



# Juristat

Canadian Centre for Justice Statistics

Statistics Canada – Catalogue no. 85-002-XIE Vol. 18 no. 14



## ADULT CRIMINAL COURT STATISTICS, 1997-98

by Candace Brookbank and Bob Kingsley

### HIGHLIGHTS

- During 1997-98, adult criminal courts in the nine participating jurisdictions disposed of 411,576 cases, involving 864,837 charges. This represents an 8% decrease in cases since 1994-95.
- Impaired driving (15%), common assault (12%), and theft (11%) accounted for almost 40% of cases heard in adult criminal court in the nine Canadian jurisdictions.
- Eighty-five percent of cases involved males and 63% involved adults between 18 and 34 years of age.
- Adults aged 18 to 24 years appeared in court at the highest rate. They comprised 30% of the accused in adult criminal courts, but represented only 12% of the adult population.
- Sixty-one percent of the cases resulted in a finding of guilt for at least one charge in the case. The highest conviction rates were recorded for cases involving Criminal Code traffic offences (76%).
- The conviction rate has remained relatively stable over four years, ranging from 63% in 1994-95 to 62% in 1997-98.
- A prison sentence was imposed in 33% of cases with convictions (incarceration rate). This figure has remained stable since 1994-95 when it was 34%.
- Of the cases resulting in prison, 50% of the sentences were for one month or less, while 3% were for two years or more.
- The median length of prison sentences, excluding one day prison sentences, was 60 days. This figure represents an increase from a median prison length of 45 days in 1994-95. This change was driven by longer sentences for fraud cases.
- Probation was given in 43% of cases resulting in conviction. The median length of probation sentences was one year.
- The accused was ordered to pay a fine in 41% of the cases resulting in conviction. Of these cases, 54% of the accused were ordered to pay a fine of \$300 or less, and 23% a fine of more than \$500.
- Multiple-charge cases tended to result in more serious sentences than single-charge cases.
- For cases requiring more than one court appearance (80% of the caseload), the median elapsed time, from first to last appearance, was approximately three months. Generally speaking, more serious offences took longer to process.



Statistics  
Canada

Statistique  
Canada

Canada

#### Ordering/Subscription information

##### All prices exclude sales tax

Catalogue no. 85-002-XPE, is published in a **paper version** for \$10.00 per issue or \$93.00 for an annual subscription in Canada. Outside Canada the cost is US\$10.00 per issue or US\$93.00 for an annual subscription. Catalogue no. 85-002-XIE, is available on Internet for \$8.00 cdn per issue or \$8.00 cdn for an annual subscription. Please send orders to Statistics Canada, Operations and Integration Division, Circulation Management, 120 Parkdale Avenue, Ottawa, Ontario, K1A 0T6 or by dialling **(613) 951-7277** or **1 800 700-1033**, by fax **(613) 951-1584** or **1 800 889-9734** or by Internet: [order@statcan.ca](mailto:order@statcan.ca). For change of address, please provide both old and new addresses. Statistics Canada publications may also be purchased from authorized agents, bookstores and local Statistics Canada offices.

December 1998  
Catalogue no. 85-002-XPE  
ISSN 0715-271X  
Catalogue no. 85-002-XIE  
ISSN 1209-6393

Published by authority of the Minister responsible for Statistics Canada.

© Minister of Industry, 1998

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without prior written permission from Licence Services, Marketing Division, Statistics Canada, Ottawa, Ontario, Canada K1A 0T6.

##### Note of appreciation

Canada owes the success of its statistical system to a long-standing partnership between Statistics Canada, the citizens of Canada, its businesses, governments and other institutions. Accurate and timely statistical information could not be produced without their continued cooperation and goodwill.

##### Standards of service to the public

Statistics Canada is committed to serving its clients in a prompt, reliable and courteous manner and in the official language of their choice. To this end, the agency has developed standards of service which its employees observe in serving its clients. To obtain a copy of these service standards, please contact your nearest Statistics Canada Regional Reference Centre.

The paper used in this publication meets the minimum requirements of American National Standard for Information Sciences – Permanence of Paper for Printed Library Materials, ANSI Z39.48 – 1984.



## INTRODUCTION

Courts are the keystone of the criminal justice system. They are responsible for adjudicating criminal cases against the accused through an assessment of the evidence presented by the Crown. This *Juristat* summarizes the activity of adult provincial/territorial criminal courts<sup>1</sup> in Canada for the 1997-98 fiscal year. Its main objective is to improve public understanding of adult criminal court activity.

Information is presented on the demographic characteristics of accused persons, court findings, sentencing, and case processing characteristics for cases heard in adult criminal courts.

### Box 1 About the Survey

The analysis in this report is based on case characteristics data from the Adult Criminal Court Survey (ACCS). These data on federal statute charges disposed of in 1997-98 are collected by the Canadian Centre for Justice Statistics (CCJS) in collaboration with provincial and territorial government departments responsible for adult criminal courts.

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

At the time of this report, adult criminal courts (excluding superior courts) in seven provinces and two territories reported to the ACCS. They are: Newfoundland, Prince Edward Island, Nova Scotia, Quebec, Ontario, Saskatchewan, Alberta, Yukon, and the Northwest Territories. These jurisdictions represent approximately 80% of the national adult criminal court caseload. The information presented in this report covers only these nine participating jurisdictions.

## OVERVIEW OF ADULT CRIMINAL COURT CASES

During 1997-98, adult criminal courts in participating jurisdictions disposed of 411,576 cases, involving 864,837 charges.<sup>2</sup> A majority of cases (54%) contained one charge, 27% of cases contained two charges, and the remaining 19% contained three or more charges. There were on average 2.1 charges per case. All cases are for federal statute violations, of which 89% were *Criminal Code* offences. The remainder involved violations of Other Federal Statutes, such as the *Controlled Drugs and Substances Act*<sup>3</sup> (formerly the *Narcotic Control Act & Food and Drugs Act*), *Employment Insurance Act*, and *Income Tax Act*. Provincial/territorial statute offences are not included in this report.

Court cases in participating jurisdictions have declined slightly over the past four years. In 1994-95 there were 446,086 cases before adult criminal courts, in 1995-96 there were 435,569 cases, and in 1996-97 there were 417,393. The 1997-98 figure of 411,576 represents a decrease of 8% in the number of cases since 1994-95.<sup>4</sup> However, the average number of charges per case has increased, moving from 1.97 in 1994-95 to 2.10 in 1997-98. The percentage of *Criminal Code* offences remained the same from 1994-95 to 1996-97 (88%), but increased slightly in 1997-98 (89%).

<sup>1</sup> For the remainder of this *Juristat*, adult provincial/territorial criminal courts will be referred to as adult criminal courts.

<sup>2</sup> The number of charges in a case is based on the total charges in the case, not just those charges resulting in a conviction.

<sup>3</sup> With the introduction of new drug legislation, some drug offences have been coded to the "Other Federal Statutes" category. This inflates the OFS group and undercounts drug offences. This will be corrected with changes to data collection programs.

<sup>4</sup> In 1996-97, the Northwest Territories (comprising less than 1% of reported caseload), did not provide data to the survey.

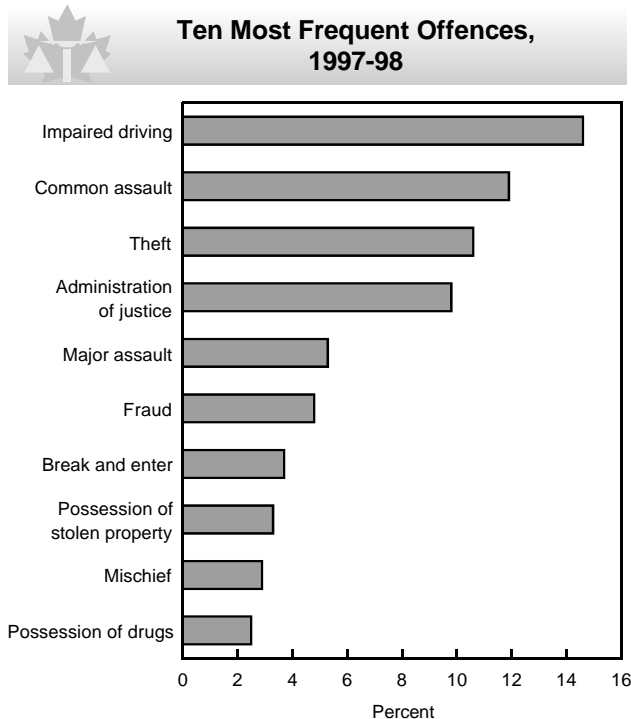
### Impaired driving, common assault and theft are the most common offences

In 1997-98, participating jurisdictions reported 83,651 cases involving Crimes Against Persons (20% of total caseload), 104,782 cases of Crimes Against Property (26%), 109,236 Other Criminal Code cases (27%), 68,384 Traffic cases (17%), 17,864 Drug-Related cases (4%), and 27,659 Other Federal Statutes cases (7%).

As shown in **Table 1**, the most frequently occurring offence in adult criminal court was impaired driving which comprised 15% of all offences and nearly 90% of all Traffic cases. The second most frequent offence was common assault, which represented 12% of all court cases and 58% of all Crimes Against Persons (also referred to as violent offences). Theft was the third most frequent offence heard in adult criminal court, comprising 11% of total caseload and 42% of all property crime. **Figure 1** highlights the ten most frequent offences as a percentage of total court caseload.

The case information presented in **Table 1** includes three broad offence categories (Residual Criminal Code, Administration of Justice, and Other Federal Statutes) containing a mix of offences. **Box 2** provides a breakdown of the infractions within these three categories.

