of the adult population.<sup>8</sup> In 2002/03, 18 to 24 year olds comprised 12% of the adult population,<sup>9</sup> but accounted for 31% of all cases in adult criminal court.<sup>10</sup> Persons less than 45 years of age accounted for 84% of the total cases heard in adult criminal court and 52% of the adult population. In contrast, persons 45 to 54 years of age represented 19% of the population and 11% of adult criminal court cases and persons 55 or older represented 29% of the adult population, but accounted for 5% of cases (Table 2).

## Case processing

An accused'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, which 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,<sup>11</sup> which may be complex and more serious, accounted for half (49%) of all cases in 2002/03. One-quarter (26%) of all cases involved two charges and 23% had three or more charges.

### Mean elapsed time from first to last court appearance exceeds 6 months

The amount of time it takes to complete the processing of a case has always been an important issue, in particular since the 1990 Supreme Court decision in *R. v. Askov*.<sup>12</sup> Overall, the mean elapsed time from first to last appearance was 194 days in 2002/03. Mean elapsed times varied considerably between jurisdictions. Mean elapsed times were longest in Quebec (260 days) and Nova Scotia (215 days). In Prince Edward Island, the jurisdiction with the shortest mean processing time, cases were completed in an average of 32 days, with half of cases (54%) being disposed in one day (Table 3) (See Box 2).

8. Age represents the offender's age in years on the day the offence was alleged to have been committed.

9. Population estimates as of July 2002.

10. Excludes 8,176 (1.7%) cases where age of the accused was unknown and 628 (0.1%) 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. 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.

**Box 2**  
**Mean, median and mode**

Mean, median and mode are measures of central tendency. The mean is the average value of all the data in the set. The median represents the midpoint of a sorted data set, where exactly half the dataset are above and half are below the midpoint. The mode is the most frequently observed value in the data set. There may be no mode if no value appears more than any other. There may also be two or more modes (e.g., bimodal, trimodal or multimodal).<sup>13</sup>

The median may be influenced by data sets that are not normally distributed. Sentencing data are not normally distributed and they tend to be multimodal (i.e., there are a number of frequently occurring sentencing values). For example, prison sentences are typically imposed for periods of weeks or months (e.g., 15 days, 30 days, 45 days, 180 days, etc.) and the movement of the median value from one cluster (i.e., one multimodal value) to another may indicate a large increase or decrease in sentencing trends when other measures of central tendency indicate a more subtle change. In addition, the trend line of median values may indicate stability when the change in the sentencing pattern is too small to cause the movement of the median value from one sentencing cluster (i.e., one multimodal value) to another. The mean is less affected by the clustering of observations in a data set. However, the mean can be affected by the presence of extreme values, and for this reason both the mean and the median values have been presented in the tables for this Juristat.

**Fourteen percent of cases took more than 1 year to resolve**

The elapsed time was greater than 8 months to 12 months for 12% of cases, and more than one year in 14% of cases.

Some offences take longer to resolve than others, such as homicide, sexual assault, other sexual offences and drug trafficking. Homicide had the longest mean elapsed time (336 days). Sexual assault and other sexual offences had a mean elapsed time of 309 and 318 days respectively in 2002/03, and drug trafficking had a mean elapsed time of 263 days. The shortest mean elapsed times in 2002/03 occurred for the offence of unlawfully at large (103 days).

**Overview of case outcomes**

**A majority of cases had at least one conviction**

The accused was found guilty in six out of every ten cases heard in adult criminal court in 2002/03 (Figure 2, see page 5).<sup>14,15</sup> In one-third (34%) of the cases, the most serious offence was resolved by being stayed or withdrawn, 3% of the cases resulted in the acquittal of the accused, and 3% had an 'other' decision (see Box 3).

**Conviction rates vary by offence group**

*Criminal Code Traffic* offences had the highest conviction rate<sup>16</sup> (71%) in 2002/03, whereas *Crimes Against the Person* has the lowest conviction rate (50%) (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 stayed or withdrawn.

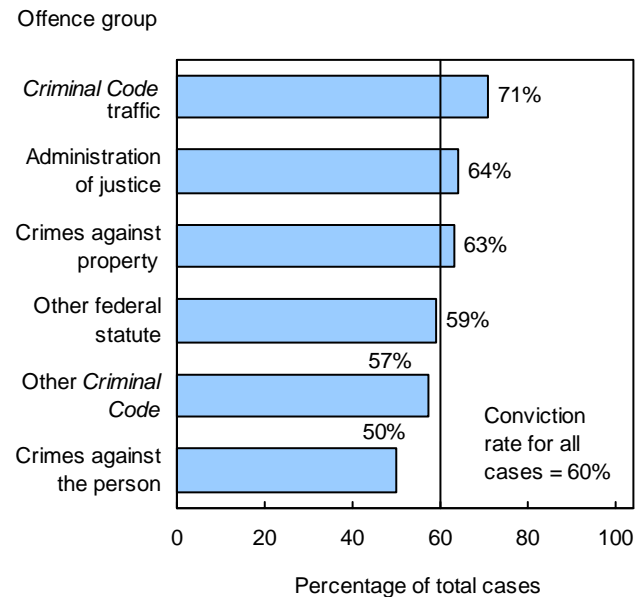
**Box 3**  
**Decisions in Adult Criminal Court**

The decision categories in this report are as follows:

- **Found 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 individual has been found guilty but was given an absolute or conditional discharge.
- **Stay or Withdrawn** includes stay of proceedings, withdrawn, dismissed and 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, Quebec, Ontario, Saskatchewan), the "other decision" category also includes charges having a committal for trial in superior court as the decision on the final appearance in provincial court.

Figure 3

**Conviction rates for cases  
10 provinces and territories in Canada, 2002/03**



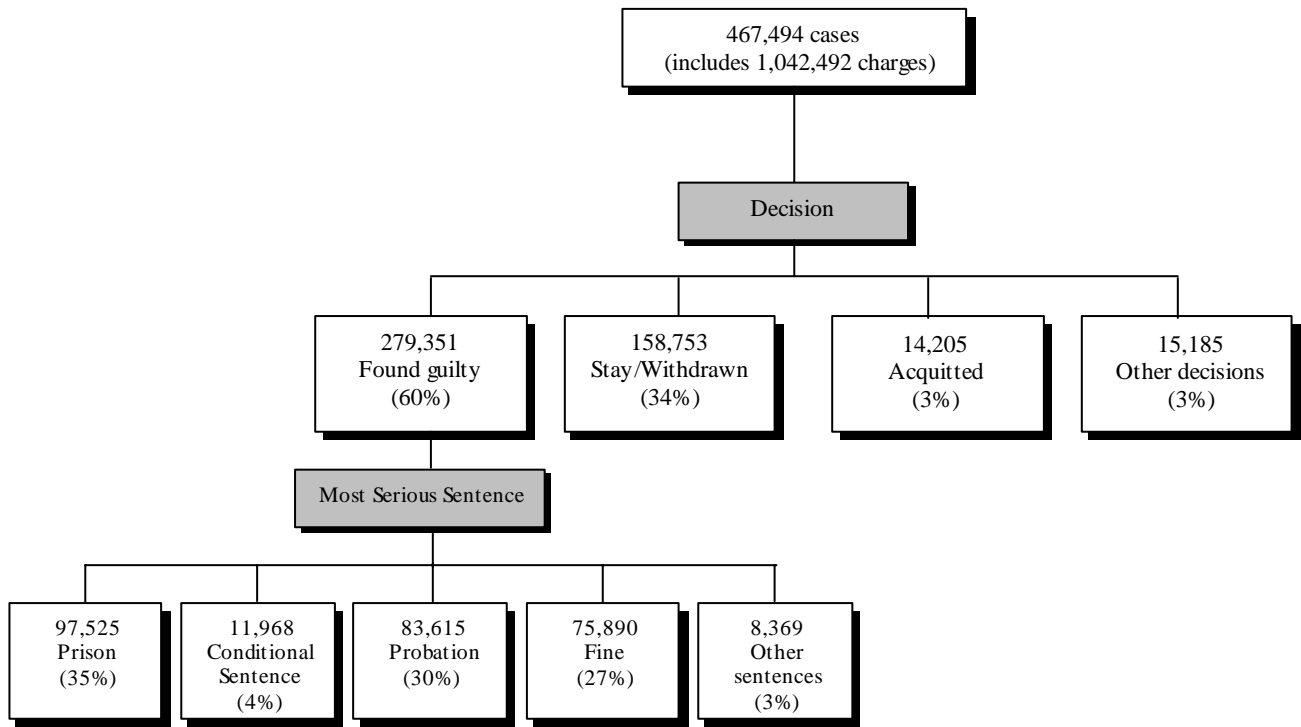
**Notes:** Convictions include absolute and conditional discharges. Please see table one for the list of offences included in each offence category. Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut.  
**Source:** Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

13. See Statistics Canada.2003. "Measures of central tendency." *About Statistics: Power from Data!* www.statcan.ca (accessed August 1, 2003).  
14. 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 8% of cases with a guilty decision in 2002/03 had an absolute or conditional discharge.  
15. See methodology section for more information on ACCS counting procedures and most serious offence rules.  
16. The conviction rate is the proportion of cases with a finding of guilt.

Figure 2



**Adult court processing of federal statute cases in provincial and selected superior courts, 10 provinces and territories in Canada, 2002/03**



**Notes :** Found guilty decisions include absolute and conditional discharges.  
 Stay/Withdrawn includes cases stayed, withdrawn, dismissed and discharges at preliminary inquiry.  
 Other decisions include final decisions of found not criminally responsible, waived in province/territory, and waived out of province/territory. This category also includes decisions where a conviction was not recorded, the court accepted a special plea, cases which raised Charter arguments or cases where the accused was found unfit to stand trial.  
 Cases with an unknown sentence (<1% of convicted cases) have been excluded from the sentence counts in this figure.  
 Conditional sentencing data was not collected in Quebec for 2002/03, 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 14% 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.

Conviction rates vary among offences in *Crimes Against the Person* offence group (Figure 4). Conviction rates range from 25% for attempted murder to 53% for common assault and 57% 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 69% for break and enter. On average, 63% of *Crimes Against Property* resulted in a conviction (Figure 5).

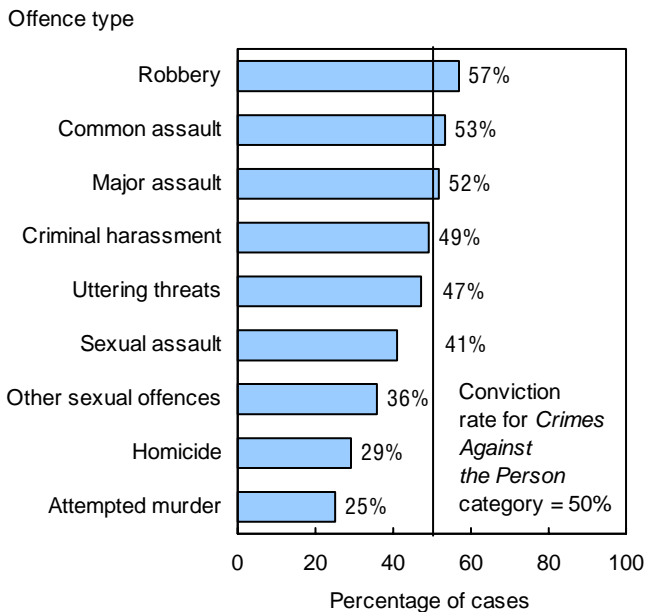
**New Brunswick, Quebec, and Newfoundland and Labrador have the highest conviction rates**

Overall conviction rates were highest in New Brunswick (74%), Quebec (74%), and Newfoundland and Labrador (69%) and lowest in Nova Scotia (52%), Ontario (54%), and British Columbia (55%) (Table 4).

