



Juristat

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Adult Criminal Court Statistics, 2003/04

by Mikhail Thomas¹

Highlights

- In 2003/04, adult criminal courts in ten provinces and territories (not including Manitoba, Northwest Territories, and Nunavut) disposed of nearly 450,000 cases involving more than one million charges. The number of cases disposed represents a drop of 3% from 2002/03.
- The mean elapsed time from first to last appearance for cases completed in adult criminal court was more than 7 months (220 days) in 2003/04, up 14% from the previous year (196 days).
- Offences with the longest average time to resolve included prostitution (350 days), other sexual offences (346 days), sexual assault (331 days), and fraud (315 days). The shortest mean elapsed times in 2003/04 occurred for the offence of unlawfully at large (106 days).
- The accused was found guilty in 58% of cases disposed in 2003/04, and 3% were acquitted. About one-third (36%) of cases were either stayed, withdrawn, dismissed or discharged, and 4% were otherwise terminated by the court (e.g., decisions of not criminally responsible, waived out of province/territory, Charter arguments or accused was found unfit to stand trial).
- A term of probation was the most frequently imposed sanction (46% of guilty cases). A term of imprisonment was imposed in 35% of cases, and a fine was imposed in 32% of cases.
- The proportion of cases sentenced to prison varied across the country. In 2003/04, the highest rate of incarceration was in Prince Edward Island, where 58% of guilty cases resulted in a term of imprisonment, while the lowest rates of incarceration were in Saskatchewan, New Brunswick, Nova Scotia, and Quebec, where prison was imposed in about one-quarter of cases.
- The 2003/04 availability of data represents a ten year time-series (1994/95 to 2003/04) for analysis at 80% coverage of the national adult criminal court caseload. Eight jurisdictions have reported to the Adult Criminal Court Survey every year during that period (Newfoundland and Labrador, Prince Edward Island, Nova Scotia, Quebec, Ontario, Saskatchewan, Alberta, and Yukon). The number of cases processed in 2003/04 in the eight jurisdictions represented a 13% decrease since 1994/95.
- Cases are becoming more complex: 2003/04 marked the first time in ten years that multiple-charge cases represented the majority of cases disposed in adult criminal courts (for the eight jurisdictions).
- The percentage of guilty cases receiving probation has increased in the past ten years in the eight jurisdictions, from 37% in 1994/95 to 46% in 2003/04, while the percentage of guilty cases receiving fines has decreased (47% in 1994/95 to 32% in 2003/04). During the same period, the percentage of guilty cases sentenced to prison has remained stable (33% to 35%).

1. Analyst, Courts Program.



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Introduction

This *Juristat* summarises trends from adult provincial/territorial criminal courts in nine provinces and one territory (Box 1) which provided data to the Adult Criminal Court Survey (ACCS) for the 2003/04 reference year. In this *Juristat*, information is presented on the characteristics of cases and accused persons, the number of appearances, percentage of guilty cases, sentencing trends and related issues.

About the Survey

The analysis in this report is based on data from the Adult Criminal Court Survey. Data on disposed federal statute charges are collected by the Canadian Centre for Justice Statistics (CCJS) in collaboration with provincial and territorial government departments responsible for adult criminal courts.

At the time of this report, adult criminal courts in nine provinces and one territory reported to the ACCS. Reporting jurisdictions include: Newfoundland and Labrador, Prince Edward Island, Nova Scotia, New Brunswick, Quebec², Ontario, Saskatchewan, Alberta, British Columbia and Yukon. In addition, in 2003/04 Prince Edward Island, Nova Scotia, New Brunswick, Alberta, British Columbia, and Yukon reported superior court data to the ACCS. These ten jurisdictions represent approximately 90% of the national adult criminal court caseload. The information presented in this report covers only these ten participating jurisdictions.

The primary unit of analysis is the case, which is defined as one or more charges against an individual and disposed of in court on the same day. The charge information used to define the case is determined by the “most serious offence”, as described in the methodology section. The individuals involved are persons 18 years or older at the time of the offence, companies, as well as youths who have been transferred to adult criminal court.

Cases disposed in adult criminal court

In 2003/04, adult criminal courts in ten provinces and territories processed 445,650 cases involving 1,028,681 charges. The number of cases represents a drop of 3% from 2002/03.³

Most cases (88%) had a *Criminal Code* charge as the most serious offence in the case.⁴ *Crimes Against the Person* accounted for 27%, and *Crimes Against Property* accounted for a further 23% of the total number of cases (Table 1). *Administration of Justice* offences constituted 18% of all cases, while *Criminal Code Traffic* comprised 13% of total cases. *Other Criminal Code* (which includes weapons offences and disturbing the peace offences, among others) represented 7% of all cases. The remaining 12% of cases dealt with *Other Federal Statutes*.^{5,6}

About one-third of cases involved impaired driving, common assault or theft

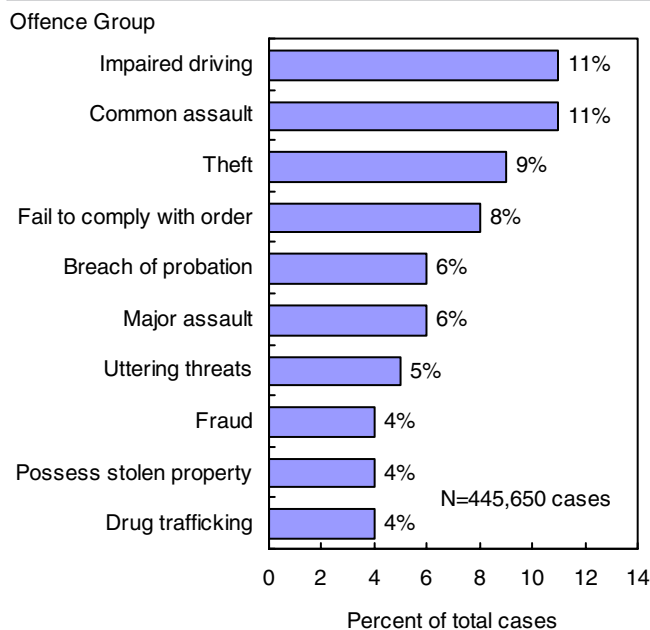
In 2003/04, the most frequently occurring offences were impaired driving (11%) and common assault (11%).⁷ Theft represented 9% of all cases, while failure to comply

2. Information from Quebec's municipal courts (which account for approximately one quarter of Criminal Code charges in that province) is not yet collected.
3. Revised figures for 2002/03. (See Methodology section for more details.)
4. For analytical purposes, when a case has more than one charge, it is necessary to decide which charge will be used to represent the case. If the case includes a finding of guilt, that charge will always be considered the most serious. The most serious offence in a case with multiple guilty findings is determined based on the type of offence and the sentences imposed. See methodology section for more information on ACCS counting procedures and most serious offence rules.
5. Other Federal Statutes refers to offences against Canadian federal statutes, such as the Customs Act, the Employment Insurance Act, Firearms Act, the Income Tax Act, and the Controlled Drugs and Substances Act.
6. Percentages may not add to 100 due to rounding.
7. There are three levels of assault in the Criminal Code: Assault Level 1, s. 266, Assault Level II, s. 267, Assault Level III, s.268. Common assault (Assault Level 1, s. 266) is the least serious of the three types of assault in the Criminal Code. A 'common' assault has been committed when an individual intentionally applies force or threatens to apply force to another person, without that person's consent. Major assault is an offence category that includes the higher levels of assault in the Criminal Code: assault with a weapon (Assault Level II, s. 267), aggravated assault (Assault Level III, s. 268), and other assaults (e.g. assaulting a police officer, and unlawfully causing bodily harm).

with a court order (8%), breach of probation (6%), major assault (6%), and uttering threats (5%) were the next most frequently occurring offences. Taken together, all forms of sexual assault and other sexual offences accounted for less than 2% of the caseload in adult criminal courts. Homicide⁸ and attempted murder together accounted for approximately 0.2% of total cases (Table 1).

Figure 1

Ten most frequent offences disposed in adult criminal court, ten provinces and territories in Canada, 2003/04¹



Note: For more information on grouped offences see methodology section. In Quebec, most drug offences are recorded under residual federal statutes, resulting in an undercount of drug possession and drug trafficking cases and an overcount of residual federal statute cases.

1. Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut, and superior courts in Newfoundland and Labrador, Quebec, Ontario, and Saskatchewan.

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

Demographic characteristics of persons appearing in court

Eight in ten adult criminal court cases involved males

Of all cases at the adult criminal court level, 83% involved a male accused, while 15% of cases involved a female accused. The sex of the accused was not recorded in less than 2% of the cases. The remaining cases (less than 1%) involved a company.

Although males accounted for the majority of cases, the distribution varied by type of offence. For *Crimes Against the Person* and *Criminal Code Traffic*, 85% of cases involved males, while males were involved in 78% of *Crimes Against Property*.

The few offences for which females accounted for significant percentages of cases included: prostitution (45%), fraud (29%), and theft (27%).

Younger adults accounted for almost one-third of court cases

Younger adults were over represented in court when compared to the age distribution of the adult population.⁹ In 2003/04, 18 to 24 year olds comprised 12% of the adult population,¹⁰ but accounted for 31% of all cases in adult criminal court.¹¹ Similarly, persons 25 to 34 years of age accounted for 28% of the total cases disposed in adult criminal court and 18% of the adult population (Table 2). This is consistent with police-reported statistics where rates of persons accused of violent and property offences peak among older teens and young adults and generally decline after age 25.

Case processing

An accused's right to be brought to trial in a timely manner is a fundamental principle within the Canadian criminal justice system, which was reaffirmed with the 1990 Supreme Court decision in *R. v. Askov*.¹²

Preparations for each case commence in the court registry with the scheduling of the first court appearance, and continue with further co-ordination of judicial resources throughout the criminal court process. There are a variety of factors, many of which are not under the direct control of the courts, which affect both case management and processing. Such factors include: the volume of cases being processed by a court; the complexity of cases; the types of offences being prosecuted; issues related to the co-ordination and availability of various participants within the criminal justice process; lawyers' decisions on the most appropriate course of action for their clients; and accused failing to appear in court.

Average elapsed time from first to last court appearance exceeds 7 months

Overall, the average elapsed time from first to last appearance was 220 days in 2003/04. Elapsed times varied considerably between jurisdictions. Average elapsed times were longest in Quebec (326 days), Ontario (214 days) and Nova Scotia (213 days) (Table 3). The longer average elapsed time in Quebec may be due in part to the absence of data from Quebec's municipal courts, which hear relatively less serious

8. First and second degree murder cases are under the exclusive jurisdiction of superior courts. In jurisdictions not reporting superior courts data, the final decisions in these cases will be a transfer to another court level. While counting the total number of cases, missing coverage of superior courts leads to an under-estimate of the percentage of such cases resulting in the accused being found guilty.

9. Age represents the offender's age, in days, rounded to the nearest year, in the year the offence was alleged to have been committed.

10. Population estimates as of July 2003 for provinces and territories that participate in the ACCS.

11. Excludes cases where age of the accused was unknown and cases against companies.

12. 59 C.C.C. (3d) 449. In this decision, the Supreme Court affirmed the right of an accused to be brought to trial without excessive delay. Further clarification of the issue was provided by *R. v. Morin* (1992) 71 C.C.C. (3d) 193 (S.C.C.). The judgement in *Morin* suggested that an eight to ten month delay was tolerable between charges being laid and the subsequent trial in provincial court.

Criminal Code offences. In Prince Edward Island, the jurisdiction with the shortest mean processing time, cases were completed in an average of 44 days, with half of cases (54%) being disposed in one day.

Bench warrants increased case elapsed time

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

In the 2003/04 fiscal year, 15% of completed cases had a bench warrant. During the reference year, cases with a bench warrant had a mean processing time of 551 days, compared to 163 days for cases without a bench warrant.

Jurisdictions with the highest percentage of cases having a bench warrant were British Columbia (24%), Alberta (21%) and Quebec (18%). However, average case elapsed times in British Columbia and Alberta were shorter than in Ontario, for example, where just 9% of cases had a bench warrant. There are additional factors that account for differences in average case elapsed time among jurisdictions, among them, the distribution of offences (more serious offences may take longer) and availability of court resources.¹³

Mean, Median and Mode

Mean, median and mode are measures of central tendency. The mean is the average value of all the data in the set. The median represents the midpoint of a sorted data set, where exactly half the dataset are above and half are below the midpoint. The mode is the most frequently observed value in the data set. There may be no mode if no value appears more than any other. There may also be two or more modes (e.g., bimodal, trimodal or multimodal).¹⁴

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

Sixteen percent of cases took more than 1 year to resolve

The elapsed time was greater than 8 months and less than or equal to 12 months for 12% of cases, and more than one year in 16% of cases.

Some offences take longer to resolve than others. Prostitution had the longest mean elapsed time (350 days). Sexual assault and other sexual offences had a mean elapsed time of 331 and 346 days, respectively, in 2003/04, and fraud had a mean elapsed time of 315 days. The shortest mean elapsed time in 2003/04 occurred for the offence of unlawfully at large (106 days).