Figure 1



**Note:** Cases by most serious offence. The ten most frequent offences account for 70% of the total number of cases. Nine jurisdictions only.  
**Source:** Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Table 1

Total Court Cases, 1997-98		
Offence Group	# Cases	%
<b>TOTAL OFFENCES</b>	<b>411,576</b>	<b>100</b>
<b>CRIMINAL CODE TOTAL</b>	<b>366,053</b>	<b>88.9</b>
<b>Crimes against the Person</b>	<b>83,651</b>	<b>20.3</b>
Homicide and Related	398	0.1
Attempted Murder	406	0.1
Robbery	4,111	1.0
Kidnapping	255	0.1
Sexual Assault	6,303	1.5
Sexual Abuse	1,326	0.3
Major Assault	21,803	5.3
Abduction	130	-
Common Assault	48,919	11.9
<b>Crimes against Property</b>	<b>104,782</b>	<b>25.5</b>
Break and Enter	15,270	3.7
Arson	649	0.2
Fraud	19,896	4.8
Possess Stolen Property	13,630	3.3
Theft	43,521	10.6
Property Damage/Mischief	11,816	2.9
<b>Other Criminal Code</b>	<b>109,236</b>	<b>26.5</b>
Weapons	7,651	1.9
Administration of Justice*	40,439	9.8
Public Order Offences	7,060	1.7
Morals-Sexual	5,326	1.3
Morals-Gaming	716	0.2
Residual Criminal Code*	48,044	11.7
<b>Traffic</b>	<b>68,384</b>	<b>16.6</b>
Criminal Code Traffic	8,190	2.0
Impaired Driving	60,194	14.6
<b>FEDERAL STATUTE TOTAL</b>	<b>45,523</b>	<b>11.1</b>
<b>Drug-Related Offences</b>	<b>17,864</b>	<b>4.3</b>
Trafficking	7,463	1.8
Possession	10,401	2.5
<b>Other Federal Statutes*</b>	<b>27,659</b>	<b>6.7</b>

\* Discussed in greater detail in Box 2.  
**Note:** Nine jurisdictions only.  
**Source:** Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

### Comparison of offences across jurisdictions

During 1997-98, there was considerable variation across jurisdictions in the types of offences that made up court caseload. For example, **Table 2** indicates that Crimes Against Property accounted for a greater proportion of the caseload in both Newfoundland and Alberta (28%). The proportion of these cases was lowest in Yukon (19%). Among property offences, theft cases showed the greatest fluctuation, and it is this offence which had the greatest impact on the property cases total. Theft cases ranged from 6% of the caseload in the Northwest Territories to 14% of the caseload in Newfoundland.

Cases involving Crimes Against the Person also varied across jurisdictions, ranging from 17% of the total caseload in Prince Edward Island and Quebec to 41% in the Northwest

**Box 2  
Breakdown for Broad Offence Categories**

*Residual Criminal Code*

Two of the most frequently occurring "residual Criminal Code" offences are "breach of probation", and "uttering threats". They represent 40% of all "residual Criminal Code" offences. These two offences together with peace bonds, possession of break-in instruments, and criminal harassment, comprise 65% of all "residual Criminal Code" offences.

*Administration of Justice*

The "Administration of Justice" offence group encompasses a variety of offences dealing with violations of court orders; for example, charges are laid when an accused fails to appear in court on a set date, escapes from custody, or breaks out of a correctional facility. In fact, "failure to appear" is one of the most frequent offences heard in adult criminal court.

*Other Federal Statutes*

In addition to the *Criminal Code of Canada*, the ACCS collects information on Other Federal Statutes. These include Fisheries Acts, the *Customs Act*, *Immigration Act*, *Indian Act*, *Controlled Drugs and Substances Act*, *Employment Insurance Act*, *Environment Protection Act*, *Young Offenders Act*, and *Income Tax Act*.

Residual Criminal Code		
	# Cases	%
Total	48,044	100
Breach of probation order	11,329	24
Uttering threats	7,889	16
Peace bonds	7,820	16
Possession of break-in instruments	2,543	5
Criminal harassment	1,606	3
Other residual	16,857	35

Administration of Justice		
	# Cases	%
Total	40,439	100
Failure to appear	36,411	90
Unlawfully at large	2,873	7
Escape custody	575	1
Prison break	8	--
Other administration of justice	572	1

Other Federal Statutes		
	# Cases	%
Total	27,659	100
Fisheries Acts and regulations	4,703	17
Young Offenders Act	1,321	5
Income Tax Act	941	3
Other statutes	1,512	6
Other	17,857	65

Territories. Within the Crimes Against the Person category, it is the percentage of common assault cases which showed the greatest variability and which most affected the total for that category of cases.

Traffic offence cases (including impaired driving) accounted for 20% or more of the overall caseload in four jurisdictions: Prince Edward Island (30%), Saskatchewan (26%), Yukon (22%), and Alberta (20%). The lowest percentage of Traffic offence cases was reported in the Northwest Territories (11%).

Table 2

**Percentage Distribution of Cases by Jurisdiction, 1997-98**

Offence Group	Province									
	Canada	Nfld.	P.E.I.	N.S.	Que. <sup>1</sup>	Ont.	Sask.	Alta.	Y.T.	NWT
<b>TOTAL OFFENCES</b>	<b>411,576</b>	<b>7,474</b>	<b>1,964</b>	<b>17,726</b>	<b>80,874</b>	<b>212,929</b>	<b>26,474</b>	<b>58,659</b>	<b>1,914</b>	<b>3562</b>
<b>CRIMINAL CODE TOTAL</b>	<b>89</b>	<b>85</b>	<b>89</b>	<b>87</b>	<b>82</b>	<b>90</b>	<b>94</b>	<b>92</b>	<b>92</b>	<b>92</b>
Crimes against the Person	20	20	17	19	17	22	19	19	22	41
Crimes against Property	25	28	25	24	23	26	24	28	19	22
Other Criminal Code	27	22	17	28	24	28	26	24	29	18
Traffic	17	14	30	16	18	14	26	20	22	11
<b>FEDERAL STATUTE TOTAL</b>	<b>11</b>	<b>15</b>	<b>11</b>	<b>13</b>	<b>18</b>	<b>10</b>	<b>6</b>	<b>8</b>	<b>8</b>	<b>8</b>
Drug-Related Offences	4	5	3	3	6	4	2	6	6	3
Other Federal Statutes	7	10	8	10	12	6	4	3	2	5

<sup>1</sup> Municipal courts are not included.

**Note:** Percentage in columns may not add up to 100% due to rounding. Nine jurisdictions only.

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

## DEMOGRAPHIC CHARACTERISTICS OF ACCUSED

The Adult Criminal Court Survey collects data on the age and sex of the accused, as well as information on the number of companies that are charged with criminal offences. The following sections highlight some of the basic demographic characteristics of the accused in adult criminal court cases.

### Cases against companies

Participating jurisdictions reported a total of 1,117 cases (0.3%), or 5,352 charges against companies during 1997-98. Almost all of the cases heard against companies were for violations under Other Federal Statutes (88%), rather than the *Criminal Code of Canada* (Box 3). Of the cases involving *Criminal Code* offences, the most common were for gaming (36%), residual *Criminal Code* (27%), and fraud (16%) offences.

Box 3 Cases Against Companies	Number	%
<b>Total</b>	<b>1,117</b>	<b>100</b>
Income Tax Act	200	18
Criminal Code of Canada	129	12
Fisheries acts and regulations	52	5
Customs Act	32	3
NCA and FDA	22	2
Employment Insurance Act	20	2
All other federal statutes	662	59

### Most adult criminal court cases involve males

During the reference period, 85% of all cases heard in adult criminal courts were against males. Further, the predominance of males occurred in all offence categories.

As Table 3 shows, court cases against males occurred at a rate of 3,680 per 100,000 male population compared to a rate of 636 per 100,000 for females. The ratio of at least 6 males for every female is consistent across all offence groups, except for property crimes. Only for property offences does the ratio fall to 4 males for every female. This reflects the fact that females most often committed property crimes, of which more than half were theft related. The largest gender difference was for Traffic offences (primarily impaired driving) where males outnumbered females by a ratio of 9 to 1.

### Females committing property crimes tend to be older than males

Overall, the median age of males and females appearing in court was 31 years. Only one offence group, Crimes Against Property, showed a moderate difference in the median age of female and male accused. In property cases, the median age of females was 31 years, while the median age of males was 28 years. At 34 years for males and 35 years for females, Traffic offences showed the highest median age of any offence category (Box 4).

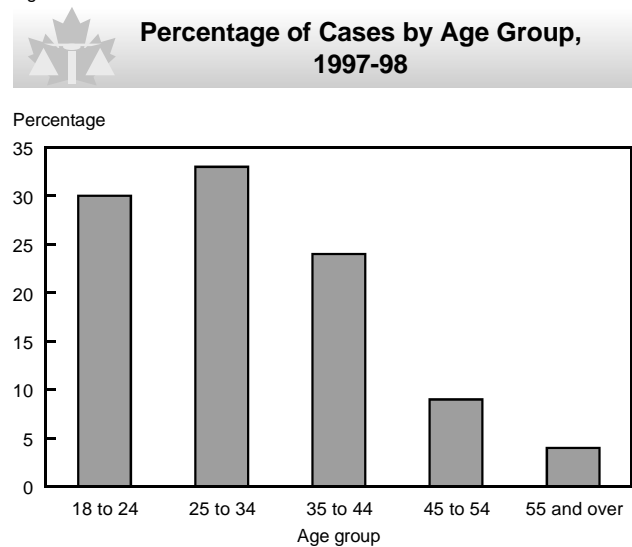
Box 4 Median Age of Accused by Sex: 1997-98	Males	Females
Total Offences	31	31
Against Persons	32	31
Against Property	28	31
Other Criminal Code	30	30
Traffic	34	35
Federal Statute	29	30

### The majority of accused are less than 35 years old

A majority of cases involved adults under 35 years of age. Cases involving 18 to 24 year olds represented 30% of all cases where the age of the accused was known, while 33% of cases involved 25 to 34 year olds. The proportion of the adult criminal court caseload decreased with each subsequent age group. Cases against individuals 35 to 44 years of age comprised 24% of completed cases, while the accused was over 45 years in the remaining 14% (Figure 2).

