



# Juristat

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## SEXUAL OFFENCES IN CANADA

*by Rebecca Kong, Holly Johnson, Sara Beattie and Andrea Cardillo*

### Highlights

- The rate of sexual offences reported to the police declined by 36% between 1993 and 2002. Declines occurred for sexual assault as well as for other sexual offences such as sexual exploitation and invitation to sexual touching.
- In 2002, the highest rates of sexual offences were reported in the territories. Among provinces, rates were highest in Saskatchewan and Manitoba and lowest in Quebec.
- Among Census Metropolitan Areas, rates were highest in Saskatoon, Sudbury and Regina, and lowest in Ottawa.
- Over 80% of victims in sexual offences reported to a subset of police departments were female. Males made up 29% of child victims, 8% of adult and 12% of youth victims.
- Rates of victimization reported to the police were highest among female teenagers and young adults. Rates of sexual offending were highest among male teenagers.
- Victimization surveys have found that sexual offences are among the crimes least likely to be reported to the police. Once reported to police, sexual offences are also less likely than other violent offences to be considered by police to be “founded” and are less likely to result in charges laid against a suspect.
- Persons charged with sexual offences are less likely than other violent offenders to be found guilty in adult court. Sexual offenders found guilty in adult court are more likely than other violent offenders to receive a prison sentence.
- Sexual offenders appear before adult court with a higher percentage of multiple charges compared to other offenders, and therefore require a much longer time to be processed through court.
- In youth court, only those convicted of sexual assault level 1 were found guilty at the same rate as other violent offenders. Youth charged with levels 2 and 3 and other sexual offences had lower conviction rates. Sexual assault levels 2 and 3 were more likely to result in custodial sentences than were other types of sexual offences and other violent offences.



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## INTRODUCTION

Over the past two decades, understanding and awareness of sexual offences, as well as responses to these behaviours, have undergone many changes. On the legislative front, this transition began with the 1983 amendments to the *Criminal Code* that replaced the crimes of rape and indecent assault with a three-tier structure of sexual assault. The goals of these amendments were to emphasize the violent rather than the sexual nature of such crimes, and to increase victims' confidence in the criminal justice system and willingness to report these crimes to the police (Department of Justice, 1985). Amendments also eliminated immunity for those accused of sexually assaulting a spouse, removed reference to the gender of victims and perpetrators, and restricted the admissibility of evidence about the complainant's prior sexual history. Further, in 1988, *Criminal Code* provisions specific to sexual offences against children were implemented (see *Developments in Sexual Offences and Related Legislation: A Chronology*, page 11).

More recently, with the evolution in technology and globalization, legislators and policy makers have had to react to emerging issues of child pornography, the luring of children over the Internet, and trafficking in persons for the purpose of sexual exploitation. Child prostitution is also an issue of concern. Child prostitutes are generally viewed as victims of exploitation and abuse who are in need of assistance, although they may still be charged with prostitution-related offences (Bittle, 2002).

This *Juristat* presents statistical data on the extent and nature of sexual offences, and provides qualitative information on related issues of child pornography, trafficking in persons for the purpose of sexual exploitation, and child prostitution. The data used in the report are from Statistics Canada and include police statistics from the Uniform Crime Reporting (UCR2) Survey<sup>1</sup> and the Homicide Survey, and court data from the Adult Criminal Court Survey and the Youth Court Survey. This *Juristat* also presents analysis from the 1999 General Social Survey on Victimization, which collected information from a representative sample of Canadians 15 years of age and older on their experiences as victims of crime.

## TRENDS IN SEXUAL OFFENCES REPORTED TO THE POLICE

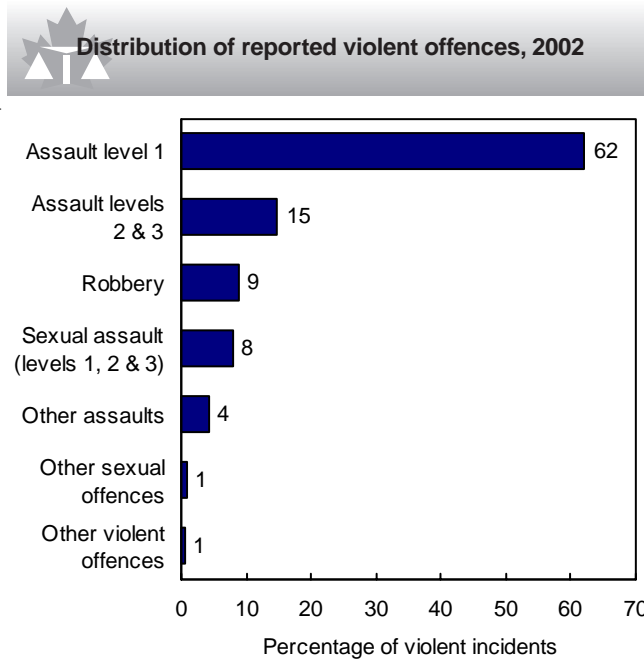
*Sexual offences* in this *Juristat* includes sexual assault levels 1, 2 and 3, as well as the category of "other sexual offences" which are a group of offences designed primarily to protect children from sexual abuse (see page 5, Box *Sexual Offences Defined* for *Criminal Code* definitions of these offences).

In 2002, 27,094 incidents involving sexual offences were reported to police in Canada (Table 1). Sexual assault level 1 (the category of least physical injury to the victim) accounted for 88% of these. Other sexual offences accounted for 10%, and sexual assault levels 2 and 3 accounted for the remaining 2%.

Among the 2.4 million *Criminal Code* incidents reported by police in 2002, sexual offences accounted for just 1%, a proportion that has not changed for the last 10 years. Among the 303,294 *violent* incidents reported by police, total sexual offences accounted for 9%, with sexual assaults (levels 1, 2 and 3) making up 8% and other sexual offences accounting for 1% (Figure 1).

<sup>1</sup> A subset of 154 police departments participated in the UCR2 representing 59% of the national volume of crime in Canada in 2002. For the purposes of this publication, Ontario Provincial Police rural divisions have been removed from the UCR2. This is due to an absence of accurate population estimates for those areas which are needed to calculate rates. The remaining police forces used for this analysis represent 56% of the national volume of reported crime in 2002.

Figure 1



Source: Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, Statistics Canada.

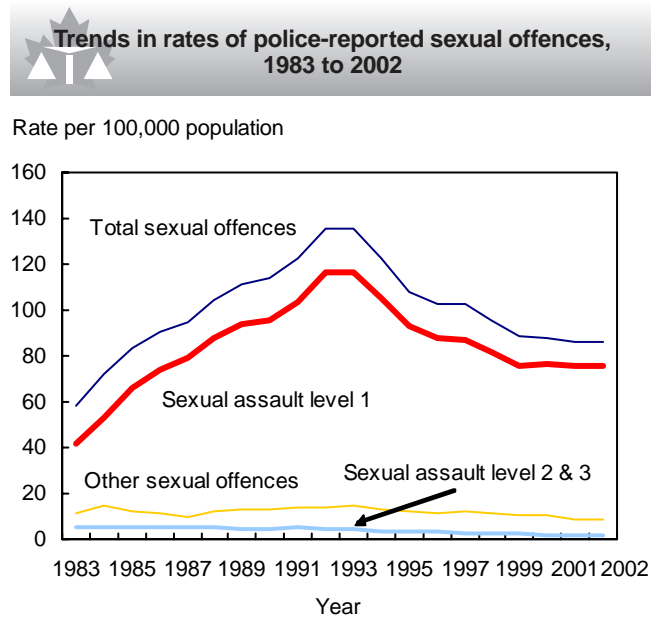
### Recent decline in sexual offences reported to police

After the passage of the reform legislation in 1983, the rate of total sexual offences reported to police began to increase (see Figure 2). The increase continued until 1993, peaking at 136 incidents per 100,000 population. This trend has been driven by sexual assault level 1. Rates of sexual assault levels 2 and 3 declined between 1983 and 2002, while rates of other sexual offences fluctuated.

This dramatic rise in the overall rate of police-reported sexual offences following the introduction of the new legislation has been the subject of much analysis. In general, researchers have found insufficient evidence to attribute the rise solely to legislative reform, but suggest that other related social changes also encouraged victims to come forward (Roberts and Gebotys, 1992; Roberts and Grossman, 1994; Department of Justice, 1985). Examples of social changes during this period are: improvements to the social, economic and political status of women; a heightened focus on victims of crime and the growth in services and initiatives to support them, including sexual assault centres; special training of police officers to deal with victims, and; the growth of treatment teams in hospitals trained to respond to victims of sexual assault and gather evidence that could be used at trial (Clark and Hepworth, 1994).

After the peak in 1993, the rate of sexual offences reported to the police then declined, which parallels the overall downward trend for violent offences. Possible explanations for these declines are recent shifts in the age structure of the population and changing social values. Declines in rates of sexual offences

Figure 2



Source: Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, Statistics Canada.

coincided with a decrease in the proportion of the population aged 15-34. Since young adults have higher rates of criminal victimization and offending than other age groups, crime rates can be expected to decline as their share of the population declines. Changing social values related to sexual assault have also coincided with an aging population, and the combined effect may be more important than demographic shifts alone.

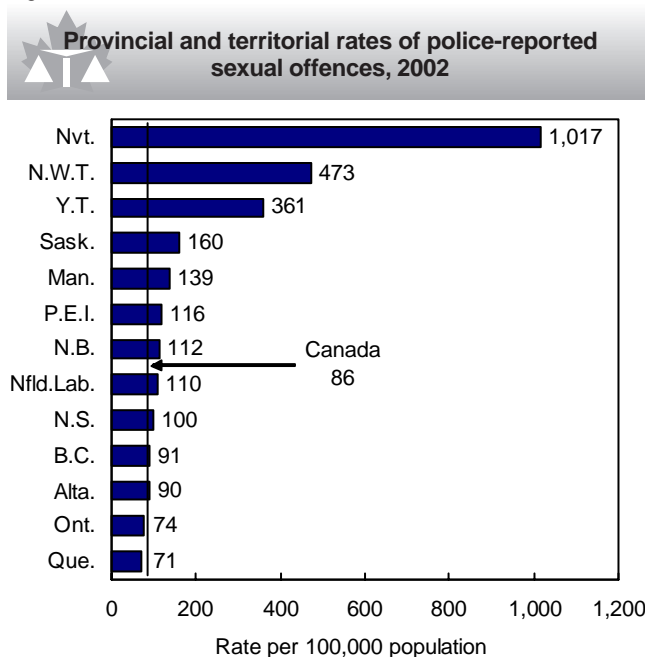
In 2002, the rate of reported sexual offences remained at 86 incidents per 100,000 population, virtually unchanged from the previous year. While the 2002 rate was 36% below the 1993 peak, it was still 47% higher than in 1983.

The rate for sexual assault level 1 has declined 35% from the peak figure in 1993 (Table 1) and has remained stable since 1999. Rates for sexual assault levels 2 and 3 are relatively low, so small changes in the rates can result in large changes in percentage terms. These offences declined steadily since 1993, by 60%. The rate of other sexual offences declined by 40% over this time period.

### Rates across the provinces and territories vary widely

There is considerable regional variation in the rates of police-reported sexual offences across Canada. In 2002, as with other violent crimes, the rate of sexual offences was highest in Nunavut (1,017 per 100,000 population) followed by the other two territories (Figure 3). Among the provinces, Saskatchewan (160) and Manitoba (139) had the highest rates. The lowest rates were recorded in Quebec (71) and Ontario (74). Rates for these two provinces were below the national average of 86 sexual offences per 100,000 population.

Figure 3



Source: Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Prince Edward Island, Nova Scotia, Quebec, Manitoba, Saskatchewan and the territories all reported a rise in the rate of sexual offences between 2001 and 2002, with the largest increases in Yukon (36%) and Prince Edward Island (34%) (Table 2). Rates in the remaining provinces decreased. With a drop of 11%, New Brunswick registered the largest decline in the rate of sexual offences, closely followed by Newfoundland and Labrador (-10%). Over the last decade, provincial/territorial rates have generally been declining.

