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Conditional sentencing in Canada: A statistical profile 1997- 2001



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Conditional sentencing in Canada: A statistical profile 1997– 2001

By Dianne Hendrick, Michael Martin, and Peter Greenberg

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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.

SYMBOLS

The following symbols are used in this report:

- . not available for any reference period
- .. not available for a specific reference period
- ... not applicable
- p preliminary
- r revised
- x suppressed to meet the confidentiality requirements of the Statistics Act
- E use with caution
- F too unreliable to be published

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TABLE OF CONTENTS

| | | |
|----------------|--|------------|
| Part 1. | Introduction | 9 |
| 1.1 | Background | 9 |
| 1.2 | Organization of the Report | 9 |
| 1.3 | The Conditional Sentence Defined and Applied | 10 |
| 1.4 | The Conditional Sentence in Practice | 11 |
| 1.5 | Research Questions | 13 |
| 1.6 | Interpreting Statistics | 14 |
| 1.7 | Jurisdictional Data Comparability and Availability | 15 |
| Part 2. | Overview | 17 |
| 2.1 | Trends in Conditional Sentences, Probation and Sentenced Custody | 17 |
| 2.1.1 | Current Caseload | 17 |
| 2.1.2 | Caseload Trends 1993/94 to 2000/01: Admissions | 18 |
| 2.1.3 | Rates of Admissions: 1993/94 to 2000/01 | 19 |
| Part 3. | Jurisdictional Profiles | 25 |
| 3.1 | Newfoundland and Labrador | 25 |
| 3.2 | Prince Edward Island | 35 |
| 3.3 | Nova Scotia | 47 |
| 3.4 | New Brunswick | 61 |
| 3.5 | Quebec | 71 |
| 3.6 | Ontario | 81 |
| 3.7 | Manitoba | 95 |
| 3.8 | Saskatchewan | 109 |
| 3.9 | Alberta | 123 |
| 3.10 | British Columbia | 137 |
| 3.11 | Yukon | 147 |
| 3.12 | Nunavut | 153 |
| Part 4. | Methodology | 157 |
| Annex A | Court Statistics | 161 |
| Annex B | Glossary of Terms | 167 |
| Annex C | Errata: An Update to June 2002 Release | 171 |

List of Figures

| | | |
|-----|--|-----|
| 1.0 | Total Admission Rates per 10,000 adults charged, 1993/94 to 2000/01 | 19 |
| 1.1 | Admission Rates per 10,000 adults charged, Newfoundland and Labrador, 1991/92 to 2000/01 | 26 |
| 2.1 | Admission Rates per 10,000 adults charged, Prince Edward Island, 1991/92 to 2000/01 | 36 |
| 3.1 | Admission Rates per 10,000 adults charged, Nova Scotia, 1991/92 to 2000/01 | 48 |
| 4.1 | Admission Rates per 10,000 adults charged, New Brunswick, 1991/92 to 1998/99 | 62 |
| 5.1 | Admission Rates per 10,000 adults charged, Quebec, 1991/92 to 2000/01 | 72 |
| 6.1 | Admission Rates per 10,000 adults charged, Ontario, 1993/94 to 2000/01 | 82 |
| 7.1 | Admission Rates per 10,000 adults charged, Manitoba, 1991/92 to 1998/99 | 96 |
| 8.1 | Admission Rates per 10,000 adults charged, Saskatchewan, 1991/92 to 2000/01 | 110 |

TABLE OF CONTENTS (continued)**List of Figures** (continued)

| | | |
|------|--|-----|
| 9.1 | Admission Rates per 10,000 adults charged, Alberta, 1991/92 to 2000/01 ... | 124 |
| 10.1 | Admission Rates per 10,000 adults charged, British Columbia, 1991/92 to 2000/01 | 138 |
| 11.1 | Admission Rates per 10,000 adults charged, Yukon, 1991/92 to 2000/01 | 148 |

List of Tables**Introduction**

| | | |
|-----------|--|----|
| Table 1.1 | Data Availability and Unit of Count, Conditional Sentencing Special Study | 16 |
|-----------|--|----|

Overview

| | | |
|-------------|---|----|
| Table 2.1.0 | Adult Admissions to Correctional Service Programs, Selected Provincial and Territorial Jurisdictions, 1993/94 to 2000/01 | 21 |
| Table 2.2.0 | Adult Admission Rates per 10,000 adults charged, Selected Provincial and Territorial Jurisdictions, 1993/94 to 2000/01 | 24 |

Newfoundland and Labrador

| | | |
|-------------|--|----|
| Table 3.1 | Adult Admissions to Correctional Service Programs, Newfoundland and Labrador, 1991/92 to 2000/01 | 25 |
| Table 3.1.1 | Conditional Sentences, Probation and Sentenced Custody by Sex, Newfoundland and Labrador, 1997/98 to 2000/01 | 31 |
| Table 3.1.2 | Conditional Sentences, Probation and Sentenced Custody by Aboriginal Status, Newfoundland and Labrador, 1997/98 to 2000/01 | 31 |
| Table 3.1.3 | Conditional Sentences, Probation and Sentenced Custody by Age, Newfoundland and Labrador, 1997/98 to 2000/01 | 32 |
| Table 3.1.4 | Conditional Sentences, Probation and Sentenced Custody by Offence Group, Newfoundland and Labrador, 1997/98 to 2000/01 | 33 |
| Table 3.1.5 | Conditional Sentences, Probation and Sentenced Custody by Length of Sentence, Newfoundland and Labrador, 1997/98 to 2000/01 | 34 |

Prince Edward Island

| | | |
|-------------|---|----|
| Table 3.2 | Adult Admissions to Correctional Service Programs, Prince Edward Island, 1991/92 to 2000/01 | 35 |
| Table 3.2.1 | Conditional Sentences, Probation and Sentenced Custody by Sex, Prince Edward Island, 1997/98 to 2000/01 | 40 |
| Table 3.2.2 | Conditional Sentences, Probation and Sentenced Custody by Aboriginal Status, Prince Edward Island, 1997/98 to 2000/01 | 40 |
| Table 3.2.3 | Conditional Sentences, Probation and Sentenced Custody by Age, Prince Edward Island, 1997/98 to 2000/01 | 41 |
| Table 3.2.4 | Conditional Sentences, Probation and Sentenced Custody by Offence Group, Prince Edward Island, 1997/98 to 2000/01 | 42 |
| Table 3.2.5 | Conditional Sentences, Probation and Sentenced Custody by Length of Sentence, Prince Edward Island, 1997/98 to 2000/01 | 43 |
| Table 3.2.6 | Conditional Sentence Commencements by Type of Condition Imposed, Prince Edward Island, 1997/98 to 2000/01 | 44 |
| Table 3.2.7 | Conditional Sentence Breaches by Outcome, Prince Edward Island, 1997/98 to 2000/01 | 46 |

TABLE OF CONTENTS (continued)**Nova Scotia**

| | | |
|-------------|---|----|
| Table 3.3 | Adult Admissions to Correctional Service Programs, Nova Scotia, 1991/92 to 2000/01 | 47 |
| Table 3.3.1 | Conditional Sentences, Probation and Sentenced Custody by Sex, Nova Scotia, 1997/98 to 2000/01 | 54 |
| Table 3.3.2 | Conditional Sentences, Probation and Sentenced Custody by Aboriginal Status, Nova Scotia, 1997/98 to 2000/01 | 54 |
| Table 3.3.3 | Conditional Sentences, Probation and Sentenced Custody by Age, Nova Scotia, 1997/98 to 2000/01 | 55 |
| Table 3.3.4 | Conditional Sentences, Probation and Sentenced Custody by Offence Group, Nova Scotia, 1997/98 to 2000/01 | 56 |
| Table 3.3.5 | Conditional Sentences, Probation and Sentenced Custody by Length, 1997/98 to 2000/01 | 57 |
| Table 3.3.6 | Conditional Sentence Commencements by Type of Condition Imposed, Nova Scotia, 1997/98 to 2000/01 | 58 |

New Brunswick

| | | |
|-------------|--|----|
| Table 3.4 | Adult Admissions to Correctional Service Programs, New Brunswick, 1991/92 to 1998/99 | 61 |
| Table 3.4.1 | Conditional Sentences, Probation and Sentenced Custody by Sex, New Brunswick, 1999/00 to 2000/01 | 67 |
| Table 3.4.2 | Conditional Sentences, Probation and Sentenced Custody by Aboriginal Status, New Brunswick, 1999/00 to 2000/01 | 67 |
| Table 3.4.3 | Conditional Sentences, Probation and Sentenced Custody by Age, New Brunswick, 1999/00 to 2000/01 | 68 |
| Table 3.4.4 | Conditional Sentences, Probation and Sentenced Custody by Length of Sentence, New Brunswick, 1999/00 to 2000/01 | 69 |
| Table 3.4.5 | Conditional Sentence Commencements by Type of Condition Imposed, New Brunswick, 2000/01 | 70 |

Quebec

| | | |
|-------------|---|----|
| Table 3.5 | Adult Admissions to Correctional Service Programs, Quebec, 1991/92 to 2000/01 | 71 |
| Table 3.5.1 | Conditional Sentences, Probation and Sentenced Custody by Sex, Quebec, 1997/98 to 2000/01 | 77 |
| Table 3.5.2 | Conditional Sentences, Probation and Sentenced Custody by Aboriginal Status, Quebec, 1997/98 to 2000/01 | 77 |
| Table 3.5.3 | Conditional Sentences, Probation and Sentenced Custody by Age, Quebec, 1997/98 to 2000/01 | 78 |
| Table 3.5.4 | Conditional Sentences, Probation and Sentenced Custody by Length of Sentence, Quebec, 1997/98 to 2000/01 | 79 |

Ontario

| | | |
|-------------|---|----|
| Table 3.6 | Adult Admissions to Correctional Service Programs, Ontario, 1991/92 to 2000/01 | 81 |
| Table 3.6.1 | Conditional Sentences, Probation and Sentenced Custody by Sex, Ontario, 1997/98 to 2000/01 | 88 |
| Table 3.6.2 | Conditional Sentences, Probation and Sentenced Custody by Aboriginal Status, Ontario, 1997/98 to 2000/01 | 88 |
| Table 3.6.3 | Conditional Sentences, Probation and Sentenced Custody by Age, Ontario, 1997/98 to 2000/01 | 89 |
| Table 3.6.4 | Conditional Sentences, Probation and Sentenced Custody by Offence Group, Ontario, 1997/98 to 2000/01 | 90 |

TABLE OF CONTENTS (continued)

Ontario (continued)

| | | |
|-------------|---|----|
| Table 3.6.5 | Conditional Sentences, Probation and Sentenced Custody by Length of Sentence, Ontario, 1997/98 to 2000/01 | 91 |
| Table 3.6.6 | Conditional Sentence Commencements by Type of Condition Imposed, Ontario, 1997/98 to 2000/01 | 92 |
| Table 3.6.7 | Conditional Sentence Breaches by Outcome, Ontario, 1997/98 to 2000/01 | 94 |

Manitoba

| | | |
|-------------|--|-----|
| Table 3.7 | Adult Admissions to Correctional Service Programs, Manitoba, 1991/92 to 2000/01 | 95 |
| Table 3.7.1 | Conditional Sentences, Probation and Sentenced Custody by Sex, Manitoba, 1997/98 to 2000/01 | 101 |
| Table 3.7.2 | Conditional Sentences, Probation and Sentenced Custody by Aboriginal Status, Manitoba, 1997/98 to 2000/01 | 101 |
| Table 3.7.3 | Conditional Sentences, Probation and Sentenced Custody by Age, Manitoba, 1997/98 to 2000/01 | 102 |
| Table 3.7.4 | Conditional Sentences, Probation and Sentenced Custody by Offence Group, Manitoba, 1997/98 to 2000/01 | 103 |
| Table 3.7.5 | Conditional Sentences, Probation and Sentenced Custody by Length of Sentence, Manitoba, 1997/98 to 2000/01 | 104 |
| Table 3.7.6 | Conditional Sentence Commencements by Type of Condition Imposed, Manitoba, 1997/98 to 2000/01 | 105 |
| Table 3.7.7 | Conditional Sentence Breaches by Outcome, Manitoba, 1997/98 to 2000/01 | 107 |

Saskatchewan

| | | |
|-------------|--|-----|
| Table 3.8 | Adult Admissions to Correctional Service Programs, Saskatchewan, 1991/92 to 2000/01 | 109 |
| Table 3.8.1 | Conditional Sentences, Probation and Sentenced Custody by Sex, Saskatchewan, 1997/98 to 2000/01 | 116 |
| Table 3.8.2 | Conditional Sentences, Probation and Sentenced Custody by Aboriginal Status, Saskatchewan, 1997/98 to 2000/01 | 116 |
| Table 3.8.3 | Conditional Sentences, Probation and Sentenced Custody by Age, Saskatchewan, 1997/98 to 2000/01 | 117 |
| Table 3.8.4 | Conditional Sentences, Probation and Sentenced Custody by Offence Group, Saskatchewan, 1997/98 to 2000/01 | 118 |
| Table 3.8.5 | Conditional Sentences, Probation and Sentenced Custody by Length of Sentence, Saskatchewan, 1997/98 to 2000/01 | 119 |
| Table 3.8.6 | Conditional Sentence Commencements by Type of Condition Imposed, Saskatchewan, 1997/98 to 2000/01 | 121 |
| Table 3.8.7 | Conditional Sentence Breaches by Outcome, Saskatchewan, 1999/00 to 2000/01 | 122 |

Alberta

| | | |
|-------------|--|-----|
| Table 3.9 | Adult Admissions to Correctional Service Programs, Alberta, 1991/92 to 2000/01 | 123 |
| Table 3.9.1 | Conditional Sentences, Probation and Sentenced Custody by Sex, Alberta, 1997/98 to 2000/01 | 130 |
| Table 3.9.2 | Conditional Sentences, Probation and Sentenced Custody by Aboriginal Status, Alberta, 1997/98 to 2000/01 | 130 |
| Table 3.9.3 | Conditional Sentences, Probation and Sentenced Custody by Age, Alberta, 1997/98 to 2000/01 | 131 |
| Table 3.9.4 | Conditional Sentences by Offence Group, Alberta, 1997/98 to 2000/01 | 132 |

TABLE OF CONTENTS (concluded)**Alberta** (continued)

| | | |
|-------------|---|-----|
| Table 3.9.5 | Conditional Sentences, Probation and Sentenced Custody by Length of Sentence, Alberta, 1997/98 to 2000/01 | 133 |
| Table 3.9.6 | Conditional Sentence Commencements by Type of Condition Imposed, Alberta, 1997/98 to 2000/01 | 134 |

British Columbia

| | | |
|--------------|--|-----|
| Table 3.10 | Adult Admissions to Correctional Service Programs, British Columbia, 1991/92 to 2000/01 | 137 |
| Table 3.10.1 | Conditional Sentences, Probation and Sentenced Custody by Sex, British Columbia, 1997/98 to 2000/01 | 143 |
| Table 3.10.2 | Conditional Sentences, Probation and Sentenced Custody by Aboriginal Status, British Columbia, 1997/98 to 2000/01 | 143 |
| Table 3.10.3 | Conditional Sentences, Probation and Sentenced Custody by Age, British Columbia, 1997/98 to 2000/01 | 144 |
| Table 3.10.4 | Conditional Sentences, Probation and Sentenced Custody by Offence Group, British Columbia, 1997/98 to 2000/01 | 145 |
| Table 3.10.5 | Conditional Sentences, Probation and Sentenced Custody by Length of Sentence, British Columbia, 1997/98 to 2000/01 | 146 |

Yukon

| | | |
|--------------|---|-----|
| Table 3.11 | Adult Admissions to Correctional Service Programs, Yukon, 1991/92 to 2000/01 | 147 |
| Table 3.11.1 | Conditional Sentences, Probation and Sentenced Custody by Sex, Yukon, 1997/98 to 2000/01 | 150 |
| Table 3.11.2 | Conditional Sentences, Probation and Sentenced Custody by Aboriginal Status, Yukon, 2000/01 | 150 |
| Table 3.11.3 | Conditional Sentences, Probation and Sentenced Custody by Age, Yukon, 1997/98 to 2000/01 | 151 |

Nunavut

| | | |
|--------------|--|-----|
| Table 3.12.1 | Conditional Sentences, Probation and Sentenced Custody by Sex, Nunavut, 1999/00 to 2000/01 | 154 |
| Table 3.12.2 | Conditional Sentences, Probation and Sentenced Custody by Aboriginal Status, Nunavut, 1999/00 to 2000/01 | 154 |
| Table 3.12.3 | Conditional Sentences, Probation and Sentenced Custody by Age, Nunavut, 1999/00 to 2000/01 | 155 |

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Part 1. INTRODUCTION

The Canadian Centre for Justice Statistics (CCJS) conducted this study to compile current statistical information on conditional sentencing, a sentencing option for adult offenders that took effect in September 1996. The principal objectives of the study were to examine the impact of the new sentence on the administration of sentencing in Canada, and to explore its application through an examination of caseloads and case characteristics.

The overall goals of the investigation were to improve the level and the quality of information that is available on this disposition; to provide information for the jurisdictions to gain additional insights into cross-jurisdictional measurement and definitional issues related to conditional sentencing; and, to compile the information necessary for the future development of conditional sentencing measures.

This report is the final product to be produced from the Conditional Sentencing Special Study. It draws together the highlights of the conditional sentencing data collected from each province and territory that participated in the Conditional Sentencing Special Study into a series of jurisdictional profiles. These data are supplemented with data from the Adult Correctional Services Survey and the Adult Criminal Court Survey. The data provided by the jurisdictions for this special study (with the exception of Nunavut) and a *Bulletin*, were first released on June 4th, 2002.

1.1 Background

Prior to conducting the special study on conditional sentencing, a feasibility study and consultations were undertaken with the provinces, territories and Justice Canada to determine the information needs, definitions of concepts, requirements, availability of data, and data quality issues. This feasibility study recommended a one-time data collection of aggregate data for the fiscal years 1997/98 to 2000/01, with the understanding that individual profiles for the provinces and territories would be prepared because of concerns about data availability and comparability across jurisdictions.

From October 2001 to May 2002, data collection and verification of the data took place. On June 4th, 2002, the special study data were released to the public along with a *Bulletin* entitled “Highlights of the Conditional Sentencing Special Study.” Since the release of the special study data, additional qualitative information has been collected from the jurisdictions to provide context to the data and to describe administrative policies and procedures governing conditional sentences.

1.2 Organization of the report

Part 1 of this report introduces the reader to the definition of a conditional sentence and some issues surrounding their use within the administration of correctional services. The procedures contained in the *Criminal Code* that relate to supervision, enforcement and to the violation of conditional sentences are described. Finally, the specific questions that the study will address are introduced.

Part 2 presents a national overview of conditional sentencing using data from the Adult Correctional Services survey.

Part 3 presents jurisdictional profiles. Within each jurisdiction, there is an analysis of trends in the use of conditional sentences compared to sentenced custody and probation; an analysis of characteristics (e.g. age, sex); and a description of provincial/territorial policies and procedures.

Part 4 describes the study methodology. For the Glossary of Terms, see Annex B.

1.3 The Conditional Sentence Defined and Applied

The *Criminal Code* provisions concerning the conditional sentence of imprisonment (sections 742.1 to 742.7) defined a new sentence and its application; it was enacted in September, 1996. Section. 742.1 describes the imposition of a conditional sentence:

Where a person is convicted of an offence, except an offence that is punishable by a minimum term of imprisonment, and the court

- (a) imposes a sentence of imprisonment of less than two years, and
- (b) is satisfied that serving the sentence in the community would not endanger the safety of the community and would be consistent with the fundamental purpose and principles of sentencing set out in section 718 to 718.2,

the court may, for the purposes of supervising the offender's behaviour in the community, order that the offender serve the sentence in the community, subject to the offender's complying with the conditions of a conditional sentence order made under section 742.3.

The judge must also consider if a prohibition order concerning a weapon is required (as described in s. 100 of the *Criminal Code*).

Mandatory conditions of the conditional sentence order are listed in section 742.3 of the *Criminal Code*. The supervision requirements are to report to a supervisor within two working days, to keep the peace, to be of good behaviour, to appear before the court when required, to remain in the jurisdiction of the court, and to notify the court or supervisor of any change in name, address, employment or occupation.

Optional conditions that may be ordered by the court include one or more of the following: abstain from alcohol or drugs (except prescription drugs); abstain from owning, possessing or carrying a weapon; provide support or care for dependants; complete community service; attend an approved treatment program; and, any other conditions the court considers desirable to ensure good conduct and to prevent future offending.

If a conditional sentence is breached, the powers of arrest are those that apply to an indictable offence (s. 742.6). The hearing of the allegation of a breach of condition should be held within 30 days of the offender's arrest. The court need only be satisfied on a balance of probabilities that a breach has occurred, rather than the more onerous proof beyond a reasonable doubt.

While the legislation made clear certain aspects of the new sanction, (e.g. the maximum term of imprisonment, the mandatory or optional conditions to be imposed, etc.), jurisprudence elaborated on the application of the sentence in relation to other sentencing options. *R. v. Proulx* is regarded as a landmark decision where the Supreme Court articulated the application of the sentences.

Significance of *R. v. Proulx* (2000)

In this unanimous decision, the Supreme Court of Canada set out guiding principles for the utilization of conditional sentencing. The conditional sentence was established both to reduce the reliance on incarceration and to increase the use of the principles of restorative justice in sentencing.

The Supreme Court clarified the differences between probation and conditional sentences. Conditional sentences include both punitive and rehabilitative aspects, while probation is primarily rehabilitative. The Supreme Court stated that conditional sentences must be more punitive than probation, thus requiring greater restrictions on liberty and making conditions such as house arrest and strict curfew the norm and not the exception. No offences are excluded from conditional sentences, except those with a minimum term of imprisonment, and no one is under the burden of proof to establish that a conditional sentence is appropriate or inappropriate in the circumstances.

A conditional sentence can provide significant denunciation and deterrence. The duration of the conditional sentence imposed does not have to be the same length as an otherwise appropriate term of incarceration. For example, an otherwise appropriate 6 month sentence of incarceration can mean a 12 month conditional sentence. Another significant factor of the *Proulx* decision dealt with unjustified violations of conditions. The Supreme Court stated that when an offender breaches a condition of release without a reasonable excuse, it is presumed that the offender will serve the rest of his or her conditional sentence incarcerated.

1.4 The Conditional Sentence in Practice

The administration of correctional service programs is influenced by the administrative processes followed within the jurisdictions to carry out the provisions of legislation. The unique features of the administration of the conditional sentence among jurisdictions will influence the comparability of the statistics collected. For example, the availability of electronic monitoring in a jurisdiction will influence the court's decision to impose a house arrest condition with electronic monitoring.

To place the statistics into context for each province and territory that provided information, the following information on policies and procedures has been included, where available, in the jurisdictional profiles (see Part 3):

- *Program orientation,*
- *House arrest,*
- *Curfew enforcement,*
- *Firearm prohibition enforcement,*
- *Supervision standards,*
- *Varying the conditions ordered,*
- *Transfer procedures among the jurisdictions, and*
- *Actions taken by the correctional system and the courts when an offender breaches the conditions of a conditional sentence.*

The *Criminal Code* and provincial/territorial policies guide the administration and supervision of conditional sentence orders. A summary of the most common procedures is provided below.

Supervision and Enforcement

The supervision and enforcement practices used by the jurisdictions to ensure that the conditions of a conditional sentence are carried out are often similar. While there are unique aspects to each service delivery model, the common elements are specified in the *Criminal Code*. Presented below is a summary of key aspects of supervision and enforcement for conditional sentences as described in the criminal law or the correctional policy of the jurisdictions.

Intake

Section 742 of the *Criminal Code* specifies that offenders serving a conditional sentence order can be supervised by a person designated by the Attorney General, either by name or by title of office. In most cases, supervision is carried out by a probation or parole officer. Supervision of these offenders is intense and does not allow for much discretion in comparison to probation orders.

Risk Assessments are carried out and a level of risk is assigned. There are three levels of risk: High, Medium or Low. Each risk level provides for a minimum number of contacts each month with the Supervisor. The three levels of risk vary with respect to the number of required contacts between the supervising officer and the offender and the type of contacts (e.g. home visit, telephone contact, collateral contact). The minimum requirements also vary by jurisdiction.

Police agencies are notified of all offenders serving conditional sentence orders in their jurisdiction, and in some cases supervision of the offenders and enforcement of conditions can be carried out in partnership between the supervising officer (e.g. probation officer) and the police agency.

As part of the conditional sentence order, the offender must remain within the jurisdiction of the court unless written permission to go outside that jurisdiction is obtained from the court or the supervisor (s. 742.3(1)). Upon application by the supervisor, the court, with consent of the Attorney General, may transfer the order to a court in another jurisdiction (s. 742.5).

Prior to inter-jurisdictional transfers in many provinces and territories, the supervisor must contact the appropriate supervising office in the receiving jurisdiction to ensure appropriateness of the transfer. Before the transfer can be completed, the supervisor must receive written consent from the Attorney General and the court, and copies of all relevant documentation must be forwarded to all involved parties.

Changes to the Optional Conditions

The conditional sentence order can be revised to reflect the changing circumstances of the offender. The *Criminal Code*, (s. 742.2), provides for changes to the optional conditions of the order upon request from the probation officer, the offender, or the prosecutor. The court must review all proposals for a change to the optional conditions; however, a hearing to review the proposed change(s) is required only if the change was requested by either the offender or the prosecutor. All hearings to review proposed changes to the optional conditions must be held within thirty days of receipt of such notification.

In instances where a change to the optional conditions is requested by the probation officer, the court, the offender, or the prosecutor may request, within seven days of receiving notification of the proposed change, that a hearing be held. Where no request for a hearing is made, the proposed change takes effect fourteen days after the court receives notification of the change.

Breach Process

If the supervisor becomes aware that an offender has breached any of the conditions of the conditional sentence order, the supervisor must decide on the course of action to take (i.e. no action, verbal or written cautions, application to vary conditions, or a breach process).

Once a breach process is initiated, the supervisor must decide whether to request that a Warrant of Arrest or a summons be issued. In cases where the offender poses a significant and immediate risk to the community, the police agency can arrest the offender without a warrant. The supervisor must also file all relevant documentation with the court. Copies of the documentation must be provided to the offender and the Crown Attorney.

As stated in s. 742.6 of the *Criminal Code*, a hearing of an allegation of a breach of condition must be held within thirty days of the offender's arrest or summons. The allegation should be heard in the jurisdiction where the breach is alleged to have been committed or where the offender is found, arrested or in custody. However, if the breach was committed outside the province or territory, the consent of the Attorney General of that province or territory must be obtained before the allegation can be heard.

The supervisor, and any witness whose signed statement has been included in the report, must be prepared to provide testimony at the hearing if requested to do so.

After hearing all the evidence, the court may decide to:

- (a) take no action;
- (b) change the optional conditions;
- (c) suspend the conditional sentence order and direct
 - (i) that the offender serve in custody a portion of the unexpired sentence, and
 - (ii) that the conditional sentence order resume on the offender's release from custody, either with or without changes to the optional conditions; or
- (d) terminate the conditional sentence order and direct that the offender be committed to custody until the expiration of the sentence.

1.5 Research Questions

The data collected for this study were intended to address specific research questions related to three main issues:

Issue 1: *Changes in the sentencing caseload since conditional sentencing has been introduced*

- *How has the use of conditional sentences varied over time?*
- *What is the relationship over time between the use of conditional sentencing and other dispositions, in particular custody and probation?*
- *Has the use of conditional sentences resulted in a decrease in custodial admissions? Are the goals of decreasing custody use achieved? If there is a decrease, what factors may account for it?*
- *Has the use of probation orders diminished?*

Issue 2: *Changes in the characteristics of the conditional sentence compared to those of sentenced custody and probation*

- *How does the profile of conditional sentence offenders differ from the incarcerated offenders or those on probation? Are they similar or do they differ in terms of offence type and personal characteristics of the offender (age, sex, Aboriginal/non-Aboriginal)?*
- *Are conditional sentences different from probation orders in terms of length and conditions ordered?*
- *What conditions are being imposed?*

Issue 3: *The outcomes of conditional sentences and treatment by the courts*

- *How many conditional sentences are terminated successfully?*
- *How many violations of conditional sentences are processed? What conditions are breached?*
- *What is the elapsed time from commencement of conditional sentence to breach of conditions?*
- *What is the judicial response to a breach of conditions?*

1.6 Interpreting Statistics

During the feasibility phase of this study, it was established that no attempt should be made to compare one jurisdiction to another because the jurisdictions do not collect information on conditional sentences in a uniform way across Canada. **Consequently, the results of the study are presented for each jurisdiction that participated in the study and the reader is advised not to make comparisons across jurisdictions, unless stated otherwise.**

While the Conditional Sentence special study data are comparable within each jurisdiction over time, they may not, in some cases, correspond to similar information collected by the Adult Correctional Services Survey (ACS). The counts compiled from the information system in one year (to respond to the ACS) may not be precisely duplicated by an extraction of data for the same time frame several years later. In addition, in some instances data for the conditional sentencing special study were extracted from different sources from those used to complete the ACS. For these reasons, the reader is advised that data elements, e.g. admissions, used in the special study and the ACS may differ.

Methods of counting and the ability of the jurisdictions to comply with the data definitions established for the study are summarized in the table at the end of Part 1 of the report. The reader is also advised to consult the Glossary of Terms for a description of survey definitions and concepts. For more detailed information about these surveys, refer to the Methodology section at the end of this report.

Not all jurisdictions were able to provide data for all questions. For this reason, the jurisdictional profiles are not uniform in the responses to questions of trends, characteristics, and conditional sentence outcomes. The reader is advised to refer to the source of the counts provided to obtain information about how the data were defined, collected and compiled for this report.

Finally, the reader will find in Annex A, an analysis of data obtained from the CCJS survey of provincial courts in Canada, the Adult Criminal Court Survey (ACCS). The court cases used to respond to the questions of trends and characteristics of conditional sentences, custody, and probation are based on single-conviction cases. The highlights of the three jurisdictions profiled, Ontario, Alberta, and Newfoundland and Labrador may not correspond with those of the correctional service sector for this reason. See Part IV for a description of data limitations. The ACCS is in the early stage of collecting conditional sentence data and coverage will continue to expand as more jurisdictions are able to

provide these data to the survey. In the future, the ACCS will be able to provide more complete data on the use of conditional sentences by the courts that are comparable across jurisdictions.

1.7 Jurisdictional Data Comparability and Availability

As mentioned earlier, the overview of the findings were limited to the national counts collected in the Adult Correctional Services survey. The findings of the special study are presented in each jurisdictional profile in Part 3 of the report. To understand how the data are collected and defined, the reader must refer to the summary table below (Table 1.1) for a description of the data provided by each jurisdiction. The description of the administrative processes involved in the enforcement of conditional sentences, while largely standard because they are based on the *Criminal Code*, provide context to the unique aspects of data collection activities and further assist in the interpretation of the data. Finally, the reader is advised to refer to Annex B, the Glossary for standard definitions, and Annex C for corrections to the data files released on June 4th, 2003.

Table 1.1
Data Availability and Unit of Count Reported, Conditional Sentencing Special Study¹

| | Nfld.Lab. | P.E.I. | N.S. | N.B. | Que. | Ont. | Man. | Sask. | Alta. | B.C. |
|---|-----------|--------|------|------|------|------|------|-------|-------|------|
| Conditional sentences by length of sentence | | | | | | | | | | |
| Sex | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Age | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Aboriginal Status | Y | Y | y | Y | Y | Y | Y | Y | Y | Y |
| Unit of Count | A | C | A | C | A | A | A | A | A | A |
| Conditional sentences by most serious offence | | | | | | | | | | |
| Sex | Y | Y | Y | N | N | Y | Y | Y | Y | Y |
| Age | N | Y | Y | N | N | Y | Y | Y | Y | Y |
| Aboriginal Status | Y | Y | Y | N | N | Y | Y | Y | Y | Y |
| Unit of Count | A | C | A | N | N | A | A | A | A | A |
| Conditional sentences by condition ordered | | | | | | | | | | |
| Sex | Y | Y | Y | Y | N | Y | Y | Y | Y | N |
| Age | N | Y | Y | Y | N | Y | Y | N | Y | N |
| Aboriginal Status | N | Y | Y | Y | N | Y | Y | N | Y | N |
| Unit of Count | A | C | A | C | N | A | A | A | A | N |
| Conditional sentences by reason of termination | | | | | | | | | | |
| Sex | N | y | N | N | N | Y | Y | Y | N | N |
| Age | N | y | N | N | N | N | Y | N | N | N |
| Aboriginal Status | N | y | N | N | N | N | Y | Y | N | N |
| Unit of Count | N | C | N | N | N | A | A | A | N | N |
| Conditional sentences by condition violated | | | | | | | | | | |
| Sex | N | Y | N | N | N | N | Y | N | N | N |
| Age | N | Y | N | N | N | N | Y | N | N | N |
| Aboriginal Status | N | Y | N | N | N | N | Y | N | N | N |
| Unit of Count | N | C | N | N | N | N | A | N | N | N |
| Violations of conditional sentence by most serious offence | | | | | | | | | | |
| Sex | N | Y | N | N | N | N | Y | N | N | N |
| Age | N | Y | N | N | N | N | Y | N | N | N |
| Aboriginal Status | N | Y | N | N | N | N | Y | N | N | N |
| Unit of Count | N | C | N | N | N | N | A | N | N | N |
| Conditional sentences breached by elapsed time | | | | | | | | | | |
| Sex | N | Y | N | N | N | N | Y | N | N | N |
| Age | N | Y | N | N | N | N | Y | N | N | N |
| Aboriginal Status | N | Y | N | N | N | N | Y | N | N | N |
| Unit of Count | N | C | N | N | N | N | N | N | N | N |
| Conditional sentences breached by outcome at court | | | | | | | | | | |
| Sex | N | Y | N | N | N | Y | Y | N | N | N |
| Age | N | Y | N | N | N | N | Y | N | N | N |
| Aboriginal Status | N | Y | N | N | N | N | Y | Y | N | N |
| Unit of Count | N | C | N | N | N | A | A | A | N | N |
| Probation by length of sentence | | | | | | | | | | |
| Sex | N | Y | Y | Y | N | Y | N | Y | N | Y |
| Age | N | Y | Y | Y | N | Y | N | Y | N | Y |
| Aboriginal Status | N | N | Y | Y | N | Y | N | Y | N | Y |
| Unit of Count | N | C | A | C | N | A | N | A | N | A |
| Probation by conditions | | | | | | | | | | |
| Sex | N | N | Y | Y | N | Y | N | N | N | N |
| Age | N | N | Y | Y | N | Y | N | N | N | N |
| Aboriginal Status | N | N | Y | Y | N | Y | N | N | N | N |
| Unit of Count | N | N | A | C | N | A | N | N | N | N |
| Probations breached by condition | | | | | | | | | | |
| Sex | N | N | N | N | N | N | N | N | N | N |
| Age | N | N | N | N | N | N | N | N | N | N |
| Aboriginal Status | N | N | N | N | N | N | N | N | N | N |
| Unit of Count | N | N | N | N | N | N | N | N | N | N |

Legend:

Y: Yes, data reported

N: No data reported

C: Single Commencement/Single Admission reported as unit of count; refers to each distinct conditional sentence order.

A: Aggregate Cases reported as unit of count; refers to a case composed of one or more conditional sentence orders being supervised concurrently or consecutively.

1. Adult Correctional Services Survey data only available from Yukon and Nunavut.

Part 2. OVERVIEW

2.1 Trends in Conditional Sentences, Probation and Sentenced Custody

The Adult Correctional Services (ACS) survey began collecting information on admissions to conditional sentences and average counts shortly after the program was implemented in 1996. For this report, total sentenced correctional services refer to the combined counts of conditional sentences, sentenced custody, and probation.

2.1.1 Current caseload

In 2000/01, there were 166,088 sentenced correctional service commencements among the jurisdictions examined. Conditional sentences accounted for 9% (15,697) of total commencements, sentenced custody admissions, 46% (76,996), and probation commencements, 44% (73,395).¹ In comparison, in 1997/98, the first full year of implementation, conditional sentences accounted for 7% of program commencements; probation, 41% and sentenced custody, 51% of commencements among the nine jurisdictions (Table 2.1.0).

Measures of Correctional Activity: Inmate Counts and Admissions

Two different indicators that describe the use of correctional services are: (i) the average number or count of offenders on any given day; and (ii) the number of annual admissions to correctional facilities or to community supervision programs.

Average counts of inmates in custody or serving a sentence in the community at a given point in time provide a snapshot of the daily correctional population, and are used to calculate an annual average count. Managers in correctional services use average counts as an operational measure, and also as a formal indicator of the utilization of bed space in institutions. Typically, correctional officials perform daily counts of inmates in their facility and monthly counts of offenders under community supervision.

Admission (or commencement) data are collected when the offender enters the institution or community supervision program. In this report admission refers to when a person enters custody whereas commencement refers to when a person enters a community program. While admission data describe and measure the changing case-flow of correctional agencies over time, they do not indicate the number of unique individuals using the correctional system. The same person could be included several times in the admission counts where the individual moves from one type of correctional service to another (e.g. from remand to sentenced custody) or re-enters the system in the same year. Although the Adult Correctional Services survey attempts to standardise the way in which status changes are counted, limitations due to differences among jurisdictional operational systems may restrict uniform application of the definitions in some situations. For this reason, inter-jurisdictional comparisons of the number of admissions should be made with caution. Nevertheless, as a result of consistent counting practices within jurisdictions over time, statements may be made about the trends within each jurisdiction.

1. Excludes New Brunswick, Manitoba, Northwest Territories, and Nunavut.

On any given day in 2000/01, a total of 116,349 offenders were supervised under sentence in correctional services.² Of these, 8% were on a conditional sentence (9,886), 9% were in sentenced custody (10,302), and 83% were on probation (96,161). Among the jurisdictions, the average count of offenders on a conditional sentence ranged from a high of 23% of the offender count in Quebec and 18% in Saskatchewan to a low of 5% in Newfoundland and Labrador and Ontario, and 6% in Manitoba.

Coverage

National comparisons of correctional service information are based on data collected from jurisdictions reporting to the ACS for the years 1993/94 to 2000/01. Several jurisdictions have been excluded from the discussion of admissions and commencements because of gaps in their data: New Brunswick, Manitoba, Northwest Territories, and Nunavut. Several jurisdictions have also been excluded from the discussion of average offender counts, also because of gaps in their data: Nova Scotia, New Brunswick, Northwest Territories, and Nunavut. In addition, the analysis begins with 1993/94 because of a break in the national time series due to missing data in Ontario for the years 1991/92 and 1992/93.

While conditional sentence commencements and average daily counts are reported in 1996/97, this information refers to partial year (September 1996 to March 1997) statistics only. Consequently, comparisons of conditional sentences commence with the first full year of reporting, 1997/98.

2.1.2 Caseload Trends 1993/94 to 2000/01: Admissions

Since the introduction of the conditional sentence sentenced custody admissions have declined substantially across Canada (Table 2.1.0). Sentenced custody admissions had dropped slightly (3%) from 1993/94 to 1995/96, the years prior to the introduction of conditional sentences, however, they declined 5% in 1996/97, (the year conditional sentencing came into effect), another 9% in 1997/98 (the first full year of conditional sentencing) and continued to decline to 2000/01, dropping another 18%.

The largest decreases in sentenced custody admissions over the seven years occurred in Newfoundland and Labrador (-63%), Saskatchewan (- 54%), Prince Edward Island (- 45%), Nova Scotia (- 41%), and Quebec (- 40%), compared with more moderate declines in Alberta (- 33%), Yukon (- 24%), Ontario (- 22%) and British Columbia (- 17%).

The total number of probation commencements between 1993/94 and 2000/01 has been stable; although, there are wide variations in the trend among jurisdictions. The increase in probation as a proportion of sentenced correctional services commencements described previously has been due to the large relative decline in sentenced custody admissions.

Between 1997/98 and 2000/01, total conditional sentence commencements increased by 16%. Large increases occurred in British Columbia (+ 55%), Saskatchewan (+ 47%), and Nova Scotia (+ 31%). By 2000/01, the Yukon caseload increased 92%, (to 96 commencements from 50) and Prince Edward Island increased 38% (to 40 commencements from 29). More moderate increases occurred in Newfoundland and Labrador (+ 5%), Quebec (+ 7%), and Alberta (+ 16%). Ontario was relatively stable during this period.

2. Excludes Nova Scotia, New Brunswick, Northwest Territories, and Nunavut.

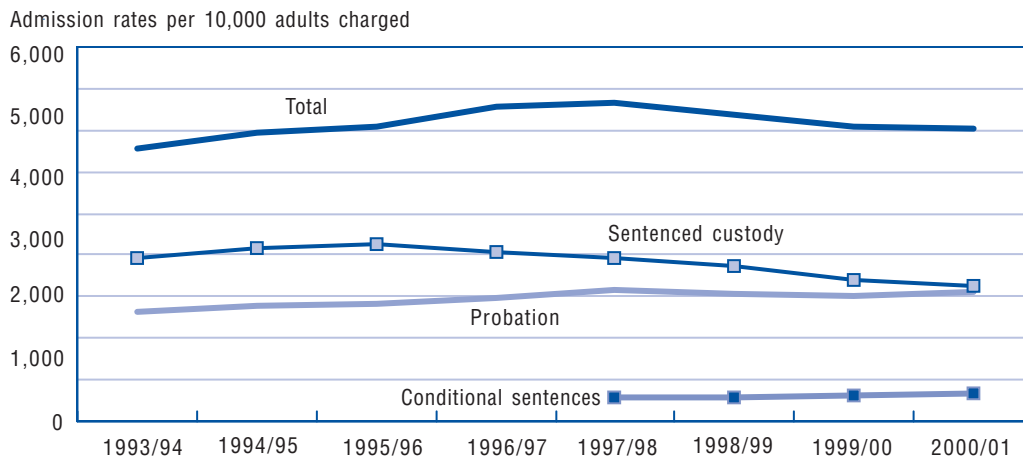
2.1.3 Rates of Admission 1993/94 to 2000/01

A difficulty in using admissions to examine the impact of conditional sentences on the use of custody and probation is that the absolute number does not take into account changes in the number of adults charged by police. Admission rates provide a perspective on the corrections data that takes into account changes in criminal activity. The rates compare the number of adults charged by police to correctional services admission data.

In 2000/01, the total sentenced correctional service commencement rate was 3,518 per 10,000 adults charged, 7% higher than the rate of 3,274 in 1993/94 but 8% lower than the peak rate of 3,835 in 1997/98 for nine reporting jurisdictions. Whereas sentenced admissions decreased between 1993/94 and 1995/96, the sentenced custody admission rate actually increased 8% to a high of 2,129 admissions per 10,000 adults charged. Since 1995/96 the sentenced custody admission rate has declined, reaching 1,631 per 10,000 adults charged in 2000/01, a 23% drop since conditional sentencing was implemented in September, 1996. The rate of probation commencements increased 21% between 1993/94 and 1997/98, from 1,305 to 1,576 commencements per 10,000 adults charged. Thereafter probation rates declined marginally before increasing slightly in 2000/01 when they reached 1,555. Between 1997/98 and 2000/01, the conditional sentence admission rate increased 17%, with the most rapid growth in 1999/00, up 13% over the previous year (Figure 1.0).

Figure 1.0

Total admission rates per 10,000 adults charged, 1993/94 to 2000/01



Note: Rates exclude N.B., Man., N.W.T., and Nvt.

Total admission rate in 1996/97 includes partial conditional sentence data.

Source: Adult Correctional Services Survey, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics.

Looking at the jurisdictions individually, the picture is more varied (Table 2.2.0). Prince Edward Island shows no discernible trend between 1993/94 and 2000/01 with sentenced custody admission rates fluctuating considerably during this period. Among the remaining eight jurisdictions, during the period 1993/94 to 1995/96 the sentenced custody admission rates fluctuated or were increasing. However, during the first two years of implementation of the conditional sentence (1996/97 and 1997/98) sentenced custody admission rates decreased substantially in six jurisdictions: Newfoundland and Labrador (-38%), Nova Scotia (-30%), Saskatchewan (-40%), Alberta (-20%), British Columbia (-13%) and Yukon (-23%). In Quebec, however, the sentenced custody admission rate continued to increase during this two year implementation period, albeit at a lower rate, while rates in Ontario

remained stable. Beginning in 1997/98 in Ontario and in 1998/99 in Quebec, sentenced custody admission rates in these jurisdictions began to decline. By 2000/01, rates had dropped 37% in Quebec and 11% in Ontario. Since 1997/98 sentenced custody admission rates have also continued to decline in Newfoundland and Labrador (-24%), Saskatchewan (-24%), Alberta (-8%) and British Columbia (-5%) whereas they have fluctuated in Nova Scotia and Yukon.