As Table 4 clearly indicates, there is wide variation between the frequency of cases involving specific age groups and their representation in the Canadian population. In general, younger accused are significantly over-represented in the courts, while older accused are significantly under-represented. For example, 18-24 year olds comprise 12% of the adult population, but represent 30% of the accused in adult criminal courts. Similarly, 25-34 year olds comprise 21% of the adult population, but make up 33% of the accused in criminal court. In contrast, persons in the 45 plus age group comprise 44% of the adult population, but represent only 14% of accused. Only in the 35-44 age category is representation in the population (23%) roughly consistent with representation in court (24%).

Figure 2



**Note:** Excludes 17,502 cases for which the accused was a company or the age was unknown. Nine jurisdictions only.

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

Table 3

Offence Group	Total Cases			Males			Females		
	Number	%	Rate	Number	%	Rate	Number	%	Rate
<b>TOTAL OFFENCES</b>	<b>395,659</b>	<b>100</b>	<b>2,127</b>	<b>335,320</b>	<b>85</b>	<b>3,680</b>	<b>60,339</b>	<b>15</b>	<b>636</b>
<b>CRIMINAL CODE TOTAL</b>	<b>354,483</b>	<b>100</b>	<b>1,905</b>	<b>299,611</b>	<b>85</b>	<b>3,288</b>	<b>54,872</b>	<b>15</b>	<b>578</b>
Crimes against the Person	81,797	100	440	71,675	88	787	10,122	12	107
Crimes against Property	101,172	100	544	79,605	79	874	21,567	21	227
Other Criminal Code	106,138	100	570	89,501	84	982	16,637	16	175
Traffic	65,376	100	351	58,830	90	646	6,546	10	69
<b>FEDERAL STATUTE TOTAL</b>	<b>41,176</b>	<b>100</b>	<b>221</b>	<b>35,709</b>	<b>87</b>	<b>392</b>	<b>5,467</b>	<b>13</b>	<b>58</b>
Drug-Related Offences	17,003	100	91	14,577	86	160	2,426	14	26
Other Federal Statutes	24,173	100	130	21,132	87	232	3,041	13	32

<sup>1</sup> Excludes cases where the accused was a company, or where sex was unknown (15,917).

Note: Nine jurisdictions only.

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

The population estimates are provided by Statistics Canada, Census and Demographic Statistics, Demography Division, updated post-censal estimates as of July 1, 1998.

Table 4

Offence Group	Total	Age									
		18 to 24		25 to 34		35 to 44		45 to 54		55 plus	
		#	%	#	%	#	%	#	%	#	%
<b>TOTAL OFFENCES</b>	<b>394,074</b>	<b>116,425</b>	<b>29.5</b>	<b>129,611</b>	<b>32.9</b>	<b>93,703</b>	<b>23.8</b>	<b>36,963</b>	<b>9.4</b>	<b>17,372</b>	<b>4.4</b>
<b>CRIMINAL CODE TOTAL</b>	<b>351,718</b>	<b>102,238</b>	<b>29.1</b>	<b>115,876</b>	<b>32.9</b>	<b>84,503</b>	<b>24.0</b>	<b>33,343</b>	<b>9.5</b>	<b>15,758</b>	<b>4.5</b>
<b>Crimes against the Person</b>	<b>79,958</b>	<b>20,145</b>	<b>25.2</b>	<b>28,061</b>	<b>35.1</b>	<b>20,752</b>	<b>26.0</b>	<b>7,508</b>	<b>9.4</b>	<b>3,492</b>	<b>4.4</b>
Homicide and Related	370	112	30.3	130	35.1	79	21.4	35	9.5	14	3.8
Attempted Murder	385	128	33.2	116	30.1	89	23.1	33	8.6	19	4.9
Robbery	3,991	1,784	44.7	1,382	34.6	657	16.5	140	3.5	28	0.7
Kidnapping	241	63	26.1	87	36.1	66	27.4	19	7.9	6	2.5
Sexual Assault	6,023	1,197	19.9	1,928	32.0	1,564	26.0	750	12.5	584	9.7
Sexual Abuse	1,200	156	13.0	356	29.7	323	26.9	204	17.0	161	13.4
Major Assault	21,163	6,542	30.9	7,259	34.3	4,880	23.1	1,741	8.2	741	3.5
Abduction	120	19	15.8	50	41.7	35	29.2	12	10.0	4	3.3
Common Assault	46,465	10,144	21.8	16,753	36.1	13,059	28.1	4,574	9.8	1,935	4.2
<b>Crimes against Property</b>	<b>101,550</b>	<b>37,829</b>	<b>37.3</b>	<b>31,744</b>	<b>31.3</b>	<b>20,631</b>	<b>20.3</b>	<b>7,667</b>	<b>7.5</b>	<b>3,679</b>	<b>3.6</b>
Break and Enter	14,854	8,180	55.1	4,244	28.6	1,956	13.2	387	2.6	87	0.6
Arson	629	212	33.7	186	29.6	135	21.5	65	10.3	31	4.9
Fraud	18,905	5,187	27.4	7,143	37.8	4,420	23.4	1,645	8.7	510	2.7
Possess Stolen Property	13,180	6,134	46.5	4,013	30.4	2,154	16.3	675	5.1	204	1.5
Theft	42,418	13,481	31.8	12,422	29.3	9,744	23.0	4,211	9.9	2,560	6.0
Property Damage/Mischief	11,564	4,635	40.1	3,736	32.3	2,222	19.2	684	5.9	287	2.5
<b>Other Criminal Code</b>	<b>102,274</b>	<b>31,557</b>	<b>30.9</b>	<b>34,821</b>	<b>34.0</b>	<b>23,798</b>	<b>23.3</b>	<b>8,546</b>	<b>8.4</b>	<b>3,552</b>	<b>3.5</b>
Weapons	7,283	2,145	29.5	2,188	30.0	1,651	22.7	843	11.6	456	6.3
Administration of Justice	39,432	13,718	34.8	13,659	34.6	8,455	21.4	2,626	6.7	974	2.5
Public Order Offences	6,946	2,677	38.5	2,341	33.7	1,286	18.5	485	7.0	157	2.3
Morals-Sexual	5,216	890	17.1	2,098	40.2	1,435	27.5	517	9.9	276	5.3
Morals-Gaming	534	50	9.4	174	32.6	138	25.8	112	21.0	60	11.2
Residual Criminal Code	42,863	12,077	28.2	14,361	33.5	10,833	25.3	3,963	9.2	1,629	3.8
<b>Traffic</b>	<b>67,936</b>	<b>12,707</b>	<b>18.7</b>	<b>21,250</b>	<b>31.3</b>	<b>19,322</b>	<b>28.4</b>	<b>9,622</b>	<b>14.2</b>	<b>5,035</b>	<b>7.4</b>
Criminal Code Traffic <sup>2</sup>	8,109	1,952	24.1	2,910	35.9	2,062	25.4	846	10.4	339	4.2
Impaired Driving	59,827	10,755	18.0	18,340	30.7	17,260	28.8	8,776	14.7	4,696	7.8
<b>FEDERAL STATUTE TOTAL</b>	<b>42,356</b>	<b>14,187</b>	<b>33.5</b>	<b>13,735</b>	<b>32.4</b>	<b>9,200</b>	<b>21.7</b>	<b>3,620</b>	<b>8.5</b>	<b>1,614</b>	<b>3.8</b>
<b>Drug-Related Offences</b>	<b>17,241</b>	<b>6,179</b>	<b>35.8</b>	<b>6,213</b>	<b>36.0</b>	<b>3,752</b>	<b>21.8</b>	<b>902</b>	<b>5.2</b>	<b>195</b>	<b>1.1</b>
Trafficking	7,076	2,113	29.9	2,637	37.3	1,736	24.5	465	6.6	125	1.8
Possession	10,165	4,066	40.0	3,576	35.2	2,016	19.8	437	4.3	70	0.7
<b>Other Federal Statutes</b>	<b>25,115</b>	<b>8,008</b>	<b>31.9</b>	<b>7,522</b>	<b>30.0</b>	<b>5,448</b>	<b>21.7</b>	<b>2,718</b>	<b>10.8</b>	<b>1,419</b>	<b>5.7</b>
<b>ADULT POPULATION<sup>3</sup></b>	<b>18,605,620</b>	<b>2,282,950</b>	<b>12.3</b>	<b>3,853,402</b>	<b>20.7</b>	<b>4,192,409</b>	<b>22.5</b>	<b>3,209,085</b>	<b>17.2</b>	<b>5,067,774</b>	<b>27.2</b>

<sup>1</sup> Excludes cases where the accused was a company or age was unknown (17,502 or 4.3 % of cases).

<sup>2</sup> Includes, among others, dangerous driving, driving while disqualified, and failing to stop at the scene of an accident.

<sup>3</sup> Adult population for nine jurisdictions only.

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

The population estimates are provided by Statistics Canada, Census and Demographic Statistics, Demography Division, updated post-censal estimates as of July 1, 1998.

### Break and enter, possession of stolen property most frequent crimes for young adults

While young adults, 18 to 24 years of age, were over-represented in court in every offence category (except gaming offences), they tended to appear in court for different kinds of cases than older adults. The offences most frequently committed by 18-24 year olds included break and enter (55% of all cases), possession of stolen property (47%), robbery (45%), mischief/property damage (40%), and possession of drugs (40%). On the other hand, younger adults were less likely to appear in court for offences such as gaming (9% of all cases), abduction (16%), morals-sexual (17%), and impaired driving (18%).

### Impaired driving, gaming and sexual offences most frequent for older adults

Even though older adults (45 years and over) comprised a lower proportion of accused than their representation in the adult population, in all offence categories, there were several offences which they tended to commit in higher proportions than others. For example, older adults were accused in 32% of all gaming cases, 30% of all sexual abuse cases, 23% of all impaired driving cases, and 22% of all sexual assault cases.

