



# Juristat

Canadian Centre for Justice Statistics



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## JUSTICE SPENDING IN CANADA

*By Sandra Besserer and Jennifer Tufts*

### HIGHLIGHTS

- Of every dollar that governments spent in the 1996/97 fiscal year, approximately 3 cents was spent on policing, courts and correctional services. This is similar to what was spent in four other sectors: resource conservation and industrial development, national defence, recreation and culture, and the environment. The largest portion of the government dollar was spent on social services (31 cents), followed by debt charges (15 cents), education (14 cents) and health (14 cents).
- Spending on six sectors of the justice system – policing, courts, legal aid, criminal prosecutions, adult corrections and youth corrections – totalled almost \$10 billion in 1996/97. This was the equivalent of \$337 for every person in Canada.
- Of the \$10 billion that was spent, the majority (59%) was spent on policing. Next most costly was adult corrections, at 20%. The remaining money was spent on courts (9%), legal aid (5%), youth corrections (5%) and criminal prosecutions (3%).
- When adjusted for inflation and increases in the population, spending on justice services in 1996/97 was down approximately 2% from the previous year and about 8% from 4 years before.
- In 1996/97, per capita spending on justice services was highest in the Northwest Territories and Yukon. Among the provinces, the figure ranged from \$175 per person in Newfoundland to \$264 per person in Ontario. Except for Manitoba and Prince Edward Island, per capita spending (adjusted for inflation) was down in all jurisdictions when compared to 1994/95.
- Almost 120,000 people were employed full-time in the justice system in 1996/97, that is, by the police, courts, legal aid plans, criminal prosecutions and adult corrections. Over half (62%) worked for the police. From 1992/93 to 1996/97, the number of employees declined by about 3%, equivalent to a decline of more than 7% on a per capita basis. These declines have been less severe than overall cuts in the public sector.



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## Introduction

Each year, governments must decide how to allocate funding to various competing priorities. Should more money be spent on health, education, or the environment? Should government spending be decreased? Should taxes be reduced? Should increased efforts be made to reduce government debts? Spending on the justice system, including policing, courts and the correctional system, is another area where governments must decide what should be spent.

This *Juristat* will examine how much is being spent to operate the justice system in Canada and how many people are working in the system. Trends in spending and personnel will be discussed for policing, courts, legal aid, criminal prosecutions, and corrections. Where appropriate, data are expressed in constant dollars, to remove the effects of inflation, and on a per capita basis, to eliminate the effects of differences in the population across the country and over time.

Data for the report come from several sources, including the Canadian Centre for Justice Statistics' resource, expenditure and personnel surveys, Statistics Canada's Financial Management System, and Justice Canada. Depending on the source, the data cover the period up to 1996/97 or 1997/98. The data on justice expenditures generally include operating costs, but exclude capital costs, such as building construction (see Data Sources and Box 1 for more detail).

### What are the recent economic trends?

The state of the economy will affect the demands that are placed on government funding, as well as the amount of money that governments collect and have available to spend. There has been some fairly good economic news for Canada of late. In 1997, after two years of slow growth, the economy<sup>1</sup> and employment expanded by 3.8% and 1.9%, respectively, nearly matching the best gains of the decade, attained in 1994. In 1998, economic growth slowed to 3.0%, but employment jumped by 2.8%, the biggest year-over-year gain of the 1990s. The inflation rate<sup>2</sup> continued to maintain historic lows, registering 1.6% in 1997 and 0.9% in 1998. The unemployment rate fell to 8.3% in 1998, reaching its lowest level since 1990.<sup>3</sup>

In the government sector, the emphasis on deficit reduction that began early in the 1990s meant that in 1997, all governments combined to record a budget surplus for the first time in 23 years. The deficit reduction was accomplished through increased revenues and by holding the line on spending. In 1998, the purse strings were loosened and spending increased by an estimated 1.9%, while revenues jumped by 3.0%.<sup>4</sup>

### How much do governments spend?<sup>5</sup>

In Canada in 1996/97, spending by governments at all levels amounted to \$389 billion. Of that total, spending on justice services (policing, courts and corrections) accounted for 3% (see Figure 1). This was similar to what was spent on resource conservation and industrial development, national defence, recreation and culture, and the environment. The largest portion of government expenditures (31%) was devoted to social services, including social assistance, workers' compensation benefits, pension plan benefits and veterans' benefits. Next most costly were debt charges, at 15%. Expenditures on education and health each made up 14% of the total. The proportion of government spending devoted to justice services has changed very little over the last five years.

<sup>1</sup> As measured by real Gross Domestic Product (GDP).

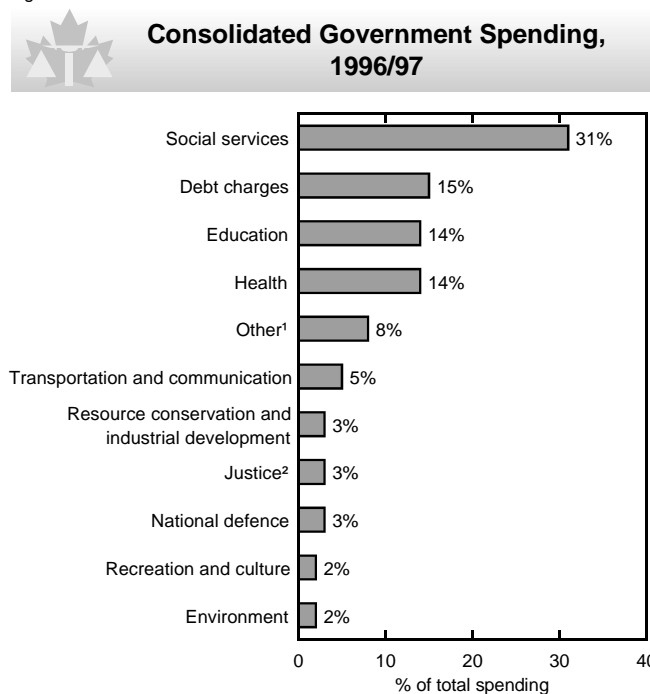
<sup>2</sup> As measured by changes in the Consumer Price Index (CPI).

<sup>3</sup> For further information, see P. Cross "Economic Trends in 1997." Canadian Economic Observer 11(4) and "Year-End Review." Canadian Economic Observer 12(4) (Ottawa: Statistics Canada, April 1998 and 1999).

<sup>4</sup> This is based on estimated spending figures. For further information see National Economic and Financial Accounts, Statistics Canada Catalogue no. 13-001-XPB.

<sup>5</sup> This is based on the data from Statistics Canada's Financial Management System (FMS). The FMS figures for justice spending include figures for three sectors – policing, courts and corrections. See Data Sources for more information.

Figure 1



<sup>1</sup> Includes general government services; housing; labour, employment and immigration; and foreign affairs and international assistance.

<sup>2</sup> Includes spending on policing, courts and corrections.

Source: Statistics Canada, Public Institutions Division, Financial Management System.

Once spending figures are adjusted for inflation<sup>6</sup> and changes in population,<sup>7</sup> total government spending in 1996/97 was down 4.8% from the previous year (see Table 1). Spending was down in the four largest sectors (social services, debt charges, education and health), as well as in the justice sector. Compared to figures for the beginning of the decade (1990/91), total spending was down 5.9%. This exceeded the decline in education (-4.1%), justice (-3.7%), and health (-3.5%), but

not debt charges (-6.5%). Spending on social services was the only major category to show an increase in constant dollar per capita spending (+3.9%) from the start of the decade.

### What do justice services cost?<sup>8</sup>

In 1996/97, almost \$10 billion was spent on six sectors of the justice system – policing, courts, legal aid, criminal prosecutions, adult corrections and youth corrections (see Table 2).<sup>9</sup> This was the equivalent of \$337 for every person in Canada. By far the largest portion of the justice dollar was spent on policing, which accounted for 59% of total spending or \$197 per person (see Figure 2). Next most costly was adult corrections at 20%, followed by courts at 9%.

When spending figures are adjusted for inflation and changes in the population, spending on justice services appears to be decreasing. In 1996/97, per capita spending<sup>10</sup> was down approximately 2% from the year before (when adjusted for inflation). Data available over a longer time period (for policing, courts, legal aid, and adult and youth corrections) also indicate that spending is down. Per capita constant dollar spending in these five sectors was \$310 in 1996/97 and has dropped every year since 1992/93, posting a decline of 8% over that time frame. Spending in each justice sector is discussed later in more detail.

<sup>6</sup> The Consumer Price Index (CPI) with a base year of 1992=100 was used to calculate constant dollars. For example, the CPI for 1996 was used to adjust spending figures for fiscal year 1996/97.

<sup>7</sup> Figures are expressed on a per capita basis in order to eliminate the effects of population differences across the country or over time.

<sup>8</sup> This is based on data from the Canadian Centre for Justice Statistics' resource, expenditure and personnel surveys and on spending estimates provided by Justice Canada. See Box 1 and Data Sources for more information. The data may differ from those reported in the previous section on overall government spending because the data sources, coverage, etc. are different.

<sup>9</sup> Spending in all sectors except policing is measured on a fiscal year basis. For comparison purposes in this report, policing expenditures are also expressed this way. For example, 1997 spending will be shown as 1997/98 spending.

