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## Adult Criminal Court Statistics, 2006/2007

by Michael Marth

### Highlights

- In 2006/2007, adult criminal courts in Canada disposed of over 372,000 cases, involving more than one million charges. The number of cases disposed was virtually unchanged from the previous year.
- The average elapsed time from first to last court appearance was just under 8 months (237 days) in 2006/2007, almost a full month longer than in the previous year (211 days).
- Offences with the longest average time to resolve included homicide (451 days), fraud (377 days), other sexual offences (371 days), and sexual assault (368 days). The shortest mean elapsed time occurred for the offence of breach of probation (145 days).
- The accused was found guilty in 65% of cases, and less than 4% were acquitted. Roughly one-third (30%) of cases were either stayed, withdrawn, dismissed or discharged, and 2% were otherwise terminated by the court.
- A term of probation, which is frequently given in combination with other sanctions, was the most frequently imposed sanction (43% of guilty cases). A term of imprisonment was imposed in 34% of cases, and a fine was given in 30% of cases.
- The proportion of cases sentenced to prison varied across the country. The highest rate of incarceration was in Prince Edward Island, where 55% of guilty cases resulted in a term of imprisonment, while the lowest rates of incarceration were in Nova Scotia and New Brunswick, where a prison sentence was imposed in about one-quarter of cases.
- Among the ten jurisdictions (excludes Manitoba, Northwest Territories and Nunavut) who consistently reported to the Adult Criminal Court Survey between 2002/2003 and 2006/2007, there was a 7% decline in the number of cases disposed of in adult criminal courts.
- Cases have become more complex in recent years. Cases involving multiple charges represented 60% of the adult caseload in 2006/2007, compared with 57% five years earlier.
- The percentage of guilty cases receiving custody has increased slightly in the past five years in the ten jurisdictions, from 32% in 2002/2003 to 34% in 2006/2007, while the percentage of guilty cases receiving fines has decreased (from 35% to 31%). During the same period, the percentage of guilty cases sentenced to probation has remained stable (45%).



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## Cases disposed in adult criminal court

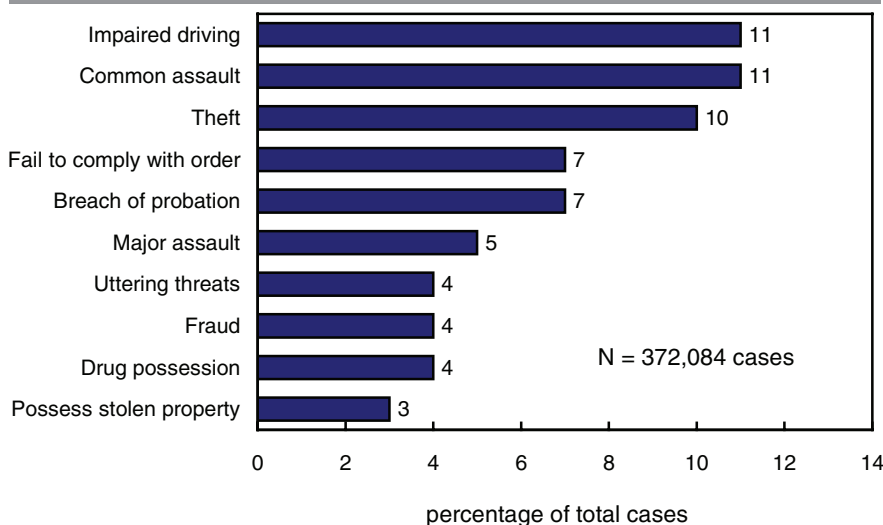
In 2006/2007, adult criminal courts in Canada processed 372,084 cases involving 1,079,062 charges. The number of cases processed was virtually unchanged from the previous year.

Most cases (88%) had a *Criminal Code* charge as the most serious offence in the case.<sup>1</sup> Crimes against the person accounted for 25%, and crimes against property accounted for a further 24% 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 8% of all cases.

In 2006/2007, the most frequently occurring cases were impaired driving (11%) and common assault (11%).<sup>2</sup> Theft represented 10% of all cases, followed by failure to comply with a court order (7%), breach of probation (7%) and major assault (5%) (Chart 1). Taken together, all forms of sexual assault and other sexual offences accounted for less than 2% of the caseload in adult criminal courts. Homicide and attempted murder together accounted for approximately 0.2% of total cases (Table 1).

Chart 1

**Ten most frequent offences heard in adult criminal court, Canada, 2006/2007**



**Note:** Coverage for Adult Criminal Court Survey data as of 2006/2007 is estimated at 98% of national adult criminal court caseload.

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

## Characteristics of persons appearing in court

Of all adult criminal court cases, 78% involved a male accused, while 16% involved a female accused. The sex of the accused was not recorded in 6% of the cases. The remaining cases (less than 1%) involved a company.

Offences for which males had the highest involvement included sexual assault (91%), unlawfully at large (86%) and break and enter (85%). The highest representation of females was found in cases of prostitution (33%), theft (29%), and fraud (28%).

Younger adults were over-represented in court when compared to the age distribution of the adult population.<sup>3</sup> In 2006/2007, '18-to 24-year-olds' comprised 12% of the adult population,<sup>4</sup> but accounted for 31% of all cases in adult criminal court.<sup>5</sup> Similarly, persons 25 to 34 years of age accounted for 18% of the adult population and 27% of the total cases disposed in adult criminal court. (Table 2). This is consistent with police-reported statistics where rates of persons accused of violent and property offences peak among older teens and young adults and generally decline after age 25. However, for some offence types the peak age occurs later. Offences where the accused was 35 years of age or older in the majority of cases include sexual assault, uttering threats, criminal harassment, prostitution and impaired driving.

## 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, which was reaffirmed with the 1990 Supreme Court decision in *R. v. Askov*.<sup>6</sup>

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.

Overall, the average (or mean)<sup>7</sup> elapsed time from first to last court appearance was 237 days in 2006/2007. Elapsed times varied considerably among jurisdictions. Average elapsed times were longest in Quebec (294 days), Alberta (270 days) and Ontario (232 days) (Table 3). The longer average elapsed time in Quebec may be due in part to the absence of data from Quebec's municipal courts, which hear relatively less serious *Criminal Code* offences. Jurisdictions with the shortest average processing times included Prince Edward Island and the Northwest Territories where cases were completed in an average of 62 days and 67 days, respectively.

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

Some offences take longer to resolve than others. In 2006/2007, homicide had the longest average elapsed time (451 days). Sexual assault and other sexual offences (such as

sexual interference and sexual exploitation) had an average elapsed time of 368 and 371 days, respectively, and fraud had an average elapsed time of 377 days. The shortest average elapsed time occurred for the offence of breach of probation (145 days).

Multiple-charge cases, which are often more serious, accounted for 6- in- 10 cases in 2006/2007. About one-quarter (28%) of all cases in 2006/2007 involved two charges and 32% had three or more charges. The average elapsed time for multiple-charge cases was 269 days, versus 187 days for single-charge cases.

### Bench warrants increased case elapsed time

Bench warrants (i.e., arrest warrants) are usually issued when an individual fails to attend court, creating a situation where the court is unable to proceed with the case. Because it can often take a considerable amount of time to find and re-apprehend the accused, such cases can experience extensive processing delays.

In 2006/2007, 14% of completed cases had a bench warrant. During the reference year, cases with a bench warrant had a mean processing time of 338 days, compared to 219 days for cases without a bench warrant.

Jurisdictions with the highest percentage of cases having a bench warrant were Alberta (27%), British Columbia (23%) and Quebec (18%). However, average case elapsed times in British Columbia were shorter than in Ontario, where just 6% of cases had a bench warrant. There are additional factors that account for differences in average case elapsed time across jurisdictions, among them, the distribution of offences (more serious offences may take longer) and availability of court resources.<sup>8</sup>

## Overview of case outcomes

### A majority of cases had at least one finding of guilt

The accused was found guilty in about two-thirds (65%) of cases disposed in adult criminal court in 2006/2007 (Chart 2).<sup>9</sup> In about one-third (30%) of cases, the most serious offence was resolved by being stayed or withdrawn, 4% of the cases resulted in the acquittal<sup>10</sup> of the accused, and 2% had other decisions (Text box 1).

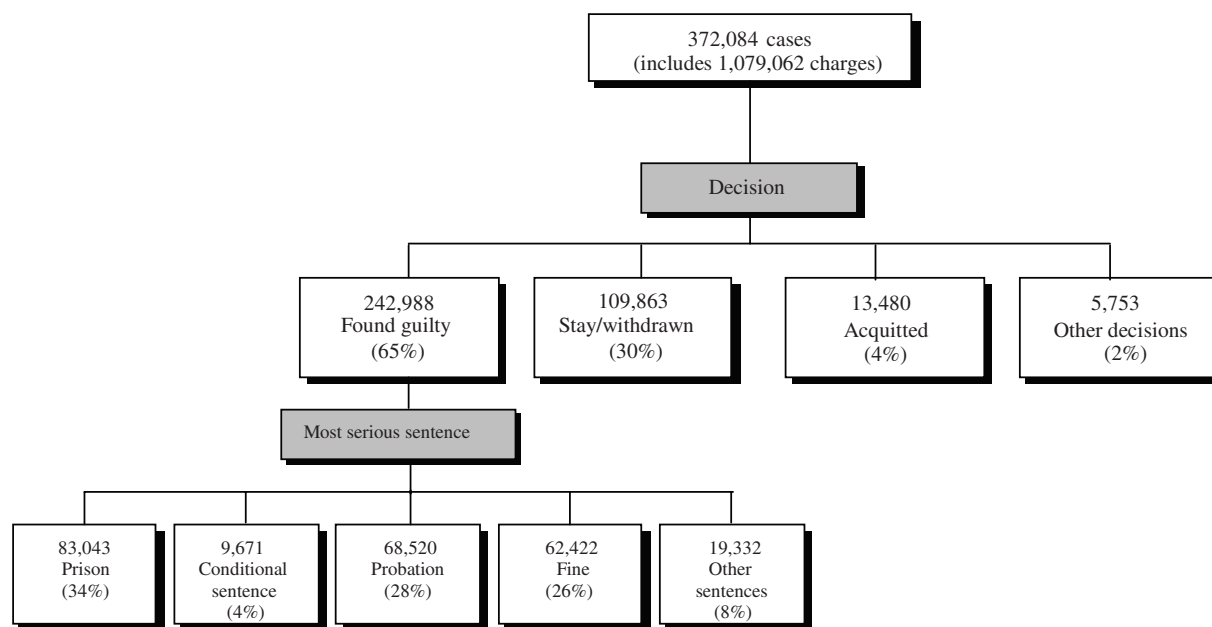
Overall, *Criminal Code* traffic offences had the highest percentage of guilty cases (79%) in 2006/2007, followed by administration of justice offences (71%) and crimes against property (66%) (Chart 3).<sup>11</sup>

For crimes against the person, there was considerable variability in the percentage of cases resulting in a guilty finding, from 19% for attempted murder to 69% for robbery (Chart 4).

In contrast, there was notable uniformity for crimes against property cases, ranging from 60% for possession of stolen property to 72% for break and enter (Chart 5).