The probation admission rates for eight of nine reporting jurisdictions showed large increases between 1993/94 and 1996/97, in keeping with overall rate increase of 14%, with only the probation rate in Saskatchewan declining (down 6%). While the overall rate remained stable between 1997/98 and 2000/01, jurisdictional trends have varied since the implementation of conditional sentencing. Four of nine jurisdictions showed large decreases in the probation rate (Prince Edward Island, Yukon, Newfoundland and Labrador, and British Columbia) whereas decreases in Ontario and Saskatchewan were small. In contrast, three jurisdictions showed large increases in probation admission rates between 1997/98 and 2000/01: Nova Scotia (up 19%), Quebec (up 17%) and Alberta (up 8%).

Between 1997/98 and 2000/01, conditional sentence admission rates increased in all participating jurisdictions except in Newfoundland and Labrador, which remained stable from 1997/98 to 2000/01, and Ontario, which declined 4%.

The implementation clearly coincides with a reduction in sentenced custody admissions in most jurisdictions. The impact on probation is less clear, with some jurisdictions showing an increase and others a decrease.

The *introduction of the new sentencing option* may be only one of several factors to influence the trends in sentenced custody admission rates and probation admission rates. Other factors may include a change in the *administrative procedures* that result in a sentenced custody admission. For example, the decision to no longer place offenders guilty of *fine default* in custody was suggested by Ontario as one factor to contribute to the decrease in that jurisdiction. Also the treatment of offenders in *violation of conditions* established by the court may increase the use of sentenced custody, remand or both in the jurisdiction. The varying approaches to the breach process for conditional sentences are highlighted in the jurisdictional profiles in Part 3 of this report.

Table 2.1.0

Admissions of Adult Offenders in Selected Provincial and Territorial Correctional Service Programs, 1993/94 to 2000/01¹

| Jurisdiction and Year | Conditional sentence | | | Sentenced custody | | | Probation | | | Total correctional services | |
|--|----------------------|-----------------------------------|-------------------------------|-------------------|-----------------------------------|-------------------------------|------------|-----------------------------------|-------------------------------|-----------------------------|-----------------------------------|
| | (a) | percent change over previous year | % total correctional services | (b) | percent change over previous year | % total correctional services | (c) | percent change over previous year | % total correctional services | (a+b+c) | percent change over previous year |
| Newfoundland and Labrador² | | | | | | | | | | | |
| 1993/94 | ... | ... | ... | 2,525 | .. | 52 | 2,316 | .. | 48 | 4,841 | .. |
| 1994/95 | ... | ... | ... | 2,769 | 10 | 55 | 2,300 | -1 | 45 | 5,069 | 5 |
| 1995/96 | ... | ... | ... | 2,386 | -14 | 54 | 2,032 | -12 | 46 | 4,418 | -13 |
| 1996/97 ³ | 212 | ... | 6 | 1,568 | -34 | 42 | 1,946 | -4 | 52 | 3,726 | -16 |
| 1997/98 | 304 | .. | 9 | 1,166 | -26 | 34 | 1,982 | 2 | 57 | 3,452 | -7 |
| 1998/99 | 300 | -1 | 9 | 1,199 | 3 | 35 | 1,903 | -4 | 56 | 3,402 | -1 |
| 1999/00 | 310 | 3 | 10 | 936 | -22 | 31 | 1,811 | -5 | 59 | 3,057 | -10 |
| 2000/01 | 319 | 3 | 10 | 944 | 1 | 30 | 1,906 | 5 | 60 | 3,169 | 4 |
| Percent change 1997/98 to 2000/01 | 5 | | | -19 | | | -4 | | | -8 | |
| Percent change 1993/94 to 2000/01 | ... | | | -63 | | | -18 | | | -35 | |
| Prince Edward Island | | | | | | | | | | | |
| 1993/94 | ... | ... | ... | 1,070 | .. | 59 | 734 | .. | 41 | 1,804 | .. |
| 1994/95 | ... | ... | ... | 802 | -25 | 51 | 760 | 4 | 49 | 1,562 | -13 |
| 1995/96 | ... | ... | ... | 993 | 24 | 60 | 652 | -14 | 40 | 1,645 | 5 |
| 1996/97 ³ | 4 | ... | 0 | 867 | -13 | 56 | 691 | 6 | 44 | 1,562 | -5 |
| 1997/98 | 29 | .. | 2 | 869 | 0 | 53 | 744 | 8 | 45 | 1,642 | 5 |
| 1998/99 | 35 | 21 | 2 | 803 | -8 | 57 | 564 | -24 | 40 | 1,402 | -15 |
| 1999/00 | 50 | 43 | 4 | 647 | -19 | 50 | 592 | 5 | 46 | 1,289 | -8 |
| 2000/01 | 40 | -20 | 3 | 586 | -9 | 51 | 533 | -10 | 46 | 1,159 | -10 |
| Percent change 1997/98 to 2000/01 | 38 | | | -33 | | | -28 | | | -29 | |
| Percent change 1993/94 to 2000/01 | ... | | | -45 | | | -27 | | | -36 | |
| Nova Scotia | | | | | | | | | | | |
| 1993/94 | ... | ... | ... | 2,743 | .. | 43 | 3,654 | .. | 57 | 6,397 | .. |
| 1994/95 | ... | ... | ... | 2,748 | 0 | 42 | 3,873 | 6 | 58 | 6,621 | 4 |
| 1995/96 | ... | ... | ... | 2,622 | -5 | 41 | 3,709 | -4 | 59 | 6,331 | -4 |
| 1996/97 ³ | 242 | ... | 4 | 2,113 | -19 | 34 | 3,780 | 2 | 62 | 6,135 | -3 |
| 1997/98 | 476 | .. | 8 | 1,914 | -9 | 31 | 3,715 | -2 | 61 | 6,105 | 0 |
| 1998/99 | 510 | 7 | 8 | 1,964 | 3 | 32 | 3,719 | 0 | 60 | 6,193 | 1 |
| 1999/00 | 628 | 23 | 10 | 1,825 | -7 | 29 | 3,791 | 2 | 61 | 6,244 | 1 |
| 2000/01 | 623 | -1 | 11 | 1,624 | -11 | 28 | 3,653 | -4 | 62 | 5,900 | -6 |
| Percent change 1997/98 to 2000/01 | 31 | | | -15 | | | -2 | | | -3 | |
| percent change 1993/94 to 2000/01 | ... | | | -41 | | | 0 | | | -8 | |
| Quebec | | | | | | | | | | | |
| 1993/94 | ... | ... | ... | 24,802 | .. | 79 | 6,672 | .. | 21 | 31,474 | .. |
| 1994/95 | ... | ... | ... | 25,852 | 4 | 80 | 6,449 | -3 | 20 | 32,301 | 3 |
| 1995/96 | ... | ... | ... | 28,075 | 9 | 81 | 6,461 | 0 | 19 | 34,536 | 7 |
| 1996/97 ³ | 2,555 | ... | 7 | 28,753 | 2 | 75 | 7,162 | 11 | 19 | 38,470 | 11 |
| 1997/98 | 3,983 | .. | 11 | 26,188 | -9 | 70 | 7,225 | 1 | 19 | 37,396 | -3 |
| 1998/99 | 4,202 | 5 | 13 | 21,735 | -17 | 66 | 6,877 | -5 | 21 | 32,814 | -12 |
| 1999/00 | 4,557 | 8 | 15 | 18,016 | -17 | 61 | 7,098 | 3 | 24 | 29,671 | -10 |
| 2000/01 | 4,259 | -7 | 16 | 14,951 | -17 | 56 | 7,704 | 9 | 29 | 26,914 | -9 |
| Percent change 1997/98 to 2000/01 | 7 | | | -43 | | | 7 | | | -28 | |
| Percent change 1993/94 to 2000/01 | ... | | | -40 | | | 15 | | | -14 | |

Table 2.1.0 (continued)

Admissions of Adult Offenders in Selected Provincial and Territorial Correctional Service Programs, 1993/94 to 2000/01¹

| Jurisdiction and Year | Conditional sentence | | | Sentenced custody | | | Probation | | | Total correctional services | |
|--|----------------------|-----------------------------------|-------------------------------|-------------------|-----------------------------------|-------------------------------|------------|-----------------------------------|-------------------------------|-----------------------------|-----------------------------------|
| | (a) | percent change over previous year | % total correctional services | (b) | percent change over previous year | % total correctional services | (c) | percent change over previous year | % total correctional services | (a+b+c) | percent change over previous year |
| Ontario⁴ | | | | | | | | | | | |
| 1993/94 | ... | ... | ... | 39,861 | .. | 53 | 35,066 | .. | 47 | 74,927 | .. |
| 1994/95 | ... | ... | ... | 38,823 | -3 | 54 | 33,440 | -5 | 46 | 72,263 | -4 |
| 1995/96 | ... | ... | ... | 37,110 | -4 | 54 | 32,002 | -4 | 46 | 69,112 | -4 |
| 1996/97 ³ | 1,940 | ... | 3 | 36,530 | -2 | 51 | 33,463 | 5 | 47 | 71,933 | 4 |
| 1997/98 | 4,293 | .. | 6 | 33,971 | -7 | 46 | 35,930 | 7 | 48 | 74,194 | 3 |
| 1998/99 | 3,690 | -14 | 5 | 32,815 | -3 | 46 | 34,469 | -4 | 49 | 70,974 | -4 |
| 1999/00 | 4,271 | 16 | 6 | 30,747 | -6 | 45 | 33,432 | -3 | 49 | 68,450 | -4 |
| 2000/01 | 4,211 | -1 | 6 | 30,999 | 1 | 44 | 34,920 | 4 | 50 | 70,130 | 2 |
| Percent change 1997/98 to 2000/01 | -2 | | | -9 | | | -3 | | | -5 | |
| Percent change 1993/94 to 2000/01 | ... | | | -22 | | | 0 | | | -6 | |
| Saskatchewan | | | | | | | | | | | |
| 1993/94 | ... | ... | ... | 7,069 | .. | 68 | 3,272 | .. | 32 | 10,341 | .. |
| 1994/95 | ... | ... | ... | 6,728 | -5 | 67 | 3,329 | 2 | 33 | 10,057 | -3 |
| 1995/96 | ... | ... | ... | 6,397 | -5 | 66 | 3,345 | 0 | 34 | 9,742 | -3 |
| 1996/97 ³ | 445 | ... | 5 | 4,802 | -25 | 58 | 3,012 | -10 | 36 | 8,259 | -15 |
| 1997/98 | 928 | .. | 11 | 3,894 | -19 | 48 | 3,261 | 8 | 40 | 8,083 | -2 |
| 1998/99 | 1,083 | 17 | 13 | 3,850 | -1 | 47 | 3,305 | 1 | 40 | 8,238 | 2 |
| 1999/00 | 1,243 | 15 | 16 | 3,368 | -13 | 43 | 3,242 | -2 | 41 | 7,853 | -5 |
| 2000/01 | 1,365 | 10 | 17 | 3,219 | -4 | 40 | 3,457 | 7 | 43 | 8,041 | 2 |
| Percent change 1997/98 to 2000/01 | 47 | | | -17 | | | 6 | | | -1 | |
| Percent change 1993/94 to 2000/01 | ... | | | -54 | | | 6 | | | -22 | |
| Alberta | | | | | | | | | | | |
| 1993/94 | ... | ... | ... | 22,021 | .. | 72 | 8,667 | .. | 28 | 30,688 | .. |
| 1994/95 | ... | ... | ... | 19,764 | -10 | 70 | 8,381 | -3 | 30 | 28,145 | -8 |
| 1995/96 | ... | ... | ... | 18,345 | -7 | 69 | 8,170 | -3 | 31 | 26,515 | -6 |
| 1996/97 ³ | 1,004 | ... | 4 | 16,535 | -10 | 64 | 8,440 | 3 | 32 | 25,979 | -2 |
| 1997/98 | 1,343 | .. | 6 | 14,467 | -13 | 61 | 7,794 | -8 | 33 | 23,604 | -9 |
| 1998/99 | 1,035 | -23 | 4 | 15,491 | 7 | 62 | 8,544 | 10 | 34 | 25,070 | 6 |
| 1999/00 | 1,120 | 8 | 5 | 14,728 | -5 | 60 | 8,706 | 2 | 35 | 24,554 | -2 |
| 2000/01 | 1,558 | 39 | 6 | 14,859 | 1 | 58 | 9,360 | 8 | 36 | 25,777 | 5 |
| Percent change 1997/98 to 2000/01 | 16 | | | 3 | | | 20 | | | 9 | |
| Percent change 1993/94 to 2000/01 | ... | | | -33% | | | 8 | | | -16 | |
| British Columbia | | | | | | | | | | | |
| 1993/94 | ... | ... | ... | 11,536 | .. | 46 | 13,513 | .. | 54 | 25,049 | .. |
| 1994/95 | ... | ... | ... | 12,437 | 8 | 46 | 14,724 | 9 | 54 | 27,161 | 8 |
| 1995/96 | ... | ... | ... | 12,425 | 0 | 45 | 15,259 | 4 | 55 | 27,684 | 2 |
| 1996/97 ³ | 1,064 | ... | 4 | 11,537 | -7 | 40 | 16,152 | 6 | 56 | 28,753 | 4 |
| 1997/98 | 2,080 | .. | 8 | 10,583 | -8 | 41 | 13,440 | -17 | 51 | 26,103 | -9 |
| 1998/99 | 2,142 | 3 | 9 | 9,628 | -9 | 39 | 12,805 | -5 | 52 | 24,575 | -6 |
| 1999/00 | 2,439 | 14 | 10 | 9,739 | 1 | 40 | 12,283 | -4 | 50 | 24,461 | 0 |
| 2000/01 | 3,226 | 32 | 13 | 9,520 | -2 | 39 | 11,509 | -6 | 47 | 24,255 | -1 |
| Percent change 1997/98 to 2000/01 | 55 | | | -10 | | | -14 | | | -7 | |
| Percent change 1993/94 to 2000/01 | ... | | | -17 | | | -15 | | | -3 | |

Table 2.1.0 (concluded)

Admissions of Adult Offenders in Selected Provincial and Territorial Correctional Service Programs, 1993/94 to 2000/01¹

| Jurisdiction and Year | Conditional sentence | | Sentenced custody | | Probation | | Total correctional services | | | |
|---|---------------------------------------|-------------------------------|---------------------------------------|-------------------------------|---------------------------------------|-------------------------------|-----------------------------|-----------------------------------|----------------|----|
| | percent change over previous year (a) | % total correctional services | percent change over previous year (b) | % total correctional services | percent change over previous year (c) | % total correctional services | (a+b+c) | percent change over previous year | | |
| Yukon | | | | | | | | | | |
| 1993/94 | ... | ... | 389 | .. | 51 | 376 | .. | 49 | 765 | .. |
| 1994/95 | ... | ... | 368 | -5 | 51 | 356 | -5 | 49 | 724 | -5 |
| 1995/96 | ... | ... | 393 | 7 | 54 | 330 | -7 | 46 | 723 | 0 |
| 1996/97 ³ | 22 | ... | 310 | -21 | 37 | 515 | 56 | 61 | 847 | 17 |
| 1997/98 | 50 | .. | 304 | -2 | 38 | 451 | -12 | 56 | 805 | -5 |
| 1998/99 | 60 | 20 | 300 | -1 | 36 | 467 | 4 | 56 | 827 | 3 |
| 1999/00 | 91 | 52 | 308 | 3 | 38 | 405 | -13 | 50 | 804 | -3 |
| 2000/01 | 96 | 5 | 294 | -5 | 40 | 353 | -13 | 48 | 743 | -8 |
| Percent change 1997/98 to 2000/01 | 92 | | -3 | | | -22 | | | -8 | |
| Percent change 1993/94 to 2000/01 | ... | | -24 | | | -6 | | | -3 | |
| Partial Total Provincial and Territorial | | | | | | | | | | |
| 1993/94 | ... | ... | 112,016 | .. | 60 | 74,270 | .. | 40 | 186,286 | .. |
| 1994/95 | ... | ... | 110,291 | -2 | 60 | 73,612 | -1 | 40 | 183,903 | -1 |
| 1995/96 | ... | ... | 108,746 | -1 | 60 | 71,960 | -2 | 40 | 180,706 | -2 |
| 1996/97 ³ | 7,488 | ... | 103,015 | -5 | 55 | 75,161 | 4 | 40 | 185,664 | 3 |
| 1997/98 | 13,486 | .. | 93,356 | -9 | 51 | 74,542 | -1 | 41 | 181,384 | -2 |
| 1998/99 | 13,057 | -3 | 87,785 | -6 | 51 | 72,653 | -3 | 42 | 173,495 | -4 |
| 1999/00 | 14,709 | 13 | 80,314 | -9 | 48 | 71,360 | -2 | 43 | 166,383 | -4 |
| 2000/01 | 15,697 | 7 | 76,996 | -4 | 46 | 73,395 | 3 | 44 | 166,088 | 0 |
| Percent change 1997/98 to 2000/01 | 16 | | -18 | | | -2 | | | -8 | |
| Percent change 1993/94 to 2000/01 | ... | | -31 | | | -1 | | | -11 | |

1. Excludes New Brunswick, Manitoba, Northwest Territories and Nunavut due to missing data. Due to rounding, figures may not add to totals.

2. Newfoundland and Labrador: Due to Y2K system problems, the sentenced custody data for 1999/00 is estimated.

3. Conditional sentencing became an option in September, 1996. The 1996/97 admissions for conditional sentence are partial data.

4. Ontario: Sentenced custody admissions prior to 1996/97 represent those sentenced during the year regardless of status on admission or actual admission date.

Source: Adult Correctional Services in Canada annual reports, Canadian Centre for Justice Statistics, Statistics Canada, Catalog number 85-211.

Table 2.2.0

Admission Rates per 10,000 Adults Charged, Selected Provincial and Territorial Jurisdictions,¹ 1991/92 to 2000/01

| | 1991/92 | 1992/93 | 1993/94 | 1994/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/2000 | 2000/01 |
|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Probation | | | | | | | | | | |
| Nfld. | 1,821 | 2,009 | 1,967 | 2,393 | 2,322 | 2,379 | 2,871 | 2,772 | 2,559 | 2,595 |
| P.E.I. | 2,857 | 3,139 | 2,991 | 3,403 | 2,992 | 3,346 | 3,796 | 3,460 | 3,341 | 3,088 |
| N.S. | 1,785 | 1,860 | 1,906 | 2,110 | 2,355 | 2,250 | 2,255 | 2,388 | 2,513 | 2,678 |
| Que. | 505 | 504 | 506 | 523 | 542 | 610 | 713 | 713 | 731 | 833 |
| Ont. | .. | .. | 1,600 | 1,658 | 1,638 | 1,757 | 2,016 | 1,934 | 1,919 | 1,914 |
| Sask. | 945 | 888 | 1,004 | 1,077 | 1,066 | 947 | 1,020 | 958 | 927 | 988 |
| Alta. | 1,045 | 1,140 | 1,162 | 1,254 | 1,367 | 1,401 | 1,319 | 1,366 | 1,374 | 1,418 |
| B.C. | 1,418 | 1,448 | 1,778 | 1,921 | 1,980 | 2,059 | 1,775 | 1,727 | 1,643 | 1,598 |
| Yukon | 2,508 | 2,660 | 2,615 | 2,361 | 2,319 | 4,357 | 3,165 | 3,850 | 3,020 | 2,558 |
| Total | .. | .. | 1,305 | 1,386 | 1,409 | 1,484 | 1,576 | 1,542 | 1,519 | 1,555 |
| Sentenced Custody | | | | | | | | | | |
| Nfld. | 2,016 | 2,203 | 2,114 | 2,881 | 2,727 | 1,917 | 1,689 | 1,747 | 1,323 | 1,285 |
| P.E.I. | 5,573 | 4,575 | 4,360 | 3,592 | 4,557 | 4,199 | 4,434 | 4,926 | 3,651 | 3,395 |
| N.S. | 994 | 1,194 | 1,431 | 1,497 | 1,665 | 1,258 | 1,162 | 1,261 | 1,210 | 1,191 |
| Que. | 1,470 | 1,668 | 1,881 | 2,097 | 2,356 | 2,449 | 2,586 | 2,255 | 1,856 | 1,617 |
| Ont. | 1,892 | 1,794 | 1,819 | 1,925 | 1,900 | 1,918 | 1,906 | 1,842 | 1,765 | 1,699 |
| Sask. | 2,202 | 2,023 | 2,170 | 2,176 | 2,038 | 1,510 | 1,218 | 1,116 | 963 | 920 |
| Alta. | 2,659 | 3,002 | 2,952 | 2,958 | 3,068 | 2,744 | 2,448 | 2,477 | 2,324 | 2,251 |
| B.C. | 1,294 | 1,334 | 1,518 | 1,623 | 1,613 | 1,470 | 1,397 | 1,299 | 1,303 | 1,322 |
| Yukon | 1,975 | 2,311 | 2,705 | 2,440 | 2,762 | 2,623 | 2,133 | 2,473 | 2,297 | 2,130 |
| Total | 1,829 | 1,876 | 1,969 | 2,077 | 2,129 | 2,033 | 1,974 | 1,864 | 1,710 | 1,631 |
| Conditional Sentence | | | | | | | | | | |
| Nfld. | .. | .. | .. | .. | .. | .. | 440 | 437 | 438 | 434 |
| P.E.I. | .. | .. | .. | .. | .. | .. | 148 | 215 | 282 | 232 |
| N.S. | .. | .. | .. | .. | .. | .. | 289 | 327 | 416 | 457 |
| Que. | .. | .. | .. | .. | .. | .. | 393 | 436 | 470 | 461 |
| Ont. | .. | .. | .. | .. | .. | .. | 241 | 207 | 245 | 231 |
| Sask. | .. | .. | .. | .. | .. | .. | 290 | 314 | 355 | 390 |
| Alta. | .. | .. | .. | .. | .. | .. | 227 | 165 | 177 | 236 |
| B.C. | .. | .. | .. | .. | .. | .. | 275 | 289 | 326 | 448 |
| Yukon | .. | .. | .. | .. | .. | .. | 351 | 495 | 679 | 696 |
| Total | .. | .. | .. | .. | .. | .. | 285 | 277 | 313 | 333 |
| Total Sentenced Correctional Services² | | | | | | | | | | |
| Nfld. | 3,837 | 4,212 | 4,111 | 5,274 | 5,049 | 4,740 | 5,000 | 4,956 | 4,320 | 4,314 |
| P.E.I. | 8,430 | 7,714 | 7,351 | 6,995 | 7,549 | 7,578 | 8,378 | 8,601 | 7,274 | 6,715 |
| N.S. | 2,779 | 3,054 | 3,338 | 3,607 | 4,020 | 3,755 | 3,706 | 3,976 | 4,139 | 4,326 |
| Que. | 1,975 | 2,172 | 2,387 | 2,620 | 2,898 | 3,432 | 3,692 | 3,404 | 3,057 | 2,911 |
| Ont. | .. | .. | 3,419 | 3,583 | 3,538 | 3,850 | 4,163 | 3,983 | 3,929 | 3,844 |
| Sask. | 3,147 | 2,911 | 3,174 | 3,253 | 3,104 | 2,697 | 2,528 | 2,387 | 2,245 | 2,298 |
| Alta. | 3,704 | 4,142 | 4,114 | 4,212 | 4,435 | 4,431 | 3,994 | 4,008 | 3,875 | 3,905 |
| B.C. | 2,712 | 2,782 | 3,296 | 3,544 | 3,593 | 3,761 | 3,447 | 3,315 | 3,272 | 3,368 |
| Yukon | 4,483 | 4,971 | 5,320 | 4,801 | 5,081 | 7,299 | 5,649 | 6,818 | 5,996 | 5,384 |
| Total | .. | .. | 3,274 | 3,463 | 3,538 | 3,770 | 3,835 | 3,683 | 3,543 | 3,518 |

1. Excludes New Brunswick, Manitoba, Northwest Territories and Nunavut due to missing data.

2. Since 1996/97 admissions for conditional sentences are partial data, these data were included in the 1996/97 total correctional service rate only.

Source: Adult Correctional Services Survey, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics.

Part 3. Jurisdictional Profiles

3.1 Newfoundland and Labrador

Trends in Conditional Sentences, Probation and Sentenced Custody³

Current Caseload

In 2000/01 there were 319 conditional sentence commencements in Newfoundland and Labrador, a slight increase from 1997/98 when there were 310 commencements. Conditional sentences represented 10% of 3,169 total sentenced correctional services commencements⁴ in 2000/01, consistent with previous years, while probation comprised 60% of total commencements and sentenced custody, 30%.⁵

Between 1991/92 (2,438) and 1995/96 the number of sentenced custody admissions fluctuated ranging from a low of 2,386 (1995/96) to a high of 2,769 (1994/95). Since 1995/96 sentenced custody admissions have declined 60% to 944 in 2000/01. The number of probation commencements has declined steadily, dropping 13% between 1991/92 (2,203) and 2000/01 (1,906) (Table 3.1).

Table 3.1

Adult Admissions to Correctional Service Programs, Newfoundland and Labrador, 1991/92 to 2000/01

| | 1991/92 | 1992/93 | 1993/94 | 1994/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 | 2000/01 |
|------------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Sentenced custody ¹ | 2,438 | 2,666 | 2,525 | 2,769 | 2,386 | 1,568 | 1,166 | 1,199 | 936 | 944 |
| Probation | 2,203 | 2,431 | 2,316 | 2,300 | 2,032 | 1,946 | 1,982 | 1,903 | 1,811 | 1,906 |
| Conditional sentences ² | ... | ... | ... | ... | ... | 212 | 304 | 300 | 310 | 319 |
| TOTAL | 4,641 | 5,097 | 4,841 | 5,069 | 4,418 | 3,726 | 3,452 | 3,402 | 3,057 | 3,169 |

1. Due to Y2K system problems, the data for 1999/00 are estimated.

2. The 1996/97 figure represents seven months of data.

Source: Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

The average count of offenders supervised under conditional sentence at any one time was 124 in 2000/01. In comparison, in 2000/01 2,338 offenders were supervised on probation and 225 were in sentenced custody in 2000/01. In all, of the 2,687 offenders supervised on an average day in 2000/01, 5% were on conditional sentence, 87% were on probation and 8% were in sentenced custody.

3. **Source:** The Adult Correctional Services Survey. Admission rates are calculated per 10,000 adults charged with Federal Statute offences using Uniform Crime Reporting Survey data.

4. Sentenced correctional services refer to the combined total of conditional sentence, probation and sentenced custody.

5. **Note:** Conditional sentencing became an option in September 1996 and, as such, 1997/98 represents the first full year that data for conditional sentences were available. While partial data are available for 1996/97, these have not been estimated for the full year.

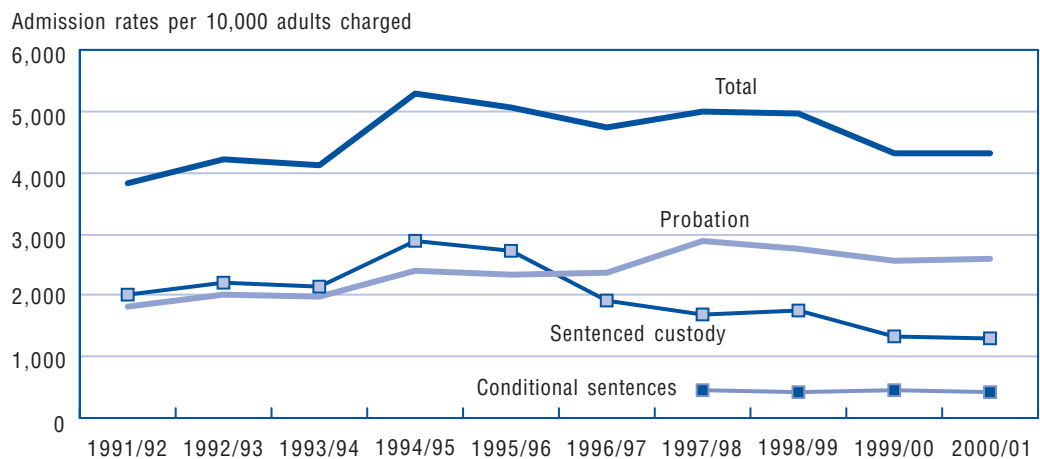
Trends in admission rates – 1991/92 to 2000/01

In 2000/01, there were 4,314 sentenced correctional services commencements per 10,000 adults charged in Newfoundland and Labrador. This was 12% higher than the rate of 3,837 in 1991/92 but 18% lower than the peak rate of 5,274 in 1994/95. From 1997/98 to 2000/01 the rate of conditional sentence commencements has been relatively stable between 434 and 440. This compares to a rate of 2,595 for probation and a rate for sentenced custody of 1,285 admissions per 10,000 adults charged in 2000/01 (Figure 1.1).

The rate of probation commencements increased substantially between 1991/92 and 1997/98, rising 58% from 1,821 to 2,871 commencements per 10,000 adults charged. Probation rates have since declined 10% to 2,595 in 2000/01.

Sentenced custody rates also increased in the first half of the 1990s, rising 35% between 1991/92 (2,016) and 1995/96 (2,727) before declining 30% in 1996/97 (1,917). Sentenced custody admission rates per 10,000 adults charged have continued to decline, dropping a further 33% between 1996/97 and 2000/01 (1,285).

Figure 1.1
Admission rates per 10,000 adults charged, Newfoundland and Labrador, 1991/92 to 2000/01



Note: Due to Y2K system problems, the sentenced custody admissions data for 1999/00 are estimated. Conditional sentencing became an option in September, 1996. Total admissions rate in 1996/97 includes partial counts of conditional sentencing.

Source: Adult Correctional Services Survey, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics.

Case Characteristics of conditional sentences, 1997/98 to 2000/01⁶

Sex of Offenders

In 2000/01, male offenders made up 78% of conditional sentence commencements, a slight increase from 75% in 1997/98. In comparison, males comprised 85% of probation commencements and 92% of sentenced custody admissions in 2000/01 (Table 3.1.1). These proportions have been fairly stable since 1997/98 with a slight increase in the proportion of males commencing probation and a slight decrease in the percentage admitted to custody that is female.

6. **Sources:** Conditional Sentencing Special Study, 2002 for conditional sentence and probation case characteristics. Adult Correctional Services (ACS) Survey for sentenced custody case characteristics.

Aboriginal/non-Aboriginal Offenders

According to the 2001 Canadian Census of Population, Aboriginal persons account for 3% of the adult population in Newfoundland and Labrador. In 2000/01, 5% of offenders commencing a conditional sentence were Aboriginal compared to 8% of probation commencements and 7% of sentenced custody admissions. These proportions have varied somewhat from year to year since 1997/98 with the proportions also being fairly consistent across the different program types. It should be noted that Aboriginal status was unknown for 28% of conditional sentence commencements and 33% of probation commencements in 1997/98 and for 20% of these commencements in 1998/99 (Table 3.1.2).

Age of Offenders⁷

Conditional sentence offenders are on average older than offenders commencing probation. In 2000/01 the mean age of offenders at commencement of a conditional sentence was 34 years. In comparison, the mean age at commencement for probationers was 32 years. Mean age data on sentenced custody offenders are not available for Newfoundland and Labrador in 2000/01.

In 2000/01, 18 to 24 year-olds comprised 25% of conditional sentence commencements and 26% of sentenced custody admissions compared to 32% of probation commencements. In contrast, offenders over 35 years of age accounted for 45% of conditional sentence and 44% of sentenced custody compared to 39% of probation commencements (Table 3.1.3).

Type of offence⁸

Property offences are the most prevalent offence type for conditional sentences, comprising 34% of conditional sentence commencements in 2000/01. Violent offences were the most serious offence in 31% of conditional sentence commencements; other Criminal Code including impaired driving, 20%; and, drug-related offences 13% of conditional sentence commencements in 2000/01. In comparison, violent offences were the most prevalent offence type for probation in 2000/01, comprising 37% of commencements compared to 33% for property crimes, 24% other Criminal Code, including impaired driving offences and 5% of commencements for drug-related offences. Violent offences were less predominant in sentenced custody admissions in 2000/01, comprising 29% of admissions, with 26% of admissions for property offences, 33% of admissions for other Criminal Code including impaired driving offences, and 4% of admissions for drug-related offences (Table 3.1.4).

Since 1997/98, the offence profile of conditional sentences has fluctuated, with the exception of drug offences which have gradually increased from 10% of offences in 1997/98 to 13% in 2000/01 and property offences which dropped from 42% in 1997/98 to 34% in 2000/01.

The offence profile of conditional sentences differs by sex. In 2000/01 among male offenders with a conditional sentence, 34% were convicted of a violent offence, 26% a property offence, 22% other Criminal Code offences including impaired driving, and 15% were convicted of a drug-related offence. In comparison, among female offenders, 19% were convicted of a violent offence, 64% a property offence, 9% other Criminal Code including impaired driving, and 9% were convicted of a drug-related offence.

7. Based on age at commencement.

8. Offence data for Newfoundland and Labrador are based on most serious offence where there is more than one offence type on a case.

The low number of Aboriginal persons on conditional sentence prevents a meaningful analysis of the distribution of offences for these offenders.

Sentence length

The mean length of conditional sentence decreased from 7.5 months in 1997/98, to 5.4 months in 2000/01. In 1997/98, 71% of conditional sentence terms were 6 months or less, increasing to 75% by 2000/01. The proportion of conditional sentences greater than 6 and including 12 months was 17% in 2000/01, fluctuating during this period. In contrast, 13% of conditional sentence terms were greater than 12 months in 1997/98, decreasing to 7% by 2000/01. In comparison, the mean probation length was 12 months in 2000/01, with 28% of probation commencements for 6 months or less, 41% greater than 6 and including 12 months, and 31% greater than 12 months. In 2000/01, 72% of sentenced custody admissions had an aggregate sentence length of 3 months or less (Table 3.1.5).

In 2000/01 the mean sentence length for males (5.3 months) and females (5.4 months) was similar, although in previous years the sentence length for males was generally longer.

The low number of Aboriginal persons on conditional sentence prevents a meaningful analysis of the distribution of sentence length for these offenders.

A Correctional Service Description of Processing Conditional Sentences and Violations of Conditions⁹

Supervision Standards

It is recognized that a Conditional Sentence Order is a sentence of imprisonment, which must be reflected in the level of supervision. Consequently, the supervision levels for Conditional Sentence Orders are more intense and do not allow the same degree of Adult Probation Officer discretion as the supervision levels for Probation Orders. There are three levels of supervision:

High Risk – Maximum supervision level

With electronic surveillance: One random home visit every 15 days, one additional monthly face-to-face and one other mode per month. Offenders requiring electronic surveillance include:

- All current sex offenders
- All current domestic violence offenders
- All prior sexual or domestic violence offenders who score high on the applicable Secondary Assessment
- Those who score high on the Primary Risk Assessment and who:
 - (1) have a poor correctional compliance history
 - (2) pose a threat to public safety
 - (3) have a significant criminal history
 - (4) display a need for an increased structure

Without electronic surveillance: One random home visit every 15 days, one additional monthly face-to-face, one other mode per month plus two phone calls per week.

9. **Source:** Newfoundland and Labrador Department of Justice, Corrections and Community Services, Community Corrections Branch.

Medium Risk – Moderate Supervision Level Two

Monthly face-to-face meetings, one of which must be a home visit, one other mode per month plus one weekly phone call.

Low Risk – Minimum Supervision Level

One initial home visit, one face-to-face visit per month plus one phone call per week is required.

Enforcement

Enforcement of the condition is carried out by the supervising Adult Probation Officer, including firearm prohibition.

Varying the Conditions Ordered

The offender, the Adult Probation Officer or Crown Attorney can apply to the Court to vary the optional conditions of a Conditional Sentence Order. Applications must be based upon a change in the offender's circumstances since sentencing.

The party seeking the variation must file a Notice to Change a Conditional Sentence Order with the sentencing Court. Adult Probation Officers who apply for a variation will also file the Application to Vary a Conditional Sentence Order with the offender and the Crown Attorney. Should a hearing be requested by the offender, the Crown Attorney, or the Court, a Notice of Hearing must be filed with the Court within seven days of the application. If a variation is requested by the offender or the Crown Attorney, a hearing must be held.

Should no hearing be scheduled, the changes come into effect without any further notice, 14 days after filing the original Notice to Change a Conditional Sentence Order. Should a change become effective without a hearing, the Probation Officer is required to notify the offender of that change and file an affidavit, to that effect, with the Court. In cases of domestic violence, if an Order has been varied, the Adult Probation Officer must ensure the victim receives a copy of the varied Order as per the *Spousal Assault Protocol*.

Transfer Procedures Among the Jurisdictions

When an offender proposes to move to an area covered by a different Probation Office, the supervising Adult Probation Officer will contact that office and request they undertake supervision, secure an appointment and relay the same to the offender. If there is a residential restriction, the appropriate Court approval (i.e. Variation) must be obtained prior to transfer.

Courtesy Supervision may also be requested as an interim measure while awaiting a transfer of jurisdiction. Courtesy Supervision is arranged by contacting the out-of-province agency. The Adult Probation Officer will forward a cover letter outlining the request along with copies of the following documentation: Probation/Conditional Sentence Order, Information, criminal record, contact notes, reports, assessments and all other information deemed relevant to supervision. When a request to provide Courtesy Supervision is received from an out-of-province office, the Adult Probation Officer will request this same documentation from that office. Upon commencement of supervision, the Adult Probation Officer shall notify the out-of-province office in writing.

Conditional Sentence Orders contain a compulsory condition that the offender remain within the jurisdiction of the Court unless written permission is first obtained from the Court or the Adult Probation Officer; therefore, should they plan to leave the province for more than six months, a transfer of jurisdiction is *required*. Prior to gaining permission to leave the jurisdiction, the distant office must be contacted and courtesy supervision arranged.

Having advised the receiving office of his/her intention to transfer jurisdiction, the Officer-in-Charge (i.e. probation officer) will forward the required documents to the Deputy Attorney General for signature and return. Upon return of this documentation, the Probation Officer will file an Application to Transfer Jurisdiction with the convicting Court requesting that a copy of the signed application be returned to the Adult Probation Officer, who will forward the documents to the Court of equivalent jurisdiction in the distant Province.

Actions Taken by the Correctional System and the Courts when an Offender Breaches the conditions of a Conditional Sentence

The supervising Adult Probation Officer must make a determination of enforcement when he/she becomes aware that an offender has breached any condition of a Conditional Sentence order.

Possible enforcement decisions may include: no action; verbal or written cautions; application to vary the condition(s) of the Conditional Sentence Order; and a breach process.

A breach of a conditional sentence order requires a return to the jurisdiction of the Court through the issuance of a Warrant to Arrest or a Summons. The least restrictive option is preferred; however, the Adult Probation Officer should consider the need to incapacitate the offender from further or continuing breaches; protection of the public; accountability of the offender; and the whereabouts of the offender.

Upon determining the use of either a Summons or a Warrant of Arrest, the Probation Officer is then responsible for preparing all required documentation, providing the evidence to a Justice of the Peace and swearing an Affidavit of Service. Copies of all reports along with a Notice of Intention to produce the reports as evidence must be served on the offender within a reasonable time frame prior to the hearing. A copy of these reports is also provided to the Crown Attorney.

Allegations of a Breach of Conditional Sentence Order must be heard within 30 days where a warrant or a summons is issued. Breaches of Conditional Sentence Orders do not have to be filed with the originating Court. They should be filed with the Court where the offender is residing or with the Court where the offence allegedly occurred.

Table 3.1.1

Conditional Sentences, Probation and Sentenced Custody by Sex, Newfoundland and Labrador, 1997/98 to 2000/01¹

| | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|--------------------------|----------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| Male | 1997/98 | 228 | 75 | 1,612 | 82 | 1,105 | 95 |
| | 1998/99 | 229 | 76 | 1,594 | 84 | 1,128 | 94 |
| | 1999/00 | 242 | 78 | 1,472 | 81 | .. | ... |
| | 2000/01 | 250 | 78 | 1,614 | 85 | 872 | 92 |
| Female | 1997/98 | 75 | 25 | 363 | 18 | 61 | 5 |
| | 1998/99 | 71 | 24 | 308 | 16 | 71 | 6 |
| | 1999/00 | 68 | 22 | 339 | 19 | .. | ... |
| | 2000/01 | 69 | 22 | 289 | 15 | 72 | 8 |
| TOTAL⁴ | 1997/98 | 303 | 100 | 1,975 | 100 | 1,166 | 100 |
| | 1998/99 | 300 | 100 | 1,902 | 100 | 1,199 | 100 |
| | 1999/00 | 310 | 100 | 1,811 | 100 | 936 | 100 |
| | 2000/01 | 319 | 100 | 1,903 | 100 | 944 | 100 |
| Not stated | 1997/98 | 1 | ... | 7 | ... | 0 | ... |
| | 1998/99 | 0 | ... | 1 | ... | 0 | ... |
| | 1999/00 | 0 | ... | 0 | ... | .. | ... |
| | 2000/01 | 0 | ... | 3 | ... | .. | ... |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. Due to Y2K system problems, the sentenced custody data for 1999/00 are estimated.

4. Totals exclude "Not stated."

Table 3.1.2

Conditional Sentences, Probation and Sentenced Custody by Aboriginal/Non-Aboriginal Status, Newfoundland and Labrador, 1997/98 to 2000/01¹

| | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|--------------------------|----------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| Aboriginal | 1997/98 | 16 | 7 | 92 | 6 | 84 | 7 |
| | 1998/99 | 12 | 5 | 102 | 6 | 66 | 6 |
| | 1999/00 | 28 | 9 | 140 | 8 | .. | ... |
| | 2000/01 | 16 | 5 | 142 | 8 | 70 | 7 |
| Non-Aboriginal | 1997/98 | 222 | 93 | 1,399 | 94 | 1,082 | 93 |
| | 1998/99 | 239 | 95 | 1,478 | 94 | 1,133 | 94 |
| | 1999/00 | 282 | 91 | 1,666 | 92 | .. | ... |
| | 2000/01 | 286 | 95 | 1,697 | 92 | 874 | 93 |
| TOTAL⁴ | 1997/98 | 238 | 100 | 1,491 | 100 | 1,166 | 100 |
| | 1998/99 | 251 | 100 | 1,580 | 100 | 1,199 | 100 |
| | 1999/00 | 310 | 100 | 1,806 | 100 | 936 | 100 |
| | 2000/01 | 302 | 100 | 1,839 | 100 | 944 | 100 |
| Not stated | 1997/98 | 66 | 28 | 491 | 33 | ... | ... |
| | 1998/99 | 49 | 20 | 323 | 20 | ... | ... |
| | 1999/00 | 0 | 0 | 5 | 0 | ... | ... |
| | 2000/01 | 17 | 6 | 67 | 4 | ... | ... |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. Due to Y2K system problems, the sentenced custody data for 1999/00 are estimated.