<sup>10</sup> Per capita justice spending figures presented in this Juristat may differ from previously published figures due to recent revisions to population data.

Table 1

	1990/91	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97
<b>Year-to-year change in constant 1992\$ per capita spending (%)<sup>1,2</sup></b>							
Social Services	3.6	6.2	3.5	1.1	-3.5	-2.4	-0.8
Debt Charges	4.0	-7.8	-3.8	-0.9	8.9	5.4	-7.2
Education	2.9	3.0	2.9	-2.6	1.2	-3.2	-5.0
Health	2.4	2.5	1.0	-1.5	-1.0	-0.6	-3.8
Justice <sup>3</sup>	3.7	-1.2	1.8	0.8	-0.5	-1.4	-3.3
<b>Total<sup>4</sup></b>	<b>2.1</b>	<b>1.2</b>	<b>0.1</b>	<b>-1.6</b>	<b>0.3</b>	<b>-1.1</b>	<b>-4.8</b>

<sup>1</sup> The population estimates used to calculate per capita figures are provided by Statistics Canada, Census and Demographic Statistics, Demography Division. Populations as of July 1st: revised intercensal estimates for 1990; final intercensal estimates for 1991 to 1995; and final postcensal estimates for 1996.

<sup>2</sup> In order to create constant dollar figures with the effects of inflation removed, figures were converted to a base of 1992=100 using Statistics Canada's Consumer Price Index (CPI).

<sup>3</sup> Includes policing, courts and corrections.

<sup>4</sup> Represents total government spending, including sectors not shown in the table.

Source: Statistics Canada, Public Institutions Division, Financial Management System.

Table 2

 **Spending on Justice Services**

	1992/93		1993/94		1994/95		1995/96		1996/97		1997/98	
	Total	Per capita	Total	Per capita	Total	Per capita	Total	Per capita	Total	Per capita	Total	Per capita
Population (000s) <sup>1</sup>	28,376.6		28,703.1		29,036.0		29,353.9		29,671.9		30,004.0	
CPI (1992=100) <sup>2</sup>	100.0		101.8		102.0		104.2		105.9		107.6	
	millions \$	\$	millions \$	\$	millions \$	\$	millions \$	\$	millions \$	\$	millions \$	\$
<b>Spending in current \$</b>												
Police	5,717	201	5,790	202	5,784	199	5,809	198	5,856	197	5,989	200
Courts <sup>3</sup>	867	31	852	30	838	29	847	29	857	29	..	..
Legal Aid	602	21	594	21	646	22	622	21	536	18	455	15
Adult Corrections	1,880	66	1,879	65	1,894	65	1,919	65	1,969	66	2,077	69
Youth Corrections <sup>4</sup>	489	17	508	18	526	18	508	17	513	17	499	17
<b>Sub-total</b>	<b>9,555</b>	<b>337</b>	<b>9,623</b>	<b>335</b>	<b>9,687</b>	<b>334</b>	<b>9,705</b>	<b>331</b>	<b>9,732</b>	<b>328</b>	...	...
Prosecutions <sup>3</sup>	..	..	..	..	257	9	261	9	265	9	..	..
<b>Total</b>	...	...	...	...	<b>9,944</b>	<b>342</b>	<b>9,966</b>	<b>340</b>	<b>9,996</b>	<b>337</b>	...	...
<b>Spending in constant 1992\$<sup>2</sup></b>												
Police	5,717	201	5,688	198	5,670	195	5,574	190	5,530	186	5,566	186
Courts <sup>3</sup>	867	31	837	29	821	28	813	28	810	27	..	..
Legal Aid	602	21	584	20	634	22	597	20	506	17	423	14
Adult Corrections	1,880	66	1,846	64	1,856	64	1,842	63	1,859	63	1,931	64
Youth Corrections <sup>4</sup>	489	17	499	17	515	18	488	17	485	16	464	15
<b>Sub-total</b>	<b>9,555</b>	<b>337</b>	<b>9,453</b>	<b>329</b>	<b>9,497</b>	<b>327</b>	<b>9,314</b>	<b>317</b>	<b>9,189</b>	<b>310</b>	...	...
Prosecutions <sup>3</sup>	..	..	..	..	252	9	250	9	250	8	..	..
<b>Total</b>	...	...	...	...	<b>9,749</b>	<b>336</b>	<b>9,564</b>	<b>326</b>	<b>9,439</b>	<b>318</b>	...	...

.. figures not available.

... figures not appropriate or not applicable.

<sup>1</sup> The population estimates used to calculate per capita figures are provided by Statistics Canada, Census and Demographic Statistics, Demography Division. Populations as of July 1st: final intercensal estimates for 1992 to 1995; final postcensal estimates for 1996; and updated postcensal estimates for 1997.

<sup>2</sup> In order to create constant dollar figures with the effects of inflation removed, figures were converted to a base of 1992=100 using Statistics Canada's Consumer Price Index (CPI).

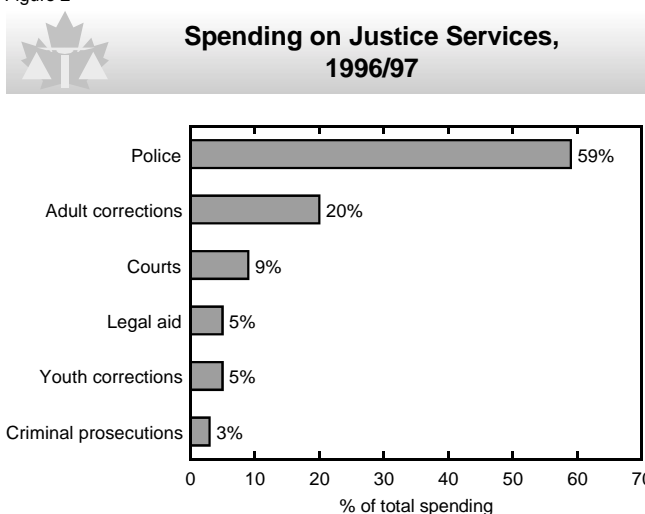
<sup>3</sup> In order to make annual comparisons, court expenditures for 1993/94 and 1995/96 have been estimated based on the average between the reporting years preceding and following the reference period.

Prosecutions expenditures for 1995/96 were estimated in a similar manner.

<sup>4</sup> Youth corrections costs are estimates. The figures likely underestimate total costs.

**Sources:** Justice Canada, Young Offenders Cost-Sharing Agreements and Statistics Canada, Canadian Centre for Justice Statistics, Police Administration Annual Survey; Courts Resources, Expenditures and Personnel Survey; Criminal Prosecutions Resources, Expenditures and Personnel Survey; Legal Aid Survey; and Adult Correctional Services Survey.

Figure 2



**Sources:** Justice Canada, Young Offenders Cost-Sharing Agreements and Statistics Canada, Canadian Centre for Justice Statistics, Police Administration Annual Survey; Courts Resources, Expenditures and Personnel Survey; Criminal Prosecutions Resources, Expenditures and Personnel Survey; Legal Aid Survey; and Adult Correctional Services Survey.

The overall spending figures do not include the total amount of money spent by governments on justice services. As mentioned previously, capital costs, such as prison construction are not included. Other exclusions include some of the costs related to victim compensation (see Box 2), victim services, maintenance enforcement programs, crime prevention (see Box 3) and justice policy and research. Spending by non-government agencies, for example those offering services to offenders or to victims of crime, is not included.<sup>11</sup> Something else to consider in examining justice spending is that the justice sector is not solely a consumer of resources – in certain instances the sector generates revenues (see Box 4).

**Policing**

Policing involves more than investigating crimes and apprehending suspects. Other services provided by the police include: forensic services; property and evidence management; traffic enforcement; patrol services; court services, including summons and subpoena processing, handling of persons in court, and appearing as witnesses; victim support; screening of potential employees and volunteers; Crime Stoppers, Neighbourhood Watch and school

<sup>11</sup> Some of this spending may be included if it was government funded.

### Box 1

#### About justice spending data

The Canadian Centre for Justice Statistics collects resource and expenditure data for five justice sectors: policing, courts, legal aid, criminal prosecutions and adult corrections. In the case of youth corrections, national estimates on spending are available from Justice Canada.

**Police expenditures** include actual operating expenditures that are paid from police force budgets, such as salaries and wages. Revenues, recoveries and capital expenditures are excluded. All police agencies are covered, with the exception of specialized enforcement areas such as the Canadian Security Intelligence Service. Personnel involved in the enforcement of specific statutes in the areas of income tax, customs and excise, immigration, fisheries and wildlife are also excluded.

**Court expenditures** include all operating expenditures (salaries and benefits) for judges and support staff in the Supreme Court, the Tax Court, the Federal Court of Canada, the Office of the Commissioner for Federal Judicial Affairs, the Judicial Council and all courts in the provinces and territories. Excluded are maintenance enforcement services, building occupancy costs, prisoner escort services, and costs associated with coroner inquests.

**Legal aid expenditures** include payments made to private law firms and legal aid plan staff for the provision of legal advice and representation in criminal and civil matters. Law office and community law clinic expenses (staff salaries, benefits and overhead) are included, as are all central administrative expenses.