Older adults were the least likely to be the accused for break and enter offences (3% of cases), possession of drugs (5%), and possession of stolen property (7%).

## DISPOSITIONS

The frequency with which each province and territory uses available dispositions offers insight into the complexity of jurisdictional caseloads, the mix of offences in a case, and the administrative and procedural considerations that have to be addressed prior to case completion. The various possible court dispositions have been grouped into a small number of categories to improve comparisons across provinces and territories. These categories are shown in **Box 5**. Due to variability in the use of the following dispositions across reporting jurisdictions - stay of proceedings, withdrawn, and dismissed - cases with these disposition types have been grouped under one category called "Stay/Withdrawn/Dismissed".

### Almost two thirds of adult criminal court cases result in conviction

A finding of guilt for at least one charge in the case was reported in a total of 250,073 cases, or 62% of the cases tried in participating adult criminal courts during 1997-98. The conviction rate has remained relatively stable over four years, ranging from 63% in 1994-95 to 64% during the subsequent two year period. The final dispositions for the remaining cases included stay/withdrawn (31% of cases heard), other (4%), and acquittal (3%) (**Box 6**).

Since the adult criminal court committals for trial in superior court do not result in the completion of criminal proceedings,

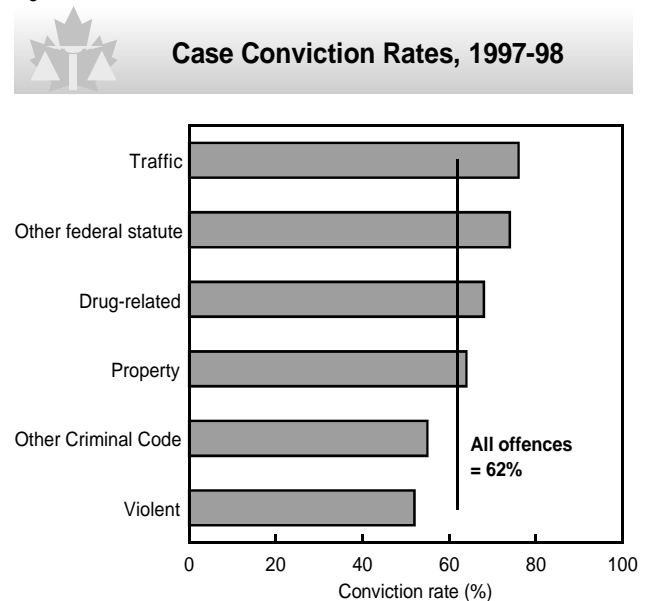
#### Box 5 Dispositions in Adult Provincial/Territorial Criminal Court

The disposition categories in this report are as follows:

- **Guilty** includes guilty of the charged offence, of an included offence, or an attempt of the charged offence, and attempt of an included offence.
- **Committal for Trial in Superior Court** represents criminal proceedings that have been transferred to a court of higher jurisdiction. When in superior court, the accused may re-elect to provincial court for the completion of the trial.
- **Stay/Withdrawn/Dismissed** includes stay of proceedings, and withdrawn/dismissed at preliminary inquiry. These dispositions all refer to the court stopping criminal proceedings against the accused.
- **Acquitted** means that the accused has been found not guilty of the charges presented before the court.
- **Other Disposition** includes found not criminally responsible, waived in province/territory, and waived out of province/territory. This category also includes any order that does not carry a conviction, the court's acceptance of a special plea, cases which raise Charter arguments and cases where the accused was found unfit to stand trial.

these cases (7,994 cases or 2% of all cases heard) have been removed for the calculation of conviction rates. For those cases reaching completion, the conviction rate was the highest for cases involving Traffic offences (76%) and Other Federal Statutes (72%), and lowest for cases involving Crimes Against the Person (50%). (**Figure 3**).

Figure 3

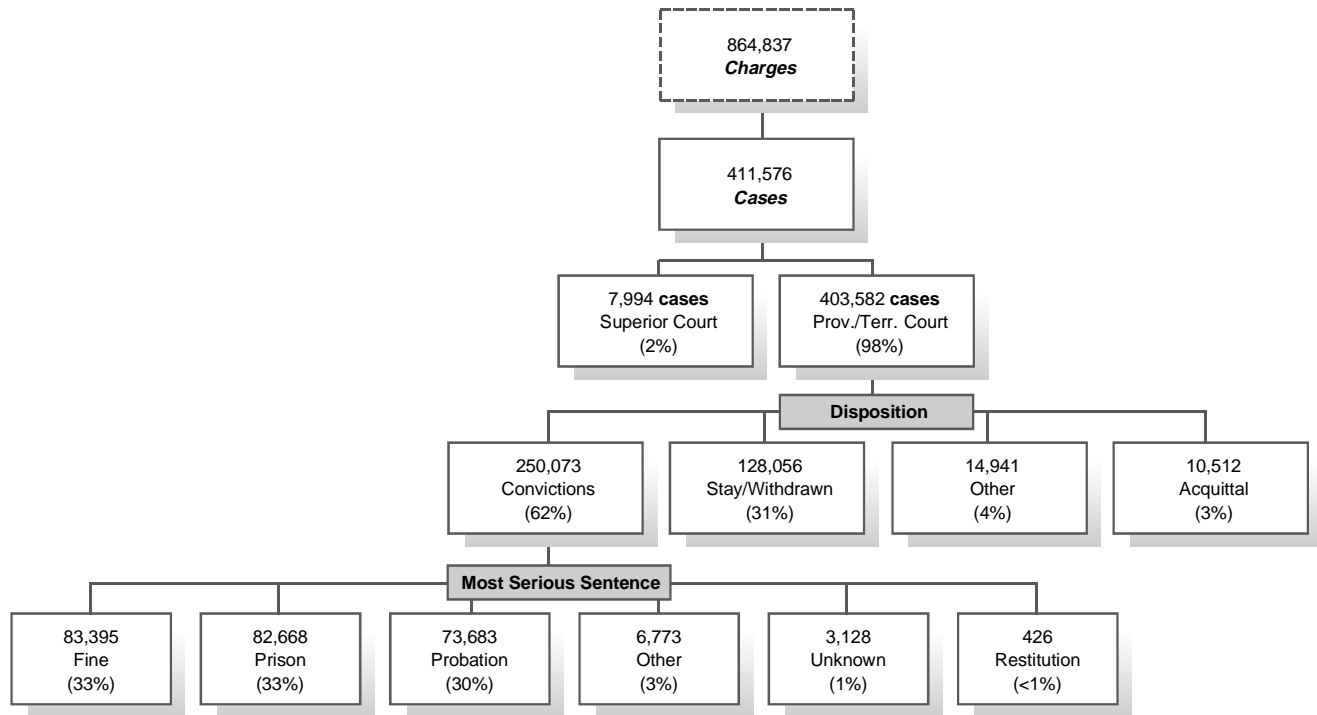


**Note:** Nine jurisdictions only.

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



## Adult Court Processing of Federal Statute Cases, 1997-98



**Note:** Nine jurisdictions only.

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

### Comparisons across jurisdictions

Differences in the distribution of dispositions across participating jurisdictions is a reflection of varying circumstances and practices. For example, the number of charges laid against an individual in relation to similar incidents may vary from one jurisdiction to another. As well, in some jurisdictions, police diversion and referral to alternative measures programs is handled before charges are laid, whereas in other jurisdictions this takes place after charges are laid. In the latter jurisdictions, charges may then be withdrawn or stayed. There are also differences in the use of stays and withdrawals for administrative purposes such as to make changes to an information. Varying pre-trial review practices, volumes of cases and case complexity, and different methods of grouping charges together to form a case also have an impact on the distribution of dispositions. Survey coverage limitations and

ACCS rules for counting charges and cases may also affect the frequency of certain disposition types.<sup>5</sup>

The proportion of cases resulting in a conviction ranged from 53% in Nova Scotia to 75% in Prince Edward Island and Quebec, and 76% in the Northwest Territories (**Table 5**). The provinces with the highest conviction rates, Prince Edward Island, Quebec, and the Northwest Territories, also had among the lowest stay/withdrawn rates, (22%, 10%, and 23% respectively). Conversely, the provinces with the lowest conviction rates, Nova Scotia (53%) and Ontario (57%), had the highest stay/withdrawn rates (37% and 41% respectively).

<sup>5</sup> For reporting purposes, the ACCS counts cases transferred to another court level or location as completed. As these cases are then reinitiated in another court, they will be disposed of a second time. Cases with more than one charge are categorized by the most serious sentence and charge. Consequently, less serious sentences and charges in multiple-charge cases are under-represented.



Table 5



### Cases by Disposition Category, 1997-98

Jurisdiction	Total Cases <sup>1</sup>	Convicted %	Stay/ Withdrawn %	Acquitted %	Other %
<b>TOTAL</b>	<b>403,582</b>	<b>62.0</b>	<b>31.7</b>	<b>2.6</b>	<b>3.7</b>
Newfoundland	7,234	73.0	24.4	0.1	2.5
Prince Edward Island	1,902	74.6	22.3	2.5	0.6
Nova Scotia	17,325	53.3	37.1	3.5	6.1
Quebec <sup>2</sup>	80,740	74.9	9.7	9.7	5.7
Ontario	208,289	56.9	40.8	0.4	1.9
Saskatchewan	25,934	62.8	30.3	1.0	5.9
Alberta	56,807	61.9	30.9	1.5	5.7
Yukon	1,903	60.8	24.1	0.9	14.2
Northwest Territories	3,448	75.7	22.6	0.7	1.0

<sup>1</sup> Excludes cases committed for trial in superior court.

<sup>2</sup> Municipal courts are not included.