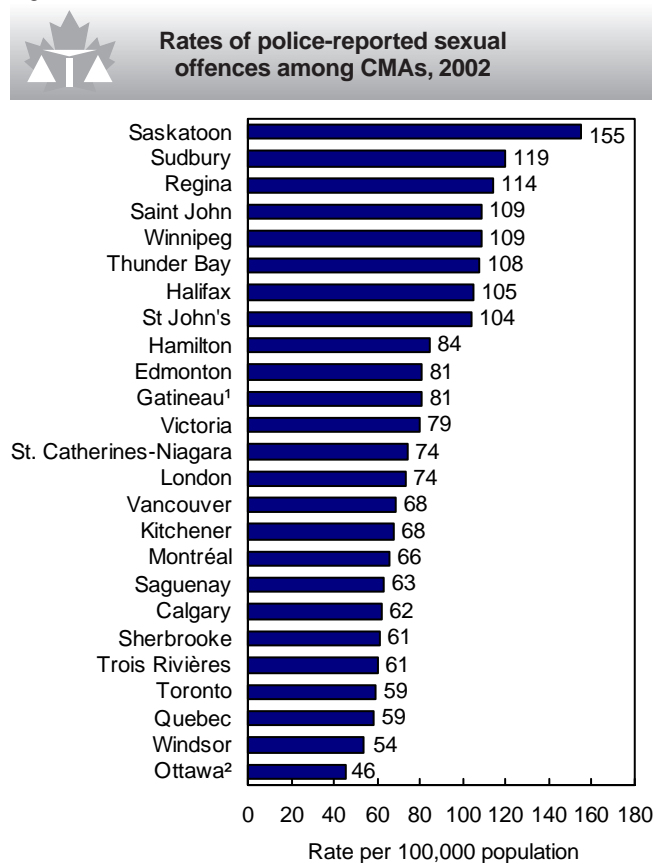
### Rates among cities

Figure 4 shows rates of police-reported sexual offences among Census Metropolitan Areas (CMAs).<sup>2</sup> In 2002, CMAs with the highest rates were Saskatoon, Sudbury and Regina. Those with the lowest rates were the Ontario cities of Ottawa and Windsor.

The range in rates of sexual offences at the CMA level was very large, with the highest-rate CMA more than three times higher than the lowest-rate city.

In the absence of an extensive evaluation, it is difficult to pinpoint for certain the factors that contribute to the disparity in rates of sexual offences among the provinces, territories and CMAs. Possible contributing factors include variations in public attitudes toward sexual assault that may influence reporting rates among victims, police policies regarding the diversion of young offenders, police training, or services for victims in the community (examples include hospital-based programs for the collection of evidence, and sexual assault counseling centres).

Figure 4



<sup>1</sup> Includes the Gatineau portion of the Ottawa-Gatineau CMA.

<sup>2</sup> Includes the Ottawa portion of the Ottawa-Gatineau CMA.

Source: Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, Statistics Canada.

## HOMICIDES INVOLVING SEXUAL VIOLENCE AND PROSTITUTION

Criminal incidents are classified in the Uniform Crime Reporting Survey according to the most serious in the incident (see Methodology section, page 12). Sexual assault levels 2 and 3 are classified as more serious than most other crimes, but sexual assault level 1 will be classified lower than the more serious forms of physical assault (levels 2 and 3) if they occurred in the same incident. Sexual assaults that precipitate a homicide will likewise be classified as homicides. However,

<sup>2</sup> A census metropolitan area (CMA) is a very large urban area (known as the urban core) together with adjacent urban and rural areas (known as urban and rural fringes) that have a high degree of social and economic integration with the urban core. A CMA has an urban core population of at least 100,000, based on the previous census. Once an area becomes a CMA, it is retained as a CMA even if the population of its urban core declines below 100,000. A CMA typically comprises more than one police force. The Oshawa CMA is excluded due to the incongruity between the police boundary and the CMA boundary.

### Sexual offences defined

The term *sexual offences* encompasses a wide range of criminal acts in the *Criminal Code of Canada*. Such conduct ranges from unwanted sexual touching to sexual violence resulting in serious physical injury or disfigurement to the victim. It also includes special categories of offences designed to protect children from sexual abuse.

In this *Juristat*, the term *sexual assault* includes the following *Criminal Code* offences:

- (a) Sexual assault level 1 (s. 271) – an assault committed in circumstances of a sexual nature such that the sexual integrity of the victim is violated. Level 1 involves minor physical injuries or no injuries to the victim. This is a hybrid offence and may be prosecuted as an indictable offence (with a maximum sentence of 10 years imprisonment) or by way of summary conviction (with a maximum sentence of 18 months imprisonment or \$2,000 fine).<sup>3</sup>
- (b) Sexual assault level 2 (s. 272) – sexual assault with a weapon, threats or causing bodily harm. Level 2 is an indictable offence carrying a maximum sentence of 14 years imprisonment. A mandatory minimum sentence of 4 years in prison is imposed if a firearm is used.
- (c) Aggravated sexual assault (level 3) – sexual assault that results in wounding, maiming, disfiguring or endangering the life of the victim. Level 3 is an indictable offence carrying a maximum sentence of life imprisonment. A mandatory minimum sentence of 4 years in prison is imposed if a firearm is used.

The term *other sexual offences* includes a group of offences that are meant primarily to address incidents of sexual abuse directed at children. The *Criminal Code* offences included in this category are:

- (a) Sexual interference (s.151) – the direct or indirect touching (for a sexual purpose) of a person under the age of 14 years using a part of the body or an object. This is a hybrid offence and may be processed as an indictable offence (with a maximum sentence of 10 years imprisonment) or by way of summary conviction.<sup>3</sup>
- (b) Invitation to sexual touching (s. 152) – inviting, counseling, or inciting a person under the age of 14 years to touch (for a sexual purpose) the body of any person directly or indirectly with a part of the body or with an object. This is a hybrid offence and may be processed as an indictable offence (with a maximum sentence of 10 years imprisonment) or by way of summary conviction.
- (c) Sexual exploitation (s. 153) – a person in a position of trust or authority towards a young person or a person with whom the young person is in a relationship of dependency, commits sexual interference or invitation to sexual touching. “Young person” refers to a person between 14 and 18 years of age. This is a hybrid offence and may be processed as an indictable offence (with a maximum sentence of 5 years imprisonment) or by way of summary conviction.
- (d) Incest (s. 155) – sexual intercourse with a person that has a known defined blood relationship with them. This is an indictable offence carrying a maximum sentence of 14 years imprisonment.
- (e) Anal intercourse (s. 159) – with the exception of married couples and other persons over the age of 18 who consent and who engage in these acts in private. This is a hybrid offence and may be processed as an indictable offence (with a maximum sentence of 10 years imprisonment) or by way of summary conviction.<sup>4</sup>
- (f) Bestiality (s. 160) – Anyone who commits or compels another person to commit bestiality is guilty of a hybrid offence and may be processed as an indictable offence (with a maximum sentence of 10 years imprisonment) or by way of summary conviction.

### Indecent Acts and Corrupting Morals

Two related offences, not included under the definition of sexual offences in this *Juristat*, are indecent acts and corrupting morals.

#### Indecent acts

Section 173(1) (b) states that anyone who commits an indecent act in any place with the intent to insult or offend anyone is guilty of an offence. Section 173(2) states every person who, in any place, for a sexual purpose, exposes one’s genitals to a person under the age of 14 is guilty of an offence. These are punishable on summary conviction with maximum penalties of a \$2000 fine or 6 months in prison.

#### Corrupting morals

Section 163 of the *Criminal Code* states that it is an offence to produce, publish or distribute any obscene material, recordings, or pictures. It is an offence to knowingly and without lawful justification sell or expose to public view, any act which relates to obscenity or indecent objects. Material shall be deemed to be obscene if a dominant characteristic is the undue exploitation of sex, or the combination of sex and at least one of crime, horror, cruelty or violence. It is a hybrid offence and may be processed by way of summary or indictable conviction (maximum penalty as an indictable offence is two years in prison, as a summary conviction is a fine not exceeding \$2000 or imprisonment for 6 months).

Trend data on indecent acts and corrupting morals are available through a subset of 104 police agencies that have participated in the Incident-based Uniform Crime Reporting (UCR2) Survey consistently since 1995 and represent 42% of the national volume of crime in 2001. The number of indecent acts that came to the attention of this subset of police forces decreased by 27% between 1995 and 2002, from 3,308 incidents to 2,408. The number of corrupting moral incidents also decreased (8%) from 130 incidents to 120 over this period.

Of the police-reported incidents of indecent acts in 2002, a minority (27%) resulted in charges being laid by the police. Though incidents involving corrupting morals were fewer in number, charges were laid in a higher proportion of cases (32%).

the more detailed Homicide Survey shows that, between 1991 and 2001, 184 homicides out of a total of 6,714 (less than 3%) were preceded by sexual assault toward the victim. Most of these incidents had an identified accused (89%) and the vast majority of these accused (98%) were male (Table 3). The majority of sexual assault-related homicides (82%) involved female victims. About half of all victims were under age 25 and 14% were children under 15. In contrast, two-thirds of accused were 25 years of age or older.

Prostitutes are at a heightened risk of violence and homicide. Between 1991 and 2001, a total of 50 homicides in Canada were identified by police as occurring in the context of prostitution and victims were either clients or prostitutes.<sup>5</sup> Two-thirds (33) of these victims were female and one-third (17) were male. Four-in-ten were under the age of 25. In only 33 cases was an accused identified, a rate for solved cases that is lower than for homicides overall (66% compared to 79%).

<sup>3</sup> A hybrid offence may be processed as a summary or indictable offence. Except where otherwise stated by law, the maximum penalty for a summary conviction is a fine not exceeding two thousand dollars or imprisonment for 6 months or both.

<sup>4</sup> The section has been found to be unconstitutional by the Ontario and Quebec Courts of Appeal (R. v M(C) (1995), 98 C.C.C. (3d) 481. (Ont. C.A.) and R. v Roy (1998), 125 C.C.C. (3d) 442 (Que. C.A.))

<sup>5</sup> This excludes a large number of recent cases in British Columbia involving missing women. These will be coded in 2002, the year in which they became known to the police as homicides.

## VICTIMIZATION SURVEY REPORTS OF SEXUAL ASSAULT

Victimization surveys provide an alternative to police statistics in that they interview victims directly about their experiences of crime and therefore include both incidents that were reported to the police and those that were not reported. This is an important source of information in the case of sexual assault since these crimes are among the least likely to be reported to police. Statistics Canada's 1999 General Social Survey (GSS) on Victimization found that victims 15 years of age and older did not report 78% of sexual assaults to the police that year.<sup>6</sup> This is considerably higher than the unreported rate for robbery (51%), physical assault (61%), and break and enter (35%).

The 1999 GSS measures two aspects of sexual assault victimization: sexual attack and unwanted sexual touching. These are measured by the following two questions:<sup>7</sup>

*Sexual attack: During the past 12 months, has anyone forced you or attempted to force you into any unwanted sexual activity by threatening you, holding you down or hurting you in some way?*

*Unwanted sexual touching: During the past 12 months, has anyone ever touched you against your will in any sexual way? By this I mean anything from unwanted touching or grabbing, to kissing or fondling.*

According to the GSS definition, an estimated 502,000 Canadians 15 years and older living in the 10 provinces had experienced a sexual assault in the 12 months prior to the survey. This translates into a rate of 21 incidents per 1,000 population age 15 and older (33 per 1,000 women and 8 per 1,000 men). The change in the rate of sexual assault over the last GSS on Victimization in 1993 – 16 per 1,000 population – was not statistically significant (See Besserer and Trainor, 2000).<sup>8</sup>

These figures do not count sexual assaults perpetrated by spouses. An in-depth module in the 1999 GSS addressed the issue of spousal violence separately and found that, overall, 8% of women and 7% of men reported some type of violence by a common-law or marital partner in the 5 years preceding the survey. Among these victims, 20% of women and 3%<sup>9</sup> of men reported experiencing at least one incident of sexual assault (defined as sexual attack only in the case of spouses). This amounts to an estimated 138,000 women and 14,000 men who were sexually assaulted by a spousal partner over the 5 year period.

Because they include a large number of incidents not reported to the police, victimization surveys produce estimates that are higher than rates derived from police statistics. This is the case even though sexual assaults recorded in victimization surveys exclude those committed against children under 15 years old, and the population residing in institutions or in Canada's three territories.