**Prosecution expenditures** include all operating expenditures (salaries and benefits) for full-time and contract lawyers, who conduct the prosecution of criminal cases on behalf of the Crown. All direct support staff costs are also included.

**Adult correctional expenditures** include operating expenditures for federal and provincial correctional facilities (salaries and benefits for custodial and non-custodial staff), community supervision (probation, parole, bail supervision), headquarters, and parole boards (federal and provincial).

**Youth correctional expenditures** are estimates provided by Justice Canada and likely underestimate total costs. The figures include youth alternative measures, custodial services, probation supervision, judicial interim release supervision, medical and psychological reports, post-adjudication detention, pre-disposition reports, review boards and screening services. Excluded are those costs related to pre-trial detention (remand and lock-ups) and the adjudication of young offenders for provincial offences.

### Box 2

#### Victim Compensation

The criminal justice system has been evolving over the last 15 years to facilitate the participation of victims and witnesses. Recently, as part of an overall federal government strategy to respond to the needs of victims of crimes, the Minister of Justice introduced amendments to the *Criminal Code*. The proposed legislation will make available additional resources for provincial and territorial governments to provide services directly to victims of crime. It will ensure that victims' surcharges, the penalties imposed on offenders by the courts and collected by the provinces and territories to fund programs, services and assistance to victims of crime, will increase in amount and be mandatory.

Currently, in most provinces and territories, there is legislation stipulating that victims of crime may be compensated for both their financial and emotional loss and suffering. British Columbia is one province that uses this type of legislation to support a Criminal Injury Compensation Program (CICP). Established in 1972 to ease the financial burden of injury or death on victims of crime and their families, the CICP is administered by the Workers' Compensation Board and is part of the provincial government's overall responsibility for victim services.

In British Columbia in 1998, over \$18 million was awarded in victims' compensation, an amount that was down about 9% from what was awarded in 1997. Almost half (49%) of all compensation money was awarded for pain and suffering, followed by wage loss (17%) and counselling (11%). Of the 56 offences for which compensation can be paid, assaults and sexual offences accounted for the majority of money awarded in 1998. Victims of assault (levels 1, 2 and 3) were paid 43% of award money, followed by victims of sexual offences (28%), homicide and attempted murder (19%), and robbery (3%).

Sources: Department of Justice Canada. *Backgrounder: Federal legislation strengthening the voice of victims of crime*. Ottawa: April 15, 1999. Workers' Compensation Board of British Columbia. *Criminal Injury Compensation Program Report 1998*. British Columbia: 1998.

### Box 3

#### Crime Prevention

Individuals spend both time and money in an effort to reduce personal victimization. They secure their homes and motor vehicles; they participate in community safety programs; and they adopt crime prevention behaviours, for example they may avoid using public transportation after dark. Governments and other groups also spend money on crime prevention. In recent years, this has become an area of increasing interest and priority.

On June 2, 1998, the federal government announced the details of Phase II of its National Strategy on Community Safety and Crime Prevention. At the time, Minister of Justice, Anne McLellan, expressed her belief that too much emphasis was being placed on dealing with crimes after the fact and not enough was being done on preventing them in the first place. The initiative, with annual funding of \$32 million, has three objectives:

- to promote integrated action by governmental and non-governmental partners to reduce crime and victimization;
- to assist communities to develop community-based solutions to problems that contribute to crime and victimization; and
- to increase public awareness and support for effective approaches to crime prevention.

It will be important to collect and analyze data to assess the impact over time of investments in crime prevention on the nature and extent of criminal activity, the levels and perception of public safety, and the demands being placed on police, courts and other components of the justice system.

Source: National Crime Prevention Centre <<http://www.crime-prevention.org>> (Accessed on October 28, 1999).

**Box 4**

**Justice Revenues**

The justice sector generates revenues for governments both directly and indirectly. As an example of the latter, consider that in 1997, investigations through the RCMP Customs and Excise Branch (which ensures the legal movement of goods across Canada's borders) uncovered more than \$128 million worth of illegal goods including cigarettes and alcohol. This reduced the loss of tax revenue and customs duties to the federal government resulting from the illegal importation and sale of such goods. Also in 1997, the RCMP Drug Enforcement Branch seized drugs with a total street value of \$638.5 million, thereby in all likelihood, reducing drug-related crime and overdoses, lowering the burden on the health care system, and saving taxpayers dollars.

Justice sector activity also has a more direct impact on government funds. For example, the policing sector recovers assets associated with illegal activities, the courts sector collects fines imposed upon offenders, and the corrections sector earns income through the work of inmates. Some of these examples are described in more detail below.

The RCMP Proceeds of Crime Branch, in accordance with proceeds of crime legislation,<sup>12</sup> can confiscate any property that is purchased by money earned through criminal activity. Thus, criminals' homes, cars, sports vehicles, or bank accounts can be seized. The proceeds of such items become part of general government revenues, where they can be spent on social and other programs. Since proceeds of crime legislation was passed in 1989, the RCMP has seized approximately \$241 million worth of assets and approximately \$80 million in forfeitures. (It should be noted that these assets may not generate their full value when sold.)

The collection of fines imposed upon offenders within the criminal justice system is the responsibility of the courts. In 1997/98, adult criminal courts in 9 provinces and territories imposed approximately \$135 million<sup>13</sup> in fines for the commission of federal statute offences. Additionally, during the same year, youth courts across Canada imposed fines of approximately \$1.2 million for the commission of federal statute offences.<sup>14</sup> (Under the *Young Offenders Act*, \$1,000 is the maximum fine that young offenders can be ordered to pay.) Not included in these figures are fines collected for violations of provincial and municipal statutes, including certain traffic offences (e.g., *Highway Traffic Control Act* violations). These amounts can be significant. In the province of Newfoundland, for example, approximately \$5.5 million was collected in 1997/98, the equivalent of \$10 for every person in the province.<sup>15</sup> Most of the tickets were issued for motor vehicle related offences. Of course, not all of this money gets collected because not all offenders pay their fines.

CORCAN is an agency of the Correctional Service of Canada. Its purpose is to help reintegrate offenders into society by providing training and work experience that is similar to private sector work settings. Federal inmates manufacture and produce a wide range of industrial and agri-business commodities. These products are then sold to federal, provincial and municipal governments, and non-profit organizations. The revenues that are generated help to offset the costs of offender training and incarceration. In 1997/98, CORCAN activities generated approximately \$76 million in revenues, a 13% increase from the \$67 million generated the previous year. Of the various sources of revenue, construction activities accounted for the largest proportion (27%) of total revenues, followed by manufacturing (26%).

Sources: Correctional Service Canada. *CORCAN – Marketing Package*. Ottawa: 1998.  
 Correctional Service Canada. *CSC Performance Report – March 1998*. Ottawa: 1998.  
 Royal Canadian Mounted Police <<http://www.rcmp-grc.gc.ca>> (Accessed on July 7, 1999).

<sup>12</sup> This includes various provisions of the *Criminal Code*, the *Controlled Drugs and Substances Act*, the *Proceeds of Crime (Money Laundering) Act* and other legislation.

<sup>13</sup> This figure is based on data from Statistics Canada's *Adult Criminal Court Survey (ACCS)* and represents approximately 80% of the national caseload in provincial/territorial courts. There is no coverage of superior courts.

<sup>14</sup> This figure is based on data from Statistics Canada's *Youth Court Survey*, which has full national coverage.

<sup>15</sup> This figure is based on data from the *Government of Newfoundland's Ticket Management System*.

liaison programs; security alarm response; and media relations.

The responsibility for providing policing services is shared by all levels of government: federal, provincial/territorial and municipal. At the federal level, the RCMP is responsible for the enforcement of most federal laws. The provinces and territories assume responsibility for their own provincial/territorial and municipal policing. Municipal policing involves the enforcement of the *Criminal Code*, provincial statutes and municipal by-laws within municipal boundaries, while provincial policing involves the enforcement of the *Criminal Code* and provincial statutes in areas not served by municipal forces. A few provinces have their own provincial police forces, but most contract the RCMP to provide provincial policing. The RCMP (or the provincial police force) may also be contracted to provide municipal policing services.

Nearly \$6 billion was spent on policing services in 1997/98, the equivalent of \$200 for every person in Canada (see

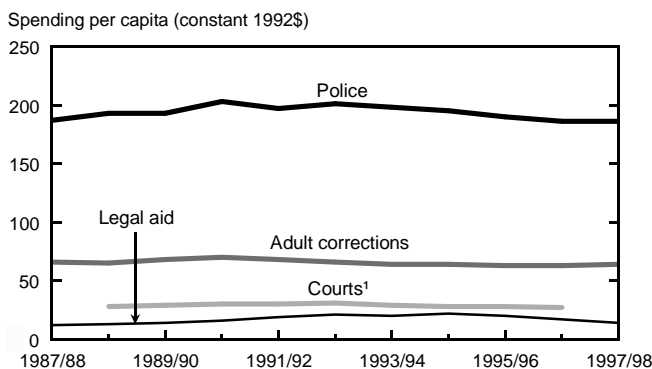
Table 2). The majority of expenditures (80%) went to wages, salaries and benefits. Municipal policing accounted for the majority (56%) of policing expenditures, followed by provincial policing at 24% and federal costs at 20%.<sup>16</sup>

Spending on policing in current dollars has increased in recent years, rising 5% from \$5.7 billion in 1992/93 to \$6.0 billion in 1997/98. However, after adjusting for inflation and increases in the population, spending on policing has declined (see Figure 3). Expressed in 1992 dollars, spending in 1997/98 was \$186 per person, down 8% from the figure for 1992/93. Spending on policing is not directly correlated to the level of crime; however, the downward trend in spending parallels what has been happening to the police-reported crime rate. Between 1992 and 1997, the crime rate dropped 16%.