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, 43% of cases

Figure 4

**Conviction rates for cases with a crime against the person as the most serious offence in the case  
10 provinces and territories in Canada, 2002/03**

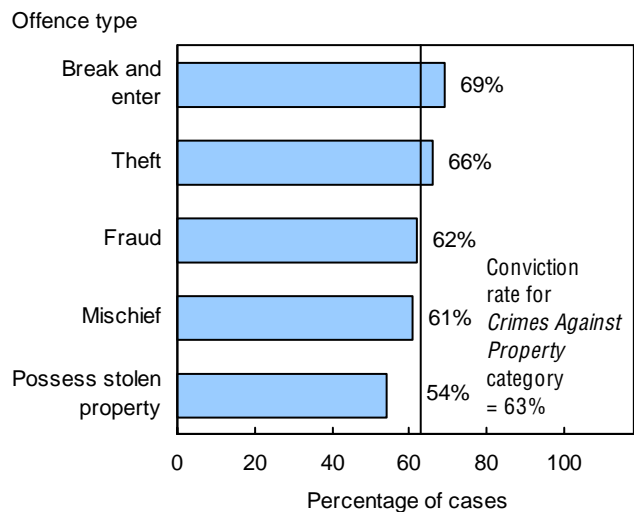


**Notes:** Convictions include absolute and conditional discharges. For more information on grouped offences see methodology section. Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut.  
**Source:** Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

were stayed or withdrawn in Ontario, whereas 10% 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, Quebec, Ontario, and Saskatchewan) the final provincial court decision is committed for trial for those cases that proceed to superior court and do not return to provincial court (approximately 2% of caseload). 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

Figure 5

**Conviction rates for cases with a crime against property as the most serious offence in the case  
10 provinces and territories in Canada, 2002/03**



**Notes:** Convictions include absolute and conditional discharges. Theft includes theft over \$5,000, theft under \$5,000 and other theft. Fraud includes fraud over \$5,000, fraud under \$5,000 and other fraud. 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.

and two charges (e.g., major assault and attempted murder) in another jurisdiction. Charging practices may influence conviction rates as indicated by the higher conviction rate in cases with multiple charges. For instance in 2002/03 the conviction rate for multiple charge cases was 70% compared to 49% for single charge cases.

### Sentencing patterns

Determining the sentence to be imposed is one of the most challenging decisions for a court. At sentencing, the court will seek to impose a sentence that reflects the principles of the sentencing process, as outlined by section 718 of the *Criminal Code* (See Box 4).

**Box 4**  
**Principal Sentencing Options in Canada<sup>17</sup>**

The main types of sanctions<sup>18</sup> that can be imposed in Canada include the following:

*Imprisonment:* This involves a term of custody served in a provincial/territorial or federal institution. Sentences of two years or more are served in a federal penitentiary, while terms of less than two years are served in provincial/territorial correctional facilities. Sentences of 90 days or less can be served intermittently, which usually refers to serving the sentence on weekends. There are a number of offences, such as impaired driving, homicide and offences committed using a firearm, having minimum sentencing provisions outlined in the *Criminal Code of Canada*, which affect the nature and length of sentences imposed.

*Conditional sentence:* The Sentencing Reform Bill C-41 was enacted in 1996 establishing a new community-based conditional sentencing option as an alternative to incarceration.<sup>19</sup> The Supreme Court of Canada situated the conditional sentence between a prison term and a suspended sentence with probation. With a conditional sentence of imprisonment, the execution of the prison sentence is suspended. In terms of seriousness, it is less serious than prison but more serious than a term

of probation. Like probation, conditional sentences are served in the community under supervision and often include a number of conditions restricting the movement and activities of the offender.

*Probation:* An offender sentenced to a term of probation remains in the community, but is subject to a number of conditions for the duration of the probation order. Some conditions are compulsory and apply to all offenders on probation. These include keeping the peace and appearing before the court when required to do so. The optional conditions vary from case to case, and can include performing community service, abstaining from the consumption of alcohol and providing for the support of dependants. Violating the conditions of a probation order is a criminal offence subject to possible prosecution that could result in a maximum sentence of imprisonment of two years.

*Fine:* When a fine is imposed, the offender is ordered to pay a specific dollar amount to the court. Unless the offender has been convicted of an offence carrying a minimum term of imprisonment, or a maximum penalty of more than 5 years, an offender may be fined in lieu of other types of punishment.

*Other types of sanctions:* In addition to these principal sentencing options, the courts can choose a variety of other sentencing options, such as restitution, compensation, a conditional or absolute discharge or a suspended sentence. Multiple sanctions may be imposed, but there are specific rules that govern the types of sentencing options that can be ordered in combination.

**Probation was the most common sentence in 2002/03**

Probation was the most frequent sentence, imposed in nearly half (46%) of all cases with a conviction.<sup>20</sup> Prison was imposed in 35% of cases, and fines in 33% of all cases.<sup>21</sup> Approximately one fifth of convicted cases (21%) received absolute discharge, conditional discharge or a suspended sentence, 5% were given a conditional sentence<sup>22,23</sup> and 4% were ordered to pay restitution.

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

In 2002/03, 36% of convicted *Crimes Against the Person* cases were sentenced to prison (Table 5). One factor to be considered when examining the use of incarceration in this category is that common assault – the least serious form of assault (level 1) 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%).

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

Offenders were sentenced to prison in 40% of the convicted *Crimes Against Property* cases. Persons committing these offences tend to have longer criminal 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.<sup>24</sup> Prison was frequently used as a sanction for convictions in several *Crimes Against Property* offences. For example, 58% of convicted break and enter cases, 50% of possession of stolen property cases, and more than a third (39%) 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 where the accused did not comply with the orders of the court (e.g., breach of probation, and failure to comply with a court order).

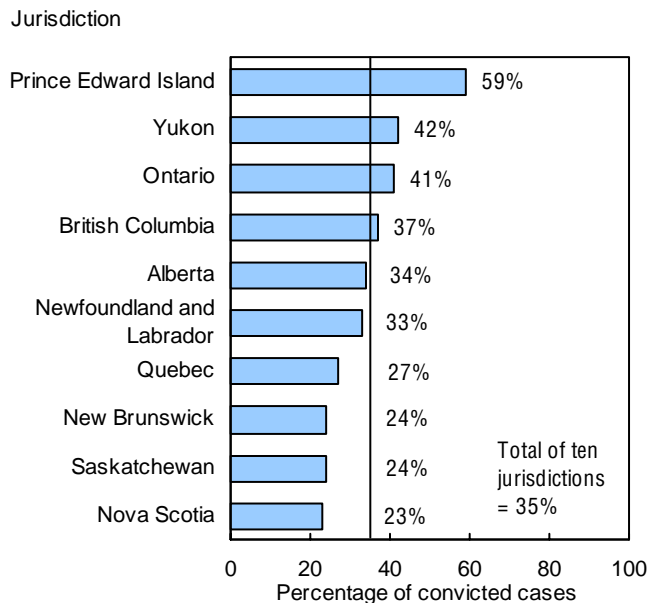
**Use of imprisonment varies considerably across the country**

The proportion of cases sentenced to prison varies across the country. In 2002/03, 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 Nova Scotia, where prison was imposed in 23% of cases (Figure 6).

17. See B. Bélanger. 2001. *Sentencing in Adult Criminal Courts, 1999/00*. Statistics Canada Catalogue no. 85-002-XPE Vol.21 No.10. Ottawa: Statistics Canada.  
 18. For more information on sentencing options and the nature of the 1996 sentencing reforms see J. Roberts and D. Cole (eds). 1999. *Making Sense of Sentencing*. Toronto: University of Toronto Press.  
 19. For more information, see *R. v. Proulx*, 1999.  
 20. Probation is mandatory in cases where the accused is given a conditional discharge (approximately 5% of guilty cases in 2002/03) or a suspended sentence (approximately 14% of convictions).  
 21. Cases can have more than one sentence. Therefore, sanctions are not mutually exclusive and will not add to 100%.  
 22. In 2002/03, conditional sentencing data were not available for Quebec.  
 23. The Sentencing Reform Bill C-41 was enacted in 1996 establishing a new community-based conditional sentencing option as an alternative to incarceration. For more information see *R. v. Proulx*, 1999.  
 24. 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  
10 provinces and territories in Canada, 2002/03**



**Notes:** Includes cases completed in superior courts in Prince Edward Island, Nova Scotia, New Brunswick, Alberta, British Columbia, and Yukon. Information from Quebec's 87 municipal courts (which account for approximately 26% of federal statute charges in that province) are not available. 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.

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.

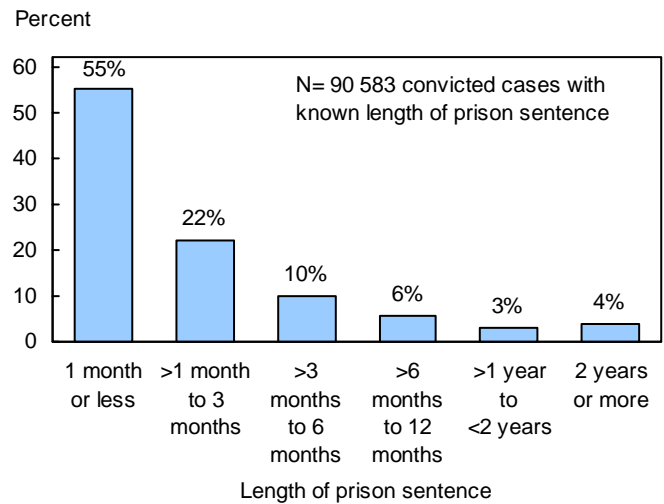
Second, courts in different parts of the country may use incarceration in different ways. In Prince Edward Island, for example, offenders are frequently sent to prison for their first impaired driving conviction. Since this offence category accounts for 22% of convicted cases in the province, the overall 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, 89% resulted in incarceration. This is by far the highest in Canada, followed by Newfoundland and Labrador at 25%. The lowest rate of incarceration occurred in Nova Scotia, where 5% of convicted impaired drivers were incarcerated.

**Most terms of imprisonment are relatively short**

Over half (55%) of all custodial sentences imposed in 2002/03 were one month or less, while an additional one-third (32%) were for periods from greater than one month up to six months.<sup>25,26</sup> Custodial sentences of greater than six months

Figure 7

**Convicted cases by length of prison sentence,  
10 provinces and territories in Canada, 2002/03**



**Notes:** Due to rounding, percentages may not add to 100. Excludes 8% of cases where the length of prison sentence was unknown. Time in custody prior to sentencing is sometimes taken into consideration when imposing a sentence. The length of time in custody prior to sentencing and the extent to which it influences the sanction imposed are not available from the ACCS. 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.

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).<sup>27</sup>

**Use of probation<sup>28</sup>**

In 2002/03, *Crimes Against the Person* were most likely to result in a sentence of probation (Table 5). Three-quarters (76%) of convicted cases in this category were sentenced to a term of probation, compared to 56% of offenders convicted of a *Crime Against Property*. It should be noted that a substantial proportion of cases involving *Crimes Against the Person* also received a term of imprisonment along with a probation order. Of the 48,509 convicted *Crimes Against the Person* cases that received probation in 2002/03, 30% also received a prison sentence. This compares to 28% for offenders convicted of a property crime.