### Most are unwanted sexual touching, most victims women

The majority of sexual assault victimizations reported to the 1999 GSS (involving perpetrators other than spouses) were unwanted sexual touching (77%) as opposed to sexual attack (23%). The vast majority of sexual assaults were perpetrated against women (82%), and half of all victims were 15-25 years of age.

The most common locations for sexual assaults to occur were bars and restaurants and other commercial locations (23% and 14%, respectively), public places (21%), the victim's own home (15%) or the home of someone else (19%).

Sexual assaults are unlikely to come to the attention of the police, and this is more often the case for unwanted sexual touching than for sexual attacks (81% and 69%, respectively).

### Reasons for not reporting to police

Responses to questions about reasons for not reporting to police cannot be analyzed separately for victims of unwanted sexual touching and sexual attack due to small sample counts. Altogether, victims of sexual assault provided a range of reasons for not reporting incidents to police (Table 4). Many did not report because the incident was dealt with another way (61%), they felt it wasn't important enough (50%), they felt it was a personal matter (50%), or they didn't want the police involved (47%).<sup>10</sup> While 33% did not report because they did not think the police could do anything, another 18% felt that the police would not help them. Other reasons were fear of revenge by the offender (19%), and wanting to avoid publicity over the incident (14%).<sup>11</sup>

Reasons for not reporting to police that stand out for sexual assault victims, as compared to the other violent crimes measured by the GSS, relate to the sensitive nature of these events: higher proportions avoided calling the police because they considered it a personal matter that did not concern the police, or because they feared publicity.

### Use of other supports

Just as sexual assault victims were less likely than victims of other violent crimes to report to the police, they were less likely to seek help from formal or informal supports. Smaller percentages, as compared to robbery or assault victims, said they spoke about the incident with family, friends or neighbours, or co-workers (Table 5).

<sup>6</sup> Eight percent of incidents were reported to police, but this estimate is based on small counts and therefore has a high coefficient of variation (greater than 33.3%). In 14% of cases, victims did not know if the incident was reported or refused to answer.

<sup>7</sup> These questions were designed to closely resemble the Criminal Code definition of sexual assault.

<sup>8</sup> Due to the relatively low counts of sexual assaults reported to each of these surveys, these estimates have large and overlapping coefficients of variation. The difference is therefore not statistically significant.

<sup>9</sup> Coefficient of variation for this figure is between 16.6% and 33.3%. Use with caution.

<sup>10</sup> Percentages exceed 100% due to multiple responses.

<sup>11</sup> Coefficient of variation for this figure is between 16.6% and 33.3%. Use with caution.

## VICTIM CHARACTERISTICS

A common pattern shown in both police and victimization survey data is that young women and girls are at the highest risk of sexual assault victimization.

### Young women and girls at highest risk

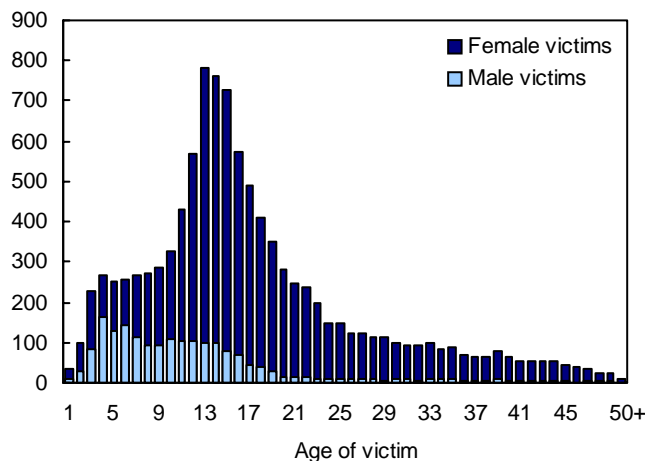
Compared to other violent crimes, females are much more likely to be victims of sexual assault than are males. Females accounted for 85% of victims of sexual offences who reported to a sample of police services reporting to the Incident-based Uniform Crime Reporting Survey (UCR2) in 2002,<sup>12</sup> compared to 48% of victims of all other violent crimes. Females also represented 82% of the population 15 years and older who reported a sexual assault victimization to the 1999 GSS, compared to 43% of victims of all other violent victimizations.

Victims of sexual offences also tend to be young. In 2002, over half (61%) of all victims of sexual offences reported to the police were children and youth under 18 years of age. Controlling for populations served by this sample of police services, rates of sexual offences known to the police were highest among girls aged 11 to 19, with the highest rate at age 13 (781 per 100,000 population) (Figure 5). Among male victims, rates were highest for boys 3 to 14 years of age.

Figure 5



Rate per 100,000 population



Data are based on 154 police agencies (excluding OPP Rural) participating in the UCR2 Survey, representing 56% of the national volume of reported crime.  
**Source:** Incident-based Uniform Crime Reporting Survey (UCR2), Canadian Centre for Justice Statistics, Statistics Canada.

While males make up a small proportion of victims of sexual offences overall (15%), this proportion is higher for younger victims. In incidents involving children under 12, boys made up 29% of victims compared to 12% of youth aged 12-18 and 8% of adults.

Among adults (aged 15 and older) interviewed for the 1999 GSS, rates of sexual assault were highest among women, those 15 to 24 years of age, those who were single, separated or divorced, as well as students, those who participated in at least 30 evening activities outside the home per month, and those who had a household income of less than \$15,000 or who lived in urban areas (Table 6).

## PROFILE OF ACCUSED PERSONS

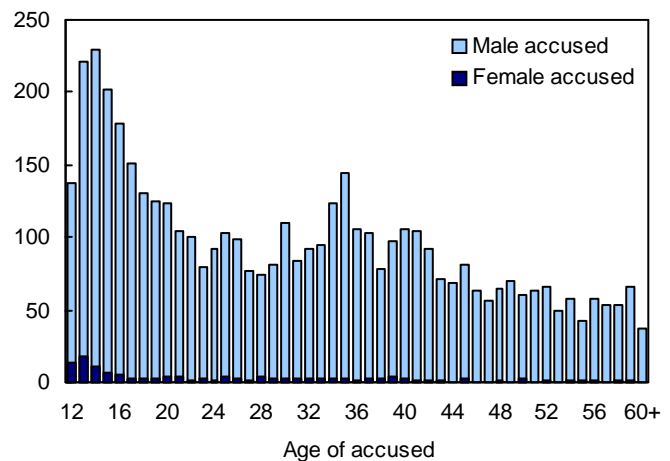
According to the UCR2, in 2002, 97% of persons accused of sexual offences were male, higher than the representation of males among persons accused of all other types of violent offences (82%).

Overall, compared to other violent offenders, sexual offenders are somewhat older. In 2002, the mean age of persons charged by police with sexual offences was 33 years as compared to 31 for those charged with other violent offences. However, rates of sexual offending were highest among the youngest males, those aged 13 to 17 (Figure 6), and peaked for 13 and 14-year-olds (221 and 230 per 100,000). The wide difference in rates of victimization and offending shown in Figures 5 and 6 is due to the fact that a relatively small percentage of reported sexual offences have a suspect identified.

Figure 6



Rate per 100,000 population



Data are based on 154 police agencies (excluding OPP Rural) participating in the UCR2 Survey, representing 56% of the national volume of reported crime.  
**Source:** Incident-based Uniform Crime Reporting Survey (UCR2), Canadian Centre for Justice Statistics, Statistics Canada.

<sup>12</sup> The incident-based Uniform Crime Reporting (UCR2) survey captures detailed information on individual criminal incidents reported to police, including characteristics of victims, accused persons and incidents. In 2002, 154 police services in 9 provinces participated in this survey representing 59% of the national volume of reported crime. Other than Ontario and Québec, the data are primarily from urban police departments. The reader is cautioned that these data are not nationally representative.

This peak among 13 and 14-year-olds applies to sexual assault level 1 and other sexual offences, but not to sexual assault levels 2 or 3, where there is no discernable age-related pattern among accused. Compared to their older counterparts, sexual offences involving these young teens more often involve young victims their own age, family members or casual acquaintances, and are more likely to take place in single homes or in or around schools. They are also somewhat more likely to be dealt with informally by police.

The National Longitudinal Survey of Children and Youth can shed some light on the prevalence of sexual offending among teenagers. This survey asks teenagers how often they have committed certain acts of delinquency. In the 3rd cycle in 1998/99, 3.9% of boys 12 to 15 years of age reported that they had either "sexually touched someone who was unwilling" (3.3%) or "forced someone to have sex" (1.3%).<sup>13</sup> This represents an estimated 26,800 boys who have engaged in sexual offences. The numbers of girls reporting these behaviours was too small to make statistically reliable estimates. The proportion of boys who reported involvement in sexual offences is similar to the proportion who reported selling drugs (4.8%) but lower than the proportion who had engaged in property-related offences (38.3%) or other violent offences (29.7%).

The percentage of 12 to 15 year-old girls who reported selling drugs or engaging in property-related offences was comparable to boys (4.8% and 35.9%, respectively), but fewer girls reported engaging in other violent offences (10.9%).<sup>14</sup>

**Accused most often known to victims**

About half of sexual assault victims who reported to the sample of police services represented in UCR2 were assaulted by a friend or acquaintance (10% and 41%, respectively), 28% by a family member, and 20% by a stranger (Table 7). Children under 12 were most often victimized by family members, especially in the case of girls (51%). Parents (20%) were less likely than other relatives (29%) to be identified as suspects. In comparison, youth aged 12 to 17 and adults were most frequently victimized by acquaintances (47% and 40%, respectively).

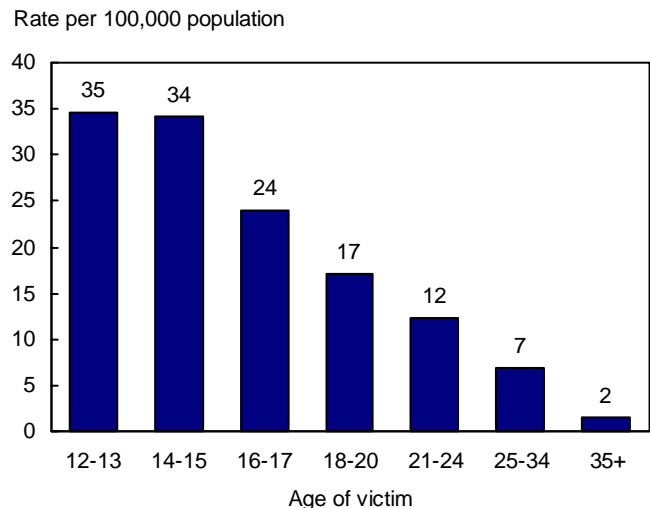
**Dating violence**

Rates of dating violence reported to the police suggest that girls under the age of 16 have the highest rates of sexual violence by a dating partner, but that women aged 18 to 20 have the highest rates of physical assaults by dates (Figures 7 and 8). Males reported few cases of sexual violence by dating partners and lower rates of physical assault. These data include incidents involving all ages of victims, but only those who report to the police.<sup>15</sup>

<sup>13</sup> Coefficients of variation for this figure are between 16.6% and 33.3%. Use with caution. These figures do not add to the total of 3.9% due to multiple responses.  
<sup>14</sup> For further information on the topic of self-reported delinquency see Fitzgerald, R. (2003) An examination of sex differences in delinquency. Crime and Justice Research Paper Series.  
<sup>15</sup> According to Statistics Canada's 1993 Violence Against Women Survey, 16% of women 18 years of age and over (an estimated 1.7 million women) had been assaulted or sexually assaulted by a male dating partner since the age of 16. Twelve percent of women reported being sexually assaulted and 7% reported being physically assaulted (many women reported both).