<sup>16</sup> Federal costs include the cost of federal policing plus a portion of the cost for municipal and provincial/territorial policing in those jurisdictions that contract the RCMP to perform this service.

Figure 3

**Trends in Per Capita Spending on Justice Services**



<sup>1</sup> Figures for 1989/90, 1991/92, 1993/94 and 1995/96 for Courts are estimates.

**Sources:** Statistics Canada, Canadian Centre for Justice Statistics, Police Administration Annual Survey; Courts Resources, Expenditures and Personnel Survey; Legal Aid Survey; and Adult Correctional Services Survey.

The per capita cost for municipal and provincial policing in Canada, which is the responsibility of the provinces, amounted to \$159 in 1997/98 (see Table 3).<sup>17</sup> Per capita costs for the Northwest Territories<sup>18</sup> (\$386) and Yukon (\$291) were considerably higher than in the provinces (see Box 5). Among the provinces, costs were highest in Quebec and Ontario at \$177 per person, and lowest in Newfoundland (\$98) and Prince Edward Island (\$100). These rankings have generally been the same since data were first collected in 1985. In 1997/98, per capita spending increased in six provinces/territories, but once the figures are adjusted for inflation, just two jurisdictions – British Columbia and Yukon – showed increases.

**Courts**

Courts in Canada hear criminal and civil cases. In criminal cases, a person or business is prosecuted for having broken a law. In civil cases, there is a dispute between two or more private parties, for example divorce, child custody and access, probate and small claims matters. In order to operate the

court system, a variety of activities must be undertaken. These include: issuing appearance notices, summonses and warrants for arrest; receiving, storing and maintaining all records and exhibits associated with matters before the court; keeping an account of all money paid for fines and fees; monitoring the enforcement of court orders; scheduling trials and co-ordinating witnesses and juries; providing sheriff services for such things as court security and serving civil documents; and maintaining a law library.

Responsibility for the operation of courts is divided between the federal and provincial/territorial governments. The Supreme Court of Canada, the Federal Court of Canada and the Tax Court of Canada have national authority and are the responsibility of the federal government. The provinces and territories are responsible for the creation and administration of courts within their boundaries. Variations exist in the organization of these courts, but in general there are appeal courts, superior (trial) courts, which hear more serious matters, and provincial/territorial (trial) courts. The judges that preside over the appeal and superior courts are appointed and paid by the federal government.

Court operating costs amounted to \$857 million in 1996/97 or about \$29 per person (see Table 2). As with policing costs, over 80% of the total was the result of expenditures on salaries, wages and benefits. The remainder was spent on operating costs, including law library/publication costs, witness costs, travel costs, and office expenses. Spending in current dollars was up about 2% from 1994/95, the year for which data were previously collected. However, constant dollar per capita spending, at \$27 in 1996/97, was down 4% from 1994/95 and 11% from 1992/93 (see Figure 3).

The volume of cases in youth courts and adult provincial/territorial criminal courts has been down in recent years and may thus offer a partial explanation for the decline in expenditures. In 1997/98, the number of cases in adult criminal courts declined 1% and was down 8% from 3 years earlier.<sup>19</sup> The number of youth court cases increased slightly (0.7%) in 1997/98, but has dropped almost 4% since 1992/93. There could be any number of other contributing factors to the decline in expenditures, including the use of diversion;<sup>20</sup> the caseload in superior trial courts, civil courts and appeal courts;<sup>21</sup> the type and complexity of cases at all levels of court; and the use of more efficient caseload management techniques.

**Box 5**

**The high cost of justice in Yukon and the Northwest Territories**

Per capita spending figures for policing, courts, legal aid and adult corrections all tend to be higher in Yukon and the Northwest Territories than they are in other parts of the country. It is not possible to identify all of the reasons for these differences, but certainly part of the explanation is related to the high cost of providing justice services to small populations that are spread out over large, remote areas. In the case of court services, for example, there are only a few permanent court locations and many circuit courts. A judge, clerk, court reporter, Crown prosecutor, defense counsel and victim services officer travel to various temporary locations to conduct hearings.

<sup>17</sup> It should be noted that per capita spending costs by the provinces and territories are not strictly comparable. When the RCMP are contracted to perform municipal or provincial policing, the cost to the province/territory includes only their portion of the contract cost and not any additional policing costs that may be incurred.

<sup>18</sup> On April 1, 1999, Nunavut, which consists of the eastern part of the former Northwest Territories, officially became a Canadian territory. The justice spending and personnel data in this report pre-date the creation of Nunavut and it is not possible at the present time to derive data for Nunavut. Thus, figures in this Juristat for the Northwest Territories refer to the former Northwest Territories.

<sup>19</sup> This is based on data from the Adult Criminal Court Survey. In 1997/98, this survey collected information on cases disposed in the provincial/territorial courts of 9 provinces and territories, representing about 80% of the national caseload in provincial/territorial courts.

<sup>20</sup> Diversion, for example alternative measures, is an approach used to keep offenders from further involvement in the court system.

<sup>21</sup> Data on the volume of cases in superior, civil and appeal courts are not yet available from Canadian Centre for Justice Statistics' surveys.

Table 3

## Spending on Justice Services in the Provinces and Territories, by Sector

	Police <sup>1</sup>		Courts <sup>2</sup>		Legal Aid		Prosecutions <sup>3</sup>		Adult Corrections <sup>4</sup>		Population <sup>5</sup> 000s	CPI <sup>6</sup> 1992=100
	Per capita spending		Per capita spending		Per capita spending		Per capita spending		Per capita spending			
	current \$	constant \$	current \$	constant \$	current \$	constant \$	current \$	constant \$	current \$	constant \$		
<b>1996/97</b>												
Newfoundland	99	93	27	26	10	9	6	6	33	31	560.6	106.0
Prince Edward Island	100	95	30	29	4	4	6	6	39	37	136.2	105.2
Nova Scotia	112	106	38	36	11	11	9	9	27	25	931.2	105.6
New Brunswick	123	117	23	22	5	5	6	5	24	23	753.0	104.9
Quebec	177	171	22	21	16	15	5	5	23	22	7,274.0	103.4
Ontario	173	164	24	23	23	21	7	7	38	35	11,100.9	105.9
Manitoba	145	132	33	30	13	12	7	6	38	35	1,134.3	109.2
Saskatchewan	139	128	26	24	9	8	7	7	48	44	1,019.5	108.9
Alberta	130	121	28	26	9	8	7	6	27	25	2,780.6	107.3
British Columbia	125	114	34	32	25	23	14	13	40	37	3,882.0	108.9
Yukon	278	259	120	111	28	26	..	..	244	227	31.9	107.5
Northwest Territories	406	375	133	123	76	70	..	..	243	224	67.6	108.2
<b>Total</b>	<b>157</b>	<b>148</b>	<b>26</b>	<b>25</b>	<b>18</b>	<b>17</b>	<b>7</b>	<b>7</b>	<b>34</b>	<b>32</b>	<b>29,671.9</b>	<b>105.9</b>
<b>1997/98</b>												
Newfoundland	98	91	..	..	10	9	..	..	34	32	554.4	108.2
Prince Edward Island	100	94	..	..	4	4	..	..	37	35	136.8	106.5
Nova Scotia	113	105	..	..	11	10	..	..	26	24	934.8	107.8
New Brunswick	121	113	..	..	5	4	..	..	23	21	754.0	106.9
Quebec	177	168	..	..	15	14	..	..	22	21	7,307.6	104.9
Ontario	177	164	..	..	17	15	..	..	41	38	11,260.4	107.9
Manitoba	147	132	..	..	14	12	..	..	39	35	1,136.8	111.6
Saskatchewan	138	126	..	..	9	8	..	..	48	44	1,022.2	110.3
Alberta	132	120	..	..	8	7	..	..	26	24	2,837.8	109.5
British Columbia	127	116	..	..	22	20	..	..	42	38	3,959.3	109.7
Yukon	291	265	..	..	27	25	..	..	253	230	32.2	109.9
Northwest Territories	386	357	..	..	80	74	..	..	222	205	67.8	108.3
<b>Total</b>	<b>159</b>	<b>148</b>	<b>..</b>	<b>..</b>	<b>15</b>	<b>14</b>	<b>..</b>	<b>..</b>	<b>35</b>	<b>33</b>	<b>30,004.0</b>	<b>107.6</b>

.. figures not available.

... figures not appropriate or not applicable.

<sup>1</sup> Excludes federal spending on the RCMP. Also, provincial/territorial expenditures on RCMP contracts reflect only the cost billed to the province/territory or municipality and not the total cost of the contract or any additional policing costs.