4. Totals exclude "Not stated."

Table 3.1.3

Conditional Sentences, Probation and Sentenced Custody by Age, Newfoundland and Labrador, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|----------------|--------------------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | 18 to 24 | 86 | 28 | 689 | 35 | 341 | 29 |
| | 25 to 34 | 81 | 27 | 550 | 28 | 354 | 30 |
| | 35 to 49 | 97 | 32 | 561 | 28 | 355 | 31 |
| | 50 and over | 38 | 13 | 171 | 9 | 112 | 10 |
| | TOTAL⁴ | 302 | 100 | 1,971 | 100 | 1,162 | 100 |
| | Mean age | 34.2 | ... | 31.9 | ... | 32.0 | ... |
| | Median age | 31 | ... | 30 | ... | 31 | ... |
| Not stated | 2 | ... | 0 | ... | 2 | ... | |
| 1998/99 | 18 to 24 | 77 | 26 | 661 | 35 | 398 | 33 |
| | 25 to 34 | 89 | 30 | 553 | 29 | 333 | 28 |
| | 35 to 49 | 102 | 34 | 526 | 28 | 374 | 31 |
| | 50 and over | 30 | 10 | 162 | 9 | 93 | 8 |
| | TOTAL⁴ | 298 | 100 | 1,902 | 100 | 1,198 | 100 |
| | Mean age | 38.8 | ... | 31.9 | ... | 31.0 | ... |
| | Median age | 32 | ... | 33 | ... | 31 | ... |
| Not stated | 2 | ... | 1 | ... | ... | ... | |
| 1999/00 | 18 to 24 | 86 | 28 | 601 | 33 | .. | 27 |
| | 25 to 34 | 87 | 28 | 465 | 26 | .. | 31 |
| | 35 to 49 | 107 | 35 | 562 | 31 | .. | 32 |
| | 50 and over | 30 | 10 | 171 | 10 | .. | 10 |
| | TOTAL⁴ | 310 | 100 | 1,799 | 100 | 936 | 100 |
| | Mean age | 32.6 | ... | .. | ... | .. | ... |
| | Median age | 30 | ... | 34 | ... | .. | ... |
| Not stated | 0 | ... | 1 | ... | .. | ... | |
| 2000/01 | 18 to 24 | 81 | 25 | 600 | 32 | 241 | 26 |
| | 25 to 34 | 96 | 30 | 558 | 29 | 281 | 30 |
| | 35 to 49 | 114 | 36 | 588 | 31 | 332 | 35 |
| | 50 and over | 28 | 9 | 154 | 8 | 88 | 9 |
| | TOTAL⁴ | 319 | 100 | 1,900 | 100 | 942 | 100 |
| | Mean age | 33.8 | ... | 32.0 | ... | .. | ... |
| | Median age | 30 | ... | 30 | ... | .. | ... |
| Not stated | 0 | ... | .. | ... | .. | ... | |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. Due to Y2K system problems, the sentenced custody data for 1999/00 are estimated.

4. Totals exclude "Not stated." Total probation excludes several young offenders in 1997/98 (11), 1999/00 (11), and 2000/01 (6). Total sentenced custody excludes several young offenders in 1997/98 (2), 1998/99 (1), and 2000/01 (2).

Table 3.1.4

Conditional Sentences, Probation and Sentenced Custody by Offence Group, Newfoundland and Labrador, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|------------|---|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | Violent | 94 | 31 | 671 | 34 | 380 | 33 |
| | Property | 127 | 42 | 899 | 45 | 293 | 25 |
| | Impaired/Dangerous Driving ⁴ | 7 | 2 | 96 | 5 | 169 | 14 |
| | Other CC | 41 | 13 | 174 | 9 | 193 | 17 |
| | Drugs | 30 | 10 | 76 | 4 | 48 | 4 |
| | Other Federal | 4 | 1 | 36 | 2 | 67 | 6 |
| | Provincial/Municipal | 1 | 0 | 30 | 2 | 16 | 1 |
| | TOTAL⁵ | 304 | 100 | 1,982 | 100 | 1,166 | 100 |
| Not stated | 0 | ... | ... | ... | ... | ... | |
| 1998/99 | Violent | 98 | 33 | 703 | 37 | 344 | 29 |
| | Property | 116 | 39 | 630 | 33 | 311 | 26 |
| | Impaired/Dangerous Driving ⁴ | 11 | 4 | 74 | 4 | 133 | 11 |
| | Other CC | 34 | 11 | 337 | 18 | 267 | 22 |
| | Drugs | 34 | 11 | 97 | 5 | 53 | 4 |
| | Other Federal | 5 | 2 | 34 | 2 | 73 | 6 |
| | Provincial/Municipal | 1 | 0 | 27 | 1 | 18 | 2 |
| | TOTAL⁵ | 299 | 100 | 1,902 | 100 | 1,199 | 100 |
| Not stated | 0 | ... | 1 | ... | ... | ... | |
| 1999/00 | Violent | 98 | 32 | 719 | 40 | .. | ... |
| | Property | 119 | 38 | 619 | 34 | .. | ... |
| | Impaired/Dangerous Driving ⁴ | 19 | 6 | 94 | 5 | .. | ... |
| | Other CC | 28 | 9 | 246 | 14 | .. | ... |
| | Drugs | 40 | 13 | 73 | 4 | .. | ... |
| | Other Federal | 1 | 0 | 22 | 1 | .. | ... |
| | Provincial/Municipal | 5 | 2 | 33 | 2 | .. | ... |
| | TOTAL⁵ | 310 | 100 | 1,806 | 100 | 936 | 100 |
| Not stated | 0 | ... | 5 | ... | .. | ... | |
| 2000/01 | Violent | 98 | 31 | 697 | 37 | 273 | 29 |
| | Property | 110 | 34 | 630 | 33 | 244 | 26 |
| | Impaired/Dangerous Driving ⁴ | 15 | 5 | 89 | 5 | 165 | 17 |
| | Other CC | 47 | 15 | 353 | 19 | 154 | 16 |
| | Drugs | 43 | 13 | 96 | 5 | 36 | 4 |
| | Other Federal | 2 | 1 | 15 | 1 | 60 | 6 |
| | Provincial/Municipal | 4 | 1 | 26 | 1 | 12 | 1 |
| | TOTAL⁵ | 319 | 100 | 1,906 | 100 | 944 | 100 |
| Not stated | 0 | ... | ... | ... | ... | ... | |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. Due to Y2K system problems, the sentenced custody data for 1999/00 are estimated.

4. Probation and sentenced custody admissions exclude dangerous driving offences.

5. Totals exclude "Not stated."

Table 3.1.5

Conditional Sentences, Probation and Sentenced Custody by Length of Sentence, Newfoundland and Labrador, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|------------------------------|--------------------------------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | Less than 3 months ⁴ | 152 | 53 | 215 | 11 | 543 | 47 |
| | 3 months | ... | ... | 0 | 0 | 104 | 9 |
| | More than 3 and less than 6 months | 19 | 7 | 44 | 2 | 127 | 11 |
| | 6 months | 32 | 11 | 211 | 11 | 63 | 5 |
| | More than 6 and less than 12 months | 28 | 10 | 309 | 17 | 129 | 11 |
| | 12 months | 19 | 7 | 542 | 29 | 27 | 2 |
| | More than 12 and less than 24 months | 31 | 11 | 333 | 18 | 75 | 6 |
| | 24 months or more | 7 | 2 | 216 | 12 | 98 | 8 |
| | TOTAL⁵ | 288 | 100 | 1,870 | 100 | 1,166 | 100 |
| | Mean (months) ⁶ | 7.5 | ... | 13.0 | ... | 7.0 | ... |
| Median (months) ⁶ | 3.0 | ... | 12.0 | ... | 3.0 | ... | |
| Not stated | 16 | ... | 112 | ... | .. | ... | |
| 1998/99 | Less than 3 months ⁴ | 128 | 45 | 186 | 10 | 551 | 46 |
| | 3 months | ... | ... | 0 | 0 | 91 | 8 |
| | More than 3 and less than 6 months | 39 | 14 | 123 | 6 | 126 | 11 |
| | 6 months | 24 | 8 | 200 | 11 | 63 | 5 |
| | More than 6 and less than 12 months | 38 | 13 | 215 | 11 | 143 | 12 |
| | 12 months | 19 | 7 | 466 | 24 | 30 | 3 |
| | More than 12 and less than 24 months | 31 | 11 | 386 | 20 | 87 | 7 |
| | 24 months or more | 8 | 3 | 327 | 17 | 108 | 9 |
| | TOTAL⁵ | 287 | 100 | 1,903 | 100 | 1,199 | 100 |
| | Mean (months) ⁶ | 7.6 | ... | 13.4 | ... | 7.5 | ... |
| Median (months) ⁶ | 4.5 | ... | 12.0 | ... | 3.0 | ... | |
| Not stated | 13 | ... | ... | ... | ... | ... | |
| 1999/00 | Less than 3 months ⁴ | 160 | 53 | 280 | 15 | .. | 56 |
| | 3 months | ... | ... | 0 | 0 | .. | 9 |
| | More than 3 and less than 6 months | 39 | 13 | 118 | 7 | .. | 12 |
| | 6 months | 32 | 11 | 112 | 6 | .. | 4 |
| | More than 6 and less than 12 months | 24 | 8 | 262 | 14 | .. | 9 |
| | 12 months | 13 | 4 | 467 | 26 | .. | 2 |
| | More than 12 and less than 24 months | 27 | 9 | 285 | 16 | .. | 4 |
| | 24 months or more | 8 | 3 | 287 | 16 | .. | 3 |
| | TOTAL⁵ | 303 | 100 | 1,811 | 100 | 936 | 100 |
| | Mean (months) ⁶ | 6.0 | ... | 12.1 | ... | .. | ... |
| Median (months) ⁶ | 1.0 | ... | 12.0 | ... | .. | ... | |
| Not stated | 7 | ... | ... | ... | .. | ... | |
| 2000/01 | Less than 3 months ⁴ | 176 | 56 | 229 | 12 | 524 | 60 |
| | 3 months | ... | ... | .. | ... | 105 | 12 |
| | More than 3 and less than 6 months | 29 | 9 | 71 | 4 | 81 | 9 |
| | 6 months | 32 | 10 | 228 | 12 | 43 | 5 |
| | More than 6 and less than 12 months | 44 | 14 | 271 | 14 | 65 | 7 |
| | 12 months | 10 | 3 | 520 | 27 | 15 | 2 |
| | More than 12 and less than 24 months | 17 | 5 | 289 | 15 | 26 | 3 |
| | 24 months or more | 5 | 2 | 298 | 16 | 18 | 2 |
| | TOTAL⁵ | 313 | 100 | 1,906 | 100 | 877 | 100 |
| | Mean (months) ⁶ | 5.4 | ... | 12.4 | ... | .. | ... |
| Median (months) ⁶ | 1.0 | ... | 12.0 | ... | .. | ... | |
| Not stated | 6 | ... | .. | ... | 67 | ... | |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. Due to Y2K system problems, the sentenced custody data for 1999/00 are estimated.

4. For conditional sentences, this category represents 3 months and less.

5. Totals exclude "Not stated."

6. Sentenced custody data in days was divided by 30 to convert to months, and excludes sentences of 24 months or more.

3.2 Prince Edward Island

Trends in Conditional Sentences, Probation and Sentenced Custody¹⁰

Current Caseload

In 2000/01, there were 1,159 correctional services program commencements of which 40 (3%) were to conditional sentence. Overall, 51% were to sentenced custody while 46% were to probation.¹¹ While the number of conditional sentence commencements has increased from 29 in 1997/98, their proportional representation does not exceed 4% in any year.¹²

Adult correctional services commencements have declined substantially over the past ten years, decreasing a total of 46% from their peak of 2,142 in 1991/92. Sentenced custody has also been declining – decreasing almost 59% from the peak of 1,416 in 1991/92, and 33% from 1997/98. Probation has fluctuated over the ten-year period; however, the 533 probation commencements in 2000/01 represent a decrease of 28% from 1997/98 (Table 3.2).

Table 3.2

Adult Admissions to Correctional Service Programs, Prince Edward Island, 1991/92 to 2000/01

| | 1991/92 | 1992/93 | 1993/94 | 1994/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 | 2000/01 |
|------------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Sentenced custody | 1,416 | 1,185 | 1,070 | 802 | 993 | 867 | 869 | 803 | 647 | 586 |
| Probation | 726 | 813 | 734 | 760 | 652 | 691 | 744 | 564 | 592 | 533 |
| Conditional sentences ¹ | ... | ... | ... | ... | ... | 4 | 29 | 35 | 50 | 40 |
| TOTAL | 2,142 | 1,998 | 1,804 | 1,562 | 1,645 | 1,562 | 1,642 | 1,402 | 1,289 | 1,159 |

1. The 1996/97 figure represents seven months of data.

Source: Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

In 2000/01, there was an average daily count of 19 persons serving a conditional sentence, representing slightly less than 3% of the 753 persons being supervised in sentenced custody, probation and on conditional sentence combined. The majority (88%) were on supervised probation.

¹⁰ **Source:** The Adult Correctional Services Survey. Admission rates are calculated per 10,000 adults charged with Federal Statute offences using Uniform Crime Reporting Survey data.

¹¹ Sentenced correctional services refer to the combined total of conditional sentence, probation and sentenced custody.

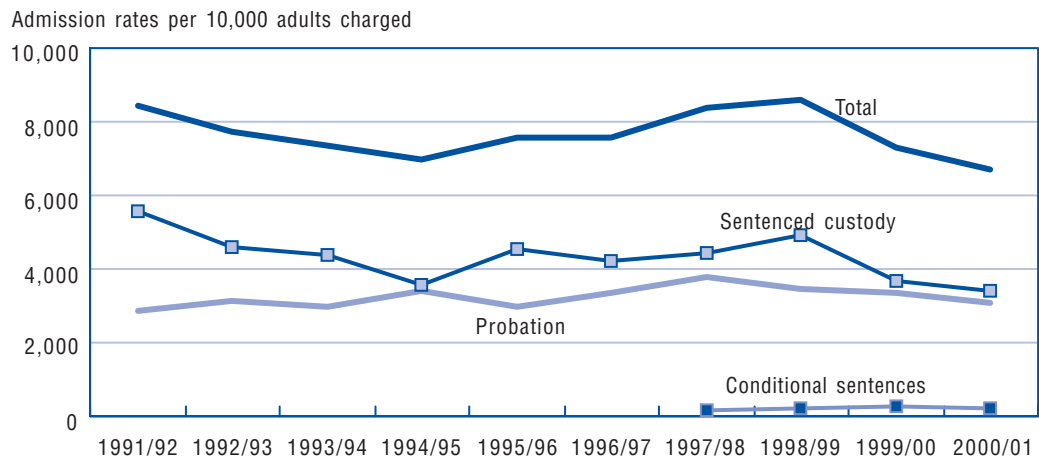
¹² **Note:** Conditional sentencing became an option in September 1996 and, as such, 1997/98 represents the first full year that data for conditional sentences were available. While partial data are available for 1996/97, these have not been estimated for the full year.

Trends in rates of admissions to correctional services – 1991/92 to 2000/01

In 2000/01, the rate of persons commencing sentenced correctional services was 6,715 per 10,000 adults charged, of which the rate for sentenced custody was 3,395, 3,088 for probation and 232 for conditional sentence. While the overall rate decreased 20% from 1991/92, there has been substantial fluctuation during this period. After decreasing steadily to 6,995 in 1994/95, the rate increased to its peak of 8,601 in 1998/99 and then decreased 22% over the next two years. The rate for conditional sentences has also fluctuated over the four-year period ending in 2000/01. The rate of 232 represents an increase over this period but a decrease from the 1999/00 rate of 282.¹³ (Figure 2.1)

Figure 2.1

Admission rates per 10,000 adults charged, Prince Edward Island, 1991/92 to 2000/01



Note: Conditional sentencing became an option in September, 1996. Total admissions rate in 1996/97 includes partial counts of conditional sentences.

Source: Adult Correctional Services Survey, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics.

Over the ten-year period, the sentenced custody rate decreased 39% from its peak of 5,573 in 1991/92, however there has been substantial variation during this period. After reaching a low of 3,592 in 1994/95, the rate continued to climb to 4,926 in 1998/99, after which it decreased 31% to 3,395 in 2000/01. The probation rate has also fluctuated over the ten-year period ending in 2000/01 – although it has been declining steadily (19%) since reaching its peak of 3,796 in 1997/98. Overall, the 2000/01 rate of 3,088 represents an increase of 8% from 1991/92.

Case Characteristics of Conditional Sentences, 1997/98 to 2000/01

Note: Because of the small number of conditional sentences in Prince Edward Island, small changes in the caseload from one year to another can produce large percentage changes and volatile trends. As such, use of percent change over time can be misleading and has been avoided in the analysis on case characteristics.

13. Given the low frequency of conditional sentences and that they represent no more than 4% of sentenced supervision during any given year, comparison between years is generally not recommended.

Sex of Offenders

Of the 40 conditional sentence commencements in 2000/01, 31 (78%) were male. In comparison, 90% of inmates admitted to sentenced custody and 90% of probationers were male. Over the last four years, the proportion of conditional sentence holders who were male has varied from 69% to 91%. In contrast, the proportions of sentenced custody and probation offenders who were male has remained relatively stable over this time period (Table 3.2.1).

Aboriginal/non-Aboriginal Offenders

According to the 2001 Canadian Census of Population, Aboriginal persons comprised approximately 1% of the adult population in Prince Edward Island. In 2000/01, 2 of the 40 individuals commencing conditional sentences were aboriginal. The only other year in which there were Aboriginal offenders was in 1997/98, when there was one. While this characteristic is not available for probation, there were four aboriginal offenders in sentenced custody each year from 1997/98 to 2000/01 (Table 3.2.2).

Age of Offenders¹⁴

Of the 40 conditional sentence commencements in 2000/01, 13 (33%) involved offenders aged 18 to 24, compared to 9 (23%) aged 25 to 34, and 18 (45%) aged 35 and older. The mean age was 30.4. In comparison, 35% of probationers were aged 18 to 24 and 31% were aged 25 to 34. Regarding sentenced custody, while 30% of persons were 18 to 24 in 2000/01, 34% were aged 35 to 49. Mean ages for probation and sentenced custody are not available (Table 3.2.3).

Type of offence¹⁵

In 2000/01, 17 of the 40 conditional sentence commencements (43%) were for property-related offences, 20% for drug-related and 18% for impaired or dangerous driving. Of all conditional sentence commencements in 2000/01, 10% were for violent offences and 10% were for Other CC convictions. While there has been substantial variation within the categories due primarily to low cell frequencies, the proportion of these sentences given for violent offences has decreased from 22% to 10% since 1998/99, while those given for impaired or dangerous driving have increased from 3% to 18%. Again, caution must be used when dealing with very low frequencies. In comparison, 32% of sentenced custody admissions were for property-related offences, 18% were for 'other federal' offences and 17% for 'other provincial'. This distribution has remained fairly consistent since 1997/98. Offence data for probation are not available (Table 3.2.4).

Sentence length

Over the three years ending in 2000/01, the median conditional sentence length has remained stable at 3 months. Of the 40 conditional sentence commencements, 32 (80%) were for six months or less, 3 (8%) were between 6 and 12 months and 5 (13%) were for one year or longer. With respect to sentenced custody, 98% were admitted for six months or less, while the remaining 2% were admitted for between six months and one year. For probationers, sentence lengths tend to be 12 months or more (88% in 2000/01). Between 1997/98 and 2000/01, probation lengths of one year ranged from 39% to 44%. However,

14. Based on age at commencement.

15. Offence data for Prince Edward Island are based on most serious offence where there is more than one offence type on a case.

terms of between one and two years increased from 15% to 26% over this time period. Median sentence lengths are not available for either probation or sentenced custody (Table 3.2.5).

Optional Conditions

In 2000/01, there were 40 conditional sentence commencements for which there were a total of 187 conditions, including 65 conditions identified as ‘other’. Where optional conditions were imposed, ‘house arrest’ (affecting 95% of commencements) and ‘abstention from alcohol/drugs’ (68% of commencements) were the most prevalent. Further, 45% of commencements included a condition to attend a treatment program, 38% specified restrictions on association, and 20% had weapons restrictions. Over the four-year period between 1997/98 and 2000/01, the prevalence of these conditions has varied substantially. For example, the percentage of conditional sentence commencements with the condition ‘abstain from alcohol/drugs’ ranged from 39% in 1999/00 to 81% in 1998/99 (Table 3.2.6).

Terminations and Violations of Conditions

In 2000/01, 40 conditional sentences were completed of which 39 were completed successfully. Regarding the one commencement that was breached, the order was suspended and the offender was temporarily admitted to custody. In comparison, 38 of the 44 completed conditional sentences in 1999/00 were completed successfully. Of the six that were breached, one order was suspended resulting in the offender being admitted temporarily to custody, and five had their orders terminated and were readmitted to custody for the remainder of their sentences (Table 3.2.7).

A Correctional Service Description of Processing Conditional Sentences and Violations of Conditions¹⁶

Program Orientation

Protection of the public is a key consideration. The expectations of all Judges are that the level of supervision should, in effect, be significantly high. In general, Crown Attorneys viewed these Orders as much stricter than Probation Orders and similar to the Judiciary, their expectation was the level of monitoring and supervision should be significantly higher, when compared to Probation supervision.

Supervision Standards

Most Courts require the offender to “report forthwith” to a Supervisor, the normal standard being within 1 or 2 days. Orders are typically signed within 3 to 10 days, depending upon when the order is received by the Probation Office from the Court. Probation Officers in PEI were initially designated as Supervisors.

Individual cases typically involve high risk, high need and/or high profile offenders, and require the utilization of intensive supervision and/or intervention techniques.

The standard practice has been weekly face to face contact with the offender, unless specifically directed by the Court. In addition, depending upon specific conditions contained in the Order, the offender may be required to contact the Supervisor on a regular basis, via telephone, E-mail etc., if circumstances warrant.

16. **Source:** Prince Edward Island, Office of the Attorney General, Community and Correctional Services Division

Both the investigating police force and the police force within which the offender resides are provided a copy of the Conditional Sentence Order as soon as it is processed after it is received by the Probation Office. Listings of active Conditional Sentence Orders are forwarded to all police forces in the province on a weekly basis.

Although occasional random or unscheduled home visits do take place, this is not a standard practice. The following, based on the average or generally accepted supervision standards in other Atlantic provinces, is the recommended minimum supervision standards for Conditional Sentence Orders in Prince Edward Island:

“Low” Risk-Needs Offender Supervision: Two face-to-face contacts monthly. If the Offender is on House Arrest/Curfew, then at least one of the face-to-face contacts shall be the Offender’s place of residence during the term of the Order, ideally within the first month. Two telephone contacts weekly required, or more at the discretion of the Supervisor.

“Medium” Risk-Needs Offender Supervision: Three face-to-face contacts monthly, at least one of which shall be at the Offender’s place of residence, if the Offender is on House Arrest/Curfew. Four telephone contacts weekly required.

“High” Risk-Needs Offender Supervision: Four face-to-face contacts monthly; if the Offender is on House Arrest/Curfew, then at least two of the face-to-face contacts shall be at the Offender’s place of residence; telephone contacts five times per week.

The above mentioned recommended supervision standards represent minimum contact standards. More frequent contacts may be made at the discretion of the individual Supervisor.

Enforcement

House Arrest/Curfew

Most Conditional Sentence Orders in Prince Edward Island, (95%), contain a condition requiring the offender to remain in their place of residence during specified hours, commonly referred to as “house arrest”. Most Orders also stipulate that the offender must permit the Supervisor, or designate, to enter his/her residence upon reasonable request, to ensure compliance.

Regular and random telephone checks, particularly with offenders who have strict curfew or are under “house arrest”, are conducted by staff of the Correctional Centres, upon request of Supervisors or, alternatively; are facilitated by individual Supervisors. (See supervision standards for recommended contacts with the Supervisor)

Role of the Correctional Service Workers and the Crown to Determine which Violations go to Court

A breach of conditions is a type of case that normally demands strict and prompt attention.

Recent written decisions and casual comments from the Bench have also made it quite clear Judges expect very little discretionary power to be exercised by Supervisors in relation to offenders violating Conditional Sentence Orders. Most Judges concur there should be “zero tolerance” for wilful failure to comply with conditions of a Conditional Sentence Order and suggest the offender should be brought before the Court at the earliest possible opportunity.

Input from Crown Attorneys also made clear the expectation that there would be a very limited amount of tolerance shown for violation of Orders, and, for the most part, were of the opinion violators should be immediately arrested and taken into custody.

Table 3.2.1

Conditional Sentences, Probation and Sentenced Custody by Sex, Prince Edward Island, 1997/98 to 2000/01¹

| | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|--------------------------|----------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| Male | 1997/98 | 29 | 91 | 999 | 90 | 810 | 93 |
| | 1998/99 | 25 | 69 | 781 | 87 | 745 | 93 |
| | 1999/00 | 32 | 73 | 932 | 89 | 597 | 92 |
| | 2000/01 | 31 | 78 | 1,145 | 90 | 530 | 90 |
| Female | 1997/98 | 3 | 9 | 117 | 10 | 59 | 7 |
| | 1998/99 | 11 | 31 | 114 | 13 | 58 | 7 |
| | 1999/00 | 12 | 27 | 117 | 11 | 50 | 8 |
| | 2000/01 | 9 | 23 | 132 | 10 | 56 | 10 |
| TOTAL⁴ | 1997/98 | 32 | 100 | 1,116 | 100 | 869 | 100 |
| | 1998/99 | 36 | 100 | 895 | 100 | 803 | 100 |
| | 1999/00 | 44 | 100 | 1,049 | 100 | 647 | 100 |
| | 2000/01 | 40 | 100 | 1,277 | 100 | 586 | 100 |
| Not stated | 1997/98 | ... | ... | .. | ... | ... | ... |
| | 1998/99 | ... | ... | 1 | ... | ... | ... |
| | 1999/00 | ... | ... | 3 | ... | ... | ... |
| | 2000/01 | ... | ... | 47 | ... | ... | ... |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

4. Totals exclude "Not stated."

Table 3.2.2

Conditional Sentences, Probation and Sentenced Custody by Aboriginal/Non-Aboriginal Status, Prince Edward Island, 1997/98 to 2000/01¹

| | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|-------------------|----------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| Aboriginal | 1997/98 | 1 | 3 | .. | ... | 4 | 0 |
| | 1998/99 | 0 | 0 | .. | ... | 4 | 0 |
| | 1999/00 | 0 | 0 | .. | ... | 4 | 1 |
| | 2000/01 | 2 | 5 | .. | ... | 4 | 1 |
| Non-Aboriginal | 1997/98 | 31 | 97 | .. | ... | 865 | 100 |
| | 1998/99 | 36 | 100 | .. | ... | 799 | 100 |
| | 1999/00 | 44 | 100 | .. | ... | 643 | 99 |
| | 2000/01 | 38 | 95 | .. | ... | 582 | 99 |
| TOTAL | 1997/98 | 32 | 100 | 744 | 100 | 869 | 100 |
| | 1998/99 | 36 | 100 | 564 | 100 | 803 | 100 |
| | 1999/00 | 44 | 100 | 592 | 100 | 647 | 100 |
| | 2000/01 | 40 | 100 | 533 | 100 | 586 | 100 |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

Table 3.2.3

Conditional Sentences, Probation and Sentenced Custody by Age, Prince Edward Island, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|----------------|--------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | 18 to 24 | 12 | 38 | 457 | 41 | 311 | 36 |
| | 25 to 34 | 5 | 16 | 288 | 26 | 253 | 29 |
| | 35 to 49 | 11 | 34 | 321 | 29 | 241 | 28 |
| | 50 and over | 4 | 13 | 50 | 4 | 64 | 7 |
| | TOTAL | 32 | 100 | 1,116 | 100 | 869 | 100 |
| | Mean age | 34.9 | ... | .. | ... | .. | ... |
| Median age | 33 | ... | .. | ... | 29 | ... | |
| 1998/99 | 18 to 24 | 6 | 17 | 345 | 39 | 289 | 36 |
| | 25 to 34 | 12 | 33 | 294 | 33 | 221 | 28 |
| | 35 to 49 | 9 | 25 | 178 | 20 | 217 | 27 |
| | 50 and over | 9 | 25 | 79 | 9 | 76 | 9 |
| | TOTAL | 36 | 100 | 896 | 100 | 803 | 100 |
| | Mean age | 38.8 | ... | .. | ... | .. | ... |
| Median age | 35 | ... | .. | ... | .. | ... | |
| 1999/00 | 18 to 24 | 14 | 32 | 507 | 48 | 235 | 36 |
| | 25 to 34 | 10 | 23 | 236 | 22 | 180 | 28 |
| | 35 to 49 | 13 | 30 | 254 | 24 | 166 | 26 |
| | 50 and over | 7 | 16 | 55 | 5 | 66 | 10 |
| | TOTAL | 44 | 100 | 1,052 | 100 | 647 | 100 |
| | Mean age | 33.9 | ... | .. | ... | .. | ... |
| Median age | 27.5 | ... | .. | ... | .. | ... | |
| 2000/01 | 18 to 24 | 13 | 33 | 466 | 35 | 173 | 30 |
| | 25 to 34 | 9 | 23 | 413 | 31 | 161 | 27 |
| | 35 to 49 | 11 | 28 | 385 | 29 | 198 | 34 |
| | 50 and over | 7 | 18 | 60 | 5 | 54 | 9 |
| | TOTAL | 40 | 100 | 1,324 | 100 | 586 | 100 |
| | Mean age | 30.4 | ... | .. | ... | .. | ... |
| Median age | 30.5 | ... | .. | ... | .. | ... | |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

Table 3.2.4

Conditional Sentences, Probation and Sentenced Custody by Offence Group, Prince Edward Island, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|----------------|---|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | Violent | 5 | 16 | .. | ... | 86 | 10 |
| | Property | 23 | 72 | .. | ... | 267 | 31 |
| | Impaired/Dangerous Driving ⁴ | 1 | 3 | .. | ... | 42 | 5 |
| | Other CC | 1 | 3 | .. | ... | 96 | 11 |
| | Drugs | 2 | 6 | .. | ... | 82 | 9 |
| | Other Federal | 0 | 0 | .. | ... | 153 | 18 |
| | Provincial/Municipal | ... | ... | .. | ... | 143 | 16 |
| | TOTAL | 32 | 100 | 744 | 100 | 869 | 100 |
| 1998/99 | Violent | 8 | 22 | .. | ... | 77 | 10 |
| | Property | 13 | 36 | .. | ... | 254 | 32 |
| | Impaired/Dangerous Driving ⁴ | 4 | 11 | .. | ... | 32 | 4 |
| | Other CC | 3 | 8 | .. | ... | 86 | 11 |
| | Drugs | 8 | 22 | .. | ... | 79 | 10 |
| | Other Federal | 0 | 0 | .. | ... | 147 | 18 |
| | Provincial/Municipal | ... | ... | .. | ... | 128 | 16 |
| | TOTAL | 36 | 100 | 564 | 100 | 803 | 100 |
| 1999/00 | Violent | 5 | 11 | .. | ... | 56 | 9 |
| | Property | 25 | 57 | .. | ... | 189 | 29 |
| | Impaired/Dangerous Driving ⁴ | 6 | 14 | .. | ... | 24 | 4 |
| | Other CC | 3 | 7 | .. | ... | 75 | 12 |
| | Drugs | 5 | 11 | .. | ... | 68 | 11 |
| | Other Federal | 0 | 0 | .. | ... | 123 | 19 |
| | Provincial/Municipal | ... | ... | .. | ... | 112 | 17 |
| | TOTAL | 44 | 100 | 592 | 100 | 647 | 100 |
| 2000/01 | Violent | 4 | 10 | .. | ... | 58 | 10 |
| | Property | 17 | 43 | .. | ... | 190 | 32 |
| | Impaired/Dangerous Driving ⁴ | 7 | 18 | .. | ... | 18 | 3 |
| | Other CC | 4 | 10 | .. | ... | 65 | 11 |
| | Drugs | 8 | 20 | .. | ... | 55 | 9 |
| | Other Federal | 0 | 0 | .. | ... | 103 | 18 |
| | Provincial/Municipal | ... | ... | .. | ... | 97 | 17 |
| | TOTAL | 40 | 100 | 533 | 100 | 586 | 100 |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

4. Probation and sentenced custody admissions exclude dangerous driving offences.

Table 3.2.5

Conditional Sentences, Probation and Sentenced Custody by Length of Sentence, Prince Edward Island, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|------------------------------|--------------------------------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | Less than 3 months | 17 | 53 | 28 | 3 | 772 | 89 |
| | 3 months | 3 | 9 | 5 | 0 | 0 | 0 |
| | More than 3 and less than 6 months | 5 | 16 | 60 | 5 | 44 | 5 |
| | 6 months | 3 | 9 | 35 | 3 | 27 | 3 |
| | More than 6 and less than 12 months | 2 | 6 | 20 | 2 | 18 | 2 |
| | 12 months | 1 | 3 | 463 | 41 | 6 | 1 |
| | More than 12 and less than 24 months | 1 | 3 | 172 | 15 | 2 | 0 |
| | 24 months or more | 0 | 0 | 333 | 30 | 0 | 0 |
| | TOTAL | 32 | 100 | 1,116 | 100 | 869 | 100 |
| | Mean (months) ⁴ | 3.6 | ... | .. | ... | .. | ... |
| Median (months) ⁴ | 2.0 | ... | .. | ... | 0.7 | ... | |
| 1998/99 | Less than 3 months | 17 | 47 | 35 | 4 | 720 | 90 |
| | 3 months | 7 | 19 | 11 | 1 | 39 | 5 |
| | More than 3 and less than 6 months | 4 | 11 | 2 | 0 | 22 | 3 |
| | 6 months | 1 | 3 | 27 | 3 | 15 | 2 |
| | More than 6 and less than 12 months | 4 | 11 | 38 | 4 | 5 | 1 |
| | 12 months | 1 | 3 | 365 | 41 | 2 | 0 |
| | More than 12 and less than 24 months | 1 | 3 | 170 | 19 | 0 | 0 |
| | 24 months or more | 1 | 3 | 248 | 28 | 0 | 0 |
| | TOTAL | 36 | 100 | 896 | 100 | 803 | 100 |
| | Mean (months) ⁴ | 4.0 | ... | .. | ... | .. | ... |
| Median (months) ⁴ | .. | ... | .. | ... | .. | ... | |
| 1999/00 | Less than 3 months | 15 | 34 | 56 | 5 | 583 | 90 |
| | 3 months | 8 | 18 | 8 | 1 | 29 | 4 |
| | More than 3 and less than 6 months | 7 | 16 | 10 | 1 | 18 | 3 |
| | 6 months | 3 | 7 | 48 | 5 | 10 | 2 |
| | More than 6 and less than 12 months | 3 | 7 | 79 | 8 | 5 | 1 |
| | 12 months | 3 | 7 | 415 | 39 | 2 | 0 |
| | More than 12 and less than 24 months | 4 | 9 | 212 | 20 | 0 | 0 |
| | 24 months or more | 1 | 2 | 224 | 21 | 0 | 0 |
| | TOTAL | 44 | 100 | 1,052 | 100 | 647 | 100 |
| | Mean (months) ⁴ | 5.6 | ... | .. | ... | .. | ... |
| Median (months) ⁴ | 3.0 | ... | .. | ... | .. | ... | |
| 2000/01 | Less than 3 months | 18 | 45 | 61 | 5 | 520 | 89 |
| | 3 months | 5 | 13 | 11 | 1 | 0 | 0 |
| | More than 3 and less than 6 months | 5 | 13 | 5 | 0 | 54 | 9 |
| | 6 months | 4 | 10 | 28 | 2 | 0 | 0 |
| | More than 6 and less than 12 months | 3 | 8 | 55 | 4 | 12 | 2 |
| | 12 months | 1 | 3 | 578 | 44 | 0 | 0 |
| | More than 12 and less than 24 months | 4 | 10 | 340 | 26 | 0 | 0 |
| | 24 months or more | 0 | 0 | 246 | 19 | 0 | 0 |
| | TOTAL | 40 | 100 | 1,324 | 100 | 586 | 100 |
| | Mean (months) ⁴ | 3.8 | ... | .. | ... | .. | ... |
| Median (months) ⁴ | 3.0 | ... | .. | ... | .. | ... | |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

4. Sentenced custody data in days was divided by 30 to convert to months, and excludes sentences of 24 months or more.

Table 3.2.6

Conditional Sentence Commencements by Type of Condition Imposed, Prince Edward Island, 1997/98 to 2000/01¹

| Years | Optional conditions | Total | Proportion of commencements with conditions |
|---|--|------------|---|
| | | Number | % |
| 1997/98 | No optional conditions | 1 | 3 |
| | Abstain from alcohol/drugs | 19 | 59 |
| | Weapons restriction | 3 | 9 |
| | Perform community service | 7 | 22 |
| | Alcohol/drug rehabilitation program | 6 | 19 |
| | Other treatment program | 14 | 44 |
| | Association restriction | 10 | 31 |
| | House arrest without electronic monitoring | 26 | 81 |
| | Curfew | 6 | 19 |
| | Maintain employment | 5 | 16 |
| | Maintain residence | 6 | 19 |
| | Restitution | 8 | 25 |
| | Other ² | 18 | ... |
| | Total Optional Conditions Ordered³ | 128 | ... |
| Total Conditional Sentence Commencements | | | 32 |
| 1998/99 | Abstain from alcohol/drugs | 29 | 81 |
| | Weapons restriction | 8 | 22 |
| | Perform community service | 2 | 6 |
| | Alcohol/drug rehabilitation program | 3 | 8 |
| | Other treatment program | 18 | 50 |
| | Association restriction | 13 | 36 |
| | House arrest without electronic monitoring | 29 | 81 |
| | Maintain employment | 3 | 8 |
| | Maintain residence | 3 | 8 |
| | Restitution | 3 | 8 |
| | Other ² | 50 | ... |
| | Total Optional Conditions Ordered | 161 | ... |
| Total Conditional Sentence Commencements | | | 36 |
| 1999/00 | Abstain from alcohol/drugs | 17 | 39 |
| | Weapons restriction | 6 | 14 |
| | Alcohol/drug rehabilitation program | 1 | 2 |
| | Other treatment program | 9 | 20 |
| | Association restriction | 6 | 14 |
| | House arrest without electronic monitoring | 23 | 52 |
| | Curfew | 2 | 5 |
| | Maintain residence | 1 | 2 |
| | Restitution | 1 | 2 |
| | Other ² | 42 | ... |
| | Total Optional Conditions Ordered | 108 | ... |
| Total Conditional Sentence Commencements | | | 44 |

Table 3.2.6 (continued)

Conditional Sentence Commencements by Type of Condition Imposed, Prince Edward Island, 1997/98 to 2000/01¹

| Years | Optional conditions | Total | Proportion of commencements with conditions |
|---|--|--------|---|
| | | Number | % |
| 2000/01 | No optional conditions | 1 | 3 |
| | Abstain from alcohol/drugs | 27 | 68 |
| | Weapons restriction | 8 | 20 |
| | Perform community service | 2 | 5 |
| | Alcohol/drug rehabilitation program | 1 | 3 |
| | Other treatment program | 18 | 45 |
| | Association restriction | 15 | 38 |
| | House arrest without electronic monitoring | 38 | 95 |
| | Curfew | 6 | 15 |
| | Maintain employment | 1 | 3 |
| | Maintain residence | 4 | 10 |
| | Restitution | 2 | 5 |
| | Other ² | 65 | ... |
| | Total Optional Conditions Ordered³ | | 187 |
| Total Conditional Sentence Commencements | | | 40 |

1. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

2. There may be more than one "other" condition on an order and therefore, expressing the number in proportion to commencements is inappropriate.

3. Excludes the count of "no optional conditions".

Table 3.2.7

Conditional Sentence Breaches by Outcome, Prince Edward Island, 1997/98 to 2000/01¹

| Years | | Number | % of breaches | % of terminations |
|---------|---|-----------|---------------|-------------------|
| 1997/98 | Total conditional sentence terminations | 32 | ... | 100 |
| | Total breaches | 2 | 100 | 6 |
| | Remain in community with no change in conditions of the order (no action) | 1 | 50 | 3 |
| | Remain in community and amend conditions of the order | 1 | 50 | 3 |
| | Admit to custody temporarily (suspend order) | 0 | 0 | 0 |
| | Admit to custody for duration of sentence (terminate order) | 0 | 0 | 0 |
| | Total successfully completed | 30 | ... | 94 |
| 1998/99 | Total conditional sentence terminations | 36 | ... | 100 |
| | Total breaches | 2 | 100 | 6 |
| | Remain in community with no change in conditions of the order (no action) | 0 | 0 | 0 |
| | Remain in community and amend conditions of the order | 0 | 0 | 0 |
| | Admit to custody temporarily (suspend order) | 0 | 0 | 0 |
| | Admit to custody for duration of sentence (terminate order) | 2 | 100 | 6 |
| | Total successfully completed | 34 | ... | 94 |
| 1999/00 | Total conditional sentence terminations | 44 | ... | 100 |
| | Total breaches | 6 | 100 | 14 |
| | Remain in community with no change in conditions of the order (no action) | 0 | 0 | 0 |
| | Remain in community and amend conditions of the order | 0 | 0 | 0 |
| | Admit to custody temporarily (suspend order) | 1 | 17 | 2 |
| | Admit to custody for duration of sentence (terminate order) | 5 | 83 | 11 |
| | Total successfully completed | 38 | ... | 86 |
| 2000/01 | Total conditional sentence terminations | 40 | ... | 100 |
| | Total breaches | 1 | 100 | 3 |
| | Remain in community with no change in conditions of the order (no action) | 0 | 0 | 0 |
| | Remain in community and amend conditions of the order | 0 | 0 | 0 |
| | Admit to custody temporarily (suspend order) | 1 | 100 | 3 |
| | Admit to custody for duration of sentence (terminate order) | 0 | 0 | 0 |
| | Total successfully completed | 39 | ... | 98 |

1. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics. Percentages may not total exactly as shown due to rounding. Figures are based on releases; therefore, they are not the same as the number of commencements reported.

3.3 Nova Scotia

Trends in Conditional Sentences, Probation and Sentenced Custody¹⁷

Current Caseload

In 2000/01 there were 623 conditional sentence commencements in Nova Scotia, 31% more than in 1997/98. In 2000/01 conditional sentences represented 11% of total sentenced correctional services commencements;¹⁸ probation comprised 62% and 28% were sentenced custody.¹⁹

Sentenced custody admissions peaked at 2,748 in 1994/95 in Nova Scotia after rising 28% from 1991/92. Since 1994/95 the number of sentenced custody admissions has declined steadily, dropping 41% to 1,624 admissions in 2000/01, 24% lower than in 1991/92. In contrast, probation commencements, while fluctuating, have declined slightly between 1991/92 (3,843) and 2000/01 (3,653) (Table 3.3).

Table 3.3

Adult Admissions to Correctional Service Programs, Nova Scotia, 1991/92 to 2000/01

| | 1991/92 | 1992/93 | 1993/94 | 1994/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 | 2000/01 |
|------------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Sentenced custody | 2,140 | 2,542 | 2,743 | 2,748 | 2,622 | 2,113 | 1,914 | 1,964 | 1,825 | 1,624 |
| Probation | 3,843 | 3,962 | 3,654 | 3,873 | 3,709 | 3,780 | 3,715 | 3,719 | 3,791 | 3,653 |
| Conditional sentences ¹ | ... | ... | ... | ... | ... | 242 | 476 | 510 | 628 | 623 |
| TOTAL | 5,983 | 6,504 | 6,397 | 6,621 | 6,331 | 6,135 | 6,105 | 6,193 | 6,244 | 5,900 |

1. The 1996/97 figure represents seven months of data.

Source: Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

The proportional use of conditional sentences has increased over the four-year period, from 8% in 1997/98 to 11% in 2000/01. The proportion represented by sentenced custody admissions has decreased from 31% to 28% while that of probation has remained stable at between 60% and 62%.

Average counts on conditional sentences are not available.

17. **Source:** The Adult Correctional Services Survey. Admission rates are calculated per 10,000 adults charged with Federal Statute offences using Uniform Crime Reporting Survey data.

18. Sentenced correctional services refer to the combined total of conditional sentence, probation and sentenced custody.

19. **Note:** Conditional sentencing became an option in September 1996 and, as such, 1997/98 represents the first full year that data for conditional sentences were available. While partial data are available for 1996/97, these have not been estimated for the full year.

Trends in admission rates – 1991/92 to 2000/01

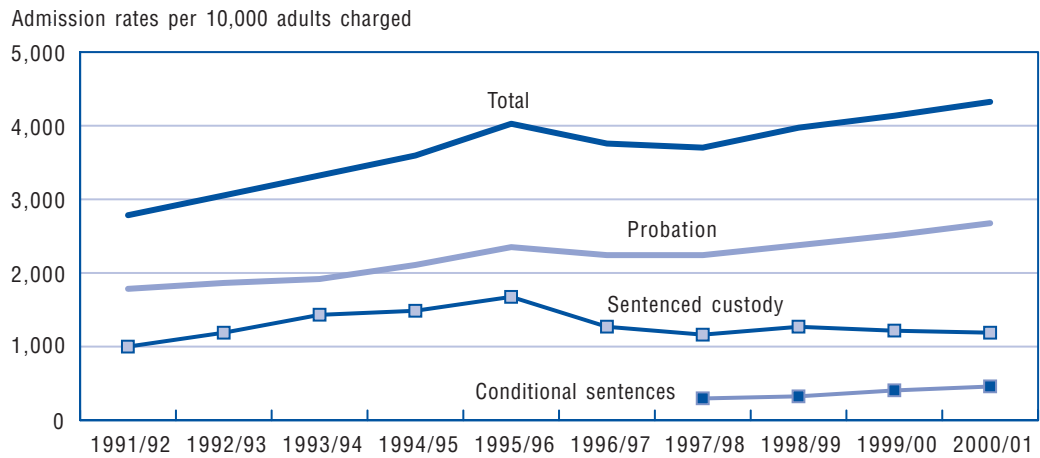
The rate of sentenced correctional services commencements has risen throughout the 1990s in Nova Scotia. In 2000/01, there were 4,326 sentenced correctional services commencements per 10,000 persons charged in Nova Scotia, 56% higher than in 1991/92 (Figure 3.1).