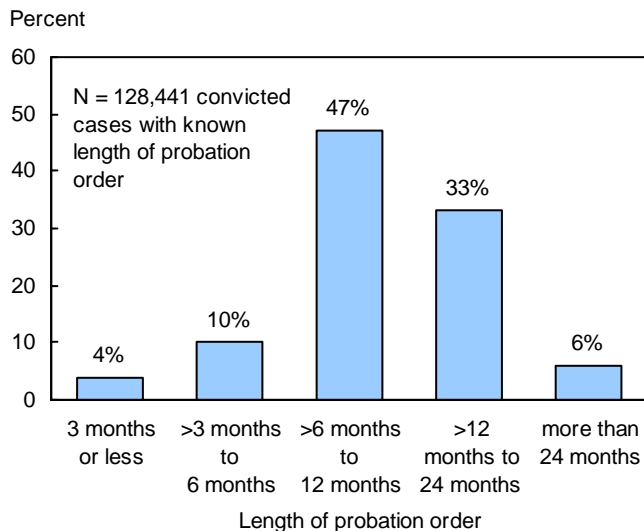
25. Excludes 6,942 (7.1%) cases with a prison sentence, but unknown prison length.  
26. Time in custody prior to sentencing is sometimes taken into consideration when imposing a sentence. The length of time in custody prior to sentencing and the extent to which it influences the sanction imposed are not available from the ACCS.  
27. Percentages do not add to 100 due to rounding.  
28. 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.



In 2002/03, the most common probation term length was “greater than six months to one year” (47% of convicted cases with probation) (Figure 8).<sup>29</sup> One-third (33%) of cases were greater than 12 months to two years in length. Fourteen percent were for six months or less, and 6% of probation terms were for a period of more than two years. (The statutory limit on a term of probation is three years.)

Figure 8

**Convicted cases by length of probation for the most serious offence in the case, 10 provinces and territories in Canada, 2002/03**



**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 14% of convictions). Excludes cases where the length of probation sentence was unknown (<1.0% of 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.

- 29. The length of probation was unknown in less than 1% of cases where probation was ordered.
- 30. Superior court refers to Court of Queen’s Bench in New Brunswick, and Alberta, and the Supreme Court in Prince Edward Island, Nova Scotia, British Columbia, and Yukon.
- 31. 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.
- 32. It may also be possible for superior courts to hear summary offences when they have been transferred due to the election of an indictable offence in the same case.
- 33. Percentages may not add to 100 due to rounding.
- 34. The offence homicide includes murder (1<sup>st</sup> and 2<sup>nd</sup> degree), infanticide, and manslaughter.
- 35. Prince Edward Island superior court data do not include information on the number of appearances and elapsed time from first to last case appearance for cases completed in superior court. As a result Prince Edward Island data were removed from this portion of the analysis.
- 36. Probation is mandatory in cases where the accused is given a conditional discharge or a suspended sentence.
- 37. Cases can have more than one sentence. Therefore, sanctions are not mutually exclusive and will not add to 100%.

**Box 5  
Superior court statistics, selected provinces and territories, 2002/03**

In 2002/03, data on superior courts<sup>30</sup> were collected in Prince Edward Island, Nova Scotia, New Brunswick, Alberta, British Columbia, and the Yukon. Superior courts hear indictable offences, and are the only courts with jurisdiction to try first and second degree murder charges, which account for 2% of superior court caseload. For charges other than the most serious indictable offences,<sup>31</sup> the accused can elect the mode of trial.<sup>32</sup> 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 2002/03, 2,895 cases (2% of total cases) were completed in superior court in the six reporting jurisdictions. The most common cases were *Crimes Against the Person* (45% of superior court cases), followed by *Other Federal Statute* (28%) and *Crimes Against Property* (14%). *Other Criminal Code* cases accounted for 6% of superior court cases, and a small proportion of cases involved *Criminal Code Traffic* (4%) and *Administration of Justice* (2%) matters.<sup>33</sup>

Although superior court caseload has a higher proportion of *Crimes Against the Person* cases than provincial court (45% and 23% respectively), superior courts did hear cases in each offence category. (Table 6) Half of the homicide<sup>34</sup> cases (50%) for the six jurisdictions were completed in superior court in 2002/03. Almost one quarter of other sexual offences cases (23%) and 22% of attempted murder cases were completed in superior court.

In 2002/03, superior court cases took longer to process than provincial court cases. In five of the six jurisdictions reporting superior court data,<sup>35</sup> the mean elapsed time for cases completed in superior court (i.e. the average time from the first appearance in provincial court to the last appearance in superior court) was over thirteen months (407 days), compared to 167 days for cases completed in provincial court in these jurisdictions. For each offence type completed in superior court, the mean 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 five jurisdictions.

**Case Outcomes:** Cases completed in superior court in the six reporting jurisdictions had a conviction rate of 47%, much lower than for provincial court cases (60%) in the same jurisdictions in 2002/03. The accused was acquitted in 15% of the cases completed in superior court in 2002/03 and 3% of the cases completed in provincial court in these jurisdictions. The lower conviction rate and the higher acquittal rate may be in part a reflection of the nature of superior court cases, as superior courts hear a relatively larger proportion of cases involving serious offences than provincial court. Serious violent offences may sometimes be more difficult to prove in court as a result of a number of factors including the number and availability of witnesses, the number of charges in the case and the complexity of evidence presented by the Crown. 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 (49%) of cases convicted in superior court resulted in a prison sentence, and nearly one-third (32%) resulted in a conditional sentence in 2002/03. Probation was a sanction in 30% of convicted cases,<sup>36</sup> and 12% of cases resulted in a fine.<sup>37</sup> 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.

In 2002/03, 52% 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 7).

## Use of fines

In 2002/03, one-third (33%) of convicted cases were given a fine (Table 5). The mean amount of fine was \$753. Convicted cases where a fine was most frequently imposed were impaired driving (86%), drug possession (55%), disturbing the peace (45%), other *Criminal Code* traffic (44%) and other federal statutes (67%) such as the *Income Tax Act*.

## Five-year trends

This section highlights trends in Adult Criminal Court statistics from 1998/99 to 2002/03 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.

### Recent increases in the number of cases heard in adult criminal court continues

The number of cases<sup>38</sup> processed in 2002/03 increased to 405,300 for the eight jurisdictions, up by 6% over the previous year (Table 8).<sup>39</sup> The 2002/03 fiscal year marks the second consecutive increase in the number of cases heard following a long downward trend in the number of cases processed by adult criminal courts. Overall, there has been a 5% increase since 1998/99. Four of the eight jurisdictions reported an increase since 2001/02 (i.e., Nova Scotia, Quebec, Ontario and Saskatchewan).

The increase in cases reflects the recent trends in crime rates reported in the *Crime Statistics in Canada, 2002* Juristat.<sup>40</sup> In the eight jurisdictions, actual criminal incidents for federal statute offences decreased in each year from 1998/99 to 2000/01 (-4% during that period) and increased in the last two years, 2% between 2000/01 and 2002/03.<sup>41</sup>

In addition, this increase is brought on by the replacement of, in certain municipalities in Québec, the municipal police forces by the Sûreté du Québec. In municipalities where the population is 50,000 or less, the municipal police services were replaced by the Sûreté du Québec. Under municipal police forces, many summary conviction charges were heard in municipal court and following the change to the Sûreté du Québec, a greater number of these charges were referred to provincial courts than municipal courts. The ACCS does not currently collect data from the 87 municipal courts in Quebec, even though these courts hear approximately 26% of charges under federal statutes in the province. This change in reporting resulted in a 14% increase in the number of cases reported to the ACCS for Quebec between 2001/02 and 2002/03.

The proportion of *Administration of Justice* cases has been increasing over the five-year period. In 1998/99, *Administration of Justice* cases accounted for 16% of all cases for the eight jurisdictions. By 2002/03, *Administration of Justice* represented 18% of all cases. The proportion of *Crimes Against the Person* cases has also increased since 1998/99, from 25% of cases to 27% in 2002/03.

The proportion of *Crimes Against Property* and *Criminal Code Traffic* cases, on the other hand, have each fallen slightly since 1998/99. *Crimes Against Property* and *Criminal Code Traffic* constituted 22% and 14% of cases, respectively, in 2002/03 (Table 8).

### Conviction rates are stable

A guilty decision was recorded in 60% of cases heard in court in 2002/03 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 1998/99).

### The proportion of convicted cases sentenced to prison remains unchanged

The proportion of convicted cases where prison was used as a sanction remained unchanged between 1998/99 (35%) and 2002/03 (35%) for the eight jurisdictions.

### Prison sentence lengths decreasing

The mean prison sentence length for *case sentenced to prison* decreased in each of the past five years, from 139 days in 1998/99 to 117 days in 2002/03. While the overall prison sentence length has been decreasing during this period, there have been small increases in the mean sentence length for some offences. For instance, between 1998/99 and 2002/03, the mean prison sentence for other sexual offences increased from 450 to 460 days and from 70 to 73 days for impaired driving (Table 9).

### The use of probation has increased and the length of orders has decreased

The proportion of cases receiving probation as a sanction has increased since 1998/99 from 42% to 46% in 2002/03. Among all offence groups, the largest increase between 1998/99 and 2002/03 occurred for *Other Federal Statutes* where the rate of probation for guilty cases increased from 24% to 30%. Attempted murder offences showed the largest increase, with the proportion of convicted cases receiving probation increasing from 28% to 39%.<sup>42</sup>

Since 1998/99, the length of probation orders has been decreasing. The mean length of all probation orders has declined in each of the last five years, from 479 days in 1998/99 to 473 days in 2002/03 (Table 10).

38. Revised figures for 1998/99 to 2000/01. Revisions were the result of changes to the ACCS counting procedures and offence classifications. See methodology section for more information on ACCS counting procedures.

39. Since 1998/99, collection of superior court data has commenced in four of the eight jurisdictions. However, superior court data is not responsible for the increase in cases. Cases completed in provincial court increased 5% between 1998/99 and 2002/03.

40. See M. Wallace. 2002. *Crime Statistics in Canada, 2002. Statistics Canada Catalogue no. 85-002-XPE Vol.23 No.5*. 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*.

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

42. The inclusion of superior court data for four of the eight jurisdictions in 2002/03 had no impact on the proportion sentenced to a term of probation or sentenced to pay a fine.

### Imposition of fine sentences has been decreasing

Since 1998/99, the imposition of fine sentences has been decreasing. In 2002/03, 33% of convicted cases were given a fine, compared to 40% in 1998/99. During the same period, there has been a trend towards imposing higher fines. In 1998/99, 22% of all fines were for amounts over \$500, whereas by 2002/03, 45% of all fines were for amounts over \$500. The mean amount of fine,<sup>43</sup> which was \$577 in 1998/99, increased to \$750 in 2002/03 (Table 11).