<sup>2</sup> Excludes spending on federal courts and administrative costs for the Office of the Commissioner for Federal Judicial Affairs.

<sup>3</sup> Excludes Justice Canada spending, including prosecution costs for Yukon and the Northwest Territories. Also excludes prosecution costs for Quebec municipal courts estimated to represent 20% of the Quebec workload.

<sup>4</sup> Excludes spending on federal corrections.

<sup>5</sup> The population estimates used to calculate per capita figures are provided by Statistics Canada, Census and Demographic Statistics, Demography Division. Populations as of July 1st: final postcensal estimates for 1996 and updated postcensal estimates for 1997.

<sup>6</sup> In order to create constant dollar figures with the effects of inflation removed, figures were converted to a base of 1992=100 using Statistics Canada's Consumer Price Index.

Sources: Statistics Canada, Canadian Centre for Justice Statistics, Police Administration Annual Survey; Courts Resources, Expenditures and Personnel Survey; Criminal Prosecutions Resources, Expenditures and Personnel Survey; Legal Aid Survey; and Adult Correctional Services Survey.

The territories had the highest per capita court expenditures (see Table 3). Among the provinces, per capita costs in 1996/97 ranged from \$22 in Quebec to \$38 in Nova Scotia.<sup>22</sup> Compared with 1994/95, per capita constant dollar spending increased in Prince Edward Island, Nova Scotia, Manitoba and Yukon, with Manitoba showing the largest increase, at 7%.

### Legal Aid

Not all Canadians have the resources to pay for legal services. Legal aid plans have been established in each province and territory to assist low-income individuals who need professional legal counsel, but can't afford to pay for it. The services provided by legal aid plans include legal representation, advice, referrals and information services.

Both criminal and civil (usually family-related) cases are covered, although the extent of coverage varies among provinces and territories.

The responsibility of the federal government is to provide some of the funding for legal aid plans. Minimum coverage standards for criminal matters are, in part, set under federal/provincial/territorial cost-sharing agreements. The provinces/territories also pay part of the costs of legal aid and they are responsible for the operation of their own plans. They therefore determine the type of matters that will be covered (above minimum standards), the eligibility criteria for applicants and the method of service delivery.

<sup>22</sup> Per capita costs include expenditures for federally appointed and paid judges.



Across Canada, there are three basic models for the delivery of legal aid services: *judicare*, *staff*, and *mixed systems*. Under the *judicare* model, clients retain a private lawyer who then bills the legal aid plan for legal services provided. Under the *staff* system, the legal aid plan directly employs lawyers who provide legal services. Under the *mixed* system, there are both private and staff lawyers who provide legal services. Ontario and Alberta have primarily *judicare* systems; Newfoundland, Prince Edward Island, Nova Scotia, and Saskatchewan have primarily *staff* systems; and New Brunswick, Quebec, Manitoba, British Columbia, the Northwest Territories, and Yukon operate *mixed* systems.

In 1997/98, legal aid plans spent \$455 million, the equivalent of \$15 per capita (see Table 2). Of the \$455 million that was spent, 84% was spent on direct legal services, meaning money spent on the provision of legal advice, information, referrals to other agencies and representation. This includes payments to private lawyers, as well as service delivery by legal aid plan staff. The remaining 16% of funds were spent by legal aid plans on legal research, public legal education, administrative costs, and grants to other agencies.

Legal aid spending has been down for the last three years, including a 15% drop in 1997/98. In constant dollar terms, spending nation-wide was \$14 per capita in 1997/98, also down for the third straight year. Between 1992/93 and 1997/98, constant dollar per capita spending on legal aid dropped 34%. This was a much larger drop than in the three other justice sectors with comparable data, i.e. youth corrections (-10%), policing (-8%) and adult corrections (-3%).

There is a wide variation in per capita spending on legal aid in the provinces and territories. In 1997/98, the Northwest Territories (\$80) and Yukon (\$27) led the way with figures much higher than the national average of \$15 per person (see Table 3). The lowest figure was reported by Prince Edward Island, at \$4. In addition to budget size, these differences partly reflect variations in the nature of legal aid plans, including the types of cases covered, financial eligibility criteria, and mode of service delivery. Other factors, may include a region's social and economic characteristics and the crime rate. Actual expenditures were down in all but three provinces and territories in 1997/98, with Ontario recording the largest decline at -25%. The decline in Ontario was the result of tightened eligibility criteria, reductions in the types of cases covered and a cut in the fees paid to lawyers.

### Criminal Prosecutions

In Canada, Crown prosecutors (or attorneys) are lawyers that represent the Crown before the courts in prosecutions of criminal offences. In addition to the work that they do in court, Crown prosecutors provide pre-charge advice to the police, prepare for trials, and carry out any post-trial activities, for example appeals. They also perform liaison work with witnesses and victims, and often contribute to policy development and/or public legal education. In three provinces – New Brunswick, Quebec and British Columbia – the Crown must give approval before the police can lay a charge.

Responsibility for prosecution services is divided between the provinces and the federal government. In the territories,

all prosecution services under the *Criminal Code* and other federal legislation are provided by federally appointed counsel. In the provinces, the prosecution of *Criminal Code* offences is conducted by provincially appointed counsel, while violations of other federal statutes (for example, the *Controlled Drugs and Substances Act*) are prosecuted by federally appointed counsel.

In 1996/97, the two levels of government together spent \$265 million providing criminal prosecution services (see Table 2). This is equivalent to \$9 for every Canadian. More than three-quarters (77%) of the money was spent on salaries, wages and benefits. Another 11% was spent on private lawyers. The remaining 12% was spent on other operating expenditures, for example, the cost of witnesses, law libraries/publications, staff training and office expenses. Spending was up 3% from 1994/95, the only previous year for which data were collected. However, constant dollar per capita spending dropped by 3% to \$8. This downward movement in spending mirrors declines in the crime rate and court caseloads that were mentioned previously.

On a per capita basis, most provinces spent a similar amount (\$7) on prosecution services in 1996/97 (see Table 3). (The federal government provides prosecution services for the territories so separate figures are not available.) Variations that do exist can result from a number of factors, including differing responsibilities; higher transportation costs (in provinces with a large or difficult area to cover); and higher costs for complex cases (which can have a noticeable effect in smaller provinces). From 1994/95 to 1996/97, there was a wide range of changes in per capita constant dollar spending by the provinces, from -19% for Newfoundland to +12% for Prince Edward Island.

### Adult Corrections<sup>23</sup>

Correctional services implement the sentences imposed by the courts, with the exception of collecting fines. Adult correctional agencies deal with offenders who were 18 years or older at the time of the offence. There are three distinct types of offenders in the correctional population: prisoners on remand awaiting a court appearance, offenders sentenced to custody, and offenders serving all or part of their sentences in the community, for example on supervised probation or parole. Some of the duties performed by corrections personnel include: preparing pre-sentence reports; assessing the needs of offenders, for example, for drug treatment; arranging for treatment; monitoring inmates and their visitors; moving inmates; providing individual and group counselling; developing and using rehabilitation resources; and appearing as witnesses.

Once again, responsibility for correctional services is split between the federal and provincial/territorial governments. The federal sector is responsible for all offenders serving a sentence of two years or more. The provincial sector is responsible for inmates serving less than two years, for persons being held on remand and for persons sentenced to community-based sanctions. As well, the National Parole

<sup>23</sup> Because the spending data for youth corrections are based on estimates, no detailed analyses are presented.

Board makes decisions about parole for all federal inmates and for provincial/territorial inmates in all jurisdictions except Quebec, Ontario, and British Columbia. These three provinces have their own parole boards.

In 1997/98, just over \$2 billion or \$69 per person was spent on adult corrections in Canada (see Table 2). The costs were almost evenly split, with 49% going towards federal corrections and 51% to provincial corrections. This split has been very consistent in recent years. It is estimated that 65% of spending on federal corrections and 79% of spending on provincial corrections was for wages, salaries and benefits. Based on the type of service, the breakdown in spending was 79% for custodial services, followed by 10% for community correctional services, 9% for headquarters services and 2% for parole services. The cost of keeping an inmate in custody in Canada averaged \$128 per day in 1997/98, or about \$47,000 for the year.

Corrections spending for the year was up by 6%, with both federal and provincial corrections registering similar increases. Compared with 1992/93, overall spending was up 11%, with the main source of the increase being federal (+20%), not provincial corrections (+3%). Part of the reason for this increased spending is likely the result of an increased caseload. The average number of offenders in adult custodial facilities fell 3% in 1997/98, but this was the first decline in more than 10 years. Compared to 1992/93, the average number of offenders in custody was up 4% in 1997/98. The number of adults under community supervision is also up, particularly with the introduction of conditional sentencing in 1996.<sup>24</sup> In 1997/98, the average number of adults under community supervision was up 8% from the year before and 10% from 1992/93. When spending figures are adjusted for inflation and changes to the population, overall corrections

expenditures were up 3% in 1997/98, but down 3% from five years before (see Figure 3).