Multiple-charge cases,¹⁵ which are complex and often more serious, accounted for half (51%) of all cases in 2003/04. About one-quarter (27%) of all cases in 2003/04 involved two charges and 24% had three or more charges. The average elapsed time for multiple-charge cases was 229 days, versus 211 days for single-charge cases.

Overview of case outcomes

A majority of cases had at least one finding of guilt

The accused was found guilty in about six out of every ten cases (58%) disposed in adult criminal court in 2003/04 (Figure 2).^{16,17} In about one-third (36%) of the cases, the most serious offence was resolved by being stayed or withdrawn, 3% of the cases resulted in the acquittal¹⁸ of the accused, and 4% had other decisions (see Box 3).

Decisions in Adult Criminal Court

The decision categories in this report are as follows:

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

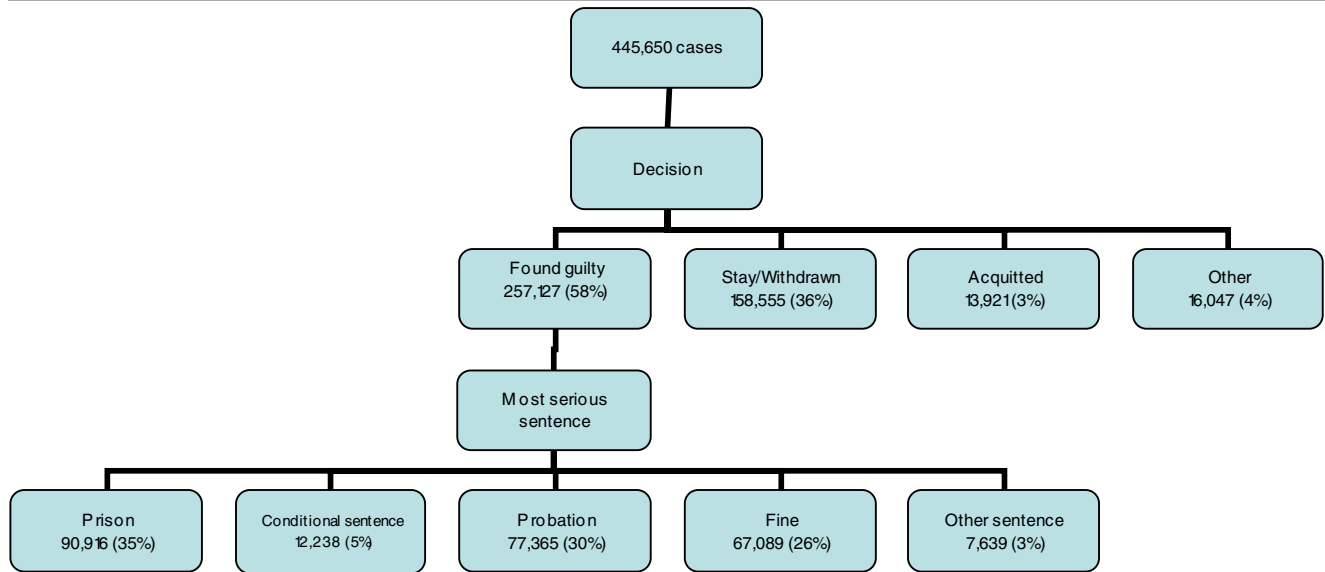
Percentage of guilty cases vary by offence group

Criminal Code Traffic offences had the highest percentage of guilty cases (70%) in 2003/04, whereas *Crimes Against the Person* has the lowest percentage of guilty cases (48%) (Figure 3).¹⁹

13. For more information on factors affecting case elapsed time, see J. Pereira and C. Grimes, Case Processing in Criminal Courts, 1999/00, *Statistics Canada catalogue no. 85-002, vol. 22, no. 1*.
 14. See *Statistics Canada, 2004. "Measures of central tendency." About Statistics: Power from Data! www.statcan.ca (accessed July 9, 2004)*.
 15. The classification of a case as a single-charge or multiple-charge is based on the total number of charges in the case, not just those charges resulting in a finding of guilt.
 16. Includes absolute and conditional discharges. After a guilty decision is rendered, the court may discharge the accused absolutely or on conditions specified in a probation order (C.C.C. s.730).
 17. In jurisdictions not reporting superior courts data, the final decisions in some cases (approximately 2%) will be a transfer to another court level. This leads to a slight under-estimate of such cases resulting in the accused being found guilty.
 18. In Newfoundland and Labrador, the terms 'acquittal' and 'dismissed' are used interchangeably. This results in an undercounting of acquittals from that jurisdiction.
 19. First and second degree murder cases are under the exclusive jurisdiction of superior courts. In jurisdictions not reporting superior courts data, the final decisions in these cases will be a transfer to another court level. This leads to an under-estimate of the percentage of such cases resulting in the accused being found guilty.

Figure 2

Adult court processing of federal statute cases in provincial and selected superior courts, ten provinces and territories in Canada, 2003/04¹



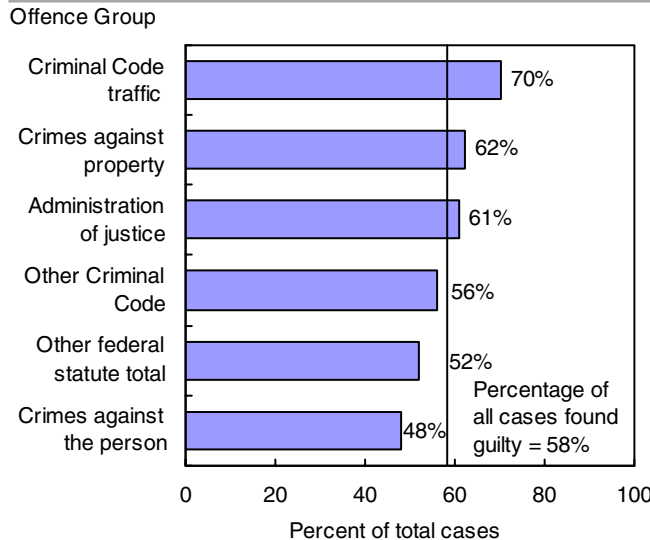
Notes: Found guilty decisions include absolute and conditional discharges. Stay/Withdrawn includes cases stayed, withdrawn, dismissed and discharges at preliminary inquiry. In Newfoundland and Labrador, the terms 'acquittal' and 'dismissed' are used interchangeably. This results in an undercounting of acquittals from that jurisdiction. Other decisions include final decisions of found not criminally responsible, waived in province/territory, and waived out of province/territory. This category also includes decisions where a guilty finding was not recorded, the court accepted a special plea, cases which raised Charter arguments or cases where the accused was found unfit to stand trial. Cases with an unknown sentence have been excluded from the sentence counts in this figure. Conditional sentencing data was not collected in Quebec for 2003/04, resulting in an undercount of conditional sentences.

1. Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut, and superior courts in Newfoundland and Labrador, Quebec, Ontario, and Saskatchewan.

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

Figure 3

Percentage of cases found guilty, ten provinces and territories in Canada, 2003/04¹



Notes: Includes absolute and conditional discharges. Please see Table 1 for the list of offences included in each category.

1. Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut, and superior courts in Newfoundland and Labrador, Quebec, Ontario, and Saskatchewan.

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

Several factors impact on differing percentage of cases found guilty for offence categories. For example, some crimes may be easier to prove than others, depending on the number and availability of witnesses and the volume and complexity of evidence presented by the Crown. As well, the number of charges the police lay for each incident will influence the number of charges coming into court and may have an impact on the distribution of case decisions if some charges are stayed or withdrawn.

The percentage of cases resulting in a guilty finding varies among offences in *Crimes Against the Person* category (Figure 4). The percentage of guilty cases range from 13% for attempted murder to 52% for common assault and 54% for robbery.

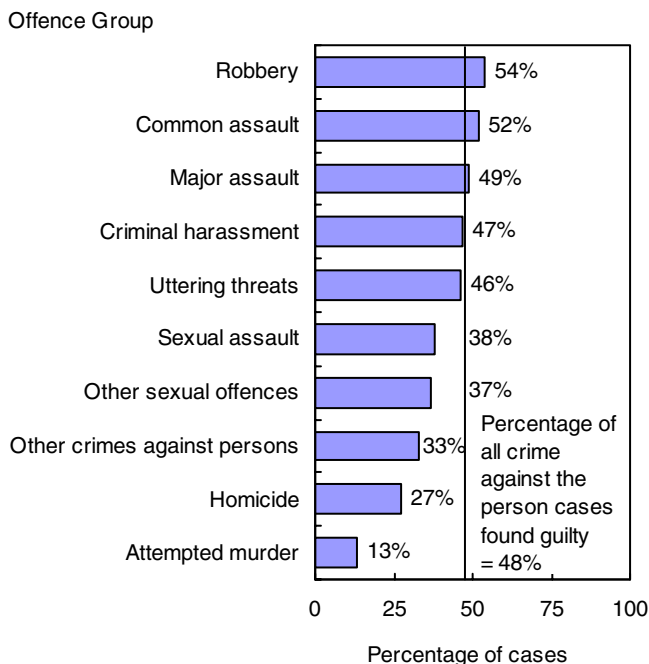
In contrast to *Crimes Against the Person*, there was considerable uniformity in the percentage of guilty cases for *Crimes Against Property*, ranging from 53% for possession of stolen property to 66% for break and enter and theft. On average, 62% of *Crimes Against Property* resulted in a finding of guilt (Figure 5).

New Brunswick, Quebec, and Newfoundland and Labrador have the highest percentage of guilty cases

Overall, the percentage of guilty cases was highest in New Brunswick (72%), Quebec (71%), and Newfoundland and Labrador (67%), and lowest in Nova Scotia (49%), Ontario (52%), and British Columbia (55%) (Table 4).

Figure 4

Percentage of cases found guilty with a crime against the person as the most serious offence in the case, ten provinces and territories in Canada, 2003/04¹



Notes: Includes absolute and conditional discharges. For more information on grouped offences see methodology section. First and second degree murder cases are under the exclusive jurisdiction of superior courts. In jurisdictions not reporting superior courts data, the final decisions in these cases will be a transfer to another court level. While counting the total number of cases, missing coverage of superior courts leads to an under-estimate of the percentage of such cases resulting in the accused being found guilty.

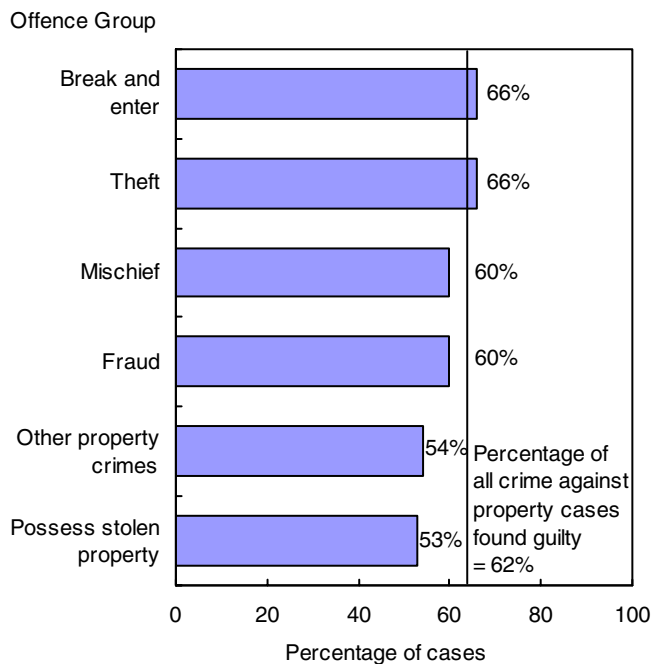
1. Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut, and superior courts in Newfoundland and Labrador, Quebec, Ontario, and Saskatchewan.

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

There are several possible factors that influence variations in the percentage of guilty cases. First, some jurisdictions use diversion programs and alternative measures to a greater extent, which affects the number and types of cases that proceed to court. Secondly, the use of stays and withdrawals varies across the country, and this will have an impact on the percentage of cases in which a finding of guilt is recorded. For example, 44% of cases were stayed or withdrawn in Ontario, whereas 11% were terminated this way in Quebec. Thirdly, the use of pre-charge screening by the Crown, which occurs in Quebec, New Brunswick and British Columbia, may also affect the percentage of guilty findings through increased vetting of charges. Fourthly, the percentage of guilty cases recorded is slightly lower in jurisdictions not providing superior court data. In these jurisdictions (i.e., Newfoundland and Labrador, Quebec, Ontario, and Saskatchewan) the final provincial court decision is committed for trial for those cases that proceed to superior court and do not return to provincial court (approximately 2% of caseload). Fifthly, the mix of offences can vary from jurisdiction to jurisdiction. If a particular

Figure 5

Conviction rates for cases with a crime against property as the most serious offence in the case, ten provinces and territories in Canada, 2003/04¹



Notes: Includes absolute and conditional discharges. Theft includes theft over \$5,000, theft under \$5,000 and other theft.

1. Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut, and superior courts in Newfoundland and Labrador, Quebec, Ontario, and Saskatchewan.

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

jurisdiction has a higher than average percentage of the more serious crimes (for example, sexual assault), which tend to be more difficult to prosecute, it may have a lower percentage of guilty cases. There may be differences in how jurisdictions negotiate pleas. Finally, the number of charges laid against an individual in relation to similar incidents may vary from one jurisdiction to another. For example, the same criminal incident may result in one charge (e.g., major assault) in one jurisdiction and two charges (e.g., major assault and attempted murder) in another jurisdiction. Charging practices may influence the percentage of guilty cases as indicated by the higher percentage of guilty cases with multiple charges. For instance in 2003/04 the percentage of cases found guilty for multiple charge cases was 68% compared to 47% for single charge cases.

Sentencing patterns

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

Principal Sentencing Options in Canada²⁰

The main types of sanctions²¹ that can be imposed in Canada include the following:

- **Imprisonment:** This involves a term of custody served in a provincial/territorial or federal institution. Sentences of two years or more are served in a federal penitentiary, while terms of less than two years are served in provincial/territorial correctional facilities. Sentences of 90 days or less can be served intermittently, which usually refers to serving the sentence on weekends. There are a number of offences, such as impaired driving, homicide and offences committed using a firearm, having minimum sentencing provisions outlined in the *Criminal Code* of Canada, which affect the nature and length of sentences imposed.
- **Conditional sentence:** The Sentencing Reform Bill C-41 was enacted in 1996 establishing a new community-based conditional sentencing option as an alternative to incarceration.²² With a conditional sentence of imprisonment, the execution of the prison sentence is suspended. In terms of seriousness, it is less serious than prison but more serious than a term of probation. Like probation, conditional sentences are served in the community under supervision and often include a number of conditions restricting the movement and activities of the offender. Unlike probation, however, violation of a condition of a conditional sentence can result in immediate suspension and imprisonment of the offender.
- **Probation:** An offender sentenced to a term of probation remains in the community, but is subject to a number of conditions for the duration of the probation order. Some conditions are compulsory and apply to all offenders on probation. These include keeping the peace and appearing before the court when required to do so. The optional conditions vary from case to case, and can include performing community service, abstaining from the consumption of alcohol and attending treatment. Violating the conditions of a probation order is a criminal offence subject to possible prosecution that could result in a maximum sentence of imprisonment of two years. Probation is mandatory in cases where the accused is given a conditional discharge or a suspended sentence.
- **Fine:** When a fine is imposed, the offender is ordered to pay a specific dollar amount to the court. Unless the offender has been found guilty of an offence carrying a minimum term of imprisonment, or a maximum penalty of more than 5 years, an offender may be fined in lieu of other types of punishment.
- **Other types of sanctions:** In addition to these principal sentencing options, the courts can choose a variety of other sentencing options, such as restitution, compensation, or an absolute discharge.

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

Probation was the most common sentence in 2003/04

Probation was the most frequent sentence, imposed in nearly half (46%) of all guilty cases. Prison was imposed in 35% of cases, and fines in 32% of all cases.²³ Approximately one-fifth of guilty cases (22%) received an absolute discharge, conditional discharge or a suspended sentence, 5% were given a conditional sentence²⁴ and 4% were ordered to pay restitution.

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

In 2003/04, 35% of cases where the accused was found guilty of *Crimes Against the Person* were sentenced to prison (Table 5). One factor to be considered when examining the use of incarceration in this category is that common assault – the least serious form of assault (level 1) with a relatively low use of incarceration (24%) – represented a large proportion (44%) of guilty cases in the *Crimes Against the Person* category. When common assault is removed, the remainder of the *Crimes Against the Person* category has a higher use of incarceration (44%).

Majority of offenders found guilty of break and enter were sentenced to prison

Offenders were sentenced to prison in 41% of guilty *Crimes Against Property* cases. Persons committing these offences tend to have longer criminal histories, and after the seriousness of the crime, an offender's criminal history is one of the most important factors considered by the court when determining the sanction to be imposed.²⁵ Prison was frequently used as a sanction for guilty cases in several *Crimes Against Property* offences. For example, 58% of guilty break and enter cases, 51% of possession of stolen property cases, and more than a third (39%) of theft and fraud (34%) cases resulted in a prison sentence.

Half of guilty cases (51%) for *Administration of Justice* offences were sentenced to prison. This category is dominated by offences where the accused did not comply with the orders of the court (e.g., breach of probation, and failure to comply with a court order).

Use of imprisonment varies considerably across the country

The proportion of cases sentenced to prison varies across the country. In 2003/04, the highest rate of incarceration was in Prince Edward Island, where 58% of guilty cases resulted in a term of imprisonment, while the lowest rates of incarceration were in Saskatchewan, New Brunswick, Nova Scotia, and Quebec, where prison was imposed in about one-quarter of cases (Figure 6).

This variation in the use of incarceration reflects the influence of several factors. First, the mix of offences being sentenced can vary from jurisdiction to jurisdiction. If a particular jurisdiction has a higher than average percentage of the more serious crimes, it may also have a higher than average overall percentage of cases being sent to prison.

Second, courts in different parts of the country may use incarceration in different ways. In Prince Edward Island, for example, offenders are frequently sent to prison for their first impaired driving offence. Since this offence category accounts for 24% of guilty cases in the province, the overall proportion of cases sentenced to prison in Prince Edward Island will be higher than the national average. Of all guilty impaired driving cases in Prince Edward Island, 91% resulted in incarceration. This is by far the highest in Canada followed by Newfoundland and Labrador at 29%. The lowest rate of incarceration for guilty cases of impaired driving occurred in British Columbia where 6% were incarcerated.

20. See B. Bélanger. 2001. *Sentencing in Adult Criminal Courts, 1999/00*. Statistics Canada Catalogue no. 85-002 Vol.21 No.10. Ottawa: Statistics Canada.

21. For more information on sentencing options and the nature of the 1996 sentencing reforms see J. Roberts and D. Cole (eds). 1999. *Making Sense of Sentencing*. Toronto: University of Toronto Press.

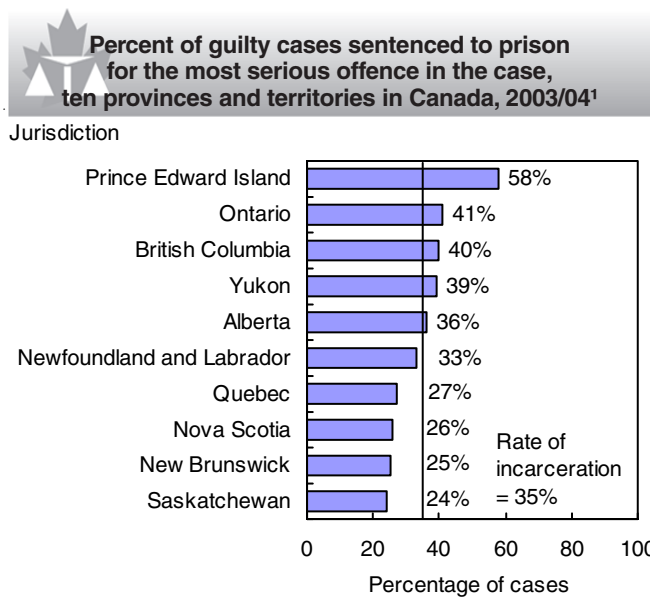
22. The Sentencing Reform Bill C-41 was enacted in 1996 establishing a new community-based conditional sentencing option as an alternative to incarceration. For more information see R. v. Proulx, 1999.

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

24. In 2003/04, conditional sentencing data were not available for Quebec.

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

Figure 6



Note: Information from Quebec's municipal courts (which account for approximately one quarter of Criminal Code charges in that province) are not available.

1. Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut, and superior courts in Newfoundland and Labrador, Quebec, Ontario, and Saskatchewan.

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

Most terms of imprisonment are relatively short

Over half (57%) of all custodial sentences imposed in 2003/04 were one month or less, while an additional one-third (31%) were for periods from greater than one month up to six months.^{26,27} Custodial sentences of greater than six months but less than two years were imposed in 8% of guilty cases with prison, and 4% were sentenced to custody for two years or more (Figure 7).²⁸

Use of probation

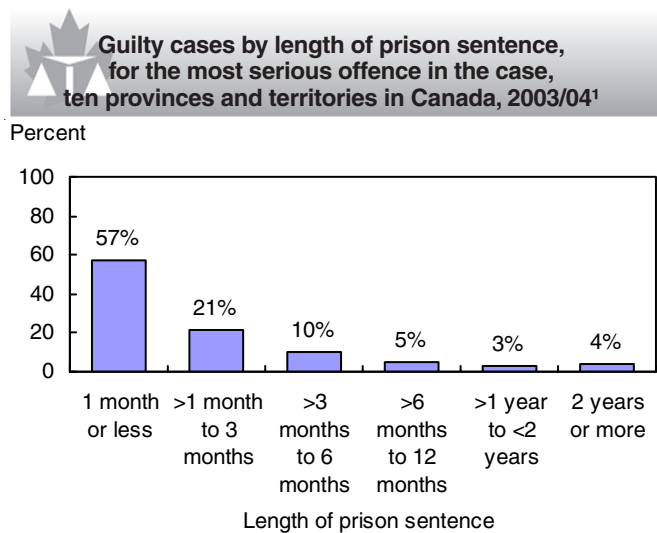
In 2003/04, *Crimes Against the Person* were most likely to include a term of probation (Table 5). Three-quarters (76%) of guilty cases in this category received probation, compared to 55% of offenders guilty of a *Crime Against Property*. It should be noted that a substantial proportion of cases involving *Crimes Against the Person* also received a term of imprisonment along with a probation order. Of the 43,857 guilty *Crimes Against the Person* cases that received probation in 2003/04, 28% also received a prison sentence.

In 2003/04, the most common probation term length was "greater than six months to one year" (48% of guilty cases with probation) (Figure 8).²⁹ One-third (32%) of cases were greater than 12 months to two years in length. Fourteen per cent were for six months or less, and 6% of probation terms were for a period of more than two years. (The statutory limit on a term of probation is three years.)

Use of fines

In 2003/04, one-third (32%) of guilty cases were given a fine (Table 5). The mean amount of fine was \$768. Guilty cases where a fine was most frequently imposed were impaired driving (86%),³⁰ drug possession (52%), other *Criminal Code*

Figure 7

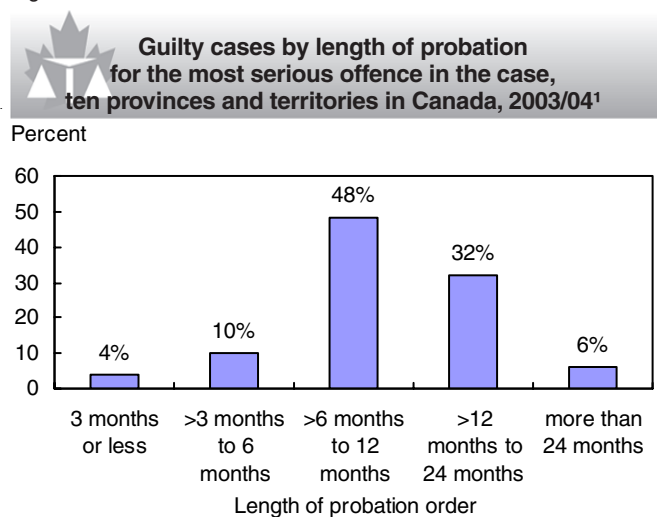


Note: Time in custody prior to sentencing is taken into consideration when imposing a sentence. The length of time in custody prior to sentencing and the extent to which it influences the sanction imposed are not available from the ACCS.

1. Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut, and superior courts in Newfoundland and Labrador, Quebec, Ontario, and Saskatchewan. Due to rounding, percentages may not add to 100. Excludes cases where the length of prison sentence was unknown.

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

Figure 8



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

Excludes cases where the length of probation sentence was unknown.

1. Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut, and superior courts in Newfoundland and Labrador, Quebec, Ontario, and Saskatchewan.

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

26. Excludes cases with a prison sentence, but unknown prison length.

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

28. Percentages do not add to 100 due to rounding.

29. Excludes cases where the length of probation was unknown.

30. C.C.C. s.255 (1)(a)(i) mandates a minimum fine of \$600 for a first impaired driving offence.

Superior court statistics, selected provinces and territories, 2003/04

In 2003/04, data on superior courts³¹ were collected in Prince Edward Island, Nova Scotia, New Brunswick, Alberta, British Columbia, and Yukon. Superior courts hear indictable offences, and are the only courts with jurisdiction to try first and second degree murder charges, which (along with infanticide and manslaughter) account for 4% of the superior court caseload. For charges other than the most serious indictable offences,³² the accused can elect the mode of trial.³³ This text box summarizes case processing, case outcomes, and sentencing in superior courts, and compares these statistics with similar statistics for provincial courts.