Chart 2

**Adult court processing of federal statute cases in provincial and selected superior courts, Canada, 2006/2007**



**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. The sentence was not known in less than 1% of convicted cases in 2006/2007. Conditional sentencing data was not collected in Quebec for 2006/2007, resulting in an undercount of conditional sentences. Coverage for Adult Criminal Court Survey data as of 2006/2007 is estimated at 98% of national adult criminal court caseload.

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

**Text box 1  
Decisions in Adult Criminal Court**

The decision categories in this report are as follows:

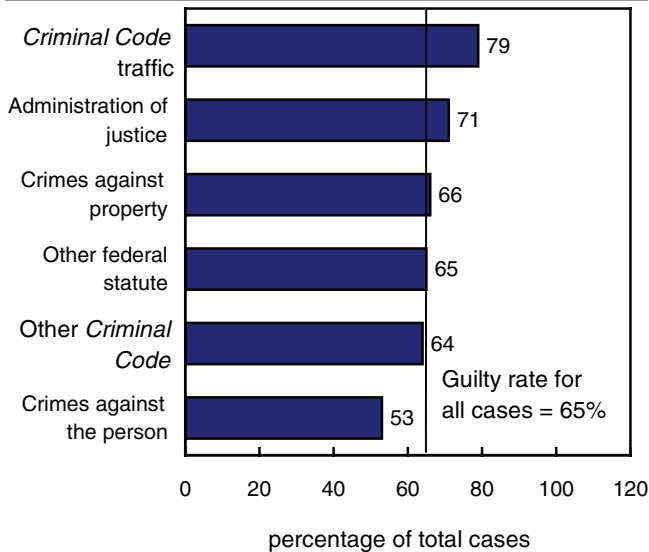
- **Found guilty** includes guilty of the charged offence, of an included offence, of an attempt of the charged offence, or of an attempt of an included offence. This category also includes cases where an individual has been found guilty but was given an absolute or conditional discharge.
- **Stay or withdrawn** includes stay of proceedings, withdrawn, dismissed and discharged at preliminary inquiry. These decisions all refer to the court stopping or interrupting criminal proceedings against the accused.
- **Acquittal** means that the accused has been found not guilty of the charges presented before the court. In some jurisdictions, the number of acquittals may be over-reported due to administrative practices.
- **Other decisions** includes final decisions of found not criminally responsible, waived in province/territory, and waived out of province/territory. This category also includes mistrials, the court's acceptance of a special plea (e.g. *autrefois acquit*), cases which raise Charter arguments and cases where the accused was found unfit to stand trial following a fitness hearing. In jurisdictions not providing superior court data (i.e., Quebec, Ontario and 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.

Overall, the percentage of guilty cases was highest in New Brunswick (80%) and Newfoundland and Labrador (77%), and lowest in Ontario (59%), Manitoba (62%) and Yukon (63%) (Table 4).

There are several possible factors that influence variations among jurisdictions. First, the use of diversion programs and alternative measures affects the number and types of cases that proceed to court. Secondly, the use of stays and withdrawals, including court-sponsored diversion programs will have an impact on the percentage of cases in which a finding of guilt is recorded. For example, 39% of cases were stayed or withdrawn in Ontario compared with 16% in New Brunswick. Thirdly, the use of pre-charge screening by the Crown, which occurs in New Brunswick, Quebec and British Columbia, may also affect the percentage of guilty findings through increased vetting of charges. Finally, the proportion of multiple-charge cases may influence the percentage of guilty cases. For instance, in 2006/2007 the percentage of cases found guilty for multiple charge cases was 75% compared to 50% for single charge cases.

Chart 3

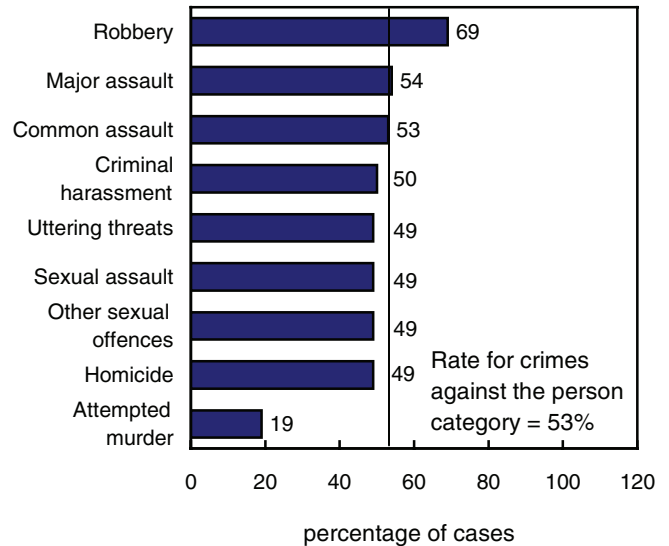
**Cases found guilty, Canada, 2006/2007**



**Notes:** Found guilty cases include absolute and conditional discharges. Coverage for Adult Criminal Court Survey data as of 2006/2007 is estimated at 98% of national adult criminal court caseload.  
**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Chart 4

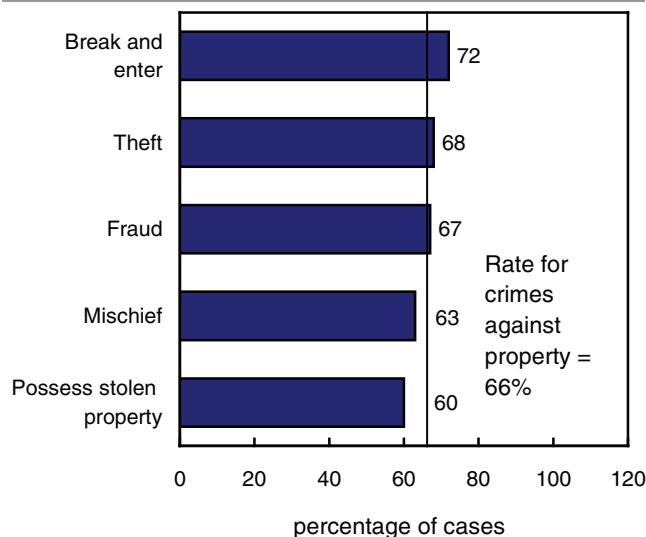
**Cases found guilty with a crime against the person as the most serious offence in the case, Canada, 2006/2007**



**Notes:** Found guilty cases include absolute and conditional discharges. Coverage for Adult Criminal Court Survey data as of 2006/2007 is estimated at 98% of caseload.  
**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Chart 5

**Cases found guilty with a crime against property as the most serious offence in the case, Canada, 2006/2007**



**Notes:** Found guilty cases include absolute and conditional discharges. Coverage for Adult Criminal Court Survey data as of 2006/2007 is estimated at 98% of adult criminal caseload.  
**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

## Sentencing patterns

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* (Text box 2).

In 2006/2007, probation was the most frequent sentence, imposed in 43% of all guilty cases. This is not surprising as probation is mandatory in cases where the accused is given a conditional discharge or a suspended sentence. Prison was imposed in 34% of cases and fines in 30% of all cases.<sup>14</sup> A conditional sentence was given in 4% of cases while restitution was given in 3% of guilty cases.<sup>15</sup> (Table 5)

Looking more closely at crimes against the person it was found that 31% of cases where the accused was found guilty they received a sentence of imprisonment. 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 (16%) – represented a large proportion (45%) of guilty 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 (44%).

Concerning crimes against property, offenders were sentenced to prison in 41% of guilty cases. Persons committing these offences tend to have longer criminal histories, and after the seriousness of the crime, an offender's criminal history is

**Text box 2**

**Principal sentencing options in Canada<sup>12</sup>**

The main types of sanctions<sup>13</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, 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 imprisonment. 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. Unlike probation, however, violation of a condition of a conditional sentence can result in immediate suspension and imprisonment 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 attending treatment. 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. Probation is mandatory in cases where the accused is given a conditional discharge or a suspended sentence.
- **Fine:** When a fine is imposed, the offender is ordered to pay a specific dollar amount to the court. Unless the offender has been found guilty 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, or an absolute discharge.

Multiple sanctions may be imposed, but there are specific rules that govern the types of sentencing options that can be ordered in combination.

one of the most important factors considered by the court when determining the sanction to be imposed.<sup>16</sup> Prison was frequently used as a sanction for guilty cases in several crimes against property offences. For example, 61% of guilty break and enter cases, 50% of possession of stolen property cases, and more than a third (40%) of theft and fraud (36%) cases resulted in a prison sentence.

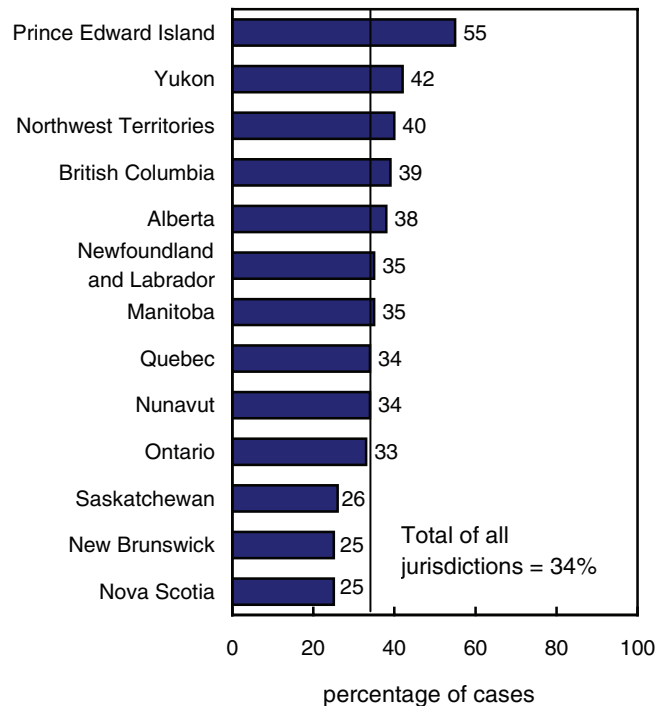
Half of guilty cases (48%) for administration of justice offences were sentenced to prison. This category is dominated by offences where the accused did not comply with the orders of the court (e.g., breach of probation, and failure to comply with a court order).

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

The proportion of cases sentenced to prison varies across the country. In 2006/2007, the highest rate of incarceration was in Prince Edward Island, where 55% of guilty cases resulted in a term of imprisonment, while the lowest rates of incarceration were in Nova Scotia, New Brunswick and Saskatchewan where prison was imposed in about one-quarter of cases (Chart 6).

Chart 6

**Cases sentenced to prison for the most serious offence in the case, Canada, 2006/2007**



**Notes:** Information from Quebec’s municipal courts (which account for approximately 20% of federal statute charges in that province) are not yet collected. Coverage for Adult Criminal Court Survey data as of 2006/2007 is estimated at 98% of adult criminal court caseload.

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

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 offence.<sup>17</sup> Since this offence category accounts

for 30% of guilty 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 guilty impaired driving cases in Prince Edward Island, 85% resulted in incarceration. This is by far the highest in Canada followed by Newfoundland and Labrador at 32%. The lowest rate of incarceration for guilty cases of impaired driving occurred in British Columbia where 4% were incarcerated.