The cost of provincial/territorial corrections in 1997/98 ranged from a low of \$22 per capita in Quebec to a high of \$253 in Yukon (see Table 3). Per capita constant dollar spending was up 2% from the year before, due primarily to increases in Ontario. Variations in provincial/territorial correctional statistics offer some explanation for the difference in spending figures across the country. For example, the rate of persons sentenced to custody ranged from a low of 548 per 10,000 adults charged in Manitoba to a high of 4,741 in the Northwest Territories; the rate of persons sentenced to probation ranged from 728 per 10,000 adults charged in Quebec to 4,662 in the Northwest Territories; and the median duration of custody ranged from 15 days in New Brunswick to 115 days in Manitoba.

### How does justice spending vary across Canada?<sup>25</sup>

Spending on justice services in the provinces and territories in 1996/97 was highest in the territories with the Northwest Territories spending \$857 per person and Yukon spending \$670 (see Table 4). Among the provinces, Newfoundland had

<sup>24</sup> With conditional sentencing, a judge, after imposing a term of imprisonment of less than two years, may order the offender to serve the sentence in the community under supervision, provided certain conditions, such as reporting to a probation officer, are met.

<sup>25</sup> Provincial/territorial spending figures include, where possible, all spending that was incurred in the jurisdiction, regardless of whether it was paid for by the federal or provincial/territorial government. Thus, spending on courts includes the salaries of superior court judges, which are paid by the federal government and spending on legal aid includes federally funded expenditures. One cost that is not included in provincial/territorial spending is federal corrections because it is not possible to apportion that spending among the jurisdictions.

Table 4

	1994/95		1996/97		% change in constant \$
	Per capita spending <sup>2</sup>		Per capita spending <sup>2</sup>		
	current \$	constant \$ <sup>3</sup>	current \$	constant \$ <sup>3</sup>	
Newfoundland	187	182	175	165	-9.3
Prince Edward Island	162	159	180	171	7.4
Nova Scotia	194	189	197	186	-1.7
New Brunswick	181	178	180	172	-3.3
Quebec	240	240	243	235	-2.2
Ontario	273	268	264	249	-7.1
Manitoba	224	215	236	216	0.4
Saskatchewan	235	224	229	210	-6.2
Alberta	213	207	201	187	-9.6
British Columbia	242	229	238	219	-4.5
Yukon	719	689	670	623	-9.6
Northwest Territories	849	820	857	792	-3.4
<b>Total</b>	<b>247</b>	<b>242</b>	<b>243</b>	<b>229</b>	<b>-5.2</b>

<sup>1</sup> Includes spending on policing, courts, legal aid, adult corrections and prosecutions as described in Table 3.

<sup>2</sup> The population estimates used to calculate per capita figures are provided by Statistics Canada, Census and Demographic Statistics, Demography Division. Populations as of July 1st: final intercensal estimates for 1994 and final postcensal estimates for 1996.

<sup>3</sup> In order to create constant dollar figures with the effects of inflation removed, figures were converted to a base of 1992=100 using Statistics Canada's Consumer Price Index.

**Sources:** Statistics Canada, Canadian Centre for Justice Statistics, Police Administration Annual Survey; Courts Resources, Expenditures and Personnel Survey; Criminal Prosecutions Resources, Expenditures and Personnel Survey; Legal Aid Survey; and Adult Correctional Services Survey.

the lowest per capita spending at \$175 and Ontario had the highest at \$264.<sup>26</sup> Spending patterns have been fairly similar in most jurisdictions. Between 1994/95 and 1996/97, per capita constant dollar spending decreased everywhere except Manitoba, where there was virtually no change, and Prince Edward Island, where spending was up 7.4%.

There is some variation in how provinces and territories spend their justice dollar. For example, in 1996/97, 42% of Yukon's expenditures were directed at policing, while for Quebec, the figure was 73% (see Table 5).

### Who is employed in the justice system?

In 1996/97, 119,582 persons were employed in the justice system, that is, by the police, courts, legal aid plans, criminal prosecutions and adult corrections (see Table 6).<sup>27</sup> Over half (62%) of these people were employed in policing, followed by adult corrections at 23%, courts (10%), prosecutions (3%) and legal aid plans (2%). These proportions are quite similar to those for overall spending (when youth corrections is excluded), a fact that is not surprising given that salaries, wages and benefits account for roughly three-quarters of expenditures. Not all of the people that work in the justice system are paid employees – a significant number of people volunteer their time (see Box 6).

The number of justice employees was down slightly in 1996/97, by just under 1% from 1994/95. In per capita terms, the decrease was larger. There were 403 employees in the justice system in 1996/97 for every 100,000 persons in Canada, a decline of 3% from two years before. Over a longer time frame, excluding prosecutions staff (because figures aren't available),

there has also been a decline in personnel. From 1992/93 to 1996/97, the number of employees declined 3% in absolute terms and 7% in per capita terms. The shrinking size of the justice sector workforce may partially explain how governments have reduced spending on justice services in recent years. The declines in justice system employment have been less severe than in the public sector overall. The public sector in Canada employed 2.9 million people in 1996, down 10% in per capita terms from what it was in 1992.

### Policing

There were 74,398 persons employed in policing services in 1997/98 – 54,719 officers and 19,679 civilian staff (see Table 6).<sup>28</sup> This represented a slight increase (less than 1%) from the previous year, the first such increase since 1992/93. The ratio of police officers to civilian staff was 2.8 to 1 in 1997/98, a figure that has been stable for the past decade.

Similar to total employees, the number of police officers increased slightly (less than 1%) in 1997/98. However, the number of police officers per capita declined for the sixth consecutive year to 182 police officers per 100,000 population,

<sup>26</sup> These figures include spending on policing, courts, legal aid, adult corrections and prosecutions, but not youth corrections. The figures for Yukon and the Northwest Territories do not include prosecutions spending.  
<sup>27</sup> Employment figures for youth corrections are not currently available. Except for the legal aid sector, employment figures are based on full-time employees. Part-time employees are converted to a full-time equivalent. Personnel figures for the legal aid sector are based on the actual number of employees as of March 31.  
<sup>28</sup> Readers are reminded that, although police data are published on a calendar year basis, they are expressed in this report on a fiscal year basis to be consistent with the other data sources.

Table 5

## Distribution of Spending on Justice Services in the Provinces and Territories, 1996/97

	Police <sup>1</sup>	Courts <sup>2</sup>	Legal Aid	Prosecutions <sup>3</sup>	Adult Corrections <sup>4</sup>
	% of total spending				
Newfoundland	56	15	6	4	19
Prince Edward Island	56	17	2	3	22
Nova Scotia	57	19	6	5	14
New Brunswick	68	13	3	3	13
Quebec	73	9	6	2	9
Ontario	66	9	9	3	14
Manitoba	61	14	6	3	16
Saskatchewan	61	11	4	3	21
Alberta	65	14	4	3	13
British Columbia	52	14	10	6	17
Yukon	42	18	4	..	36
Northwest Territories	47	15	9	..	28
<b>Average</b>	<b>59</b>	<b>14</b>	<b>6</b>	<b>3</b>	<b>19</b>

.. figures not available.

<sup>1</sup> Excludes federal spending on the RCMP. Also, provincial/territorial expenditures on RCMP contracts reflect only the cost billed to the province/territory or municipality and not the total cost of the contract or any additional policing costs.

<sup>2</sup> Excludes spending on federal courts and administrative costs for the Office of the Commissioner for Federal Judicial Affairs.

<sup>3</sup> Excludes Justice Canada spending, including prosecution costs for Yukon and the Northwest Territories. Also excludes prosecution costs for Quebec municipal courts estimated to represent 20% of the Quebec workload.

<sup>4</sup> Excludes spending on federal corrections.

**Sources:** Statistics Canada, Canadian Centre for Justice Statistics, Police Administration Annual Survey; Courts Resources, Expenditures and Personnel Survey; Criminal Prosecutions Resources, Expenditures and Personnel Survey; Legal Aid Survey; and Adult Correctional Services Survey.