Case Processing: In 2003/04, 2,858 cases (2%) were completed in superior court in the six reporting jurisdictions. The most common cases were *Crimes Against the Person* (46% of superior court cases), followed by *Other Federal Statute* (25%) and *Crimes Against Property* (14%). *Other Criminal Code* cases accounted for 9% of superior court cases, and a small proportion of cases involved *Criminal Code Traffic* (5%) and *Administration of Justice* (2%) matters.³⁴

Although superior court caseload has a higher proportion of *Crimes Against the Person* cases than provincial court (46% and 23% respectively), superior courts did dispose of cases in each offence category. Half of the homicide³⁵ cases (53%) for the six jurisdictions were completed in superior court in 2003/04. One in five of attempted murder cases (22%) and sexual assault cases (22%) were completed in superior court.

In 2003/04, superior court cases took longer to process than provincial court cases. In five of the six jurisdictions reporting superior court data,³⁶ the mean elapsed time for cases completed in superior court (i.e. the average time from the first appearance in provincial court to the last appearance in superior court) was thirteen months (399 days), compared to 182 days for cases completed in provincial court in these jurisdictions. For each offence type completed in superior court, the mean elapsed times were considerably longer in superior court than provincial court (Table 6). The complexity of cases as well as the procedures used to elect trial in superior court, scheduling a trial, and jury selection are some of the factors contributing to the longer case processing

times. Although superior courts process relatively few cases, the inclusion of superior court data in the ACCS slightly increased overall case processing times for the five jurisdictions.

Case Outcomes: Almost one-half (47%) of cases completed in superior court in the six reporting jurisdictions were found guilty, somewhat lower than for provincial court cases (58%) in the same jurisdictions in 2003/04. The accused was acquitted in 15% of the cases completed in superior court in 2003/04 and in 2% of the cases completed in provincial court in these jurisdictions.

The lower percentage of guilty cases and the higher acquittal rate in superior courts may reflect the fact that these courts hear a larger proportion of cases involving serious offences than provincial court. Serious violent offences may sometimes be more difficult to prove in court as a result of a number of factors including the number and availability of witnesses, the number of charges in the case and the complexity of evidence presented by the Crown. The percentage of cases found guilty for some offences (e.g., robbery) is slightly lower in superior courts than in provincial courts.

Sentencing: The majority (51%) of guilty cases in superior court resulted in a prison sentence, and nearly one-third (31%) resulted in a conditional sentence in 2003/04. Probation was a sanction in 28% of guilty cases, and 12% of cases resulted in a fine.³⁷ Compared to provincial court, prison is more frequently used in superior court for offences under *Crimes Against the Person*. For other types of offences (*Other Federal Statute*, *Crimes Against Property*), the frequency of prison sentences differs little between superior and provincial courts.

In 2003/04, cases with a prison sentence in superior court had a mean sentence length of 1,015 days (nearly three years).³⁸ In provincial court, the mean prison sentence length was 96 days. For all offence groups, the mean and median prison sentence lengths were considerably higher in superior court than provincial court (Table 7).

traffic (42%), disturbing the peace (40%), and *Other Federal Statutes* (64%) such as the Income Tax Act.

Trends

The 2003/04 reference period represents the first time that a ten year time-series (1994/95 to 2003/04) is available from the ACCS for analysis at 80% coverage of the national adult criminal court caseload. This section reviews trends³⁹ for the eight jurisdictions that have participated every year in the ACCS during that ten year period. The eight jurisdictions are: Newfoundland and Labrador, Prince Edward Island, Nova Scotia, Quebec, Ontario, Saskatchewan, Alberta, and Yukon. Statistics are presented for each of the past five years (2002/03 – 1999/00) with the addition of 1994/95 data to provide a longer term (ten year) perspective. These data are available in Table 8 through Table 11 at the end of the publication.

Number of cases on downward trend

The number of adult criminal court cases processed in 2003/04 decreased to 380,978, down by 4% over the previous year. While the 2003/04 decrease follows two consecutive years of increases, the longer-term trend has been downward. In fact, the number of cases disposed in 2003/04 represents a 13% decrease over the number of cases completed in 1994/95.

This downward trend generally corresponds to the pattern in police-recorded crime statistics reported to the Uniform Crime Reporting (UCR) Survey.⁴⁰ From 1994 to 2003, there was a 9% drop in the number of adults charged in the same eight jurisdictions that report to the ACCS.

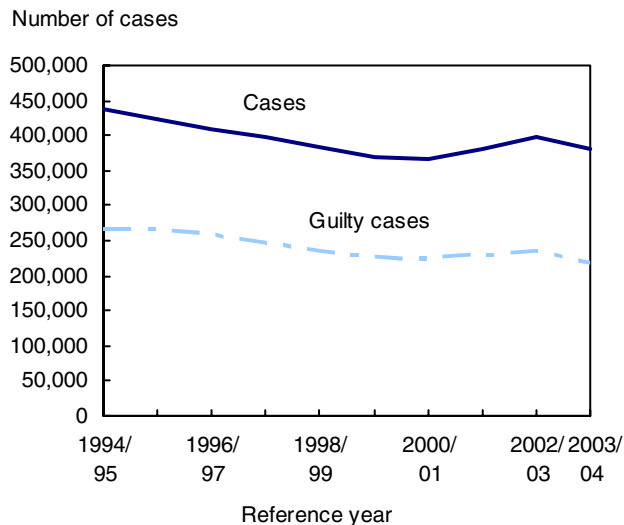
Administration of Justice offences represent a growing share of caseload

Administration of Justice offences (e.g., breach of probation, and failure to comply with a court order) steadily increased their share of the caseload over the past ten years. The offence group accounted for 19% of all cases in 2003/04, versus 16% five years ago, and 14% ten years ago (Table 8).

31. Superior court refers to Court of Queen's Bench in New Brunswick, and Alberta, and the Supreme Court in Prince Edward Island, Nova Scotia, British Columbia, and Yukon.
32. Superior court has absolute jurisdiction over the indictable offences listed in section 469 of the Criminal Code. These offences include murder, treason, and intimidating Parliament, among others. Provincial court has absolute jurisdiction over the offences listed in C.C.C. s. 553, which includes failure to comply with probation order, driving while disqualified, theft (other than theft of cattle), etc. All other indictable offences are eligible for election to superior court by the accused.
33. It may also be possible for superior courts to hear summary offences when they have been transferred due to the election of an indictable offence in the same case.
34. Percentages may not add to 100 due to rounding.
35. Homicide includes murder (1st and 2nd degree), infanticide, and manslaughter.
36. Prince Edward Island superior court data do not include information on the number of appearances and elapsed time from first to last case appearance for cases completed in superior court. As a result Prince Edward Island data were removed from this portion of the analysis.
37. Cases can have more than one sentence. Therefore, sanctions are not mutually exclusive and will not add to 100%.
38. Excludes cases with a prison sentence, but unknown prison length.
39. Incorporates data revisions for the ACCS (See Methodology section for details.)
40. See M. Wallace 2004. *Crime Statistics in Canada, 2003. Statistics Canada Catalogue no. 85-002 Vol. 24 No. 6. Ottawa: Statistics Canada. See also Comparisons with other sectors of the justice system in the methodology section for an overview of the differences between Crime Statistics and Adult Criminal Court Statistics.*

Figure 9

Number of total cases and guilty cases disposed in adult criminal court, eight provinces and territories in Canada, 1994/95 to 2003/04¹



Notes: Superior court data was collected in Alberta from 1998/99, in Yukon from 1999/00, in Prince Edward Island from 2000/01, in New Brunswick and British Columbia in 2001/02, and in Nova Scotia in 2002/03. Cases completed in superior courts represent 2% of total cases in each of these jurisdictions. Incorporates data revisions for the ACCS (See Methodology section for details.)

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

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

Meanwhile, the proportion of Criminal Code *Traffic* cases has fallen. These offences constituted 13% of the caseload in 2003/04, down from 17% in 1994/95.

Cases are becoming more complex

Multiple-charge cases represented 51% of the caseload in 2003/04. This is the first time over the ten year reference period that these more complex cases represented a majority of the cases disposed in adult criminal courts. Multiple-charge cases accounted for just under one-half (49%) of cases in each of the three years preceding 2003/04 and 48% in 1999/00. In 1994/95, multiple-charge cases were 44% of the caseload.

Cases require more appearances and more time to process

In 2003/04, the average number of appearances was 5.9, up from 5.7 in the previous year. Ten years ago the figure was 4.1. This may suggest that the demand placed on court resources has increased over time.

Case elapsed times continue their long term trend toward increased duration. Further, increases in elapsed times appear to have accelerated in the past four years. Overall, the average case elapsed time increased from 137 days ten years ago to 226 days in 2003/04.⁴¹ The mean processing time for the least complex cases, those with a single charge, increased from 121 to 215 days over the same period, while the processing time for multiple-charge cases increased from 157 days to

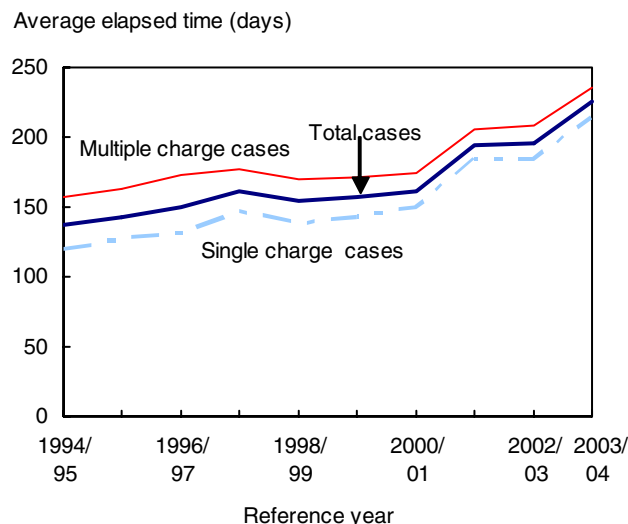
236 days. The convergence between elapsed times for single- and multiple-charge cases suggests that factors other than number of charges in the case have become important in predicting case processing time.

Guilty cases sentenced to prison have remained stable

At 35% the proportion of guilty cases sentenced to prison in 2003/04 was unchanged from the previous year. The proportion has not varied much over time but was slightly higher in 2003/04 than it was a decade ago (33%).

Figure 10

Average elapsed time from first to last appearance in adult criminal court, eight provinces and territories in Canada, 1994/95 to 2003/04¹



Note: Superior court data was collected in Alberta from 1998/99, in Yukon from 1999/00, in Prince Edward Island from 2000/01, in New Brunswick and British Columbia in 2001/02, and in Nova Scotia in 2002/03. Cases completed in superior courts represent 2% of to incorporate data revisions for the ACCS (See Methodology section for details.)

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

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

In 2003/04 the mean prison sentence length was 114 days, about the same as ten years ago (115 days) (Table 9). However, these figures conceal changes in mean prison sentence-lengths for some offences. The mean prison sentence-length for Other sexual offences (mostly sexual offences against children) rose from 412 days in 1994/95 to 529 days in 2003/04. To some extent, this may reflect fewer offenders being incarcerated in the less serious cases of other sexual offences. Judges may be sentencing these offenders to conditional sentences, instead. In 2003/04, 16% of convicted other sexual offences cases resulted in a conditional sentence, up from 13% in 1999/00.

41. The 2003/04 mean case elapsed time for the eight jurisdictions may vary from those in Table 3 because Table 3 includes New Brunswick and British Columbia, for which long-term trend information is not available from the ACCS.

Over the past ten years, Quebec consistently has had the longest mean prison sentence length of the eight jurisdictions. This is understandable based on the fact that data from municipal courts, which hear relatively less serious *Criminal Code* offences, are not collected by the survey. The rate of incarceration also is among the lowest in Quebec, which means that those offences resulting in prison sentences there tend to be concentrated among the most serious.

The use of probation has increased

The proportion of cases receiving probation as a sanction has been stable at 46% over the past two years. However, over the ten year reference period, there has been a marked shift towards an increased use of probation orders and a decreased prevalence of fines. Five years ago, 43% of guilty cases received probation, while ten years ago the figure was 37%. On the other hand, the mean length of probation orders generally has been stable around 473 days over the past decade (Table 10).

Imposition of fine sentences has been decreasing

Since 1994/95, the imposition of fine sentences has been decreasing. In 2003/04, 32% of guilty cases were given a fine, down from 33% the year before and from 47% ten years ago. The mean amount of fine, which was \$492 in 1994/95, increased to \$640 in 2003/04 (Table 11).⁴²

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

Methodology

The purpose of the Adult Criminal Court Survey (ACCS) is to provide a national database of statistical information on the processing of cases through the adult criminal court system. The survey consists of a census of *Criminal Code* and other federal statute charges dealt with in adult criminal courts. The ACCS represents approximately 90% of the national adult criminal court caseload.