**Most terms of imprisonment are relatively short**

Nationally, over half (55%) of all custodial sentences imposed in 2006/2007 were one month or less, while an additional one-third (31%) were for periods from greater than one month up to six months.<sup>18,19</sup> Custodial sentences of greater than six months but less than two years were imposed in 10% of guilty cases with prison, and 4% were sentenced to custody for two years or more (Chart 7).<sup>20</sup>

**Probation more likely for crimes against the person**

In 2006/2007, crimes against the person were most likely to include a term of probation (Table 5). Three-quarters (73%) of guilty cases in this category received probation, compared to 54% of offenders guilty 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 35,126 guilty crimes against the person cases that received probation in 2006/2007, 31% also received a prison sentence.

In 2006/2007, the most common probation term length was greater than six months to one year (51% of guilty cases with probation) (Chart 8).<sup>21</sup> One-third (31%) of cases were greater than one year to two years in length. (The statutory limit on a term of probation is three years.)

**Fines most often seen for traffic offences**

As indicated previously, one-third (30%) of guilty cases were given a fine, of which the mean amount was \$758 (Table 5). Guilty cases where a fine was most frequently imposed were impaired driving (86%), drug possession (50%), other *Criminal Code* traffic (40%), disturbing the peace (36%), and residual federal statutes (61%) such as the *Income Tax Act*.

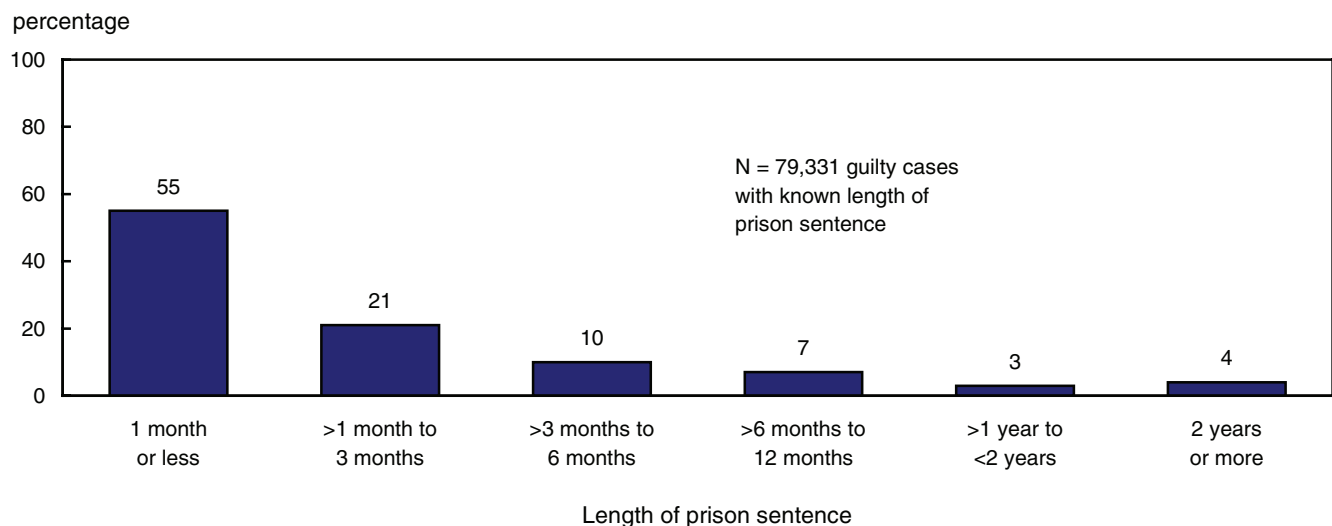
**Superior court statistics, selected provinces and territories, 2006/2007**

Superior courts hear indictable offences (i.e. more serious), and are the only courts with jurisdiction to try first and second degree murder charges, which (along with infanticide and manslaughter) account for 5% of the superior court caseload. For charges other than the most serious indictable offences,<sup>22</sup> the accused can elect the mode of trial.<sup>23</sup>

In 2006/2007, 1,402 cases (1%) were completed in superior court in seven jurisdictions.<sup>24</sup> The most common cases were crimes against the person (39% of superior court cases), followed by other federal statute (35%) and crimes against property (12%).

Chart 7

**Guilty cases by length of prison sentence, for the most serious offence in the case, Canada, 2006/2007**

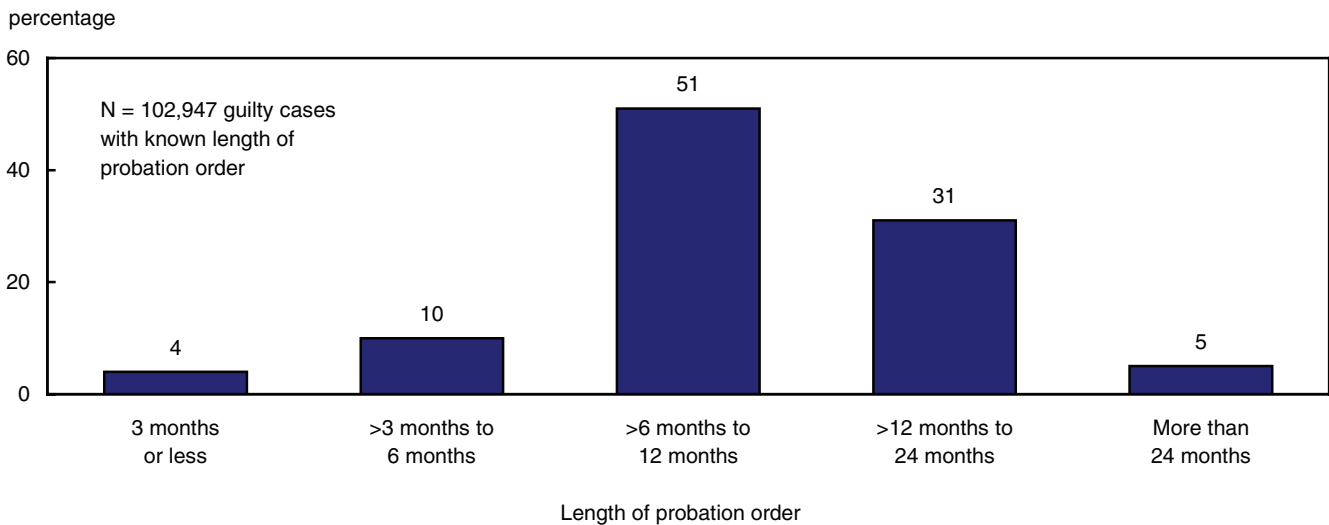


**Notes:** Due to rounding, percentages may not add to 100. Excludes 4% of cases where the length of prison sentence was unknown (3,712 cases). Coverage for Adult Criminal Court Survey data as of 2006/2007 is estimated at 98% of caseload.

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

Chart 8

**Guilty cases by length of probation for the most serious offence in the case, Canada, 2006/2007**



**Notes:** Due to rounding, percentages may not add to 100. Excludes cases where the length of probation sentence was unknown (2% or 2,468 cases). Coverage for Adult Criminal Court Survey data as of 2006/2007 is estimated at 98% of caseload.

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

Although superior courts had a higher proportion of crimes against the person cases than provincial court (39% and 23% respectively), superior courts did dispose of cases in almost every offence category in 2006/2007. Close to half of the homicide<sup>25</sup> cases (43%) for the seven jurisdictions were completed in superior court. Fifteen percent of attempted murder cases and 10% of sexual assault cases were completed in superior court.

On average, superior court cases take longer to process than provincial court cases. In jurisdictions reporting superior court data in 2006/2007, 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 close to one year (349 days), compared to 221 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 complexity of cases as well as 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, these cases slightly increased overall case processing times for the reporting jurisdictions.

Cases in superior court are less likely than cases heard in provincial court to result in a finding of guilt. In 2006/2007, just over one-half (55%) of cases completed in superior court in the reporting jurisdictions were found guilty compared to 69% in provincial court. In superior court, the accused was more likely to be acquitted compared to cases completed in provincial court (10% versus 2%, respectively).

The lower percentage of guilty cases and the higher acquittal rate in superior courts may reflect the fact that these courts hear a 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.

Almost half (48%) of guilty cases in superior court resulted in a prison sentence, and one in five (22%) resulted in a conditional sentence in 2006/2007. Probation was a sanction in 23% of guilty cases, and 7% of cases resulted in a fine. Compared to provincial court, prison is more frequently used in superior court for offences under crimes against the person.

In 2006/2007, cases with a prison sentence in superior court had a mean sentence length of 989 days (nearly three years).<sup>26</sup> In provincial court, the mean prison sentence length was 111 days. For all offence groups, the mean and median prison sentence lengths were considerably higher in superior court than provincial court (Table 7). Again this may reflect the fact that superior courts hear a larger proportion of cases involving more serious offences.

## Trends

According to the ten jurisdictions<sup>27</sup> who have consistently reported to the survey between 2002/2003 and 2006/2007, the number of adult criminal court cases processed in 2006/2007 increased slightly to 353,279, up less than 1% over the previous



year. The longer-term trend (over the last decade) has been downward. In fact, the number of cases disposed in 2006/2007 represents a 7% decrease over the number of cases completed in 2002/2003 (Table 8).

This downward trend generally corresponds to the pattern in police-recorded crime statistics reported to the Uniform Crime Reporting (UCR) Survey.<sup>28</sup> From 2002 to 2006, there was a 3% drop in the rate of adults charged. More evident is the 16% decline in the rate of adults charged from 1996 to 2005.

Proportions of caseload for all offence groups have remained quite stable over the period.

**Cases are becoming more complex**

Adult criminal court cases have become more complex over the last decade. Multiple-charge cases represented 60% of the caseload in 2006/2007, as they have in the two previous fiscal years. In 2002/2003, multiple-charge cases represented 57% of the caseload.

In 2006/2007, the average number of appearances per case was 9.6, up from 9.1 in the previous year. Five years earlier, the figure was 7.9. This suggests that the demand placed on court resources has increased over time, even though the number of completed cases has remained fairly stable.

Case elapsed times continue their long term trend toward increased duration. Average elapsed times have exceeded 7 months (210 days) in the past four years. Overall, the average case elapsed time increased from 195 days in 2002/2003 to 238 days in 2006/2007.<sup>29</sup> The mean processing time for the least complex cases, those with a single charge, increased from 154 to 189 days over the same period, while the processing time for multiple-charge cases increased from 225 to 270 days. While the differential between elapsed times for single- and multiple-charge cases has remained fairly steady over the five years, factors other than number of charges in the case may have an impact on case processing time. These factors include, among others, the seriousness of offences in the case, preliminary inquiry, the type of plea and whether the accused failed to appear in court at some point in time during the case.<sup>30</sup>

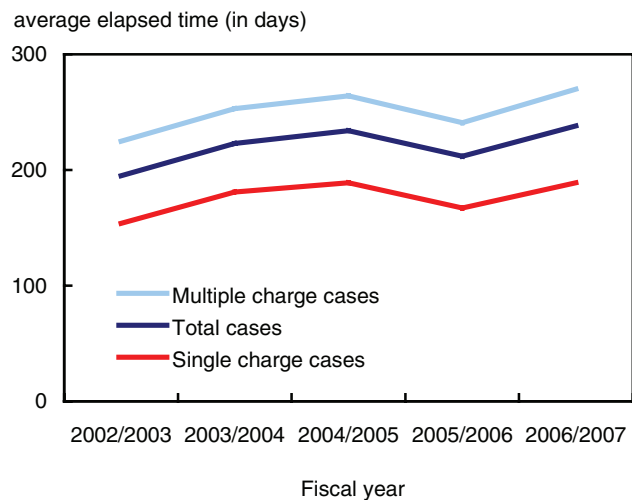
**Use of both imprisonment and probation have remained stable**

At 34%, the proportion of guilty cases sentenced to prison in 2006/2007 was unchanged from the previous year. The proportion has not varied much over time; it was only slightly higher in 2006/2007 than it was five years earlier (32%). Of guilty drug trafficking cases, the percentage of cases where prison was imposed increased from 42% to 48% over the same period, while the percentage of cases that received a conditional sentence dropped from 31% to 28%.