Figure 7

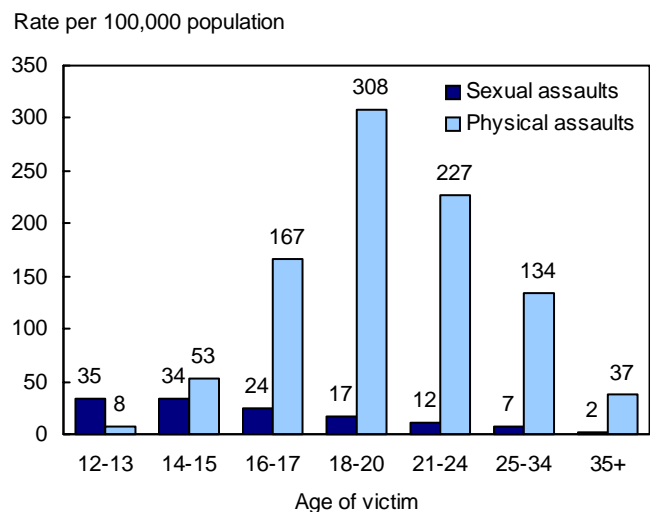
**Females under 16 years of age have highest rates of sexual violence by a dating partner/close friend, 2002**



Data are based on 154 police agencies (excluding OPP Rural) participating in the UCR2 Survey, representing 56% of the national volume of reported crime. For the purpose of this analysis, dating partner was derived from the UCR2 category "close friends" and only opposite sex relationships with a single victim and single accused were included in order to exclude close non-intimate relationships. Males reported no sexual assaults in this relationship category in 2002.  
 Source: Incident-based Uniform Crime Reporting Survey (UCR2), Canadian Centre for Justice Statistics, Statistics Canada.

Figure 8

**Young adult women have highest rates of physical assault by a dating partner/close friend, 2002**



Data are based on 154 police agencies (excluding OPP Rural) participating in the UCR2 Survey, representing 56% of the national volume of reported crime.  
 Source: Incident-based Uniform Crime Reporting Survey (UCR2), Canadian Centre for Justice Statistics, Statistics Canada.



Police statistics show that children are the least likely to fall prey to strangers (9%) and that the group most likely to be sexually assaulted by strangers was adult females (31%).

### Most offences take place in a residence

The majority of sexual offences reported to police in 2002 took place in a residence (64%), followed by public and open areas (26%), and commercial places (11%).<sup>16</sup> Sexual assault level 2 was least likely to take place in a residence (52% compared to 64% of sexual assault level 1, 65% of sexual assault level 3, and 65% of other sexual offences). Sexual assault level 2 was more likely to take place in a public or open area (38%), as compared to other sexual offences (27%), sexual assault level 1 (25%), and level 3 (23%).

### Alcohol a factor

It is not uncommon for violent crimes to be committed within the context of alcohol or drug use by offenders and sometimes victims. Among adult victims of sexual assault responding to the 1999 GSS, 48% were of the opinion that the incident was related to the perpetrator's alcohol or drug use, similar to the percentage of assault and robbery victims who felt the same way (51% of both). The percentage of victims who felt that the incident was related to their *own* alcohol or drug use was considerably smaller for all victims of violence (less than 10%).<sup>17</sup>

## CRIMINAL JUSTICE PROCESSING OF SEXUAL OFFENCES

### Police response

Approximately one-in-six sexual offences reported to the police in 2002 were declared "unfounded" by the authorities meaning that after an initial investigation took place, police concluded that no violation of the law took place nor was attempted. Overall, 16% of sexual offences were unfounded, and the rate varied by type of offence: 16% of sexual assault level 1 cases, 11% of level 2 sexual assaults, 11% of level 3 sexual assaults, and 15% of other sexual offences.

Since 1991, the rate of unfounded offences has remained relatively stable for the three levels of sexual assault, but has increased fairly steadily for other sexual offences, from 8% in 1991 to 15% in 2002. Other types of violent crimes were unfounded by police in 7% of reported incidents between 1991 and 2002.

Sexual offences are also cleared by police at a lower rate than other types of violent offences. Of the 27,094 sexual offences declared "founded" by police in 2002, 44% were cleared by the laying of a charge against an accused person, an additional 19% were cleared otherwise, meaning an accused was identified but was not charged for a variety of reasons,<sup>18</sup> and 37% were not cleared. Other types of violent offences were cleared by a charge in 50% of cases, while 22% were cleared otherwise and 28% were not cleared.

The clearance rate for sexual offences (including cleared through a charge being laid and cleared otherwise) has been decreasing since 1995. Between 1991 and 1995, the clearance rate ranged between 70% and 74%, but dropped to 63% in

2002. Among types of sexual offences, clearance rates in 2002 were highest in the most serious case of sexual assault level 3 (80%) and were lower for other sexual offences (63%) and sexual assault levels 1 and 2 (62% each). By comparison, the clearance rate for other violent offences stood at about 75% over the decade 1991 to 2002.

### Response of Adult Criminal Courts

Convictions were more frequent in adult court cases involving sexual assault level 1 and other sexual offences than in sexual assault levels 2 and 3. However, conviction rates for sexual offences were lower as compared to other violent offences (Table 8).<sup>19</sup> Conviction rates have risen for all types of sexual offences, but have remained steady for other violent offences since 1995/96. Sexual and non-sexual violent offences had similar proportions of cases stayed/withdrawn or acquitted.

Sexual offences with a finding of guilt were treated more harshly by adult court judges than were convictions for other types of violent offences (Table 9). The most common sentence given for all types of sexual offences in 2001/02 was a prison term, followed by probation or conditional sentence. Prison was given as a sentence more frequently in the case of sexual assault levels 2 and 3 than for level 1 or other sexual offences. Prison sentences have been used less frequently in recent years while the use of conditional sentences has risen.<sup>20</sup>

By comparison, sentences for other types of violent offences in 2001/02 were probation in 49% of cases, prison in 36%, fines in 5% and conditional sentences in 4%. These percentages have remained stable in recent years.

### Response of Youth Courts

In Youth Court, convictions were more frequent in cases involving level 1 sexual assault than other types of sexual offences. The 2001/02 figure of 61% is comparable to the conviction rate for other violent offences (62%). The percentages found guilty have remained relatively stable since 1994/95 in the case of all types of sexual offenders and other violent offenders (Table 10).

Similar to adults, the percentage of youth sentenced to open or secure custody was highest for convictions for sexual assault levels 2 and 3. The percentage sentenced to custody declined for sexual assault and was stable for other sexual offences. Unlike adult offenders, similar proportions of youth convicted

<sup>16</sup> Public places include street, roads and open areas such as parks. Commercial places include office buildings, stores, bars, restaurants and other business locations.

<sup>17</sup> The coefficient of variation for the estimates for sexual assault and robbery were between 16.6% and 33.3%. Use with caution.

<sup>18</sup> These include cases where the complainant requests that charges not be laid against the accused, the accused has died, the accused has diplomatic immunity, the accused is referred to a diversionary program, police discretion, or for a reason beyond the control of the police.

<sup>19</sup> Figures from the Adult Criminal Court Survey and the Youth Court Survey represent the most serious offence in the case and the most serious sentence.

<sup>20</sup> In 1996, the Sentencing Reform Bill (C-41) was enacted creating a new sentencing option for adult offenders, the conditional sentence of imprisonment, which is a term of imprisonment served in the community. Data on conditional sentences are not available for Quebec.

of sexual offences and those convicted of other violent offences were sentenced to a period of secure or open custody (Table 11).

### Repeat Sex Offenders

In a recent study on recidivism linking youth and adult court records for a sample of 18 to 25 year olds convicted in adult court in 1999/00, the overall rate of repeat convictions was 60% (Thomas, Hurley and Grimes, 2002).<sup>21</sup> This is the percentage of convicted offenders in that age group who had at least one previous conviction for any offence type in adult or youth court.

Among offence groups, property offenders were most likely to “specialize” as indicated by the fact that 50% had at least one prior conviction for property offences. Persons convicted of sexual offences were least likely to have had previous convictions within the same offence group. In 1999/00, only 11% of this sample of 18 to 25 year olds had been convicted previously of a sexual offence while 32% of other violent

offenders had at least one prior conviction within the same offence group (Table 12). Previous convictions fell within a different offence group for 40% of sexual offenders.

However, sexual offenders (particularly those charged with other sexual offences) appear before adult court with a higher percentage of multiple charges per case, indicating a higher tendency toward repeat offending prior to being reported to police. In 2001/02, 33% of persons appearing in Adult Criminal Court with sexual offences as the most serious charge had three or more charges (26% of those charged with sexual assault and 46% of those charged with other sexual offences) (Table 13).<sup>22</sup> This is higher than for those convicted of other types of violent offences (27%) or property offences (27%). Eighteen percent of persons appearing before adult court charged with other sexual offences appeared with five or more charges compared with one-in-ten of those charged with other violent offences or property offences.

### Multiple charge cases take more court time

Due in part to the fact that multiple charge cases take longer to resolve, the elapsed time from first appearance in adult court until sentencing, in cases with a finding of guilt, was a median of 226 days for sexual assaults and 259 days for other sexual offences. This was higher than for homicides (median of 166 days) or attempted murder (186), and almost twice as high as robbery or major assault (both 120 days), and more than twice as high as common assault (97 days).

#### Sexual Exploitation of Children through Prostitution

Sections 212(2) & (2.1) of the *Criminal Code* set out the indictable offences related to the exploitation of children through prostitution. The maximum penalty for living off the avails of prostitution of a person under the age of 18 is 14 years imprisonment. Compelling a person under 18 to engage in prostitution through the use of violence attracts a minimum penalty of five years imprisonment.

Section 212(4) makes it an offence to communicate for the purposes of obtaining the sexual services of a person under the age of 18. The maximum penalty for this indictable offence is five years imprisonment.

Some provinces such as Alberta, Saskatchewan and Ontario have enacted their own legislation to protect children from prostitution.

The Alberta legislation, *Protection of Children Involved in Prostitution Act*, passed in March 2001, toughened existing laws allowing for the detention of youths suspected of engaging in prostitution whose safety is at risk, but who will not voluntarily end their involvement in prostitution. Youths suspected of engaging in prostitution are detained in protective confinement for a 5-day assessment where they receive emergency care and treatment. The act also permits authorities to apply for a maximum two additional detainment periods up to 21 days each. The additional time is aimed at helping the child stabilize, break the cycle of abuse and begin the recovery process.

The Saskatchewan legislation, the *Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act*, was proclaimed in force on October 1, 2002. The Act allows police, child protection staff and other designated persons to apply, on an emergency basis, to a Justice of the Peace for an Emergency Protection Intervention Order. These orders are directed at those who place a child under 18 years of age at risk of sexual exploitation, and can contain conditions prohibiting contact with the child and keeping the person from entering areas where street prostitution is taking place. It also expands police search powers in cases of child sexual abuse. It is an offence under section 127 of the *Criminal Code* to breach an order. As well an *Act to Amend the Highway Traffic Act* was proclaimed in force on April 1, 2002, permitting police to seize vehicles used in the commission of a prostitution offence, and the province to suspend the licenses of those convicted of offences, including offences involving children. A second set of amendments to the *Highway Traffic Act* was proclaimed in force on October 1, 2002, creating an offence of repeatedly driving or parking a vehicle, without lawful excuse, in an area that is frequented by sex trade workers.

The province of Ontario has passed, but not yet proclaimed the *Rescuing Children from Sexual Exploitation Act*. The Act will permit police and child welfare workers to assist children who are being exploited by street prostitution. The legislation also allows them to enter a range of locations where commercial sexual victimization of children occurs and to remove a child under 18 and to sue pimps to recover the costs of treatment and services required by victims.

#### Child Pornography

Laws prohibiting the possession, production and distribution of child pornography have been in place in Canada since 1993 (see *Developments in Sexual Offences and related Legislation: A chronology*, p. 11). Between 1997 and 2002, police laid charges against 226 men and 11 women for production or distribution of child pornography.

#### Sex Offender Registry

The Solicitor General introduced legislation in December, 2002 to implement a national sex offender registry. The system will require anyone convicted of a sexual offence to provide police with up-to-date addresses, telephone numbers, aliases and identifying marks. This information will be entered in a new sex offender database on the Canadian Police Information Centre (CPIC) system maintained by the RCMP. It is designed to aid police in solving sex-related crime by identifying possible suspects known to live near the site of an offence.