### Longer-term trends

This section highlights trends in Adult Criminal Court statistics from 1994/95 to 2002/03 for the eight jurisdictions that have participated in the Adult Criminal Court Survey for each of the past nine years.<sup>44</sup>

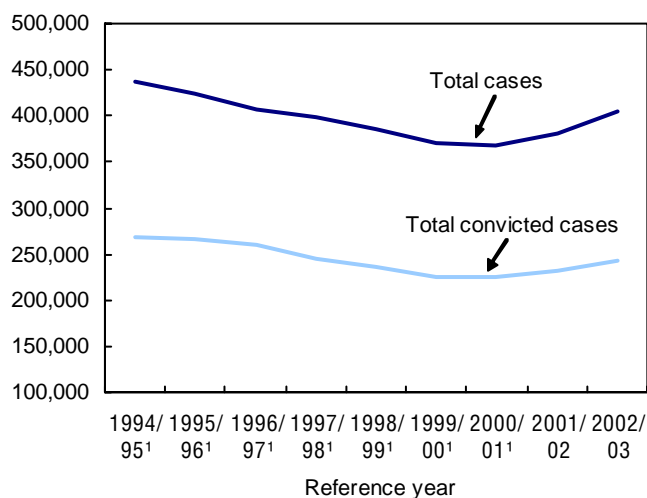
#### The number of cases heard in adult criminal court has increased in the last two years

The number of cases heard decreased 16% between 1994/95 and 2000/01 and increased 10% since then. Overall, the number of cases heard in 2002/03 represents a 7% decrease over the number of cases completed in 1994/95 (Figure 9).

Figure 9

**Total number of cases and convictions heard in Adult Criminal Court, Eight provinces and territories in Canada, 1994/95 to 2002/03**

Number of cases and convictions



**Notes:** Superior court data was collected in Alberta from 1998/99, in Yukon from 1999/00, in Prince Edward Island from 2000/01, in New Brunswick and British Columbia in 2001/02, and in Nova Scotia in 2002/03. Cases completed in superior courts represent less than 1% of total cases in each of these jurisdictions. This figure does not include data from New Brunswick, Manitoba, British Columbia, Northwest Territories and Nunavut.

1. Revised figures for 1994/95 to 2000/01. Revisions were the result of changes to the ACCS offence classifications. See methodology section for more information on ACCS counting procedures.

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

### Cases are becoming more complex

The average number of charges per case has increased 10% rising from 2.0 in 1994/95 to 2.2 in 2002/03. Additionally, the proportion of multiple-charge cases increased from 44% of all cases to 49% over the nine-year period. Further, the proportion of cases with three or more charges has increased from 17% of all cases in 1994/95 to 23% in 2002/03.

#### Cases require more time and more appearances to process

Between 1994/95 to 2002/03, the overall mean case elapsed time from first to last appearance in court for the eight jurisdictions increased 45% from 136 to 197 days. The mean processing time for the least complex cases, those with a single charge, increased 53% from 121 to 185 days, while the processing time for more complex cases (i.e., multiple-charge cases) was 157 days in 1994/95 and 209 days in 2002/03.

The mean number of appearances per case has increased 39%, from 4.1 appearances in 1994/95 to 5.7 appearances in 2002/03. The proportion of cases with five or more appearances increased from 33% of all cases to 48% during this same period. This suggests that in 2002/03, the actual demand on court resources by these complex cases has increased, compared to 1994/95.

The proportion of convicted cases where prison was used as a sanction has increased slightly between 1994/95 (33%) and 2002/03 (35%) for the eight jurisdictions. Some variability in incarceration rates was evident at the offence level. For example, the incarceration rate for attempted murder and weapons offences increased slightly, as attempted murder went from an incarceration rate of 69% in 1994/95 to 72% in 2002/03 and the incarceration rate for weapons offences increased from 29% to 32%.<sup>45,46</sup> Alternatively, the incarceration rate for sexual assault decreased 15 percentage points to 47% over the same period.

The mean prison sentence length has increased between 1994/95 and 2002/03. In 1994/95 the mean prison sentence length was 115 days. It rose to 139 days in 1998/99 and decreased to 117 days in 2002/03. There have been significant increases in the mean sentence length for some offences. For instance, between 1994/95 and 2002/03, the mean prison sentence for other sexual offences increased from 412 to 460 days and from 55 to 73 days for impaired driving.

43. Fine amounts are given in current dollars.

44. Data are available from the Adult Criminal Courts Survey from 1994/95 at approximately 80% of national adult criminal court caseload. This section represents the longest trend analysis possible for jurisdictions consistently reporting to the survey during this period (i.e., Newfoundland and Labrador, Prince Edward Island, Nova Scotia, Quebec, Ontario, Saskatchewan, Alberta, and Yukon).

45. The 2002/03 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.

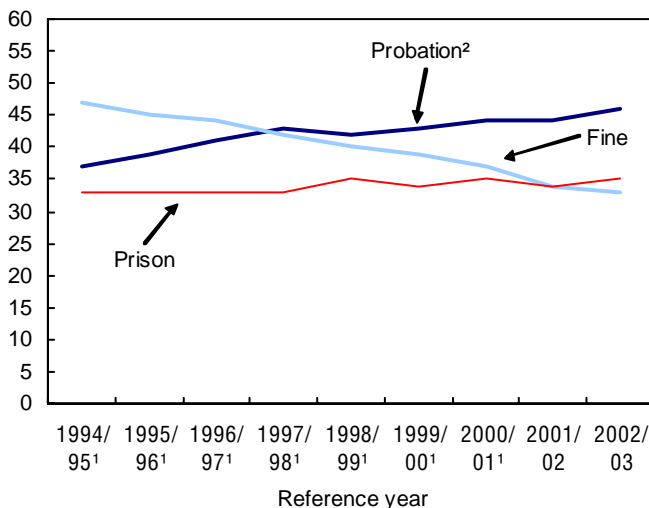
46. The inclusion of superior court data in four of the eight jurisdictions for 2002/03 had no impact on the incarceration rate.

The proportion of cases receiving probation as a sanction has increased since 1994/95 from 37% to 46% in 2002/03 (Figure 10).<sup>47</sup> Since 1994/95, the mean length of probation orders has remained unchanged (473 days).

Figure 10

**Convicted cases by type of sentence, Eight provinces and territories in Canada, 1994/95 to 2002/03**

Percent of convicted cases



**Notes:** The sentence types presented are not mutually exclusive and will not add to 100. Superior court data was collected in Alberta from 1998/99, in Yukon from 1999/00, in Prince Edward Island from 2000/01, in New Brunswick and British Columbia in 2001/02, and in Nova Scotia in 2002/03. Cases completed in superior courts represent less than 1% of total cases in each of these jurisdictions. Time in custody prior to sentencing is sometimes taken into consideration when imposing a sentence. The length of time in custody prior to sentencing and the extent to which it influences the sanction imposed are not available from the ACCS. This figure does not include data from New Brunswick, Manitoba, British Columbia, Northwest Territories and Nunavut.

1. Revised figures for 1994/95 to 2000/01. Revisions were the result of changes to the ACCS offence classifications. See methodology section for more information on ACCS counting procedures.
2. Probation totals include mandatory probation for cases given a conditional discharge (approximately 5% of cases with a guilty finding) or a suspended sentence (approximately 14% of cases with a guilty finding).

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

Since 1994/95, the imposition of fine sentences has been decreasing (Figure 10). In 2002/03, 33% of convicted cases were given a fine, compared to 47% in 1994/95. The mean amount of fine,<sup>48</sup> which was \$502 in 1994/95, increased to \$750 in 2002/03.

## Methodology

The purpose of the Adult Criminal Court Survey (ACCS) is to provide a national database of statistical information on the processing of cases through the adult criminal court system. The survey consists of a census of *Criminal Code* and other federal statute charges dealt with in 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, 2001/02 or 2002/03, 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 87 municipal courts (which account for approximately 26% of federal statute charges in that province) is not yet collected. Finally, with the exception of Prince Edward Island, Nova Scotia, New Brunswick, Alberta, British Columbia and the Yukon, no data are provided from superior courts.

The absence of data from all but six 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, Nova Scotia, 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

47. The inclusion of superior court data for four of the eight jurisdictions in 2002/03 had no impact on the proportion sentenced to a term of probation or sentenced to pay a fine.

48. Fine amounts are given in current dollars.

captured as final decisions for the reference period.<sup>49</sup> 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, 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) acquitted, 4) stay of proceeding, 5) withdrawn, dismissed and discharged 6) not criminally responsible, 7) other, 8) transfer of court jurisdiction.

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 an offence seriousness scale, which is 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.

### Grouped offences

The common offence classification system used by the ACCS permits users to compare analytical results across the different databases, and to examine data from different sectors of the justice system using a single set of offence categories. Each common offence category is constructed by aggregating individual UCR offence categories into the larger common categories. The following are some notes to consider for some offence categories composed of several offences:

*Residual federal statutes:* *Residual federal statutes* refers to offences against Canadian federal statutes, such as the *Customs Act*, the *Employment Insurance Act*, *Firearms Act* and the *Income Tax Act*.

*Common assault and Major assault:* 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*. 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).

*Sexual assault:* There are three levels of sexual assault in the *Criminal Code*: Sexual Assault Level 1, s. 271, Sexual Assault with a weapon Level II, s. 272, and Aggravated Sexual Assault Level III, s. 273.

*Theft:* Theft includes theft over \$5,000, theft under \$5,000 and other theft.

*Fraud:* Fraud includes fraud over \$5,000, fraud under \$5,000 and other fraud.

### 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 (<100 per year). 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 for jurisdictions supplying superior court data, as well as admissions resulting from fine defaults. In 2002/03, only six jurisdictions, Prince Edward Island, Nova Scotia, 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.

<sup>49</sup> 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 1


**Appearances, charges and cases in adult criminal court,  
10 provinces and territories in Canada, 2002/03**

Offence group	Charge appearances		Total charges		Total cases	
	#	%	#	%	#	%
<b>Total offences</b>	<b>6,610,691</b>	<b>100</b>	<b>1,042,492</b>	<b>100</b>	<b>467,494</b>	<b>100</b>
<b>Criminal Code total</b>	<b>5,704,831</b>	<b>86</b>	<b>785,669</b>	<b>75</b>	<b>408,789</b>	<b>87</b>
<b>Crimes against the person</b>	<b>1,496,275</b>	<b>23</b>	<b>214,472</b>	<b>21</b>	<b>126,624</b>	<b>27</b>
Homicide	8,376	0.1	643	0.1	524	0.1
Attempted murder	8,675	0.1	763	0.1	429	0.0
Robbery	101,307	1.5	10,556	1.0	5,878	1.3
Sexual assault	89,572	1.4	10,209	1.0	5,079	1.1
Other sexual offences	52,060	0.8	5,658	0.5	2,624	0.6
Major assault	333,309	5.0	44,971	4.3	27,744	5.9
Common assault	499,057	7.5	82,367	7.9	53,084	11.4
Uttering threats	287,786	4.4	44,255	4.2	23,901	5.1
Criminal harassment	51,813	0.8	7,292	0.7	3,983	0.9
Other crimes against the person	64,320	1.0	7,758	0.7	3,378	0.7
<b>Crimes against property</b>	<b>1,757,513</b>	<b>27</b>	<b>265,615</b>	<b>25</b>	<b>106,111</b>	<b>23</b>
Theft	450,504	6.8	78,672	7.5	40,786	8.7
Break and enter	223,379	3.4	30,942	3.0	13,557	2.9
Fraud	482,887	7.3	64,931	6.2	20,192	4.3
Mischief	196,801	3.0	33,360	3.2	12,124	2.6
Possess stolen property	383,699	5.8	54,951	5.3	18,394	3.9
Other property crimes	20,243	0.3	2,759	0.3	1,058	0.2
<b>Administration of justice</b>	<b>1,118,166</b>	<b>17</b>	<b>209,853</b>	<b>20</b>	<b>80,072</b>	<b>17</b>
Fail to appear	119,044	1.8	23,157	2.2	10,856	2.3
Breach of probation	401,889	6.1	72,980	7.0	28,447	6.1
Unlawfully at large	35,064	0.5	7,876	0.8	3,193	0.7
Fail to comply with order	523,594	7.9	100,417	9.6	35,098	7.5
Other administration of justice	38,575	0.6	5,423	0.5	2,478	0.5
<b>Other Criminal Code</b>	<b>691,502</b>	<b>10</b>	<b>95,729</b>	<b>9</b>	<b>32,035</b>	<b>7</b>
Weapons	219,133	3.3	27,284	2.6	6,825	1.5
Prostitution	25,298	0.4	4,165	0.4	2,661	0.6
Disturbing the peace	29,627	0.4	6,280	0.6	2,991	0.6
Residual <i>Criminal Code</i>	417,444	6.3	58,000	5.6	19,558	4.2
<b>Criminal Code traffic</b>	<b>641,375</b>	<b>10</b>	<b>129,147</b>	<b>12</b>	<b>63,947</b>	<b>14</b>
Impaired driving	520,839	7.9	110,269	10.6	53,554	11.5
Other <i>Criminal Code</i> traffic	120,536	1.8	18,878	1.8	10,393	2.2
<b>Other federal statute total</b>	<b>905,860</b>	<b>14</b>	<b>127,676</b>	<b>12</b>	<b>58,705</b>	<b>13</b>
Drug possession	193,170	2.9	33,171	3.2	19,145	4.1
Drug trafficking	292,057	4.4	32,089	3.1	16,680	3.6
<i>Young Offenders Act</i>	34,102	0.5	6,212	0.6	2,120	0.5
Residual federal statutes	386,531	5.8	56,204	5.4	20,760	4.4

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

For more information on grouped offences see methodology section.