In 2006/2007, the mean prison sentence length was 124 days, the same as five years earlier (Table 9). However, these figures conceal changes in mean prison sentence lengths for some offences. The mean prison sentence length for other sexual offences (mostly sexual offences against children)

Chart 9

**Average elapsed time from first to last appearance in adult criminal court, ten provinces and territories in Canada, 2002/2003 to 2006/2007**



**Notes:** This trend analysis table does not include data from Manitoba, Northwest Territories, and Nunavut. Coverage for Adult Criminal Court Survey data for five year trend analysis (ten jurisdictions) is estimated at 90%.  
**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

rose from 468 days in 2002/2003 to 526 days in 2006/2007. Drug trafficking offences also had an increase in mean prison sentence length, from 220 days in 2002/2003 to 280 days in 2006/2007.

The proportion of cases receiving probation as a sanction has been stable at 45% over the past five years. The mean length of probation orders generally has been stable around 450 days over the past five years (Table 10).

**Imposition of fine sentences have moderately decreased**

Since the mid-1990s, the imposition of fine sentences has been decreasing. In 2006/2007, 31% of guilty cases were given a fine, down from 35% in 2002/2003. The mean amount of fine, which was \$747 in 2002/2003, increased to \$827 in 2005/2006, before dropping back down to \$759 in 2006/2007 (Table 11).<sup>31</sup>

Several factors may be responsible for the relative decreasing imposition of fines. Bill C-41 (in force September, 1996) amended the *Criminal Code* to direct judges to impose fines only after ascertaining if the offender has the ability to pay [CCC s. 734(2)]. Over the longer term, this amendment may have encouraged greater use of probation in lieu of fines for offenders that would otherwise be at risk of incarceration due to default of fine payment. Additionally, some offences (i.e., *Criminal Code* traffic) are more likely to result in fines than others, so changes over time in the caseload composition (i.e., fewer *Criminal Code* traffic cases) will tend to affect the proportion of all guilty cases receiving fines. There was a one

percentage point drop in *Criminal Code* traffic cases over the five year reference period.

Overall, the adult criminal court data have remained quite stable over time. However, it is important to note that despite a long-term decline in the number of charges laid by police, those cases that appeared in court were more complex, required more appearances and took longer to dispose of. These factors likely played a significant role in the decline in the number of cases being completed in adult criminal courts over the last several years.

## Methodology

This product is based on case characteristics data from the Integrated Criminal Court Survey (ICCS) and Adult Criminal Court Survey (ACCS). Data on federal statute charges are collected by the Canadian Centre for Justice Statistics (CCJS) in collaboration with provincial and territorial government departments responsible for adult criminal courts. The surveys consist of a census of *Criminal Code* and other federal statute charges dealt with in adult criminal courts. The ICCS/ACCS represent approximately 98% of the national adult criminal court caseload.

The individuals involved are persons 18 years or older at the time of the offence, companies, as well as youth who have been transferred to adult criminal court.<sup>32</sup>

### Coverage

In 2006/2007, criminal courts in all provinces and territories reported provincial court data to the ICCS/ACCS. In addition, all jurisdictions (with the exception of Quebec, Ontario, Manitoba and Saskatchewan) reported superior court data to the survey.

Some limitations on coverage of the surveys should be noted. Data from the Northwest Territories are not available for 2002/2003 or 2003/2004. Manitoba began reporting to the survey in 2005/2006. Information from Quebec's municipal courts (which account for approximately one-quarter of *Criminal Code* charges in that province) is not yet collected.

The absence of data from four superior court jurisdictions (noted above) may result in a slight underestimation of the severity of sentences imposed across Canada because some of the most serious cases, which are likely to result in the most severe sanctions, are processed in superior courts. There may also be slight underestimation of case elapsed times across Canada because more serious cases involve a defence election and may involve a preliminary inquiry or jury selection, and therefore may require more appearances and take more time to complete.

### Counting procedures

The Integrated Criminal Court Survey (ICCS) has a new data collection strategy, designed to integrate the collection of

adult and youth court data, and includes a new data model. Data contained in this report represent the adult criminal court portion of that survey.

The primary unit of analysis is the "person-case". The concept of a case has changed from previous releases to more closely reflect court processing. The new definition combines all charges against the same person having overlapping court dates into a single case. The previous definition combined all charges against the same person disposed of in court on the same day into a case. This tended to undercount the number of charges in a case, overcount the number of cases and underestimate the length of time required to process a case through court because not all charges are necessarily disposed of on the same day.

The impact of this change is noticeable in the compression of case counts as well as conviction rates for some jurisdictions, where certain administrative practices (e.g., use of stays, relays, withdrawals, transfers, etc.) may have resulted in multiple cases against an accused using the previous end-date definition.

Since all data (from 1994/1995 to 2006/2007) obtained through the ICCS and ACCS have been processed using the new case definition, data from this report should not be compared with data released prior to October 2007.

### 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. 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 guilty charges between 1999/2000 and 2003/2004. If two charges are tied according to this criterion, information about the sentence type (e.g., prison, probation, and fine) is considered. If a tie still exists, the magnitude of the sentence is considered.

### Factors influencing the number of charges laid

Charging policies vary by province and territory. In New Brunswick, Quebec and British Columbia, 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.

## Endnotes

1. 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 methodology section for more information on ICCS/ACCS counting procedures and most serious offence rules.
2. There are three levels of assault in the *Criminal Code*. Common assault (Assault Level I, s. 266) is the least serious of the three levels. 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).
3. Age represents the offender's age in the year the offence was alleged to have been committed.
4. Population estimates as of July 2006 for adults for Canada.
5. Excludes cases where age of the accused was unknown and cases against companies.
6. 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.
7. The mean is the average value of all the data in the dataset.
8. For more information on factors affecting case elapsed time, see J. Pereira and C. Grimes, "Case processing in criminal courts, 1999/2000." *Juristat*. Statistics Canada Catalogue no. 85-002-XPE. Vol. 22, no. 1. Ottawa.
9. 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 (*Criminal Code* of Canada, s.730).
10. In Newfoundland and Labrador, the terms 'acquittal' and 'dismissed' are used interchangeably. This results in an undercounting of acquittals from that jurisdiction. In some jurisdictions, the number of acquittals may be over-reported due to administrative practices.
11. First and second degree murder cases are under the exclusive jurisdiction of superior courts. In jurisdictions not reporting superior courts data, the final decisions in these cases will be a transfer to another court level. This leads to an under-estimate of the percentage of such cases resulting in the accused being found guilty.
12. See B. Bélanger. 2001. "Sentencing in adult criminal courts, 1999/2000." *Juristat*. Statistics Canada Catalogue no. 85-002-XPE. Vol. 21, no. 10. Ottawa.
13. 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.
14. Cases can have more than one sentence. Therefore, sanctions are not mutually exclusive and will not add to 100%.
15. In 2006/2007, conditional sentencing data were not available for Quebec.
16. See M. Thomas, H. Hurley, and C. Grimes. 2002. "Pilot analysis of recidivism among convicted youth and young adults – 1999/2000." *Juristat*. Statistics Canada Catalogue no. 85-002-XIE. Vol. 22, no. 9. Ottawa.
17. The minimum sentence for a first offence of impaired driving is a fine of not less than \$600 (C.C.C. s. 255(1) (a) (i)).
18. Excludes cases with a prison sentence, but unknown prison length.
19. 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.
20. Percentages do not add to 100 due to rounding.
21. Excludes cases where the length of probation was unknown.
22. 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 C.C.C. 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.
23. 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.
24. The analysis of superior court data covers seven jurisdictions and excludes Prince Edward Island, Quebec, Ontario, Manitoba, Saskatchewan and Nunavut. Quebec, Ontario, Manitoba and Saskatchewan currently do not report superior court data to the ICCS/ACCS. Nunavut has a single level trial court. 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 not included in the analysis.
25. Homicide includes murder (1<sup>st</sup> and 2<sup>nd</sup> degree), infanticide, and manslaughter.
26. Excludes cases with a prison sentence, but unknown prison length.
27. Trend analysis in this Juristat covers the five year period from 2002/2003 to 2006/2007 and includes the ten jurisdictions that have participated in the survey all five years: Newfoundland and Labrador, Prince Edward Island, Nova Scotia, New Brunswick, Quebec, Ontario, Saskatchewan, Alberta, British Columbia and Yukon. Survey coverage for this period is approximately 90% of the national adult criminal court caseload.
28. See W. Silver 2007. "Crime statistics in Canada, 2006." *Juristat*. Statistics Canada Catalogue no. 85-002-XIE. Vol. 27, no. 5. Ottawa.
29. The 2006/2007 mean case elapsed time for the ten jurisdictions may vary from those in Table 3 because Table 3 includes Manitoba, Northwest Territories and Nunavut, for which long-term trend information is not available from the ACCS.
30. See J. Pereira and C. Grimes. 2002. "Case processing in Criminal Courts – 1999/2000." *Juristat*. Statistics Canada Catalogue no. 85-002-XIE. Vol. 22, no. 1. Ottawa.
31. Figures represent fine amounts in current dollars.
32. Under the *Young Offenders Act* (repealed in 2003), it was possible for a youth to be tried as an adult. Such matters were transferred to adult criminal court. Under the *Youth Criminal Justice Act* (April 2003), youth may be subject to adult sentencing but remain in youth court.