**Note:** Nine jurisdictions only.

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

## SENTENCING

When determining the sentences to impose on an accused, a judge weighs many factors. Some of these may include the criminal history and attitude of the accused, aggravating and mitigating circumstances, and victim-impact statements. Information on these factors is not collected by the ACCS. Data on the type of offence in the case and the number of charges in the case, which are collected by the ACCS, offer some information on the nature of the case before the court.<sup>6</sup>

To improve the understanding of sentencing practices, this section examines some of the factors considered by the court during sentencing. Of particular interest are the following questions:

- How much does the type of offence influence the sentence?
- Is the sentence given to the most serious offence in the case affected by the number of charges in the case?

### Types of sentences

In the following sections, data on sentencing are examined according to the "types of sentences" imposed on offenders. In this view, all sentence types (prison, probation, fine, restitution, other) associated with the most serious offence in the case are counted. Because many cases result in more than one sentence, the total number of sentences imposed is greater than the total number of cases with convictions.

### Jurisdictional patterns in sentencing

Fines were given in 103,498 cases, or 41% of all cases with convictions. Fines were the most frequently occurring sentence in two of the nine reporting jurisdictions, being imposed in 56% of cases in Alberta and 54% of cases in Nova Scotia. In Quebec, probation, fines, and "other"

sentences were each ordered in about half of all cases. Probation sentences were most common in Quebec (51%). The percentage of cases resulting in prison sentences varied considerably across the country, ranging from a low of 22% in Nova Scotia to a high of 60% in Prince Edward Island. In Prince Edward Island, the incarceration rate for impaired driving is high. Because impaired driving cases account for a large proportion of the caseload in that province, they have a significant impact on the overall incarceration rate (Table 6).

The most frequently imposed sentence in 1997-98 was "other". This sentence category includes absolute discharge, conditional discharge, suspended sentence, conditional sentence, payment of legal costs, suspension of driver's license, firearms restrictions, motor vehicle operation restrictions, community service order, treatment order, prohibition order, seizure and forfeiture, and other sentences. Many of the sentences captured as "other" by the ACCS may be conditions placed on a probation order. "Other" sentences were given in 124,431 cases, or 50% of all cases. It was the most frequently imposed sentence in four of the nine reporting jurisdictions, the highest proportion being found in Newfoundland (70%) followed by Saskatchewan (58%), Quebec (54%), and Ontario (50%) (Table 6).

### A majority of cases with convictions are given multiple sentences

Thirty-eight percent of all cases with a guilty finding<sup>7</sup> involved one sentence, 50% resulted in two sentences, and 12% involved three or more sentences. For cases resulting in more than one sentence, the most frequent sentence combinations are shown in the accompanying Box 7.

<sup>6</sup> Case sentencing information reflects the sentences imposed on the most serious offence in the case. The most serious offence in the case is determined by the most serious sentence in combination with offence severity information (see methodology section).

<sup>7</sup> Excludes 3,128 cases, or 1% of cases for which the sentence was unknown.

Table 6

Jurisdiction	Total Cases	Prison %	Probation %	Fine %	Restitution %	Other %
<b>Total</b>	<b>250,073</b>	<b>33</b>	<b>43</b>	<b>41</b>	<b>5</b>	<b>50</b>
Newfoundland	5,284	30	49	38	7	70
Prince Edward Island	1,419	60	45	45	14	24
Nova Scotia	9,237	22	34	54	6	45
Quebec	60,447	28	51	47	3	54
Ontario	118,440	39	46	33	6	50
Saskatchewan	16,293	25	31	49	6	58
Alberta	35,186	28	23	56	6	40
Yukon	1,157	44	48	30	9	27
Northwest Territories	2,610	39	41	30	13	34

**Note:** Many cases result in more than one sentence; row totals will therefore not add up to 100%. The sentence was unknown in 1% of cases with convictions. Nine jurisdictions only.

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

Most Frequent Combination Sentences	# Cases	%
Probation and other	42,892	17
Fine and other	39,995	16
Prison and probation	20,597	8
Prison, probation and other	9,493	4
Probation, fine and other	8,886	4
Prison and other	8,073	3
Probation and fine	7,753	3

### Prison Sentences

Prison is the most serious sentence handed out in adult criminal court and when given, is often the only sentence. In the nine participating jurisdictions, a prison sentence was imposed in 33% of all cases (incarceration rate), and was the only sentence imposed in almost half of these cases (Table 7). The rate of incarceration – 34% in 1994-95, dropped to 33% the following year and has remained unchanged. Of the cases resulting in prison, 49% of the terms were for one month or less, while 3% were for two years or more (Figure 4).<sup>8</sup>

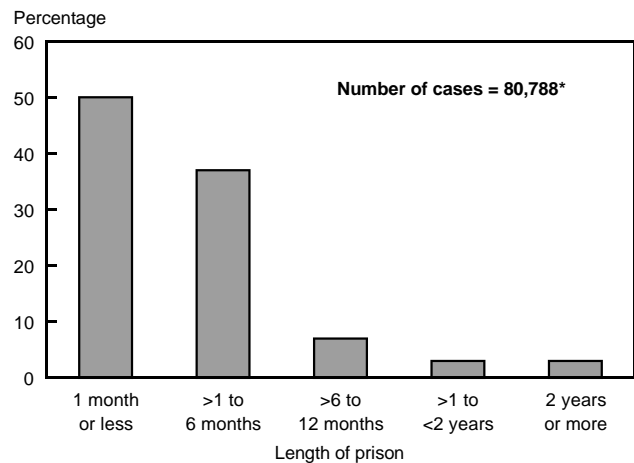
### More serious offences receive longer prison sentences

The median sentence length for all cases receiving prison was 60 days.<sup>9</sup> This figure represents a sharp increase from a 45 day median length in 1994-95. Almost all of this increase occurred within the Property Offence group where the median prison sentence increased from 60 days in 1994-95 to 90 days in 1997-98. The offence category driving this change appears to be fraud cases which have also increased from 60 to 90 days since 1994-95.

The categories of violent crimes, property crimes, and drug crimes have the longest median prison sentences (90 days). Other Federal Statutes had a median prison sentence length of 60 days. The shortest median prison sentence lengths were reported for cases involving Other Criminal Code and Traffic offences (30 days) (Table 7). The types of offences

Figure 4

### Cases by Length of Prison for the Most Serious Offence, 1997-98



\* The prison term was unknown in 1,880 or 2% of the cases where a prison sentence was imposed.

**Note:** Nine jurisdictions only.

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

receiving a lengthy prison sentence were serious in nature, with Offences Against the Person receiving four of the longest median prison sentences. In total, there were twelve offences with a median prison sentence of 90 days or more. Seven of the twelve were offences against the person, but the list also includes breaking and entering, arson, fraud, weapons, and drug trafficking offences. Common assault (60 days) had

<sup>8</sup> The ACCS is unable to determine whether the prison sentence is to be served concurrently or consecutively with another prison sentence, and is not able to measure the length of the aggregate prison sentence given to an accused in cases involving convictions on more than one offence.

<sup>9</sup> The median is the middle value when all values are sorted by size. The calculation of the median sentence length for prison excludes all cases where the sentence length was 1 day or unknown (176,984). One day prison sentences are sometimes used to identify prison sentences of time served.

the lowest median sentence length among Offences Against the Person. Since common assault cases account for a large proportion of the Crimes Against the Person, they play a major role in bringing down the median sentence for the Crimes Against the Person category. The shortest median sentence length for all offence groups was for morals-sexual offences (21 days).

In general, offences with the longest median prison sentences also had the highest rates of incarceration. For example, homicide<sup>10</sup> (median sentence of 7 years), attempted murder (3 years), and robbery (1.5 years) cases all had incarceration rates of 64% and above. There were only two offences - weapons and abduction offences - where a long median length of prison (90 days and 89 days respectively) was associated with a low incarceration rate (31% and 33% respectively). The combination of low incarceration rates with relatively long sentence lengths may be the result of wide variations in severity within these offence types.

**Probation Orders**

Probation sentences are less serious than a prison sentence. Most probation orders carry conditions that convicted individuals have to meet in order to continue serving their sentence in the community. Some of the conditions placed on probation orders include restitution orders, community service orders, requirements to seek treatment, weapons restrictions, motor vehicle operation restrictions, peace bond orders, or prohibition orders restricting communication. Many of these sanctions are reported to the ACCS under "other" sentences. When the accused fails to follow a probation condition, new charges may be heard in adult criminal court. There were 11,329 breach of probation cases heard in participating adult criminal courts in 1997-98.

A sentence of probation was imposed in 43% of cases resulting in conviction. Of these cases, three-quarters had a probation sentence length that was between six and twenty-four months (Figure 5). Overall, the median length of probation was one year.

There were eleven offence types with a median probation sentence of 18 months or longer. The types of offences receiving lengthy probation orders were usually serious in nature, and were often given in combination with prison terms. Most violent crimes were given long probation terms, with homicide, attempted murder, robbery, kidnapping, sexual assault, sexual abuse, and abduction cases each receiving two years. Only two violent offences - major assault and common assault - had a median length of probation that was under two years (Table 6).

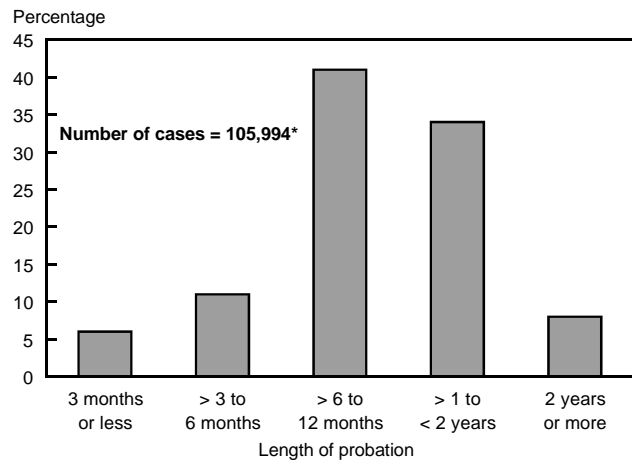
**Fines**

Cases receiving fines tend to be less serious than those receiving other penalties. When they are imposed, fines are frequently imposed as a single sanction. A fine was

<sup>10</sup> Includes manslaughter and infanticide only. First and second degree murder cases are under the exclusive jurisdiction of superior courts, which do not yet provide data to the ACCS.