The rate of conditional sentence commencements increased 58% between 1997/98 and 2000/01, from 289 to 457. This compares to a rate of 2,678 for probation and a rate for sentenced custody of 1,191 admissions per 10,000 adults charged in 2000/01.

The rate of probation commencements increased continuously between 1991/92 and 1995/96, rising 32% from 1,785 to 2,355 commencements per 10,000 persons charged before dropping 4% to a rate of 2,250 in 1996/97. Probation rates have since increased again, although more slowly than in the early 1990s. Since 1996/97 rates have risen 19% to 2,678 commencements per 10,000 persons charged in 2000/01.

Similar to probation, sentenced custody admission rates increased from 1991/92 until 1995/96, rising 68% from 994 to 1,665 admissions per 10,000 persons charged before dropping 24% to a rate of 1,258 in 1996/97. Since this time, however, the rate of sentenced custody admissions per 10,000 persons charged has been stable.

Figure 3.1
Admission rates per 10,000 adults charged, Nova Scotia, 1991/92 to 2000/01



Note: Conditional sentencing became an option in September, 1996. Total admissions rate in 1996/97 includes partial counts of conditional sentencing.

Source: Adult Correctional Services Survey, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics.

Case Characteristics of conditional sentences, 1997/98 to 2000/01²⁰

Sex of Offenders

In 2000/01, male offenders comprised 88% of conditional sentence commencements compared to 85% of probation commencements and 94% of sentenced custody admissions. These proportions have been relatively consistent since 1997/98 (Table 3.3.1).

20. **Sources:** Conditional Sentencing Special Study, 2002 for conditional sentence and probation case characteristics. Adult Correctional Services (ACS) Survey for sentenced custody case characteristics.

Aboriginal/non-Aboriginal Offenders

Aboriginal status is “not stated” for between 43% and 45% of conditional sentences. For this reason, further analysis of this characteristic is not appropriate (Table 3.3.2).

Age of Offenders²¹

In 2000/01 the mean age of conditional sentence offenders was 33 years of age, slightly older than for probation and sentenced custody where the mean age was 32 and 31 years respectively. Since 1997/98, the age profile of offenders at commencement of a conditional sentence, probation and sentenced custody have been similar to one another and have remained largely unchanged (Table 3.3.3).

In 2000/01, 18 to 24 year-olds comprised 31% of conditional sentence commencements compared to 33% of probation commencements and 32% of sentenced custody admissions. Offenders 25 to 34 years of age represented 30% of conditional sentences, 28% of probationers and 31% of custody admissions. Offenders over 35 years of age accounted for 39% of conditional sentence commencements compared to 40% of probation commencements and 36% of sentenced custody admissions.

Type of offence ²²

Property offences are the most prevalent offence type for conditional sentences in Nova Scotia, comprising 28% of conditional sentence commencements in 2000/01. Violent offences were the most serious offence in 26% of conditional sentence commencements, other Criminal Code, 22% and drug-related offences 16%. In comparison, violent offences were the most prevalent offence type for probation in 2000/01, comprising 34% of commencements compared to 24% for property crimes, 29% other Criminal Code offences and 6% of drug-related offences. Violent offences were less predominant in sentenced custody admissions in 2000/01, comprising 19% of admissions, with 21% of admissions for property offences, 35% of admissions for other Criminal Code offences, and 6% of admissions for drug-related offences (Table 3.3.4).

Since 1997/98, the offence profile of conditional sentences has varied; however, the proportion of violent and property offences have generally decreased from 29% and 34% respectively in 1997/98 to 26% and 28% in 2000/01 while other Criminal Code offences have increased from 14% to 22%. Drug offences were 16% in 2000/01, similar to previous years.

In 2000/01 among male offenders with a conditional sentence, 27% were convicted of a violent offence, 26% a property offence, 22% other Criminal Code, and 16% were convicted of a drug-related offence. In comparison, among female offenders, 18% were convicted of a violent offence, 39% a property offence, 22% other Criminal Code, and 12% were convicted of a drug-related offence.

21. Based on age at commencement.

22. Offence data for Nova Scotia are based on most serious offence where there is more than one offence type on a case.

Sentence length

The mean sentence length of conditional sentences was 7 months in 2000/01. Sentence length has been stable between 1997/98 and 2000/01. In 2000/01, 49% of conditional sentence terms were 6 months or less, 39% were 6 to 12 months, and 11% were greater than 12 months. In comparison, the mean probation term was 14.3 months, down from 15.6 months in 1997/98. In 2000/01, 15% of probation commencements were for 6 months or less, 47% were for 6 to 12 months, and 38% were greater than 12 months. In 2000/01, 60% of sentenced custody admissions had an aggregate sentence length of 3 months or less. The sentence lengths for male offenders and female offenders are similar (Table 3.3.5).

Optional conditions

In Nova Scotia, in addition to the standard conditions, most conditional sentences receive a period of house arrest without electronic monitoring. A small proportion of conditional sentences have no other conditions and this proportion is declining, from 14% in 1997/98 to 10% in 2000/01.

Conditions requiring the offender to abstain from alcohol/drugs (58% of conditional sentence commencements), perform community service work (48%), abide by a curfew (43%), association restriction (41%), attend alcohol/drug rehabilitation programs (36%) and other treatment programs (33%) were the most prevalent optional conditions in 2000/01. The imposition of the optional conditions has been similar between 1997/98 and 2000/01. The use of curfew, however, has increased considerably over this period from 23% of conditional sentence commencements to 43% in 2000/01 (Table 3.3.6).

A Correctional Service Description of Processing Conditional Sentences and Violations of Conditions²³

Program Orientation

Offenders placed on conditional sentence will be viewed as offenders sentenced to a term of incarceration, which is served in the community subject to the offender's compliance with specific conditions.

Protection of the public is of paramount importance when supervising offenders on conditional sentence. Any breach of conditions contained in a Conditional Sentence Order will be subject to immediate review and action by the Supervisor.

All conditional sentences are to be supervised at the maximum level (see Supervision Standards) until classified in accordance with the Community Corrections Case Classification System.

In all cases where the conditional sentence case results from a spousal/partner violence incident, Victim Services shall be contacted to ensure that they have received a copy of the Conditional Sentence Order.

23. **Source:** Nova Scotia Department of Justice, Correctional Services, Community Corrections.

Supervision Standards

Offenders placed on Conditional Sentence will be interviewed by the supervising Probation Officer within one week of sentence. There are three levels of risk:

Maximum: The offender will be seen at least once every 14 days in person by the Probation Officer or delegate, to be supplemented with additional and collateral contacts as required.

Medium: The offender will be seen at least once every 28 days in person by the Probation Officer or delegate, to be supplemented with additional and collateral contacts as required.

Minimum: Offenders on conditional sentence will not be supervised at a level lower than indicated for medium.

The stated levels of supervision are intended as absolute minimums in all cases. Where the Probation Officer is of the opinion, for whatever reason, that a higher level of supervision is warranted, the offender shall be required to maintain contact at that level. All contacts either with or on behalf of the offender shall be recorded.

House Arrest

Where house arrest is a requirement of the conditional sentence, the case shall be maintained at the maximum level of supervision for the duration of the house arrest condition, with increased contact requirements as follow:

- the offender will be supervised at a frequency of at least three contacts per month, exclusive of telephone monitoring checks and including at least two personal contacts with the Probation Officer;
- a home visit will be made to the offender's home within 14 days of the initial appointment with the offender and subsequent home visits will be made at a frequency of at least once per month; and
- telephone monitoring will be used at least twice weekly during the period of house arrest.

Varying the Conditions Ordered

The Probation Officer may apply to the Court in writing for a variation of the optional conditions. When initiating a variation, the Probation Officer is required to complete the relevant documentation and provide a copy to the offender, the Crown Attorney and the Court. In cases involving spousal/partner violence, Victims' Services shall also be advised of any proposed change.

Within seven days after receiving notification of a proposed variation, the offender, the Crown Attorney or the Court, may request a hearing to be held within 30 days following receipt of the notification. The Clerk of Court is responsible for providing a hearing date and informing all parties involved.

Where a hearing is scheduled, the supervising Probation Officer must attend and should be prepared to provide the Court with testimony justifying the proposed change. The Probation Officer shall ensure a copy of the amended Order is retained for file purposes, a copy is provided to the appropriate police agency and to Victims' Services if relevant.

If no hearing is scheduled the proposed change automatically takes effect fourteen days after receipt by the Court of the notification of the proposed change.

The Probation Officer must ensure that the offender and the Court are provided with written notification of the change and the effective date and that the appropriate police agencies (and Victims' Services if relevant) are notified of any change.

A hearing is mandatory when a variation of the optional conditions of a Conditional Sentence Order is requested by either the offender or the Crown Attorney. It is the responsibility of either the offender or Crown Attorney to prepare and file notification with the Court and other parties involved. Upon receiving notification, the Probation Officer will provide information in writing to the Crown outlining the position of Correctional Services with respect to the proposed change.

Transfer Procedures Among the Jurisdictions

Prior to initiating a formal inter-provincial transfer, the Probation Officer shall confirm that the offender's relocation plans are definite.

The Probation Officer in Nova Scotia will correspond with a Probation Officer in the receiving province to determine the following:

- the offender has a place of residence;
- the offender has the means to sustain himself either through employment or funds for training purposes;
- acceptability of formal transfer of jurisdiction; and
- address of the court of equivalent jurisdiction.

Once the necessary information has been obtained and suitability for transfer has been confirmed, the transferring Probation Officer shall prepare and ensure that all necessary documentation is completed, filed with the Clerk of the Court and that copies are provided to the Crown, placed in the offender's file and included in the transfer package. The Judge may choose to sign the Order prior to the Attorney General in order to expedite the transfer.

The Probation Officer must prepare a covering letter to the Director, Community Corrections documenting all relevant details and including a certified copy of the Information. The Probation Officer must also forward a letter to the receiving Probation Officer including all pertinent file documentation and indicating that a transfer has been initiated.

The Director, Community Corrections will obtain the signature of the Attorney General on the Conditional Sentence Order and will forward this and supporting documentation to the receiving jurisdiction with a photocopy of this correspondence to both the receiving and transferring Probation Officers. Upon receipt of the correspondence, the Probation Officer will ensure the file is closed as an out-of-province transfer and the necessary Change of Status form will be submitted to update the Community Corrections Information System.

Actions Taken by the Correctional System and the Courts when an Offender Breaches the conditions of a Conditional Sentence

Where the Probation Officer determines that an offender has breached a condition of the Conditional Sentence Order, the Probation Officer may provide the offender with either a verbal or written warning or may process the breach formally. Any action must be noted on the offender's file.

In initiating formal breach proceedings, the supervising Probation Officer will prepare all relevant documentation and file these with the Court. The offender's appearance before the Court may be compelled by way of a warrant or summons. When the offender

presents a significant and immediate risk to the community, the Probation Officer will advise the appropriate police agency and request that the offender be arrested, in these cases, the police agency may arrest without a warrant.

In all cases where the offender is charged with another Criminal Code or federal statute offence and the circumstances surrounding the offence in and of themselves constitute a clear breach of a specific condition of the Conditional Sentence Order, breach proceedings shall be initiated pre-conviction. Where the circumstances in and of themselves do not constitute a clear breach, a decision can be made not to proceed with the breach at that time, pending conviction by the Court, at which time the breach will proceed.

The Probation Officer must prepare all relevant documentation and provide copies to the Crown Attorney, the offender and the Court. The Probation Officer shall attend all breach hearings and should be prepared to provide testimony if necessary.

If the Court is satisfied that the offender has, without reasonable excuse, breached a condition of the Conditional Sentence Order, it can: take no action; change the optional conditions in the Order; or suspend the Conditional Sentence Order. Where the Court terminates the Order, the file shall be updated accordingly and closed.

Table 3.3.1

Conditional Sentences, Probation and Sentenced Custody by Sex, Nova Scotia, 1997/98 to 2000/01¹

| | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|--------------|----------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| Male | 1997/98 | 409 | 86 | 3,142 | 84 | 1,833 | 96 |
| | 1998/99 | 438 | 86 | 3,151 | 85 | 1,862 | 95 |
| | 1999/00 | 552 | 88 | 3,202 | 84 | 1,722 | 94 |
| | 2000/01 | 546 | 88 | 3,087 | 85 | 1,523 | 94 |
| Female | 1997/98 | 67 | 14 | 578 | 16 | 81 | 4 |
| | 1998/99 | 72 | 14 | 568 | 15 | 102 | 5 |
| | 1999/00 | 76 | 12 | 589 | 16 | 103 | 6 |
| | 2000/01 | 77 | 12 | 566 | 15 | 101 | 6 |
| TOTAL | 1997/98 | 476 | 100 | 3,720 | 100 | 1,914 | 100 |
| | 1998/99 | 510 | 100 | 3,719 | 100 | 1,964 | 100 |
| | 1999/00 | 628 | 100 | 3,791 | 100 | 1,825 | 100 |
| | 2000/01 | 623 | 100 | 3,653 | 100 | 1,624 | 100 |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

Table 3.3.2

Conditional Sentences, Probation and Sentenced Custody by Aboriginal/Non-Aboriginal Status, Nova Scotia, 1997/98 to 2000/01¹

| | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|----------------|----------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| Aboriginal | 1997/98 | 10 | 4 | 179 | 5 | 72 | 4 |
| | 1998/99 | 14 | 5 | 163 | 4 | 96 | 5 |
| | 1999/00 | 32 | 9 | 137 | 4 | 102 | 6 |
| | 2000/01 | 38 | 11 | 201 | 6 | 110 | 7 |
| Non-Aboriginal | 1997/98 | 253 | 96 | 3,475 | 95 | 1,790 | 96 |
| | 1998/99 | 266 | 95 | 3,499 | 96 | 1,819 | 95 |
| | 1999/00 | 329 | 91 | 3,620 | 96 | 1,674 | 94 |
| | 2000/01 | 316 | 89 | 3,396 | 94 | 1,485 | 93 |
| TOTAL | 1997/98 | 263 | 100 | 3,654 | 100 | 1,862 | 100 |
| | 1998/99 | 280 | 100 | 3,662 | 100 | 1,915 | 100 |
| | 1999/00 | 361 | 100 | 3,757 | 100 | 1,776 | 100 |
| | 2000/01 | 354 | 100 | 3,597 | 100 | 1,595 | 100 |
| Not stated | 1997/98 | 213 | ... | 66 | ... | 52 | ... |
| | 1998/99 | 230 | ... | 57 | ... | 49 | ... |
| | 1999/00 | 267 | ... | 34 | ... | 49 | ... |
| | 2000/01 | 269 | ... | 56 | ... | 29 | ... |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

Table 3.3.3

Conditional Sentences, Probation and Sentenced Custody by Age, Nova Scotia, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|----------------|--------------------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | 18 to 24 | 132 | 28 | 1,069 | 29 | 550 | 29 |
| | 25 to 34 | 161 | 34 | 1,190 | 32 | 682 | 36 |
| | 35 to 49 | 152 | 32 | 1,164 | 31 | 550 | 29 |
| | 50 and over | 28 | 6 | 303 | 8 | 129 | 7 |
| | TOTAL⁴ | 473 | 100 | 3,726 | 100 | 1,911 | 100 |
| | Mean age | 32.1 | ... | 32.8 | ... | 32.0 | ... |
| | Median age | 30 | ... | 31 | ... | 30 | ... |
| Not stated | 3 | ... | ... | ... | 3 | ... | |
| 1998/99 | 18 to 24 | 160 | 31 | 1,191 | 32 | 574 | 29 |
| | 25 to 34 | 163 | 32 | 1,137 | 31 | 619 | 32 |
| | 35 to 49 | 148 | 29 | 1,091 | 29 | 616 | 31 |
| | 50 and over | 38 | 7 | 300 | 8 | 149 | 8 |
| | TOTAL⁴ | 509 | 100 | 3,719 | 100 | 1,958 | 100 |
| | Mean age | 32.2 | ... | 32.3 | ... | 32.3 | ... |
| | Median age | 30 | ... | 30 | ... | 30 | ... |
| Not stated | 1 | ... | ... | ... | ... | ... | |
| 1999/00 | 18 to 24 | 191 | 30 | 1,167 | 31 | 590 | 32 |
| | 25 to 34 | 191 | 30 | 1,117 | 29 | 568 | 31 |
| | 35 to 49 | 201 | 32 | 1,175 | 31 | 553 | 30 |
| | 50 and over | 45 | 7 | 332 | 9 | 114 | 6 |
| | TOTAL⁴ | 628 | 100 | 3,791 | 100 | 1,825 | 100 |
| | Mean age | 32.2 | ... | 32.5 | ... | 32.0 | ... |
| | Median age | 31 | ... | 31 | ... | 30 | ... |
| Not stated | 0 | ... | ... | ... | 0 | ... | |
| 2000/01 | 18 to 24 | 192 | 31 | 1,190 | 33 | 525 | 32 |
| | 25 to 34 | 185 | 30 | 1,030 | 28 | 506 | 31 |
| | 35 to 49 | 187 | 30 | 1,120 | 31 | 491 | 30 |
| | 50 and over | 57 | 9 | 313 | 9 | 102 | 6 |
| | TOTAL⁴ | 621 | 100 | 3,653 | 100 | 1,624 | 100 |
| | Mean age | 32.6 | ... | 32.2 | ... | 31.0 | ... |
| | Median age | 31 | ... | 30 | ... | 30 | ... |
| Not stated | 2 | ... | ... | ... | .. | ... | |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

4. Totals exclude "Not stated." The sentenced custody total for 1998/99 excludes six young offenders.

Table 3.3.4

Conditional Sentences, Probation and Sentenced Custody by Offence Group, Nova Scotia, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|------------|---|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | Violent | 140 | 29 | 1,264 | 34 | 370 | 19 |
| | Property | 163 | 34 | 1,066 | 29 | 425 | 22 |
| | Impaired/Dangerous Driving ⁴ | 37 | 8 | 245 | 7 | 185 | 10 |
| | Other CC | 69 | 14 | 945 | 25 | 576 | 30 |
| | Drugs | 61 | 13 | 174 | 5 | 124 | 6 |
| | Other Federal | 6 | 1 | 16 | 0 | 61 | 3 |
| | Provincial/Municipal | ... | ... | 0 | 0 | 173 | 9 |
| | TOTAL⁵ | 476 | 100 | 3,710 | 100 | 1,914 | 100 |
| Not stated | 0 | ... | 5 | ... | 0 | ... | |
| 1998/99 | Violent | 136 | 27 | 1,290 | 35 | .. | 19 |
| | Property | 165 | 32 | 1,027 | 28 | .. | 20 |
| | Impaired/Dangerous Driving ⁴ | 22 | 4 | 281 | 8 | .. | 10 |
| | Other CC | 94 | 18 | 931 | 25 | .. | 31 |
| | Drugs | 80 | 16 | 160 | 4 | .. | 8 |
| | Other Federal | 13 | 3 | 21 | 1 | .. | 3 |
| | Provincial/Municipal | ... | ... | 0 | 0 | .. | 10 |
| | TOTAL⁵ | 510 | 100 | 3,710 | 100 | 1,964 | 100 |
| Not stated | 0 | ... | 9 | ... | 0 | ... | |
| 1999/00 | Violent | 158 | 25 | 1,246 | 33 | 323 | 18 |
| | Property | 162 | 26 | 1,028 | 27 | 372 | 20 |
| | Impaired/Dangerous Driving ⁴ | 48 | 8 | 276 | 7 | 161 | 9 |
| | Other CC | 147 | 23 | 987 | 26 | 614 | 34 |
| | Drugs | 109 | 17 | 218 | 6 | 142 | 8 |
| | Other Federal | 4 | 1 | 27 | 1 | 60 | 3 |
| | Provincial/Municipal | ... | ... | 2 | 0 | 153 | 8 |
| | TOTAL⁵ | 628 | 100 | 3,784 | 100 | 1,825 | 100 |
| Not stated | 0 | ... | 7 | ... | 0 | ... | |
| 2000/01 | Violent | 163 | 26 | 1,251 | 34 | 314 | 19 |
| | Property | 172 | 28 | 878 | 24 | 337 | 21 |
| | Impaired/Dangerous Driving ⁴ | 45 | 7 | 231 | 6 | 185 | 11 |
| | Other CC | 137 | 22 | 1,069 | 29 | 560 | 35 |
| | Drugs | 98 | 16 | 203 | 6 | 98 | 6 |
| | Other Federal | 8 | 1 | 20 | 1 | 38 | 2 |
| | Provincial/Municipal | ... | ... | 1 | 0 | 91 | 6 |
| | TOTAL⁵ | 623 | 100 | 3,653 | 100 | 1,623 | 100 |
| Not stated | 0 | ... | 0 | ... | 1 | ... | |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

4. Probation and sentenced custody admissions exclude dangerous driving offences.

5. Totals exclude "Not stated."

Table 3.3.5

Conditional Sentences, Probation and Sentenced Custody by Length of Sentence, Nova Scotia, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|------------------------------|--------------------------------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | Less than 3 months | 113 | 24 | 28 | 1 | 1,014 | 53 |
| | 3 months | 11 | 2 | 35 | 1 | 177 | 9 |
| | More than 3 and less than 6 months | 106 | 22 | 39 | 1 | 191 | 10 |
| | 6 months | 0 | 0 | 404 | 11 | 92 | 5 |
| | More than 6 and less than 12 months | 146 | 31 | 232 | 6 | 130 | 7 |
| | 12 months | 61 | 13 | 1,381 | 37 | 40 | 2 |
| | More than 12 and less than 24 months | 39 | 8 | 599 | 16 | 77 | 4 |
| | 24 months or more | 0 | 0 | 1,002 | 27 | 193 | 10 |
| | TOTAL⁴ | 476 | 100 | 3,720 | 100 | 1,914 | 100 |
| | Mean (months) ⁵ | 6.5 | ... | 15.6 | ... | 3.4 | ... |
| Median (months) ⁵ | 6.0 | ... | 12.0 | ... | 2.0 | ... | |
| Not stated | 0 | ... | 0 | ... | 0 | ... | |
| 1998/99 | Less than 3 months | 136 | 27 | 48 | 1 | 1,014 | 52 |
| | 3 months | 24 | 5 | 60 | 2 | 165 | 8 |
| | More than 3 and less than 6 months | 139 | 27 | 40 | 1 | 171 | 9 |
| | 6 months | 1 | 0 | 329 | 9 | 82 | 4 |
| | More than 6 and less than 12 months | 123 | 24 | 164 | 4 | 145 | 7 |
| | 12 months | 50 | 10 | 1,488 | 40 | 41 | 2 |
| | More than 12 and less than 24 months | 36 | 7 | 690 | 19 | 80 | 4 |
| | 24 months or more | 1 | 0 | 900 | 24 | 265 | 13 |
| | TOTAL⁴ | 510 | 100 | 3,719 | 100 | 1,963 | 100 |
| | Mean (months) ⁵ | 5.9 | ... | 15.6 | ... | 3.4 | ... |
| Median (months) ⁵ | 4.0 | ... | 12.0 | ... | 1.7 | ... | |
| Not stated | 0 | ... | 0 | ... | 1 | ... | |
| 1999/00 | Less than 3 months | 178 | 28 | 68 | 2 | 928 | 51 |
| | 3 months | 17 | 3 | 61 | 2 | 149 | 8 |
| | More than 3 and less than 6 months | 152 | 24 | 34 | 1 | 170 | 9 |
| | 6 months | 0 | 0 | 340 | 9 | 83 | 5 |
| | More than 6 and less than 12 months | 154 | 25 | 240 | 6 | 138 | 8 |
| | 12 months | 53 | 8 | 1,537 | 41 | 36 | 2 |
| | More than 12 and less than 24 months | 68 | 11 | 785 | 21 | 76 | 4 |
| | 24 months or more | 6 | 1 | 726 | 19 | 245 | 13 |
| | TOTAL⁴ | 628 | 100 | 3,791 | 100 | 1,825 | 100 |
| | Mean (months) ⁵ | 6.6 | ... | 15.0 | ... | .. | ... |
| Median (months) ⁵ | 4.0 | ... | 12.0 | ... | 2.0 | ... | |
| Not stated | 0 | ... | 0 | ... | 0 | ... | |
| 2000/01 | Less than 3 months | 162 | 26 | 78 | 2 | 849 | 52 |
| | 3 months | 18 | 3 | 64 | 2 | 123 | 8 |
| | More than 3 and less than 6 months | 125 | 20 | 42 | 1 | 166 | 10 |
| | 6 months | 1 | 0 | 374 | 10 | 73 | 4 |
| | More than 6 and less than 12 months | 164 | 26 | 232 | 6 | 108 | 7 |
| | 12 months | 83 | 13 | 1,484 | 41 | 30 | 2 |
| | More than 12 and less than 24 months | 63 | 10 | 771 | 21 | 72 | 4 |
| | 24 months or more | 7 | 1 | 608 | 17 | 203 | 13 |
| | TOTAL⁴ | 623 | 100 | 3,653 | 100 | 1,624 | 100 |
| | Mean (months) ⁵ | 6.9 | ... | 14.3 | ... | 3.5 | ... |
| Median (months) ⁵ | 6.0 | ... | 12.0 | ... | 2.0 | ... | |
| Not stated | 0 | ... | 0 | ... | .. | ... | |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

4. Totals exclude "Not stated."

5. Sentenced custody data in days was divided by 30 to convert to months, and excludes sentences of 24 months or more.

Table 3.3.6

Conditional Sentence Commencements by Type of Condition Imposed, Nova Scotia, 1997/98 to 2000/01¹

| Years | Optional conditions | Total | Proportion of commencements with conditions |
|----------------|---|--|---|
| | | Number | % |
| 1997/98 | No optional conditions | 66 | 14 |
| | Abstain from alcohol/drugs | 311 | 65 |
| | Weapons restriction | 73 | 15 |
| | Perform community service | 268 | 56 |
| | Alcohol/drug rehabilitation program | 204 | 43 |
| | Other treatment program | 164 | 34 |
| | Association restriction | 185 | 39 |
| | House arrest without electronic monitoring | 476 | 100 |
| | Curfew | 110 | 23 |
| | Maintain employment | 27 | 6 |
| | Maintain residence | 7 | 1 |
| | Education | 28 | 6 |
| | | Total Optional Conditions Ordered² | 1,853 |
| | Total Conditional Sentence Commencements | | 476 |
| 1998/99 | No optional conditions | 51 | 10 |
| | Abstain from alcohol/drugs | 301 | 59 |
| | Weapons restriction | 60 | 12 |
| | Perform community service | 279 | 55 |
| | Alcohol/drug rehabilitation program | 204 | 40 |
| | Other treatment program | 161 | 32 |
| | Association restriction | 220 | 43 |
| | House arrest without electronic monitoring | 510 | 100 |
| | Curfew | 201 | 39 |
| | Maintain employment | 29 | 6 |
| | Maintain residence | 21 | 4 |
| | Education | 18 | 4 |
| | | Total Optional Conditions Ordered² | 2,004 |
| | Total Conditional Sentence Commencements | | 510 |
| 1999/00 | No optional conditions | 60 | 10 |
| | Abstain from alcohol/drugs | 373 | 59 |
| | Weapons restriction | 78 | 12 |
| | Perform community service | 279 | 44 |
| | Alcohol/drug rehabilitation program | 199 | 32 |
| | Other treatment program | 198 | 32 |
| | Association restriction | 262 | 42 |
| | House arrest without electronic monitoring | 628 | 100 |
| | Curfew | 294 | 47 |
| | Maintain employment | 26 | 4 |
| | Maintain residence | 21 | 3 |
| | Education | 22 | 4 |
| | | Total Optional Conditions Ordered² | 2,440 |
| | Total Conditional Sentence Commencements | | 628 |

Table 3.3.6 (continued)

Conditional Sentence Commencements by Type of Condition Imposed, Nova Scotia, 1997/98 to 2000/01¹

| Years | Optional conditions | Total | Proportion of commencements with conditions |
|----------------|---|--|---|
| | | Number | % |
| 2000/01 | No optional conditions | 61 | 10 |
| | Abstain from alcohol/drugs | 364 | 58 |
| | Weapons restriction | 97 | 16 |
| | Perform community service | 300 | 48 |
| | Alcohol/drug rehabilitation program | 225 | 36 |
| | Other treatment program | 206 | 33 |
| | Association restriction | 254 | 41 |
| | House arrest without electronic monitoring | 623 | 100 |
| | Curfew | 266 | 43 |
| | Maintain employment | 33 | 5 |
| | Maintain residence | 12 | 2 |
| | Education | 16 | 3 |
| | | Total Optional Conditions Ordered² | 2,396 |
| | Total Conditional Sentence Commencements | | 623 |

1. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

2. Excludes the count of “no optional conditions”.

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3.4 New Brunswick

Trends in Conditional Sentences, Probation and Sentenced Custody²⁴

Current Caseload

In 2000/01, there were 682 conditional sentence commencements 14% more than in 1997/98. In 1998/99, (the most current year without gaps or estimates) conditional sentences accounted for 11% of the 4,520 sentenced correctional services commencements.²⁵ Sentenced custody accounted for 50% and probation accounted for 38%.²⁶

From 1991/92 through 1998/99, the number of sentenced custody admissions decreased steadily, down approximately 44% over this time period. The 1,733 probation commencements recorded for 2000/01 was at virtually the same level as that recorded for 1991/92. However, the total number of probation commencements ranged from 1,665 (1994/95) to 1,942 (1993/94) during this period (Table 3.4).

Table 3.4

Adult Admissions to Correctional Service Programs, New Brunswick, 1991/92 to 2000/01

| | 1991/92 | 1992/93 | 1993/94 | 1994/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 ¹ | 2000/01 |
|------------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|----------------------|---------|
| Sentenced custody ² | 4,029 | 4,070 | 3,702 | 3,669 | 3,383 | 2,919 | 2,278 | 2,273 | 2,179 | .. |
| Probation | 1,727 | 1,770 | 1,942 | 1,665 | 1,771 | 1,781 | 1,858 | 1,740 | 1,429 | 1,733 |
| Conditional sentences ³ | ... | ... | ... | ... | ... | 185 | 596 | 507 | 499 | 682 |
| TOTAL | 5,756 | 5,840 | 5,644 | 5,334 | 5,154 | 4,885 | 4,732 | 4,520 | 4,107 | ... |

1. Due to system problems, the probation and Conditional sentences figures for 1999/00 are estimated.

2. Due to the implementation of a new client information system, only total custodial admissions were available for 2000/01 and could not be identified according to standard type.

3. The 1996/97 figure represents seven months of data.

Source: Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

Trends in rates of admissions to correctional services – 1991/92 to 1998/99

In 1998/99, the rate of correctional service commencements was 3,830 per 10,000 adults charged, of which the rate for conditional sentences was 430, a decrease of 13% from one year earlier. The 1998/99 rate for probation was 1,474 and the rate for sentenced custody was 1,926. Overall, the rate for correctional service program commencements decreased 4% since 1991/92 and 11% from the peak recorded in 1995/96 (Figure 4.1).

24. A new information system was implemented in New Brunswick in 2000/01. Consequently, there are coverage gaps and issues of comparability with respect to earlier years.

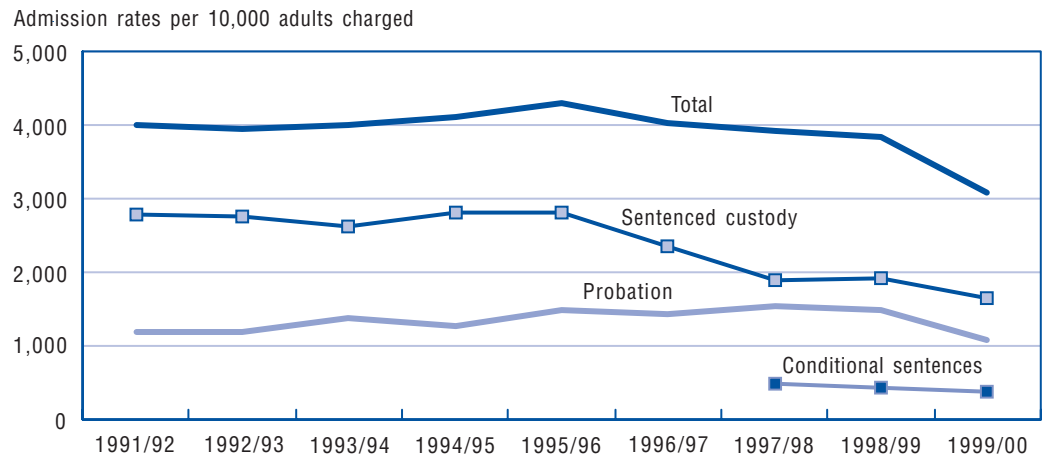
Sources: Conditional Sentencing Special Study, 2002 for conditional sentence and probation case characteristics. Adult Correctional Services (ACS) Survey for sentenced custody case characteristics.

25. Sentenced Correctional Services refers to the combined total of sentenced custody, probation and conditional sentence.

26. **Note:** Conditional sentences became a sentencing option in September 1996. As such, 1997/98 was the first full year for which data on conditional sentences were available. Data for the full year for 1996/97 have not been estimated.

The probation rate was generally trending up between 1991/92 and 1997/98, although there has been substantial fluctuation. The 1998/99 rate of 1,474 represents an increase of 23% from 1991/92 but a decrease of 4% from the peak of 1,536 recorded one year earlier. In comparison, the rate for sentenced custody also fluctuated until reaching its peak of 2,824 in 1995/96 and then decreased by 17% in 1996/97 and a further 18% by 1998/99. The rate for conditional sentences has increased to 576 in 2000/01, while the rate for probation has remained unchanged.

Figure 4.1
Admission rates per 10,000 adults charged, New Brunswick, 1991/92 to 1999/00



Note: Due to system problems, the probation and conditional sentences figures for 1999/00 are estimated. Conditional sentencing became an option in September, 1996. Total admissions rate in 1996/97 includes partial counts of conditional sentences.

Source: Adult Correctional Services Survey, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics.

Case Characteristics of Conditional Sentences, in 2000/01²⁷

Sex of Offenders

In 2000/01, males comprised approximately 82% of conditional sentence commencements and 83% of probation orders. While 2000/01 characteristics are not available for sentenced custody, 94% of sentenced custody admissions in 1999/00 were male (Table 3.4.1).

Aboriginal/non-Aboriginal Offenders

According to the 2001 Canadian Census of Population, Aboriginal persons comprise 2% of the adult population in New Brunswick. In 2000/01, 9% of conditional sentence commencements and 8% of probation commencements involved Aboriginal offenders (note however that this characteristic was ‘not stated’ for 28% of all conditional sentence and 36% of probation commencements). In 1999/00, the percentage of Aboriginal persons admitted to sentenced custody was slightly less (6%) (Table 3.4.2).

27. Characteristics of conditional sentences are available for 2000/01 only.

Age of Offenders²⁸

The mean age for persons commencing a conditional sentence was 32 years in 2000/01 compared to 32 for probationers. The mean age for those commencing sentenced custody was 33 in 1999/00, the only year with available offender age data for custody admissions.

In 2000/01, 32% of those commencing a conditional sentence were between 18 and 24 years of age and 36% were aged 25 to 34. In comparison, 38% of probationers were between 18 and 24 and 28% were aged 25 to 34. In 1999/00, 28% of offenders admitted to sentenced custody were aged 18 to 24, and 34% were aged 25 to 34 (Table 3.4.3).

Sentence length

In 2000/01, the mean conditional sentence length was 4.7 months. The majority of conditional sentence commencements (81%) were for six months or less. For probationers, the mean sentence length was 14.4 months – 15% of these commencements were six months or less, 6% were between 6 and 12 months, 80% were one year or longer. For those admitted to sentenced custody in 1999/00, 85% were for three months or less; 10% were between 3 and 12 months, and 4% of these sentences were for one year or greater (Table 3.4.4).

Optional Conditions

In 2000/01, the most prevalent conditions attached to the 1,264 conditional sentence commencements included abstention from alcohol and drugs (32% of all commencements), house arrest (25%), the requirement to attend a treatment program (14%) and restrictions on association (11%).

A Correctional Service Description of Processing Conditional Sentences and Violations of Conditions²⁹

Program Orientation

A conditional sentence is a sentence of incarceration being served in the community and will be supervised more intensely and rigorously than probation orders. In New Brunswick, designated supervisors include Regional Directors, Probation Officers, Correctional Officers III and Program Supervisors. In cases including violence, the offender will be advised that the victim will be informed of the conditions on the order and the supervisor will, where possible, notify a victim services coordinator, who will inform the victim.

Supervision Standards

Once an offender begins a conditional sentence, he or she will contact the probation office within 2 days and an initial in-person interview will be conducted within five working days.

A risk/needs (LSI) assessment will be completed within 30 days of sentence and updated on a six-month basis. Sex offenders will also receive a Static99/Sonar/Acute risk/needs assessments. In the event of an inconsistency between ratings, the more onerous supervision level will be adopted. There are three levels of risk-needs:

28. Based on age at time of commencement.

29. **Source:** New Brunswick, Department of the Solicitor General

- Low risk-needs: minimum of one face-to-face contact monthly.
- Medium risk-needs: minimum of two contacts monthly, at least one of which is face-to-face.
- High risk-needs: minimum of four contacts monthly, at least two of which are face-to-face.

Telephone contacts may be initiated at frequencies determined by the Supervising Probation Office for all risk levels. Telephone monitoring will be completed by a designated Correctional Officer and recorded in the offender file.

Case Management/supervision plans and on-going case plan reviews will be developed based on the offenders risk/needs and court-imposed conditions. All court ordered treatment programs are to be appropriately referred. Pending the establishment of a Case Management/Supervision plan, the offender will be managed/supervised as a high risk-needs offender.

Enforcement

House Arrest/Curfew

Some contacts with offenders on house arrest or with a curfew must be made at the offender's residence.

- High risk-needs offenders:

At least one face-to-face contact shall be at the offender's place of residence plus two telephone contacts daily.

- Medium risk-needs offenders:

One face-to-face contact should be at the offender's place of residence plus one telephone contact daily and two on the offender's non-working days.

- Low risk-needs offenders:

One contact during the first month is to be at the offender's place of residence plus one telephone contact daily (or at the discretion of the probation officer).

Varying the Conditions Ordered

In those cases where the supervisor is of the opinion that the circumstances of the offender have changed, and a change in the optional conditions is desirable, the supervisor may give written notification of the proposed changes and the reasons for requesting them to the offender, the Crown Counsel and the Court. The notifier (Supervisor/offender/Crown Counsel) is responsible for serving all the relevant documentation to the offender, Crown Counsel, the Supervisor and to the court.

Within seven days after receiving notification of a change, the offender or Crown Counsel may request the court hold a hearing. Alternately, the court may order that a hearing be held to consider the proposed changes.

If a hearing is requested, or ordered by the court, the hearing shall be held within thirty days of the court receiving notification. The Supervisor will facilitate the offender's request for a hearing.

Where, within a seven day time period, there is no request or order for a hearing to be held, the proposed changes will take effect fourteen days after the court received the notification. The supervisor will notify the offender of the changes in conditions signed by the Judge and file proof of that notification with the court.

Transfer Procedures Among the Jurisdictions

The Attorney General and/or an agent must give consent for orders being transferred out of province. When transferring a conditional sentence order to another province or territory, the supervisor must:

- ensure that the conditions of the order allow for the offender to move outside of New Brunswick (or submit a notification for a change of conditions of the order if appropriate);
- ensure that the offender's relocation plan is reasonable and appropriate;
- forward the certified true copy of the conditional sentence order to the Regional Director in order to obtain the signed consent of the Attorney General and/or agent for transferring the order to another province/territory;
- effect the transfer; and
- notify the receiving office of the intent to transfer, and provide all relevant information and documentation to the receiving office.

When an offender under a conditional sentence arrives, or notification of their arrival originates from another jurisdiction in Canada:

- when the offender contacts the receiving office, the assigned supervisor will confirm his/her residency and the duration of residency in the area;
- if an official transfer is considered appropriate, recommend this to the originating office, supply the name and address of the court of equivalent jurisdiction, and request the sending jurisdiction to proceed with a formal transfer; and
- the receiving probation office will notify the local police of the relocated offender.

If the offender fails to report as directed by the sending jurisdiction, the supervisor of the receiving jurisdiction will notify the originating territory or province immediately in order that breach proceedings can commence in the originating jurisdiction.

Actions Taken by the Correctional System and the Courts when an Offender Breaches the Conditions of a Conditional Sentence

The Supervisor shall consult with the Crown if the Supervisor is unclear about bringing the offender back to court. The Crown Counsel may request that the court summons the offender to a hearing, or issue a warrant for arrest.

The Supervisor will submit a violation report to the Court, to the Crown and to the Police within five days of becoming aware that the offender has:

- failed to comply with a term or condition of their order;
- been charged with a Criminal Code offence during the time the order was in effect;
- been charged with any provincial act that contravenes a term or condition of their order while it is in effect.

The Supervisor is the person responsible for initiating breach proceedings by submitting a written report detailing all information to the Crown Counsel. The Crown Counsel, based on this information, may request that the court summons the offender to a hearing, or issue a warrant for arrest. This hearing must be held within thirty days after the arrest or a summons is issued.

Any court of equivalent jurisdiction may hear allegations of breach. Breach hearings are to be held in the place where the breach is alleged to have been committed, where the offender is found, arrested or in custody. Where the place the offender is found, arrested or is in custody is outside the province where the breach is alleged to have been committed, the Attorney General of that province or territory must consent to proceedings being instituted.

The offender must be notified of the intention to produce a report and be served all appropriate materials prior to a hearing. Supervisors have the discretion to request the assistance of law enforcement agencies. Once arrested, the offender must be detained in custody until they can show cause as to why the detention is not justified.

Where the court is satisfied that a breach was committed without reasonable excuse, the court may take no action; change the optional conditions; terminate the conditional sentence and service the remaining time in custody; or suspend the conditional sentence and direct the offender to serve a portion of the remaining sentence in custody and resume the conditional sentence upon release.

Table 3.4.1

Conditional Sentences, Probation and Sentenced Custody by Sex, New Brunswick, 1999/00 to 2000/01¹

| | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|--------------------------|----------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| Male | 1999/00 | .. | ... | .. | ... | 1,881 | 94 |
| | 2000/01 | 1,032 | 82 | 2,216 | 83 | .. | ... |
| Female | 1999/00 | .. | ... | .. | ... | 121 | 6 |
| | 2000/01 | 230 | 18 | 466 | 17 | .. | ... |
| TOTAL⁴ | 1999/00 | .. | ... | .. | ... | 2,002 | 100 |
| | 2000/01 | 1,262 | 100 | 2,682 | 100 | .. | ... |
| Not stated | 1999/00 | .. | ... | .. | ... | 61 | ... |
| | 2000/01 | 2 | ... | 0 | ... | .. | ... |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics. The first year of complete data collected by the new automated information system was in 2000/01.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. Figures are reported on a calendar year basis, and are unavailable for 2000/01 due to system development work.

4. Totals exclude "Not stated."

Table 3.4.2

Conditional Sentences, Probation and Sentenced Custody by Aboriginal/Non-Aboriginal Status, New Brunswick, 1999/00 to 2000/01¹

| | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|--------------------------|----------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| Aboriginal | 1999/00 | .. | ... | .. | ... | 116 | 6 |
| | 2000/01 | 80 | 9 | 145 | 8 | .. | ... |
| Non-Aboriginal | 1999/00 | .. | ... | .. | ... | 1,918 | 94 |
| | 2000/01 | 829 | 91 | 1,576 | 92 | .. | ... |
| TOTAL⁴ | 1999/00 | .. | ... | .. | ... | 2,034 | 100 |
| | 2000/01 | 909 | 100 | 1,721 | 100 | .. | ... |
| Not stated | 1999/00 | .. | ... | .. | ... | 29 | ... |
| | 2000/01 | 355 | ... | 961 | ... | .. | ... |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics. The first year of complete data collected by the new automated information system was 2000/01.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. Figures are reported on a calendar year basis, and are unavailable for 2000/01 due to system development work.