Table 1

## Charges and cases in adult criminal court, Canada, 2006/2007

Offence category	Total charges		Total cases	
	number	percentage	number	percentage
<b>Total offences</b>	<b>1,079,062</b>	<b>100.0</b>	<b>372,084</b>	<b>100.0</b>
<b><i>Criminal Code</i> total</b>	<b>963,345</b>	<b>89.0</b>	<b>327,975</b>	<b>88.0</b>
<b>Crimes against the person</b>	<b>215,046</b>	<b>20.0</b>	<b>91,386</b>	<b>25.0</b>
Homicide	483	0.1	288	0.1
Attempted murder	589	0.1	223	0.1
Robbery	10,090	0.9	4,208	1.1
Sexual assault	8,439	0.8	3,090	0.8
Other sexual offences	4,652	0.4	1,477	0.4
Major assault	44,957	4.2	19,351	5.2
Common assault	84,965	7.9	40,957	11.0
Uttering threats	44,667	4.1	16,273	4.4
Criminal harassment	7,690	0.7	2,902	0.8
Other crimes against the person	8,514	0.8	2,617	0.7
<b>Crimes against property</b>	<b>263,541</b>	<b>24.0</b>	<b>89,354</b>	<b>24.0</b>
Theft	80,138	7.4	37,054	10.0
Break and enter	28,680	2.7	11,579	3.1
Fraud	63,237	5.9	14,837	4.0
Mischief	36,051	3.3	12,198	3.3
Possess stolen property	53,187	4.9	12,940	3.5
Other property crimes	2,248	0.2	746	0.2
<b>Administration of justice</b>	<b>257,112</b>	<b>24.0</b>	<b>64,927</b>	<b>17.0</b>
Fail to appear	23,377	2.2	5,051	1.4
Breach of probation	90,675	8.4	27,186	7.3
Unlawfully at large	5,827	0.5	2,459	0.7
Fail to comply with order	131,018	12.1	27,708	7.5
Other administration of justice	6,215	0.6	2,523	0.7
<b>Other <i>Criminal Code</i></b>	<b>110,358</b>	<b>10.0</b>	<b>30,827</b>	<b>8.0</b>
Weapons	36,325	3.4	8,739	2.3
Prostitution	3,616	0.3	1,970	0.5
Disturbing the peace	6,207	0.6	2,171	0.6
Residual <i>Criminal Code</i>	64,210	6.0	17,947	4.8
<b><i>Criminal Code</i> traffic</b>	<b>117,288</b>	<b>11.0</b>	<b>51,481</b>	<b>14.0</b>
Impaired driving	95,503	8.9	41,233	11.1
Other <i>Criminal Code</i> traffic	21,785	2.0	10,248	2.8
<b>Other federal statute total</b>	<b>115,717</b>	<b>11.0</b>	<b>44,109</b>	<b>12.0</b>
Drug possession	35,001	3.2	13,919	3.7
Drug trafficking	26,910	2.5	10,959	2.9
<i>Youth Criminal Justice Act/Young Offenders Act</i>	5,325	0.5	1,131	0.3
Residual federal statutes	48,481	4.5	18,100	4.9

**Notes:** Due to rounding, percentages may not add to 100. 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. Coverage for Adult Criminal Court Survey data as of 2006/2007 is estimated at 98% of adult court caseload.

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

Table 2

**Cases by age of accused, adult criminal court, Canada, 2006/2007**

Offence category	Total cases	Age group									
		18 to 24		25 to 34		35 to 44		45 to 54		55 plus	
		number	percent	number	percent	number	percent	number	percent	number	percent
<b>Total offences</b>	<b>361,805</b>	<b>111,204</b>	<b>30.7</b>	<b>99,400</b>	<b>27.5</b>	<b>86,953</b>	<b>24.0</b>	<b>45,944</b>	<b>12.7</b>	<b>18,304</b>	<b>5.1</b>
<b>Criminal Code total</b>	<b>319,430</b>	<b>95,145</b>	<b>29.8</b>	<b>88,727</b>	<b>27.8</b>	<b>78,517</b>	<b>24.6</b>	<b>40,972</b>	<b>12.8</b>	<b>16,069</b>	<b>5.0</b>
<b>Crimes against the person</b>	<b>89,369</b>	<b>23,031</b>	<b>25.8</b>	<b>25,473</b>	<b>28.5</b>	<b>24,065</b>	<b>26.9</b>	<b>12,150</b>	<b>13.6</b>	<b>4,650</b>	<b>5.2</b>
Homicide	272	124	45.6	74	27.2	47	17.3	14	5.1	13	4.8
Attempted murder	218	77	35.3	72	33.0	34	15.6	23	10.6	12	5.5
Robbery	4,160	1,969	47.3	1,149	27.6	757	18.2	253	6.1	32	0.8
Sexual assault	3,016	646	21.4	779	25.8	803	26.6	478	15.8	310	10.3
Other sexual offences	1,446	215	14.9	373	25.8	440	30.4	239	16.5	179	12.4
Major assault	19,013	6,178	32.5	5,461	28.7	4,397	23.1	2,166	11.4	811	4.3
Common assault	40,021	9,349	23.4	11,629	29.1	11,352	28.4	5,655	14.1	2,036	5.1
Uttering threats	15,920	3,340	21.0	4,460	28.0	4,651	29.2	2,525	15.9	944	5.9
Criminal harassment	2,760	455	16.5	720	26.1	869	31.5	499	18.1	217	7.9
Other crimes against the person	2,543	678	26.7	756	29.7	715	28.1	298	11.7	96	3.8
<b>Crimes against property</b>	<b>88,154</b>	<b>29,726</b>	<b>33.7</b>	<b>24,264</b>	<b>27.5</b>	<b>20,769</b>	<b>23.6</b>	<b>10,045</b>	<b>11.4</b>	<b>3,350</b>	<b>3.8</b>
Theft	36,626	10,481	28.6	9,471	25.9	9,419	25.7	5,290	14.4	1,965	5.4
Break and enter	11,421	4,826	42.3	3,208	28.1	2,445	21.4	792	6.9	150	1.3
Fraud	14,556	4,239	29.1	4,603	31.6	3,680	25.3	1,576	10.8	458	3.1
Mischief	12,038	5,039	41.9	3,171	26.3	2,398	19.9	1,081	9.0	349	2.9
Possess stolen property	12,777	4,818	37.7	3,617	28.3	2,697	21.1	1,231	9.6	414	3.2
Other property crimes	736	323	43.9	194	26.4	130	17.7	75	10.2	14	1.9
<b>Administration of justice</b>	<b>63,965</b>	<b>20,961</b>	<b>32.8</b>	<b>19,161</b>	<b>30.0</b>	<b>15,449</b>	<b>24.2</b>	<b>6,669</b>	<b>10.4</b>	<b>1,725</b>	<b>2.7</b>
Fail to appear	4,930	1,736	35.2	1,516	30.8	1,124	22.8	439	8.9	115	2.3
Breach of probation	26,959	8,586	31.8	8,423	31.2	6,601	24.5	2,706	10.0	643	2.4
Unlawfully at large	2,437	667	27.4	818	33.6	663	27.2	257	10.5	32	1.3
Fail to comply with order	27,239	9,239	33.9	7,753	28.5	6,458	23.7	2,965	10.9	824	3.0
Other administration of justice	2,400	733	30.5	651	27.1	603	25.1	302	12.6	111	4.6
<b>Other Criminal Code</b>	<b>26,767</b>	<b>9,228</b>	<b>34.5</b>	<b>7,350</b>	<b>27.5</b>	<b>5,761</b>	<b>21.5</b>	<b>3,037</b>	<b>11.3</b>	<b>1,391</b>	<b>5.2</b>
Weapons	8,649	3,497	40.4	2,127	24.6	1,599	18.5	941	10.9	485	5.6
Prostitution	1,951	278	14.2	570	29.2	558	28.6	365	18.7	180	9.2
Disturbing the peace	2,158	870	40.3	551	25.5	436	20.2	228	10.6	73	3.4
Residual <i>Criminal Code</i>	14,009	4,583	32.7	4,102	29.3	3,168	22.6	1,503	10.7	653	4.7
<b>Criminal Code traffic</b>	<b>51,175</b>	<b>12,199</b>	<b>23.8</b>	<b>12,479</b>	<b>24.4</b>	<b>12,473</b>	<b>24.4</b>	<b>9,071</b>	<b>17.7</b>	<b>4,953</b>	<b>9.7</b>
Impaired driving	40,999	9,364	22.8	9,679	23.6	9,957	24.3	7,662	18.7	4,337	10.6
Other <i>Criminal Code</i> traffic	10,176	2,835	27.9	2,800	27.5	2,516	24.7	1,409	13.8	616	6.1
<b>Other federal statute total</b>	<b>42,375</b>	<b>16,059</b>	<b>37.9</b>	<b>10,673</b>	<b>25.2</b>	<b>8,436</b>	<b>19.9</b>	<b>4,972</b>	<b>11.7</b>	<b>2,235</b>	<b>5.3</b>
Drug possession	13,782	6,403	46.5	3,618	26.3	2,337	17.0	1,203	8.7	221	1.6
Drug trafficking	10,768	3,750	34.8	3,055	28.4	2,395	22.2	1,197	11.1	371	3.4
<i>Youth Criminal Justice Act/Young Offenders Act</i>	1,086	1,072	98.7	3	0.3	6	0.6	3	0.3	2	0.2
Residual federal statutes	16,739	4,834	28.9	3,997	23.9	3,698	22.1	2,569	15.3	1,641	9.8
<b>Population<sup>1</sup></b>	<b>25,504,186</b>	<b>3,118,681</b>	<b>12.2</b>	<b>4,463,557</b>	<b>17.5</b>	<b>5,062,519</b>	<b>19.8</b>	<b>5,044,882</b>	<b>19.8</b>	<b>7,814,847</b>	<b>30.6</b>

1. Population estimates as of July 2006. Coverage for Adult Criminal Court Survey data as of 2006/2007 is estimated at 98% of adult court caseload.

**Notes:** Due to rounding, percentages may not add to 100. Age is the age of the accused at the time of the offence. Excludes 10,279 (2.8%) cases where age of the accused was unknown or under 18 at the time of the offence. 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:** Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey.

Table 3

**Elapsed time to complete a case in adult criminal court, Canada, 2006/2007**

Jurisdiction	Total cases	Mean	Median	Elapsed time (in days) from first to last court appearance									
				One day		Greater than one day to 4 months		Greater than 4 months to 8 months		Greater than 8 months to 12 months		Greater than 12 months	
				number	percent	number	percent	number	percent	number	percent	number	percent
<b>Total</b>	<b>372,084</b>	<b>237</b>	<b>122</b>	<b>37,782</b>	<b>10.2</b>	<b>160,920</b>	<b>43.2</b>	<b>75,809</b>	<b>20.4</b>	<b>46,482</b>	<b>12.5</b>	<b>51,091</b>	<b>13.7</b>
Newfoundland and Labrador	4,765	208	119	834	17.5	1,720	36.1	1,010	21.2	614	12.9	587	12.3
Prince Edward Island	1,332	62	29	422	31.7	736	55.3	131	9.8	32	2.4	11	0.8
Nova Scotia	11,685	197	121	1,958	16.8	4,271	36.6	2,604	22.3	1,563	13.4	1,289	11.0
New Brunswick	7,533	165	78	1,596	21.2	3,329	44.2	1,518	20.2	558	7.4	532	7.1
Quebec	66,819	294	183	7,622	11.4	20,286	30.4	13,483	20.2	9,484	14.2	15,944	23.9
Ontario	147,424	232	120	10,726	7.3	68,438	46.4	30,545	20.7	19,718	13.4	17,997	12.2
Manitoba	16,230	223	129	2,113	13.0	6,322	39.0	3,028	18.7	1,854	11.4	2,913	17.9
Saskatchewan	17,390	189	92	3,295	18.9	7,615	43.8	3,179	18.3	1,524	8.8	1,777	10.2
Alberta	51,144	270	109	4,370	8.5	24,883	48.7	11,814	23.1	5,301	10.4	4,776	9.3
British Columbia	44,289	190	107	4,171	9.4	21,406	48.3	7,960	18.0	5,619	12.7	5,133	11.6
Yukon	898	133	95	93	10.4	520	57.9	184	20.5	74	8.2	27	3.0
Northwest Territories	1,053	67	29	369	35.0	553	52.5	103	9.8	17	1.6	11	1.0
Nunavut	1,522	129	76	213	14.0	841	55.3	250	16.4	124	8.1	94	6.2

**Notes:** Due to rounding, percentages may not add to 100. The mean is the average value of the number of days from the first to last court appearance. The median represents the mid-point in the sorted dataset, where exactly half the dataset are above and half below the mid-point. Information from Quebec's municipal courts (which account for approximately 20% of federal statute charges in that province) are not yet collected. Information from Quebec's municipal courts (which account for approximately 20% of federal statute charges in that province) are not yet collected. Mean and median elapsed time includes cases completed in superior courts (except for in Quebec, Ontario and Saskatchewan). Coverage for Adult Criminal Court Survey data as of 2006/2007 is estimated at 98% of adult court caseload.