Coverage

Some limitations on coverage of the survey should be noted. Manitoba is not included in the survey for any year. Data from Nunavut were included as part of the Northwest Territories prior to April 1, 1999; however, Nunavut has not reported to the ACCS since the creation of the territory. Data from the Northwest Territories are not available for 1996/97, 2000/01, 2001/02, 2002/03, or 2003/04, and include two fiscal quarters of data for the territory in 1994/95 and three fiscal quarters of

data in 1999/00. New Brunswick and British Columbia began reporting to the ACCS in 2001/02. There is slight under-coverage (less than 5%) of completed cases in British Columbia for 2001/02. Also, some court locations in Quebec are not included. Information from Quebec's municipal courts (which account for approximately one quarter of *Criminal Code* charges in that province) is not yet collected. For Newfoundland and Labrador, the first 3 quarters of fiscal 1994/95 include the St. Johns and Clarendville court locations only (with an estimated coverage of 45% of federal statute cases). Finally, with the exception of Prince Edward Island, Nova Scotia, New Brunswick, Alberta, British Columbia and Yukon, no data are provided from superior courts.

The absence of data from all but six superior court jurisdictions may result in a slight underestimation of the severity of sentences imposed across Canada. The reason for this is that some of the most serious cases, which are likely to result in the most severe sanctions, are processed in superior courts. Similarly, the absence of superior court data from certain jurisdictions may result in a slight underestimation of case elapsed times across Canada. Again, this is due to the most serious cases being processed in superior courts. More serious cases involve a defence election, may involve a preliminary inquiry, and jury selection, and therefore may require more appearances and take more time to complete. While these limitations are important, comparisons from one year to another are possible if the reporting jurisdictions used in the comparison are held constant.

Counting Procedures

The basic unit of count for the Adult Criminal Court Survey is a case. A case is one or more charges against an accused person or corporation, where the charges receive a final disposition on the same date. Charges are linked to a case on the basis of the accused identifier and the date of the last court appearance.

The Adult Criminal Court Survey counts a charge more than once under any of the following circumstances:

- a charge is stayed in one time period and restarted in another time period;
- a charge is stayed and subsequently restarted with different case identifiers; or,
- a charge is transferred from one province/territory to another.

Transfers

The commencement of data collection from superior courts in 1998/99 resulted in changes to the data collection and processing methods used by the ACCS. In the jurisdictions providing superior court data (i.e., Prince Edward Island, Nova Scotia, New Brunswick, Alberta, British Columbia, and Yukon), changes in court level – either committals for trial in superior court, or re-elections to provincial court – are not captured as

⁴². Dollar amounts calculated on a one year base (1992 = 100.) that adjusts for inflation making the yearly amount directly comparable. For more information see *Statistics Canada catalogue no. 62-557, Your Guide to the Consumer Price Index. Fine amounts given in current dollars were, respectively, \$502 and \$783.*

final decisions for the reference period.⁴³ In contrast, elections to superior court are counted as final provincial court decisions in jurisdictions not providing superior court data (i.e., Newfoundland and Labrador, Quebec, Ontario, and Saskatchewan). This results in an under count of cases with a finding of guilt in these jurisdictions.

Most serious offence and decision rules

When a case has more than one charge, it is necessary to decide which charge will be used to represent the case (since a case is identified by a single charge). In such multiple-charge cases, the “most serious decision” rule is applied. Decisions are ranked from the most to the least serious as follows: 1) guilty, 2) guilty of a lesser offence, 3) acquitted, 4) stay of proceeding, 5) withdrawn, dismissed and discharged 6) not criminally responsible 7) other, 8) transfer of court jurisdiction. In cases where two or more offences have resulted in the same decision (e.g., guilty), the “most serious offence” rule is applied. All charges are ranked according to an offence seriousness scale, which is based on the average length of prison sentence imposed on guilty charges between 1994/95 and 2000/01. If two charges are tied according to this criterion, information about the sentence type (e.g., prison, probation, and fine) is considered. If a tie still exists, the magnitude of the sentence is considered.

Factors influencing the number of charges laid

Charging policies are determined individually by provinces and territories. In British Columbia, Quebec, and New Brunswick, for example, the police must obtain the approval of the Crown prosecutor before a charge is laid. In other provinces and territories, the police have exclusive responsibility for the laying of a charge. This variability may affect the number and nature of charges laid across the country.

Comparisons with other sectors of the justice system

Policing

The Canadian Centre for Justice Statistics conducts the Uniform Crime Reporting (UCR) survey. This survey collects data on the crimes reported to the police. Counts from the UCR survey for offences cleared by charge are not comparable to the Adult Criminal Court Survey (ACCS) figures for charges disposed of. There are many reasons for this. In part, it is the result of scoring rules used by the UCR survey. The UCR survey counts violent offences in terms of the number of victims in the incident; non-violent offences are counted in terms of the number of separate incidents. Furthermore, the published UCR figures include offences involving youths, while the ACCS case counts include only the very few youth offences that have been transferred to adult court (<100 per year). Moreover, information is captured in the UCR with the laying of a charge, while in the ACCS information is captured upon the court rendering a decision. This time lag in data collection between the two surveys further affects comparability. For more information on the UCR survey, see *Crime Statistics in Canada, 2003*, Statistics Canada Catalogue no. 85-002 Vol. 24 No. 6.

Corrections

The number of cases sentenced to correctional programs (e.g.,

probation, sentenced custody, conditional sentence, etc.), as reported by the ACCS, will differ from the number of actual admissions to correctional programs reported in the Adult Correctional Services survey (ACS) conducted by the CCJS. A key reason is that the ACCS uses court cases as its primary measure, which reflects only those sentences occurring on the same sentencing date. The ACS survey, however, measures the number of persons admitted to correctional programs based on the concept of aggregate sentence. Sentence aggregation takes place in correctional services when, for the purpose of sentence administration, multiple overlapping sentences of the same type (i.e., consecutive or concurrent) are combined into a single cumulative sentence, which is then counted by the ACS as a single admission. Therefore, if the courts sentence a person to custody on unrelated matters, on two different sentencing dates (counted twice by the ACCS), but the period of incarceration is overlapping, those two periods would be counted as one admission to sentenced custody in the ACS with the sentence length calculated based upon the cumulative (aggregate) sentence.

Other sources of difference between the ACCS and ACS surveys are the inclusion of admissions for fine default and violation of conditional sentence in the corrections data whereas these data are not included in the courts data because they are not related to the disposition (i.e., breach of conditional sentence is not a criminal offence). As well, the number of sentenced admissions reported to the Adult Correctional Services survey includes persons sentenced in superior courts for jurisdictions supplying superior court data. In 2003/04, only six jurisdictions (Prince Edward Island, Nova Scotia, New Brunswick, Alberta, British Columbia, and Yukon) reported superior court data to the ACCS.

For more information on the ACS survey, see *Adult correctional services in Canada, 2002-2003*, Statistics Canada Catalogue no. 85-002 Vol. 24 No. 10.

Data Revisions

Revisions for 2000/01 and prior years, effective with the 2001/02 ACCS data release, were the result of changes made to the ACCS counting procedures and offence classifications. Also, applications under C.C.C. s. 810, s. 810.01, s. 810.1, and s. 810.2 (peace bond applications) have been excluded as they are not criminal charges. Overall, the exclusions reduced the number of charges in 2003/04 by 17,539 (-1.7%).

ACCS data for 2002/03 were revised as of this *Juristat* due to a data processing error. Revisions primarily affected the 2002/03 case count for Quebec. In total, the original 2002/03 case count published was 467,494 cases, up 3.3% from 2001/02. The revised 2002/03 case count is 459,427 cases, up 1.5%. For Quebec, the original 2002/03 case count was 79,756 cases, up 13.8% from 2001/02. The revised 2002/03 case count for Quebec is 72,200 cases, up 3.0%. While 2002/03 case counts changed, the revisions did not substantially affect key distributions (e.g., percentage of cases found guilty, percentage of guilty cases sentenced to custody, etc.), at either the total level or Quebec level.

⁴³ The election is captured as a final decision if the election is the result for the final appearance record in the provincial/territorial court system during the data reference period. This situation is only possible near the end of the reference period when an accused elects to change their court level and the ACCS extracts court data prior to the next appearance of the accused in superior court or in provincial/territorial court on re-election from superior court.

Table 1


**Appearances, charges and cases in adult criminal court,
ten provinces and territories in Canada, 2003/04¹**

Offence group	Charge appearances		Total charges		Total cases	
	#	%	#	%	#	%
Total offences	6,897,133	100.0	1,028,681	100.0	445,650	100.0
<i>Criminal Code</i> total	6,034,696	87.5	913,480	88.8	393,786	88.4
Crimes against the person	1,539,179	22.3	207,493	20.2	118,692	26.6
Homicide	11,516	0.2	660	0.1	529	0.1
Attempted murder	9,101	0.1	748	0.1	418	0.1
Robbery	109,782	1.6	10,667	1.0	5,892	1.3
Sexual assault	94,680	1.4	9,743	0.9	4,476	1.0
Other sexual offences	56,481	0.8	5,587	0.5	2,416	0.5
Major assault	348,232	5.0	44,154	4.3	26,580	6.0
Common assault	499,983	7.2	78,597	7.6	49,206	11.0
Uttering threats	291,638	4.2	42,738	4.2	22,170	5.0
Criminal harassment	50,387	0.7	6,976	0.7	3,759	0.8
Other crimes against the person	67,379	1.0	7,623	0.7	3,246	0.7
Crimes against property	1,899,286	27.5	269,630	26.2	103,822	23.3
Theft	482,786	7.0	80,014	7.8	40,629	9.1
Break and enter	238,820	3.5	31,660	3.1	13,350	3.0
Fraud	520,805	7.6	64,670	6.3	19,211	4.3
Mischief	208,107	3.0	33,036	3.2	11,232	2.5
Possess stolen property	424,776	6.2	57,128	5.6	18,180	4.1
Other property crimes	23,992	0.3	3,122	0.3	1,220	0.3
Administration of justice	1,187,817	17.2	216,614	21.1	81,640	18.3
Fail to appear	121,505	1.8	23,830	2.3	11,873	2.7
Breach of probation	430,371	6.2	75,587	7.3	28,599	6.4
Unlawfully at large	32,529	0.5	7,466	0.7	3,146	0.7
Fail to comply with order	563,133	8.2	104,307	10.1	35,578	8.0
Other administration of justice	40,279	0.6	5,424	0.5	2,444	0.5
Other <i>Criminal Code</i>	748,082	10.8	96,534	9.4	30,211	6.8
Weapons	255,366	3.7	28,944	2.8	6,456	1.4
Prostitution	31,492	0.5	4,041	0.4	2,349	0.5
Disturbing the peace	30,101	0.4	6,070	0.6	2,820	0.6
Residual <i>Criminal Code</i>	431,123	6.3	57,479	5.6	18,586	4.2
<i>Criminal Code</i> traffic	660,332	9.6	123,209	12.0	59,421	13.3
Impaired driving	530,533	7.7	104,152	10.1	49,282	11.1
Other <i>Criminal Code</i> traffic	129,799	1.9	19,057	1.9	10,139	2.3
Other federal statute total	862,437	12.5	115,201	11.2	51,864	11.6
Drug possession	206,146	3.0	30,112	2.9	15,822	3.6
Drug trafficking	284,959	4.1	30,742	3.0	15,985	3.6
<i>Youth Criminal Justice Act</i>	25,257	0.4	3,758	0.4	1,257	0.3
Residual federal statutes	346,075	5.0	50,589	4.9	18,800	4.2

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

For more information on grouped offences see methodology section.

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

1. Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut, and superior courts in Newfoundland and Labrador, Quebec, Ontario, and Saskatchewan.