4. Totals exclude "Not stated."

Table 3.4.3

Conditional Sentences, Probation and Sentenced Custody by Age, New Brunswick, 1999/00 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|----------------|--------------------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1999/00 | 18 to 24 | .. | ... | .. | ... | 571 | 28 |
| | 25 to 34 | .. | ... | .. | ... | 698 | 34 |
| | 35 to 49 | .. | ... | .. | ... | 603 | 29 |
| | 50 and over | .. | ... | .. | ... | 182 | 9 |
| | TOTAL⁴ | .. | ... | .. | ... | 2,054 | 100 |
| | Mean age | .. | ... | .. | ... | 33.0 | ... |
| | Median age | .. | ... | .. | ... | 31 | ... |
| | Not stated | .. | ... | .. | ... | 9 | ... |
| 2000/01 | 18 to 24 | 402 | 32 | 1,017 | 38 | .. | ... |
| | 25 to 34 | 459 | 36 | 751 | 28 | .. | ... |
| | 35 to 49 | 300 | 24 | 721 | 27 | .. | ... |
| | 50 and over | 103 | 8 | 193 | 7 | .. | ... |
| | TOTAL⁴ | 1,264 | 100 | 2,682 | 100 | .. | ... |
| | Mean age | 31.9 | ... | 31.5 | ... | .. | ... |
| | Median age | .. | ... | .. | ... | .. | ... |
| | Not stated | 0 | ... | ... | ... | .. | ... |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics. The first year of complete data collected by the new automated information system was 2000/01.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. Figures are reported on a calendar year basis, and are unavailable for 2000/01 due to system development work.

4. Totals exclude "Not stated."

Table 3.4.4

Conditional Sentences, Probation and Sentenced Custody by Length of Sentence, New Brunswick, 1999/00 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|------------------------------|--------------------------------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1999/00 | Less than 3 months | .. | ... | .. | ... | 1,508 | 79 |
| | 3 months | .. | ... | .. | ... | 110 | 6 |
| | More than 3 and less than 6 months | .. | ... | .. | ... | 86 | 5 |
| | 6 months | .. | ... | .. | ... | 26 | 1 |
| | More than 6 and less than 12 months | .. | ... | .. | ... | 84 | 4 |
| | 12 months | .. | ... | .. | ... | 7 | 0 |
| | More than 12 and less than 24 months | .. | ... | .. | ... | 44 | 2 |
| | 24 months or more | .. | ... | .. | ... | 39 | 2 |
| | TOTAL⁴ | .. | ... | .. | ... | 1,904 | 100 |
| | Mean (months) ⁵ | .. | ... | .. | ... | 1.8 | ... |
| Median (months) ⁵ | .. | ... | .. | ... | 0.5 | ... | |
| Not stated | .. | ... | .. | ... | 159 | ... | |
| 2000/01 | Less than 3 months | 493 | 39 | 11 | 0 | .. | ... |
| | 3 months | 208 | 16 | 50 | 2 | .. | ... |
| | More than 3 and less than 6 months | 125 | 10 | 30 | 1 | .. | ... |
| | 6 months | 199 | 16 | 316 | 12 | .. | ... |
| | More than 6 and less than 12 months | 106 | 8 | 155 | 6 | .. | ... |
| | 12 months | 91 | 7 | 1,194 | 45 | .. | ... |
| | More than 12 and less than 24 months | 40 | 3 | 336 | 13 | .. | ... |
| | 24 months or more | 2 | 0 | 590 | 22 | .. | ... |
| | TOTAL⁴ | 1,264 | 100 | 2,682 | 100 | .. | ... |
| | Mean (months) ⁵ | 4.7 | ... | 14.4 | ... | .. | ... |
| Median (months) ⁵ | .. | ... | .. | ... | .. | ... | |
| Not stated | ... | ... | 0 | ... | .. | ... | |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics. The first year of complete data collected by the new automated information system was 2000/01.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. Figures are reported on a calendar year basis, and are unavailable for 2000/01 due to system development work.

4. Totals exclude "Not stated."

5. Sentenced custody data in days was divided by 30 to convert to months, and excludes sentences of 24 months or more.

Table 3.4.5

Conditional Sentence Commencements by Type of Condition Imposed, New Brunswick, 2000/01¹

| Years | Optional conditions | Total | Proportion of commencements with conditions |
|---|---|--------|---|
| | | Number | % |
| 2000/01 | No optional conditions | 97 | 8 |
| | Abstain from alcohol/drugs | 404 | 32 |
| | Weapons restriction | 28 | 2 |
| | Perform community service | 93 | 7 |
| | Alcohol/drug rehabilitation program | 85 | 7 |
| | Other treatment program | 175 | 14 |
| | Association restriction | 139 | 11 |
| | House arrest with electronic monitoring ² | 0 | 0 |
| | House arrest without electronic monitoring ² | 314 | 25 |
| | Curfew | 124 | 10 |
| | Maintain employment | 18 | 1 |
| | Maintain residence | 103 | 8 |
| | Restitution | 65 | 5 |
| | Education | 9 | 1 |
| | Other ³ | 1,264 | ... |
| | Total Optional Conditions⁴ | | 2,821 |
| Total Conditional Sentence Commencements | | | 1,264 |

1. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics. The first year of complete data collected by the new automated information system was 2000/01.
2. The information system does not distinguish between electronically monitored house arrest and house arrest without electronic monitoring. Currently, New Brunswick does not use electronic monitoring; however, in the past it was used. Consequently, all house arrest is classified as “without electronic monitoring.”
3. There were 1,264 commencements which had one or more “other” conditions.
4. Excludes the count of “no optional conditions”.

3.5 Quebec

Trends in Conditional Sentences, Probation and Sentenced Custody ³⁰

Current Caseload

In 2000/01 there were 4,259 conditional sentence commencements in Quebec, representing a drop of approximately 7% from 1999/00, but an overall increase of 7% from 1997/98. In 2000/01, conditional sentences represented approximately 16% of sentenced correctional services commencements³¹; probationers comprised 29% and the remaining 56% were to sentenced custody.³²

Over the ten-year period commencing in 1991-92, the number of sentenced custody admissions rose steadily to its peak of 28,753 in 1996-97, and has decreased every year thereafter – the 14,951 admissions in 2000/01 represent an overall decrease of 27% from 1991-92 and 48% from 1996-97. Conversely, the number of probation intakes has fluctuated, ranging from a low of 6,449 in 1994-95 to a high of 7,704 in 2000/01. Overall, the number of probation intakes has increased by 9% during the last ten years (Table 3.5).

While the number of conditional sentences has fluctuated, the proportional use of conditional sentence has increased over the four-year period, accounting for 16% in 2000/01 compared to 11% in 1997/98. During this same period, the proportion represented by sentenced custody admissions has decreased from 70% to 56% while that of probation has increased from 19% to 29%.

Table 3.5

Adult Admissions to Correctional Service Programs, Quebec, 1991/92 to 2000/01

| | 1991/92 | 1992/93 | 1993/94 | 1994/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 | 2000/01 |
|------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Sentenced custody | 20,578 | 23,306 | 24,802 | 25,852 | 28,075 | 28,753 | 26,188 | 21,735 | 18,016 | 14,951 |
| Probation | 7,074 | 7,044 | 6,672 | 6,449 | 6,461 | 7,162 | 7,225 | 6,877 | 7,098 | 7,704 |
| Conditional sentences ¹ | ... | ... | ... | ... | ... | 2,555 | 3,983 | 4,202 | 4,557 | 4,259 |
| TOTAL | 27,652 | 30,350 | 31,474 | 32,301 | 34,536 | 38,470 | 37,396 | 32,814 | 29,671 | 26,914 |

1. The 1996/97 figure represents seven months of data.

Source: Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

30. **Source:** The Adult Correctional Services Survey. Admission rates are calculated per 10,000 adults charged with Federal Statute Offences using Uniform Crime Reporting Survey data.

31. Sentenced correctional services refer to the combined total of sentenced custody, probation and conditional sentence.

32. **Note:** while the conditional sentence option in force as of September 1996, 1997/98 is the first full year for which data are available. Estimates for the full year's data for 1996/97 have not been produced.

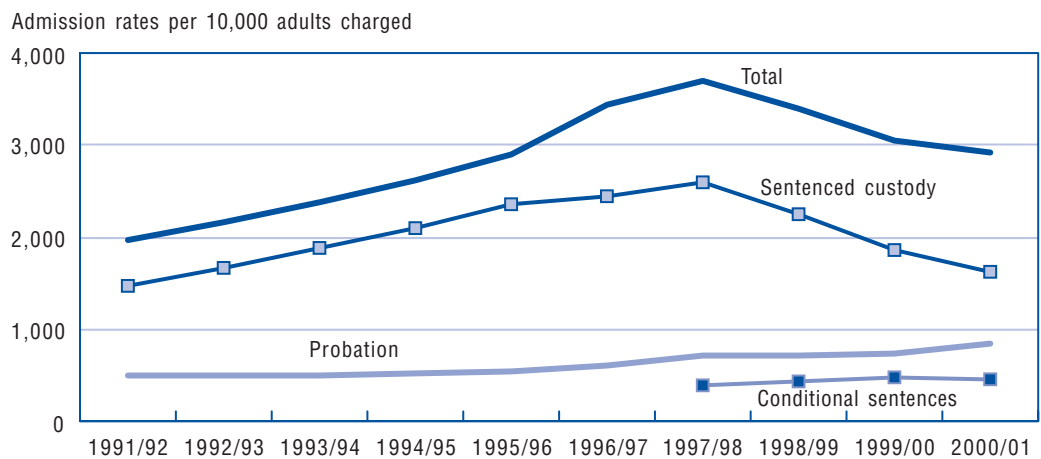
On average, there were 2,884 offenders supervised on conditional sentences at any one time in 2000/01, compared to 2,350 in 1997/98, an increase of 23%. Most of the increase occurred between 1997/98 and 1999/00. In all, 19% of the 15,358 offenders being supervised on an average day in 2000/01 were on conditional sentence; 30% were in sentenced custody and 51% were on probation.

Trends in admission rates – 1991/92 to 2000/01

In 2000/01, there were 2,911 sentenced correctional service commencements per 10,000 adults charged in Quebec, 47% higher than ten years earlier, but 21% lower than the peak of 3,692 reported for 1997/98. The overall rate climbed each year to its peak and has been decreasing steadily since 1997/98. In 2000/01, the rate of conditional sentence commencements was 461 per 10,000 adults charged, compared to a rate of 1,617 for sentenced custody and 833 for probation.

In 1997/98, the rate of conditional sentence commencements was 393 per 10,000 adults charged. This rate increased to 470 in 1999/00 and then levelled off slightly lower at 461 in 2000/01. The combined rate for all three programs has been driven primarily by the rate for sentenced custody, which also reached its peak (2,586) in 1997/98 and declined steadily afterward. While the rate of 1,617 represented an increase over the last ten years, a large steady decrease of 37% was recorded from 1997/98. Regarding probation, the 2000/01 rate of 833 represents an overall increase of 65% from that reported for 1991-92, although most of this increase occurred after 1995/96 when the rate increased by 54% (Figure 5.1).

Figure 5.1
Admission rates per 10,000 adults charged, Quebec, 1991/92 to 2000/01



Note: Conditional sentencing became an option in September, 1996. Total admissions rate in 1996/97 includes partial counts of conditional sentences.

Source: Adult Correctional Services Survey, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics.

Characteristics of conditional sentences, 1997/98 to 2000/01³³

Sex of Offenders

Adult males accounted for the majority of offenders in the three program types. In 2000/01, 86% of those commencing a conditional sentence in Quebec were male. This compares to 87% of those commencing probation and 90% of offenders admitted to sentenced custody. These proportions have remained relatively stable since 1997/98 (Table 3.5.1).

Aboriginal/non-Aboriginal Offenders

According to the 2001 Canadian Census of Population, Aboriginal persons in Quebec represented approximately 1% of the population. In 2000/01, 5% of conditional sentences involved Aboriginal offenders, compared to 8% for probationers and 2% for those admitted to sentenced custody.³⁴ Since 1997/98, the proportion of Aboriginal offenders has been 4% to 6% annually for conditional sentences and 6% to 8% for probationers. The proportion of Aboriginal persons in sentenced custody has been 1% to 2% annually (Table 3.5.2).

Age of Offenders³⁵

In 2000/01, the mean age of offenders commencing a conditional sentence in Quebec was 35, representing a slight increase from a mean of 33 in 1997/98. In comparison, the mean age for those admitted to sentenced custody was 36 and 33 years for probation. Over the last four years, mean ages for sentenced custody and probation have increased from 34 and 31 years respectively.

In 2000/01, 24% of offenders commencing conditional sentences were between the ages of 18 and 24, down steadily from 27% in 1997/98. Since 1997/98, the proportion of conditional sentences represented by those aged 25 to 34 has slightly decreased from 34% to 31% in 2000/01. Over the same period, offenders over 35 years of age have increased from 40% to 45% (Table 3.5.3).

Sentence length

The mean sentence length for conditional sentence commencements was 10.7 months in 2000/01, roughly six weeks longer than in 1997/98 when the mean sentence length was nine months. In 2000/01, almost 55% of conditional sentences were for terms of six months to one year, 27% were for more than one year in length, and the remaining 18% were for less than six months.

While the proportion of conditional sentences with lengths of less than six months has decreased steadily from 28% in 1997/98, those of more than one year increased from 19% in 1997/98 to 27% in 2000/01. In comparison, the mean sentence length for probation was 20.3 months in 2000/01 with 53% for terms of greater than two years while 37% were for one year or less. The mean sentence length for probation in 2000/01 was lower compared to previous years with the exception of 1999/00 when it dropped to 17.3 months. In contrast, the mean sentence length for sentenced custody in 2000/01 was 2.3 months, similar to previous years. Approximately eight in ten sentenced custody admissions were 3 months or less while 4% were one year or longer (Table 3.5.4).

33. **Sources:** Conditional Sentencing Special Study, 2002 for characteristics of conditional sentences; Adult Correctional Services (ACS) Survey for probation and sentenced custody.

34. Excludes 8% to 10% of overall observations where Aboriginal status is 'not stated'.

35. Age based on age at time of program commencement.

The mean conditional sentence length also differs by sex of the offender. In 2000/01 the mean sentence length for male offenders was 10.9 months, up from the 9.2 months reported for 1997/98. Conversely, the mean for female offenders was 9.4 months, an increase from the 7.4 months reported four years earlier.

A Correctional Service Description of Processing Conditional Sentences and Violations of Conditions³⁶

Program Orientation

The conditional sentence supervision program is based on two parameters:

- The offender's needs determine the support services provided to him/her, as well as certain supervisory activities.
- Conditional sentencing, in accordance with its purposes, calls for two types of supervisory activities: those to promote reintegration and those with a punitive goal.

Supervision Standards

The supervisor may be a government employee or any other person who meets the eligibility criteria. In Quebec, the supervisor may be a probation officer, a correctional service officer or a person from the community.

The designated supervisor, whether a probation officer, a correctional service officer or a person from the community, is responsible for following up on the offender's plan or the action plan and applying the judicial procedures relating to the case. He/she is responsible for all support services and supervisory activities oriented towards reintegration. The designated supervisor works with the correctional service/compliance officer who sees that curfew and house arrest conditions are met.

The probation officer is responsible for developing the summary or comprehensive assessment and thereby determining what type of supervisor is most likely to meet the offender's needs. During this period, the probation officer is automatically the designated supervisor.

Enforcement

House Arrest:

- Minimum monitoring done by the correctional service/compliance officer:
Telephone checks—minimum 5/week
Home visits—2/month
- Telephone checks and home visits are random and may be carried out during the day or in the evening, 7 days out of 7.
- The designated supervisor may also ask the correctional service/compliance officer to increase the number of checks or conduct them at specific times, such as at the end of the month, on pay days, etc.

36. **Source:** Quebec, Ministère de la Sécurité publique, Direction générale des services correctionnels.

Curfew:

- Minimum monitoring done by the correctional service/compliance officer:
Telephone checks—minimum 4/week
Home visits—1/month
- Telephone checks are done randomly, but only during the evening or at night in accordance with the curfew agreement. Home visits are also done randomly but may be carried out during the day, in the evening or at night, 7 days out of 7.

Varying the Conditions Ordered

The supervisor may submit a request to vary the optional conditions included in the order as follows: informing the offender of the circumstances and reasons in support of a proposal to vary the optional conditions and explaining the appropriateness of the action; completing the necessary forms and sending the original to the court and a copy to the offender, and putting information in the offender's file concerning the request to vary the optional conditions.

The offender or the prosecutor has the opportunity to be heard by the court when the supervisor informs them of the changes that he/she wishes to make to the optional conditions. The court may also, without consultation, call a hearing.

The request for a hearing must be made to the court within seven days after receipt of the notification prepared by the supervisor; otherwise the proposed changes will come into force fourteen days after the court receives the notification.

If the offender or the prosecutor makes a request to vary the optional conditions included in the order, a hearing must be held.

Any hearing must be called within thirty days following receipt of the notification prepared by the supervisor.

The clerk of the court must send each party a copy of the "Notice of Hearing" and, after the hearing, must transmit the decision to the supervisor, the prosecutor, the offender and the police force at the origin of the complaint. In the event the conditions are varied, the supervisor revises the action plan as required and drafts a progress summary.

If no request for a hearing has been made on the expiration of the fourteen days, the court clerk enters the effective date of the proposed changes if necessary and sends a certified photocopy to the police force at the origin of the complaint, as well as to the supervisor and the prosecutor.

Transfer Procedures Among the Jurisdictions

Before submitting a request to transfer a Conditional Sentence Order, the designated supervisor evaluates the offender's request; completes the required forms if he/she considers the request to be justified. Then the supervisor sends the original of the duly completed form to the Crown Attorney's office and appends all necessary documents and places a photocopy of the request and the appended documents in the offender's file. If the Crown Attorney agrees to the transfer, he/she is responsible for the request to schedule a hearing, the notice of hearing and the transfer of the file. The supervisor sends the file to the office concerned.

Actions Taken by the Correctional System and the Courts when an Offender Breaches the conditions of a Conditional Sentence

Breaches are dealt with rigorously, and they are systematically reported to the Crown Attorney within 72 hours in a breach report.

A breach of the compulsory and optional conditions of a Conditional Sentence Order may be reported by the designated supervisor or by a third party.

Should an analysis of the situation confirm that there has in fact been a breach, or in the case of a new offence, the designated supervisor: systematically informs the Crown Attorney of the breach by preparing a breach report; attaches all required documents to the breach report; assesses the offender's situation, taking into account any progress made, the risk of re-offending and the seriousness of the breach; makes a recommendation as to the offender's ability to serve his/her sentence of incarceration within the community.

The Crown Attorney, in co-operation with the court clerk, transmits a copy of the report on the alleged breach to the opposite party and undertakes the appropriate legal proceedings, namely: the issuance of an arrest warrant; the holding of a hearing within thirty days following the offender's arrest.

The different options after a hearing are as follows:

no action by the court; variance of optional conditions; suspension of the order and incarceration for part of the remaining sentence; termination of the conditional sentence order and incarceration.

The court clerk provides a photocopy of the court's decision to the offender, the prosecutor, the supervisor and the police force at the origin of the complaint. The supervisor has the decision registered; transmits to the police force the new date for expiry of the conditional sentence order; and revises the action plan as required and drafts a final progress summary.

Table 3.5.1

Conditional Sentences, Probation and Sentenced Custody by Sex, Quebec, 1997/98 to 2000/01¹

| | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|--------------|----------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| Male | 1997/98 | 3,384 | 86 | 6,424 | 89 | 23,963 | 92 |
| | 1998/99 | 3,658 | 86 | 6,028 | 88 | 19,810 | 91 |
| | 1999/00 | 3,945 | 86 | 6,200 | 87 | 16,265 | 90 |
| | 2000/01 | 3,657 | 86 | 6,704 | 87 | 13,432 | 90 |
| Female | 1997/98 | 547 | 14 | 801 | 11 | 2,225 | 8 |
| | 1998/99 | 578 | 14 | 849 | 12 | 1,925 | 9 |
| | 1999/00 | 650 | 14 | 898 | 13 | 1,751 | 10 |
| | 2000/01 | 609 | 14 | 1,000 | 13 | 1,519 | 10 |
| TOTAL | 1997/98 | 3,931 | 100 | 7,225 | 100 | 26,188 | 100 |
| | 1998/99 | 4,236 | 100 | 6,877 | 100 | 21,735 | 100 |
| | 1999/00 | 4,595 | 100 | 7,098 | 100 | 18,016 | 100 |
| | 2000/01 | 4,266 | 100 | 7,704 | 100 | 14,951 | 100 |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

Table 3.5.2

Conditional Sentences, Probation and Sentenced Custody by Aboriginal/Non-Aboriginal Status, Quebec, 1997/98 to 2000/01¹

| | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|--------------------------|----------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| Aboriginal | 1997/98 | 152 | 4 | 364 | 6 | 336 | 1 |
| | 1998/99 | 178 | 5 | 469 | 8 | 335 | 2 |
| | 1999/00 | 230 | 6 | 506 | 8 | 322 | 2 |
| | 2000/01 | 194 | 5 | 554 | 8 | 280 | 2 |
| Non-Aboriginal | 1997/98 | 3,451 | 96 | 6,203 | 94 | 25,453 | 99 |
| | 1998/99 | 3,687 | 95 | 5,762 | 92 | 21,066 | 98 |
| | 1999/00 | 3,940 | 94 | 5,977 | 92 | 17,405 | 98 |
| | 2000/01 | 3,637 | 95 | 6,367 | 92 | 14,456 | 98 |
| TOTAL⁴ | 1997/98 | 3,603 | 100 | 6,567 | 100 | 25,789 | 100 |
| | 1998/99 | 3,865 | 100 | 6,231 | 100 | 21,401 | 100 |
| | 1999/00 | 4,170 | 100 | 6,483 | 100 | 17,727 | 100 |
| | 2000/01 | 3,831 | 100 | 6,921 | 100 | 14,736 | 100 |
| Not stated | 1997/98 | 328 | ... | 658 | ... | 399 | ... |
| | 1998/99 | 371 | ... | 646 | ... | 334 | ... |
| | 1999/00 | 425 | ... | 615 | ... | 289 | ... |
| | 2000/01 | 435 | ... | 783 | ... | 215 | ... |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

4. Totals exclude "Not stated."

Table 3.5.3
Conditional Sentences, Probation and Sentenced Custody by Age, Quebec, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|----------------|--------------------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | 18 to 24 | 1,047 | 27 | 2,391 | 33 | 4,416 | 17 |
| | 25 to 34 | 1,326 | 34 | 2,278 | 32 | 10,659 | 41 |
| | 35 to 49 | 1,219 | 31 | 2,060 | 29 | 9,204 | 35 |
| | 50 and over | 339 | 9 | 489 | 7 | 1,906 | 7 |
| | TOTAL⁴ | 3,931 | 100 | 7,218 | 100 | 26,185 | 100 |
| | Mean age | 33.4 | ... | 31.4 | ... | 34.0 | ... |
| | Median age | .. | ... | 31 | ... | 33 | ... |
| Not stated | 0 | ... | 0 | ... | ... | ... | |
| 1998/99 | 18 to 24 | 1,117 | 26 | 2,239 | 33 | 3,803 | 17 |
| | 25 to 34 | 1,452 | 34 | 2,108 | 31 | 8,200 | 38 |
| | 35 to 49 | 1,319 | 31 | 2,049 | 30 | 8,078 | 37 |
| | 50 and over | 348 | 8 | 477 | 7 | 1,651 | 8 |
| | TOTAL⁴ | 4,236 | 100 | 6,873 | 100 | 21,732 | 100 |
| | Mean age | 33.4 | ... | 32.3 | ... | 34.8 | ... |
| | Median age | .. | ... | 31 | ... | 34 | ... |
| Not stated | 0 | ... | ... | ... | 0 | ... | |
| 1999/00 | 18 to 24 | 1,156 | 25 | 2,215 | 31 | 3,132 | 17 |
| | 25 to 34 | 1,470 | 32 | 2,104 | 30 | 6,300 | 35 |
| | 35 to 49 | 1,568 | 34 | 2,278 | 32 | 7,097 | 39 |
| | 50 and over | 400 | 9 | 494 | 7 | 1,486 | 8 |
| | TOTAL⁴ | 4,594 | 100 | 7,091 | 100 | 18,015 | 100 |
| | Mean age | 34.0 | ... | 32.7 | ... | 35.2 | ... |
| | Median age | .. | ... | 31 | ... | 34 | ... |
| Not stated | 1 | ... | ... | ... | 0 | ... | |
| 2000/01 | 18 to 24 | 1,034 | 24 | 2,383 | 31 | 2,569 | 17 |
| | 25 to 34 | 1,313 | 31 | 2,237 | 29 | 5,032 | 34 |
| | 35 to 49 | 1,504 | 35 | 2,480 | 32 | 5,995 | 40 |
| | 50 and over | 415 | 10 | 603 | 8 | 1,352 | 9 |
| | TOTAL⁴ | 4,266 | 100 | 7,703 | 100 | 14,948 | 100 |
| | Mean age | 34.6 | ... | 32.9 | ... | 35.6 | ... |
| | Median age | .. | ... | 31 | ... | 35 | ... |
| Not stated | 0 | ... | ... | ... | 0 | ... | |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

4. Totals exclude "Not stated." Probation and sentenced custody totals exclude 7 and 3 young offenders respectively in 1997/98, 4 and 3 respectively in 1998/99, 7 and 1 respectively in 1999/00, and 1 and 3 respectively in 2000/01.

Table 3.5.4

Conditional Sentences, Probation, and Sentenced Custody by Length of Sentence, Quebec, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|------------------------------|--------------------------------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | Less than 3 months | 307 | 8 | 6 | 0 | 15,755 | 77 |
| | 3 months | 461 | 12 | 9 | 0 | 1,340 | 7 |
| | More than 3 and less than 6 months | 323 | 8 | 10 | 0 | 1,473 | 7 |
| | 6 months | 980 | 25 | 179 | 2 | 447 | 2 |
| | More than 6 and less than 12 months | 512 | 13 | 54 | 1 | 579 | 3 |
| | 12 months | 633 | 16 | 1,848 | 26 | 205 | 1 |
| | More than 12 and less than 24 months | 498 | 13 | 442 | 6 | 450 | 2 |
| | 24 months or more | 217 | 6 | 4,677 | 65 | 87 | 0 |
| | TOTAL⁴ | 3,931 | 100 | 7,225 | 100 | 20,336 | 100 |
| | Mean (months) ⁵ | 9.0 | ... | 22.8 | ... | 2.2 | ... |
| Median (months) ⁵ | .. | ... | 24 | ... | 1 | ... | |
| Not stated | 0 | ... | 0 | ... | 5,852 | ... | |
| 1998/99 | Less than 3 months | 256 | 6 | 8 | 0 | 12,266 | 76 |
| | 3 months | 449 | 11 | 11 | 0 | 1,130 | 7 |
| | More than 3 and less than 6 months | 307 | 7 | 20 | 0 | 1,183 | 7 |
| | 6 months | 1,029 | 24 | 248 | 4 | 398 | 2 |
| | More than 6 and less than 12 months | 583 | 14 | 73 | 1 | 572 | 4 |
| | 12 months | 749 | 18 | 2,025 | 29 | 209 | 1 |
| | More than 12 and less than 24 months | 557 | 13 | 516 | 8 | 348 | 2 |
| | 24 months or more | 306 | 7 | 3,976 | 58 | 130 | 1 |
| | TOTAL⁴ | 4,236 | 100 | 6,877 | 100 | 16,236 | 100 |
| | Mean (months) ⁵ | 9.5 | ... | 21.1 | ... | 2.4 | ... |
| Median (months) ⁵ | .. | ... | 24 | ... | 1 | ... | |
| Not stated | 0 | ... | 0 | ... | 5,499 | ... | |
| 1999/00 | Less than 3 months | 315 | 7 | 76 | 1 | 9,712 | 75 |
| | 3 months | 481 | 10 | 169 | 2 | 931 | 7 |
| | More than 3 and less than 6 months | 358 | 8 | 308 | 4 | 949 | 7 |
| | 6 months | 1,079 | 23 | 736 | 10 | 332 | 3 |
| | More than 6 and less than 12 months | 637 | 14 | 461 | 6 | 439 | 3 |
| | 12 months | 745 | 16 | 1,794 | 25 | 127 | 1 |
| | More than 12 and less than 24 months | 645 | 14 | 595 | 8 | 273 | 2 |
| | 24 months or more | 335 | 7 | 2,959 | 42 | 121 | 1 |
| | TOTAL⁴ | 4,595 | 100 | 7,098 | 100 | 12,884 | 100 |
| | Mean (months) ⁵ | 9.5 | ... | 17.3 | ... | 2.4 | ... |
| Median (months) ⁵ | .. | ... | 12 | ... | 1 | ... | |
| Not stated | 0 | ... | 0 | ... | 5,132 | ... | |
| 2000/01 | Less than 3 months | 187 | 4 | 15 | 0 | 8,271 | 76 |
| | 3 months | 315 | 7 | 29 | 0 | 739 | 7 |
| | More than 3 and less than 6 months | 277 | 6 | 26 | 0 | 763 | 7 |
| | 6 months | 1,007 | 24 | 280 | 4 | 262 | 2 |
| | More than 6 and less than 12 months | 546 | 13 | 72 | 1 | 362 | 3 |
| | 12 months | 782 | 18 | 2,483 | 32 | 138 | 1 |
| | More than 12 and less than 24 months | 728 | 17 | 741 | 10 | 248 | 2 |
| | 24 months or more | 424 | 10 | 4,058 | 53 | 42 | 0 |
| | TOTAL⁴ | 4,266 | 100 | 7,704 | 100 | 10,825 | 100 |
| | Mean (months) ⁵ | 10.7 | ... | 20.3 | ... | 2.3 | ... |
| Median (months) ⁵ | .. | ... | 24 | ... | 1 | ... | |
| Not stated | 0 | ... | 0 | ... | 4,126 | ... | |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

4. Totals exclude "Not stated."

5. Sentenced custody data in days was divided by 30 to convert to months, and excludes sentences of 24 months or more.

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3.6 Ontario

Trends in Conditional Sentences, Probation and Sentenced Custody³⁷

Current Caseload

In 2000/01 there were 70,130 sentenced correctional service commencements in Ontario.³⁸ Of these, 6% (4,211) were conditional sentence commencements, consistent with previous years. In comparison, in 2000/01 50% (34,920) of commencements were probation, and 44% (30,999) were custody.³⁹

Over an eight-year period beginning in 1993/94³⁹, the number of sentenced custody admissions has steadily decreased 22%, from 39,861 to 30,999 in 2000/01. In comparison, the number of probation commencements in 2000/01 was comparable to the number in 1993/94 (35,066). During this period of time, the number of probation commencements has fluctuated (Table 3.6).

Table 3.6

Adult Admissions to Correctional Service Programs, Ontario, 1991/92 to 2000/01

| | 1991/92 | 1992/93 | 1993/94 | 1994/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 | 2000/01 |
|------------------------------------|---------|---------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Sentenced custody ¹ | 44,906 | 41,934 | 39,861 | 38,823 | 37,110 | 36,530 | 33,971 | 32,815 | 30,747 | 30,999 |
| Probation | .. | .. | 35,066 | 33,440 | 32,002 | 33,463 | 35,930 | 34,469 | 33,432 | 34,920 |
| Conditional sentences ² | ... | ... | ... | ... | ... | 1,940 | 4,293 | 3,690 | 4,271 | 4,211 |
| TOTAL | ... | ... | 74,927 | 72,263 | 69,112 | 71,933 | 74,194 | 70,974 | 68,450 | 70,130 |

1. Data prior to 1996/97 represent those sentenced during the year regardless of status on admission or actual admission date.

2. The 1996/97 figure represents seven months of data.

Source: Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

The average count of offenders supervised under conditional sentence at any one time was 2,785 in 2000/01, 41% higher than in 1997/98 (1,971). In comparison, 52,181 offenders were supervised on probation and 3,737 were in sentenced custody in 2000/01. In all, of the 58,703 offenders supervised on an average day in 2000/01, 5% were on conditional sentence, 89% were on probation and 6% were in sentenced custody.

37. **Source:** The Adult Correctional Services Survey. Admission rates are calculated per 10,000 adults charged with Federal Statute offences using Uniform Crime Reporting Survey data.

38. Sentenced correctional services refer to the combined total of conditional sentence, probation and sentenced custody.

39. **Note:** While the conditional sentence option came into force in September 1996, 1997/98 is the first full year for which data are available. Estimates for the full year's data for 1996/97 have not been produced.

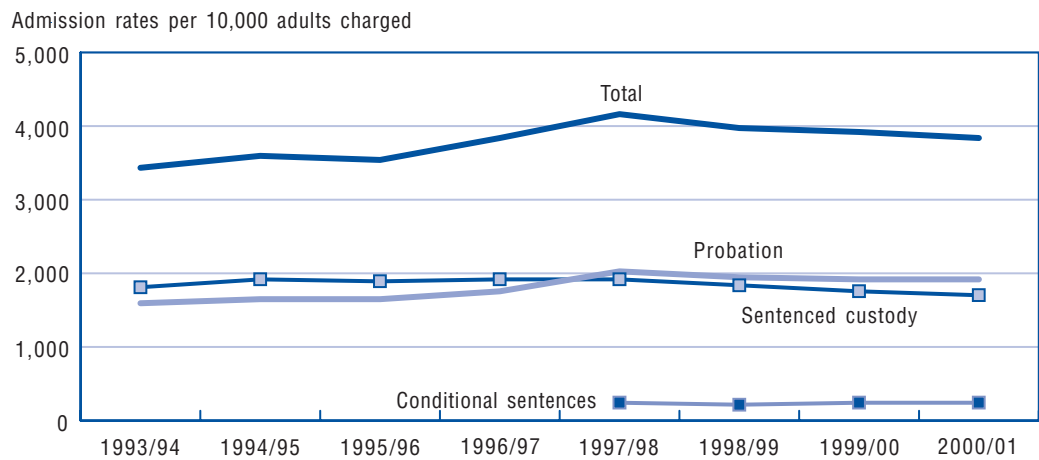
Trends in admission rates – 1993/94 to 2000/01⁴⁰

In 2000/01, there were 3,844 sentenced correctional services commencements per 10,000 adults charged in Ontario. This was 12% higher than the rate of 3,419 in 1993/94, but 8% lower than the peak rate of 4,163 in 1997/98. The rate of conditional sentence commencements has fluctuated slightly between 1997/98 (241) and 2000/01 (231). This compares to a rate of 1,914 for probation and a rate for sentenced custody of 1,699 in 2000/01 (Figure 6.1).

The rate of probation commencements increased substantially between 1993/94 and 1997/98, rising 26% from 1,600 to 2,016 commencements per 10,000 adults charged. Since 1997/98, probation rates have declined, dropping 5% to 1,914 probation commencements per 10,000 adults charged in 2000/01.

In contrast to probation trends, sentenced custody admission rates remained relatively stable during the early 1990s until 1997/98. Since this time, the rate of sentenced custody admissions has decreased 11% from 1,906 to 1,699 in 2000/01.

Figure 6.1
Admission rates per 10,000 adults charged, Ontario, 1993/94 to 2000/01



Note: Graph does not include 1991/92 and 1992/93 due to unavailable probation data. Sentenced custody admissions prior to 1996/97 represent those sentenced during the year regardless of status on admission or actual admission date. Conditional sentencing became an option in September, 1996. Total admissions rate in 1996/97 includes partial counts of conditional sentences.

Source: Adult Correctional Services Survey, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics.

Case Characteristics of conditional sentences, 1997/98 to 2000/01⁴¹

Sex of Offenders

In 2000/01, male offenders comprised 77% of conditional sentence commencements compared to 83% of probation commencements and 91% of sentenced custody admissions. These proportions have been consistent since 1997/98 (Table 3.6.1).

40. Ontario probation admissions data are unavailable in 1991/92 and 1992/93, and as a result the long-term trend analysis is taken from 1993/94.

41. **Sources:** Conditional Sentencing Special Study, 2002 for conditional sentence and probation case characteristics. Adult Correctional Services (ACS) Survey for sentenced custody case characteristics.

Aboriginal/non-Aboriginal Offenders

According to the 2001 Canadian Census of Population, Aboriginal persons account for 1% of the adult population in Ontario. In 2000/01, 8% of offenders commencing a conditional sentence were Aboriginal compared to 6% for probation and 9% for sentenced custody. These proportions for custody and probation are consistent with previous years to 1997/98. The proportion of Aboriginal offenders commencing a conditional sentence, however, increased from 6% in 1997/98 to 8% in 2000/01 (Table 3.6.2).

Age of Offenders⁴²

In 2000-01 the median age of offenders commencing a conditional sentence was 35 years, consistent with previous years. In comparison, the median age for probationers and offenders admitted to sentenced custody was 32 years in 2000/01, an increase from 31 years in 1997/98 for both.

Consistent with the difference in median age values, the age distribution of offenders in Ontario differs between conditional sentences and probation and sentenced custody. In 2000/01 18 to 24 year-olds comprised 22% of conditional sentence commencements compared to 30% of probation commencements and 27% of sentenced custody admissions. In contrast, offenders over 35 years of age accounted for 46% of conditional sentence commencements compared to 42% of probation commencements and 41% of sentenced custody admissions (Table 3.6.3).

Type of offence⁴³

Property offences are the most prevalent offence type for conditional sentences, comprising 37% of conditional sentence commencements in 2000/01. Violent offences were the most serious offence in 32% of conditional sentence commencements, drug-related offences 19% and other Criminal Code 8%. In comparison, violent offences were the most prevalent offence type for probation in 2000/01, comprising 45% of commencements compared to 31% for property crimes, 12% other Criminal Code offences and 6% drug-related offences. Violent offences were less predominant in sentenced custody admissions in 2000/01, comprising 27% of admissions, with 28% of admissions for property offences, 27% other Criminal Code offences, and 7% drug-related offences.

Since 1997/98, the offence profile of conditional sentences has changed. In 1997/98, 47% of conditional sentence commencements were for property offences; this proportion decreased to 37% in 2000/01. The proportion of commencements for violent offences has remained relatively stable since 1997/98 at between 31% and 33% of commencements as have Other Criminal Code offences at 7% to 8%. Of particular note is the increase in the proportion of conditional sentence commencements for drug-related offences, which have more than doubled compared to previous years to 788, or 19% of conditional sentence commencements in 2000/01 (Table 3.6.4).

The offence profile of conditional sentences differs by sex and Aboriginal status. In 2000/01, among male offenders with a conditional sentence, 32% were convicted of a property offence, 36% a violent offence, 20% a drug-related offence and 8% were convicted of other Criminal Code offences. In comparison, among female offenders, 54% were convicted of a property offence, 18% a violent offence, 16% a drug-related offence and 8% were convicted of other Criminal Code offences.

42. Age refers to age of the offender at time of program commencement.

43. Offence data for Ontario are based on most serious offence where there is more than one offence type on a case.

With respect to Aboriginal offenders with a conditional sentence in 2000/01, 46% were convicted of a violent offence, 23% a property offence, 6% a drug-related offence and 20% were convicted of other Criminal Code offences. In comparison, among non-Aboriginal offenders with a conditional sentence, 30% were convicted of a violent offence, 38% a property offence, 20% a drug-related offence and 7% were convicted of other Criminal Code offences.

Sentence length

The mean sentence length of conditional sentence increased slightly each year from 1997/98, when it was 7.1 months to 2000/01 when it was 7.7 months. In 1997/98 67% of conditional sentence terms were 6 months or less, declining to 60% by 2000/01. The proportion of conditional sentences greater than 6 and including 12 months was 26% in 2000/01 fluctuating between 22% and 26% during this period. In 1997/98, 11% of conditional sentence terms were greater than 12 months, increasing to 15% by 2000/01. In comparison, in 2000/01 9% of probation commencements were for 6 months or less, 48% were greater than 6 and including 12 months, 43% were greater than 12 months. In 2000/01, 75% of sentenced custody admissions had an aggregate sentence length of 3 months or less (Table 3.6.5).

The mean sentence length of conditional sentences tends to be longer for male offenders and for non-Aboriginal offenders. In 2000/01, the mean sentence length for male offenders was 7.8 months compared to 7.3 months for female offenders. The mean conditional sentence length for Aboriginal offenders was 5.8 months compared to 7.8 months for non-Aboriginal offenders.

Optional Conditions

In Ontario, all conditional sentences had optional conditions imposed. In 2000/01 the requirement to maintain a residence was the most prevalent condition for the 4,211 conditional sentences, with 47% having this condition. The use of the residence condition has increased progressively since 1997/98 when 23% of conditional sentences possessed this condition (Table 3.6.6).

Conditions requiring the offender to abide by a curfew (44%), attend a treatment program (44%), not associate with someone (35%), abstain from alcohol/drugs (33%), and perform community service work (22%) were the other most prevalent optional conditions in 2000/01. The use of curfew has increased progressively since 1997/98 when it comprised 19% of conditional sentence commencements. With the above-noted exceptions, the imposition of the different optional conditions has varied between 1997/98 and 2000/01 and may be partially due to variations from year to year in the presenting needs of offenders.

Terminations and Violation of Conditions

In 2000/01, a total of 4,352 conditional sentence cases were completed in Ontario. Of these, 3,875 (89%) were concluded successfully (without a breach) while 477 cases (11%) resulted in a breach. This proportion was consistent between 1997/98 and 2000/01. Of those conditional sentence terminations in 2000/01 that had a breach, half (237) resulted in a continuation of the conditional sentence. Among these, 56% had no change in conditions of the order (no action) with the remainder having their conditions amended. Among the half of cases (240) that resulted in incarceration, 53% were admitted to custody temporarily (suspension) with the remainder returned to custody for the duration of the order (termination). These proportions have varied little between 1997/98 and 2000/01 (Table 3.6.7).

A Correctional Service Description of Processing Conditional Sentences and Violations of Conditions ⁴⁴

Program Orientation

Public safety is the primary concern in all case management decisions. An offender serving a conditional sentence order is required to report in person to the case manager or designate. Within five working days of sentencing, the case manager commences a comprehensive assessment. The conditional sentence order is reviewed with the offender to explain the conditions, how variations can occur and the potential consequences if conditions are breached.

Supervision Standards

Every offender serving a conditional sentence in Ontario must report to and be under the supervision of either a Probation officer or a Parole Officer.

Historically, Probation and Parole standards have focused on highly defined and mandated expectations for offender supervision with the measure being based on the frequency of contact. Under the Probation and Parole Service Delivery framework, case management standards take a new approach with increased focus on Probation and Parole Officers' discretion and professionalism in meeting broadly defined service objectives. This framework, in all aspects of the supervision and management of conditional sentence orders, guides probation and Parole Officers.

The framework reinforces the concept of comprehensive assessment-based decisions. The Level of Service Inventory – Ontario Revision (LSI-OR) is a tool that identifies criminogenic risk/need factors. Interventions with offenders target criminogenic factors (factors known to have the highest correlation with recidivism) and conditions of a supervision document. The most intensive level of supervision is reserved for those offenders who are assessed to be at highest risk to re-offend.

The Probation and Parole Service Delivery Model expands the services from solely one-to-one supervision to include group intervention, core rehabilitative programming and a more concentrated focus on criminogenic factors. Probation officers function as case managers, providing services to offenders in one of four intervention/service streams: Basic Service (probation only), Rehabilitative Group Service, Individual Service and Intensive Supervision Service.

- Basic Service:

Reserved for probationers assessed at lower risk of re-offending. This stream requires minimum intervention.

- Rehabilitative Group Service Stream:

Offers rehabilitative programs in the core program areas delivered either in-house or through contract agencies. Probation & parole officers trained in group facilitation will facilitate in-house programs. There are two levels of rehabilitative groups:

1. Change Is A Choice Series:

These are educational and motivational groups that provide offenders with an in-depth introduction to one specific criminogenic factor. They are intended for medium to high-risk offenders with an identified criminogenic factor in one of the five core program areas.