#### Cybertip.ca

Cybertip.ca is an internet tip line operated by Child Find Manitoba and funded in part by the federal government that is designed to receive and respond to reports from the public regarding the online sexual exploitation of children, including child pornography, luring, child sex-tourism, and the prostitution of children. Cybertip.ca helps prevent the sexual exploitation of children by bridging the gap between individuals who want to report online victimization and the law enforcement agencies who conduct the investigations, as well as by providing information and referral services to the public. This service is available through the web site [www.cybertip.ca](http://www.cybertip.ca) and tipline 1-866-658-9022.

<sup>21</sup> *Prior convictions for recidivists are not necessarily of the same offence type as the current conviction. Analysis was limited to this age group because of limited time series data available from the Adult Criminal Court Survey.*

<sup>22</sup> *The other charges are not necessarily sexual offences.*

### Trafficking in persons for sexual exploitation

Trafficking in human beings for sexual exploitation has become a worldwide phenomenon, considered by the United Nations to be one of the fastest-growing illicit activities in the world. According to the International Organization for Migration, as many as 2 million women and children were trafficked across international borders in 2001 ([www.undp.org/unifem](http://www.undp.org/unifem)).

The United Nations defines the commercial sexual exploitation of children as the use of a child for sexual purposes in exchange for cash or favours between the customer, intermediary or agent and those who profit from the trade in children for these purposes.

In May 2002, Canada ratified the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the UN *Convention against Transnational Organized Crime*, which commits state parties to take measures to criminalize and prevent trafficking and protect trafficking victims. On June 28, 2002, a new trafficking in persons offence came into force in Canadian immigration law. The offence, section 118 of the new *Immigration and Refugee Protection Act*, provides for very severe penalties: fines of up to \$1 million and imprisonment for up to life. Moreover, it lists specific aggravating factors that a court can take into account when determining the appropriate penalty, such as subjecting the victim to sexual exploitation.

The *Optional Protocol to the Convention of the Rights of the Child on the sale of children, child prostitution and child pornography* (signed by Canada in November, 2001) requires state parties to prohibit the sale of children, child prostitution and child pornography and take measures to enhance international co-operation, seize and confiscate goods used in these offences, develop public awareness measures and introduce measure to rehabilitate child victims.

## DEVELOPMENTS IN SEXUAL OFFENCES AND RELATED LEGISLATION:

### A CHRONOLOGY

- 1983** In Bill C-127, the crimes of rape and indecent assault were replaced by a three-tier structure of sexual offences, now sections 271, 272 and 273 of the *Criminal Code*. The aim of the new structure was to reduce the stigma associated with reporting sexual assault by focusing on the violent rather than the sexual nature of the offence, as well as to create a gender-neutral definition. The new legislation also eliminated spousal immunity and restricted the admissibility of evidence about the complainant's prior sexual history.
- 1987** In the case of *R. v. Chase*, [1987] 2 S.C.R. 293, the Supreme Court of Canada provided a definition of sexual assault. The court ruled that sexual assault does not focus solely on the part of the body part touched. It also deals with the nature of the contact, the situation in which it occurred, the words and gestures accompanying the act, and all other circumstances surrounding the conduct, including threats, which may or may not be accompanied by force.
- 1988** Although the sexual assault legislation outlined in Bill C-127 applies to victims of all ages, Bill C-15 created several new offences to deal specifically with incidents of sexual abuse involving victims under the age of 18. The offences included sexual interference, invitation to sexual touching, sexual exploitation of persons between 14 and 18 years by persons in a position of trust or authority, and exposure of genitals for a sexual purpose to a person under 14 (see *Sexual Offences Defined*). Bill C-15 also included measures to improve the treatment and experience of sexual assault complainants under 18 by allowing them to testify outside of court or behind screens and allowing the use of their videotaped testimony in certain cases.
- 1991** In *R. v. Seaboyer*, [1991] 2 S.C.R. 577, the Supreme Court of Canada struck down provisions of the 1983 sexual assault legislation that prevented a defendant from introducing evidence regarding the complainant's sexual history (sections 276 and 277 of the *Criminal Code*).
- 1992** Subsequent to this decision, new "rape shield" legislation, Bill C-49 provided a test to determine whether evidence of a complainant's sexual activity could be admitted at trial, and in addition, provided a definition of consent for the purpose of the sexual assault provisions. It also restricted the circumstances under which accused persons could say they "mistakenly believed" the victim was consenting. The law clearly set out that the defence of mistaken belief could not be used if the belief stemmed from the accused's drunkenness, recklessness, or willful blindness, or if the accused did not take reasonable steps to determine whether the victim was, in fact, consenting.
- 1993** Bill C-126 authorized courts to order specific prohibitions for convicted sex offenders, and resulted in changes to protective orders and other administrative processes involved in sexual assault cases involving children. Examples include ordering convicted sex offenders to stay away from parks and schools and prohibiting them from working in positions of trust with children. A judge can also prohibit accused sex offenders from personally cross-examining child victims.
- 1993** Bill C-128 introduced child pornography legislation, s.163.1 of the *Criminal Code*, which made it an offence to make, print, publish, import, distribute, sell, or possess for the purpose of publication, sale or distribution, any child pornography. Simple possession is also prohibited. This also covers such offences occurring through the use of the Internet.
- 1995** In *R. v. O'Connor*, [1995] 4 S.C.R. 411, the Supreme Court of Canada ruled that counselling or other personal records of sexual assault victims could be ordered to be produced for the accused's defence in criminal court proceedings.
- 1997** Following the *O'Connor* decision, Parliament proclaimed into force Bill C-46, which set out the circumstances under which records could be produced to the accused.
- 1997** Bill C-27 included provisions to facilitate the testimony of young victims and witnesses of sexual offences, to strengthen penalties for those who exploit youth involved in prostitution, and to clarify that female genital mutilation

is a crime. In addition, the Bill allowed Canadian officials to prosecute Canadian citizens and permanent residents who commit sexual offences against children in foreign countries.

- 1999** Bill C-51 contained an amendment to the *Criminal Code* to make it an offence to communicate for the purposes of obtaining a child prostitute, thus allowing police decoys to be used in laying charges.
- 1999** In *R. v. Mills*, [1999] 3 S.C.R. 668, the Supreme Court of Canada upheld the constitutionality of Bill C-46 to govern production of records to the accused.
- 2000** In *R. v. Darrach*, [2000] 2 S.C.R. 443, the Supreme Court of Canada upheld the constitutional validity of the “rape shield” legislation (Bill C-49).
- 2000** Bill C-7 provided amendments to the *Criminal Records Act* to enhance the ability of police to thoroughly explore the criminal background of persons seeking to work with children, including the criminal records for designated sex offences where a pardon has been granted.
- 2001** In *R. v. Sharpe*, [2001] 1 S.C.R. 45, the Supreme Court of Canada upheld the constitutionality of the possession of child pornography offence under s. 163.1(3) of the *Criminal Code*. The court, however, held that “child pornography” should be read as though it created an exception for (1) written or visual works of the imagination created by the accused (such as personal journals and drawings) and held for personal use only; and (2) visual recordings created by or depicting the accused that do not depict unlawful sexual activity and that are held by the accused for personal use only. The Court also held that the defences, such as artistic merit, should be interpreted liberally to avoid violating the right to freedom of expression.
- 2002** Bill C-15A included new offences and amendments to existing legislation regarding the sexual exploitation of children through the Internet and child sex tourism. Offences include: knowingly accessing child pornography sites, making child pornography available on the Internet (including web sites that have links to child pornography sites), and possession for the purposes of transmitting or exporting child pornography over the Internet, and luring children over the Internet for the purpose of sexual exploitation. This legislation also included an amendment to facilitate the prosecution of Canadian citizens and permanent residents who commit sexual offences against children in foreign countries. Also, the new Immigration and Refugee Protection Act includes a specific offence of trafficking in people (s.118).
- 2002** Bill C-20, which was introduced into the House of Commons December 5, 2002, aims to strengthen child pornography provisions of the *Criminal Code* by restricting defences to a single defence of “public good” and expanding the definition of written child pornography. The Bill also creates a new category of sexual exploitation that protects young persons between 14 and

18 years of age; increases maximum sentences for child-related offences (sexual offences, failure to provide the necessities of life, and child abandonment); introduces measures to facilitate the testimony of child victims and witnesses; and, introduces a new offence of voyeurism.

## METHODOLOGY

### Uniform Crime Reporting Survey

The Uniform Crime Reporting (UCR) Survey was developed by Statistics Canada with the co-operation and assistance of the Canadian Association of Chiefs of Police. The survey, which became operational in 1962, collects crime and traffic statistics reported by all police agencies in Canada. UCR survey data reflect reported crime that has been substantiated through police investigation.

This is an aggregate survey that classifies incidents according to the most serious offence in the incident (generally the offence that carries the longest maximum sentence under the *Criminal Code*). As a result, less serious offences are under-represented by the UCR survey. In the case of violent crime, a separate incident is recorded for each victim. The exception is robbery for which one incident is counted for every distinct or separate occurrence (in order to avoid inflating the number of robberies in cases with large numbers of victims, eg. a bank robbery). In the case of non-violent crimes, one incident (categorized according to the most serious offence) is counted for every distinct occurrence.

The incident-based Uniform Crime Reporting (UCR2) survey captures detailed information on individual criminal incidents reported to police, including characteristics of victims, accused persons and incidents. In 2001, detailed data were collected through the UCR2 survey from 154 police services in 9 provinces. These data represent 59% of the national volume of reported actual *Criminal Code* incidents. Other than Ontario and Québec, the data are primarily from urban police departments. The reader is cautioned that these data are not geographically representative at the national or provincial level.

The UCR2 Trend Database contains historical data, which permits the analysis of trends in the characteristics of incidents, accused and victims, such as weapon use and victim/accused relationship. This database currently includes 104 police services who have reported to the UCR2 survey constantly since 1995. These police services accounted for 42% of the national volume of crime in 2001.

### Homicide Survey

The Homicide Survey began collecting detailed data provided by police on homicide incidents, victims and accused persons in 1974. Summary counts are available back to 1961. Whenever a homicide (murder, manslaughter or infanticide) becomes known to the police, the investigating police department completes a survey questionnaire which is then forwarded to the Canadian Centre for Justice Statistics. This questionnaire remained virtually unchanged from 1974 to 1990. In 1991 and later in 1997, in an effort to respond to changing information needs, the survey was revised and expanded. Every effort is

made to count homicides in the year in which they occurred. However, in some circumstances, homicides are counted in the year in which they were known to police, which may not be the year in which they actually occurred.

### General Social Survey on Victimization

The General Social Survey (GSS) is an annual survey that monitors changes in Canadian society and provides information on specific policy issues of current or emerging interest. Each year, the GSS has a particular focus. In 1988, 1993 and 1999, the focus of the GSS was on crime and victimization.

In 1999, approximately 26,000 Canadians aged 15 years and older residing in households were interviewed by telephone about their experiences of victimization. As with previous cycles, the response rate was quite high – 81.3%. Responses were weighted to represent the approximately 24.3 million non-institutionalized persons 15 years of age and older in the Canadian population. Given this sample size, an estimate of a proportion of the population, expressed as a percentage, is expected to be within approximately 0.8% of the true proportion 19 times out of 20. Estimates for sub-samples of the population will have wider confidence intervals.

### Adult Criminal Court Survey

The Adult Criminal Court Survey (ACCS) provides statistical information on the processing of cases through provincial/territorial adult criminal court systems. Coverage in 2001/02 stood at 90% of all adult criminal court cases. One province and two territories (Manitoba, Nunavut, and N.W.T) are not included in the survey at this time. British Columbia and New Brunswick began participating in 2001/02 and have been excluded from the trend analysis.

Some court locations in Québec are not included. Information from Québec's 140 municipal courts (which account for approximately 20% of federal statute charges in that province) are not yet collected. Superior Court data from British Columbia, Alberta, New Brunswick, Prince Edward Island and Yukon are also included.

A case is defined in the ACCS as one or more charges against an accused person or corporation that receive a final decision on the same day. Charges in each case are ranked according to the type of final decision and the charge with the most serious decision is used to represent the case.

### Youth Court Survey


The Youth Court Survey (YCS) is a census of cases heard in youth court for persons aged 12-17 at the time of the offences.