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

Table 2


**Cases by age of accused,
ten provinces and territories in Canada, 2003/04¹**

Offence group	Total cases	Age group									
		18 to 24		25 to 34		35 to 44		45 to 54		55 plus	
		#	%	#	%	#	%	#	%	#	%
Total offences	437,866	134,161	30.6	122,989	28.1	109,596	25.0	50,248	11.5	20,872	4.8
Criminal Code total	387,902	115,674	29.8	109,647	28.3	98,976	25.5	45,016	11.6	18,589	4.8
Crimes against the person	116,485	29,166	25.0	34,066	29.2	32,994	28.3	14,392	12.4	5,867	5.0
Homicide	499	208	41.7	133	26.7	94	18.8	40	8.0	24	4.8
Attempted murder	384	152	39.6	111	28.9	77	20.1	25	6.5	19	4.9
Robbery	5,814	2,925	50.3	1,583	27.2	999	17.2	267	4.6	40	0.7
Sexual assault	4,397	817	18.6	1,204	27.4	1,300	29.6	622	14.1	454	10.3
Other sexual offences	2,383	340	14.3	606	25.4	734	30.8	344	14.4	359	15.1
Major assault	26,129	8,287	31.7	7,678	29.4	6,378	24.4	2,791	10.7	995	3.8
Common assault	48,203	10,700	22.2	14,635	30.4	14,309	29.7	6,265	13.0	2,294	4.8
Uttering threats	21,848	4,390	20.1	6,129	28.1	6,991	32.0	3,063	14.0	1,275	5.8
Criminal harassment	3,662	540	14.7	987	27.0	1,244	34.0	619	16.9	272	7.4
Other crimes against the person	3,166	807	25.5	1,000	31.6	868	27.4	356	11.2	135	4.3
Crimes against property	102,569	36,848	35.9	28,422	27.7	23,624	23.0	9,992	9.7	3,683	3.6
Theft	40,196	12,321	30.7	10,443	26.0	10,300	25.6	5,014	12.5	2,118	5.3
Break and enter	13,194	6,354	48.2	3,629	27.5	2,389	18.1	691	5.2	131	1.0
Fraud	18,853	5,319	28.2	6,053	32.1	4,939	26.2	1,961	10.4	581	3.1
Mischief	11,127	4,733	42.5	2,902	26.1	2,212	19.9	933	8.4	347	3.1
Possess stolen property	17,999	7,498	41.7	5,131	28.5	3,598	20.0	1,307	7.3	465	2.6
Other property crimes	1,200	623	51.9	264	22.0	186	15.5	86	7.2	41	3.4
Administration of justice	80,723	27,863	34.5	23,753	29.4	19,648	24.3	7,255	9.0	2,204	2.7
Fail to appear	11,741	4,525	38.5	3,473	29.6	2,542	21.7	928	7.9	273	2.3
Breach of probation	28,236	9,552	33.8	8,634	30.6	7,002	24.8	2,397	8.5	651	2.3
Unlawfully at large	3,103	904	29.1	1,084	34.9	825	26.6	237	7.6	53	1.7
Fail to comply with order	35,256	12,071	34.2	9,881	28.0	8,721	24.7	3,459	9.8	1,124	3.2
Other administration of justice	2,387	811	34.0	681	28.5	558	23.4	234	9.8	103	4.3
Other Criminal Code	29,026	9,975	34.4	8,152	28.1	6,439	22.2	2,992	10.3	1,468	5.1
Weapons	6,343	2,391	37.7	1,586	25.0	1,231	19.4	698	11.0	437	6.9
Prostitution	2,329	468	20.1	729	31.3	679	29.2	296	12.7	157	6.7
Disturbing the peace	2,785	1,154	41.4	696	25.0	603	21.7	254	9.1	78	2.8
Residual <i>Criminal Code</i>	17,569	5,962	33.9	5,141	29.3	3,926	22.3	1,744	9.9	796	4.5
Criminal Code traffic	59,099	11,822	20.0	15,254	25.8	16,271	27.5	10,385	17.6	5,367	9.1
Impaired driving	49,019	9,359	19.1	12,245	25.0	13,557	27.7	9,075	18.5	4,783	9.8
Other <i>Criminal Code</i> traffic	10,080	2,463	24.4	3,009	29.9	2,714	26.9	1,310	13.0	584	5.8
Other federal statute total	49,964	18,487	37.0	13,342	26.7	10,620	21.3	5,232	10.5	2,283	4.6
Drug possession	15,652	7,095	45.3	4,359	27.8	2,977	19.0	1,058	6.8	163	1.0
Drug trafficking	15,553	4,957	31.9	4,860	31.2	3,716	23.9	1,544	9.9	476	3.1
Youth <i>Criminal Justice Act</i>	1,226	1,220	99.5	3	0.2	1	0.1	2	0.2	0	0.0
Residual federal statutes	17,533	5,215	29.7	4,120	23.5	3,926	22.4	2,628	15.0	1,644	9.4
Population²	23,672,841	2,935,644	12.4	4,180,553	17.7	5,012,384	21.2	4,521,506	19.1	7,022,754	29.7

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

Age represents the offender's age, in days, rounded to the nearest year, in the year the offence was alleged to have been committed.

For more information on grouped offences see methodology section.

Excludes cases where age of the accused was unknown or under 18 at the time of the offence and cases against companies.

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

1. Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut, and superior courts in Newfoundland and Labrador, Quebec, Ontario, and Saskatchewan.

2. Population estimates as of July 2003 for jurisdictions that participate in the ACCS.

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

Table 3

Mean and median elapsed time to complete a case in adult criminal court, cases by jurisdiction and by case elapsed time, ten provinces and territories in Canada, 2003/04¹

Jurisdiction	Total cases # %		Mean (in days)	Median (in days)	Elapsed time (in days) from first to last court appearance							
					One day to 4 months		>4 months to 8 months		>8 months to 12 months		>12 months	
					#	%	#	%	#	%	#	%
Total	445,650	100.0	220	110	233,566	52.4	85,226	19.1	54,407	12.2	72,451	16.3
with bench warrant²	65,609	14.7	551	295	14,853	22.6	13,170	20.1	10,220	15.6	27,366	41.7
without bench warrant	380,041	85.3	163	89	218,713	57.5	72,056	19.0	44,187	11.6	45,085	11.9
Newfoundland and Labrador	7,041	100.0	185	86	4,047	57.5	1,483	21.1	750	10.7	761	10.8
with bench warrant	519	7.4	560	233	143	27.6	121	23.3	79	15.2	176	33.9
without bench warrant	6,522	92.6	155	78	3,904	59.9	1,362	20.9	671	10.3	585	9.0
Prince Edward Island ³	1,644	100.0	44	1	1,509	91.8	105	6.4	21	1.3	9	0.5
with bench warrant	114	6.9	77	31	90	78.9	14	12.3	6	5.3	4	3.5
without bench warrant	1,530	93.1	42	1	1,419	92.7	91	5.9	15	1.0	5	0.3
Nova Scotia	13,977	100.0	213	120	7,065	50.5	2,841	20.3	1,906	13.6	2,165	15.5
with bench warrant	2,059	14.7	540	309	439	21.3	385	18.7	338	16.4	897	43.6
without bench warrant	11,918	85.3	156	94	6,626	55.6	2,456	20.6	1,568	13.2	1,268	10.6
New Brunswick	9,463	100.0	147	72	6,093	64.4	1,896	20.0	708	7.5	766	8.1
with bench warrant	954	10.1	363	204	296	31.0	244	25.6	138	14.5	276	28.9
without bench warrant	8,509	89.9	123	63	5,797	68.1	1,652	19.4	570	6.7	490	5.8
Quebec	73,234	100.0	326	168	30,415	41.5	14,725	20.1	9,630	13.1	18,464	25.2
with bench warrant	13,339	18.2	795	446	1,684	12.6	1,958	14.7	1,982	14.9	7,715	57.8
without bench warrant	59,895	81.8	222	129	28,731	48.0	12,767	21.3	7,648	12.8	10,749	17.9
Ontario	196,198	100.0	214	120	98,798	50.4	37,458	19.1	27,322	13.9	32,620	16.6
with bench warrant	17,738	9.0	593	342	2,978	16.8	3,405	19.2	3,016	17.0	8,339	47.0
without bench warrant	178,460	91.0	176	105	95,820	53.7	34,053	19.1	24,306	13.6	24,281	13.6
Saskatchewan	26,547	100.0	172	73	15,973	60.2	4,664	17.6	2,577	9.7	3,333	12.6
with bench warrant	4,315	16.3	462	281	1,010	23.4	910	21.1	710	16.5	1,685	39.0
without bench warrant	22,232	83.7	116	50	14,963	67.3	3,754	16.9	1,867	8.4	1,648	7.4
Alberta	61,256	100.0	181	78	38,031	62.1	12,325	20.1	4,958	8.1	5,942	9.7
with bench warrant	13,057	21.3	492	218	3,881	29.7	3,176	24.3	1,890	14.5	4,110	31.5
without bench warrant	48,199	78.7	96	49	34,150	70.9	9,149	19.0	3,068	6.4	1,832	3.8
British Columbia	55,209	100.0	193	92	30,938	56.0	9,497	17.2	6,445	11.7	8,329	15.1
with bench warrant	13,376	24.2	360	214	4,296	32.1	2,915	21.8	2,039	15.2	4,126	30.8
without bench warrant	41,833	75.8	140	61	26,642	63.7	6,582	15.7	4,406	10.5	4,203	10.0
Yukon	1,081	100.0	143	71	697	64.5	232	21.5	90	8.3	62	5.7
with bench warrant	138	12.8	477	214	36	26.1	42	30.4	22	15.9	38	27.5
without bench warrant	943	87.2	94	60	661	70.1	190	20.1	68	7.2	24	2.5

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

Mean and median elapsed time is measured from first to last court appearance.

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

Information from Quebec's municipal courts (which account for approximately one quarter of Criminal Code charges in that province) are not available.

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

Cases completed in superior courts represent 2% of total cases in each of these jurisdictions.


1. Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut, and superior courts in Newfoundland and Labrador, Quebec, Ontario, and Saskatchewan.

2. Bench warrants (i.e., arrest warrants) are usually issued when an individual fails to attend court, creating a situation where the court is simply unable to proceed with the case.

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

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

Table 4



**Cases by decision,
ten provinces and territories in Canada, 2003/04¹**

Jurisdiction	Total cases	Decision							
		Found guilty		Stay/Withdrawn		Acquittal		Other	
		#	%	#	%	#	%	#	%
Total	445,650	257,127	57.7	158,555	35.6	13,921	3.1	16,047	3.6
Newfoundland and Labrador	7,041	4,684	66.5	2,059	29.2	2	0.0	296	4.2
Prince Edward Island	1,644	944	57.4	655	39.8	17	1.0	28	1.7
Nova Scotia	13,977	6,895	49.3	6,213	44.5	605	4.3	264	1.9
New Brunswick	9,463	6,772	71.6	2,179	23.0	377	4.0	135	1.4
Quebec	73,234	51,925	70.9	8,226	11.2	9,418	12.9	3,665	5.0
Ontario	196,198	102,178	52.1	86,812	44.2	1,120	0.6	6,088	3.1
Saskatchewan	26,547	15,912	59.9	9,552	36.0	270	1.0	813	3.1
Alberta	61,256	36,711	59.9	23,012	37.6	769	1.3	764	1.2
British Columbia	55,209	30,499	55.2	19,420	35.2	1,329	2.4	3,961	7.2
Yukon	1,081	607	56.2	427	39.5	14	1.3	33	3.1

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

Found guilty decisions include absolute and conditional discharges.

The calculation of "found guilty" includes cases completed in superior courts in Prince Edward Island, Nova Scotia, New Brunswick, Alberta, British Columbia, and the Yukon.

Stay/withdrawn includes cases stayed, withdrawn, dismissed and discharged at preliminary inquiry.

In Newfoundland and Labrador, the terms 'acquittal' and 'dismissed' are used interchangeably.

Other decisions includes final decisions of found not criminally responsible, waived in province/territory, or waived out of province/territory. This category also includes decisions where a guilty finding was not recorded, the court accepted a special plea, cases which raised Charter arguments or cases where the accused was found unfit to stand trial. In jurisdictions not providing superior court data (i.e., Newfoundland and Labrador, Quebec, Ontario, Saskatchewan), the other decision category includes charges having a committal for trial in superior court as the decision on the final appearance in provincial court (<2% of cases).

Information from Quebec's municipal courts (which account for approximately one quarter of Criminal Code charges in that province) are not available.

1. Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut, and superior courts in Newfoundland and Labrador, Quebec, Ontario, and Saskatchewan.