44. **Source:** Ontario Department of Justice, Adult Community Services; Ministry of Public Safety and Security, Adult Community Services

2. Intensive Rehabilitative Groups:

These are rehabilitative, closed groups intended for medium to high risk offenders assessed as having a criminogenic factor in one of the five core program areas and a severity of problem that necessitates intensive intervention.

- Individual Service Stream:

Focuses on individual counselling/supervision to address criminogenic factors related to recidivism. This stream is intended for medium to high risk offenders and includes offenders who have multiple needs that impact on recidivism; have no access to, or are unsuitable for group programs; or who are ordered to attend a specific agency or clinic for assessment, treatment counselling, rehabilitation or programming but who also require some supervision.

- Intensive Supervision Stream:

Reserved for offenders who pose a serious threat to cause harm and who are at greatest risk to re-offend. It is the appropriate stream for potentially violent or dangerous offenders. It combines stricter monitoring, closer police contact and rehabilitative programming, supervision and intensive enforcement by the probation/parole officer.

Enforcement

House Arrest/Curfew/Firearm Prohibition:

Except in cases of subsequent offence(s), Ontario's PPOs may exercise their discretion with allegations of breach of conditional sentence and must document the rationale for all enforcement decisions. An allegation of a breach of a conditional sentence for failing to "keep the peace and be of good behaviour" would normally be initiated. PPOs have to ensure that such an allegation be commenced within five working days of becoming aware of a subsequent criminal offence. If a decision is made to not proceed with the allegation of breach for failing to "keep the peace and be of good behaviour", the PPO will ensure that the crown is aware that the offender is on conditional sentence at the time of the alleged commission of the new offence.

Varying the Conditions Ordered

Section 742 of the *Criminal Code* permits additions, deletions or modification to optional conditions. The supervisor, the Crown or the offender may initiate variations. When the Crown or the offender initiates a variation, a hearing must be held, when the supervisor requests the variation, a hearing is optional.

If the case manager fully supports an offender's application for a variation, the case manager may submit the request as if it were an application from the case manager.

When the case manager requests a variation of a conditional sentence order, the case manager must prepare all relevant documentation and provide copies to the offender, the Crown Attorney and the Court. If no hearing is requested, the variation comes into effect fourteen days after the court has received the copy of the application.

Once the variation comes into effect, the case manager must provide copies of the relevant documentation to the offender, the court and the local police.

Actions Taken by the Correctional System and the Courts when an Offender Breaches the Conditions of a Conditional Sentence

Breach of conditional sentence is considered as if it were an indictable offence for the purposes of arrest. Breach of a condition of a conditional sentence order may be alleged by a Probation Officer, a Parole Officer, or a Police Officer. The Probation/Parole Officer determines whether to proceed with a breach of a conditional sentence order

Discretion may be exercised with allegations of breach of conditional sentence, except in the case of a subsequent offence. In the latter circumstance the Probation/Parole Officer, within five working days of becoming aware of a subsequent criminal offence, will initiate an allegation of a breach of a conditional sentence for “failing to keep the peace and be of good behavior”.

For other types of breaches, if the probation officer decides that a suspension is in order, a breach is prepared, a warrant is issued and the offender is arrested by police. The supervision of the offender ends immediately upon issuing the suspension. The offender will be brought before a Justice for a hearing and a decision on immediate action (e.g. remand, continuation of supervision, etc.) to be taken until the case is heard by the courts.

It is the responsibility of the case manager to ensure that all required documentation is completed, filed and that copies are provided to all involved parties. The case manager will also ensure that the final decision is properly recorded.

Table 3.6.1

Conditional Sentences, Probation and Sentenced Custody by Sex, Ontario, 1997/98 to 2000/01¹

| | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|--------------|----------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| Male | 1997/98 | 3,300 | 76 | 29,935 | 83 | 30,979 | 91 |
| | 1998/99 | 2,870 | 76 | 28,713 | 83 | 29,742 | 91 |
| | 1999/00 | 3,356 | 78 | 27,938 | 83 | 28,026 | 91 |
| | 2000/01 | 3,246 | 77 | 29,021 | 83 | 28,328 | 91 |
| Female | 1997/98 | 1,069 | 24 | 6,182 | 17 | 2,992 | 9 |
| | 1998/99 | 914 | 24 | 5,881 | 17 | 3,073 | 9 |
| | 1999/00 | 932 | 22 | 5,667 | 17 | 2,721 | 9 |
| | 2000/01 | 965 | 23 | 5,969 | 17 | 2,671 | 9 |
| TOTAL | 1997/98 | 4,369 | 100 | 36,117 | 100 | 33,971 | 100 |
| | 1998/99 | 3,784 | 100 | 34,594 | 100 | 32,815 | 100 |
| | 1999/00 | 4,288 | 100 | 33,605 | 100 | 30,747 | 100 |
| | 2000/01 | 4,211 | 100 | 34,990 | 100 | 30,999 | 100 |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

Table 3.6.2

Conditional Sentences, Probation and Sentenced Custody by Aboriginal/Non-Aboriginal Status, Ontario, 1997/98 to 2000/01¹

| | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|----------------|----------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| Aboriginal | 1997/98 | 260 | 6 | 2,227 | 6 | 3,097 | 9 |
| | 1998/99 | 264 | 7 | 2,149 | 6 | 3,192 | 10 |
| | 1999/00 | 345 | 8 | 2,032 | 6 | 2,619 | 9 |
| | 2000/01 | 325 | 8 | 2,190 | 6 | 2,688 | 9 |
| Non-Aboriginal | 1997/98 | 4,109 | 94 | 33,890 | 94 | 30,874 | 91 |
| | 1998/99 | 3,520 | 93 | 32,445 | 94 | 29,623 | 90 |
| | 1999/00 | 3,943 | 92 | 31,573 | 94 | 28,128 | 91 |
| | 2000/01 | 3,886 | 92 | 32,800 | 94 | 28,311 | 91 |
| TOTAL | 1997/98 | 4,369 | 100 | 36,117 | 100 | 33,971 | 100 |
| | 1998/99 | 3,784 | 100 | 34,594 | 100 | 32,815 | 100 |
| | 1999/00 | 4,288 | 100 | 33,605 | 100 | 30,747 | 100 |
| | 2000/01 | 4,211 | 100 | 34,990 | 100 | 30,999 | 100 |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

Table 3.6.3

Conditional Sentences, Probation and Sentenced Custody by Age, Ontario, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|----------------|--------------------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | 18 to 24 | 903 | 21 | 10,556 | 29 | 8,975 | 26 |
| | 25 to 34 | 1,501 | 34 | 11,714 | 32 | 12,139 | 36 |
| | 35 to 49 | 1,522 | 35 | 11,084 | 31 | 10,849 | 32 |
| | 50 and over | 437 | 10 | 2,720 | 8 | 1,982 | 6 |
| | TOTAL⁴ | 4,363 | 100 | 36,074 | 100 | 33,945 | 100 |
| | Mean age | 33 | ... | 32.4 | ... | 32.2 | ... |
| | Median age | 35 | ... | 31 | ... | 31 | ... |
| Not stated | 6 | ... | 43 | ... | 25 | ... | |
| 1998/99 | 18 to 24 | 804 | 21 | 10,243 | 30 | 9,037 | 28 |
| | 25 to 34 | 1,181 | 31 | 10,597 | 31 | 11,190 | 34 |
| | 35 to 49 | 1,365 | 36 | 11,011 | 32 | 10,663 | 33 |
| | 50 and over | 430 | 11 | 2,691 | 8 | 1,887 | 6 |
| | TOTAL⁴ | 3,780 | 100 | 34,542 | 100 | 32,777 | 100 |
| | Mean age | 34 | ... | 32.6 | ... | 32.2 | ... |
| | Median age | 35 | ... | 31 | ... | 31 | ... |
| Not stated | 4 | ... | 52 | ... | 38 | ... | |
| 1999/00 | 18 to 24 | 928 | 22 | 9,872 | 29 | 8,506 | 28 |
| | 25 to 34 | 1,375 | 32 | 9,971 | 30 | 10,038 | 33 |
| | 35 to 49 | 1,530 | 36 | 11,092 | 33 | 10,295 | 34 |
| | 50 and over | 452 | 11 | 2,627 | 8 | 1,889 | 6 |
| | TOTAL⁴ | 4,285 | 100 | 33,562 | 100 | 30,728 | 100 |
| | Mean age | 33 | ... | 32.7 | ... | 32.4 | ... |
| | Median age | 35 | ... | 32 | ... | 31 | ... |
| Not stated | 3 | ... | 43 | ... | 19 | ... | |
| 2000/01 | 18 to 24 | 921 | 22 | 10,331 | 30 | .. | 27 |
| | 25 to 34 | 1,332 | 32 | 9,861 | 28 | .. | 31 |
| | 35 to 49 | 1,529 | 36 | 11,941 | 34 | .. | 35 |
| | 50 and over | 427 | 10 | 2,826 | 8 | .. | 6 |
| | TOTAL⁴ | 4,209 | 100 | 34,959 | 100 | 30,999 | 100 |
| | Mean age | 33 | ... | 32.9 | ... | 32.6 | ... |
| | Median age | 35 | ... | 32 | ... | 32 | ... |
| Not stated | 2 | ... | 31 | ... | .. | ... | |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. The 1997/98 total excludes one young offender.

4. Totals exclude "Not stated."

Table 3.6.4

Conditional Sentences, Probation and Sentenced Custody by Offence Group, Ontario, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|----------------|---|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | Violent | 1,373 | 31 | 14,768 | 41 | 6,734 | 20 |
| | Property | 2,030 | 47 | 13,699 | 38 | 12,177 | 36 |
| | Impaired/Dangerous Driving ⁴ | 148 | 3 | 2,428 | 7 | 2,773 | 8 |
| | Other CC | 365 | 8 | 3,150 | 9 | 8,544 | 25 |
| | Drugs | 364 | 8 | 1,447 | 4 | 2,950 | 9 |
| | Other Federal | 81 | 2 | 198 | 1 | 346 | 1 |
| | Provincial/Municipal | 2 | ... | 222 | 1 | 440 | 1 |
| | TOTAL⁵ | 4,363 | 100 | 35,912 | 100 | 33,964 | 100 |
| Not stated | 6 | ... | 18 | ... | 7 | ... | |
| 1998/99 | Violent | 1,262 | 33 | 14,749 | 43 | 10,561 | 32 |
| | Property | 1,598 | 42 | 13,098 | 38 | 12,091 | 37 |
| | Impaired/Dangerous Driving ⁴ | 109 | 3 | 1,774 | 5 | 2,040 | 6 |
| | Other CC | 277 | 7 | 2,936 | 9 | 4,644 | 14 |
| | Drugs | 477 | 13 | 1,595 | 5 | 2,766 | 8 |
| | Other Federal | 55 | 1 | 132 | 0 | 245 | 1 |
| | Provincial/Municipal | 4 | ... | 177 | 1 | 464 | 1 |
| | TOTAL⁵ | 3,782 | 100 | 34,461 | 100 | 32,811 | 100 |
| Not stated | 2 | ... | 8 | ... | 4 | ... | |
| 1999/00 | Violent | 1,413 | 33 | 14,896 | 45 | 8,010 | 26 |
| | Property | 1,639 | 38 | 10,760 | 32 | 9,064 | 29 |
| | Impaired/Dangerous Driving ⁴ | 130 | 3 | 1,774 | 5 | 2,578 | 8 |
| | Other CC | 329 | 8 | 3,809 | 11 | 7,732 | 25 |
| | Drugs | 694 | 16 | 1,809 | 5 | 2,110 | 7 |
| | Other Federal | 72 | 2 | 146 | 0 | 355 | 1 |
| | Provincial/Municipal | 3 | ... | 200 | 1 | 887 | 3 |
| | TOTAL⁵ | 4,280 | 100 | 33,394 | 100 | 30,736 | 100 |
| Not stated | 8 | ... | 38 | ... | 11 | ... | |
| 2000/01 | Violent | 1,329 | 32 | 15,866 | 45 | 8,342 | 27 |
| | Property | 1,548 | 37 | 10,648 | 31 | 8,591 | 28 |
| | Impaired/Dangerous Driving ⁴ | 136 | 3 | 1,924 | 6 | 2,377 | 8 |
| | Other CC | 332 | 8 | 4,035 | 12 | 8,247 | 27 |
| | Drugs | 788 | 19 | 2,016 | 6 | 2,136 | 7 |
| | Other Federal | 67 | 2 | 162 | 0 | 325 | 1 |
| | Provincial/Municipal | 3 | ... | 223 | 1 | 967 | 3 |
| | TOTAL⁵ | 4,203 | 100 | 34,874 | 100 | 30,985 | 100 |
| Not stated | 8 | ... | 46 | ... | 14 | ... | |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

4. Probation and sentenced custody admissions exclude dangerous driving offences.

5. Totals exclude "Not stated."

Table 3.6.5

Conditional Sentences, Probation and Sentenced Custody by Length of Sentence, Ontario, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|------------------------------|--------------------------------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | Less than 3 months | 854 | 20 | 346 | 1 | 21,245 | 63 |
| | 3 months | 597 | 14 | 342 | 1 | 3,797 | 11 |
| | More than 3 and less than 6 months | 493 | 11 | 247 | 1 | 2,676 | 8 |
| | 6 months | 946 | 22 | 2,678 | 7 | 1,229 | 4 |
| | More than 6 and less than 12 months | 531 | 12 | 1,254 | 3 | 1,919 | 6 |
| | 12 months | 457 | 10 | 14,713 | 41 | 544 | 2 |
| | More than 12 and less than 24 months | 438 | 10 | 7,050 | 20 | 1,363 | 4 |
| | 24 months or more | 53 | 1 | 9,487 | 26 | 1,198 | 4 |
| | TOTAL | 4,369 | 100 | 36,117 | 100 | 33,971 | 100 |
| | Mean (months) ⁴ | 7.1 | ... | 17.3 | ... | 3.0 | ... |
| Median (months) ⁴ | 6.0 | ... | 12.0 | ... | 1.5 | ... | |
| 1998/99 | Less than 3 months | 569 | 15 | 272 | 1 | 20,322 | 62 |
| | 3 months | 481 | 13 | 310 | 1 | 3,704 | 11 |
| | More than 3 and less than 6 months | 470 | 12 | 187 | 1 | 2,755 | 8 |
| | 6 months | 829 | 22 | 2,358 | 7 | 1,287 | 4 |
| | More than 6 and less than 12 months | 515 | 14 | 1,146 | 3 | 1,825 | 6 |
| | 12 months | 430 | 11 | 14,270 | 41 | 511 | 2 |
| | More than 12 and less than 24 months | 364 | 10 | 6,918 | 20 | 1,064 | 3 |
| | 24 months or more | 126 | 3 | 9,133 | 26 | 1,347 | 4 |
| | TOTAL | 3,784 | 100 | 34,594 | 100 | 32,815 | 100 |
| | Mean (months) ⁴ | 7.6 | ... | 17.4 | ... | 2.9 | ... |
| Median (months) ⁴ | 6.0 | ... | 12.0 | ... | 1.5 | ... | |
| 1999/00 | Less than 3 months | 684 | 16 | 225 | 1 | 19,587 | 64 |
| | 3 months | 542 | 13 | 310 | 1 | 3,529 | 11 |
| | More than 3 and less than 6 months | 488 | 11 | 192 | 1 | 2,481 | 8 |
| | 6 months | 904 | 21 | 2,025 | 6 | 1,052 | 3 |
| | More than 6 and less than 12 months | 609 | 14 | 1,218 | 4 | 1,613 | 5 |
| | 12 months | 453 | 11 | 14,273 | 42 | 398 | 1 |
| | More than 12 and less than 24 months | 429 | 10 | 6,775 | 20 | 873 | 3 |
| | 24 months or more | 179 | 4 | 8,587 | 26 | 1,214 | 4 |
| | TOTAL | 4,288 | 100 | 33,605 | 100 | 30,747 | 100 |
| | Mean (months) ⁴ | 7.7 | ... | 17.2 | ... | 2.7 | ... |
| Median (months) ⁴ | 6.0 | ... | 12.0 | ... | 1.5 | ... | |
| 2000/01 | Less than 3 months | 759 | 18 | 394 | 1 | 20,285 | 65 |
| | 3 months | 454 | 11 | 337 | 1 | 3,189 | 10 |
| | More than 3 and less than 6 months | 509 | 12 | 228 | 1 | 2,545 | 8 |
| | 6 months | 808 | 19 | 2,192 | 6 | 983 | 3 |
| | More than 6 and less than 12 months | 586 | 14 | 1,088 | 3 | 1,596 | 5 |
| | 12 months | 495 | 12 | 15,392 | 44 | 417 | 1 |
| | More than 12 and less than 24 months | 574 | 14 | 7,504 | 21 | 944 | 3 |
| | 24 months or more | 26 | 1 | 7,855 | 22 | 1,040 | 3 |
| | TOTAL | 4,211 | 100 | 34,990 | 100 | 30,999 | 100 |
| | Mean (months) ⁴ | 7.7 | ... | 16.3 | ... | 2.7 | ... |
| Median (months) ⁴ | 6.0 | ... | 12.0 | ... | 1.3 | ... | |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

4. Sentenced custody data in days was divided by 30 to convert to months, and excludes sentences of 24 months or more.

Table 3.6.6

Conditional Sentence Commencements by Type of Condition Imposed, Ontario, 1997/98 to 2000/01¹

| Years | Optional conditions | Total | Proportion of commencements with conditions |
|---|---|----------------------------|---|
| | | Number | % |
| 1997/98 | Abstain from alcohol/drugs | 1,222 | 28 |
| | Weapons restriction | 630 | 14 |
| | Perform community service | 1,020 | 23 |
| | Other treatment program | 2,141 | 49 |
| | Association restriction | 1,305 | 30 |
| | House arrest without electronic monitoring | 5 | 0 |
| | Curfew | 819 | 19 |
| | Maintain employment | 59 | 1 |
| | Maintain residence | 992 | 23 |
| | Restitution | 510 | 12 |
| | Education | 201 | 5 |
| | Other ² | 9,822 | ... |
| | Total Optional Conditions Ordered | 18,726 | ... |
| | Total Conditional Sentence Commencements | | 4,369 |
| | 1998/99 | Abstain from alcohol/drugs | 1,200 |
| Weapons restriction | | 630 | 17 |
| Perform community service | | 914 | 24 |
| Other treatment program | | 2,056 | 54 |
| Association restriction | | 1,347 | 36 |
| House arrest without electronic monitoring | | 65 | 2 |
| Curfew | | 937 | 25 |
| Maintain employment | | 634 | 17 |
| Maintain residence | | 924 | 24 |
| Restitution | | 432 | 11 |
| Education | | 167 | 4 |
| Other ² | | 9,297 | ... |
| Total Optional Conditions Ordered | | 18,603 | ... |
| Total Conditional Sentence Commencements | | | 3,784 |
| 1999/00 | | Abstain from alcohol/drugs | 1,274 |
| | Weapons restriction | 800 | 19 |
| | Perform community service | 1,121 | 26 |
| | Other treatment program | 2,004 | 47 |
| | Association restriction | 1,545 | 36 |
| | House arrest without electronic monitoring | 119 | 3 |
| | Curfew | 1,546 | 36 |
| | Maintain employment | 737 | 17 |
| | Maintain residence | 1,493 | 35 |
| | Restitution | 471 | 11 |
| | Education | 182 | 4 |
| | Other ² | 12,017 | ... |
| | Total Optional Conditions Ordered | 23,309 | ... |
| | Total Conditional Sentence Commencements | | 4,288 |

Table 3.6.6 (continued)

Conditional Sentence Commencements by Type of Condition Imposed, Ontario, 1997/98 to 2000/01¹

| Years | Optional conditions | Total | Proportion of commencements with conditions |
|---|--|--------|---|
| | | Number | % |
| 2000/01 | Abstain from alcohol/drugs | 1,380 | 33 |
| | Weapons restriction | 817 | 19 |
| | Perform community service | 939 | 22 |
| | Other treatment program | 1,838 | 44 |
| | Association restriction | 1,493 | 35 |
| | House arrest without electronic monitoring | 408 | 10 |
| | Curfew | 1,854 | 44 |
| | Maintain employment | 680 | 16 |
| | Maintain residence | 1,992 | 47 |
| | Restitution | 415 | 10 |
| | Education | 139 | 3 |
| | Other ² | 15,822 | ... |
| | Total Optional Conditions Ordered | | 27,777 |
| Total Conditional Sentence Commencements | | | 4,211 |

1. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

2. There may be more than one “other” condition on an order and therefore, expressing the number in proportion to commencements is inappropriate.

Table 3.6.7

Conditional Sentence Breaches by Outcome, Ontario, 1997/98 to 2000/01¹

| Years | | Number | % of breaches | % of terminations |
|---------|---|--------------|---------------|-------------------|
| 1997/98 | Total conditional sentence terminations | 3,754 | ... | 100 |
| | Total breaches | 447 | 100 | 12 |
| | Remain in community with no change in conditions of the order (no action) | 149 | 33 | 4 |
| | Remain in community and amend conditions of the order | 108 | 24 | 3 |
| | Admit to custody temporarily (suspend order) | 77 | 17 | 2 |
| | Admit to custody for duration of sentence (terminate order) | 113 | 25 | 3 |
| | Total successfully completed | 3,307 | ... | 88 |
| 1998/99 | Total conditional sentence terminations | 3,863 | ... | 100 |
| | Total breaches | 398 | 100 | 10 |
| | Remain in community with no change in conditions of the order (no action) | 112 | 28 | 3 |
| | Remain in community and amend conditions of the order | 119 | 30 | 3 |
| | Admit to custody temporarily (suspend order) | 92 | 23 | 2 |
| | Admit to custody for duration of sentence (terminate order) | 75 | 19 | 2 |
| | Total successfully completed | 3,465 | ... | 90 |
| 1999/00 | Total conditional sentence terminations | 4,153 | ... | 100 |
| | Total breaches | 438 | 100 | 11 |
| | Remain in community with no change in conditions of the order (no action) | 111 | 25 | 3 |
| | Remain in community and amend conditions of the order | 89 | 20 | 2 |
| | Admit to custody temporarily (suspend order) | 110 | 25 | 3 |
| | Admit to custody for duration of sentence (terminate order) | 128 | 29 | 3 |
| | Total successfully completed | 3,715 | ... | 89 |
| 2000/01 | Total conditional sentence terminations | 4,352 | ... | 100 |
| | Total breaches | 477 | 100 | 11 |
| | Remain in community with no change in conditions of the order (no action) | 132 | 28 | 3 |
| | Remain in community and amend conditions of the order | 105 | 22 | 2 |
| | Admit to custody temporarily (suspend order) | 128 | 27 | 3 |
| | Admit to custody for duration of sentence (terminate order) | 112 | 23 | 3 |
| | Total successfully completed | 3,875 | ... | 89 |

1. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics. Percentages may not total exactly as shown due to rounding. Figures are based on releases; therefore, they are not the same as the number of commencements reported.

3.7 Manitoba

Trends in Conditional Sentences, Probation and Sentenced Custody ⁴⁵

Current Caseload

In 2000/01 there were 705 conditional sentence commencements⁴⁶ in Manitoba, representing approximately 7% of sentenced correctional service commencements. Probationers comprised 65% while the remaining 28% were sentenced custody. **Note:** There were major changes to local data collection with the implementation of the new information system COMS in Manitoba. Accordingly, data for 1999/00 and 2000/01 are generally not comparable to those of earlier years (Table 3.7).

Table 3.7

Adult Admissions to Correctional Service Programs, Manitoba, 1991/92 to 2000/01

| | 1991/92 | 1992/93 | 1993/94 | 1994/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 | 2000/01 |
|--------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------|---------------|
| Sentenced custody ¹ | 3,697 | 3,587 | 3,140 | 3,036 | 2,433 | 2,069 | 1,439 | 1,393 | 3,284 | 2,901 |
| Probation | 3,131 | 3,221 | 2,959 | 3,610 | 3,209 | 3,657 | 3,659 | 4,426 | .. | 6,811 |
| Conditional sentences | ... | ... | ... | ... | ... | .. | 526 | 672 | 584 | 705 |
| TOTAL | 6,828 | 6,808 | 6,099 | 6,646 | 5,642 | 5,726 | 5,624 | 6,491 | ... | 10,417 |

1. Due to system and data source changes, comparisons of 1999/00 and 2000/01 data with prior years are strongly cautioned.

Source: Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

On any given day in 2000/01, there was an average of 440 offenders supervised on conditional sentence, representing a large overall increase from the 171 offenders in 1997/98, but an 11% decrease from the 534 reported for 1999/00. On average, offenders on conditional sentence represented between 5% and 7% of all offenders being supervised. Similarly, the percentage of those on sentenced custody has fluctuated between 8% and 10% while the proportion of those on probation has remained in the 84% to 86% range. Overall, the average count of offenders under supervision has increased each year since 1997/98 – the average of 7,476 offenders represents an increase of 24% over this time period.

45. **Source:** The Adult Correctional Services Survey. Note: probation data not available for 1999/00; custody data drawn from COMS for 1999/00 and 2000/01, probation for 2000/01. Admission rates are calculated per 10,000 adults charged using Uniform Crime Reporting Survey data.

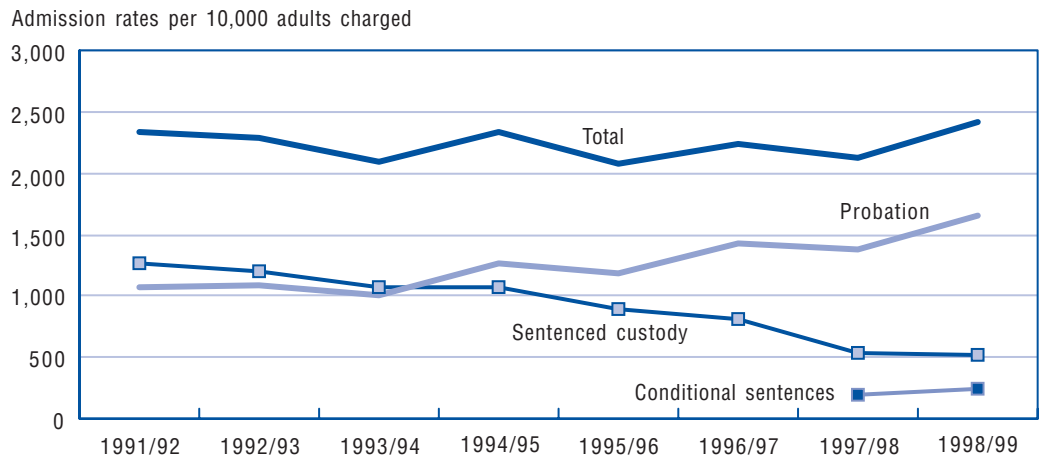
46. Correctional services commencements refer to the combined total of conditional sentence commencements, probation commencements and sentenced custody admissions.

Admission rates - 1991/92 to 2000/01⁴⁷

In 2000/01, there were 3,720 sentenced correctional services commencements per 10,000 adults charged in Manitoba. Of these, the rate for conditional sentences was 252; 1,036 for sentenced custody; and 2,432 for probation. Due to comparability and coverage issues, the rate for conditional sentences cannot be compared to earlier years. Admission rate trends prior to 1999/00 are displayed in Figure 7.1.

Figure 7.1

Admission rates per 10,000 adults charged, Manitoba, 1991/92 to 1998/99



Note: Graph does not include 1999/00 and 2000/01 due to incomparable sentenced custody data for these years and unavailable probation data for 1999/00. Although conditional sentencing became an option in September, 1996, data for 1996/97 is not available.

Source: Adult Correctional Services Survey, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics.

Characteristics of conditional sentences, 1997/98 to 2000/01⁴⁸

Sex of Offenders

In 2000/01, male offenders comprised 80% of conditional sentence commencements. In comparison, male offenders accounted for 85% of probation commencements and 94% of sentenced custody admissions. These proportions have been consistent since 1997/98 for both conditional sentences and sentenced custody (data for probation are not available) (Table 3.7.1).

Aboriginal/non-Aboriginal Offenders

According to the 2001 Canadian Census of Population, Aboriginal people comprised 11% of the adult population in Manitoba. In 2000/01, 49% of offenders commencing a conditional sentence were Aboriginal – an increase from 40% in 1997/98. In comparison, Aboriginal offenders comprised 46% of probation commencements (data for earlier years are unavailable). With respect to sentenced custody, the percentage of Aboriginal persons

47. Rate trends are not available after 1998/99 due to coverage issues. Rates for 2000/01 are based on data from the new local information system and are not comparable to prior years.

48. **Sources:** Conditional Sentencing Special Study, 2002 for characteristics of conditional sentences; Adult Correctional Services (ACS) Survey for probation and sentenced custody.

ranged from 59% to 64% over the four-year period ending in 2000/01 (caution should be used when comparing ACS-based frequency distributions over the four-year period given the major change in information reporting systems) (Table 3.7.2).

Age of Offenders⁴⁹

In 2000/01, the median age was 29 for conditional sentence commencements as well as for probation and sentenced custody. Over the four-year period between 1997/98 and 2000/01, the median age for conditional sentence commencements ranged from 28 to 30, and between 29 and 30 for sentenced custody.

In 2000/01, two-thirds of offenders commencing conditional sentences were aged 34 or less. This age group has remained relatively stable accounting for between 66% and 70% over the four-year period (Table 3.7.3).

Type of offence⁵⁰

In 2000/01, 41% of conditional sentences involved a violent offence, up steadily from the 36% reported in 1997/98. Property crime comprised 27%, down from 37% in 1997/98 while drug-related offences have fluctuated between 19% and 23% (20% in 2000/01).

While data for probation are not available, 50% of sentenced custody admissions were for violent offences in 2000/01, up steadily from the 32% reported for 1997/98. Steady decreases were reported during this period for both property crime (down from 26% to 22%) and 'other Criminal Code' (down from 19% to 11%). As indicated, caution should be used when comparing data before and after 1999/00 (Table 3.7.4).

The offence profile of conditional sentences differed by Aboriginal status. In 2000/01, among Aboriginal offenders, violent offences were the most common, accounting for 53% of all Aboriginal persons commencing a conditional sentence, compared to 29% for non-Aboriginal offenders. For non-Aboriginal persons, the most common offence grouping was property-related crime, accounting for 35% compared to 19% for Aboriginal persons. Drug-related offences were more frequent for non-Aboriginal offenders (28% versus 12%).

Sentence length

The mean sentence lengths for offenders commencing a conditional sentence in 2000/01 was 10.0 months, up from 8.1 months reported in 1997/98. Overall, almost half (47%) of conditional sentences were for terms of six months or less while 39% were for one year or longer. Regarding admissions to programs of sentenced custody, 75% were for periods of six months or less and 6% were for two years or greater (note that sentence length was unknown for 16% of conditional sentences). For probation, almost three-quarters (75%) were for terms one year in length or longer. One-third of all probation commencements were for greater than two years. In 2000/01, the median sentence length was 90 days for custody and 18 months for probation (Table 3.7.5).

The mean sentence length for conditional sentencing differs according to Aboriginal status. In 2000/01, the mean conditional sentence length for Aboriginal offenders was 8.8 months, an increase from 6.7 months in 1997/98. Conversely, for non-Aboriginal offenders, the mean increased from 8.9 months to 11 months.

49. Age based on age at time of program commencement.

50. Offence data for Manitoba are based on most serious offence where there is more than one type of offence in a case.

The mean sentence length also differs by sex of the offender. In 2000/01 the mean sentence length for male offenders was 10.1 months, up steadily from the 8.2 months reported for 1997/98. Conversely, the mean for female offenders was 9.7 months, representing an increase from the 7.7 months reported four years earlier.

Optional Conditions

In 2000/01, the most prevalent condition attached to a conditional sentence was ‘abstention from alcohol/drugs’, present in 79% of the 705 conditional sentence commencements. In addition, 55% included a condition to attend a treatment program, 48% specified that the offender maintain residence, 47% ordered house arrest and 43% imposed a curfew. A further 43% of conditional sentence commencements included a condition placing restrictions on association.

The prevalence of these conditions has increased steadily from 1997/98 for all of these conditions except for the imposition of a curfew. For example, the 79% of conditional sentence commencements with the ‘abstention from alcohol/drugs’ condition represents a steady increase from the 63% reported in 1997/98. Similarly, order to attend treatment rose from 35% in 1997/98 to 55% in 2000/01. Conversely, curfews were ordered in 43% of commencements in 2000/01, a decrease from the 66% in 1997/98 (Table 3.7.6).

Terminations and Violations of Conditions

In 2000/01, there were 590 conditional sentence terminations of which 397 (67%) were completed successfully. The proportion of conditional sentences completed successfully has decreased each year from 1997/98 and 1998/99, during which 83% in each year were completed successfully. Of the 193 breaches with known outcomes in 2000/01, 53% involved the offender being admitted to custody for the duration of the sentence, 25% were admitted temporarily to custody on suspension, 16% remained in the community with amended conditions, and 6% remained in the community with no changes (Table 3.7.7).

During the four-year period between 1997/98 and 2000/01, there has been fluctuation in the extent to which offenders were incarcerated as a result of conditional sentence breach. As indicated, 53% of offenders were admitted to custody to complete their sentences, a steady increase from 46% in 1998/99, but relatively consistent with the 54% reported for 1997/98. However, the proportion of individuals admitted temporarily to custody on suspension has increased each year, from 11% in 1997/98 to 25% in 2000/01. Overall, 78% of individuals breaching their conditional sentences in 2000/01 were incarcerated, up steadily from 65% reported for both 1997/98 and 1998/99.

A Correctional Service Description of Processing Conditional Sentences and Violations of Conditions⁵¹

Program Orientation

The Probation Officer is to set up an in-person appointment with the offender within one week of sentencing. Thereafter, schedule in-person appointments with the offender on a weekly basis until the post-sentence summary has been completed, risk level has been ascertained and an action plan has been established. In rural and remote areas, where weekly contact is not possible, within one week, an in-person appointment is to be scheduled for the Probation Officer’s next trip to the community.

51. Source: Manitoba Justice, Corrections Division

Supervision Standards

The Primary (and when applicable Secondary) Risk Assessment(s) provides a risk/needs profile of the offender and are used, with the Post-sentence summary to develop an action plan. There are three levels of risk:

High Risk (level one)

In-person contact (related to action plan/criminogenic needs) with offender once per month, one other interactive contact (e.g. telephone or in-person) once per month, and collateral(s) contacted once per month.

Medium Risk (level two)

In-person interactive (related to action plan/criminogenic needs) contact with offender once per month and collateral(s) contacted once per month.

Low Risk (level three)

In-person interactive (related to action plan/criminogenic needs) contact with offender once per month.

All levels will receive complementary supervision and support where available (e.g. Intensive Support and Supervision). Where the in-person contact cannot be met by the Probation Officer (e.g. remote and northern areas) use of authorized personnel (e.g. Health Protection Officer) should apply.

Enforcement

Curfew:

Depending on the region, curfews are enforced by telephone, personal visits, or by police visits.

Firearm Prohibition:

Enforced by the police

Varying the Conditions Ordered

Proposals to change an optional condition may be made by the supervising probation officer, the crown or the offender. When the crown or the offender proposes a change of an optional condition, a hearing must be held.

When the supervising probation officer proposes a change, a hearing is only necessary if any of the other parties (Judge/Crown/Defense) requests a hearing within the seven days. Where no hearing is requested, the supervisor's proposal(s) come into force automatically after 14 days. The probation officer will only propose a change if it is needed for the action plan.

The relevant documents must be completed and copies must be provided first to the offender and the Crown Attorney and then to the court office. The proposal is brought forward for fourteen days and if no one has requested a hearing, the probation officer must notify the offender of the change and file proof of the offender notification with the court office.

If an offender wishes to propose a change, the offender should go to the court office. Court staff will assist the offender to complete the proposal. If the offender prefers, the offender can request the assistance of a lawyer, or the probation officer may give the offender a copy of the form and help him/her complete it.

Transfer Procedures Among the Jurisdictions

Conditional sentence offenders are required to remain within the jurisdiction of the Court (generally that means the province/territory) unless otherwise given permission. Although not absolutely necessary, transfer of jurisdiction is preferable for court enforcement purposes by the court and should be expedited by the sending jurisdiction.

Conditional sentence offenders are supervised in the province in which (s)he currently dwells, whether or not (s)he has a fixed address.

When an offender advises of his/her intent to move to another province, the probation officer must contact the probation office nearest the offender's intended residence to let them know of the offender's pending relocation and arrange for the transfer of documents and critical information. The probation officer must prepare, collect and forward to the receiving province all relevant documentation. (If an out-of-province transfer is received, the probation officer must request the documentation from the sending province.)

After contacting the receiving jurisdiction, the offender must be instructed to report in person to the receiving office on a given date. If the offender fails to comply with the instructions provided to report in the new jurisdiction, the sending supervisor is responsible for the allegation of breach of a conditional sentence.

As soon as the new office confirms that the offender has reported, at this point, the offender is considered to be the full responsibility of the receiving jurisdiction (including breaches).

Actions Taken by the Correctional System and the Courts when an Offender Breaches the conditions of a Conditional Sentence

Proceed by warrant for all conditional sentence breaches. If the magistrate refuses to authorize a warrant, a summons is an alternative, but only if the offender is already detained or before the court. The probation officer must complete the Allegation of Non-Compliance with a Conditional Sentence Order and Probation Officer's (Supervisor's) Report.

A breach of a conditional sentence is not an offence – a charge or information is not laid. The supervisor's report is prepared and a warrant is obtained. The probation officer is responsible for ensuring the Crown and the offender both receive a copy of the report.

Table 3.7.1

Conditional Sentences, Probation and Sentenced Custody by Sex, Manitoba, 1997/98 to 2000/01¹

| | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|--------------------------|----------------------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| Male | 1997/98 | 309 | 78 | .. | ... | 1,332 | 93 |
| | 1998/99 | 385 | 79 | .. | ... | 1,309 | 94 |
| | 1999/00 | 476 | 80 | .. | ... | 3,079 | 94 |
| | 2000/01 | 567 | 80 | 5,757 | 85 | 2,734 | 94 |
| Female | 1997/98 | 87 | 22 | .. | ... | 107 | 7 |
| | 1998/99 | 101 | 21 | .. | ... | 84 | 6 |
| | 1999/00 | 117 | 20 | .. | ... | 205 | 6 |
| | 2000/01 | 138 | 20 | 1,049 | 15 | 167 | 6 |
| TOTAL⁴ | 1997/98 | 396 | 100 | 3,659 | 100 | 1,439 | 100 |
| | 1998/99 | 486 | 100 | 4,426 | 100 | 1,393 | 100 |
| | 1999/00 | 593 | 100 | .. | ... | 3,284 | 100 |
| | 2000/01⁵ | 705 | 100 | 6,806 | 100 | 2,901 | 100 |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. Due to system and data source changes, comparisons of 1999/00 and 2000/01 sentenced custody data with prior years are not recommended.

4. Totals exclude "Not stated."

5. Total excludes 5 probation commencements where sex is unknown.

Table 3.7.2

Conditional Sentences, Probation and Sentenced Custody by Aboriginal/Non-Aboriginal Status, Manitoba, 1997/98 to 2000/01¹

| | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|--------------------------|----------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| Aboriginal | 1997/98 | 157 | 40 | .. | ... | 872 | 61 |
| | 1998/99 | 214 | 44 | .. | ... | 816 | 59 |
| | 1999/00 | 248 | 42 | .. | ... | 2,077 | 63 |
| | 2000/01 | 345 | 49 | 3,134 | 46 | 1,854 | 64 |
| Non-Aboriginal | 1997/98 | 239 | 60 | .. | ... | 557 | 39 |
| | 1998/99 | 270 | 56 | .. | ... | 577 | 41 |
| | 1999/00 | 344 | 58 | .. | ... | 1,207 | 37 |
| | 2000/01 | 360 | 51 | 3,677 | 54 | 1,047 | 36 |
| TOTAL⁴ | 1997/98 | 396 | 100 | 3,659 | 100 | 1,429 | 100 |
| | 1998/99 | 484 | 100 | 4,426 | 100 | 1,393 | 100 |
| | 1999/00 | 592 | 100 | .. | ... | 3,284 | 100 |
| | 2000/01 | 705 | 100 | 6,811 | 100 | 2,901 | 100 |
| Not stated | 1997/98 | 0 | ... | .. | ... | 10 | ... |
| | 1998/99 | 2 | ... | .. | ... | .. | ... |
| | 1999/00 | 1 | ... | .. | ... | .. | ... |
| | 2000/01 | 0 | ... | .. | ... | .. | ... |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. Due to system and data source changes, comparisons of 1999/00 and 2000/01 sentenced custody data with prior years are not recommended.

4. Totals exclude "Not stated."

Table 3.7.3
Conditional Sentences, Probation and Sentenced Custody by Age, Manitoba, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|----------------|--------------------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | 18 to 24 | 141 | 36 | .. | ... | 431 | 30 |
| | 25 to 34 | 134 | 34 | .. | ... | 511 | 36 |
| | 35 to 49 | 91 | 23 | .. | ... | 399 | 28 |
| | 50 and over | 30 | 8 | .. | ... | 96 | 7 |
| | TOTAL⁴ | 396 | 100 | 3,659 | 100 | 1,437 | 100 |
| | Mean age | 31.1 | ... | .. | ... | .. | ... |
| | Median age | 28 | ... | .. | ... | 30 | ... |
| Not stated | 0 | ... | .. | ... | .. | ... | |
| 1998/99 | 18 to 24 | 157 | 32 | .. | ... | 405 | 29 |
| | 25 to 34 | 163 | 34 | .. | ... | 506 | 36 |
| | 35 to 49 | 132 | 27 | .. | ... | 371 | 27 |
| | 50 and over | 34 | 7 | .. | ... | 107 | 8 |
| | TOTAL⁴ | 486 | 100 | 4,426 | 100 | 1,389 | 100 |
| | Mean age | 31.5 | ... | .. | ... | .. | ... |
| | Median age | 29 | ... | .. | ... | 30 | ... |
| Not stated | 0 | ... | .. | ... | .. | ... | |
| 1999/00 | 18 to 24 | 201 | 34 | .. | ... | 1,104 | 34 |
| | 25 to 34 | 191 | 32 | .. | ... | 1,206 | 37 |
| | 35 to 49 | 155 | 26 | .. | ... | 819 | 25 |
| | 50 and over | 46 | 8 | .. | ... | 155 | 5 |
| | TOTAL⁴ | 593 | 100 | .. | ... | 3,284 | 100 |
| | Mean age | 31.7 | ... | .. | ... | 30.5 | ... |
| | Median age | 30 | ... | .. | ... | 29 | ... |
| Not stated | 0 | ... | .. | ... | .. | ... | |
| 2000/01 | 18 to 24 | 239 | 34 | 2,172 | 32 | 943 | 33 |
| | 25 to 34 | 233 | 33 | 2,240 | 33 | 1,019 | 35 |
| | 35 to 49 | 197 | 28 | 1,965 | 29 | 799 | 28 |
| | 50 and over | 36 | 5 | 398 | 6 | 140 | 5 |
| | TOTAL⁴ | 705 | 100 | 6,775 | 100 | 2,901 | 100 |
| | Mean age | 31.0 | ... | 31.4 | ... | 30.8 | ... |
| | Median age | 29 | ... | 29 | ... | 29 | ... |
| Not stated | 0 | ... | 36 | ... | .. | ... | |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. Due to system and data source changes, comparisons of 1999/00 and 2000/01 sentenced custody data with prior years are not recommended.