In Quebec, 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 2



### Cases by age of accused, 10 provinces and territories in Canada, 2002/03

Offence group	Total cases	Age group									
		18 to 24		25 to 34		35 to 44		45 to 54		55 plus	
		#	%	#	%	#	%	#	%	#	%
<b>Total offences</b>	<b>458,690</b>	<b>141,542</b>	<b>30.9</b>	<b>129,536</b>	<b>28.2</b>	<b>115,513</b>	<b>25.2</b>	<b>50,507</b>	<b>11.0</b>	<b>21,592</b>	<b>4.7</b>
<b>Criminal Code total</b>	<b>402,241</b>	<b>119,485</b>	<b>29.7</b>	<b>114,633</b>	<b>28.5</b>	<b>103,867</b>	<b>25.8</b>	<b>45,067</b>	<b>11.2</b>	<b>19,189</b>	<b>4.8</b>
<b>Crimes against the person</b>	<b>123,956</b>	<b>30,705</b>	<b>24.8</b>	<b>36,664</b>	<b>29.6</b>	<b>35,642</b>	<b>28.8</b>	<b>14,805</b>	<b>11.9</b>	<b>6,140</b>	<b>5.0</b>
Homicide	496	186	37.5	128	25.8	116	23.4	43	8.7	23	4.6
Attempted murder	416	163	39.2	118	28.4	76	18.3	32	7.7	27	6.5
Robbery	5,808	2,902	50.0	1,581	27.2	1,023	17.6	260	4.5	42	0.7
Sexual assault	4,981	993	19.9	1,309	26.3	1,361	27.3	766	15.4	552	11.1
Other sexual offences	2,582	307	11.9	650	25.2	857	33.2	412	16.0	356	13.8
Major assault	27,278	8,507	31.2	8,212	30.1	6,883	25.2	2,631	9.6	1,045	3.8
Common assault	51,769	11,435	22.1	15,887	30.7	15,564	30.1	6,469	12.5	2,414	4.7
Uttering threats	23,497	4,831	20.6	6,672	28.4	7,523	32.0	3,196	13.6	1,275	5.4
Criminal harassment	3,865	544	14.1	1,078	27.9	1,310	33.9	641	16.6	292	7.6
Other crimes against the person	3,264	837	25.6	1,029	31.5	929	28.5	355	10.9	114	3.5
<b>Crimes against property</b>	<b>104,661</b>	<b>38,357</b>	<b>36.6</b>	<b>29,113</b>	<b>27.8</b>	<b>23,923</b>	<b>22.9</b>	<b>9,447</b>	<b>9.0</b>	<b>3,821</b>	<b>3.7</b>
Theft	40,293	12,732	31.6	10,474	26.0	10,164	25.2	4,685	11.6	2,238	5.6
Break and enter	13,393	6,835	51.0	3,606	26.9	2,297	17.2	550	4.1	105	0.8
Fraud	19,844	5,637	28.4	6,396	32.2	5,157	26.0	2,027	10.2	627	3.2
Mischief	11,968	5,102	42.6	3,224	26.9	2,410	20.1	908	7.6	324	2.7
Possess stolen property	18,118	7,533	41.6	5,183	28.6	3,727	20.6	1,194	6.6	481	2.7
Other property crimes	1,045	518	49.6	230	22.0	168	16.1	83	7.9	46	4.4
<b>Administration of justice</b>	<b>79,087</b>	<b>27,194</b>	<b>34.4</b>	<b>23,435</b>	<b>29.6</b>	<b>19,404</b>	<b>24.5</b>	<b>6,860</b>	<b>8.7</b>	<b>2,194</b>	<b>2.8</b>
Fail to appear	10,713	4,096	38.2	3,223	30.1	2,360	22.0	777	7.3	257	2.4
Breach of probation	28,058	9,441	33.6	8,567	30.5	7,002	25.0	2,367	8.4	681	2.4
Unlawfully at large	3,154	974	30.9	1,102	34.9	811	25.7	226	7.2	41	1.3
Fail to comply with order	34,739	11,942	34.4	9,813	28.2	8,637	24.9	3,252	9.4	1,095	3.2
Other administration of justice	2,423	741	30.6	730	30.1	594	24.5	238	9.8	120	5.0
<b>Other Criminal Code</b>	<b>30,949</b>	<b>10,765</b>	<b>34.8</b>	<b>8,610</b>	<b>27.8</b>	<b>7,057</b>	<b>22.8</b>	<b>3,115</b>	<b>10.1</b>	<b>1,402</b>	<b>4.5</b>
Weapons	6,670	2,600	39.0	1,661	24.9	1,277	19.1	733	11.0	399	6.0
Prostitution	2,627	402	15.3	853	32.5	893	34.0	316	12.0	163	6.2
Disturbing the peace	2,975	1,183	39.8	762	25.6	655	22.0	273	9.2	102	3.4
Residual <i>Criminal Code</i>	18,677	6,580	35.2	5,334	28.6	4,232	22.7	1,793	9.6	738	4.0
<b>Criminal Code traffic</b>	<b>63,588</b>	<b>12,464</b>	<b>19.6</b>	<b>16,811</b>	<b>26.4</b>	<b>17,841</b>	<b>28.1</b>	<b>10,840</b>	<b>17.0</b>	<b>5,632</b>	<b>8.9</b>
Impaired driving	53,269	9,937	18.7	13,678	25.7	15,052	28.3	9,536	17.9	5,066	9.5
Other <i>Criminal Code</i> traffic	10,319	2,527	24.5	3,133	30.4	2,789	27.0	1,304	12.6	566	5.5
<b>Other federal statute total</b>	<b>56,449</b>	<b>22,057</b>	<b>39.1</b>	<b>14,903</b>	<b>26.4</b>	<b>11,646</b>	<b>20.6</b>	<b>5,440</b>	<b>9.6</b>	<b>2,403</b>	<b>4.3</b>
Drug possession	18,828	9,199	48.9	5,079	27.0	3,308	17.6	1,067	5.7	175	0.9
Drug trafficking	16,181	5,090	31.5	5,077	31.4	3,944	24.4	1,617	10.0	453	2.8
<i>Young Offenders Act</i>	2,068	2,063	99.8	4	0.2	0	0.0	1	0.0	0	0.0
Residual federal statutes	19,372	5,705	29.4	4,743	24.5	4,394	22.7	2,755	14.2	1,775	9.2
<b>Population<sup>1</sup></b>	<b>24,356,916</b>	<b>2,992,009</b>	<b>12.3</b>	<b>4,413,523</b>	<b>18.1</b>	<b>5,282,349</b>	<b>21.7</b>	<b>4,596,633</b>	<b>18.9</b>	<b>7,072,402</b>	<b>29.0</b>

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

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

For more information on grouped offences see methodology section.

Excludes 8,176 (1.7%) cases where age of the accused was unknown or under 18 at the time of the offence and 628 (0.1%) cases against companies.

In Quebec, 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.

1. Population estimates as of July 2002.

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

Table 3



**Mean and median elapsed time to complete a case in adult criminal court, cases by jurisdiction and by case elapsed time, 10 provinces and territories in Canada, 2002/03**

Jurisdiction	Total cases	Mean (in days)	Median (in days)	Elapsed time (in days) from first to last court appearance									
				One day		>One day to 4 months		>4 months to 8 months		>8 months to 12 months		>12 months	
				#	%	#	%	#	%	#	%	#	%
<b>TOTAL</b>	<b>467,494</b>	<b>194</b>	<b>105</b>	<b>65,416</b>	<b>14.0</b>	<b>185,713</b>	<b>39.7</b>	<b>92,649</b>	<b>19.8</b>	<b>57,564</b>	<b>12.3</b>	<b>66,152</b>	<b>14.2</b>
Newfoundland and Labrador	6,790	159	77	1,566	23.1	2,575	37.9	1,316	19.4	705	10.4	628	9.2
Prince Edward Island <sup>1</sup>	1,840	32	1	995	54.1	718	39.0	99	5.4	19	1.0	9	0.5
Nova Scotia	14,135	215	107	2,629	18.6	4,799	34.0	2,444	17.3	1,993	14.1	2,270	16.1
New Brunswick	9,785	147	68	2,428	24.8	3,935	40.2	1,955	20.0	691	7.1	776	7.9
Quebec	79,756	260	141	11,133	14.0	25,462	31.9	16,652	20.9	10,037	12.6	16,472	20.7
Ontario	213,638	190	114	21,399	10.0	88,533	41.4	42,577	19.9	30,100	14.1	31,029	14.5
Saskatchewan	27,463	165	69	6,408	23.3	10,351	37.7	4,593	16.7	2,832	10.3	3,279	11.9
Alberta	60,522	161	73	12,685	21.0	25,536	42.2	12,889	21.3	4,284	7.1	5,128	8.5
British Columbia	52,451	180	94	6,023	11.5	23,209	44.2	9,890	18.9	6,827	13.0	6,502	12.4
Yukon	1,114	127	64	150	13.5	595	53.4	234	21.0	76	6.8	59	5.3

**Notes:** Due to rounding, percentages may not add to 100. The Median represents the mid-point of a group of values when all values are sorted by size. Mean and median elapsed time is measured from first to last court appearance.

Information from Quebec's 87 municipal courts (which account for approximately 26% of federal statute charges in that province) are not available.

Mean and median elapsed time includes cases completed in superior courts in Prince Edward Island, Nova Scotia, New Brunswick, Alberta, British Columbia, and the Yukon.

Cases completed in superior courts represent less than 1% of total cases in each of these jurisdictions.