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

Table 4

**Cases by decision, adult criminal court, Canada, 2006/2007**

Jurisdiction	Total cases	Decision							
		Found guilty		Stay/withdrawn		Acquittal		Other	
		number	percent	number	percent	number	percent	number	percent
<b>Total</b>	<b>372,084</b>	<b>242,988</b>	<b>65</b>	<b>109,863</b>	<b>30</b>	<b>13,480</b>	<b>4</b>	<b>5,753</b>	<b>2</b>
Newfoundland and Labrador	4,765	3,650	77	1,052	22	19	0	44	1
Prince Edward Island	1,332	927	70	392	29	9	1	4	0
Nova Scotia	11,685	7,637	65	3,591	31	352	3	105	1
New Brunswick	7,533	6,063	80	1,219	16	172	2	79	1
Quebec	66,819	48,475	73	6,502	10	10,091	15	1,751	3
Ontario	147,424	87,196	59	56,991	39	1,024	1	2,213	2
Manitoba	16,230	10,031	62	6,103	38	92	1	4	0
Saskatchewan	17,390	11,955	69	5,200	30	147	1	88	1
Alberta	51,144	33,411	65	16,141	32	609	1	983	2
British Columbia	44,289	31,273	71	11,706	26	904	2	406	1
Yukon	898	563	63	295	33	12	1	28	3
Northwest Territories	1,053	781	74	252	24	14	1	6	1
Nunavut	1,522	1,026	67	419	28	35	2	42	3

0 true zero or a value rounded to zero

**Notes:** Due to rounding, percentages may not add to 100. Found guilty decisions include absolute and conditional discharges. In Newfoundland and Labrador, the terms 'acquittal' and 'dismissed' are used interchangeably. Also, in some jurisdictions, the number of acquittals may be over-reported due to administrative practices. 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 mistrials, the court's acceptance of a special plea (e.g. autrefois acquit), 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., Quebec, Ontario, Manitoba and 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. Information from Quebec's municipal courts (which account for approximately 20% of federal statute charges in that province) are not yet collected. Coverage for Adult Criminal Court Survey data as of 2006/2007 is estimated at 98% of adult court caseload.

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

Table 5

**Convicted cases by type of sentence for the most serious offence in the case, Canada, 2006/2007**

Offence category	Guilty cases	Type of sentence for most serious offence							
		Prison		Conditional sentence <sup>1</sup>		Probation		Fine	
		number	percent	number	percent	number	percent	number	percent
<b>Total offences</b>	<b>242,988</b>	<b>83,043</b>	<b>34.2</b>	<b>9,878</b>	<b>4.1</b>	<b>105,415</b>	<b>43.4</b>	<b>73,513</b>	<b>30.3</b>
<b>Criminal Code total</b>	<b>214,163</b>	<b>75,460</b>	<b>35.2</b>	<b>8,008</b>	<b>3.7</b>	<b>96,967</b>	<b>45.3</b>	<b>60,218</b>	<b>28.1</b>
<b>Crimes against the person</b>	<b>48,329</b>	<b>15,111</b>	<b>31.3</b>	<b>2,581</b>	<b>5.3</b>	<b>35,126</b>	<b>72.7</b>	<b>4,160</b>	<b>8.6</b>
Homicide	140	115	82.1	3	2.1	12	8.6	0	0.0
Attempted murder	43	30	69.8	1	2.3	7	16.3	1	2.3
Robbery	2,900	2,249	77.6	245	8.4	1,322	45.6	15	0.5
Sexual assault	1,519	753	49.6	244	16.1	999	65.8	52	3.4
Other sexual offences	722	448	62.0	100	13.9	483	66.9	12	1.7
Major assault	10,536	4,485	42.6	937	8.9	7,119	67.6	925	8.8
Common assault	21,837	3,519	16.1	661	3.0	16,953	77.6	2,227	10.2
Uttering threats	8,021	2,623	32.7	257	3.2	6,131	76.4	786	9.8
Criminal harassment	1,459	392	26.9	59	4.0	1,264	86.6	82	5.6
Other crimes against the person	1,152	497	43.1	74	6.4	836	72.6	60	5.2
<b>Crimes against property</b>	<b>59,318</b>	<b>24,273</b>	<b>40.9</b>	<b>3,112</b>	<b>5.2</b>	<b>31,991</b>	<b>53.9</b>	<b>9,329</b>	<b>15.7</b>
Theft	25,119	9,940	39.6	1,100	4.4	12,219	48.6	4,980	19.8
Break and enter	8,293	5,031	60.7	691	8.3	5,015	60.5	340	4.1
Fraud	10,001	3,580	35.8	870	8.7	6,030	60.3	1,207	12.1
Mischief	7,665	1,624	21.2	109	1.4	5,057	66.0	1,387	18.1
Possess stolen property	7,768	3,877	49.9	283	3.6	3,404	43.8	1,354	17.4
Other property crimes	472	221	46.8	59	12.5	266	56.4	61	12.9
<b>Administration of justice</b>	<b>46,415</b>	<b>22,270</b>	<b>48.0</b>	<b>917</b>	<b>2.0</b>	<b>14,045</b>	<b>30.3</b>	<b>11,213</b>	<b>24.2</b>
Fail to appear	2,646	1,136	42.9	50	1.9	587	22.2	774	29.3
Breach of probation	21,750	11,235	51.7	563	2.6	7,489	34.4	4,659	21.4
Unlawfully at large	1,969	1,579	80.2	24	1.2	305	15.5	170	8.6
Fail to comply with order	18,476	7,833	42.4	195	1.1	4,864	26.3	5,282	28.6
Other administration of justice	1,574	487	30.9	85	5.4	800	50.8	328	20.8
<b>Other Criminal Code</b>	<b>19,608</b>	<b>7,030</b>	<b>35.9</b>	<b>626</b>	<b>3.2</b>	<b>9,676</b>	<b>49.3</b>	<b>4,495</b>	<b>22.9</b>
Weapons	5,440	2,092	38.5	240	4.4	2,815	51.7	1,117	20.5
Prostitution	774	159	20.5	16	2.1	357	46.1	208	26.9
Disturbing the peace	1,344	182	13.5	4	0.3	629	46.8	484	36.0
Residual <i>Criminal Code</i>	12,050	4,597	38.1	366	3.0	5,875	48.8	2,686	22.3
<b>Criminal Code traffic</b>	<b>40,493</b>	<b>6,776</b>	<b>16.7</b>	<b>772</b>	<b>1.9</b>	<b>6,129</b>	<b>15.1</b>	<b>31,021</b>	<b>76.6</b>
Impaired driving	32,594	3,319	10.2	296	0.9	3,664	11.2	27,904	85.6
Other <i>Criminal Code</i> traffic	7,899	3,457	43.8	476	6.0	2,465	31.2	3,117	39.5
<b>Other federal statute total</b>	<b>28,825</b>	<b>7,583</b>	<b>26.3</b>	<b>1,870</b>	<b>6.5</b>	<b>8,448</b>	<b>29.3</b>	<b>13,295</b>	<b>46.1</b>
Drug possession	7,628	1,210	15.9	81	1.1	2,342	30.7	3,818	50.1
Drug trafficking	6,051	2,896	47.9	1,733	28.6	1,693	28.0	535	8.8
<i>Youth Criminal Justice Act/Young Offenders Act</i>	817	263	32.2	11	1.3	273	33.4	264	32.3
Residual federal statutes	14,329	3,214	22.4	45	0.3	4,140	28.9	8,678	60.6

0 true zero or a value rounded to zero

1. In 2006/2007, conditional sentencing data were not available for Quebec.

**Notes:** The sentence types presented are not mutually exclusive and will not add to 100. Probation totals include mandatory probation for cases given a conditional discharge (C.C.C. s.730(1)) or a suspended sentence (C.C.C. s.731(1)(a)). 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. Coverage for Adult Criminal Court Survey data as of 2006/2007 is estimated at 98% of adult court caseload.

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

Table 6

**Cases in select provincial and superior courts by mean and median elapsed time, 2006/2007**

Offence category	Total		Total		Provincial court		Provincial court		Superior court		Superior court	
			Mean	Median			Mean	Median			Mean	Median
	number	percent	days		number	percent	days		number	percent	days	
<b>Elapsed time,<sup>1</sup> total cases</b>	<b>121,367</b>	<b>100.0</b>	<b>222</b>	<b>111</b>	<b>119,965</b>	<b>100</b>	<b>221</b>	<b>106</b>	<b>1,402</b>	<b>100.0</b>	<b>349</b>	<b>258</b>
Crimes against the person	27,112	22.3	211	137	26,565	22.1	207	135	547	39.0	367	295
Crimes against property	30,540	25.2	275	106	30,378	25.3	274	106	162	11.6	460	261
Administration of justice	22,419	18.5	191	65	22,392	18.7	191	64	27	1.9	311	188
Other <i>Criminal Code</i>	8,524	7.0	211	120	8,406	7.0	210	118	118	8.4	315	236
<i>Criminal Code</i> traffic	19,606	16.2	195	99	19,551	16.3	195	98	55	3.9	340	323
Other federal statutes	13,166	10.8	224	121	12,673	10.6	221	120	493	35.2	302	221

1. Seven provinces and territories (i.e., Newfoundland and Labrador, Nova Scotia, New Brunswick, Alberta, British Columbia, Yukon and Northwest Territories).  
**Notes:** The median represents the mid-point of a group of values when all the values are sorted by size. Mean elapsed time is measured from first to last court appearance. Superior court data are not available for Quebec, Ontario, Manitoba and Saskatchewan. Nunavut has a single level trial court. Prince Edward Island superior court data do 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.