4. Totals exclude "Not stated." Total sentenced custody excludes young offenders in 1997/98 (2) and 1998/99 (4).

Table 3.7.4

Conditional Sentences, Probation and Sentenced Custody by Offence Group, Manitoba, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|----------------|---|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | Violent | 141 | 36 | .. | ... | .. | 32 |
| | Property | 148 | 37 | .. | ... | .. | 26 |
| | Impaired/Dangerous Driving ⁴ | 10 | 3 | .. | ... | .. | 10 |
| | Other CC | 21 | 5 | .. | ... | .. | 19 |
| | Drugs | 76 | 19 | .. | ... | .. | 7 |
| | Other Federal | 0 | 0 | .. | ... | .. | 4 |
| | Provincial/Municipal | ... | ... | .. | ... | .. | 2 |
| | TOTAL⁵ | 396 | 100 | 3,659 | 100 | 1,439 | 100 |
| Not stated | 0 | ... | .. | ... | .. | ... | |
| 1998/99 | Violent | 194 | 40 | .. | ... | .. | 33 |
| | Property | 141 | 29 | .. | ... | .. | 27 |
| | Impaired/Dangerous Driving ⁴ | 9 | 2 | .. | ... | .. | 10 |
| | Other CC | 32 | 7 | .. | ... | .. | 20 |
| | Drugs | 110 | 23 | .. | ... | .. | 5 |
| | Other Federal | 0 | 0 | .. | ... | .. | 3 |
| | Provincial/Municipal | ... | ... | .. | ... | .. | 2 |
| | TOTAL⁵ | 486 | 100 | 4,426 | 100 | 1,393 | 100 |
| Not stated | 0 | ... | .. | ... | .. | ... | |
| 1999/00 | Violent | 235 | 40 | .. | ... | 1,452 | 46 |
| | Property | 182 | 31 | .. | ... | 793 | 25 |
| | Impaired/Dangerous Driving ⁴ | 13 | 2 | .. | ... | 232 | 7 |
| | Other CC | 34 | 6 | .. | ... | 420 | 13 |
| | Drugs | 129 | 22 | .. | ... | 35 | 1 |
| | Other Federal | 0 | 0 | .. | ... | 161 | 5 |
| | Provincial/Municipal | ... | ... | .. | ... | 32 | 1 |
| | TOTAL⁵ | 593 | 100 | .. | ... | 3,125 | 100 |
| Not stated | 0 | ... | .. | ... | 159 | ... | |
| 2000/01 | Violent | 289 | 41 | .. | ... | 1,345 | 50 |
| | Property | 192 | 27 | .. | ... | 595 | 22 |
| | Impaired/Dangerous Driving ⁴ | 24 | 3 | .. | ... | 217 | 8 |
| | Other CC | 60 | 9 | .. | ... | 311 | 11 |
| | Drugs | 139 | 20 | .. | ... | 53 | 2 |
| | Other Federal | 1 | 0 | .. | ... | 158 | 6 |
| | Provincial/Municipal | ... | ... | .. | ... | 33 | 1 |
| | TOTAL⁵ | 705 | 100 | 6,811 | 100 | 2,712 | 100 |
| Not stated | 0 | ... | .. | ... | 189 | ... | |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. Due to system and data source changes, comparisons of 1999/00 and 2000/01 sentenced custody data with prior years are not recommended.

4. Probation and sentenced custody admissions exclude dangerous driving offences.

5. Totals exclude "Not stated."

Table 3.7.5

Conditional Sentences, Probation and Sentenced Custody by Length of Sentence, Manitoba, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|------------------------------|--------------------------------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | Less than 3 months | 36 | 9 | .. | ... | .. | 37 |
| | 3 months | 49 | 12 | .. | ... | .. | 11 |
| | More than 3 and less than 6 months | 52 | 13 | .. | ... | .. | 12 |
| | 6 months | 97 | 24 | .. | ... | .. | 8 |
| | More than 6 and less than 12 months | 51 | 13 | .. | ... | .. | 12 |
| | 12 months | 55 | 14 | .. | ... | .. | 5 |
| | More than 12 and less than 24 months | 39 | 10 | .. | ... | .. | 11 |
| | 24 months or more | 17 | 4 | .. | ... | .. | 2 |
| | TOTAL⁴ | 396 | 100 | 3,659 | 100 | 1,439 | 100 |
| | Mean (months) ⁵ | 8.1 | ... | .. | ... | 6.2 | ... |
| Median (months) ⁵ | 6.0 | ... | .. | ... | 3.8 | ... | |
| Not stated | 0 | ... | .. | ... | .. | ... | |
| 1998/99 | Less than 3 months | 31 | 6 | .. | ... | .. | 35 |
| | 3 months | 69 | 14 | .. | ... | .. | 12 |
| | More than 3 and less than 6 months | 62 | 13 | .. | ... | .. | 13 |
| | 6 months | 122 | 25 | .. | ... | .. | 8 |
| | More than 6 and less than 12 months | 62 | 13 | .. | ... | .. | 13 |
| | 12 months | 64 | 13 | .. | ... | .. | 6 |
| | More than 12 and less than 24 months | 48 | 10 | .. | ... | .. | 10 |
| | 24 months or more | 28 | 6 | .. | ... | .. | 3 |
| | TOTAL⁴ | 486 | 100 | 4,426 | 100 | 1,393 | 100 |
| | Mean (months) ⁵ | 8.4 | ... | .. | ... | 6.3 | ... |
| Median (months) ⁵ | 6.0 | ... | .. | ... | 4.0 | ... | |
| Not stated | 0 | ... | .. | ... | .. | ... | |
| 1999/00 | Less than 3 months | 36 | 6 | .. | ... | 1,211 | 42 |
| | 3 months | 59 | 10 | .. | ... | 334 | 12 |
| | More than 3 and less than 6 months | 56 | 9 | .. | ... | 308 | 11 |
| | 6 months | 135 | 23 | .. | ... | 227 | 8 |
| | More than 6 and less than 12 months | 87 | 15 | .. | ... | 288 | 10 |
| | 12 months | 103 | 17 | .. | ... | 123 | 4 |
| | More than 12 and less than 24 months | 76 | 13 | .. | ... | 195 | 7 |
| | 24 months or more | 41 | 7 | .. | ... | 187 | 7 |
| | TOTAL⁴ | 593 | 100 | .. | ... | 2,873 | 100 |
| | Mean (months) ⁵ | 9.4 | ... | .. | ... | 4.7 | ... |
| Median (months) ⁵ | 8.0 | ... | .. | ... | 3.0 | ... | |
| Not stated | 0 | ... | .. | ... | 411 | ... | |

Table 3.7.5 (continued)

Conditional Sentences, Probation and Sentenced Custody by Length of Sentence, Manitoba, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|----------------|--------------------------------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 2000/01 | Less than 3 months | 40 | 6 | 156 | 2 | 1,083 | 44 |
| | 3 months | 56 | 8 | 86 | 1 | 310 | 13 |
| | More than 3 and less than 6 months | 75 | 11 | 228 | 3 | 277 | 11 |
| | 6 months | 159 | 23 | 173 | 3 | 149 | 6 |
| | More than 6 and less than 12 months | 97 | 14 | 1,113 | 17 | 205 | 8 |
| | 12 months | 115 | 16 | 765 | 11 | 81 | 3 |
| | More than 12 and less than 24 months | 100 | 14 | 1,978 | 29 | 176 | 7 |
| | 24 months or more | 63 | 9 | 2,242 | 33 | 157 | 6 |
| | TOTAL⁴ | 705 | 100 | 6,741 | 100 | 2,438 | 100 |
| | Mean (months) ⁵ | 10.0 | ... | 19.1 | ... | 4.5 | ... |
| | Median (months) ⁵ | 8.0 | ... | 18.0 | ... | 3.0 | ... |
| | Not stated | 0 | ... | 70 | ... | 463 | ... |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. Due to system and data source changes, comparisons of 1999/00 and 2000/01 sentenced custody data with prior years are not recommended.

4. Totals exclude "Not stated."

5. Sentenced custody data in days was divided by 30 to convert to months, and excludes sentences of 24 months or more.

Table 3.7.6

Conditional Sentence Commencements by Type of Condition Imposed, Manitoba, 1997/98 to 2000/01¹

| Years | Optional conditions | Total | Proportion of commencements with conditions |
|----------------|---|--|---|
| | | Number | % |
| 1997/98 | No optional conditions | 14 | 4 |
| | Abstain from alcohol/drugs | 248 | 63 |
| | Weapons restriction | 59 | 15 |
| | Perform community service | 169 | 43 |
| | Alcohol/drug rehabilitation program | 119 | 30 |
| | Other treatment program | 138 | 35 |
| | Association restriction | 120 | 30 |
| | House arrest without electronic monitoring | 21 | 5 |
| | Curfew | 261 | 66 |
| | Maintain employment | 26 | 7 |
| | Maintain residence | 98 | 25 |
| | Restitution | 41 | 10 |
| | Education | 40 | 10 |
| | Other ² | 378 | ... |
| | | Total Optional Conditions Ordered³ | 1,718 |
| | Total Conditional Sentence Commencements | | 396 |

Table 3.7.6 (continued)

Conditional Sentence Commencements by Type of Condition Imposed, Manitoba, 1997/98 to 2000/01¹

| Years | Optional conditions | Total | Proportion of commencements with conditions |
|----------------|--|--------------|---|
| | | Number | % |
| 1998/99 | No optional conditions | 10 | 2 |
| | Abstain from alcohol/drugs | 340 | 70 |
| | Weapons restriction | 70 | 14 |
| | Perform community service | 174 | 36 |
| | Alcohol/drug rehabilitation program | 113 | 23 |
| | Other treatment program | 241 | 50 |
| | Association restriction | 181 | 37 |
| | House arrest without electronic monitoring | 83 | 17 |
| | Curfew | 286 | 59 |
| | Maintain employment | 55 | 11 |
| | Maintain residence | 148 | 30 |
| | Restitution | 36 | 7 |
| | Education | 67 | 14 |
| | Other ² | 513 | ... |
| | Total Optional Conditions Ordered³ | 2,307 | ... |
| | Total Conditional Sentence Commencements | | 486 |
| 1999/00 | No optional conditions | 8 | 1 |
| | Abstain from alcohol/drugs | 428 | 72 |
| | Weapons restriction | 104 | 18 |
| | Perform community service | 221 | 37 |
| | Alcohol/drug rehabilitation program | 186 | 31 |
| | Other treatment program | 279 | 47 |
| | Association restriction | 229 | 39 |
| | House arrest without electronic monitoring | 149 | 25 |
| | Curfew | 358 | 60 |
| | Maintain employment | 60 | 10 |
| | Maintain residence | 225 | 38 |
| | Restitution | 46 | 8 |
| | Education | 106 | 18 |
| | Other ² | 802 | ... |
| | Total Optional Conditions Ordered³ | 3,193 | ... |
| | Total Conditional Sentence Commencements | | 593 |
| 2000/01 | No optional conditions | 3 | 0 |
| | Abstain from alcohol/drugs | 555 | 79 |
| | Weapons restriction | 152 | 22 |
| | Perform community service | 224 | 32 |
| | Alcohol/drug rehabilitation program | 260 | 37 |
| | Other treatment program | 389 | 55 |
| | Association restriction | 305 | 43 |
| | House arrest without electronic monitoring | 331 | 47 |
| | Curfew | 304 | 43 |
| | Maintain employment | 45 | 6 |
| | Maintain residence | 338 | 48 |
| | Restitution | 54 | 8 |
| | Education | 73 | 10 |
| | Other ² | 1,139 | ... |
| | Total Optional Conditions Ordered³ | 4,169 | ... |
| | Total Conditional Sentence Commencements | | 705 |

1. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

2. There may be more than one "other" condition on an order and therefore, expressing the number in proportion to commencements is inappropriate.

3. Excludes the count of "no optional conditions".

Table 3.7.7

Conditional Sentence Breaches by Outcome, Manitoba, 1997/98 to 2000/01¹

| Years | | Number | % of breaches | % of terminations |
|---------|---|------------|---------------|-------------------|
| 1997/98 | Total conditional sentence terminations (excluding breaches with outcome not stated) | 374 | ... | 100 |
| | Total breaches (excluding outcome not stated) | 65 | 100 | 17 |
| | Remain in community with no change in conditions of the order (no action) | 20 | 31 | 5 |
| | Remain in community and amend conditions of the order | 3 | 5 | 1 |
| | Admit to custody temporarily (suspend order) | 7 | 11 | 2 |
| | Admit to custody for duration of sentence (terminate order) | 35 | 54 | 9 |
| | Total successfully completed | 309 | ... | 83 |
| | Breach outcome not stated | 22 | ... | ... |
| 1998/99 | Total conditional sentence terminations (excluding breaches with outcome not stated) | 463 | ... | 100 |
| | Total breaches (excluding outcome not stated) | 79 | 100 | 17 |
| | Remain in community with no change in conditions of the order (no action) | 14 | 18 | 3 |
| | Remain in community and amend conditions of the order | 14 | 18 | 3 |
| | Admit to custody temporarily (suspend order) | 15 | 19 | 3 |
| | Admit to custody for duration of sentence (terminate order) | 36 | 46 | 8 |
| | Total successfully completed | 384 | ... | 83 |
| | Breach outcome not stated | 23 | ... | ... |
| 1999/00 | Total conditional sentence terminations (excluding breaches with outcome not stated) | 563 | ... | 100 |
| | Total breaches (excluding outcome not stated) | 145 | 100 | 26 |
| | Remain in community with no change in conditions of the order (no action) | 7 | 5 | 1 |
| | Remain in community and amend conditions of the order | 32 | 22 | 6 |
| | Admit to custody temporarily (suspend order) | 35 | 24 | 6 |
| | Admit to custody for duration of sentence (terminate order) | 71 | 49 | 13 |
| | Total successfully completed | 418 | ... | 74 |
| | Breach outcome not stated | 27 | ... | ... |
| 2000/01 | Total conditional sentence terminations (excluding breaches with outcome not stated) | 590 | ... | 100 |
| | Total breaches (excluding outcome not stated) | 193 | 100 | 33 |
| | Remain in community with no change in conditions of the order (no action) | 11 | 6 | 2 |
| | Remain in community and amend conditions of the order | 31 | 16 | 5 |
| | Admit to custody temporarily (suspend order) | 48 | 25 | 8 |
| | Admit to custody for duration of sentence (terminate order) | 103 | 53 | 17 |
| | Total successfully completed | 397 | ... | 67 |
| | Breach outcome not stated | 35 | ... | ... |

1. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics. Percentages may not total exactly as shown due to rounding. Figures are based on releases during the reporting period; therefore, they are not the same as the number of commencements during the reporting period. There are 135 outstanding warrants counted in the "Not stated" category, as well as three offenders being held in custody pending a decision on breach. Forty-one breach allegations were withdrawn and not counted as a breach. Fifteen warrants expired and are counted in the "Nothing" category.

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3.8 Saskatchewan

Trends in Conditional Sentences, Probation and Sentenced Custody⁵²

Current Caseload

In 2000/01, there were 8,041 sentenced correctional service commencements⁵³ in Saskatchewan, of which 17% (1,365) were conditional sentences, up steadily from 928 (11%) in 1997/98. A further 40% (3,219) were sentenced custody while the remaining 43% (3,457) were probation.⁵⁴

Overall, the 1,365 conditional sentence commencements in 2000/01 represent an increase of 47% since 1997/98. In comparison, the number of probation orders has fluctuated over the ten-year period from 1991/92, ranging from a low of 3,012 in 1996/97 to a high of 3,457 in 2000/01. However, the number of sentenced custody admissions has decreased 57% over the ten-year period, from 7,448 in 1991/92 to 3,219 in 2000/01. As a proportion of all commencements, probation has remained relatively stable while sentenced custody has decreased from 47% in 1997/98 to 40% in 2000/01 (Table 3.8).

Table 3.8

Adult Admissions to Correctional Service Programs, Saskatchewan, 1991/92 to 2000/01

| | 1991/92 | 1992/93 | 1993/94 | 1994/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 | 2000/01 |
|------------------------------------|---------------|--------------|---------------|---------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Sentenced custody | 7,448 | 6,889 | 7,069 | 6,728 | 6,397 | 4,802 | 3,894 | 3,850 | 3,368 | 3,219 |
| Probation ¹ | 3,197 | 3,025 | 3,272 | 3,329 | 3,345 | 3,012 | 3,261 | 3,305 | 3,242 | 3,457 |
| Conditional sentences ² | ... | ... | ... | ... | ... | 445 | 928 | 1,083 | 1,243 | 1,365 |
| TOTAL | 10,645 | 9,914 | 10,341 | 10,057 | 9,742 | 8,259 | 8,083 | 8,238 | 7,853 | 8,041 |

1. The figure for 1991/92 includes a large proportion of restitution orders and bail supervision.

2. The 1996/97 figure represents seven months of data.

Source: Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

At any one time in 2000/01 there was an average daily count of approximately 5,635 offenders supervised in custody, on probation or on conditional sentence. Of these, 67% were on probation, 15% were in sentenced custody and 18% were on conditional sentence. The average daily count of 1,006 offenders supervised on conditional sentence in 2000/01 represents an increase of 15% from 1999/00 and 73% from 1997/98.

52. **Source:** The Adult Correctional Services Survey. Admission rates are calculated per 10,000 adults charged with Federal Statute offences using Uniform Crime Reporting Survey data.

53. Sentenced correctional services refer to the combined total of conditional sentence, probation and sentenced custody.

54. **Note:** while the conditional sentence option came into force in September 1996, 1997/98 is the first full year for which data are available. Estimates for the full year's data for 1996/97 have not been produced.

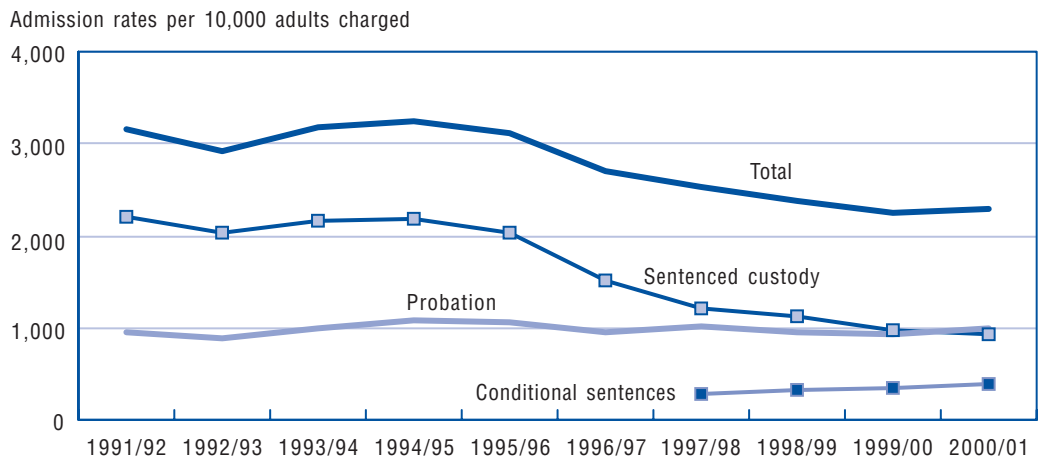
Trends in rates of admissions to correctional services – 1991/92 to 2000/01

In 2000/01, the rate of sentenced correctional services commencements was 2,298 per 10,000 adults charged, a decrease of 27% from 1991/92 (3,147) and 29% from the peak in 1994/95 (3,253). In 2000/01, the rate for conditional sentences was 390, an increase of almost 34% from 1997/98 (290). In comparison, the probation rate has fluctuated and, although the 2000/01 rate of 988 represents an increase of slightly less than 5% from 1991/92, the rate has been as high as 1,077 in 1994/95 and as low as 927 in 1999/00 (Figure 8.1).

Compared to probation, the trend in the rate of sentenced custody fluctuated between 1991/92 (2,202) and 1995/96 (2,038) after which it dropped substantially. Since 1995/96 the rate has more than halved, decreasing to 920 in 2000/01.

Figure 8.1

Admission rates per 10,000 adults charged, Saskatchewan, 1991/92 to 2000/01



Note: The probation admission figure for 1991/92 includes a large percentage of restitution orders and bail supervision. Conditional sentencing became an option in September, 1996. Total admissions rate in 1996/97 includes partial counts of conditional sentences.

Source: Adult Correctional Services Survey, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics.

Case Characteristics of Conditional Sentences, 1997/98 to 2000/01

Sex of Offenders

In 2000/01, 84% of conditional sentences involved male offenders, compared to 80% of probationers and 91% of offenders admitted to sentenced custody. These distributions have remained relatively constant since 1997/98 (Table 3.8.1).

Aboriginal/non-Aboriginal Offenders

According to the 2001 Canadian Census of Population, Aboriginal persons account for 10% of the adult population in Saskatchewan. In 2000-01, 72% of offenders commencing a conditional sentence were Aboriginal, compared to 65% of probationers and 77% of sentenced custody inmates. While the proportion of Aboriginal offenders commencing probation and conditional sentences are similar to previous years, Aboriginal offenders admitted to sentenced custody have increased from 73% of admissions in 1997/98 to 77% in 2000/01 (Table 3.8.2).

Age of Offenders⁵⁵

The mean age of offenders commencing conditional sentences in 2000/01 was 31, similar to previous years. Similarly, the mean age was 31 for offenders commencing probation and 31 years for those admitted to sentenced custody. These average ages have remained consistent since 1997/98.

The age distribution of offenders on conditional sentence has changed over time, however. Approximately 32% of conditional sentence commencements between 1997/98 and 2000/01 involved offenders aged 18 to 24 whereas 33% of offenders were aged 25 to 34 in 2000/01, down from 40% in 1997/98. Further, 34% of offenders were 35 or older in 2000/01, compared to 28% in 1997/98 (Table 3.8.3).

In comparison, 36% of probationers in 2000/01 were between 18 and 24 years of age, 32% were 25 to 34, and 32% were 35 or older. Regarding sentenced custody, 33% were between both 18 and 24 and 25 to 34, and a further 34% were aged 35 or older. While there was some minor fluctuation within categories, these proportions have remained fairly constant over the four-year period.

Type of offence⁵⁶

In 2000/01, approximately 36% of conditional sentences were ordered for violent offences, a drop from 41% in 1997/98. The proportion of conditional sentences given for property-related crime has varied from 33% to 37% (35% in 2000/01). 'Other Federal' offences, including drug-related crime, increased slightly, from 9% to 11%. The proportion of probation commencements for violent offences fluctuated between 45% and 53% (49% in 2000/01) and between 23% and 32% for property offences (25% in 2000/01). With respect to sentenced custody admissions, for violent offences, the proportion ranged from 23% to 32% (31% in 2000/01). Property-related crime ranged from 19% to 28% during this period (19% in 2000/01) (Table 3.8.4).

There was considerable fluctuation in offence type for conditional sentences depending on whether an individual was Aboriginal or non-Aboriginal. In 2000/01, 39% of Aboriginal offenders commenced a conditional sentence for violent crime, compared to 30% for property offences and 6% for 'Other Federal' offences. In contrast, 22% of non-Aboriginal offenders commenced a conditional sentence for violent crime, compared to 39% for property offences and 20% for 'Other Federal' offences.

Sentence length

The median conditional sentence in 2000/01 was six months and has remained consistent since 1997/98; 43% of conditional sentences were for six months or less, 19% for 6 to 12 months and 37% for one year or greater. In comparison, the median sentence length for probation was 12 months, consistent with previous years; 19% of probation commencements were for six months or less while 67% were for terms of one year or greater in 2000/01. Regarding sentenced custody, the median sentence length in 2000/01 was 4 months, with 50% of admissions for a term of 3 months or less (Table 3.8.5).

55. Age refers to the age of the offender at time of program commencement.

56. Offence data are based on most serious offences where there is more than one type of offence in a case.

Conditions and Violations⁵⁷

The requirement to abstain from alcohol/drugs (40%) and attend an alcohol/drug rehabilitation program (38%) were the most prevalent conditions for the 1,386 conditional sentence orders commenced in 2000/01, consistent with previous years. The requirement to maintain residence was present on 25% of orders, having increased each year from 1997/98 (8%). Similarly, a curfew condition was present on 20% of orders in 2000/01, an increase from just 5% in 1997/98. House arrest with electronic monitoring (21%) and community service work (22%) were other frequently ordered conditions in 2000/01 (Table 3.8.6).

In 2000/01, there were 1,186 conditional sentence terminations in Saskatchewan, of which 515 (43%) were completed successfully (i.e., no breach action). In comparison, 72% of the 1,176 terminations in 1999/00 were completed successfully. Of the 671 total breaches in 2000/01, 38% resulted in an admission to custody for the duration of the sentence and 25% had their breaches upheld, but the offender remained in the community. A further 25% were admitted to custody on an unrelated charge and, while these did not specifically constitute a breach of the conditional sentence, the conditional sentence itself was suspended nonetheless. No action was taken for 11% of the conditional sentences that were not terminated successfully (Table 3.8.7).

A Correctional Service Description of Processing Conditional Sentences and Violations of Conditions⁵⁸

Program Orientation

By virtue of its position in the range of sentencing, a conditional sentence may be more onerous and the consequences of violating that order, more punitive than those of a probation order. This fact generally necessitates a higher degree of involvement and allows for a quick response to serious violations of the order, thus reducing the level of risk to community safety.

It is essential for the Probation Officer, upon first meeting the offender, to clearly articulate his or her role and responsibility, to explain the conditions of the Court Order, and to explain the case planning process.

The Probation Officer carries lead responsibility in the case planning process. Case planning requires the Probation Officer and offender to specify the results he or she intends to achieve during supervision, based on the offender's identified risks and need. These offender-behaviour objectives and the strategies and resources needed to achieve them become the central focus of supervision.

The Probation Officer must initially assess the offender to determine risk/needs, strengths/weaknesses. Assisting the offender to understand his/her risk assessment, and the factors relating to their risk profile can be beneficial to engage and motivate the offender to participate in programs, which will reduce their risk of re-offending.

57. Conditions refer to the total number of conditions ordered for all conditional sentence orders. Please note that one conditional sentence order may have several conditions and that an aggregate conditional sentence commencement may be comprised of multiple conditional sentence orders.

58. **Source:** Saskatchewan Justice, Corrections Division.

Supervision Standards

The offender must report to the Probation Officer within two working days from the date of sentence, unless otherwise directed by the court. After the initial report, the Probation Officer should make every effort to schedule weekly reporting for the offender until such time that the risk/needs assessment is completed and the initial case plan is established.

In the case administration of a Conditional Sentence Order, the primary responsibility for supervision and file administration remains with the Probation Officer. In an effort to properly manage an offender in the community, more frequent contact with that offender during the initial period after sentencing is considered both desirable and necessary.

The offender's risk/needs assessment is fundamental to the effective classification of offenders for supervision purposes and proper case plan development. For the purpose of verification of the risk/needs assessment and condition compliance, a home assessment will normally be conducted on all sexual and family violence offenders bound by a Conditional Sentence Order.

The case plan, which is to include frequency and nature of contact with an offender, shall be guided by the conditions of the Conditional Sentence Order, the offender's criminogenic needs as identified by the risk/needs assessment, and any other factor which affects the offender's risk level. All efforts must be made to include the offender in the development of such a plan. The probation officer must conduct a minimum monthly verification of the case plan activities and offender circumstances.

Once a case plan is established, community resources may assist in the monitoring of the case plan, however, offender contact must be made weekly, with no less than one contact with the Probation Officer occurring every two weeks and a minimum in person contact once monthly.

The offender contact should be tailored to the specific individual needs of the offender. Generally speaking, an offender that is high risk and high needs will require more involvement to meet the goals of the case plan. As needs are met, the nature of the contact may change, however, the contact should always be such that it is consistent with the overall completion of the case plan.

Once the case plan has been met, low risk offenders must report in person to the probation officer at least once every three months and medium and high risk offenders report in person to the probation officer at least once per month, until the expiration of the Conditional Sentence Order.

The case manager will ensure that appropriate and sufficient collateral sources are contacted and documented to ensure compliance with the conditions of the supervision order or to verify progress related to the case management plan.

During programming, there will be regular contact with the program facilitator to verify attendance, and to ensure knowledge of learning targets.

Once the offender has completed programming, supervision may be required to manage the offender's risk in the community. This may be accomplished within a relapse group setting or individually. The primary focus of the intervention will be on the identified criminogenic factors or conditions of the supervision order and on a relapse prevention plan.

Varying the Conditions Ordered

All Probation Officer comments on applications to alter probation/conditional sentence orders must be approved by the Regional Manager, Probation Supervisor or designate.

Consideration may be given to revision of the conditional sentence order if:

- It is impossible for the offender to meet the conditions;
- A condition of the order is difficult to interpret, is unclear or is not specific enough to be understood;
- A condition is unenforceable as stated, but is still seen to be required;
- A change in the probationer/offender's circumstances directly affects the court-ordered condition.

The Probation Officer must complete and submit an "Application to a Judge" to the Crown Prosecutor, with a copy to the offender.

The offender or the Prosecutor may request, or the court may order, a hearing be held within 30 days. If there is no hearing, the proposed changes take effect 14 days after the receipt of the application by the court.

Transfer Procedures Among the Jurisdictions

Prior to initiating the inter-jurisdictional transfer of a Conditional Sentence Order, the Probation Officer is responsible for:

- Determining that the reasons for transfer are consistent with the case plan and are in the best interests of the offender;
- Verifying the receiving province supports the transfer and will provide supervision; and
- Verifying the details of the offender's relocation plan.

The Probation Officer is responsible for submitting a request for an inter-jurisdictional transfer to the Regional Crown Prosecutor using the approved form. When the Regional Crown Prosecutor supports the transfer, the request will be signed and forwarded to the Director of Public Prosecutions. If the Regional Crown Prosecutor does not support the request, it will be returned to the Probation Officer.

The Director of Public Prosecutions is responsible for obtaining the consent of the Attorney General and then transferring the order.

The Probation Officer is responsible for:

- accurately completing the required documents;
- providing the offender with written instructions for reporting to the Probation Officer in the receiving jurisdiction (once the order has been transferred); and
- the distribution of copies of the application transfer to the Director of Community Operations.

Actions Taken by the Correctional System and the Courts when an Offender Breaches the conditions of a Conditional Sentence

All allegations of condition violations will be documented and responded to by the Probation Officer. An offender's failure to abide by the terms and conditions of the Conditional Sentence Order are to be dealt with in terms of the objectives of the offender's case plan. A violation of the conditions of the order must be met with an adequate and reasonable response that will, in turn, enhance the risk management of the offender.

The Probation Officer must submit a violation report within 72 hours of becoming aware that an offender has:

- Withdrawn from being actively supervised;
- Been charged with a Criminal Code offence, which occurred during the time the Conditional Sentence was effective;
- Been charged with any Provincial Act that contravenes a term or condition of the Conditional Sentence Order, and which occurred during the time the Conditional Sentence Order was effective.

The Probation Officer may elect to provide an informal response to a violation, again with due diligence being paid to the nature of the violation, the effect the violation has on the case plan and the potential for increased risk to the community. Informal responses may include, but are not exclusive to:

- An evaluation of the reporting schedule with an increase in supervision in mind;
- Making adjustments to the case plan to address factors that may have led to the violation; and
- A temporary placement at the Community Training Residence to provide any additional structure that may be required.

High-risk offenders, in all but the most minor violations, should have a violation report submitted.

The Probation Officer is responsible for submitting a standardized violation report to the Crown. Local policy will determine what process the Probation Officer will use to ensure the reports reach the Crown.

The Office supervisor/Manager will review and co-sign all violation reports prior to submission to the Crown.

Table 3.8.1

Conditional Sentences, Probation and Sentenced Custody by Sex, Saskatchewan, 1997/98 to 2000/01¹

| | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|---------------|----------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| Male | 1997/98 | 816 | 86 | 2,783 | 81 | 3,533 | 91 |
| | 1998/99 | 938 | 83 | 2,803 | 81 | 3,517 | 91 |
| | 1999/00 | 1,068 | 83 | 2,758 | 82 | 3,041 | 90 |
| | 2000/01 | 1,169 | 84 | 2,840 | 80 | 2,931 | 91 |
| Female | 1997/98 | 128 | 14 | 634 | 19 | 361 | 9 |
| | 1998/99 | 186 | 17 | 670 | 19 | 333 | 9 |
| | 1999/00 | 222 | 17 | 622 | 18 | 327 | 10 |
| | 2000/01 | 217 | 16 | 731 | 20 | 288 | 9 |
| TOTAL | 1997/98 | 944 | 100 | 3,417 | 100 | 3,894 | 100 |
| | 1998/99 | 1,124 | 100 | 3,473 | 100 | 3,850 | 100 |
| | 1999/00 | 1,290 | 100 | 3,380 | 100 | 3,368 | 100 |
| | 2000/01 | 1,386 | 100 | 3,571 | 100 | 3,219 | 100 |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

Table 3.8.2

Conditional Sentences, Probation and Sentenced Custody by Aboriginal/Non-Aboriginal Status, Saskatchewan, 1997/98 to 2000/01¹

| | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|--------------------------|----------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| Aboriginal | 1997/98 | 639 | 72 | 1,932 | 64 | 2,807 | 73 |
| | 1998/99 | 733 | 69 | 1,976 | 63 | 2,895 | 76 |
| | 1999/00 | 856 | 69 | 2,001 | 64 | 2,485 | 75 |
| | 2000/01 | 948 | 72 | 2,124 | 65 | 2,453 | 77 |
| Non-Aboriginal | 1997/98 | 246 | 28 | 1,101 | 36 | 1,029 | 27 |
| | 1998/99 | 326 | 31 | 1,145 | 37 | 907 | 24 |
| | 1999/00 | 379 | 31 | 1,125 | 36 | 828 | 25 |
| | 2000/01 | 371 | 28 | 1,158 | 35 | 736 | 23 |
| TOTAL⁴ | 1997/98 | 885 | 100 | 3,033 | 100 | 3,836 | 100 |
| | 1998/99 | 1,059 | 100 | 3,121 | 100 | 3,802 | 100 |
| | 1999/00 | 1,235 | 100 | 3,126 | 100 | 3,313 | 100 |
| | 2000/01 | 1,319 | 100 | 3,282 | 100 | 3,189 | 100 |
| Not stated | 1997/98 | 59 | ... | 384 | ... | 58 | ... |
| | 1998/99 | 65 | ... | 352 | ... | 48 | ... |
| | 1999/00 | 55 | ... | 254 | ... | 55 | ... |
| | 2000/01 | 67 | ... | 289 | ... | 30 | ... |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

4. Totals exclude "Not stated."

Table 3.8.3

Conditional Sentences, Probation and Sentenced Custody by Age, Saskatchewan, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|----------------|--------------------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | 18 to 24 | 305 | 32 | 1,263 | 37 | 1,301 | 33 |
| | 25 to 34 | 376 | 40 | 1,164 | 34 | 1,383 | 36 |
| | 35 to 49 | 213 | 23 | 798 | 23 | 995 | 26 |
| | 50 and over | 49 | 5 | 192 | 6 | 213 | 5 |
| | TOTAL⁴ | 943 | 100 | 3,417 | 100 | 3,892 | 100 |
| | Mean age | 30 | ... | 30.2 | ... | 30.6 | ... |
| Median age | 29 | ... | .. | ... | 29 | ... | |
| 1998/99 | 18 to 24 | 346 | 31 | 1,243 | 36 | 1,333 | 35 |
| | 25 to 34 | 405 | 36 | 1,219 | 35 | 1,318 | 34 |
| | 35 to 49 | 317 | 28 | 856 | 25 | 1,024 | 27 |
| | 50 and over | 56 | 5 | 154 | 4 | 167 | 4 |
| | TOTAL⁵ | 1,124 | 100 | 3,472 | 100 | 3,842 | 100 |
| | Mean age | 31 | ... | 30.0 | ... | 30.4 | ... |
| Median age | 29 | ... | .. | ... | 29 | ... | |
| 1999/00 | 18 to 24 | 409 | 32 | 1,198 | 35 | .. | 33 |
| | 25 to 34 | 484 | 38 | 1,089 | 32 | .. | 36 |
| | 35 to 49 | 339 | 26 | 913 | 27 | .. | 28 |
| | 50 and over | 58 | 4 | 179 | 5 | .. | 5 |
| | TOTAL⁵ | 1,290 | 100 | 3,379 | 100 | 3,365 | 100 |
| | Mean age | 31 | ... | 30.7 | ... | 31.0 | ... |
| Median age | 29 | ... | .. | ... | 30 | ... | |
| 2000/01 | 18 to 24 | 447 | 32 | 1,283 | 36 | 1,069 | 33 |
| | 25 to 34 | 462 | 33 | 1,157 | 32 | 1,048 | 33 |
| | 35 to 49 | 395 | 28 | 949 | 27 | 920 | 29 |
| | 50 and over | 82 | 6 | 181 | 5 | 175 | 5 |
| | TOTAL⁵ | 1,386 | 100 | 3,570 | 100 | 3,212 | 100 |
| | Mean age | 31 | ... | 30.5 | ... | 31.0 | ... |
| Median age | 29 | ... | .. | ... | 29 | ... | |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

4. Total conditional sentence and sentenced custody exclude 1 and 2 young offenders respectively.

5. Excludes young offenders in total probation and total sentenced custody in 1998/99 (1 and 8 young offenders respectively); in 1999/00 (1 and 3 respectively); and in 2000/01 (1 and 7 respectively).

Table 3.8.4

Conditional Sentences, Probation and Sentenced Custody by Offence Group, Saskatchewan, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|----------------|---|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | Violent | 385 | 41 | 1,453 | 45 | 938 | 24 |
| | Property | 318 | 34 | 1,032 | 32 | 942 | 24 |
| | Impaired/Dangerous Driving ⁴ | 52 | 6 | 391 | 12 | 946 | 24 |
| | Other CC | 98 | 10 | 331 | 10 | 795 | 20 |
| | Drugs | .. | ... | 52 | 2 | 92 | 2 |
| | Other Federal ⁵ | 86 | 9 | 0 | 0 | 0 | 0 |
| | Provincial/Municipal | 1 | 0 | 2 | 0 | 181 | 5 |
| | TOTAL⁶ | 940 | 100 | 3,261 | 100 | 3,894 | 100 |
| Not stated | 6 | ... | 0 | ... | 0 | ... | |
| 1998/99 | Violent | 423 | 38 | 1,500 | 46 | 870 | 23 |
| | Property | 364 | 33 | 1,016 | 31 | 1,083 | 28 |
| | Impaired/Dangerous Driving ⁴ | 79 | 7 | 275 | 8 | 559 | 15 |
| | Other CC | 138 | 12 | 309 | 9 | 1,026 | 27 |
| | Drugs | .. | ... | 29 | 1 | 92 | 2 |
| | Other Federal ⁵ | 111 | 10 | 139 | 4 | 40 | 1 |
| | Provincial/Municipal | 0 | 0 | 3 | 0 | 163 | 4 |
| | TOTAL⁶ | 1,115 | 100 | 3,271 | 100 | 3,833 | 100 |
| Not stated | 9 | ... | 31 | ... | 17 | ... | |
| 1999/00 | Violent | 445 | 35 | 1,666 | 53 | 1,040 | 32 |
| | Property | 464 | 37 | 719 | 23 | 611 | 19 |
| | Impaired/Dangerous Driving ⁴ | 84 | 7 | 270 | 9 | 460 | 14 |
| | Other CC | 122 | 10 | 353 | 11 | 849 | 26 |
| | Drugs | .. | ... | 6 | 0 | 20 | 1 |
| | Other Federal ⁵ | 140 | 11 | 149 | 5 | 126 | 4 |
| | Provincial/Municipal | 0 | 0 | 5 | 0 | 193 | 6 |
| | TOTAL⁶ | 1,255 | 100 | 3,168 | 100 | 3,299 | 100 |
| Not stated | 35 | ... | 74 | ... | 69 | ... | |
| 2000/01 | Violent | 467 | 36 | 1,601 | 49 | 950 | 31 |
| | Property | 457 | 35 | 816 | 25 | 595 | 19 |
| | Impaired/Dangerous Driving ⁴ | 70 | 5 | 238 | 7 | 439 | 14 |
| | Other CC | 162 | 12 | 456 | 14 | 899 | 29 |
| | Drugs | .. | ... | 8 | 0 | 3 | 0 |
| | Other Federal ⁵ | 144 | 11 | 167 | 5 | 81 | 3 |
| | Provincial/Municipal | 0 | 0 | 2 | 0 | 119 | 4 |
| | TOTAL⁶ | 1,300 | 100 | 3,288 | 100 | 3,086 | 100 |
| Not stated | 86 | ... | 169 | ... | 133 | ... | |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. Prior to 1998/99, major offences for sentenced custody were classified by the most serious disposition.

4. Probation and sentenced custody admissions exclude dangerous driving offences.

5. For conditional sentences, this category represents drugs and other federal offences.

6. Totals exclude "Not stated."

Table 3.8.5

Conditional Sentences, Probation and Sentenced Custody by Length of Sentence, Saskatchewan, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|------------------------------|--------------------------------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | Less than 3 months | 42 | 4 | 6 | 0 | 1,565 | 40 |
| | 3 months | 37 | 4 | 12 | 0 | 359 | 9 |
| | More than 3 and less than 6 months | 135 | 14 | 48 | 1 | 399 | 10 |
| | 6 months | 267 | 28 | 534 | 16 | 295 | 8 |
| | More than 6 and less than 12 months | 161 | 17 | 418 | 12 | 452 | 12 |
| | 12 months | 168 | 18 | 1,261 | 37 | 151 | 4 |
| | More than 12 and less than 24 months | 107 | 11 | 629 | 18 | 414 | 11 |
| | 24 months or more | 27 | 3 | 509 | 15 | 259 | 7 |
| | TOTAL⁴ | 944 | 100 | 3,417 | 100 | 3,894 | 100 |
| | Mean (months) ⁵ | 9.1 | ... | 14.3 | ... | 5.4 | ... |
| Median (months) ⁵ | 6.0 | ... | 12 | ... | 3.0 | ... | |
| Not stated | 0 | ... | 0 | ... | 0 | ... | |
| 1998/99 | Less than 3 months | 48 | 4 | 8 | 0 | 1,563 | 41 |
| | 3 months | 36 | 3 | 10 | 0 | 348 | 9 |
| | More than 3 and less than 6 months | 178 | 16 | 44 | 1 | 426 | 11 |
| | 6 months | 316 | 28 | 548 | 16 | 261 | 7 |
| | More than 6 and less than 12 months | 192 | 17 | 473 | 14 | 459 | 12 |
| | 12 months | 209 | 19 | 1,343 | 39 | 155 | 4 |
| | More than 12 and less than 24 months | 125 | 11 | 577 | 17 | 326 | 8 |
| | 24 months or more | 20 | 2 | 462 | 13 | 312 | 8 |
| | TOTAL⁴ | 1,124 | 100 | 3,465 | 100 | 3,850 | 100 |
| | Mean (months) ⁵ | 8.7 | ... | 13.8 | ... | 5.0 | ... |
| Median (months) ⁵ | 6.0 | ... | 12 | ... | 3.0 | ... | |
| Not stated | 0 | ... | 5 | ... | 0 | ... | |
| 1999/00 | Less than 3 months | 35 | 3 | 6 | 0 | 1,426 | 43 |
| | 3 months | 51 | 4 | 18 | 1 | 280 | 8 |
| | More than 3 and less than 6 months | 217 | 17 | 58 | 2 | 321 | 10 |
| | 6 months | 356 | 28 | 554 | 16 | 217 | 7 |
| | More than 6 and less than 12 months | 221 | 17 | 455 | 13 | 335 | 10 |
| | 12 months | 228 | 18 | 1,198 | 35 | 133 | 4 |
| | More than 12 and less than 24 months | 153 | 12 | 587 | 17 | 296 | 9 |
| | 24 months or more | 29 | 2 | 501 | 15 | 290 | 9 |
| | TOTAL⁴ | 1,290 | 100 | 3,377 | 100 | 3,298 | 100 |
| | Mean (months) ⁵ | 8.8 | ... | 14.0 | ... | 4.9 | ... |
| Median (months) ⁵ | 6.0 | ... | 12 | ... | 3.0 | ... | |
| Not stated | 0 | ... | 3 | ... | 70 | ... | |

Table 3.8.5 (continued)

Conditional Sentences, Probation and Sentenced Custody by Length of Sentence, Saskatchewan, 1997/98 to 2000/01¹

| Years | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|--------------------------------------|---|------------|--------------------------------------|------------|---|------------|
| | Number | % | Number | % | Number | % |
| 2000/01 | | | | | | |
| Less than 3 months | 32 | 2 | 10 | 0 | 1,334 | 42 |
| 3 months | 39 | 3 | 10 | 0 | 259 | 8 |
| More than 3 and less than 6 months | 172 | 12 | 61 | 2 | 332 | 11 |
| 6 months | 363 | 26 | 603 | 17 | 210 | 7 |
| More than 6 and less than 12 months | 261 | 19 | 479 | 13 | 341 | 11 |
| 12 months | 271 | 20 | 1,259 | 35 | 127 | 4 |
| More than 12 and less than 24 months | 227 | 16 | 679 | 19 | 342 | 11 |
| 24 months or more | 20 | 1 | 466 | 13 | 198 | 6 |
| TOTAL⁴ | 1,385 | 100 | 3,567 | 100 | 3,143 | 100 |
| Mean (months) ⁵ | 9.7 | ... | 13.7 | ... | 5.9 | ... |
| Median (months) ⁵ | 6.0 | ... | 12 | ... | 4.0 | ... |
| Not stated | 1 | ... | 4 | ... | 76 | ... |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

4. Totals exclude "Not stated."

5. Sentenced custody data in days was divided by 30 to convert to months, and excludes sentences of 24 months or more.

Table 3.8.6

Conditional Sentence Commencements by Type of Condition Imposed, Saskatchewan, 1997/98 to 2000/01¹

| Years | Optional conditions | Total | Proportion of commencements with conditions |
|---|--|--------------|---|
| | | Number | % |
| 1997/98 | Abstain from alcohol/drugs | 347 | 37 |
| | Weapons restriction | 42 | 4 |
| | Perform community service | 193 | 20 |
| | Alcohol/drug rehabilitation program | 334 | 35 |
| | Other treatment program ² | 44 | 5 |
| | House arrest with electronic monitoring | 214 | 23 |
| | Curfew | 45 | 5 |
| | Maintain employment | 39 | 4 |
| | Maintain residence | 75 | 8 |
| | Restitution | 119 | 13 |
| | Other ³ | 431 | 46 |
| Total Optional Conditions Ordered | | 1,883 | ... |
| Total Conditional Sentence Commencements | | | 944 |
| 1998/99 | Abstain from alcohol/drugs | 496 | 44 |
| | Weapons restriction | 54 | 5 |
| | Perform community service | 231 | 21 |
| | Alcohol/drug rehabilitation program | 441 | 39 |
| | Other treatment program ² | 48 | 4 |
| | Curfew | 120 | 11 |
| | Maintain employment | 78 | 7 |
| | Maintain residence | 182 | 16 |
| | Restitution | 127 | 11 |
| | Other ³ | 857 | 76 |
| | Total Optional Conditions Ordered | | 2,634 |
| Total Conditional Sentence Commencements | | | 1,124 |
| 1999/00 | Abstain from alcohol/drugs | 459 | 36 |
| | Weapons restriction | 46 | 4 |
| | Perform community service | 228 | 18 |
| | Alcohol/drug rehabilitation program | 476 | 37 |
| | Other treatment program ² | 62 | 5 |
| | House arrest with electronic monitoring | 246 | 19 |
| | Curfew | 154 | 12 |
| | Maintain employment | 109 | 8 |
| | Maintain residence | 228 | 18 |
| | Restitution | 150 | 12 |
| | Other ³ | 1000 | 78 |
| Total Optional Conditions Ordered | | 3,158 | ... |
| Total Conditional Sentence Commencements | | | 1,290 |

Table 3.8.6 (continued)

Conditional Sentence Commencements by Type of Condition Imposed, Saskatchewan, 1997/98 to 2000/01¹

| Years | Optional conditions | Total | Proportion of commencements with conditions |
|---|--|--------|---|
| | | Number | % |
| 2000/01 | Abstain from alcohol/drugs | 555 | 40 |
| | Weapons restriction | 66 | 5 |
| | Perform community service | 299 | 22 |
| | Alcohol/drug rehabilitation program | 528 | 38 |
| | Other treatment program ² | 96 | 7 |
| | House arrest with electronic monitoring | 290 | 21 |
| | Curfew | 281 | 20 |
| | Maintain employment | 126 | 9 |
| | Maintain residence | 346 | 25 |
| | Restitution | 152 | 11 |
| | Other ³ | 1,158 | 84 |
| | Total Optional Conditions Ordered | | 3,897 |
| Total Conditional Sentence Commencements | | | 1,386 |

1. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics. Data refer to counts of conditional sentence orders; not aggregated counts. The system cannot distinguish between mandatory and optional conditions.
2. Includes psychiatric treatment as well as sex offender treatment.
3. There may be more than one "other" condition on an order and therefore, expressing the number in proportion to commencements is inappropriate.