**Table 6**

**Employees of the Justice System<sup>1</sup>**

	1992/93		1993/94		1994/95		1995/96		1996/97		1997/98	
	Total	Per 100,000 <sup>2</sup>	Total	Per 100,000 <sup>2</sup>	Total	Per 100,000 <sup>2</sup>	Total	Per 100,000 <sup>2</sup>	Total	Per 100,000 <sup>2</sup>	Total	Per 100,000 <sup>2</sup>
<b>Police</b>	<b>77,051</b>	<b>272</b>	<b>76,857</b>	<b>268</b>	<b>75,351</b>	<b>260</b>	<b>74,267</b>	<b>253</b>	<b>73,926</b>	<b>249</b>	<b>74,398</b>	<b>248</b>
Officers	56,992	201	56,901	198	55,859	192	55,008	187	54,323	183	54,719	182
Civilians	20,059	71	19,956	70	19,492	67	19,259	66	19,603	66	19,679	66
<b>Courts<sup>3</sup></b>	<b>12,101</b>	<b>43</b>	<b>12,028</b>	<b>42</b>	<b>11,954</b>	<b>41</b>	<b>11,934</b>	<b>41</b>	<b>11,914</b>	<b>40</b>	..	..
<b>Legal Aid Plans<sup>4</sup></b>	<b>2,746</b>	<b>10</b>	<b>2,894</b>	<b>10</b>	<b>3,023</b>	<b>10</b>	<b>2,960</b>	<b>10</b>	<b>2,932</b>	<b>10</b>	<b>2,878</b>	<b>10</b>
Lawyers	952	3	981	3	1,034	4	1,038	4	1,040	4	1,015	3
Non-lawyers	1,794	6	1,913	7	1,989	7	1,922	7	1,892	6	1,863	6
<b>Adult Corrections</b>	<b>28,327</b>	<b>100</b>	<b>26,840</b>	<b>94</b>	<b>27,103</b>	<b>93</b>	<b>28,577</b>	<b>97</b>	<b>27,680</b>	<b>93</b>	<b>27,475</b>	<b>92</b>
Custodial	22,608	80	21,725	76	22,099	76	23,330	79	22,626	76	22,285	74
Non-Custodial	3,333	12	3,087	11	3,154	11	3,338	11	3,019	10	3,069	10
Headquarters	1,932	7	1,559	5	1,394	5	1,505	5	1,638	6	1,710	6
Parole Boards	454	2	469	2	456	2	404	1	397	1	411	1
<b>Sub-total</b>	<b>120,225</b>	<b>424</b>	<b>118,619</b>	<b>413</b>	<b>117,431</b>	<b>404</b>	<b>117,738</b>	<b>401</b>	<b>116,452</b>	<b>392</b>	...	...
<b>Prosecutions<sup>3</sup></b>	..	..	..	..	<b>3,199</b>	<b>11</b>	<b>3,165</b>	<b>11</b>	<b>3,130</b>	<b>11</b>	..	..
Staff Lawyers	..	..	..	..	1,825	6	..	..	1,825	6	..	..
Prosecutorial Support	..	..	..	..	207	1	..	..	150	1	..	..
Other Personnel	..	..	..	..	1,167	4	..	..	1,155	4	..	..
<b>Total<sup>1</sup></b>	...	...	...	...	<b>120,630</b>	<b>415</b>	<b>120,903</b>	<b>412</b>	<b>119,582</b>	<b>403</b>	...	...

.. figures not available.

... figures not appropriate or not applicable.

<sup>1</sup> Excludes youth corrections. Except for legal aid personnel, all counts are based on full-time equivalents. Legal aid figures represent the actual number of employees as of March 31.

<sup>2</sup> The population estimates used to calculate the rates are provided by Statistics Canada, Census and Demographic Statistics, Demography Division. Populations as of July 1st: final intercensal estimates for 1992 to 1995; final postcensal estimates for 1996; and updated postcensal estimates for 1997.

<sup>3</sup> In order to make annual comparisons, the number of court employees for 1993/94 and 1995/96 has been estimated based on the average between the reporting years preceding and following the reference period. Prosecutions personnel for 1995/96 were estimated in a similar manner.

<sup>4</sup> Does not include the number of private lawyers who provided legal aid services.

**Sources:** Canadian Centre for Justice Statistics, Police Administration Annual Survey; Courts Resources, Expenditures and Personnel Survey; Criminal Prosecutions Resources, Expenditures and Personnel Survey; Legal Aid Survey; and Adult Correctional Service Survey.

**Box 6**
**Volunteers in the justice system**

Justice spending surveys measure the wages and benefits paid to individuals who are employed in the justice sector. However, what cannot be easily measured is the value of work performed by the many individuals who volunteer their time, energy, and abilities to a variety of justice organizations.

Individuals who volunteer within the justice system may occupy a variety of positions. There are volunteers working in community policing whose duties range from taking reports on vandalism or theft, to being involved in crime prevention activities such as home security evaluations and Neighbourhood Watch programs; there are volunteers working in community supervision programs who supervise offenders on probation or parole; and there are volunteers working with offenders in custody, assisting with counselling, participating in offender assessment, and offering discharge planning assistance. Other volunteer positions are found in advocacy, intervention, policy and research. For instance, the *RCMP Crime Prevention/Victim Services Branch* has volunteers who are involved in the research and development of programs and policy concerning community policing and victim services.

According to Statistics Canada's 1997 National Survey of Giving, Volunteering and Participating (NSGVP), approximately 7.5 million Canadians volunteered their time and skills to groups and organizations across the country in a one-year period between November 1, 1996 and October 31, 1997. Of these volunteers, there were 157,516 (2%) who volunteered in law and justice organizations. This includes organizations and agencies that deal with offenders and/or ex-offenders (e.g., halfway houses, probation and parole), crime prevention strategies (e.g., missing children, Mothers Against Drunk Drivers), legal aid and legal guidance centres, and other law and justice-related organizations. Those volunteering in law and justice organizations contributed more than 16.6 million hours of service. This is equivalent to about 8,660 full-time employees (assuming 40 hours per week for 48 weeks per year).

Compared to results from Statistics Canada's 1987 Volunteer Activity Survey, the number of volunteers giving their time to law and justice organizations in 1997 was up 44% from 109,206 in 1987. However, there was a dramatic decline (56%) in the total number of hours contributed. In 1987, justice volunteers contributed almost 37.5 million hours, the equivalent of 19,510 full-time employees.

In addition to receiving donations in the form of volunteer time, organizations receive charitable donations from individuals. Results from the 1997 NSGVP indicate that law and justice organizations received over \$200 million in direct financial support, accounting for a small fraction of the estimated \$4.5 billion given to charitable and non-profit organizations in Canada.

Sources: Statistics Canada, 1997 National Survey of Giving, Volunteering and Participating (NSGVP).  
Statistics Canada, 1987 Volunteer Activity Survey (VAS).

the lowest level since 1971/72. Between 1990/91 and 1997/98, Canada's population grew by 8% while the number of police officers decreased 2%.

Although, there was just a slight increase in the total number of police officers in 1997/98, there was an 8% increase in the number of female officers to 6,091. Since the mid-1970s, the number of female officers has increased steadily. Back in the 1960s and early 1970s female officers numbered fewer than 200 and made up less than 1% of the total. In 1997/98, females represented 11% of all officers. The number of male officers has been moving in the opposite direction. In 1997/98, they numbered 48,628, down slightly (less than 1%) from the year before.

In 1997/98, the majority of police officers (64%) provided municipal policing services (including RCMP and Ontario Provincial Police municipal contracts). Another 25% provided provincial policing services (including RCMP provincial policing contracts), while RCMP federal police officers accounted for 8% of police officers. The remaining 3% of officers were RCMP personnel, primarily administrative.

Yukon and the Northwest Territories had the largest number of police officers per capita in 1997/98 (see Table 7). Among the provinces, Manitoba had the most police officers, at 196 per 100,000 population. Newfoundland, with a figure of 143, had the fewest officers per capita.

In 1997/98, the number of civilian personnel increased for the second consecutive year, although the increase was quite small (see Table 6). The count of civilian staff has been

relatively stable since 1987/88, after more than tripling during the previous 25-year period. On a per capita basis, civilian personnel numbered 66 per 100,000 population in 1997/98, unchanged for the third straight year.

## Courts

In 1996/97, 11,914 people were employed in the Canadian court system (see Table 6). This represented a slight decrease (less than 1%) from 1994/95, the previous reporting period. In fact, the number of employees has declined steadily since 1992/93, both in number and on a per capita basis.

## Legal Aid

In 1997/98, there were 2,878 legal aid plan workers employed in Canada – 1,015 lawyers and 1,863 non-lawyers (see Table 6). This represented a decrease of 2% from 1996/97. The total number of employees in legal aid offices increased steadily from 1983/84 to 1993/94, after which it remained reasonably stable before starting to decrease in 1995/96. On a per capita basis, the number of workers has been constant for the last few years.

Lawyers accounted for 35% of the legal aid plan staff in 1997/98, a figure that has been reasonably stable since 1983/84. The remaining 65% of personnel included administrative staff, law students, paralegals, accountants, research staff, librarians and others.

The staffing of legal aid plans depends on the delivery system that is used. Newfoundland, Prince Edward Island, Nova

Table 7

## Justice System Employees in the Provinces and Territories, by Sector<sup>1</sup>

	Police <sup>2</sup>		Legal Aid		Adult Corrections <sup>3</sup>		Prosecutions <sup>4</sup>	
	total	per 100,000 <sup>5</sup>	total	per 100,000 <sup>5</sup>	total	per 100,000 <sup>5</sup>	total	per 100,000 <sup>5</sup>
Newfoundland	794	143	102	18	283	51	50	9
Prince Edward Island	204	149	7	5	93	68	12	9
Nova Scotia	1,624	174	119	13	484	52	120	13
New Brunswick	1,304	173	35	5	382	51	56	7
Quebec	13,768	188	854	12	2,860	39	601	8
Ontario	20,260	180	958	9	5,785	51	895	8
Manitoba	2,230	196	129	11	659	58	99	9
Saskatchewan	1,872	183	132	13	837	82	110	11
Alberta	4,478	158	121	4	1,374	48	252	9
British Columbia	6,742	170	368	9	2,049	52	657	17
Yukon	122	378	9	28	131	406	..	..
Northwest Territories	246	363	44	65	190	280	..	..
<b>Total</b>	<b>53,644</b>	<b>179</b>	<b>2,878</b>	<b>10</b>	<b>15,127</b>	<b>50</b>	<b>2,851</b>	<b>10</b>

.. figures not available.