Though every effort is made by respondents and the Canadian Centre for Justice Statistics to ensure complete survey coverage, slight under-coverage may occur in some jurisdictions. A case is defined by the YCS as one or more charges laid against a young person that is completed in youth court on the same day. Charges in each case are ranked according to the type of final decision and the charge with the most serious decision is used to represent the case.

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Table 1



### Sexual offences reported to police, Canada, 1983-2002

Year	Population	Total Sexual Offences		Total Sexual Assault		Sexual assault level 1		Sexual assault level 2		Sexual assault level 3		Other sexual offences	
		Number	Rate <sup>1</sup>	Number	Rate <sup>1</sup>	Number	Rate <sup>1</sup>	Number	Rate <sup>1</sup>	Number	Rate <sup>1</sup>	Number	Rate <sup>1</sup>
1983	25,366,965	14,872	59	11,932	47	10,542	42	840	3.3	550	2.2	2,940	11.6
1984	25,607,555	18,535	72	14,793	58	13,472	53	795	3.1	526	2.1	3,742	14.6
1985	25,842,590	21,467	83	18,248	71	16,990	66	805	3.1	453	1.8	3,219	12.5
1986	26,100,587	23,533	90	20,530	79	19,191	74	910	3.5	429	1.6	3,003	11.5
1987	26,449,888	25,008	95	22,369	85	21,021	79	936	3.5	412	1.6	2,639	10.0
1988	26,798,303	28,048	105	24,898	93	23,564	88	961	3.6	373	1.4	3,150	11.8
1989	27,286,239	30,364	111	26,795	98	25,551	94	856	3.1	388	1.4	3,569	13.1
1990	27,700,856	31,456	114	27,843	101	26,540	96	918	3.3	385	1.4	3,613	13.0
1991	28,030,864	34,282	122	30,351	108	28,916	103	971	3.5	464	1.7	3,931	14.0
1992	28,376,550	38,395	135	34,355	121	33,022	116	935	3.3	398	1.4	4,040	14.2
1993	28,703,142	38,925	136	34,754	121	33,536	117	860	3.0	358	1.2	4,171	14.5
1994	29,035,981	35,524	122	31,706	109	30,572	105	769	2.6	365	1.3	3,818	13.1
1995	29,353,854	31,728	108	28,234	96	27,278	93	659	2.2	297	1.0	3,494	11.9
1996	29,671,892	30,369	102	27,026	91	26,076	88	653	2.2	297	1.0	3,343	11.3
1997	29,987,214	30,663	102	27,013	90	26,142	87	602	2.0	269	0.9	3,650	12.2
1998	30,248,412	28,998	96	25,553	84	24,805	82	529	1.7	219	0.7	3,445	11.4
1999	30,509,323	27,159	89	23,859	78	23,185	76	461	1.5	213	0.7	3,300	10.8
2000	30,790,834	27,115	88	24,001	78	23,428	76	391	1.3	182	0.6	3,114	10.1
2001	31,110,565	26,733	86	24,044	77	23,563	76	320	1.0	161	0.5	2,689	8.6
2002	31,413,990	27,094	86	24,350	78	23,813	76	381	1.2	156	0.5	2,744	8.7
% change 1993-2002		-30	-36	-30	-36	-29	-35	-56	-60	-56	-60	-34	-40
% change 1983-2002		82	47	104	65	126	82	-55	-63	-72	-77	-7	-25

<sup>1</sup> Rates are calculated based on 100,000 population. The population estimates are provided by Statistics Canada, Census and Demography Statistics, Demography Division. Populations as of July 1st: Revised intercensal estimates, adjusted for net undercoverage for 1983 to 1990; final intercensal estimates for 1991 to 1995; final postcensal estimates for 1996 to 1999; updated postcensal estimates for 2000 and 2001, and; preliminary postcensal estimates for 2002.

Source: Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Table 2

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
<b>Newfoundland and Labrador</b>												
Number	1,230	1,368	1,353	1,113	957	842	902	664	600	599	650	584
Rate <sup>1</sup>	212	235	233	194	169	150	163	122	111	112	122	110
% rate change		11	-1	-17	-13	-11	9	-25	-9	1	9	-10
<b>Prince Edward Island</b>												
Number	176	205	160	195	174	172	155	170	116	112	120	162
Rate <sup>1</sup>	135	157	121	145	129	127	113	124	84	81	86	116
% rate change		16	-23	20	-11	-2	-11	10	-32	-4	7	34
<b>Nova Scotia</b>												
Number	1,182	1,453	1,479	1,361	1,309	1,218	1,264	1,023	947	823	912	948
Rate <sup>1</sup>	129	158	160	147	141	131	135	109	101	87	97	100
% rate change		22	1	-8	-4	-7	3	-19	-7	-14	11	4
<b>New Brunswick</b>												
Number	1,098	1,286	1,352	1,252	1,249	1,057	989	955	878	826	953	851
Rate <sup>1</sup>	147	172	181	167	166	140	131	127	116	109	126	112
% rate change		17	5	-8	-1	-16	-6	-3	-9	-6	16	-11
<b>Quebec</b>												
Number	4,674	5,266	4,975	4,648	4,248	4,291	4,214	4,252	4,503	4,507	4,601	5,274
Rate <sup>1</sup>	66	74	70	65	59	59	58	58	61	61	62	71
% rate change		12	-5	-7	-9	0	-2	0	5	0	2	14
<b>Ontario</b>												
Number	11,963	12,870	13,731	12,631	10,889	10,320	10,158	9,942	9,157	9,840	9,078	8,877
Rate <sup>1</sup>	115	121	128	116	99	93	90	87	79	84	76	74
% rate change		5	6	-9	-15	-6	-3	-3	-9	6	-9	-4
<b>Manitoba</b>												
Number	1,999	2,543	2,425	2,095	1,776	1,887	1,826	1,607	1,572	1,462	1,460	1,602
Rate <sup>1</sup>	180	228	217	186	157	166	161	141	138	127	127	139
% rate change		27	-5	-14	-16	6	-3	-12	-2	-8	0	10
<b>Saskatchewan</b>												
Number	1,774	1,992	1,917	1,770	1,721	1,601	1,866	1,672	1,525	1,650	1,571	1,618
Rate <sup>1</sup>	177	198	191	175	170	157	182	163	149	162	154	160
% rate change		12	-4	-8	-3	-8	16	-10	-9	9	-5	4
<b>Alberta</b>												
Number	4,136	4,415	4,272	3,868	3,434	3,330	3,341	3,212	2,936	2,711	2,854	2,806
Rate <sup>1</sup>	160	168	160	143	125	120	118	110	99	90	93	90
% rate change		5	-5	-11	-13	-4	-2	-7	-10	-9	4	-3
<b>British Columbia</b>												
Number	5,451	6,348	6,494	5,866	5,382	5,098	5,176	4,911	4,402	4,075	4,059	3,776
Rate <sup>1</sup>	161	183	182	160	143	132	131	123	109	100	99	91
% rate change		14	-1	-12	-11	-8	-1	-6	-11	-8	-1	-8
<b>Yukon</b>												
Number	120	107	135	108	133	93	133	111	94	98	80	108
Rate <sup>1</sup>	415	354	441	359	431	292	412	352	303	320	265	361
% rate change		-15	25	-19	20	-32	41	-15	-14	6	-17	36
<b>Northwest Territories<sup>2</sup></b>												
Number	474	542	632	617	456	460	639	479	213	189	154	196
Rate <sup>1</sup>	778	869	994	947	685	681	943	710	520	463	374	473
% rate change		12	14	-5	-28	-1	39	-25	-27	-11	-19	27
<b>Nunavut<sup>2</sup></b>												
Number	0	0	0	0	0	0	0	0	216	223	241	292
Rate <sup>1</sup>	0	0	0	0	0	0	0	0	804	811	857	1,017
% rate change									1	6	19	
<b>Canada</b>												
Number	34,282	38,395	38,925	35,524	31,728	30,369	30,663	28,998	27,159	27,115	26,733	27,094
Rate	122	135	136	122	108	102	102	96	89	88	86	86
% rate change		11	1	-10	-11	-6	0	-6	-7	-1	-2	0

<sup>1</sup> The population estimates used to calculate rates are provided by Statistics Canada, Census and Demography Statistics, Demography Division. Populations as of July 1st: final intercensal estimates for 1991 to 1995; final postcensal estimates for 1996 to 1999; updated postcensal estimates for 2000 and 2001, and; preliminary postcensal estimates for 2002.

<sup>2</sup> In 1999, Nunavut, which comprises the eastern part of the old Northwest Territories, officially became a Canadian territory. Data for 1999 onward for the Northwest Territories cannot be compared to data prior to 1999.

**Note:** Includes sexual assault levels 1, 2 and 3 and other sexual offences.

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

Table 3

 **Homicides precipitated by sexual offences, 1991-2001**

	Number	Percent
<b>Accused identified</b>	<b>163</b>	<b>89</b>
Not cleared	21	11
Total	184	100
<b>Sex of accused</b>		
Male	159	98
Female	4	2
Total	163	100
<b>Age of accused</b>		
<25	52	32
25 and over	111	68
Total	163	100
<b>Sex of victim</b>		
Male	33	18
Female	151	82
Total	184	100
<b>Age of victim</b>		
<15	25	14
15-24	61	33
25 and over	98	53
Total	184	100

**Source:** Homicide Survey, Canadian Centre for Justice Statistics, Statistics Canada.



Table 4

Reasons for not reporting	Sexual assault		Robbery		Assault	
	No. (000s)	%	No. (000s)	%	No. (000s)	%
<b>Total incidents not reported to police</b>	<b>391</b>	<b>100</b>	<b>116</b>	<b>100</b>	<b>754</b>	<b>100</b>
<b>Dealt with in another way</b>						
Yes	237	61	56	49	432	57
No	153	39	60	51	320	42
Don't know/Not stated	0	0	0	0	0	0
<b>Not important enough</b>						
Yes	195	50	48	41	392	52
No	194	50	69	59	361	48
Don't know/Not stated	0	0	0	0	0	0
<b>Personal matter and did not concern the police</b>						
Yes	194	50	44	38	226	30
No	195	50	72	62	527	70
Don't know/Not stated	0	0	0	0	0	0
<b>Did not want to get involved with the police</b>						
Yes	182	47	58	50	268	36
No	207	53	59	50	484	64
Don't know/Not stated	0	0	0	0	0	0
<b>Police couldn't do anything about it</b>						
Yes	130	33	55	48	244	32
No	260	66	61	52	509	68
Don't know/Not stated	0	0	0	0	0	0
<b>Fear of revenge</b>						
Yes	73	19	32	27	74	10
No	317	73	85	73	678	90
Don't know/Not stated	0	0	0	0	0	0
<b>Police wouldn't help</b>						
Yes	70	18	15	6	127	17
No	319	82	102	87	625	83
Don't know/Not stated	0	0	0	0	0	0
<b>Fear of publicity/news coverage</b>						
Yes	56	14	9	8	29	4
No	333	85	108	92	723	96
Don't know/Not stated	0	0	0	0	0	0
<b>Other reason</b>						
Yes	36	9	8	7	58	8
No	355	91	109	93	695	92
Don't know/Not stated	0	0	0	0	0	0

Figures may not add to totals due to rounding.

Source: 1999 General Social Survey, Statistics Canada.

Table 5



**Percent of victims of violence who sought support, 1999**

Source of support	Sexual assault		Robbery		Assault	
	No. (000s)	%	No. (000s)	%	No. (000s)	%
Family	207	42	172	76	844	68
Friend/neighbour	302	61	191	84	928	74
Co-worker	132	26	94	41	649	52
Doctor/nurse	F	F	F	F	118	9
Lawyer	F	F	F	F	72 <sup>E</sup>	6 <sup>E</sup>

<sup>E</sup> use with caution

F too unreliable to be published

Source: 1999 General Social Survey, Statistics Canada.