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

Table 5


**Guilty cases by type of sentence for the most serious offence in the case,
ten provinces and territories in Canada, 2003/04¹**

Offence group	Convicted cases	Type of sentence for most serious offence							
		Prison		Conditional sentence ²		Probation		Fine	
		#	%	#	%	#	%	#	%
Total offences	257,127	90,916	35.4	13,267	5.2	118,379	46.0	81,527	31.7
Criminal Code total	229,953	84,422	36.7	10,687	4.6	110,313	48.0	68,418	29.8
Crimes against the person	57,562	20,166	35.0	3,619	6.3	43,857	76.2	6,024	10.5
Homicide	143	124	86.7	5	3.5	21	14.7	1	0.7
Attempted murder	54	38	70.4	0	0.0	19	35.2	0	0.0
Robbery	3,189	2,325	72.9	258	8.1	1,635	51.3	41	1.3
Sexual assault	1,722	780	45.3	307	17.8	1,306	75.8	93	5.4
Other sexual offences	887	408	46.0	179	20.2	681	76.8	33	3.7
Major assault	13,007	5,730	44.1	1,226	9.4	9,168	70.5	1,390	10.7
Common assault	25,607	6,128	23.9	1,032	4.0	20,547	80.2	3,165	12.4
Uttering threats	10,126	3,594	35.5	416	4.1	8,116	80.2	1,136	11.2
Criminal harassment	1,757	552	31.4	101	5.7	1,583	90.1	117	6.7
Other crimes against the person	1,070	487	45.5	95	8.9	781	73.0	48	4.5
Crimes against property	64,192	26,064	40.6	4,215	6.6	35,271	54.9	11,904	18.5
Theft	26,777	10,505	39.2	1,326	5.0	13,439	50.2	6,171	23.0
Break and enter	8,791	5,138	58.4	745	8.5	5,413	61.6	476	5.4
Fraud	11,577	3,972	34.3	1,408	12.2	6,987	60.4	1,701	14.7
Mischief	6,716	1,320	19.7	111	1.7	4,541	67.6	1,478	22.0
Possess stolen property	9,672	4,897	50.6	555	5.7	4,494	46.5	1,946	20.1
Other property crimes	659	232	35.2	70	10.6	397	60.2	132	20.0
Administration of justice	50,041	25,560	51.1	1,385	2.8	16,194	32.4	12,979	25.9
Fail to appear	5,493	2,806	51.1	163	3.0	1,449	26.4	1,525	27.8
Breach of probation	19,828	10,093	50.9	591	3.0	6,895	34.8	5,069	25.6
Unlawfully at large	2,423	2,008	82.9	29	1.2	363	15.0	225	9.3
Fail to comply with order	20,893	10,208	48.9	528	2.5	6,739	32.3	5,803	27.8
Other administration of justice	1,404	445	31.7	74	5.3	748	53.3	357	25.4
Other Criminal Code	16,799	5,273	31.4	595	3.5	8,107	48.3	4,932	29.4
Weapons	3,598	1,149	31.9	138	3.8	1,819	50.6	1,023	28.4
Prostitution	1,030	236	22.9	20	1.9	474	46.0	305	29.6
Disturbing the peace	1,673	243	14.5	14	0.8	783	46.8	676	40.4
Residual <i>Criminal Code</i>	10,498	3,645	34.7	423	4.0	5,031	47.9	2,928	27.9
Criminal Code traffic	41,359	7,359	17.8	873	2.1	6,884	16.6	32,579	78.8
Impaired driving	34,265	4,238	12.4	399	1.2	4,753	13.9	29,577	86.3
Other <i>Criminal Code</i> traffic	7,094	3,121	44.0	474	6.7	2,131	30.0	3,002	42.3
Other federal statute total	27,174	6,494	23.9	2,580	9.5	8,066	29.7	13,109	48.2
Drug possession	6,174	1,247	20.2	113	1.8	1,862	30.2	3,210	52.0
Drug trafficking	6,944	2,993	43.1	2,405	34.6	2,287	32.9	1,074	15.5
<i>Youth Criminal Justice Act</i>	765	271	35.4	22	2.9	256	33.5	307	40.1
Residual federal statutes	13,291	1,983	14.9	40	0.3	3,661	27.5	8,518	64.1

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

For more information on grouped offences see methodology section.

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


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

1. Adult Criminal Court Survey data are not reported by Manitoba, Northwest Territories, and Nunavut, and superior courts in Newfoundland and Labrador, Quebec, Ontario, and Saskatchewan.

2. In 2003/04, conditional sentencing data were not available for Quebec.

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

Table 6



Offence group	Total ¹				Provincial court ²				Superior court ³			
	#	%	Median (in days)	Mean (in days)	#	%	Median (in days)	Mean (in days)	#	%	Median (in days)	Mean (in days)
Cases	140,986	100.0	85	186	138,183	100.0	84	182	2,803	100.0	299	399
Crimes against the person	33,417	23.7	116	194	32,139	23.3	113	187	1,278	45.6	289	367
Crimes against property	37,275	26.4	85	203	36,898	26.7	85	200	377	13.4	290	448
Administration of justice	23,835	16.9	29	129	23,781	17.2	29	128	54	1.9	414	400
Other <i>Criminal Code</i>	8,799	6.2	85	166	8,560	6.2	84	161	239	8.5	208	368
<i>Criminal Code</i> traffic	20,884	14.8	86	173	20,751	15.0	85	172	133	4.7	341	413
Other federal statute total ⁴	16,776	11.9	116	243	16,054	11.6	109	234	722	25.8	320	436

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

Prince Edward Island superior court data does not include information on the number of appearances and elapsed time from first to last case appearance. As a result, data for Prince Edward Island have been removed from the analysis of the elapsed times in provincial and superior courts.

Please see Table 1 for the list of offences included in each offence category.


Median elapsed time is measured from first to last court appearance.

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

- Five provinces and territories (i.e., Nova Scotia, New Brunswick, Alberta, British Columbia, and Yukon) Data for Prince Edward Island have been removed from the analysis of the elapsed times in provincial and superior courts.
- Summary conviction and indictable offences ineligible for or not elected for trial in superior court.
- Indictable offences for which superior court has exclusive jurisdiction or elected for trial in superior court.
- The majority of offences in superior court were Controlled Drugs and Substances Act.

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

Table 7



Offence group	Total ¹				Provincial court ²				Superior court ³			
	#	%	Median (in days)	Mean (in days)	#	%	Median (in days)	Mean (in days)	#	%	Median (in days)	Mean (in days)
Total cases with prison	25,105	100.0	30	118	24,524	100.0	30	96	581	100.0	440	1,015
Crimes against the person	4,626	18.4	60	314	4,312	17.6	60	228	314	54.0	730	1,497
Crimes against property	8,987	35.8	30	94	8,898	36.3	30	92	89	15.3	180	333
Administration of justice	6,693	26.7	7	17	6,683	27.3	7	17	10	1.7	60	180
Other <i>Criminal Code</i>	1,270	5.1	30	99	1,233	5.0	30	83	37	6.4	360	634
<i>Criminal Code</i> traffic	2,013	8.0	30	62	1,982	8.1	30	56	31	5.3	300	469
Other federal statute total ⁴	1,516	6.0	60	191	1,416	5.8	60	169	100	17.2	330	502

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

Please see Table 1 for the list of offences included in each offence category.

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

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

- Six provinces and territories (i.e., Prince Edward Island, Nova Scotia, New Brunswick, Alberta, British Columbia, and Yukon)
- Summary conviction and indictable offences ineligible for or not elected for trial in superior court.
- Indictable offences for which superior court has exclusive jurisdiction or elected for trial in superior court.
- The majority of offences in superior court were Controlled Drugs and Substances Act.

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

Table 8

**Number of cases disposed in adult criminal court,
eight provinces and territories in Canada, 1994/95, 1999/00 to 2003/04¹**

Offence group	2003/04					2002/03		2001/02		2000/01		1999/00		1994/95	
	#	%	% change from 2002/03	% change from 1999/00	% change from 1994/95	#	%	#	%	#	%	#	%	#	%
Total offences	380,978	100.0	-4.1	3.0	-13.0	397,213	100.0	382,072	100.0	367,883	100.0	369,811	100.0	437,948	100.0
Criminal Code total	338,875	88.9	-3.0	4.2	-11.7	349,349	88.0	337,001	88.2	323,418	87.9	325,289	88.0	383,884	87.7
Crimes against the person	102,409	26.9	-5.3	9.2	0.5	108,192	27.2	102,576	26.8	95,405	25.9	93,749	25.4	101,921	23.3
Homicide	410	0.1	10.5	-0.5	4.3	371	0.1	409	0.1	399	0.1	412	0.1	393	0.1
Attempted murder	348	0.1	-8.9	8.1	-16.5	382	0.1	326	0.1	270	0.1	322	0.1	417	0.1
Robbery	4,924	1.3	1.8	11.7	14.5	4,838	1.2	4,633	1.2	4,238	1.2	4,407	1.2	4,299	1.0
Sexual assault	3,813	1.0	-10.2	-6.5	-29.7	4,245	1.1	4,075	1.1	3,724	1.0	4,077	1.1	5,423	1.2
Other sexual offences	2,118	0.6	-5.7	-2.1	-23.2	2,245	0.6	2,089	0.5	2,098	0.6	2,164	0.6	2,758	0.6
Major assault	23,463	6.2	-3.3	12.8	27.7	24,259	6.1	22,549	5.9	21,196	5.8	20,793	5.6	18,378	4.2
Common assault	41,919	11.0	-7.1	6.1	-15.6	45,113	11.4	42,989	11.3	40,656	11.1	39,491	10.7	49,694	11.3
Uttering threats	19,265	5.1	-5.7	12.9	24.3	20,427	5.1	19,724	5.2	17,620	4.8	17,061	4.6	15,494	3.5
Criminal harassment	3,334	0.9	-1.6	29.8	56.3	3,389	0.9	3,105	0.8	2,626	0.7	2,568	0.7	2,133	0.5
Other crimes against the person	2,815	0.7	-3.7	14.7	-4.0	2,923	0.7	2,677	0.7	2,578	0.7	2,454	0.7	2,932	0.7
Crimes against property	87,064	22.9	-1.6	-2.7	-23.5	88,515	22.3	86,413	22.6	85,071	23.1	89,518	24.2	113,856	26.0
Theft	32,745	8.6	-0.1	-0.9	-26.1	32,769	8.2	32,046	8.4	31,002	8.4	33,039	8.9	44,293	10.1
Break and enter	11,299	3.0	-0.6	-9.5	-24.4	11,362	2.9	11,230	2.9	11,643	3.2	12,486	3.4	14,949	3.4
Fraud	16,890	4.4	-3.4	-7.4	-27.6	17,478	4.4	17,313	4.5	17,599	4.8	18,234	4.9	23,313	5.3
Mischief	9,753	2.6	-6.8	3.3	-22.4	10,470	2.6	10,202	2.7	9,573	2.6	9,443	2.6	12,573	2.9
Possess stolen property	15,300	4.0	-1.3	-0.6	-13.3	15,504	3.9	14,837	3.9	14,424	3.9	15,386	4.2	17,646	4.0
Other property crimes	1,077	0.3	15.6	15.8	-0.5	932	0.2	785	0.2	830	0.2	930	0.3	1,082	0.2
Administration of justice	72,751	19.1	3.1	20.3	15.2	70,533	17.8	67,644	17.7	64,144	17.4	60,455	16.3	63,161	14.4
Fail to appear	11,074	2.9	12.1	9.9	0.6	9,875	2.5	9,963	2.6	9,860	2.7	10,072	2.7	11,012	2.5
Breach of probation	23,593	6.2	1.3	22.3	30.5	23,280	5.9	21,874	5.7	20,729	5.6	19,287	5.2	18,081	4.1
Unlawfully at large	2,877	0.8	0.4	-12.4	-38.0	2,865	0.7	2,942	0.8	3,338	0.9	3,285	0.9	4,641	1.1
Fail to comply with order	32,943	8.6	2.2	28.6	26.3	32,244	8.1	30,656	8.0	27,886	7.6	25,614	6.9	26,076	6.0
Other administration of justice	2,264	0.6	-0.2	3.0	-32.4	2,269	0.6	2,209	0.6	2,331	0.6	2,197	0.6	3,351	0.8
Other Criminal Code	26,154	6.9	-5.5	0.4	-15.4	27,664	7.0	26,077	6.8	25,951	7.1	26,046	7.0	30,918	7.1
Weapons	5,480	1.4	-5.8	8.7	-21.1	5,819	1.5	5,195	1.4	4,903	1.3	5,041	1.4	6,947	1.6
Prostitution	2,124	0.6	-12.7	-37.1	-37.8	2,434	0.6	2,250	0.6	2,765	0.8	3,379	0.9	3,413	0.8
Disturbing the peace	2,514	0.7	-7.0	-1.1	-28.3	2,702	0.7	2,711	0.7	2,517	0.7	2,541	0.7	3,505	0.8
Residual Criminal Code	16,036	4.2	-4.0	6.3	-6.0	16,709	4.2	15,921	4.2	15,766	4.3	15,085	4.1	17,053	3.9
Criminal Code traffic	50,497	13.3	-7.3	-9.0	-31.8	54,445	13.7	54,291	14.2	52,847	14.4	55,521	15.0	74,028	16.9
Impaired driving	41,704	10.9	-8.3	-10.1	-29.6	45,503	11.5	45,002	11.8	44,036	12.0	46,387	12.5	59,218	13.5
Other Criminal Code traffic	8,793	2.3	-1.7	-3.7	-40.6	8,942	2.3	9,289	2.4	8,811	2.4	9,134	2.5	14,810	3.4
Other federal statute total	42,103	11.1	-12.0	-5.4	-22.1	47,864	12.0	45,071	11.8	44,465	12.1	44,522	12.0	54,064	12.3
Drug possession	13,703	3.6	-16.8	2.6	-18.7	16,479	4.1	16,647	4.4	14,895	4.0	13,354	3.6	16,860	3.8
Drug trafficking	11,169	2.9	-8.7	26.5	-0.3	12,234	3.1	10,310	2.7	9,080	2.5	8,828	2.4	11,199	2.6
Youth Criminal Justice Act	1,129	0.3	-36.3	-29.7	-10.3	1,772	0.4	1,763	0.5	1,713	0.5	1,605	0.4	1,258	0.3
Residual federal statutes	16,102	4.2	-7.3	-22.3	-34.9	17,379	4.4	16,351	4.3	18,777	5.1	20,735	5.6	24,747	5.7

Notes: Superior court data were collected in Alberta from 1998/99, in Yukon from 1999/00, in Prince Edward Island from 2000/01, in New Brunswick and British Columbia in 2001/02, and in Nova Scotia in 2002/03. Cases completed in superior courts represent about 2% of total cases in each of these jurisdictions.