<sup>1</sup> Figures for the courts sector are not available. Personnel figures for the prosecutions sector are for 1996/97, while those for the other 3 sectors are for 1997/98. Except for legal aid personnel, all counts are based on full-time equivalents. Legal aid figures represent the actual number of employees as of March 31.

<sup>2</sup> Includes police officers, except those at RCMP Headquarters and Training Academy. Civilian employees are excluded.

<sup>3</sup> Excludes employees working in federal corrections.

<sup>4</sup> Excludes Justice Canada personnel, including those responsible for prosecution services in Yukon and the Northwest Territories.

<sup>5</sup> The population estimates used to calculate per capita figures are provided by Statistics Canada, Census and Demographic Statistics, Demography Division. Populations as of July 1st: final postcensal estimates for 1996 and updated postcensal estimates for 1997.

**Sources:** Statistics Canada, Canadian Centre for Justice Statistics, Police Administration Annual Survey; Courts Resources, Expenditures and Personnel Survey; Criminal Prosecutions Resources, Expenditures and Personnel Survey; Legal Aid Survey; and Adult Correctional Services Survey.

Scotia, and Saskatchewan use primarily staff lawyers to deliver legal aid services; Ontario and Alberta use primarily private lawyers; and the remaining provinces and the territories use both.<sup>29</sup> The different delivery systems partially explain the ranking of the provinces and territories in terms of the number of legal aid employees per 100,000 population (see Table 7). Alberta, which uses private lawyers, had 4 legal aid plan employees per 100,000 population in 1997/98, the lowest rate. Northwest Territories, which utilizes private and staff lawyers, had the highest rate at 65. Other factors, as discussed in relation to spending, include characteristics of the plans, such as services provided and eligibility requirements.

In addition to the staff of legal aid plans, a total of 12,907 private lawyers provided legal aid services in 1997/98. This number was down 14% from the previous year.

### Criminal Prosecutions

Criminal prosecution branches employed 3,130 people<sup>30</sup> in 1996/97, a 2% decrease from 1994/95, the other year for which data are available (see Table 6). Over the same period, the number of employees per capita remained stable, at 11 per 100,000 population.

Several types of employees work in prosecution services, including staff lawyers; prosecutorial support staff such as paralegals, police and law students; and "other" personnel, primarily administrative and clerical support staff. In 1996/97, the majority (58%) of employees working in prosecution services were employed as staff lawyers. Following this was "other" personnel, accounting for 37%, while prosecutorial support staff accounted for the remaining 5% of employees. This distribution was similar to that for 1994/95.

Within prosecution services there are notable gender differences across the different types of employees. In 1996/97, women were under-represented among the staff lawyers, accounting for just over one-third (36%) of all permanent and contract lawyers employed by criminal prosecution branches. However, they were over-represented in both of the other employment categories, accounting for 61% of the prosecutorial support staff and 92% of "other" personnel. The low percentage of women among staff lawyers, is likely related to the low percentage of women lawyers in Canada. According to data from the 1996 Census, women made up 31% of lawyers and notaries in Canada.<sup>31</sup>

On a per capita basis, the province of British Columbia employed the most prosecutions staff, with 17 employees per 100,000 population in 1996/97 (see Table 7). New Brunswick had the fewest, at 7 prosecutions employees per 100,000 population, but a number of provinces had figures similar to this. (Separate figures are not available for the territories.)

Although at the national level the number of prosecutions employees changed very little between 1994/95 and 1996/97, some fluctuation did occur within the jurisdictions. For instance, Ontario (-15%), Newfoundland (-11%) and Alberta (-2%) each reported decreases in the number of criminal prosecutions personnel in 1996/97. These decreases are consistent with the decreases in overall criminal prosecutions

expenditures in these provinces. Increases in the number of personnel were reported in Nova Scotia (13%), Justice Canada (10%), British Columbia (8%), and Saskatchewan (7%).

### Adult Corrections

In 1997/98, there were 27,475 persons employed in adult correctional agencies (see Table 6). Similar to the courts sector, this figure represented a slight decrease (less than 1%) from the previous year. The total number of employees in adult corrections has fluctuated since 1992/93, reaching a high of 28,577 in 1995/96 and a low of 26,840 in 1993/94. On the other hand, over the same period, the number of employees per capita dropped every year but one. Corrections employees numbered 92 per 100,000 population in 1997/98, down 8% from 1992/93.

There are four main types of employment within adult correctional agencies: custodial services, non-custodial services, headquarters, and parole board. Those employed in custodial services, for example prison guards, work directly in custodial facilities. Employees working in non-custodial services, such as probation and parole officers, are involved with community programs. Headquarters includes employees working at the head offices of federal and provincial agencies responsible for correctional services (e.g. Correctional Service Canada), while parole board includes members of the four parole boards in Canada plus their support staff.

In 1997/98, the majority (81%) of employees working in adult correctional agencies were working in custodial services. Non-custodial employees accounted for 11%, followed by headquarters (6%) and parole board employees (1%). This distribution has been relatively consistent for the past decade.

One of the main reasons for the fluctuation in corrections staff over the last few years is the fluctuation in custodial staff, who represent the majority of corrections employees. There were 22,285 custodial employees in 1997/98, about the same as the number in 1992/93. This is despite the fact that the average daily count of inmates in custodial facilities was up 4% over the period. The number of employees working in non-custodial services has also fluctuated over the last 5 years: in 1997/98 there were 3,069 employees down 8% from 5 years earlier. In comparison, the average daily count of adults in community-based sanctions increased 10% over the period, much of it due to the introduction of conditional sentencing in 1996.

An examination of those employees working in provincial corrections, indicates that Yukon and the Northwest Territories have the highest rate of workers, at 406 and 280 workers per 100,000 population, respectively (see Table 7). The lowest rate (39) was in the province of Quebec.

<sup>29</sup> New Brunswick uses primarily private lawyers for criminal legal aid. For civil legal aid, the province uses private lawyers working under contract for the provincial Department of Justice.

<sup>30</sup> Includes Justice Canada prosecutors, who have responsibility to prosecute cases in the territories and cases involving federal offences. Permanent part-time employees have been converted to a full-time equivalent.

<sup>31</sup> See The Nation Series. [1996 Census on CD-ROM]. Catalogue no. 93F0020XCB.

## Data Sources

### Adult Correctional Services (ACS) Survey

The Adult Correctional Services Survey is designed to collect information on adult offenders 18 years of age and over. The survey encompasses both institutional corrections and community corrections (offenders in the community on probation or some form of conditional release) in both the provincial/territorial and federal corrections sectors. Information is collected on the cost, resources, and personnel required to maintain the correctional system in Canada. Capital costs are not included. The survey is conducted annually.

### Courts Resources, Expenditures and Personnel Survey

The Courts Resources, Expenditures and Personnel Survey provides administrative information on the Canadian court process and its costs. The survey collects aggregate expenditure and personnel information from all provinces and territories and the four federal jurisdictions, which are the Supreme Court of Canada, the Federal Court of Canada, the Tax Court of Canada and the Office of the Commissioner for Federal Judicial Affairs. This survey is updated biennially.

### Criminal Prosecutions Resources, Expenditures and Personnel Survey

The Criminal Prosecutions Resources, Expenditures and Personnel Survey provides information on personnel (e.g. lawyers, paralegals, management) and the costs (e.g. wages, training, operating expenditures) associated with the delivery of criminal prosecutions services in Canada. Data are collected from all provinces and from Justice Canada, which has responsibility for prosecution services in Yukon and the Northwest Territories, as well as prosecutions under federal statutes. In the case of Quebec, data on the delivery of prosecution services are not available for municipal courts. (It is estimated that 20% of federal statute charges in Quebec are heard in municipal courts). The survey, which began in 1994/95, is conducted every second year.

### Financial Management System (FMS)

Statistics Canada's Financial Management System provides time series data on government spending. The FMS standardizes the presentation of government financial information and employs a consolidation process. In consolidation, intergovernmental transfers are eliminated so that an accurate picture of total government spending can be obtained.

The FMS monitors spending on three broad categories of justice services related to the protection of persons and property – policing, courts of law, and corrections and rehabilitation. It should be noted that the figures provided by the FMS are not equivalent to those produced by CCJS surveys due to differences in data sources, definitions, coverage and methodology.

### Legal Aid Survey

The annual Legal Aid Survey has been in operation since 1984. Among other things, it measures expenditures and personnel associated with the delivery of legal aid services in Canada. Expenditures include money spent on the provision of legal services, e.g. staff salaries and benefits and private lawyers' fees and disbursements. Expenditures also include money spent on legal research activities and head office functions. Personnel include lawyers and non-lawyers who provide legal advice and/or representation directly to clients, plus other staff, such as accountants, librarians and clerical workers.

### Police Administration Annual Survey

The Police Administration Annual Survey collects national statistics on personnel and expenditures from municipal, provincial and federal police forces. Personnel counts are based on permanent, full-time equivalents; part-time employees are converted to full-time equivalents (e.g. 4 employees working 10 hours per week would equal 1 full-time employee). Expenditures are based on operating costs and include: salaries and wages, benefits and other expenses such as accommodation costs. Capital costs are not included.

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