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

Table 7

**Cases in select provincial and superior courts by mean and median length of prison sentence, 2006/2007**

Offence category	Total		Total		Provincial court		Provincial court		Superior court		Superior court	
			Mean	Median			Mean	Median			Mean	Median
	number	percent	days		number	percent	days		number	percent	days	
<b>Total cases with prison<sup>1</sup></b>	<b>29,687</b>	<b>100.0</b>	<b>121</b>	<b>30</b>	<b>29,344</b>	<b>100.0</b>	<b>111</b>	<b>30</b>	<b>343</b>	<b>100.0</b>	<b>989</b>	<b>550</b>
Crimes against the person	4,583	15.4	309	84	4,418	15.1	264	63	165	48.1	1,504	1,095
Crimes against property	10,090	34.0	103	34	10,043	34.2	102	33	47	13.7	352	180
Administration of justice	8,619	29.0	23	12	8,612	29.3	23	12	7	2.0	207	30
Other <i>Criminal Code</i>	2,172	7.3	95	30	2,139	7.3	87	30	33	9.6	573	360
<i>Criminal Code</i> traffic	2,127	7.2	105	30	2,110	7.2	101	30	17	5.0	523	450
Other federal statutes	2,096	7.1	244	75	2,022	6.9	230	66	74	21.6	611	270

1. Seven provinces and territories (i.e., Newfoundland and Labrador, Nova Scotia, New Brunswick, Alberta, British Columbia, Yukon and Northwest Territories).  
**Notes:** The median represents the mid-point of a group of values when all the values are sorted by size. Excludes cases where length of prison was not known, and cases where the length was specified as indeterminate. Cases sentenced to life imprisonment were recorded to 9,125 days (or 25 years) for the calculation of the average (mean) and median sentence lengths. Superior court data are not available for Quebec, Ontario, Manitoba and Saskatchewan. Nunavut has a single level trial court. Prince Edward Island superior court data do 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.

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



Table 8

## Number of cases heard in adult criminal court, ten provinces and territories, 2002/2003 to 2006/2007

Offence category	2002/2003		2003/2004		2004/2005		2005/2006		2006/2007		Percentage change 2006 vs. 2002
	number	%	number	%	number	%	number	%	number	%	
<b>Total offences</b>	<b>378,217</b>	<b>100.0</b>	<b>364,767</b>	<b>100.0</b>	<b>365,500</b>	<b>100.0</b>	<b>352,980</b>	<b>100.0</b>	<b>353,279</b>	<b>100.0</b>	<b>-6.6</b>
<b><i>Criminal Code</i> total</b>	<b>327,839</b>	<b>86.7</b>	<b>320,390</b>	<b>87.8</b>	<b>322,877</b>	<b>88.3</b>	<b>311,497</b>	<b>88.2</b>	<b>310,439</b>	<b>87.9</b>	<b>-5.3</b>
<b>Crimes against the person</b>	<b>93,876</b>	<b>24.8</b>	<b>89,635</b>	<b>24.6</b>	<b>88,411</b>	<b>24.2</b>	<b>86,132</b>	<b>24.4</b>	<b>85,935</b>	<b>24.3</b>	<b>-8.5</b>
Homicide	297	0.1	303	0.1	296	0.1	255	0.1	267	0.1	-10.1
Attempted murder	253	0.1	222	0.1	174	0.0	175	0.0	217	0.1	-14.2
Robbery	4,369	1.2	4,399	1.2	4,274	1.2	4,042	1.1	3,972	1.1	-9.1
Sexual assault	3,723	1.0	3,401	0.9	3,103	0.8	2,855	0.8	2,806	0.8	-24.6
Other sexual offences	1,808	0.5	1,739	0.5	1,752	0.5	1,393	0.4	1,374	0.4	-24.0
Major assault	20,268	5.4	19,736	5.4	18,745	5.1	18,269	5.2	17,975	5.1	-11.3
Common assault	41,283	10.9	38,796	10.6	38,820	10.6	38,059	10.8	38,392	10.9	-7.0
Uttering threats	16,672	4.4	15,974	4.4	16,067	4.4	15,912	4.5	15,570	4.4	-6.6
Criminal harassment	2,775	0.7	2,693	0.7	2,817	0.8	2,741	0.8	2,859	0.8	3.0
Other crimes against the person	2,428	0.6	2,372	0.7	2,363	0.6	2,431	0.7	2,503	0.7	3.1
<b>Crimes against property</b>	<b>91,742</b>	<b>24.3</b>	<b>90,789</b>	<b>24.9</b>	<b>94,211</b>	<b>25.8</b>	<b>87,282</b>	<b>24.7</b>	<b>85,930</b>	<b>24.3</b>	<b>-6.3</b>
Theft	36,128	9.6	35,889	9.8	38,153	10.4	35,726	10.1	35,728	10.1	-1.1
Break and enter	12,397	3.3	12,410	3.4	12,266	3.4	11,238	3.2	10,914	3.1	-12.0
Fraud	16,631	4.4	16,131	4.4	16,480	4.5	14,925	4.2	14,333	4.1	-13.8
Mischief	11,843	3.1	11,343	3.1	11,712	3.2	11,360	3.2	11,675	3.3	-1.4
Possess stolen property	13,868	3.7	13,981	3.8	14,622	4.0	13,182	3.7	12,570	3.6	-9.4
Other property crimes	875	0.2	1,035	0.3	978	0.3	851	0.2	710	0.2	-18.9
<b>Administration of justice</b>	<b>57,147</b>	<b>15.1</b>	<b>57,615</b>	<b>15.8</b>	<b>58,218</b>	<b>15.9</b>	<b>58,082</b>	<b>16.5</b>	<b>60,853</b>	<b>17.2</b>	<b>6.5</b>
Fail to appear	4,257	1.1	4,426	1.2	4,096	1.1	4,516	1.3	4,924	1.4	15.7
Breach of probation	23,906	6.3	23,928	6.6	25,142	6.9	24,853	7.0	25,585	7.2	7.0
Unlawfully at large	2,736	0.7	2,803	0.8	2,660	0.7	2,322	0.7	2,357	0.7	-13.9
Fail to comply with order	24,040	6.4	24,202	6.6	24,007	6.6	24,191	6.9	25,812	7.3	7.4
Other administration of justice	2,208	0.6	2,256	0.6	2,313	0.6	2,200	0.6	2,175	0.6	-1.5
<b>Other <i>Criminal Code</i></b>	<b>27,528</b>	<b>7.3</b>	<b>26,802</b>	<b>7.3</b>	<b>27,455</b>	<b>7.5</b>	<b>28,049</b>	<b>7.9</b>	<b>28,214</b>	<b>8.0</b>	<b>2.5</b>
Weapons	7,357	1.9	7,450	2.0	7,696	2.1	8,005	2.3	8,257	2.3	12.2
Prostitution	2,210	0.6	1,965	0.5	2,130	0.6	1,820	0.5	1,945	0.6	-12.0
Disturbing the peace	2,541	0.7	2,398	0.7	2,404	0.7	2,214	0.6	2,073	0.6	-18.4
Residual <i>Criminal Code</i>	15,420	4.1	14,989	4.1	15,225	4.2	16,010	4.5	15,939	4.5	3.4
<b><i>Criminal Code</i> traffic</b>	<b>57,546</b>	<b>15.2</b>	<b>55,549</b>	<b>15.2</b>	<b>54,582</b>	<b>14.9</b>	<b>51,952</b>	<b>14.7</b>	<b>49,507</b>	<b>14.0</b>	<b>-14.0</b>
Impaired driving	46,969	12.4	44,966	12.3	44,141	12.1	41,835	11.9	39,580	11.2	-15.7
Other <i>Criminal Code</i> traffic	10,577	2.8	10,583	2.9	10,441	2.9	10,117	2.9	9,927	2.8	-6.1
<b>Other federal statute total</b>	<b>50,378</b>	<b>13.3</b>	<b>44,377</b>	<b>12.2</b>	<b>42,623</b>	<b>11.7</b>	<b>41,483</b>	<b>11.8</b>	<b>42,840</b>	<b>12.1</b>	<b>-15.0</b>
Drug possession	15,843	4.2	12,036	3.3	12,509	3.4	12,762	3.6	13,478	3.8	-14.9
Drug trafficking	12,563	3.3	12,389	3.4	11,531	3.2	10,528	3.0	10,450	3.0	-16.8
<i>Youth Criminal Justice Act/ Young Offenders Act</i>	1,591	0.4	1,143	0.3	1,317	0.4	1,059	0.3	991	0.3	-37.7
Residual federal statutes	20,381	5.4	18,809	5.2	17,266	4.7	17,134	4.9	17,921	5.1	-12.1

**Notes:** Due to rounding, percentages may not add to 100. 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 trend analysis table does not include data from Manitoba, Northwest Territories, and Nunavut. Coverage for Adult Criminal Court Survey data for five-year trend analysis (ten jurisdictions) is estimated at 90% of adult court caseload.

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

Table 9

**Guilty cases by mean and median length of prison sentence, ten provinces and territories, 2002/2003 to 2006/2007**

Offence category	2002/2003		2003/2004		2004/2005		2005/2006		2006/2007	
	Mean	Median	Mean	Median	Mean	Median	Mean	Median	Mean	Median
	days									
<b>Total offences</b>	<b>124</b>	<b>30</b>	<b>123</b>	<b>30</b>	<b>128</b>	<b>30</b>	<b>124</b>	<b>30</b>	<b>124</b>	<b>30</b>
<b>Criminal Code total</b>	<b>120</b>	<b>30</b>	<b>118</b>	<b>30</b>	<b>122</b>	<b>30</b>	<b>117</b>	<b>30</b>	<b>117</b>	<b>30</b>
<b>Crimes against the person</b>	<b>254</b>	<b>60</b>	<b>261</b>	<b>60</b>	<b>266</b>	<b>70</b>	<b>252</b>	<b>60</b>	<b>253</b>	<b>70</b>
Homicide	4,316	2,555	3,732	2,190	3,462	2,555	3,266	2,190	2,501	1,825
Attempted murder	1,218	875	1,561	1,320	1,975	1,460	1,687	1,328	2,263	1,877
Robbery	644	450	676	510	690	540	686	540	682	540
Sexual assault	504	360	490	360	467	300	502	360	472	360
Other sexual offences	468	360	528	365	482	360	455	360	526	360
Major assault	144	60	152	60	162	60	165	60	172	80
Common assault	49	30	43	30	49	30	48	30	53	30
Uttering threats	68	30	65	30	67	30	67	30	66	30
Criminal harassment	73	30	103	45	78	45	87	55	82	60
Other crimes against the person	432	180	437	180	459	270	415	240	397	180
<b>Crimes against property</b>	<b>116</b>	<b>45</b>	<b>113</b>	<b>43</b>	<b>117</b>	<b>45</b>	<b>112</b>	<b>43</b>	<b>112</b>	<b>42</b>
Theft	61	30	55	30	59	30	56	30	56	30
Break and enter	251	150	259	150	263	180	258	180	257	160
Fraud	106	45	101	40	114	60	108	45	112	46
Mischief	47	27	39	15	48	30	48	25	48	22
Possess stolen property	79	45	78	45	80	45	80	45	92	60
Other property crimes	244	120	163	60	202	90	218	120	240	120
<b>Administration of justice</b>	<b>26</b>	<b>14</b>	<b>25</b>	<b>12</b>	<b>26</b>	<b>14</b>	<b>26</b>	<b>14</b>	<b>26</b>	<b>14</b>
Fail to appear	14	4	12	1	12	2	16	5	16	5
Breach of probation	30	15	29	15	30	15	29	15	29	15
Unlawfully at large	38	30	38	28	37	26	37	30	36	30
Fail to comply with order	16	7	16	5	16	5	18	5	19	7
Other administration of justice	73	30	67	30	71	30	71	30	68	30
<b>Other Criminal Code</b>	<b>133</b>	<b>30</b>	<b>132</b>	<b>30</b>	<b>142</b>	<b>44</b>	<b>136</b>	<b>33</b>	<b>143</b>	<b>44</b>
Weapons	120	60	128	49	127	60	131	60	150	60
Prostitution	40	7	115	4	82	7	34	5	62	5
Disturbing the peace	21	5	14	2	14	3	14	2	18	7
Residual Criminal Code	148	30	141	30	156	45	147	37	147	36
<b>Criminal Code traffic</b>	<b>81</b>	<b>30</b>	<b>86</b>	<b>30</b>	<b>93</b>	<b>30</b>	<b>100</b>	<b>30</b>	<b>100</b>	<b>30</b>
Impaired driving	72	30	71	30	77	30	83	30	78	30
Other Criminal Code traffic	91	45	102	45	109	45	117	60	122	50
<b>Other federal statute total</b>	<b>178</b>	<b>60</b>	<b>173</b>	<b>60</b>	<b>196</b>	<b>90</b>	<b>191</b>	<b>90</b>	<b>195</b>	<b>90</b>
Drug possession	21	7	21	7	19	6	22	7	19	7
Drug trafficking	220	90	219	90	251	90	247	90	280	120
<i>Youth Criminal Justice Act/Young Offenders Act</i>	17	10	15	7	15	7	22	10	15	7
Residual federal statutes	201	90	183	90	216	120	209	150	200	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 (25 years) for the calculation of sentence length means. Time in custody prior to sentencing is 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 survey. 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 trend analysis table does not include data from Manitoba, Northwest Territories, and Nunavut. Coverage for Adult Criminal Court Survey data for five year trend analysis (ten jurisdictions) is estimated at 90%.