Figure 5

**Cases by Length of Probation for the Most Serious Offence, 1997-98**



\* The length of probation was unknown in 444 or 0.4% of cases where probation was ordered.

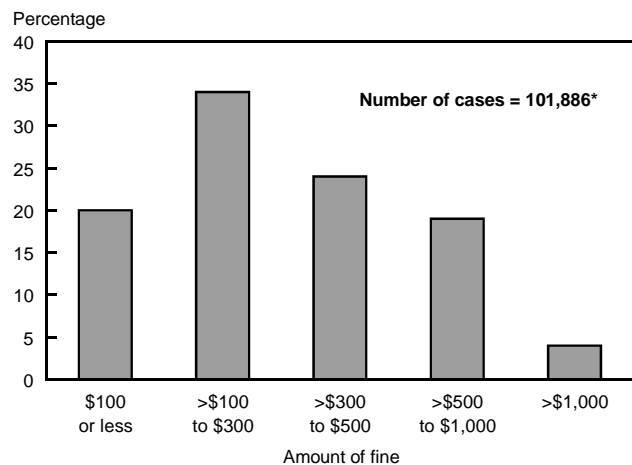
Note: Nine jurisdictions only.

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

imposed in 41% of cases with convictions, and 42% of all the cases involving a fine had no other sanction associated with the case. In only 2% of the cases resulting in a prison sentence was the offender also ordered to pay a fine. Of the cases involving a fine, 54% were ordered to pay a fine of \$300 or less and 23% were fined more than \$500 (Figure 6). The overall median fine amount was \$300.

Figure 6

**Cases by Amount of Fine for the Most Serious Offence, 1997-98**



\* The amount of the fine was unknown in 1,612 or 1% of cases where a fine was imposed.

Note: Nine jurisdictions only.

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

## Median amount of fine highest for Traffic offence group

The median fine amount for Traffic offence cases was \$500. This was the largest median fine amount imposed for any offence category, and reflects the mandatory \$300 fine for first time impaired driving convictions. Approximately one-third (36%) of all fines were for impaired driving cases. For other individual offence types, the highest median fine amounts were imposed for gaming cases (\$750) and drug trafficking cases (\$500) (Table 7).

## Sentencing in single-charge and multiple-charge cases

When examining the type and magnitude of sentences resulting from adult court cases, it is useful to distinguish between cases containing only one charge versus those

having more than one charge. The data indicate that, for the same offence type, multiple-charge cases tend to receive longer prison and probation sentences than single-charge cases. Cases with multiple counts are likely to be seen as more serious than those with a single charge. Since a sentence must be proportionate to the gravity of the offence, more serious cases should receive longer sentences. In addition to multiple offending, it is also very likely that repeat offending contributes to sentencing differences for the same offence.

## Multiple-charge cases more likely to receive prison

In cases with the same offence types, sentences in multiple-charge cases are more severe than those given in single-charge cases. The proportion of cases receiving a

Table 7

Offence Group	Total		Prison <sup>1</sup>			Probation <sup>2</sup>			Fine <sup>3</sup>		
	Cases with Convictions	Number	%	Median Days	Number	%	Median Days	Number	%	Median \$ Amount	
<b>TOTAL OFFENCES</b>	<b>250,073</b>	<b>82,668</b>	<b>33</b>	<b>60</b>	<b>106,438</b>	<b>43</b>	<b>365</b>	<b>103,498</b>	<b>41</b>	<b>300</b>	
<b>CRIMINAL CODE TOTAL</b>	<b>218,583</b>	<b>76,877</b>	<b>35</b>	<b>60</b>	<b>99,295</b>	<b>45</b>	<b>365</b>	<b>82,550</b>	<b>38</b>	<b>350</b>	
<b>Crimes against the Person</b>	<b>42,105</b>	<b>15,847</b>	<b>38</b>	<b>90</b>	<b>30,506</b>	<b>72</b>	<b>365</b>	<b>7,629</b>	<b>18</b>	<b>300</b>	
Homicide and Related	82	64	78	2,555	20	24	730	8	10	275	
Attempted Murder	66	42	64	1,148	24	36	730	-	-	-	
Robbery	2,311	1,817	79	540	1,138	49	730	39	2	350	
Kidnapping	78	53	68	180	52	67	730	4	5	425	
Sexual Assault	2,025	1,115	55	300	1,516	75	730	207	10	500	
Sexual Abuse	739	439	59	240	616	83	730	35	5	500	
Major Assault	11,310	5,283	47	90	7,851	69	540	1,951	17	300	
Abduction	39	13	33	89	33	85	720	4	10	450	
Common Assault	25,455	7,021	28	60	19,256	76	365	5,381	21	300	
<b>Crimes against Property</b>	<b>65,643</b>	<b>24,670</b>	<b>37</b>	<b>90</b>	<b>35,978</b>	<b>55</b>	<b>365</b>	<b>16,688</b>	<b>25</b>	<b>200</b>	
Break and Enter	10,395	6,252	60	180	6,721	65	720	885	9	300	
Arson	338	175	52	300	248	73	730	19	6	325	
Fraud	12,260	3,690	30	90	7,860	64	365	2,612	21	200	
Possess Stolen Property	8,243	3,538	43	60	3,833	47	365	2,505	30	300	
Theft	26,839	9,382	35	45	12,582	47	365	8,390	31	200	
Property Damage/Mischief	7,568	1,633	22	30	4,734	63	365	2,277	30	200	
<b>Other Criminal Code</b>	<b>59,204</b>	<b>24,898</b>	<b>42</b>	<b>30</b>	<b>22,443</b>	<b>38</b>	<b>365</b>	<b>18,323</b>	<b>31</b>	<b>200</b>	
Weapons	4,232	1,330	31	90	2,021	48	365	1,559	37	200	
Administration of Justice	23,009	12,729	55	30	5,494	24	365	6,815	30	150	
Public Order Offences	5,067	1,101	22	30	1,745	34	360	2,594	51	200	
Morals-Sexual	3,018	801	27	21	1,325	44	365	1,114	37	200	
Morals-Gaming	250	6	2	30	88	35	360	163	65	750	
Residual Criminal Code	23,628	8,931	38	30	11,770	50	365	6,078	26	200	
<b>Traffic</b>	<b>51,631</b>	<b>11,462</b>	<b>22</b>	<b>30</b>	<b>10,368</b>	<b>20</b>	<b>360</b>	<b>39,910</b>	<b>77</b>	<b>500</b>	
Criminal Code Traffic <sup>4</sup>	5,660	2,614	46	45	1,599	28	360	2,707	48	500	
Impaired Driving	45,971	8,848	19	30	8,769	19	360	37,203	81	500	
<b>FEDERAL STATUTE TOTAL</b>	<b>31,490</b>	<b>5,791</b>	<b>18</b>	<b>90</b>	<b>7,143</b>	<b>23</b>	<b>365</b>	<b>20,948</b>	<b>67</b>	<b>150</b>	
<b>Drug-Related Offences</b>	<b>11,490</b>	<b>3,159</b>	<b>27</b>	<b>90</b>	<b>4,210</b>	<b>37</b>	<b>365</b>	<b>5,718</b>	<b>50</b>	<b>200</b>	
Trafficking	4,069	2,243	55	180	2,276	56	730	1,076	26	500	
Possession	7,421	916	12	30	1,934	26	360	4,642	63	200	
<b>Other Federal Statutes</b>	<b>20,000</b>	<b>2,632</b>	<b>13</b>	<b>60</b>	<b>2,933</b>	<b>15</b>	<b>365</b>	<b>15,230</b>	<b>76</b>	<b>150</b>	

<sup>1</sup> Prison sentences of one day or less have been excluded from the calculation of median days as well as prison sentences of unknown length (N= 9,575).

<sup>2</sup> Probation sentences with unknown lengths have been excluded from the calculation of median days (N= 444).

<sup>3</sup> Fine sentences where the fine amount is unknown have been excluded from the calculation of median fine amounts (N= 1,612).

<sup>4</sup> Includes, among others, dangerous operation, driving while disqualified, and failing to stop at the scene of an accident.

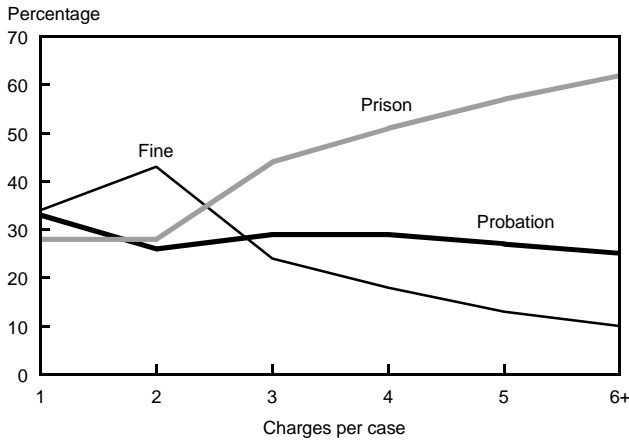
Note: Nine jurisdictions only.

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

sentence of imprisonment increased as the number of charges in the case increased. A prison sentence was given in 28% of single-charge cases. In contrast, 38% of all multiple-charge cases received prison and 62% of cases with six or more charges received a prison sentence (Figure 7). In addition to prison sentences increasing with the number of charges, the proportion of fine sentences decreased, while the proportion of probation sentences remained fairly constant.