Table 6

Victim characteristics	Number (000s)	Rate per 1,000 population 15+
<b>Total</b>	<b>502</b>	<b>21</b>
<b>Sex</b>		
Females	410	33
Males	92	8
<b>Age group</b>		
15-24	248	61
25-34	126	28
35-44	74 <sup>E</sup>	14 <sup>E</sup>
45-54	43 <sup>E</sup>	10 <sup>E</sup>
55-64	0	0
65 +	0	0
<b>Marital status</b>		
Married	78 <sup>E</sup>	6 <sup>E</sup>
Common law	0	0
Single	291	48
Widow or widower	0	0
Separated or divorced	68 <sup>E</sup>	43 <sup>E</sup>
Don't know/Not stated	0	0
<b>Main activity</b>		
Working at a job	235	18
Looking for work	0	0
A student	145	49
Household work <sup>2</sup>	58 <sup>E</sup>	28 <sup>E</sup>
Retired	0	0
Other <sup>3</sup>	0	0
Don't know/Not stated	0	0
<b>Evening activities (# per month)</b>		
Less than 10	42 <sup>E</sup>	8 <sup>E</sup>
10 - 19	61 <sup>E</sup>	12 <sup>E</sup>
20 - 29	92	19
30 +	307	37
Don't know/Not stated	0	0
<b>Household income (\$)</b>		
0-14,999	61 <sup>E</sup>	43 <sup>E</sup>
15,000-29,999	70 <sup>E</sup>	24 <sup>E</sup>
30,000-39,999	46 <sup>E</sup>	20 <sup>E</sup>
40,000-59,999	82 <sup>E</sup>	20 <sup>E</sup>
60,000 +	92	14
Don't know/Not stated	151	
<b>Location of home</b>		
Urban	409	21
Rural	94	18

<sup>E</sup> use with caution

<sup>1</sup> Includes all incidents of spousal sexual and physical assault.

<sup>2</sup> Includes taking care of children and maternity/paternity leave.

<sup>3</sup> Includes long-term illness and volunteering.

**Source:** 1999 General Social Survey, Statistics Canada.

Table 7



**Victim-accused relationship by age and sex of victims, 2002**

Relationship of accused to victim	Age and sex of victim											
	Children <12											
	Total victims		Female		Male		Total		Total		Total	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Family (total)	4,025	28	1,432	51	530	46	1,962	49				
Spouse/ex-spouse	555	4		0		0	0	0				
Parent	1,439	10	606	21	195	17	801	20				
Other family	2,031	14	826	29	335	29	1,161	29				
Close friend <sup>1</sup>	1,481	10	172	6	95	8	267	7				
Acquaintance	5,842	41	977	35	418	37	1,395	35				
Stranger	2,921	20	243	9	97	9	340	9				
<b>Total</b>	<b>14,269</b>	<b>100</b>	<b>2,824</b>	<b>100</b>	<b>1,140</b>	<b>100</b>	<b>3,964</b>	<b>100</b>				

	Age and sex of victim											
	Youths 12-17						Adults 18+					
	Female		Male		Total		Female		Male		Total	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Family (total)	985	23	132	23	1,117	23	882	17	64	15	946	17
Spouse/ex-spouse	34	1	1	0	35	1	513	10	7	2	520	9
Parent	454	11	41	7	495	10	125	2	18	4	143	3
Other family	497	12	90	16	587	12	244	5	39	9	283	5
Close friend <sup>1</sup>	478	11	61	11	539	11	630	12	45	10	675	12
Acquaintance	1,942	46	297	53	2,239	47	1,984	39	224	52	2,208	40
Stranger	809	19	75	13	884	18	1,596	31	101	23	1,697	31
<b>Total</b>	<b>4,214</b>	<b>100</b>	<b>565</b>	<b>100</b>	<b>4,779</b>	<b>100</b>	<b>5,092</b>	<b>100</b>	<b>434</b>	<b>100</b>	<b>5,526</b>	<b>100</b>

<sup>1</sup> Close friend is defined as long-term and/or close (or intimate) relationship to the victim. It also includes ex-friends.

Source: Incident-based Uniform Crime Reporting Survey (UCR2), Canadian Centre for Justice Statistics, Statistics Canada.

Table 8

		Decisions in Adult Criminal Court for cases involving sexual offences and other violent offences, 1994/95 to 2001/02 <sup>2</sup>									
		Total		Guilty		Acquitted		Stay/Withdrawn		Other <sup>1</sup>	
		Number	%	Number	%	Number	%	Number	%	Number	%
Sexual assault (level 1)	1994/95	4,469	100	1,495	33	170	4	1,644	37	1,160	26
	1995/96	4,247	100	1,566	37	235	6	1,528	36	918	22
	1996/97	3,900	100	1,650	42	183	5	1,435	37	632	16
	1997/98	4,137	100	1,671	40	199	5	1,596	39	671	16
	1998/99	4,033	100	1,718	43	277	7	1,570	39	468	12
	1999/00	3,629	100	1,668	46	198	5	1,332	37	431	12
	2000/01	3,279	100	1,444	44	217	7	1,245	38	373	11
	2001/02	4,354	100	1,879	43	335	8	1,746	40	394	9
Sexual assault (level 2)	1994/95	780	100	173	22	8	1	272	35	327	42
	1995/96	692	100	196	28	31	4	229	33	236	34
	1996/97	572	100	166	29	24	4	196	34	186	33
	1997/98	548	100	140	26	17	3	211	39	180	33
	1998/99	507	100	163	32	20	4	192	38	132	26
	1999/00	375	100	120	32	23	6	158	42	74	20
	2000/01	333	100	102	31	23	7	129	39	79	24
	2001/02	417	100	137	33	29	7	167	40	84	20
Sexual assault (level 3)	1994/95	279	100	52	19	2	1	109	39	116	42
	1995/96	213	100	35	16	12	6	92	43	74	35
	1996/97	164	100	41	25	2	1	63	38	58	35
	1997/98	182	100	47	26	6	3	75	41	54	30
	1998/99	177	100	46	26	5	3	82	46	44	25
	1999/00	151	100	45	30	11	7	69	46	26	17
	2000/01	112	100	33	29	6	5	47	42	26	23
	2001/02	146	100	39	27	10	7	65	45	32	22
Other sexual offences	1994/95	2,776	100	890	32	100	4	1,036	37	750	27
	1995/96	2,730	100	943	35	167	6	1,004	37	616	23
	1996/97	2,374	100	854	36	127	5	898	38	495	21
	1997/98	2,541	100	905	36	150	6	991	39	495	19
	1998/99	2,440	100	894	37	177	7	1,020	42	349	14
	1999/00	2,182	100	843	39	158	7	906	42	275	13
	2000/01	2,098	100	840	40	133	6	849	40	276	13
	2001/02	2,383	100	927	39	182	8	1,008	42	266	11
Total sexual offences	1994/95	8,304	100	2,610	31	280	3	3,061	37	2,353	28
	1995/96	7,882	100	2,740	35	445	6	2,853	36	1,844	23
	1996/97	7,010	100	2,711	39	336	5	2,592	37	1,371	20
	1997/98	7,408	100	2,763	37	372	5	2,873	39	1,400	19
	1998/99	7,157	100	2,821	39	479	7	2,864	40	993	14
	1999/00	6,337	100	2,676	42	390	6	2,465	39	806	13
	2000/01	5,822	100	2,419	42	379	7	2,270	39	754	13
	2001/02	7,300	100	2,982	41	556	8	2,986	41	776	11
Other violent offences	1994/95	94,323	100	42,953	46	2,685	3	39,334	42	9,351	10
	1995/96	94,172	100	46,736	50	4,418	5	36,972	39	6,046	6
	1996/97	90,097	100	45,891	51	4,686	5	34,711	39	4,809	5
	1997/98	93,538	100	47,405	51	5,118	5	36,600	39	4,415	5
	1998/99	91,664	100	47,308	52	5,020	5	35,676	39	3,660	4
	1999/00	88,111	100	45,047	51	5,084	6	34,488	39	3,492	4
	2000/01	89,583	100	46,416	52	5,203	6	34,262	38	3,702	4
	2001/02	113,212	100	57,506	51	6,986	6	44,288	39	4,432	4

<sup>1</sup> Other decisions include final decisions of found not criminally responsible, waived in province/territory, and waived out of province/territory. This order also includes any order where a conviction was not recorded, the court's acceptance of a special plea, cases which raise Charter arguments and cases where the accused was found unfit to stand trial. In jurisdictions not providing superior court data (i.e., Newfoundland and Labrador, Nova Scotia, Quebec, Ontario, Saskatchewan), the other decision category includes charges having a committal for trial in superior court as the decision on the final appearance in provincial court.

<sup>2</sup> Manitoba and Nunavut do not participate in this survey. British Columbia and New Brunswick began participating in 2001/02 and so have been excluded from this analysis for all years. Northwest Territories is excluded in 1996/97, 2000/01 and 2001/02. In 1999/00, cases in Northwest Territories accounted for 0.4% of the total caseload.

**Note:** Represents most serious offence in the case.

Revised figures for 1994/95 to 2000/01. Revisions were made to the ACCS counting procedures and offence classifications, and applications under CCC s.810, s.810.01, s.810.1, and s.810.2 (peace bond applications) were excluded. The definition of violent offences has been expanded to include criminal harassment, uttering threats and other violent offences. Previously they were captured under Other Criminal Code.

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

Table 9


**Sentences in Adult Criminal Court for cases involving sexual offences and other violence offences, 1994/95 to 2001/02<sup>2</sup>**

		Total		Prison		Conditional sentence <sup>1</sup>		Probation		Fine		Other		Unknown	
		Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Sexual assault (level 1)	1994/95	1,495	100	884	59	...	...	537	36	53	4	6	0	15	1
	1995/96	1,566	100	968	62	...	...	509	33	50	3	15	1	24	2
	1996/97	1,650	100	912	55	...	...	645	39	54	3	24	1	15	1
	1997/98	1,671	100	849	51	...	...	716	43	61	4	21	1	24	1
	1998/99	1,718	100	915	53	150	9	574	33	36	2	19	1	24	1
	1999/00	1,668	100	875	52	173	10	540	32	34	2	18	1	28	2
	2000/01	1,444	100	693	48	200	14	483	33	30	2	27	2	11	1
	2001/02	1,879	100	866	46	306	16	568	30	30	2	37	2	72	4
Sexual assault (level 2)	1994/95	173	100	146	84	...	...	22	13	2	1	1	1	2	1
	1995/96	196	100	164	84	...	...	28	14	1	1	1	1	2	1
	1996/97	166	100	143	86	...	...	20	12	0	0	1	1	2	1
	1997/98	140	100	104	74	...	...	28	20	0	0	4	3	4	3
	1998/99	163	100	125	77	13	8	21	13	0	0	1	1	3	2
	1999/00	120	100	78	65	15	13	16	13	0	0	5	4	6	5
	2000/01	102	100	74	73	14	14	11	11	0	0	2	2	1	1
	2001/02	137	100	101	74	20	15	6	4	0	0	3	2	7	5
Sexual assault (level 3)	1994/95	52	100	41	79	...	...	9	17	2	4	0	0	0	0
	1995/96	35	100	27	77	...	...	4	11	4	11	0	0	0	0
	1996/97	41	100	29	71	...	...	5	12	3	7	2	5	2	5
	1997/98	47	100	35	74	...	...	5	11	1	2	2	4	4	9
	1998/99	46	100	29	63	7	15	3	7	2	4	1	2	4	9
	1999/00	45	100	33	73	8	18	1	2	0	0	0	0	3	7
	2000/01	33	100	26	79	1	3	3	9	2	6	1	3	0	0
	2001/02	39	100	27	69	2	5	4	10	1	3	0	0	5	13
Other sexual offences	1994/95	890	100	585	66	...	...	286	32	8	1	1	0	10	1
	1995/96	943	100	595	63	...	...	327	35	6	1	4	0	11	1
	1996/97	854	100	558	65	...	...	270	32	9	1	14	2	3	0
	1997/98	905	100	560	62	...	...	319	35	5	1	12	1	9	1
	1998/99	894	100	559	63	96	11	218	24	9	1	10	1	2	0
	1999/00	843	100	487	58	110	13	224	27	9	1	5	1	8	1
	2000/01	840	100	498	59	104	12	225	27	4	0	8	1	1	0
	2001/02	927	100	478	52	178	19	232	25	3	0	14	2	22	2
Total sexual offences	1994/95	2,610	100	1,656	63	...	...	854	33	65	2	8	0	27	
	1995/96	2,740	100	1,754	64	...	...	868	32	61	2	20	1	37	
	1996/97	2,711	100	1,642	61	...	...	940	35	66	2	41	2	22	
	1997/98	2,763	100	1,548	56	...	...	1,068	39	67	2	39	1	41	
	1998/99	2,821	100	1,628	58	266	9	816	29	47	2	31	1	33	1
	1999/00	2,676	100	1,473	55	306	11	781	29	43	2	28	1	45	2
	2000/01	2,419	100	1,291	53	319	13	722	30	36	1	38	2	13	1
	2001/02	2,982	100	1,472	49	506	17	810	27	34	1	54	2	106	4
Other violent offences	1994/95	42,953	100	15,959	37	...	...	20,319	47	4,961	12	633	1	1,081	3
	1995/96	46,736	100	17,444	37	...	...	22,273	48	4,664	10	724	2	1,631	3
	1996/97	45,891	100	17,030	37	...	...	23,278	51	4,088	9	1,103	2	392	1
	1997/98	47,405	100	17,064	36	...	...	24,740	52	3,753	8	1,222	3	626	1
	1998/99	47,308	100	17,703	37	1,051	2	23,506	50	3,513	7	1,092	2	443	1
	1999/00	45,047	100	16,356	36	1,327	3	22,520	50	3,073	7	1,166	3	605	1
	2000/01	46,416	100	17,066	37	1,312	3	23,688	51	2,675	6	1,262	3	413	1
	2001/02	57,506	100	20,366	35	2,528	4	28,432	49	2,847	5	1,710	3	1,623	3

... not applicable

<sup>1</sup> Data on conditional sentences are not available for Quebec.