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

1. More than half the cases were dealt with by one court appearance; therefore the median is one day.

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

Table 4



**Cases by decision, 10 provinces and territories in Canada, 2002/03**

Jurisdiction	Total cases	Decision							
		Found guilty		Stay/Withdrawn		Acquittal		Other	
		#	%	#	%	#	%	#	%
<b>TOTAL</b>	<b>467,494</b>	<b>279,351</b>	<b>60</b>	<b>158,753</b>	<b>34</b>	<b>14,205</b>	<b>3</b>	<b>15,185</b>	<b>3</b>
Newfoundland and Labrador	6,790	4,652	69	1,878	28	7	0	253	4
Prince Edward Island	1,840	1,162	63	645	35	10	1	23	1
Nova Scotia	14,135	7,387	52	5,821	41	581	4	346	2
New Brunswick	9,785	7,209	74	2,036	21	380	4	160	2
Quebec	79,756	58,626	74	7,587	10	9,711	12	3,832	5
Ontario	213,638	115,073	54	92,105	43	1,075	1	5,385	3
Saskatchewan	27,463	17,429	63	8,809	32	290	1	935	3
Alberta	60,522	38,229	63	20,625	34	807	1	861	1
British Columbia	52,451	28,926	55	18,847	36	1,329	3	3,349	6
Yukon	1,114	658	59	400	36	15	1	41	4

**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, or waived out of province/territory. This category also includes decisions where a conviction was not recorded, the court accepted a special plea, cases which raised Charter arguments or cases where the accused was found unfit to stand trial. In jurisdictions not providing superior court data (i.e., Newfoundland and Labrador, 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, Nova Scotia, New Brunswick, Alberta, British Columbia, and the Yukon.

Information from Quebec's 87 municipal courts (which account for approximately 26% of federal statute charges in that province) are not available.

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,  
10 provinces and territories in Canada, 2002/03**

Offence group	Convicted cases	Type of sentence for most serious offence							
		Prison		Conditional sentence <sup>1</sup>		Probation		Fine	
		#	%	#	%	#	%	#	%
<b>Total offences</b>	<b>279,351</b>	<b>97,525</b>	<b>34.9</b>	<b>13,172</b>	<b>4.7</b>	<b>128,875</b>	<b>46.1</b>	<b>92,521</b>	<b>33.1</b>
<b>Criminal Code total</b>	<b>244,542</b>	<b>90,353</b>	<b>36.9</b>	<b>10,614</b>	<b>4.3</b>	<b>118,654</b>	<b>48.5</b>	<b>74,417</b>	<b>30.4</b>
<b>Crimes against the person</b>	<b>63,479</b>	<b>22,768</b>	<b>35.9</b>	<b>3,777</b>	<b>5.9</b>	<b>48,509</b>	<b>76.4</b>	<b>6,967</b>	<b>11.0</b>
Homicide	154	135	87.7	10	6.5	13	8.4	3	1.9
Attempted murder	107	76	71.0	15	14.0	40	37.4	2	1.9
Robbery	3,341	2,401	71.9	271	8.1	1,810	54.2	39	1.2
Sexual assault	2,073	968	46.7	347	16.7	1,513	73.0	104	5.0
Other sexual offences	945	476	50.4	197	20.8	742	78.5	25	2.6
Major assault	14,369	6,510	45.3	1,197	8.3	10,210	71.1	1,626	11.3
Common assault	28,251	7,046	24.9	1,116	4.0	22,620	80.1	3,717	13.2
Uttering threats	11,125	4,020	36.1	423	3.8	8,949	80.4	1,254	11.3
Criminal harassment	1,933	588	30.4	117	6.1	1,765	91.3	115	5.9
Other crimes against the person	1,181	548	46.4	84	7.1	847	71.7	82	6.9
<b>Crimes against property</b>	<b>66,486</b>	<b>26,760</b>	<b>40.2</b>	<b>4,247</b>	<b>6.4</b>	<b>36,906</b>	<b>55.5</b>	<b>12,813</b>	<b>19.3</b>
Theft	26,748	10,374	38.8	1,285	4.8	13,444	50.3	6,355	23.8
Break and enter	9,324	5,447	58.4	784	8.4	5,864	62.9	540	5.8
Fraud	12,564	4,251	33.8	1,508	12.0	7,604	60.5	1,944	15.5
Mischief	7,395	1,516	20.5	107	1.4	5,001	67.6	1,748	23.6
Possess stolen property	9,844	4,942	50.2	495	5.0	4,596	46.7	2,099	21.3
Other property crimes	611	230	37.6	68	11.1	397	65.0	127	20.8
<b>Administration of justice</b>	<b>50,947</b>	<b>26,590</b>	<b>52.2</b>	<b>1,192</b>	<b>2.3</b>	<b>16,528</b>	<b>32.4</b>	<b>13,397</b>	<b>26.3</b>
Fail to appear	5,337	2,915	54.6	120	2.2	1,369	25.7	1,412	26.5
Breach of probation	20,171	10,300	51.1	516	2.6	7,031	34.9	5,359	26.6
Unlawfully at large	2,501	2,097	83.8	19	0.8	385	15.4	230	9.2
Fail to comply with order	21,496	10,796	50.2	450	2.1	6,971	32.4	6,028	28.0
Other administration of justice	1,442	482	33.4	87	6.0	772	53.5	368	25.5
<b>Other Criminal Code</b>	<b>18,377</b>	<b>5,830</b>	<b>31.7</b>	<b>591</b>	<b>3.2</b>	<b>9,007</b>	<b>49.0</b>	<b>5,588</b>	<b>30.4</b>
Weapons	3,787	1,152	30.4	141	3.7	1,982	52.3	1,084	28.6
Prostitution	1,214	310	25.5	15	1.2	523	43.1	404	33.3
Disturbing the peace	1,837	279	15.2	8	0.4	821	44.7	823	44.8
Residual <i>Criminal Code</i>	11,539	4,089	35.4	427	3.7	5,681	49.2	3,277	28.4
<b>Criminal Code traffic</b>	<b>45,253</b>	<b>8,405</b>	<b>18.6</b>	<b>807</b>	<b>1.8</b>	<b>7,704</b>	<b>17.0</b>	<b>35,652</b>	<b>78.8</b>
Impaired driving	37,988	5,131	13.5	388	1.0	5,441	14.3	32,477	85.5
Other <i>Criminal Code</i> traffic	7,265	3,274	45.1	419	5.8	2,263	31.1	3,175	43.7
<b>Other federal statute total</b>	<b>34,809</b>	<b>7,172</b>	<b>20.6</b>	<b>2,558</b>	<b>7.3</b>	<b>10,221</b>	<b>29.4</b>	<b>18,104</b>	<b>52.0</b>
Drug possession	10,202	1,390	13.6	124	1.2	2,992	29.3	5,657	55.4
Drug trafficking	7,497	3,292	43.9	2,371	31.6	2,493	33.3	1,383	18.4
<i>Young Offenders Act</i>	1,310	536	40.9	33	2.5	440	33.6	439	33.5
Residual federal statutes	15,800	1,954	12.4	30	0.2	4,296	27.2	10,625	67.2

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

For more information on grouped offences see methodology section.

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

Time in custody prior to sentencing is sometimes taken into consideration when imposing a sentence. The length of time in custody prior to sentencing and the extent to which it influences the sanction imposed are not available from the ACCS.

In Quebec, 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.

1. In 2002/03, conditional sentencing data were not available for Quebec.

**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 five provinces and territories in Canada, 2002/03

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)
<b>Elapsed time,<sup>1</sup> total cases</b>	<b>138,007</b>	<b>100</b>	<b>84</b>	<b>172</b>	<b>135,156</b>	<b>100</b>	<b>81</b>	<b>167</b>	<b>2,851</b>	<b>100</b>	<b>316</b>	<b>407</b>
Crimes against the person	32,896	24	115	184	31,606	23	112	175	1,290	45	319	411
Crimes against property	35,912	26	87	197	35,512	26	86	194	400	14	277	437
Administration of justice	22,978	17	29	115	22,928	17	29	114	50	2	323	345
Other <i>Criminal Code</i>	8,552	6	83	175	8,364	6	80	169	188	7	312	426
<i>Criminal Code</i> traffic	20,669	15	78	160	20,570	15	77	159	99	3	341	357
Other federal statutes	17,000	12	100	189	16,176	12	92	179	824	29	322	392

**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.

Please see table one for the list of offences included in each offence category.

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, Nova Scotia, 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. As a result, data for Prince Edward Island have been removed from the analysis of the elapsed times in provincial and superior courts.

1. Five provinces and territories (i.e., Nova Scotia, New Brunswick, Alberta, British Columbia, and Yukon). Data for Prince Edward Island have been removed from the analysis of the elapsed times in provincial and superior courts.

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

Table 7



### Cases in provincial and superior courts by mean and median length of prison sentence six provinces and territories in Canada, 2002/03

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)
<b>Total cases with prison<sup>1</sup></b>	<b>25,596</b>	<b>100</b>	<b>30</b>	<b>124</b>	<b>24,987</b>	<b>100</b>	<b>30</b>	<b>99</b>	<b>609</b>	<b>100</b>	<b>540</b>	<b>1,147</b>
Crimes against the person	4,736	19	60	332	4,398	18	60	229	338	56	730	1,672
Crimes against property	8,783	34	30	97	8,710	35	30	94	73	12	270	440
Administration of justice	6,830	27	7	18	6,816	27	7	18	14	2	45	71
Other <i>Criminal Code</i>	1,277	5	30	89	1,251	5	30	82	26	4	240	436
<i>Criminal Code</i> traffic	2,236	9	30	62	2,212	9	30	59	24	4	180	349
Other federal statutes	1,734	7	60	209	1,600	6	60	176	134	22	408	603

**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.

Please see table one for the list of offences included in each offence category.

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, Nova Scotia, 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. As a result, data for Prince Edward Island have been removed from the analysis of the elapsed times in provincial and superior courts.

1. Six provinces and territories (i.e., Prince Edward Island, Nova Scotia, New Brunswick, Alberta, British Columbia, and Yukon).