Incorporates data revisions for the ACCS (See Methodology section for details.)

Due to rounding, percentages may not add to 100.

For more information on grouped offences see methodology section.

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

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

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

Table 9


**Guilty cases by mean and median prison sentence (days),
eight provinces and territories in Canada, 1994/95, 1999/00 to 2003/04¹**

Offence group	2003/04		2002/03		2001/02		2000/01		1999/00		1994/95	
	Mean	Median	Mean	Median	Mean	Median	Mean	Median	Mean	Median	Mean	Median
Total offences	114	30	115	30	123	30	129	30	132	30	115	30
Criminal Code total	110	30	111	30	119	30	124	30	127	30	111	30
Crimes against the person	212	60	203	60	218	60	228	60	232	90	210	60
Homicide	4,174	2,628	3,898	2,190	3,212	1,825	4,138	2,780	3,711	2,190	2,805	1,825
Attempted murder	1,592	1,320	1,176	975	2,095	1,620	2,000	1,858	1,858	1,620	2,252	1,825
Robbery	644	450	621	365	720	540	738	540	736	540	846	728
Sexual assault	466	360	471	300	524	300	485	360	466	270	446	180
Other sexual offences	529	360	458	360	472	360	456	360	412	270	412	180
Major assault	152	70	148	60	151	75	151	90	152	90	151	90
Common assault	58	30	61	30	62	30	64	30	63	30	55	30
Uttering threats	84	40	89	45	85	45	87	45	97	60	93	60
Criminal harassment	118	50	87	47	103	60	94	60	91	60	84	60
Other crimes against the person	388	180	395	180	385	180	495	240	406	180	379	180
Crimes against property	115	45	118	45	126	60	135	60	138	60	128	60
Theft	59	30	65	30	71	30	75	30	75	30	78	30
Break and enter	259	120	252	150	261	180	269	180	276	180	253	180
Fraud	110	45	114	45	121	60	129	60	129	60	109	60
Mischief	46	15	47	25	48	30	53	30	52	30	45	30
Possess stolen property	88	45	91	45	94	60	98	60	99	60	100	60
Other property crimes	173	60	245	120	209	90	276	180	238	150	196	90
Administration of justice	27	15	28	15	31	15	32	20	34	21	34	30
Fail to appear	21	9	22	10	24	14	23	15	25	15	27	15
Breach of probation	32	19	34	21	37	30	37	30	38	30	38	30
Unlawfully at large	38	30	38	30	44	30	46	30	43	30	43	30
Fail to comply with order	21	8	21	10	23	14	24	15	28	15	26	15
Other administration of justice	71	30	70	30	67	30	80	30	76	30	59	30
Other Criminal Code	132	30	143	30	150	40	154	30	142	30	119	30
Weapons	130	40	120	45	123	54	137	60	118	60	102	60
Prostitution	53	3	26	7	40	8	37	5	38	7	43	15
Disturbing the peace	16	6	21	7	19	10	29	10	23	10	23	14
Residual Criminal Code	146	39	167	45	173	50	178	45	170	60	146	45
Criminal Code traffic	79	30	77	30	78	30	76	30	77	30	63	30
Impaired driving	73	30	72	30	72	30	67	30	65	30	55	21
Other Criminal Code traffic	87	34	84	30	87	42	91	45	96	45	74	35
Other federal statute total	172	60	172	60	178	60	197	60	200	60	168	60
Drug possession	24	10	27	10	23	10	28	15	31	15	35	15
Drug trafficking	239	90	231	90	250	90	288	90	299	120	263	120
Youth Criminal Justice Act	24	14	33	15	26	15	28	21	30	30	31	30
Residual federal statutes	198	90	210	120	222	100	217	90	205	90	95	30

Notes: Superior court data was collected in Alberta from 1998/99, in Yukon from 1999/00, in Prince Edward Island from 2000/01, in New Brunswick and British Columbia in 2001/02, and in Nova Scotia in 2002/03. Cases completed in superior courts represent about 2% of total cases in each of these jurisdictions. Incorporates data revisions for the ACCS (See Methodology section for details.)

For more information on grouped offences see methodology section.

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

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

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

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

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

Table 10


**Guilty cases by mean and median probation sentence (days),
eight provinces and territories in Canada, 1994/95, 1999/00 to 2003/04¹**

Offence group	2003/04		2002/03		2001/02		2000/01		1999/00		1994/95	
	Mean	Median	Mean	Median	Mean	Median	Mean	Median	Mean	Median	Mean	Median
Total offences	473	365	470	365	474	365	475	365	476	365	473	365
Criminal Code total	473	365	472	365	476	365	477	365	478	365	472	365
Crimes against the person	509	365	508	365	512	365	517	365	516	365	514	365
Homicide	673	540	821	913	641	630	716	540	792	725	708	730
Attempted murder	732	730	763	730	748	730	765	730	859	1,095	728	730
Robbery	687	730	669	730	684	730	705	730	707	730	777	730
Sexual assault	660	720	641	720	655	720	638	720	670	730	693	730
Other sexual offences	781	730	787	730	787	730	800	730	764	730	773	730
Major assault	524	365	527	450	534	540	536	540	530	450	550	540
Common assault	438	365	439	365	438	365	447	365	443	365	447	365
Uttering threats	544	540	540	540	548	540	554	540	555	540	595	540
Criminal harassment	647	730	653	730	666	730	671	730	658	730	654	730
Other crimes against the person	625	720	613	540	647	730	616	540	615	540	593	540
Crimes against property	470	365	469	365	476	365	477	365	479	365	483	365
Theft	437	365	430	365	439	365	441	365	437	365	441	365
Break and enter	564	540	565	540	581	540	582	540	577	540	620	730
Fraud	513	365	509	365	519	365	518	365	519	365	519	365
Mischief	387	365	392	360	385	360	386	360	392	360	389	365
Possess stolen property	451	365	452	365	455	365	445	365	454	365	463	365
Other property crimes	547	540	583	540	565	540	598	540	599	540	605	730
Administration of justice	419	365	415	365	419	365	415	365	417	365	430	365
Fail to appear	410	365	386	360	393	365	394	365	401	365	416	365
Breach of probation	415	365	415	365	419	365	407	365	409	365	426	365
Unlawfully at large	408	365	378	365	394	365	403	365	412	365	422	365
Fail to comply with order	423	365	419	365	423	365	426	365	427	365	439	365
Other administration of justice	453	365	445	365	448	365	442	365	435	365	436	365
Other Criminal Code	473	365	469	365	479	365	476	365	483	365	487	365
Weapons	468	365	456	365	475	365	480	365	493	365	500	365
Prostitution	397	365	384	360	348	360	378	360	397	360	391	360
Disturbing the peace	341	360	341	360	332	360	319	360	321	360	325	360
Residual Criminal Code	501	365	499	365	514	365	512	365	516	365	525	365
Criminal Code traffic	394	365	388	360	383	360	375	360	368	360	334	360
Impaired driving	396	365	386	360	384	360	374	360	364	360	317	300
Other Criminal Code traffic	390	365	394	360	381	360	380	360	378	360	389	365
Other federal statute total	469	365	444	365	447	365	450	365	449	365	490	365
Drug possession	342	360	310	360	313	360	326	360	329	360	389	365
Drug trafficking	446	365	440	365	438	365	429	365	435	365	624	730
Youth Criminal Justice Act	356	360	354	360	356	360	355	360	331	360	349	360
Residual federal statutes	538	540	535	365	547	540	537	540	524	365	478	365

Notes: Superior court data was collected in Alberta from 1998/99, in Yukon from 1999/00, in Prince Edward Island from 2000/01, in New Brunswick and British Columbia in 2001/02, and in Nova Scotia in 2002/03. Cases completed in superior courts represent about 2% of total cases in each of these jurisdictions.

Incorporates data revisions for the ACCS (See Methodology section for details.)

For more information on grouped offences see methodology section.

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

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

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

Table 11


**Guilty cases by mean fine amount (current and constant* dollars),
eight provinces and territories in Canada, 1994/95, 1999/00 to 2003/04¹**

Offence group	2003/04		2002/03		2001/02		2000/01		1999/00		1994/95	
	Mean (current dollars)	Mean (1992 dollars)	Mean (current dollars)	Mean (1992 dollars)	Mean (current dollars)	Mean (1992 dollars)	Mean (current dollars)	Mean (1992 dollars)	Mean (current dollars)	Mean (1992 dollars)	Mean (current dollars)	Mean (1992 dollars)
Total offences	783	640	738	620	721	619	1,175	1,035	722	653	502	492
Criminal Code total	654	535	577	485	581	499	600	529	632	572	410	402
Crimes against the person	366	299	386	325	416	357	437	385	384	347	360	353
Homicide	0	0	617	518	2,000	1,718	660	581	500	452	500	490
Attempted murder	0	0	500	420	0	0	9,400	8,282	1,000	905	1,500	1,471
Robbery	435	356	372	313	449	386	543	478	524	474	298	293
Sexual assault	646	528	694	584	704	605	736	649	630	570	606	594
Other sexual offences	417	341	757	636	896	770	11,824	10,417	566	512	543	532
Major assault	425	348	451	379	466	400	466	411	443	401	434	426
Common assault	364	297	380	320	386	332	383	338	363	328	325	318
Uttering threats	279	228	286	241	266	229	293	258	262	237	271	266
Criminal harassment	344	281	329	277	380	327	459	404	305	276	288	283
Other crimes against the person	468	382	471	396	2,716	2,333	616	543	1,389	1,257	1,456	1,428
Crimes against property	466	381	361	303	345	296	511	450	408	369	283	277
Theft	275	225	282	237	272	234	295	260	290	263	225	221
Break and enter	439	359	423	356	460	395	474	418	433	392	418	410
Fraud	1,197	979	502	422	456	392	489	431	802	726	363	356
Mischief	298	244	280	235	284	244	281	248	271	245	233	228
Possess stolen property	552	452	506	425	472	406	1,332	1,174	498	451	428	420
Other property crimes	431	352	462	389	533	458	462	407	528	478	544	533
Administration of justice	240	196	238	200	247	212	232	205	218	198	185	182
Fail to appear	194	159	190	160	195	167	196	173	182	164	169	166
Breach of probation	265	217	266	223	270	232	261	230	246	223	188	185
Unlawfully at large	309	253	327	275	298	256	319	281	269	243	302	296
Fail to comply with order	210	172	208	175	203	174	197	174	182	165	153	150
Other administration of justice	557	456	508	427	897	771	447	394	497	450	400	393
Other Criminal Code	1,691	1,382	834	701	879	755	889	783	2,283	2,066	491	481
Weapons	319	261	346	291	377	324	332	292	312	283	315	309
Prostitution	783	641	557	468	431	371	503	444	372	337	318	312
Disturbing the peace	258	211	267	224	256	220	243	214	244	221	191	187
Residual Criminal Code	2,568	2,100	1,164	979	1,282	1,101	1,334	1,175	4,048	3,663	728	714
Criminal Code traffic	790	646	785	659	777	667	757	667	648	586	546	535
Impaired driving	801	655	793	667	787	676	767	676	650	588	542	532
Other Criminal Code traffic	686	561	694	583	664	571	644	567	621	562	574	562
Other federal statute total	1,462	1,195	1,409	1,184	1,296	1,114	3,400	2,995	1,064	963	833	817
Drug possession	412	337	334	281	320	275	323	284	294	266	285	279
Drug trafficking	1,280	1,046	1,561	1,311	1,144	983	1,387	1,222	1,432	1,296	1,211	1,187
Youth Criminal Justice Act	249	203	250	210	238	204	229	201	233	211	209	205
Residual federal statutes	1,883	1,539	1,999	1,680	1,961	1,685	5,258	4,633	1,383	1,252	1,064	1,043

Notes: Superior court data was collected in Alberta from 1998/99, in Yukon from 1999/00, in Prince Edward Island from 2000/01, in New Brunswick and British Columbia in 2001/02, and in Nova Scotia in 2002/03. Cases completed in superior courts represent about 2% of total cases in each of these jurisdictions.

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For more information on grouped offences see methodology section.

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

* Dollar amounts calculated on a one year base (1992 = 100) that adjusts for inflation making the yearly amount directly comparable. For more information see Statistics Canada catalogue no. 62-557, Your Guide to the Consumer Price Index.

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

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

Canadian Centre for Justice Statistics

For further information, please contact the Canadian Centre for Justice Statistics, 19th floor, R.H. Coats Building, Ottawa, Ontario K1A 0T6 at (613) 951-9023 or call toll-free 1 800 387-2231. To order a publication, you may telephone (613) 951-7277 or fax (613) 951-1584 or visit the Internet: infostats@statcan.ca. You may also call 1 800 267-6677 (Canada and United States) toll-free. If you order by telephone, written confirmation is not required.

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