<sup>2</sup> Manitoba and Nunavut do not participate in this survey. British Columbia and New Brunswick began participating in 2001/02 and so have been excluded from this analysis for all years. Northwest Territories is excluded in 1996/97, 2000/01 and 2001/02. In 1999/00, cases in Northwest Territories accounted for 0.4% of the total caseload.

**Note:** Represents most serious offence in the case and most serious sentence.

Revised figures for 1994/95 to 2000/01. Revisions were made to the ACCS counting procedures and offence classifications, and applications under CCC s.810, s.810.01, s.810.1, and s.810.2 (peace bond applications) were excluded. The definition of violent offences has been expanded to include criminal harassment, uttering threats and other violent offences. Previously they were captured under Other Criminal Code.

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

Table 10



**Decisions in Youth Court for cases involving sexual offences and other violent offences, 1994/95 to 2001/02**

		Total		Guilty		Transfer to adult court		Transfer jurisdiction		Withdrawn		Dismissed		Stayed		Acquitted		Other	
		Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Sexual assault (level 1)	1994/95	1,408	100	821	58	11	1	3	0	233	17	116	8	133	9	88	6	3	0
	1995/96	1,197	100	654	55	9	1	3	0	209	17	106	9	125	10	88	7	3	0
	1996/97	1,104	100	620	56	6	1	1	0	195	18	73	7	136	12	70	6	3	0
	1997/98	1,128	100	622	55	6	1	3	0	191	17	96	9	134	12	73	6	3	0
	1998/99	1,184	100	719	61	4	0	3	0	190	16	78	7	121	10	65	5	4	0
	1999/00	1,071	100	624	58	1	0	5	0	184	17	60	6	133	12	56	5	8	1
	2000/01	1,097	100	637	58	4	0	3	0	197	18	82	7	110	10	60	5	4	0
	2001/02	1,052	100	639	61	5	0	2	0	174	17	82	8	101	10	48	5	1	0
Sexual assault (level 2&3) <sup>1</sup>	1994/95	71	100	33	46	1	1	1	1	14	20	5	7	5	7	12	17	0	0
	1995/96	51	100	21	41	0	0	0	0	14	27	7	14	3	6	5	10	1	2
	1996/97	34	100	17	50	0	0	0	0	3	9	4	12	3	9	6	18	1	3
	1997/98	74	100	29	39	1	1	0	0	15	20	14	19	8	11	7	9	0	0
	1998/99	56	100	23	41	0	0	0	0	13	23	5	9	3	5	8	14	4	7
	1999/00	52	100	18	35	1	2	0	0	18	35	10	19	1	2	4	8	0	0
	2000/01	50	100	17	34	0	0	0	0	17	34	5	10	9	18	2	4	0	0
	2001/02	44	100	19	43	1	2	2	5	12	27	2	5	7	16	1	2	0	0
Other sexual offences	1994/95	739	100	371	50	4	1	1	0	138	19	68	9	119	16	37	5	1	0
	1995/96	640	100	327	51	0	0	1	0	142	22	50	8	89	14	30	5	1	0
	1996/97	597	100	278	47	5	1	3	1	141	24	58	10	82	14	30	5	0	0
	1997/98	629	100	285	45	3	0	2	0	166	26	53	8	94	15	24	4	2	0
	1998/99	563	100	256	45	0	0	2	0	167	30	47	8	64	11	26	5	1	0
	1999/00	530	100	249	47	2	0	5	1	127	24	38	7	81	15	23	4	5	1
	2000/01	615	100	285	46	1	0	2	0	172	28	25	4	94	15	29	5	7	1
	2001/02	603	100	293	49	3	0	5	1	153	25	37	6	72	12	38	6	2	0
Total sexual offences	1994/95	2,218	100	1,225	55	16	1	5	0	385	17	189	9	257	12	137	6	4	0
	1995/96	1,888	100	1,002	53	9	0	4	0	365	19	163	9	217	11	123	7	5	0
	1996/97	1,735	100	915	53	11	1	4	0	339	20	135	8	221	13	106	6	4	0
	1997/98	1,831	100	936	51	10	1	5	0	372	20	163	9	236	13	104	6	5	0
	1998/99	1,803	100	998	55	4	0	5	0	370	21	130	7	188	10	99	5	9	0
	1999/00	1,653	100	891	54	4	0	10	1	329	20	108	7	215	13	83	5	13	1
	2000/01	1,762	100	939	53	5	0	5	0	386	22	112	6	213	12	91	5	11	1
	2001/02	1,699	100	951	56	9	1	9	1	339	20	121	7	180	11	87	5	3	0
Other violent offences	1994/95	18,829	100	11,821	63	54	0	12	0	3,904	21	741	4	1,729	9	565	3	3	0
	1995/96	19,195	100	11,879	62	26	0	17	0	4,019	21	767	4	1,989	10	478	2	20	0
	1996/97	19,753	100	12,516	63	31	0	24	0	3,861	20	807	4	1,961	10	523	3	30	0
	1997/98	21,104	100	13,104	62	27	0	29	0	4,410	21	818	4	2,142	10	522	2	52	0
	1998/99	21,403	100	13,677	64	39	0	27	0	4,499	21	755	4	1,799	8	513	2	94	0
	1999/00	20,779	100	13,048	63	21	0	37	0	4,464	21	743	4	1,904	9	480	2	82	0
	2000/01	20,913	100	12,790	61	33	0	52	0	4,813	23	720	3	2,002	10	473	2	30	0
	2001/02	20,812	100	12,848	62	21	0	66	0	4,618	22	772	4	2,017	10	449	2	21	0

<sup>1</sup> Sexual assault levels 2 and 3 have been grouped together due to very low counts.

**Note:** Represents most serious offence in the case.

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

Table 11

		Total		Secure custody		Open custody		Probation		Fine		Other	
		Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Sexual assault (level 1)	1994/95	821	100	144	18	154	19	497	61	3	0	23	3
	1995/96	654	100	96	15	135	21	395	60	7	1	21	3
	1996/97	620	100	87	14	114	18	402	65	2	0	15	2
	1997/98	622	100	78	13	99	16	408	66	2	0	35	6
	1998/99	719	100	86	12	98	14	476	66	3	0	56	8
	1999/00	624	100	72	12	85	14	439	70	1	0	27	4
	2000/01	637	100	88	14	72	11	432	68	0	0	45	7
	2001/02	639	100	64	10	85	13	440	69	1	0	49	8
Sexual assault (level 2&3) <sup>1</sup>	1994/95	33	100	12	36	9	27	11	33	1	3	0	0
	1995/96	21	100	10	48	5	24	4	19	0	0	2	10
	1996/97	18	100	8	44	3	17	6	33	0	0	1	6
	1997/98	29	100	13	45	10	34	4	14	0	0	2	7
	1998/99	23	100	10	43	4	17	9	39	0	0	0	0
	1999/00	18	100	4	22	8	44	5	28	0	0	1	6
	2000/01	17	100	6	35	6	35	4	24	0	0	1	6
	2001/02	19	100	11	58	3	16	5	26	0	0	0	0
Other sexual offences	1994/95	371	100	49	13	73	20	240	65	0	0	9	2
	1995/96	327	100	36	11	49	15	237	72	0	0	5	2
	1996/97	278	100	33	12	39	14	196	71	2	1	8	3
	1997/98	285	100	31	11	38	13	195	68	1	0	20	7
	1998/99	256	100	24	9	39	15	177	69	0	0	16	6
	1999/00	249	100	28	11	21	8	188	76	0	0	12	5
	2000/01	285	100	30	11	37	13	201	71	0	0	17	6
	2001/02	293	100	25	9	38	13	213	73	1	0	16	5
Total sexual offences	1994/95	1,225	100	205	17	236	19	748	61	4	0	32	3
	1995/96	1,002	100	142	14	189	19	636	63	7	1	28	3
	1996/97	916	100	128	14	156	17	604	66	4	0	24	3
	1997/98	936	100	122	13	147	16	607	65	3	0	57	6
	1998/99	998	100	120	12	141	14	662	66	3	0	72	7
	1999/00	891	100	104	12	114	13	632	71	1	0	40	4
	2000/01	939	100	124	13	115	12	637	68	0	0	63	7
	2001/02	951	100	100	11	126	13	658	69	2	0	65	7
Other violent offences	1994/95	11,821	100	1,710	14	1,917	16	6,901	58	317	3	976	8
	1995/96	11,879	100	1,616	14	1,937	16	7,079	60	242	2	1,005	8
	1996/97	12,516	100	1,838	15	1,906	15	7,643	61	213	2	916	7
	1997/98	13,104	100	1,902	15	2,100	16	7,710	59	246	2	1,146	9
	1998/99	13,677	100	2,101	15	2,093	15	8,106	59	226	2	1,151	8
	1999/00	13,048	100	1,867	14	1,837	14	7,989	61	222	2	1,133	9
	2000/01	12,790	100	1,886	15	1,863	15	7,792	61	172	1	1,077	8
	2001/02	12,848	100	1,869	15	1,656	13	8,036	63	158	1	1,129	9


<sup>1</sup> Sexual assault levels 2 and 3 have been grouped together due to very low counts.

**Note:** Represents most serious offence in the case and most serious sentence.

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



Table 12




**Repeat convictions for sex offenders and other offenders, 1999/2000**

	Total cases	%	First time offenders	%	One previous conviction within the same offence group	%	More than one previous conviction within the same offence group	%	Previous convictions within a different offence group	%
Total sexual offences	443	100	217	49	45	10	6	1	175	40
Other violent offences	8,659	100	3,398	39	1,632	19	1,115	13	2,514	29
Crimes against property	16,967	100	6,456	38	3,032	18	5,422	32	2,057	12
Other offences	29,977	100	12,833	43	5,701	19	6,716	22	4,727	16

**Note:** Represents most serious offence in the case.

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

Table 13



**Cases appearing before Adult Criminal Court in 2001/02 by number of charges per case**

	Total	%	One charge	%	Two charges	%	Three+ charges	%	Three charges	%	Four charges	%	Five+ charges	%
Total sexual offences	7,300	100	3,185	44	1,740	24	2,375	33	874	12	552	8	949	13
Sexual assault	4,917	100	2,660	54	971	20	1,286	26	492	10	274	6	520	11
Other sexual offences	2,383	100	525	22	769	32	1,089	46	382	16	278	12	429	18
Other violent offences	113,212	100	55,361	49	26,895	24	30,956	27	12,843	11	6,931	6	11,182	10
Crimes against property	104,764	100	52,584	50	23,639	23	28,541	27	10,623	10	5,914	6	12,004	11

**Note:** Represents most serious offence in the case. Multiple charges are not necessarily of the same type.

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

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