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

Table 8

**Number of cases heard in adult criminal court,  
eight provinces and territories in Canada, 1998/99 to 2002/03**

Offence group	1998/99 <sup>1</sup>			1999/00 <sup>1</sup>			2000/01 <sup>1</sup>			2001/02			2002/03		
	#	%	% change	#	%	% change	#	%	% change	#	%	% change	#	%	% change
<b>Total offences</b>	<b>384,437</b>	<b>100.0</b>	...	<b>369,811</b>	<b>100.0</b>	<b>-3.8</b>	<b>367,883</b>	<b>100.0</b>	<b>-0.5</b>	<b>382,072</b>	<b>100.0</b>	<b>3.9</b>	<b>405,258</b>	<b>100.0</b>	<b>6.1</b>
<b>Criminal Code total</b>	<b>339,889</b>	<b>88.4</b>	...	<b>325,289</b>	<b>88.0</b>	<b>-4.3</b>	<b>323,418</b>	<b>87.9</b>	<b>-0.6</b>	<b>337,001</b>	<b>88.2</b>	<b>4.2</b>	<b>356,148</b>	<b>87.9</b>	<b>5.7</b>
<b>Crimes against the person</b>	<b>97,295</b>	<b>25.3</b>	...	<b>93,749</b>	<b>25.4</b>	<b>-3.6</b>	<b>95,405</b>	<b>25.9</b>	<b>1.8</b>	<b>102,576</b>	<b>26.8</b>	<b>7.5</b>	<b>110,526</b>	<b>27.3</b>	<b>7.8</b>
Homicide	473	0.1	...	412	0.1	<b>-12.9</b>	399	0.1	<b>-3.2</b>	409	0.1	<b>2.5</b>	383	0.0	<b>-6.4</b>
Attempted murder	378	0.1	...	322	0.1	<b>-14.8</b>	270	0.1	<b>-16.1</b>	326	0.1	<b>20.7</b>	390	0.0	<b>19.6</b>
Robbery	4,652	1.2	...	4,407	1.2	<b>-5.3</b>	4,238	1.2	<b>-3.8</b>	4,633	1.2	<b>9.3</b>	5,007	1.2	<b>8.1</b>
Sexual assault	4,545	1.2	...	4,077	1.1	<b>-10.3</b>	3,724	1.0	<b>-8.7</b>	4,075	1.1	<b>9.4</b>	4,327	1.1	<b>6.2</b>
Other sexual offences	2,425	0.6	...	2,164	0.6	<b>-10.8</b>	2,098	0.6	<b>-3.0</b>	2,089	0.5	<b>-0.4</b>	2,310	0.6	<b>10.6</b>
Major assault	21,276	5.5	...	20,793	5.6	<b>-2.3</b>	21,196	5.8	<b>1.9</b>	22,549	5.9	<b>6.4</b>	24,781	6.1	<b>9.9</b>
Common assault	41,652	10.8	...	39,491	10.7	<b>-5.2</b>	40,656	11.1	<b>3.0</b>	42,989	11.3	<b>5.7</b>	45,707	11.3	<b>6.3</b>
Uttering threats	16,775	4.4	...	17,061	4.6	<b>1.7</b>	17,620	4.8	<b>3.3</b>	19,724	5.2	<b>11.9</b>	21,087	5.2	<b>6.9</b>
Criminal harassment	2,458	0.6	...	2,568	0.7	<b>4.5</b>	2,626	0.7	<b>2.3</b>	3,105	0.8	<b>18.2</b>	3,542	0.9	<b>14.1</b>
Other crimes against the person	2,661	0.7	...	2,454	0.7	<b>-7.8</b>	2,578	0.7	<b>5.1</b>	2,677	0.7	<b>3.8</b>	2,992	0.7	<b>11.8</b>
<b>Crimes against property</b>	<b>95,269</b>	<b>24.8</b>	...	<b>89,518</b>	<b>24.2</b>	<b>-6.0</b>	<b>85,071</b>	<b>23.1</b>	<b>-5.0</b>	<b>86,413</b>	<b>22.6</b>	<b>1.6</b>	<b>90,065</b>	<b>22.2</b>	<b>4.2</b>
Theft	35,452	9.2	...	33,039	8.9	<b>-6.8</b>	31,002	8.4	<b>-6.2</b>	32,046	8.4	<b>3.4</b>	33,168	8.2	<b>3.5</b>
Break and enter	13,911	3.6	...	12,486	3.4	<b>-10.2</b>	11,643	3.2	<b>-6.8</b>	11,230	2.9	<b>-3.5</b>	11,729	2.9	<b>4.4</b>
Fraud	19,365	5.0	...	18,234	4.9	<b>-5.8</b>	17,599	4.8	<b>-3.5</b>	17,313	4.5	<b>-1.6</b>	17,865	4.4	<b>3.2</b>
Mischief	9,662	2.5	...	9,443	2.6	<b>-2.3</b>	9,573	2.6	<b>1.4</b>	10,202	2.7	<b>6.6</b>	10,633	2.6	<b>4.2</b>
Possess stolen property	15,968	4.2	...	15,386	4.2	<b>-3.6</b>	14,424	3.9	<b>-6.3</b>	14,837	3.9	<b>2.9</b>	15,710	3.9	<b>5.9</b>
Other property crimes	911	0.2	...	930	0.3	<b>2.1</b>	830	0.2	<b>-10.8</b>	785	0.2	<b>-5.4</b>	960	0.2	<b>22.3</b>
<b>Administration of justice</b>	<b>60,034</b>	<b>15.6</b>	...	<b>60,455</b>	<b>16.3</b>	<b>0.7</b>	<b>64,144</b>	<b>17.4</b>	<b>6.1</b>	<b>67,644</b>	<b>17.7</b>	<b>5.5</b>	<b>71,599</b>	<b>17.7</b>	<b>5.8</b>
Fail to appear	10,752	2.8	...	10,072	2.7	<b>-6.3</b>	9,860	2.7	<b>-2.1</b>	9,963	2.6	<b>1.0</b>	9,891	2.4	<b>-0.7</b>
Breach of probation	18,237	4.7	...	19,287	5.2	<b>5.8</b>	20,729	5.6	<b>7.5</b>	21,874	5.7	<b>5.5</b>	23,809	5.9	<b>8.8</b>
Unlawfully at large	3,395	0.9	...	3,285	0.9	<b>-3.2</b>	3,338	0.9	<b>1.6</b>	2,942	0.8	<b>-11.9</b>	2,953	0.7	<b>0.4</b>
Fail to comply with order	25,225	6.6	...	25,614	6.9	<b>1.5</b>	27,886	7.6	<b>8.9</b>	30,656	8.0	<b>9.9</b>	32,650	8.1	<b>6.5</b>
Other administration of justice	2,425	0.6	...	2,197	0.6	<b>-9.4</b>	2,331	0.6	<b>6.1</b>	2,209	0.6	<b>-5.2</b>	2,296	0.6	<b>3.9</b>
<b>Other Criminal Code</b>	<b>28,329</b>	<b>7.4</b>	...	<b>26,046</b>	<b>7.0</b>	<b>-8.1</b>	<b>25,951</b>	<b>7.1</b>	<b>-0.4</b>	<b>26,077</b>	<b>6.8</b>	<b>0.5</b>	<b>28,293</b>	<b>7.0</b>	<b>8.5</b>
Weapons	5,538	1.4	...	5,041	1.4	<b>-9.0</b>	4,903	1.3	<b>-2.7</b>	5,195	1.4	<b>6.0</b>	5,901	1.5	<b>13.6</b>
Prostitution	4,131	1.1	...	3,379	0.9	<b>-18.2</b>	2,765	0.8	<b>-18.2</b>	2,250	0.6	<b>-18.6</b>	2,455	0.6	<b>9.1</b>
Disturbing the peace	2,675	0.7	...	2,541	0.7	<b>-5.0</b>	2,517	0.7	<b>-0.9</b>	2,711	0.7	<b>7.7</b>	2,719	0.7	<b>0.3</b>
Residual Criminal Code	15,985	4.2	...	15,085	4.1	<b>-5.6</b>	15,766	4.3	<b>4.5</b>	15,921	4.2	<b>1.0</b>	17,218	4.2	<b>8.1</b>
<b>Criminal Code traffic</b>	<b>58,962</b>	<b>15.3</b>	...	<b>55,521</b>	<b>15.0</b>	<b>-5.8</b>	<b>52,847</b>	<b>14.4</b>	<b>-4.8</b>	<b>54,291</b>	<b>14.2</b>	<b>2.7</b>	<b>55,665</b>	<b>13.7</b>	<b>2.5</b>
Impaired driving	48,709	12.7	...	46,387	12.5	<b>-4.8</b>	44,036	12.0	<b>-5.1</b>	45,002	11.8	<b>2.2</b>	46,580	11.5	<b>3.5</b>
Other Criminal Code traffic	10,253	2.7	...	9,134	2.5	<b>-10.9</b>	8,811	2.4	<b>-3.5</b>	9,289	2.4	<b>5.4</b>	9,085	2.2	<b>-2.2</b>
<b>Other federal statute total</b>	<b>44,548</b>	<b>11.6</b>	...	<b>44,522</b>	<b>12.0</b>	<b>-0.1</b>	<b>44,465</b>	<b>12.1</b>	<b>-0.1</b>	<b>45,071</b>	<b>11.8</b>	<b>1.4</b>	<b>49,110</b>	<b>12.1</b>	<b>9.0</b>

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

For more information on grouped offences see methodology section.

Superior court data was collected in Alberta from 1998/99, in Yukon from 1999/00, in Prince Edward Island from 2000/01, in New Brunswick and British Columbia in 2001/02, and in Nova Scotia in 2002/03. Cases completed in superior courts represent less than 1% of total cases in each of these jurisdictions. The inclusion of superior court data resulted in an increase in 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 groups under the other federal statutes category are not shown.

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

1. Revised figures for 1998/99 to 2000/01. Revisions were the result of changes to the ACCS counting procedures and offence classifications. See methodology section for more information on ACCS counting procedures.

... Not applicable.

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

Table 9


**Convicted cases by mean and median prison sentence,  
eight provinces and territories in Canada, 1998/99 to 2002/03**

Offence group	1998/99 <sup>1</sup>		1999/00 <sup>1</sup>		2000/01 <sup>1</sup>		2001/02		2002/03	
	Mean	Median	Mean	Median	Mean	Median (days)	Mean	Median	Mean	Median
<b>Total offences</b>	<b>139</b>	<b>45</b>	<b>132</b>	<b>30</b>	<b>129</b>	<b>30</b>	<b>123</b>	<b>30</b>	<b>117</b>	<b>30</b>
<b>Criminal Code total</b>	<b>140</b>	<b>35</b>	<b>134</b>	<b>30</b>	<b>130</b>	<b>30</b>	<b>124</b>	<b>30</b>	<b>117</b>	<b>30</b>
<b>Crimes against the person</b>	<b>239</b>	<b>90</b>	<b>232</b>	<b>90</b>	<b>228</b>	<b>60</b>	<b>218</b>	<b>60</b>	<b>206</b>	<b>60</b>
Homicide	3,472	2,190	3,711	2,190	4,138	2,780	3,212	1,825	3,959	2,280
Attempted murder	1,554	1,080	1,858	1,620	2,000	1,858	2,095	1,620	1,291	1,073
Robbery	739	540	736	540	738	540	720	540	624	420
Sexual assault	490	283	466	270	485	360	524	300	470	300
Other sexual offences	450	270	412	270	456	360	472	360	460	360
Major assault	153	90	152	90	151	90	151	75	149	60
Common assault	63	30	63	30	64	30	62	30	62	30
Uttering threats	94	60	97	60	87	45	85	45	90	45
Criminal harassment	102	60	91	60	94	60	103	60	89	54
Other crimes against the person	417	240	406	180	495	240	385	180	392	180
<b>Crimes against property</b>	<b>143</b>	<b>60</b>	<b>138</b>	<b>60</b>	<b>135</b>	<b>60</b>	<b>126</b>	<b>60</b>	<b>121</b>	<b>45</b>
Theft	85	30	75	30	75	30	71	30	66	30
Break and enter	268	180	276	180	269	180	261	180	256	150
Fraud	135	60	129	60	129	60	121	60	116	50
Mischief	48	30	52	30	53	30	48	30	48	30
Possess stolen property	101	60	99	60	98	60	94	60	92	45
Other property crimes	257	135	238	150	276	180	209	90	242	120
<b>Administration of justice</b>	<b>35</b>	<b>24</b>	<b>34</b>	<b>21</b>	<b>32</b>	<b>20</b>	<b>31</b>	<b>15</b>	<b>28</b>	<b>15</b>
Fail to appear	26	15	25	15	23	15	24	14	22	10
Breach of probation	41	30	38	30	37	30	37	30	34	21
Unlawfully at large	43	30	43	30	46	30	44	30	38	30
Fail to comply with order	26	15	28	15	24	15	23	14	21	10
Other administration of justice	95	30	76	30	80	30	67	30	71	30
<b>Other Criminal Code</b>	<b>139</b>	<b>30</b>	<b>142</b>	<b>30</b>	<b>154</b>	<b>30</b>	<b>150</b>	<b>40</b>	<b>145</b>	<b>30</b>
Weapons	125	60	118	60	137	60	123	54	121	45
Prostitution	52	8	38	7	37	5	40	8	29	7
Disturbing the peace	21	14	23	10	29	10	19	10	21	7
Residual <i>Criminal Code</i>	163	60	170	60	178	45	173	50	170	45
<b>Criminal Code traffic</b>	<b>78</b>	<b>30</b>	<b>77</b>	<b>30</b>	<b>76</b>	<b>30</b>	<b>78</b>	<b>30</b>	<b>77</b>	<b>30</b>
Impaired driving	70	30	65	30	67	30	72	30	73	30
Other <i>Criminal Code</i> traffic	91	45	96	45	91	45	87	42	84	30
<b>Other federal statute total</b>	<b>226</b>	<b>90</b>	<b>200</b>	<b>60</b>	<b>197</b>	<b>60</b>	<b>178</b>	<b>60</b>	<b>174</b>	<b>60</b>
Drug possession	35	15	31	15	28	15	23	10	27	10
Drug trafficking	304	120	299	120	288	90	250	90	231	90
<i>Young Offenders Act</i>	30	30	30	30	28	21	26	15	33	15
Residual federal statutes	253	90	205	90	217	90	222	100	213	120

**Notes:** Excludes cases where length of prison was not known, and cases where the length was specified as indeterminate. Cases sentenced to life imprisonment were recoded to 9,125 days (or 25 years) for the calculation of sentence length means.