Figure 7

**Most Serious Sentence by Number of Charges in the Case, 1997-98**



*Note:* Nine jurisdictions only.  
*Source:* Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

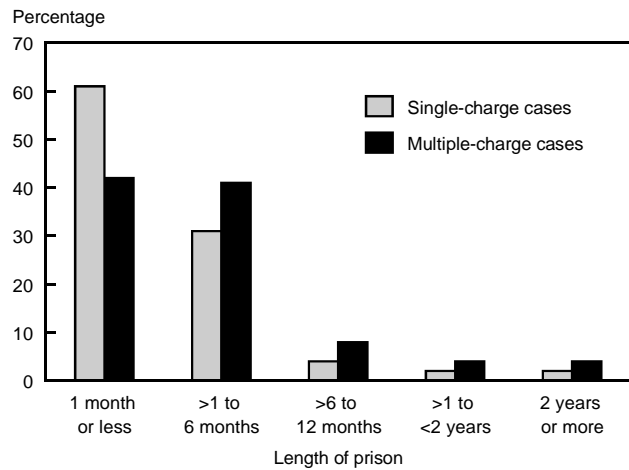
**Length of prison term increases with the number of charges in the case**

The length of prison sentence also appears to be influenced by the number of charges in the case. Of the cases receiving prison, single-charge cases resulted in shorter prison terms than the most serious offence in multiple-charge cases (Figure 8). The sentence length given was less than one month for 61% of single-charge cases compared to 42% for the most serious offence in multiple-charge cases. Overall, the median prison sentence length for multiple-charge cases was twice the duration of prison sentences given in cases with only one charge (60 days versus 30 days) (Table 8).

In cases involving more serious offences (Crimes Against the Person and Crimes Against Property), the median prison sentence length given to the most serious offence was 50% longer for cases with multiple charges (90 days versus 60 days). For multiple-charge drug-related offences, the median prison sentence given was twice as long (150 days versus 75 days). There were differences also in the median length of prison sentence imposed for less serious single and multiple-charge cases. For multiple-charge Traffic and Other Federal Statutes categories, the median prison sentence length given to the most serious offence was longer (40 days versus 30 days, and 90 days versus 30 days respectively). Single and multiple-charge cases in the Other Criminal Code category were given the same median prison sentence length of 30 days (Table 8).

Figure 8

**Cases by Length of Prison Sentence Ordered, 1997-98**



*Note:* Nine jurisdictions only.  
*Source:* Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

**Median length of probation and amount of fine are influenced by the number of charges**

In a manner similar to prison sentences, the number of charges in a case appears to influence probation and fine sentences. Cases with more than one charge were slightly more likely to receive probation as a sentence - 43% of multiple-charge cases compared to 42% of single-charge cases.

For the Crimes Against the Person, Drug-Related Offences, and Other Federal Statutes categories, the median probation length was 540 days for multiple-charge cases while, for single-charge cases, it was about 365 days. For Traffic offences, the median length of probation for multiple-charge cases was double that of single-charge cases (360 days versus 180 days). For the other Criminal Code category, the median probation length of multiple-charge cases was identical to single-charge cases (365 days) (Table 8). A fine was imposed as a sanction in slightly more single-charge cases (42%) than multiple-charge cases (41%). Overall, the median fine given in multiple-charge cases (\$400) was double the median fine amount given in single-charge cases (\$200) (Table 8).

**Box 8 Sentencing Reforms**

Some sentencing reforms have recently been introduced in Canada. In September 1996, the federal government proclaimed Bill C-41 which contains a number of provisions designed to alter the nature of the sentencing process in Canada. In addition to providing a statement of purposes and principles of sentencing, and mandating harsher penalties for some offences, the reforms include the addition of a new sentence called a conditional sentence of imprisonment. In future years, adjustments will be made to the Adult Criminal Court Survey to capture these changes and report on their impact.

Table 8

**Median Sentence Length or Amount of Fine in Single-Charge and Multiple-Charge Cases, 1997-98**

Offence Group	Prison Type of Case		Probation Type of Case		Fine Type of Case	
	Single in days	Multiple in days	Single in days	Multiple in days	Single \$	Multiple \$
<b>Total Offences</b>	<b>30</b>	<b>60</b>	<b>365</b>	<b>365</b>	<b>200</b>	<b>400</b>
Crimes against the Person	60	90	365	540	300	300
Crimes against Property	60	90	365	450	200	200
Other Criminal Code	30	30	365	365	200	200
Traffic	30	40	180	360	500	500
Drug-Related	75	150	365	540	200	300
Other Federal Statutes	30	90	360	540	100	500

*Note:* Nine jurisdictions only.  
*Source:* Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

**CASE PROCESSING**

The time necessary to process a criminal case is dependent on many factors including the co-ordination of court resources, the number of judge sitting days, the nature and complexity of the case, lawyers' decisions on the appropriate course of action for their clients, and the instructions of the accused.

**One in five cases are completed in a single appearance**

Nineteen percent of all cases were dealt with in a single appearance in 1997-98 (Box 9), a 1% drop from the previous three years. The proportion of cases requiring 6 or more appearances, however, has risen slightly from 23% to 29% in the same period.

Most cases (57%) were completed within 16 weeks of the first court appearance, with only 10% taking longer than one year (Box 9). This proportion marks the fourth consecutive annual increase; it was 7% in 1994-95, 8% in 1995-96, and 9% in 1996-97.

<b>Box 9 Cases by Elapsed Time</b>	<b>Number</b>	<b>%</b>
Single appearance cases	79,634	19
Up to 4 weeks	60,102	15
> 4 to 16 weeks	95,339	23
> 16 to 32 weeks	85,169	21
> 32 to 52 weeks	49,986	12
> 52 weeks	41,346	10
<b>Total Cases</b>	<b>411,576</b>	<b>100</b>

About one quarter of single-charge cases were completed in one appearance compared to 16% for multiple-charge cases. This situation has not varied since 1994-95.

Single-charge cases with more than one appearance had a median elapsed time from the first court appearance to the last court appearance of 70 days, which was significantly lower than the median elapsed time of multiple-charge cases with more than one appearance (99 days). The median elapsed time of single-charge cases has increased from 63 to 70 days over the past four years, and the median elapsed

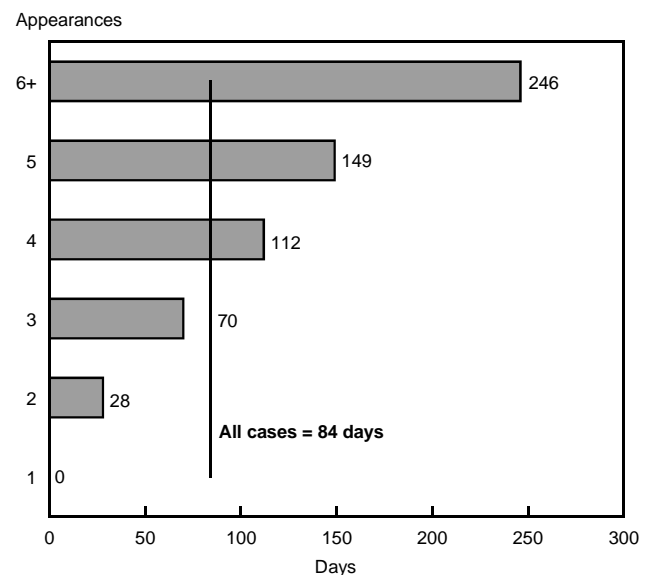
time of multiple-charge cases has increased from 89 to 99 days over the same period. Overall, for single and multiple-charge cases, the median elapsed time has increased from 73 days in 1994-95 to 84 days in 1997-98.

**Processing time increased with the number of appearances**

Undeniably, the more appearances a case has, the longer it will take. However, what is less clear, is how many days and months each additional appearance will add to the processing of a case. Examination of the elapsed time data revealed that each additional appearance added approximately one month to the median processing time of cases (Figure 9).

Figure 9

**Median Elapsed Time by Number of Appearances in the Case, 1997-98**



*Note:* Nine jurisdictions only.  
*Source:* Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

An examination of processing times reveals that they have increased slightly between 1994-95 and 1997-98. During this period, the overall case elapsed time has increased from a median of 73 days to 84 days. The median processing time has increased for cases with multiple appearances: from 107 to 112 days for cases with four appearances, from 140 to 149 days for cases with five appearances, and from 212 to 246 days for cases with six or more appearances.

### Serious offences take longer to process

The median elapsed time from first appearance to last appearance was longer for more serious offences. Three of the four longest median elapsed times were for violent offences such as sexual assault (189 days), sexual abuse (182 days), and homicide and related (180 days). The violent offences category (Crimes Against the Person) had the smallest proportion of single appearance cases (9%) and the largest proportion of cases with four or more appearances (63%). In contrast, Other Federal Statutes cases had by far the lowest median elapsed time (28 days) and the largest proportion of single-appearance cases (39%) (**Table 9**).