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

Table 10

**Guilty cases by mean and median length of probation sentence, ten provinces and territories, 2002/2003 to 2006/2007**

Offence category	2002/2003		2003/2004		2004/2005		2005/2006		2006/2007	
	Mean	Median	Mean	Median	Mean	Median	Mean	Median	Mean	Median
	days									
<b>Total offences</b>	<b>451</b>	<b>365</b>	<b>452</b>	<b>365</b>	<b>453</b>	<b>365</b>	<b>455</b>	<b>365</b>	<b>453</b>	<b>365</b>
<b><i>Criminal Code</i> total</b>	<b>452</b>	<b>365</b>	<b>451</b>	<b>365</b>	<b>454</b>	<b>365</b>	<b>454</b>	<b>365</b>	<b>453</b>	<b>365</b>
<b>Crimes against the person</b>	<b>483</b>	<b>365</b>	<b>482</b>	<b>365</b>	<b>486</b>	<b>365</b>	<b>484</b>	<b>365</b>	<b>482</b>	<b>365</b>
Homicide	802	730	760	730	902	1,095	718	730	829	730
Attempted murder	760	730	732	730	834	1,095	867	730	991	1,095
Robbery	651	730	674	730	682	730	687	730	679	730
Sexual assault	634	540	645	720	652	730	657	730	679	730
Other sexual offences	760	730	761	730	767	730	786	730	784	730
Major assault	507	365	500	365	516	365	518	365	516	365
Common assault	410	365	407	365	412	365	410	365	409	365
Uttering threats	506	365	507	365	503	365	501	365	499	365
Criminal harassment	640	720	629	545	621	545	626	545	602	545
Other crimes against the person	599	540	611	545	601	545	618	545	608	545
<b>Crimes against property</b>	<b>448</b>	<b>365</b>	<b>447</b>	<b>365</b>	<b>448</b>	<b>365</b>	<b>448</b>	<b>365</b>	<b>447</b>	<b>365</b>
Theft	402	365	405	365	406	365	407	365	403	365
Break and enter	555	540	551	540	559	540	560	540	559	540
Fraud	492	365	492	365	489	365	483	365	490	365
Mischief	384	360	382	365	386	365	393	365	396	365
Possess stolen property	426	365	425	365	433	365	434	365	429	365
Other property crimes	569	540	524	365	529	365	501	365	569	540
<b>Administration of justice</b>	<b>393</b>	<b>365</b>	<b>391</b>	<b>365</b>	<b>392</b>	<b>365</b>	<b>395</b>	<b>365</b>	<b>390</b>	<b>365</b>
Fail to appear	318	360	334	360	320	365	346	365	335	365
Breach of probation	399	365	397	365	407	365	409	365	404	365
Unlawfully at large	375	365	393	365	408	365	387	365	394	365
Fail to comply with order	382	360	376	360	364	365	366	365	364	365
Other administration of justice	446	365	442	365	440	365	472	365	457	365
<b>Other <i>Criminal Code</i></b>	<b>464</b>	<b>365</b>	<b>462</b>	<b>365</b>	<b>465</b>	<b>365</b>	<b>476</b>	<b>365</b>	<b>484</b>	<b>365</b>
Weapons	469	365	479	365	486	365	488	365	491	365
Prostitution	354	360	367	360	355	365	367	365	350	365
Disturbing the peace	321	360	316	360	309	365	310	363	320	365
Residual <i>Criminal Code</i>	489	365	482	365	484	365	497	365	507	365
<b><i>Criminal Code</i> traffic</b>	<b>390</b>	<b>365</b>	<b>397</b>	<b>365</b>	<b>409</b>	<b>365</b>	<b>411</b>	<b>365</b>	<b>413</b>	<b>365</b>
Impaired driving	383	360	391	365	403	365	402	365	400	365
Other <i>Criminal Code</i> traffic	404	365	407	365	421	365	424	365	434	365
<b>Other federal statute total</b>	<b>434</b>	<b>365</b>	<b>457</b>	<b>365</b>	<b>452</b>	<b>365</b>	<b>458</b>	<b>365</b>	<b>456</b>	<b>365</b>
Drug possession	282	270	301	360	306	365	308	365	318	365
Drug trafficking	416	365	415	365	422	365	432	365	439	365
<i>Youth Criminal Justice Act/Young Offenders Act</i>	303	360	311	360	293	360	347	365	328	365
Residual federal statutes	541	540	541	540	552	540	555	540	549	540

**Notes:** Excludes cases where length of probation was not known. Maximum probation term is 1,095 days. Probation totals include mandatory probation for cases given a conditional discharge (CCC s.730(1)) or a suspended sentence (CCC s.731(1)(a)). 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 trend analysis table does not include data from Manitoba, Northwest Territories, and Nunavut. Coverage for Adult Criminal Court Survey data for five-year trend analysis (ten jurisdictions) is estimated at 90%.

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

Table 11

**Guilty cases by mean and median fine amount, ten provinces and territories, 2002/2003 to 2006/2007**

Offence category	2002/2003		2003/2004		2004/2005		2005/2006		2006/2007	
	Mean	Median	Mean	Median	Mean	Median	Mean	Median	Mean	Median
	dollars									
<b>Total offences</b>	<b>747</b>	<b>500</b>	<b>784</b>	<b>500</b>	<b>758</b>	<b>500</b>	<b>827</b>	<b>500</b>	<b>759</b>	<b>500</b>
<b>Criminal Code total</b>	<b>579</b>	<b>600</b>	<b>656</b>	<b>600</b>	<b>565</b>	<b>600</b>	<b>599</b>	<b>600</b>	<b>588</b>	<b>600</b>
<b>Crimes against the person</b>	<b>407</b>	<b>300</b>	<b>391</b>	<b>300</b>	<b>412</b>	<b>300</b>	<b>415</b>	<b>300</b>	<b>432</b>	<b>300</b>
Homicide	617	750	100	100	417	350	1,000	1,000	...	...
Attempted murder	500	500	...	...	3,400	3,400	...	...	35,410	35,410
Robbery	341	300	409	300	333	200	363	300	532	500
Sexual assault	670	500	819	500	637	500	642	500	662	500
Other sexual offences	732	500	439	400	880	800	405	500	456	500
Major assault	484	400	445	400	487	400	480	400	511	400
Common assault	394	300	381	300	411	350	419	350	418	300
Uttering threats	307	250	307	250	291	250	312	250	318	250
Criminal harassment	299	250	352	300	369	300	357	300	396	400
Other crimes against the person	490	300	588	300	488	300	438	300	464	300
<b>Crimes against property</b>	<b>349</b>	<b>250</b>	<b>446</b>	<b>250</b>	<b>356</b>	<b>250</b>	<b>479</b>	<b>250</b>	<b>385</b>	<b>250</b>
Theft	276	200	271	200	265	200	273	200	279	200
Break and enter	441	350	440	300	471	500	476	400	458	400
Fraud	481	250	1,189	250	477	250	1,394	250	767	250
Mischief	271	200	285	250	308	250	312	250	314	250
Possess stolen property	503	300	522	300	552	300	494	300	483	300
Other property crimes	459	334	489	400	504	300	516	400	595	500
<b>Administration of justice</b>	<b>243</b>	<b>200</b>	<b>247</b>	<b>200</b>	<b>254</b>	<b>200</b>	<b>250</b>	<b>200</b>	<b>256</b>	<b>200</b>
Fail to appear	197	150	200	150	212	150	216	200	208	150
Breach of probation	266	200	269	200	267	200	275	200	280	200
Unlawfully at large	331	250	315	250	313	250	379	300	395	300
Fail to comply with order	208	150	211	150	215	150	216	175	225	200
Other administration of justice	493	400	567	300	735	400	449	350	466	400
<b>Other Criminal Code</b>	<b>750</b>	<b>250</b>	<b>1,620</b>	<b>250</b>	<b>449</b>	<b>250</b>	<b>484</b>	<b>250</b>	<b>478</b>	<b>250</b>
Weapons	349	250	309	250	343	250	364	250	331	250
Prostitution	557	300	802	250	359	200	426	250	355	250
Disturbing the peace	264	200	260	200	267	200	264	200	273	250
Residual <i>Criminal Code</i>	1,046	250	2,529	250	541	250	585	300	597	300
<b>Criminal Code traffic</b>	<b>770</b>	<b>700</b>	<b>773</b>	<b>700</b>	<b>780</b>	<b>700</b>	<b>789</b>	<b>700</b>	<b>796</b>	<b>750</b>
Impaired driving	781	700	785	700	790	750	797	750	804	750
Other <i>Criminal Code</i> traffic	667	500	657	500	686	600	710	600	727	600
<b>Other federal statute total</b>	<b>1,420</b>	<b>250</b>	<b>1,424</b>	<b>300</b>	<b>1,706</b>	<b>250</b>	<b>1,913</b>	<b>250</b>	<b>1,517</b>	<b>250</b>
Drug possession	361	250	436	300	435	300	427	300	437	300
Drug trafficking	1,982	840	1,603	1,000	1,803	1,000	2,990	1,000	2,034	1,000
<i>Youth Criminal Justice Act/Young Offenders Act</i>	236	200	238	200	261	200	278	250	263	200
Residual federal statutes	1,909	200	1,764	250	2,346	200	2,581	200	1,978	200

... not applicable

**Notes:** Excludes cases where amount of fine was not known. 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. Amount of fine data are presented in current dollars. This trend analysis table does not include data from Manitoba, Northwest Territories, and Nunavut. Coverage for Adult Criminal Court Survey data for five-year trend analysis (ten jurisdictions) is estimated at 90%.

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

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