For more information on grouped offences see methodology section.

Superior court data was collected in Alberta from 1998/99, in Yukon from 1999/00, in Prince Edward Island from 2000/01, in New Brunswick and British Columbia in 2001/02, and in Nova Scotia in 2002/03. Cases completed in superior courts represent less than 1% of total cases in each of these jurisdictions. The inclusion of superior court data resulted in an increase in the number of homicide cases reported.

Time in custody prior to sentencing is sometimes taken into consideration when imposing a sentence. The length of time in custody prior to sentencing and the extent to which it influences the sanction imposed are not available from the ACCS.

In Quebec, 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.

1. Revised figures for 1998/99 to 2000/01. Revisions were the result of changes to the ACCS counting procedures and offence classifications. See methodology section for more information on ACCS counting procedures.

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

Table 10


**Convicted cases by mean and median probation sentence,  
eight provinces and territories in Canada, 1998/99 to 2002/03**

Offence group	1998/99 <sup>1</sup>		1999/00 <sup>1</sup>		2000/01 <sup>1</sup>		2001/02		2002/03	
	Mean	Median	Mean	Median	Mean	Median (days)	Mean	Median	Mean	Median
<b>Total offences</b>	<b>479</b>	<b>365</b>	<b>476</b>	<b>365</b>	<b>475</b>	<b>365</b>	<b>474</b>	<b>365</b>	<b>473</b>	<b>365</b>
<b>Criminal Code total</b>	<b>491</b>	<b>365</b>	<b>487</b>	<b>365</b>	<b>485</b>	<b>365</b>	<b>484</b>	<b>365</b>	<b>481</b>	<b>365</b>
<b>Crimes against the person</b>	<b>518</b>	<b>365</b>	<b>516</b>	<b>365</b>	<b>517</b>	<b>365</b>	<b>512</b>	<b>365</b>	<b>512</b>	<b>365</b>
Homicide	796	730	792	725	716	540	641	630	821	913
Attempted murder	894	1,095	859	1,095	765	730	748	730	763	730
Robbery	723	730	707	730	705	730	684	730	675	730
Sexual assault	658	730	670	730	638	720	655	720	646	720
Other sexual offences	782	730	764	730	800	730	787	730	791	730
Major assault	537	540	530	450	536	540	534	540	530	450
Common assault	445	365	443	365	447	365	438	365	441	365
Uttering threats	560	540	555	540	554	540	548	540	543	540
Criminal harassment	649	730	658	730	671	730	666	730	655	730
Other crimes against the person	641	730	615	540	616	540	647	730	620	540
<b>Crimes against property</b>	<b>486</b>	<b>365</b>	<b>479</b>	<b>365</b>	<b>477</b>	<b>365</b>	<b>476</b>	<b>365</b>	<b>473</b>	<b>365</b>
Theft	443	365	437	365	441	365	439	365	434	365
Break and enter	589	540	577	540	582	540	581	540	570	540
Fraud	522	365	519	365	518	365	519	365	512	365
Mischief	391	365	392	360	386	360	385	360	395	360
Possess stolen property	460	365	454	365	445	365	455	365	456	365
Other property crimes	595	540	599	540	598	540	565	540	586	540
<b>Administration of justice</b>	<b>414</b>	<b>365</b>	<b>417</b>	<b>365</b>	<b>415</b>	<b>365</b>	<b>419</b>	<b>365</b>	<b>416</b>	<b>365</b>
Fail to appear	409	365	401	365	394	365	393	365	386	360
Breach of probation	406	365	409	365	407	365	419	365	417	365
Unlawfully at large	411	365	412	365	403	365	394	365	381	365
Fail to comply with order	422	365	427	365	426	365	423	365	420	365
Other administration of justice	436	365	435	365	442	365	448	365	448	365
<b>Other Criminal Code</b>	<b>479</b>	<b>365</b>	<b>483</b>	<b>365</b>	<b>476</b>	<b>365</b>	<b>479</b>	<b>365</b>	<b>473</b>	<b>365</b>
Weapons	490	365	493	365	480	365	475	365	458	365
Prostitution	393	360	397	360	378	360	348	360	385	360
Disturbing the peace	338	360	321	360	319	360	332	360	342	360
Residual <i>Criminal Code</i>	511	365	516	365	512	365	514	365	504	365
<b>Criminal Code traffic</b>	<b>361</b>	<b>360</b>	<b>368</b>	<b>360</b>	<b>375</b>	<b>360</b>	<b>383</b>	<b>360</b>	<b>390</b>	<b>360</b>
Impaired driving	352	360	364	360	374	360	384	360	387	360
Other <i>Criminal Code</i> traffic	384	360	378	360	380	360	381	360	397	365
<b>Other federal statute total</b>	<b>470</b>	<b>365</b>	<b>449</b>	<b>365</b>	<b>450</b>	<b>365</b>	<b>447</b>	<b>365</b>	<b>450</b>	<b>365</b>
Drug possession	349	360	329	360	326	360	313	360	310	360
Drug trafficking	494	365	435	365	429	365	438	365	441	365
<i>Young Offenders Act</i>	352	360	331	360	355	360	356	360	354	360
Residual federal statutes	535	450	524	365	537	540	547	540	539	540

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

For more information on grouped offences see methodology section.

Superior court data was collected in Alberta from 1998/99, in Yukon from 1999/00, in Prince Edward Island from 2000/01, in New Brunswick and British Columbia in 2001/02, and in Nova Scotia in 2002/03. Cases completed in superior courts represent less than 1% of total cases in each of these jurisdictions. The inclusion of superior court data resulted in an increase in the number of homicide cases reported.

In Quebec, 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.

1. Revised figures for 1998/99 to 2000/01. Revisions were the result of changes to the ACCS counting procedures and offence classifications. See methodology section for more information on ACCS counting procedures.

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

Table 11



**Convicted cases by mean and median fine amount,  
eight provinces and territories in Canada, 1998/99 to 2002/03**

Offence group	1998/99 <sup>1</sup>		1999/00 <sup>1</sup>		2000/01 <sup>1</sup>		2001/02		2002/03	
	Mean (\$)	Median (\$)	Mean (\$)	Median (\$)	Mean (\$)	Median (\$)	Mean (\$)	Median (\$)	Mean (\$)	Median (\$)
<b>Total offences</b>	<b>577</b>	<b>300</b>	<b>722</b>	<b>330</b>	<b>1,175</b>	<b>500</b>	<b>721</b>	<b>500</b>	<b>750</b>	<b>500</b>
<b>Criminal Code Total</b>	<b>348</b>	<b>350</b>	<b>618</b>	<b>400</b>	<b>459</b>	<b>500</b>	<b>400</b>	<b>600</b>	<b>391</b>	<b>500</b>
<b>Crimes against the person</b>	<b>415</b>	<b>300</b>	<b>384</b>	<b>300</b>	<b>437</b>	<b>300</b>	<b>416</b>	<b>300</b>	<b>382</b>	<b>300</b>
Homicide	575	525	500	500	660	700	2,000	2,000	617	750
Attempted murder	11,750	11,750	1,000	1,000	9,400	9,400	0	0	500	500
Robbery	413	300	524	300	543	400	449	300	366	300
Sexual assault	662	500	630	500	736	500	704	575	718	500
Other sexual offences	9,241	400	566	500	11,824	500	896	650	711	500
Major assault	453	350	443	350	466	400	466	400	447	350
Common assault	362	300	363	300	383	300	386	300	378	300
Uttering threats	278	200	262	200	293	250	266	200	278	200
Criminal harassment	327	250	305	250	459	250	380	300	328	250
Other crimes against the person	629	300	1,389	250	616	300	2,716	300	466	300
<b>Crimes against property</b>	<b>333</b>	<b>200</b>	<b>408</b>	<b>200</b>	<b>511</b>	<b>250</b>	<b>345</b>	<b>250</b>	<b>360</b>	<b>250</b>
Theft	275	200	290	200	295	200	272	200	281	200
Break and enter	444	300	433	300	474	350	460	350	420	350
Fraud	387	200	802	250	489	250	456	250	491	250
Mischief	243	200	271	200	281	200	284	200	281	250
Possess stolen property	487	300	498	300	1,332	300	472	300	510	300
Other property crimes	463	300	528	400	462	400	533	300	459	300
<b>Administration of justice</b>	<b>212</b>	<b>150</b>	<b>218</b>	<b>150</b>	<b>232</b>	<b>200</b>	<b>247</b>	<b>200</b>	<b>236</b>	<b>200</b>
Fail to appear	176	150	182	150	196	150	195	150	190	150
Breach of probation	233	200	246	200	261	200	270	200	263	200
Unlawfully at large	295	250	269	200	319	250	298	250	321	250
Fail to comply with order	178	150	182	150	197	150	203	150	206	150
Other administration of justice	484	300	497	300	447	300	897	300	508	400
<b>Other Criminal Code</b>	<b>557</b>	<b>200</b>	<b>2,283</b>	<b>200</b>	<b>889</b>	<b>250</b>	<b>879</b>	<b>250</b>	<b>857</b>	<b>250</b>
Weapons	316	250	312	250	332	250	377	250	348	250
Prostitution	292	200	372	200	503	250	431	250	556	300
Disturbing the peace	235	200	244	200	243	200	256	200	266	200
Residual <i>Criminal Code</i>	844	250	4,048	250	1,334	250	1,282	250	1,197	250
<b>Criminal Code traffic</b>	<b>564</b>	<b>500</b>	<b>648</b>	<b>600</b>	<b>757</b>	<b>700</b>	<b>777</b>	<b>700</b>	<b>783</b>	<b>700</b>
Impaired driving	560	500	650	600	767	700	787	700	792	700
Other <i>Criminal Code</i> traffic	602	500	621	500	644	500	664	500	692	600
<b>Other federal statute total</b>	<b>1,053</b>	<b>200</b>	<b>1,064</b>	<b>200</b>	<b>3,400</b>	<b>200</b>	<b>1,296</b>	<b>250</b>	<b>1,468</b>	<b>250</b>
Drug possession	302	200	294	200	323	200	320	200	334	250
Drug trafficking	1,214	700	1,432	600	1,387	750	1,144	800	1,557	750
<i>Young Offenders Act</i>	223	200	233	200	229	200	238	200	250	200
Residual federal statutes	1,318	140	1,383	150	5,258	200	1,961	200	2,065	200

**Notes:** In Quebec, 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.

For more information on grouped offences see methodology section.

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**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](mailto: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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