Table 9



### Total Cases, Median Elapsed Time by Number of Appearances, 1997-98

Offence Group	Elapsed Time in Days													
	Total Cases		Single Appearance		Cases with 2 Appearances		Cases with 3 Appearances		Cases with 4 Appearances		Cases with 5 Appearances		Cases with 6 + Appearances	
	Number	Median	% of cases	Median	% of cases	Median	% of cases	Median	% of cases	Median	% of cases	Median	% of cases	Median
<b>TOTAL OFFENCES</b>	<b>411,576</b>	<b>84</b>	<b>19.3</b>	-	<b>16.2</b>	<b>28</b>	<b>14.5</b>	<b>70</b>	<b>12.0</b>	<b>112</b>	<b>9.4</b>	<b>149</b>	<b>28.6</b>	<b>246</b>
<b>CRIMINAL CODE TOTAL</b>	<b>366,053</b>	<b>86</b>	<b>18.1</b>	-	<b>16.1</b>	<b>26</b>	<b>14.9</b>	<b>69</b>	<b>12.4</b>	<b>112</b>	<b>9.6</b>	<b>148</b>	<b>29.0</b>	<b>244</b>
<b>Crimes against the Person</b>	<b>83,651</b>	<b>123</b>	<b>9.0</b>	-	<b>12.6</b>	<b>29</b>	<b>15.8</b>	<b>77</b>	<b>14.6</b>	<b>117</b>	<b>11.6</b>	<b>147</b>	<b>36.4</b>	<b>235</b>
Homicide and Related	398	180	10.3	-	7.5	18	7.0	75	5.8	125	7.0	118	62.3	271
Attempted Murder	406	126	6.2	-	5.7	8	7.9	57	9.4	59	10.8	85	60.1	195
Robbery	4,111	121	6.2	-	6.1	8	9.2	28	10.8	56	9.8	95	57.9	203
Kidnapping	255	102	11.4	-	7.5	14	12.9	59	16.5	92	12.2	100	39.6	226
Sexual Assault	6,303	189	6.2	-	8.2	55	10.8	105	11.8	140	11.2	183	51.9	294
Sexual Abuse	1,326	182	7.3	-	9.2	41	11.2	90	9.8	132	10.8	162	51.7	298
Major Assault	21,803	136	6.8	-	9.9	28	14.4	75	14.4	118	12.3	154	42.1	239
Abduction	130	106	14.6	-	12.3	34	11.5	73	16.9	110	13.8	118	30.8	223
Common Assault	48,919	108	10.6	-	15.2	30	17.8	77	15.6	118	11.6	146	29.2	223
<b>Crimes against Property</b>	<b>104,782</b>	<b>79</b>	<b>17.6</b>	-	<b>17.6</b>	<b>27</b>	<b>14.3</b>	<b>63</b>	<b>11.7</b>	<b>99</b>	<b>9.0</b>	<b>139</b>	<b>29.7</b>	<b>239</b>
Break and Enter	15,270	89	11.0	-	13.1	14	13.8	49	13.3	84	10.8	112	38.0	217
Arson	649	141	7.9	-	9.7	22	8.5	41	10.8	88	9.6	137	53.6	279
Fraud	19,896	119	15.5	-	13.9	28	12.4	70	11.3	112	9.8	156	37.1	273
Possess Stolen Property	13,630	103	13.1	-	14.0	21	13.3	60	12.3	98	10.0	136	37.3	239
Theft	43,521	54	22.5	-	22.0	28	15.1	63	10.9	102	7.6	139	21.9	233
Property Damage/Mischief	11,816	77	17.8	-	18.3	28	17.0	70	12.4	105	9.6	140	25.0	231
<b>Other Criminal Code</b>	<b>109,236</b>	<b>56</b>	<b>22.3</b>	-	<b>17.2</b>	<b>19</b>	<b>14.6</b>	<b>55</b>	<b>11.4</b>	<b>94</b>	<b>8.7</b>	<b>129</b>	<b>25.7</b>	<b>220</b>
Weapons	7,651	103	14.6	-	13.9	28	12.7	67	12.5	99	10.1	137	36.2	238
Administration of Justice	40,439	28	25.4	-	17.6	7	13.8	30	10.6	67	8.0	104	24.6	187
Public Order Offences	7,060	63	22.6	-	21.2	28	15.3	70	11.7	114	8.5	151	20.8	232
Morals-Sexual	5,326	78	17.0	-	21.1	40	15.7	68	11.6	109	8.4	145	26.2	252
Morals-Gaming	716	160	5.3	-	11.2	35	12.2	93	9.4	116	14.7	295	47.3	349
Residual Criminal Code	48,044	69	21.8	-	16.4	27	15.3	66	12.0	104	9.1	141	25.3	237
<b>Traffic</b>	<b>68,384</b>	<b>98</b>	<b>22.9</b>	-	<b>16.1</b>	<b>28</b>	<b>15.0</b>	<b>94</b>	<b>12.5</b>	<b>148</b>	<b>9.5</b>	<b>196</b>	<b>24.0</b>	<b>314</b>
Criminal Code Traffic <sup>1</sup>	8,190	119	15.0	-	15.1	28	14.7	90	13.6	126	10.8	160	30.8	261
Impaired Driving	60,194	96	24.0	-	16.2	28	15.0	95	12.3	154	9.3	203	23.1	322
<b>FEDERAL STATUTE TOTAL</b>	<b>45,523</b>	<b>63</b>	<b>29.7</b>	-	<b>17.0</b>	<b>35</b>	<b>11.8</b>	<b>77</b>	<b>9.0</b>	<b>113</b>	<b>7.3</b>	<b>154</b>	<b>25.2</b>	<b>269</b>
<b>Drug-Related Offences</b>	<b>17,864</b>	<b>146</b>	<b>15.4</b>	-	<b>12.1</b>	<b>32</b>	<b>12.4</b>	<b>85</b>	<b>11.0</b>	<b>128</b>	<b>10.2</b>	<b>175</b>	<b>38.8</b>	<b>284</b>
Trafficking	7,463	209	5.9	-	7.0	31	10.3	86	9.8	128	11.2	179	55.8	307
Possession	10,401	99	22.3	-	15.8	33	13.8	85	11.9	128	9.4	173	26.7	254
<b>Other Federal Statutes</b>	<b>27,659</b>	<b>28</b>	<b>39.0</b>	-	<b>20.1</b>	<b>36</b>	<b>11.3</b>	<b>70</b>	<b>7.7</b>	<b>98</b>	<b>5.5</b>	<b>132</b>	<b>16.5</b>	<b>232</b>

- nil or zero

<sup>1</sup> Includes, among others, dangerous operation, driving while disqualified, and failing to stop at the scene of an accident.

Note: Nine jurisdictions only.

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

## METHODOLOGY

The objective of the Adult Criminal Court Survey (ACCS) is to develop and maintain a national adult criminal court database of statistical information on appearances, charges, and cases. The survey is intended to be a census of *Criminal Code* and other federal statute charges dealt with in adult criminal courts in Canada.

### Coverage

Coverage limitations have an impact on the information reported by the ACCS. The absence of full national coverage (New Brunswick, Manitoba and British Columbia do not currently provide data to the survey) for provincial/territorial courts represents a current limitation of the survey. Further, not all court locations in Quebec report to the survey. Data for Quebec's 140 municipal courts, estimated to represent 20% of federal statute charges heard in Quebec, are not collected.

Since the ACCS does not currently collect information from superior courts, variations across jurisdictions for cases transferred to a higher level of court may result in slight differences in the proportions reported for each disposition group. Additionally, sentencing and related case characteristics information on the most serious cases dealt with in the criminal courts is not available.

### Counting Procedures

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

- a charge is stayed in one reference period and restarted in another reference period;
- a charge is stayed and then restarted with different case

identifiers;

- a charge is transferred from one court location to another; and
- a charge is transferred to superior court and returns to provincial court with different case identifiers.

When a case has more than one charge, it is necessary to apply scoring rules to determine which charge will represent the case. In multiple charge cases, the "most serious disposition" rule is the first to be applied. Dispositions for each charge in the case are ordered from most to least serious as follows: 1) found guilty, 2) guilty of a lesser offence, 3) committed for trial in a superior court, 4) other dispositions, 5) stay of proceeding, 6) acquitted, withdrawn, dismissed.

In cases where two or more offences have the same disposition (e.g. guilty), the "most serious offence" rule is applied. All charges are ranked according to a seriousness scale based on the average length of prison sentence. If two charges are tied at the level of offence seriousness, sentence type information (prison, probation, fine) is considered. If a tie exists at the level of sentence type, sentence magnitude is considered.

### Factors influencing the number of charges laid

Charging policy is a provincial/territorial responsibility. In Quebec, the approval of the Crown prosecutor is required before charges can be laid by police. The police must complete a "Report to Crown Counsel", which includes details of the case and the results of the investigation. Charges are laid based on Crown Counsel's review of this report. The prosecution's involvement in the charging process may influence Quebec's conviction rate. In the other provinces and territories presently reporting to the ACCS, the laying of charges is the responsibility of the police.



## Canadian Centre for Justice Statistics

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

### Recent Juristat Releases

#### Catalogue 85-002-XPE

##### 1997

- Vol. 17 No. 4 Adult Correctional Services in Canada, 1995-96
- Vol. 17 No. 5 Crime in Major Metropolitan Areas, 1991-1995
- Vol. 17 No. 6 Adult Criminal Court Statistics, 1995-1996
- Vol. 17 No. 7 Weapons and Violent Crime
- Vol. 17 No. 8 Canadian Crime Statistics, 1996
- Vol. 17 No. 9 Homicide in Canada, 1996
- Vol. 17 No. 10 Youth Court Statistics 1995-96 Highlights
- Vol. 17 No. 11 Assaults Against Children and Youth in The Family, 1996
- Vol. 17 No. 12 Impaired Driving in Canada, 1996
- Vol. 17 No. 13 The Justice Data Factfinder

##### 1998

- Vol. 18 No. 1 Motor Vehicle Theft in Canada - 1996
- Vol. 18 No. 2 Missing and Abducted Children
- Vol. 18 No. 3 Adult Correctional Services in Canada, 1996 -1997
- Vol. 18 No. 4 The Changing Nature of Fraud in Canada
- Vol. 18 No. 5 Breaking and Entering in Canada, 1996
- Vol. 18 No. 6 Criminal Victimization: An International Perspective
- Vol. 18 No. 7 Adult Criminal Court Statistics, 1996-97
- Vol. 18 No. 8 A One-Day Snapshot of Inmates in Canada's Adult Correctional Facilities
- Vol. 18 No. 9 Violence Committed by Strangers
- Vol. 18. No. 10 Legal Aid in Canada: 1996-97
- Vol. 18 No. 11 Canadian Crime Statistics, 1997
- Vol. 18 No. 12 Homicide in Canada, 1997
- Vol. 18 No. 13 Private Security and Public Policing in Canada