Table 3.8.7

Conditional Sentence Breaches by Outcome, Saskatchewan, 1999/00 to 2000/01¹

| Years | | Number | % of breaches | % of terminations |
|--|---|--------------|------------------|----------------------|
| 1999/00 | Total conditional sentence terminations | 1,176 | ... | 100 |
| | Total breaches | 325 | 100 | 28 |
| | Allegation not upheld / Withdrawn / Stayed (no action) | 21 | 6 | 2 |
| | Admit to custody on unrelated charges (no breach – suspend order) | 22 | 7 | 2 |
| | Breach upheld; remain in community on same/varied conditions | 56 | 17 | 5 |
| | Admit to custody for duration of sentence (terminate order) | 226 | 70 | 19 |
| | Total successfully completed (no breach action) | 851 | ... | 72 |
| Allegations heard on 177 aggregated conditional sentences | | ... | ... | ... |
| 2000/01 | Total conditional sentence terminations | 1,186 | ... | 100 |
| | Total breaches | 671 | 100 | 57 |
| | Allegation not upheld / Withdrawn / Stayed (no action) | 73 | 11 | 6 |
| | Admit to custody on unrelated charges (no breach – suspend order) | 171 | 25 | 14 |
| | Breach upheld; remain in community on same/varied conditions | 171 | 25 | 14 |
| | Admit to custody for duration of sentence (terminate order) | 256 | 38 | 22 |
| | Total successfully completed (no breach action) | 515 | ... | 43 |
| Allegations heard on 325 aggregated conditional sentences | | ... | ... | ... |

1. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics. Percentages may not total exactly as shown due to rounding. Figures are based on releases; therefore, they are not the same as the number of commencements reported.

3.9 Alberta

Trends in Conditional Sentences, Probation and Sentenced Custody⁵⁹

Current Caseload

According to the Adult Correctional Services Survey, in 2000/01 there were 1,558 conditional sentence commencements in Alberta, 39% more than in the previous year and 16% higher than in 1997/98 (1,343). This compares to 9,360 probation commencements and 14,859 admissions to sentenced custody in 2000/01. Conditional sentences represented 6% of the total sentenced correctional services commencements⁶⁰ in 2000/01 compared to 36% for probation and 58% for sentenced custody.⁶¹

Between 1992/93 and 1997/98, the number of sentenced custody admissions declined 39% from 23,771 to 14,467. The number of sentenced custody admissions has since remained relatively stable. The number of probation commencements has fluctuated during this period (Table 3.9).

Table 3.9

Adult Admissions to Correctional Service Programs, Alberta, 1991/92 to 2000/01

| | 1991/92 | 1992/93 | 1993/94 | 1994/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 | 2000/01 |
|------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Sentenced custody | 22,646 | 23,771 | 22,021 | 19,764 | 18,345 | 16,535 | 14,467 | 15,491 | 14,728 | 14,859 |
| Probation | 8,903 | 9,028 | 8,667 | 8,381 | 8,170 | 8,440 | 7,794 | 8,544 | 8,706 | 9,360 |
| Conditional sentences ¹ | ... | ... | ... | ... | ... | 1,004 | 1,343 | 1,035 | 1,120 | 1,558 |
| TOTAL | 31,549 | 32,799 | 30,688 | 28,145 | 26,515 | 25,979 | 23,604 | 25,070 | 24,554 | 25,777 |

1. The 1996/97 figure represents seven months of data.

Source: Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

The average total count of offenders supervised under conditional sentence, probation and sentence custody at any one time in 2000/01 was 10,990. Of these, 9% (971) were on conditional sentence, 79% (8,696) were on probation and 12% (1,323) were in sentenced custody.

59. **Source:** The Adult Correctional Services Survey. Admission rates are calculated per 10,000 adults charged with Federal Statute offences using Uniform Crime Reporting Survey data.

60. Sentenced correctional services refer to the combined total of conditional sentence, probation and sentenced custody.

61. **Note:** While the conditional sentence option came into force in September 1996, 1997/98 is the first full year for which data are available. Estimates for the full year's data for 1996/97 have not been produced.

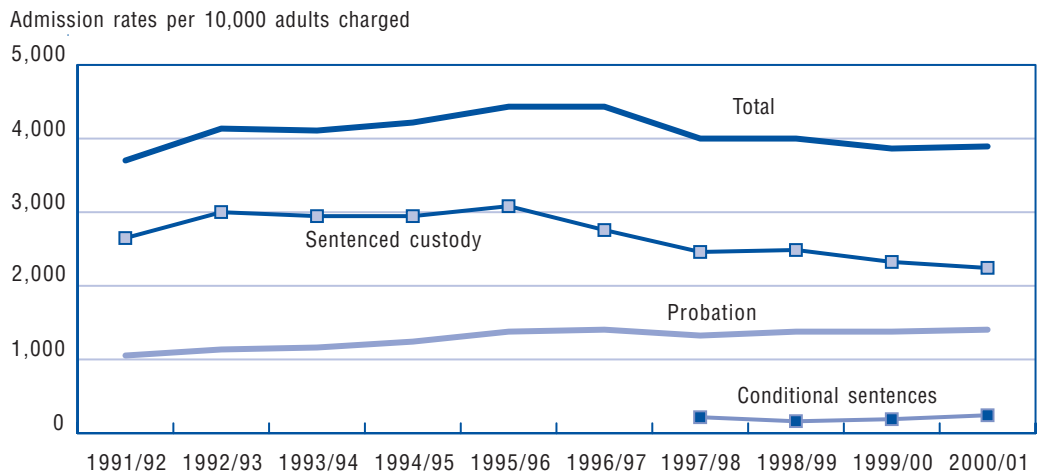
Trends in admission rates – 1991/92 to 2000/01

In 2000/01, there were 3,905 sentenced correctional services commencements per 10,000 persons charged in Alberta. This was 5% higher than the rate of 3,704 in 1991/92 but 12% lower than the peak rate of 4,435 in 1995/96. The rate in 2000/01 for conditional sentences was 236, 4% higher than in 1997/98 when the rate was 227 per 10,000 persons charged. This compares to a rate of 1,418 for probation and a rate for sentenced custody of 2,251 admissions per 10,000 persons charged in 2000/01 (Figure 9.1).

The rate of probation commencements increased substantially between 1991/92 and 1996/97, rising 34% from 1,045 to 1,401 commencements per 10,000 persons charged before dropping 6% to 1,319 in 1997/98. Probation rates have since increased, but more slowly, rising 8% between 1997/98 and 2000/01.

In contrast to probation trends, sentenced custody admission rates remained relatively stable during the early 1990s. Following a 13% rate increase from 2,659 in 1991/92 to 3,002 in 1992/93, there was little change in the rate of sentenced custody admissions until 1996/97. Between 1996/97 and 2000/01, the rate of sentenced custody admissions per 10,000 persons charged has decreased 18% to 2,251.

Figure 9.1
Admission rates per 10,000 adults charged, Alberta, 1991/92 to 2000/01



Note: Conditional sentencing became an option in September, 1996. Total admissions rate in 1996/97 includes partial counts of conditional sentences.

Source: Adult Correctional Services Survey, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics.

Case Characteristics of conditional sentences, 1997/98 to 2000/01⁶²

Sex of Offenders

In 2000/01, male offenders comprised 75% of conditional sentence commencements compared to 81% of probation commencements and 89% of sentenced custody admissions. These proportions have been consistent since 1997/98 (Table 3.9.1).

62. **Sources:** Conditional Sentencing Special Study, 2002 for conditional sentence case characteristics. Adult Correctional Services (ACS) Survey for probation and sentenced custody case characteristics.

Aboriginal/non-Aboriginal Offenders

According to the 2001 Canadian Census of Population, Aboriginal persons account for 4% of the adult population in Alberta. In 2000/01, 16% of offenders commencing a conditional sentence were Aboriginal compared to 21% of probation commencements and 39% of sentenced custody admissions.

Between 1997/98 and 2000/01 the proportion of Aboriginal offenders commencing conditional sentences varied, ranging from 13% in 1998/99 to 19% in 1997/98. The proportion of Aboriginal offenders commencing probation also varied over this four year period ranging from 20% in 1998/99 to 24% in 1997/98. The proportion of Aboriginal offenders admitted to sentenced custody has, however, been stable at between 38% and 39% (Table 3.9.2).

Age of Offenders⁶³

In 2000/01 the median age of offenders at commencement of a conditional sentence was 31 years of age. It should be noted that age was unknown in 37% of conditional sentence commencements for that year and that these figures should be viewed with caution. The median age at admission for sentenced custody admissions was also 31 years of age. Median age data for probation are not available for Alberta (Table 3.9.3).

Over the four year period 1997/98 to 2000/01 the median age of offenders has been fairly constant at 31 years for sentenced custody admissions and fluctuating between 31 and 32 years for conditional sentence commencements. Age was unknown for just over a third of offenders in each of the years.

Type of offence⁶⁴

Property offences are the most prevalent offence type for conditional sentences, comprising 44% of conditional sentences in 2000/01. Violent offences were the most serious offence in 25% of conditional sentence commencements, drug-related offences, 19% and other Criminal Code, 8% (Table 3.9.4).

Since 1997/98, the offence profile of conditional sentences has changed. In 1997/98, 51% of conditional sentence commencements were for property offences; this proportion has decreased to 44% in 2000/01. The proportion for violent offences has remained constant since 1997/98 at about 25% of commencements. Other Criminal Code offences have declined from 13% in 1997/98 to 8% in 2000/01. Of particular note is the increase in the number and proportion of conditional sentence commencements for drug-related offences, which have more than doubled compared to previous years to 235, or 19% in 2000/01.

Data on offences are not available for probation. Data on offences for custody, while available, are based on all charges in the case as opposed to the most serious offence and the proportional distribution of offences is not directly comparable. However, it is noteworthy that, in contrast to the change in the offence profile of conditional sentence commencements since 1997/98, the profile of custody admissions has been consistent over this same time period.

The offence profile of conditional sentences differed by sex and Aboriginal status. In 2000/01 among male offenders with a conditional sentence, 38% were convicted of a property offence, 29% a violent offence, 19% a drug offence and 9% were convicted of

63. Age refers to age of the offender at time of program commencement.

64. Conditional sentence offence data for Alberta are based on the most serious offence where there is more than one offence type on a case.

other Criminal Code offences. In comparison, among female offenders with a conditional sentence, 64% were convicted of a property offence, 11% a violent offence, 18% a drug-related offence and 4% were convicted of other Criminal Code offences.

With respect to Aboriginal offenders with a conditional sentence, in 2000/01 31 % were convicted of a violent offence, 32% a property offence, 13% a drug-related offence and 14% were convicted of an other Criminal Code offence. In comparison, among non-Aboriginal offenders with a conditional sentence, 23% were convicted of a violent offence, 46% a property offence, 20% a drug-related offence and 6% were convicted of other Criminal Code offences.

Sentence length

The mean length of sentence for conditional sentences commenced in 2000/01 was 11.6 months. The mean sentence length increased each year from 1997/98, when it was 8.8 months. Over the four years, the length of conditional sentences increased markedly. In 1997/98, 57% of conditional sentence terms were 6 months or less, 27% were 6 to 12 months and 17% were greater than 12 months. This compares to 2000/01, when 37% of conditional sentence terms were 6 months or less, 31% were 6 to 12 months and 32% were greater than 12 months. In comparison, in 2000/01 79% of sentenced custody admissions had an aggregate sentence of 3 months or less (Table 3.9.5).

The mean sentence length differs by sex and Aboriginal status. In 2000/01 the mean sentence length for male offenders was 11.8 months compared to 11.2 months for female offenders. Since 1997/98 the mean sentence length for male offenders has consistently been approximately 1 month longer than for female offenders. With respect to Aboriginal status, the mean conditional sentence length for Aboriginal offenders was 10.6 months compared to 11.8 months for non-Aboriginal offenders. The mean sentence length for non-Aboriginal offenders has also consistently been approximately one month longer than for Aboriginal offenders since 1997/98.

Optional Conditions

In 1997/98, one-third of conditional sentences commenced in Alberta contained no additional conditions beyond the standard ones specified in the *Criminal Code*. The use of optional conditions has since increased, with only 14% of conditional sentence commencements containing no optional conditions in 2000/01. Where optional conditions were imposed, curfews were the most prevalent type of condition with 84% of commencements having a curfew. The use of curfew as a condition increased substantially since 1997/98 when only 33% of conditional sentence commencements possessed a curfew condition. It should be noted that Alberta has developed a specific curfew management program that is operated through Attendance Centres, which may account for its high level of use in the province. As well, this program operates in a manner similar to house arrest, possibly accounting for the absence of house arrest conditions. (See description in the following section, *Processing Conditional Sentences and Violations*).

Conditions requiring the offender to attend alcohol/drug treatment, other treatment programs, and perform community service work were the other most prevalent optional conditions. In 2000/01, 54% of conditional sentence commencements required the offender to participate in an alcohol/drug treatment program, the performance of community service work was a condition in 40% of commencements and 25% of commencements required participation in other treatment programs (Table 3.9.6).

A Correctional Service Description of Processing Conditional Sentences and Violations of Conditions⁶⁵

Program Orientation

Conditional sentences are intended as an incarceration alternative for low risk offenders who are placed by the court under supervision in the community. Supervision of these offenders is provided by probation officers across the province. Conditional Sentence supervision requires an intensive supervision model (see supervision standards) consistent with the high priority in which it is viewed by the Community Corrections and Release Branch.

Supervision Standards

Supervision of offenders on Conditional Sentences is provided by probation officers.

There are three levels of supervision:

- Intensive Supervision Model (high risk offender)

Offenders are required to report to their supervisors (Probation Officers) once per week in-person on a scheduled date and time. Supervisors are required to make two community contacts per month to verify the offender's activity, stability and compliance with conditions.

- Medium

Offenders are required to report twice per month to the supervisor; one such contact may be by telephone. The supervisor completes one community (collateral) contact each month to verify the offender's information and degree of stability/compliance with conditions.

- Minimum

Offenders are directed to report to their supervisors anywhere from once per month to once every three months. The type of reporting may be in-person, by telephone or via written correspondence. A collateral contact is completed within the first 30 days of supervision and again as needed.

The standard reporting requirement shall be once per week in person (intensive supervision model). Reasonable arrangements to maximize offender contact shall be maintained. At the six-month review date offenders may be reclassified to medium with supervisory approval.

The initial contact with the probation officer will be within two working days, or such longer period as the court directs and thereafter when required and in the manner directed by the probation officer.

Enforcement

House Arrest:

Offenders serving a conditional sentence are permitted to reside in their own residences during the evening and night time hours, where they are bound by a curfew or house arrest. The offenders are monitored by correctional officers stationed at the community-based Attendance Centres. House arrest is monitored through a random combination of in person home visits and telephone calls.

65. **Source:** Alberta Justice/Solicitor General, Correctional Services Division

Curfew:

If a curfew is imposed as an optional condition, curfew management is provided by the correctional officers at the Attendance Centres located in Edmonton and Calgary.

If the offender resides within reasonable proximity to an Attendance Centre, Enforcement Officers shall monitor the curfew through telephone contact and/or home visits. If the offender resides in a rural area and has a telephone, Enforcement Officers shall monitor the curfew through telephone contact. If the offender does not have a telephone and resides in a rural area, the Probation Officer shall notify and/or request assistance of the local police agency in monitoring the curfew.

Firearm Prohibition:

The Probation Officer will discuss firearm conditions with the offender. Any required enforcement is provided by the police.

Varying the Conditions Ordered

Whenever possible, the supervising probation officer should initiate the Application and Notice to Review Conditional Sentence Order. A hearing is not mandatory in such applications. Once completed, the supervising probation officer must give a copy to the offender, the Crown Prosecutor and to the Court.

If a hearing is requested, the Clerk of the Court will notify all parties of the date of the hearing and subsequent decision. If no hearing is requested, the change comes into effect 14 days after the application was received by the Court. The supervising Probation officer will provide the offender with notification of the change and file proof with the Court as soon as practical. The Probation Officer will ensure a bring forward system is in place to review the status of all applications 14 days after submission.

Copies of all approved variations of a Conditional Sentence Order are to be faxed to the appropriate Attendance Centre and police agency.

If an offender requests that an optional condition be varied and the supervising Probation officer is not in agreement with the request, the offender should be given a letter to take to the Clerk of the Court to initiate an Application for Review.

Where a hearing is requested and the court location is a considerable distance from the supervising office location the probation officer will review with their immediate supervisor the need to attend the hearing.

Transfer Procedures Among the Jurisdictions

The probation officer will: provide the offender the name, address and telephone number of the office to which he/she is to report, instructing the offender to report by a pre-determined date; immediately inform the supervising office of the other province or territory of the pending move, provide appropriate documentation and request courtesy supervision; close the file upon receipt of confirmation of acceptance of courtesy supervision. If written confirmation is not forthcoming after telephone confirmation, the probation officer may write to the other province indicating the Alberta Correctional Services file will be closed.

Formal Transfer of Jurisdiction

When an offender has established permanent residence in the new area, the receiving office shall be requested to provide the Community Corrections office the address of the court whose jurisdiction is equivalent to the court issuing the order.

The formal transfer procedure will be initiated when:

- the offender has established residence in the other province or territory;
- the receiving agency has agreed to accept supervision and has requested formal transfer of documents;
- there has been notification of the address of the court of equivalent jurisdiction in the receiving province or territory;
- where the appeal period has expired or all proceedings in respect of any such appeal have been completed.

Required documentation must be prepared and sent to the Deputy of the Attorney General of Alberta. The Branch Manager/Supervisor will ensure that all relevant documentation has been processed and sent to the court of equivalent jurisdiction.

Actions Taken by the Correctional System and the Courts when an Offender Breaches the conditions of a Conditional Sentence

Once an offender has been charged with a breach, the supervisor will issue a warrant for their arrest. The offender is then placed in custody to await a court hearing.

During the court proceedings the judge may decide to do one of the following:

take no action; change optional conditions; suspend the conditional sentence order and direct that the offender serve in custody a portion of the unexpired sentence, conditional sentence order to resume on the offender's release from custody either with or without changes to optional conditions; terminate the conditional sentence order and direct that the offender be committed to custody until expiration of the sentence.

Table 3.9.1

Conditional Sentences, Probation and Sentenced Custody by Sex, Alberta, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|--------------|----------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| Male | 1997/98 | 878 | 75 | 6,360 | 82 | 12,811 | 89 |
| | 1998/99 | 633 | 75 | 7,008 | 82 | 13,743 | 89 |
| | 1999/00 | 726 | 74 | 7,089 | 81 | 13,053 | 89 |
| | 2000/01 | 957 | 75 | 7,549 | 81 | 13,151 | 89 |
| Female | 1997/98 | 298 | 25 | 1,434 | 18 | 1,656 | 11 |
| | 1998/99 | 210 | 25 | 1,536 | 18 | 1,748 | 11 |
| | 1999/00 | 249 | 26 | 1,617 | 19 | 1,675 | 11 |
| | 2000/01 | 314 | 25 | 1,811 | 19 | 1,708 | 11 |
| TOTAL | 1997/98 | 1,176 | 100 | 7,794 | 100 | 14,467 | 100 |
| | 1998/99 | 843 | 100 | 8,544 | 100 | 15,491 | 100 |
| | 1999/00 | 975 | 100 | 8,706 | 100 | 14,728 | 100 |
| | 2000/01 | 1,271 | 100 | 9,360 | 100 | 14,859 | 100 |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

Table 3.9.2

Conditional Sentences, Probation and Sentenced Custody by Aboriginal/Non-Aboriginal Status, Alberta, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|----------------|----------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| Aboriginal | 1997/98 | 224 | 19 | 1,894 | 24 | 5,696 | 39 |
| | 1998/99 | 107 | 13 | 1,751 | 20 | 5,910 | 38 |
| | 1999/00 | 173 | 18 | 1,923 | 22 | 5,786 | 39 |
| | 2000/01 | 201 | 16 | 2,009 | 21 | 5,745 | 39 |
| Non-Aboriginal | 1997/98 | 952 | 81 | 5,900 | 76 | 8,771 | 61 |
| | 1998/99 | 736 | 87 | 6,793 | 80 | 9,581 | 62 |
| | 1999/00 | 802 | 82 | 6,783 | 78 | 8,942 | 61 |
| | 2000/01 | 1,070 | 84 | 7,351 | 79 | 9,114 | 61 |
| TOTAL | 1997/98 | 1,176 | 100 | 7,794 | 100 | 14,467 | 100 |
| | 1998/99 | 843 | 100 | 8,544 | 100 | 15,491 | 100 |
| | 1999/00 | 975 | 100 | 8,706 | 100 | 14,728 | 100 |
| | 2000/01 | 1,271 | 100 | 9,360 | 100 | 14,859 | 100 |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

Table 3.9.3

Conditional Sentences, Probation and Sentenced Custody by Age, Alberta, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|----------------|--------------------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | 18 to 24 | 219 | 29 | .. | ... | 3,877 | 27 |
| | 25 to 34 | 258 | 34 | .. | ... | 5,322 | 37 |
| | 35 to 49 | 239 | 31 | .. | ... | 4,401 | 30 |
| | 50 and over | 50 | 7 | .. | ... | 865 | 6 |
| | TOTAL⁴ | 766 | 100 | 7,794 | 100 | 14,465 | 100 |
| | Mean age | 32.1 | ... | .. | ... | 32.0 | ... |
| | Median age | 31 | ... | .. | ... | 31 | ... |
| | Not stated | 410 | ... | .. | ... | .. | ... |
| 1998/99 | 18 to 24 | 121 | 23 | .. | ... | 4,269 | 28 |
| | 25 to 34 | 182 | 35 | .. | ... | 5,430 | 35 |
| | 35 to 49 | 180 | 35 | .. | ... | 4,854 | 31 |
| | 50 and over | 35 | 7 | .. | ... | 929 | 6 |
| | TOTAL⁴ | 518 | 100 | 8,544 | 100 | 15,482 | 100 |
| | Mean age | 33.0 | ... | .. | ... | 32.0 | ... |
| | Median age | 32 | ... | .. | ... | 31 | ... |
| | Not stated | 325 | ... | .. | ... | .. | ... |
| 1999/00 | 18 to 24 | 159 | 25 | .. | ... | 4,040 | 27 |
| | 25 to 34 | 219 | 34 | .. | ... | 5,188 | 35 |
| | 35 to 49 | 211 | 33 | .. | ... | 4,712 | 32 |
| | 50 and over | 48 | 8 | .. | ... | 787 | 5 |
| | TOTAL⁴ | 637 | 100 | 8,706 | 100 | 14,727 | 100 |
| | Mean age | 33.0 | ... | .. | ... | 32.0 | ... |
| | Median age | 32 | ... | .. | ... | 31 | ... |
| | Not stated | 338 | ... | .. | ... | .. | ... |
| 2000/01 | 18 to 24 | 252 | 31 | .. | ... | 4,105 | 28 |
| | 25 to 34 | 229 | 29 | .. | ... | 4,978 | 34 |
| | 35 to 49 | 269 | 34 | .. | ... | 4,923 | 33 |
| | 50 and over | 52 | 6 | .. | ... | 853 | 6 |
| | TOTAL⁴ | 802 | 100 | 9,360 | 100 | 14,859 | 100 |
| | Mean age | 32.3 | ... | .. | ... | 32.2 | ... |
| | Median age | 31 | ... | .. | ... | 31 | ... |
| | Not stated | 469 | ... | .. | ... | .. | ... |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

4. Totals exclude "Not stated." Total sentenced custody excludes several young offenders in 1997/98 (2), 1998/99 (9) and 1999/00 (1).

Table 3.9.4

Conditional Sentences by Offence Group, Alberta, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | |
|----------------|----------------------------|---|------------|
| | | Number | % |
| 1997/98 | Violent | 283 | 25 |
| | Property | 589 | 51 |
| | Impaired/Dangerous Driving | 40 | 3 |
| | Other CC | 151 | 13 |
| | Drugs | 85 | 7 |
| | Other Federal | 1 | 0 |
| | Provincial/Municipal | ... | ... |
| | TOTAL³ | 1,149 | 100 |
| | Not stated | 1 | ... |
| 1998/99 | Violent | 212 | 26 |
| | Property | 414 | 50 |
| | Impaired/Dangerous Driving | 33 | 4 |
| | Other CC | 96 | 12 |
| | Drugs | 66 | 8 |
| | Other Federal | 1 | 0 |
| | Provincial/Municipal | ... | ... |
| | TOTAL³ | 822 | 100 |
| | Not stated | 5 | ... |
| 1999/00 | Violent | 248 | 26 |
| | Property | 475 | 50 |
| | Impaired/Dangerous Driving | 61 | 6 |
| | Other CC | 84 | 9 |
| | Drugs | 80 | 8 |
| | Other Federal | 0 | 0 |
| | Provincial/Municipal | ... | ... |
| | TOTAL³ | 948 | 100 |
| | Not stated | 0 | ... |
| 2000/01 | Violent | 308 | 25 |
| | Property | 551 | 44 |
| | Impaired/Dangerous Driving | 63 | 5 |
| | Other CC | 95 | 8 |
| | Drugs | 235 | 19 |
| | Other Federal | 0 | 0 |
| | Provincial/Municipal | ... | ... |
| | TOTAL³ | 1,252 | 100 |
| | Not stated | 0 | ... |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics. Counts are classified by the most serious offence. Counts that refer to multiple charges are excluded from the table because they are not comparable with counts classified by the most serious offence, i.e. sentenced custody data. Probation data are not available.

3. Totals exclude "Not stated."

Table 3.9.5

Conditional Sentences, Probation and Sentenced Custody by Length of Sentence, Alberta, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|------------------------------|--------------------------------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | Less than 3 months | 81 | 7 | .. | ... | 9,440 | 65 |
| | 3 months | 138 | 12 | .. | ... | 1,386 | 10 |
| | More than 3 and less than 6 months | 103 | 9 | .. | ... | 913 | 6 |
| | 6 months | 333 | 29 | .. | ... | 470 | 3 |
| | More than 6 and less than 12 months | 112 | 10 | .. | ... | 631 | 4 |
| | 12 months | 198 | 17 | .. | ... | 239 | 2 |
| | More than 12 and less than 24 months | 129 | 11 | .. | ... | 480 | 3 |
| | 24 months or more | 74 | 6 | .. | ... | 908 | 6 |
| | TOTAL⁴ | 1,168 | 100 | 7,794 | 100 | 14,467 | 100 |
| | Mean (months) ⁵ | 8.8 | ... | .. | ... | 2.9 | ... |
| Median (months) ⁵ | 6.0 | ... | .. | ... | 1.0 | ... | |
| Not stated | 8 | ... | .. | ... | ... | ... | |
| 1998/99 | Less than 3 months | 26 | 3 | .. | ... | 10,257 | 66 |
| | 3 months | 54 | 6 | .. | ... | 1,535 | 10 |
| | More than 3 and less than 6 months | 57 | 7 | .. | ... | 888 | 6 |
| | 6 months | 202 | 24 | .. | ... | 513 | 3 |
| | More than 6 and less than 12 months | 126 | 15 | .. | ... | 649 | 4 |
| | 12 months | 162 | 19 | .. | ... | 202 | 1 |
| | More than 12 and less than 24 months | 126 | 15 | .. | ... | 408 | 3 |
| | 24 months or more | 80 | 10 | .. | ... | 1,039 | 7 |
| | TOTAL⁴ | 833 | 100 | 8,544 | 100 | 15,491 | 100 |
| | Mean (months) ⁵ | 10.5 | ... | .. | ... | 2.5 | ... |
| Median (months) ⁵ | 9.0 | ... | .. | ... | 1.0 | ... | |
| Not stated | 10 | ... | .. | ... | ... | ... | |
| 1999/00 | Less than 3 months | 31 | 3 | .. | ... | 9,931 | 67 |
| | 3 months | 62 | 6 | .. | ... | 1,484 | 10 |
| | More than 3 and less than 6 months | 71 | 7 | .. | ... | 836 | 6 |
| | 6 months | 230 | 24 | .. | ... | 447 | 3 |
| | More than 6 and less than 12 months | 129 | 13 | .. | ... | 499 | 3 |
| | 12 months | 190 | 20 | .. | ... | 195 | 1 |
| | More than 12 and less than 24 months | 143 | 15 | .. | ... | 321 | 2 |
| | 24 months or more | 114 | 12 | .. | ... | 1,015 | 7 |
| | TOTAL⁴ | 970 | 100 | 8,706 | 100 | 14,728 | 100 |
| | Mean (months) ⁵ | 10.9 | ... | .. | ... | 2.4 | ... |
| Median (months) ⁵ | 9.0 | ... | .. | ... | 1.0 | ... | |
| Not stated | 5 | ... | .. | ... | ... | ... | |
| 2000/01 | Less than 3 months | 33 | 3 | .. | ... | 10,328 | 70 |
| | 3 months | 64 | 5 | .. | ... | 1,323 | 9 |
| | More than 3 and less than 6 months | 74 | 6 | .. | ... | 763 | 5 |
| | 6 months | 287 | 23 | .. | ... | 406 | 3 |
| | More than 6 and less than 12 months | 155 | 12 | .. | ... | 507 | 3 |
| | 12 months | 246 | 19 | .. | ... | 181 | 1 |
| | More than 12 and less than 24 months | 268 | 21 | .. | ... | 325 | 2 |
| | 24 months or more | 142 | 11 | .. | ... | 1,026 | 7 |
| | TOTAL⁴ | 1,269 | 100 | 9,360 | 100 | 14,859 | 100 |
| | Mean (months) ⁵ | 11.6 | ... | .. | ... | 2.6 | ... |
| Median (months) ⁵ | 12.0 | ... | .. | ... | 1.0 | ... | |
| Not stated | 2 | ... | .. | ... | ... | ... | |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

4. Totals exclude "Not stated."

5. Sentenced custody data in days was divided by 30 to convert to months, and excludes sentences of 24 months or more.

Table 3.9.6

Conditional Sentence Commencements by Type of Condition Imposed, Alberta, 1997/98 to 2000/01¹

| Years | Optional conditions | Total | Proportion of commencements with conditions | |
|---|--|--------|---|--------------|
| | | Number | % | |
| 1997/98 | No optional conditions | 384 | 33 | |
| | Abstain from alcohol/drugs | 2 | 0 | |
| | Weapons restriction | 107 | 9 | |
| | Perform community service | 292 | 25 | |
| | Alcohol/drug rehabilitation program | 533 | 45 | |
| | Other treatment program | 169 | 14 | |
| | Association restriction | 90 | 8 | |
| | Curfew | 391 | 33 | |
| | Maintain employment | 29 | 2 | |
| | Maintain residence | 43 | 4 | |
| | Restitution | 105 | 9 | |
| | Education | 72 | 6 | |
| | Other ² | 68 | 6 | |
| | Total Optional Conditions Ordered³ | | 1,901 | ... |
| | Total Conditional Sentence Commencements | | | 1,176 |
| 1998/99 | No optional conditions | 79 | 9 | |
| | Abstain from alcohol/drugs | 2 | 0 | |
| | Weapons restriction | 101 | 12 | |
| | Perform community service | 282 | 33 | |
| | Alcohol/drug rehabilitation program | 534 | 63 | |
| | Other treatment program | 177 | 21 | |
| | Association restriction | 128 | 15 | |
| | Curfew | 439 | 52 | |
| | Maintain employment | 87 | 10 | |
| | Maintain residence | 121 | 14 | |
| | Restitution | 122 | 14 | |
| | Education | 33 | 4 | |
| | Other ² | 115 | 14 | |
| | Not stated | 1 | 0 | |
| | Total Optional Conditions Ordered³ | | 2,142 | ... |
| Total Conditional Sentence Commencements | | | 843 | |
| 1999/00 | No optional conditions | 53 | 5 | |
| | Abstain from alcohol/drugs | 29 | 3 | |
| | Weapons restriction | 105 | 11 | |
| | Perform community service | 372 | 38 | |
| | Alcohol/drug rehabilitation program | 601 | 62 | |
| | Other treatment program | 234 | 24 | |
| | Association restriction | 134 | 14 | |
| | Curfew | 600 | 62 | |
| | Maintain employment | 95 | 10 | |
| | Maintain residence | 175 | 18 | |
| | Restitution | 130 | 13 | |
| | Education | 48 | 5 | |
| | Other ² | 184 | 19 | |
| | Total Optional Conditions Ordered³ | | 2,707 | ... |
| | Total Conditional Sentence Commencements | | | 975 |

Table 3.9.6 (continued)

Conditional Sentence Commencements by Type of Condition Imposed, Alberta, 1997/98 to 2000/01¹

| Years | Optional conditions | Total | Proportion of commencements with conditions |
|---|--|--------|---|
| | | Number | % |
| 2000/01 | No optional conditions | 179 | 14 |
| | Abstain from alcohol/drugs | 13 | 1 |
| | Weapons restriction | 150 | 12 |
| | Perform community service | 506 | 40 |
| | Alcohol/drug rehabilitation program | 681 | 54 |
| | Other treatment program | 318 | 25 |
| | Association restriction | 182 | 14 |
| | House arrest without electronic monitoring | 7 | 1 |
| | Curfew | 1,069 | 84 |
| | Maintain employment | 114 | 9 |
| | Maintain residence | 235 | 18 |
| | Restitution | 152 | 12 |
| | Education | 40 | 3 |
| | Other ² | 260 | 20 |
| | Total Optional Conditions Ordered³ | | 3,727 |
| Total Conditional Sentence Commencements | | | 1,271 |

1. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

2. There may be more than one "other" condition on an order and therefore, expressing the number in proportion to commencements is inappropriate.

3. Excludes the count of "no optional conditions".

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3.10 British Columbia

Trends in Conditional Sentences, Probation and Sentenced Custody ⁶⁶

Current Caseload

In 2000/01 there were 3,226 conditional sentence commencements in British Columbia, 32% more than in the previous year and 55% greater than the 2,080 reported for 1997/98. This compares to 9,520 admissions to sentenced custody and 11,509 intakes to probation.⁶⁷

Over the ten-year period commencing in 1991/92, the overall number of sentenced correctional services commencements⁶⁸ increased each year to its peak of 28,753 in 1996/97, declining steadily thereafter. The 24,255 program commencements in 2000/01 represent an increase of 14% since 1991/92, but a decrease of 16% since 1996/97. The number of sentenced custody admissions rose to its peak of 12,437 in 1994/95, after which it decreased a total of 23% to 2000/01 (9,520). Probation followed a similar pattern, climbing steadily to its peak of 16,152 commencements in 1996/97, and then declining each year afterward. The 11,509 commencements in 2000/01 represent a modest increase of 4% over the ten-year period, but a 29% decrease over the last five years (Table 3.10).

In 2000/01, conditional sentences represented 13% of sentenced program commencements, compared to 39% for sentenced custody and 47% for probation. Conditional sentences, as a proportion of overall commencements, increased each year over the four year period ending 2000/01, climbing from 8% in 1997/98 to 13% four years later.

Table 3.10

Adult Admissions to Correctional Service Programs, British Columbia, 1991/92 to 2000/01

| | 1991/92 | 1992/93 | 1993/94 | 1994/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 | 2000/01 |
|------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Sentenced custody | 10,135 | 10,597 | 11,536 | 12,437 | 12,425 | 11,537 | 10,583 | 9,628 | 9,739 | 9,520 |
| Probation | 11,103 | 11,503 | 13,513 | 14,724 | 15,259 | 16,152 | 13,440 | 12,805 | 12,283 | 11,509 |
| Conditional sentences ¹ | ... | ... | ... | ... | ... | 1,064 | 2,080 | 2,142 | 2,439 | 3,226 |
| TOTAL | 21,238 | 22,100 | 25,049 | 27,161 | 27,684 | 28,753 | 26,103 | 24,575 | 24,461 | 24,255 |

1. The 1996/97 figure represents seven months of data.

Source: Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

66. **Source:** The Adult Correctional Services Survey. Admission rates are calculated per 10,000 adults charged with Federal Statute offences using Uniform Crime Reporting Survey data.

67. **Note:** While the conditional sentence option came into force in September 1996, 1997/98 is the first full year for which data are available. Estimates for the full year's data for 1996/97 have not been produced.

68. Sentenced correctional services refer to the combined total of conditional sentence, probation and sentenced custody.

The average count of offenders supervised under the three program areas in British Columbia was 16,942 in 2000/01, of which 1,612 (10%) were on conditional sentence, 1,476 (9%) were in sentenced custody, and 13,854 (82%) were on probation. While there was some fluctuation in the number of offenders in custody and on probation, the number of individuals on conditional sentence increased each year over the four-year period, increasing more than 45% since 1997/98.

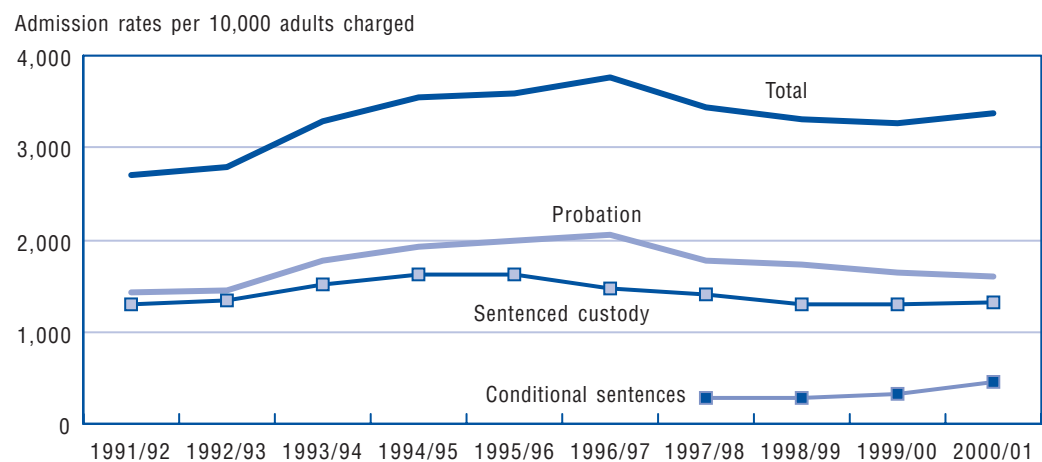
Trends in admission rates – 1991/92 to 2000/01

In 2000/01, there were 3,368 sentenced correctional services commencements per 10,000 adults charged in British Columbia. The rate was 448 for conditional sentences, 63% higher than in 1997/98 (275); 1,322 for sentenced custody; and 1,598 for probation. The rate increased between 1991/92 and 1996/97, rising 39% over this period. The rate has since declined to 3,368 in 2000/01, 10% lower than in 1996/97 but 24% higher than in 1991/92 (Figure 10.1).

The rate of sentenced custody increased steadily to its peak of 1,623 in 1994/95, stabilizing at 1,613 one year later. In 1996/97 the rate began to decrease steadily dropping 19% to 1998/99 (1,299) and has increased slightly since. The probation rate increased 45% from 1,418 in 1991/92 to 2,059 in 1996/97, after which it dropped steadily by 22% to 1,598 in 2000/01.

Figure 10.1

Admission rates per 10,000 adults charged, British Columbia, 1991/92 to 2000/01



Note: Conditional sentencing became an option in September, 1996. Total admissions rate in 1996/97 includes partial counts of conditional sentences.

Source: Adult Correctional Services Survey, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics.

Case Characteristics of conditional sentences, 1997/98 to 2000/01⁶⁹

Sex of Offenders

In 2000/01, male offenders comprised 84% of conditional sentence commencements and probation commencements, but 93% of sentenced custody admissions. The proportions for each of the three program types have remained consistent since 1997/98 (Table 3.10.1).

Aboriginal/non-Aboriginal Offenders

According to the 2001 Canadian Census of Population, Aboriginal persons account for 4% of the adult population in British Columbia. In 2000/01, 18% of offenders commencing either a conditional sentence or probation were Aboriginal. In comparison, Aboriginal offenders comprised 20% of sentenced custody admissions. For conditional sentencing, this proportion has varied between 17% and 18%, between 16% and 18% for probation, and between 18% and 20% for sentenced custody between 1997/98 and 2000/01 (Table 3.10.2).

Age of Offenders⁷⁰

In 2000/01 the mean age of offenders at commencement of a conditional sentence was 33.6 years. In comparison, the mean age for both sentenced custody admissions and probation commencements was 32 years.

While there has been some minor fluctuation in age groupings, the proportions have remained relatively consistent for conditional sentences, probation and sentenced custody over the four year period from 1997/98 (Table 3.10.3).

Type of offence⁷¹

In 2000/01, 35% of conditional sentences were the result of property-based offences, a decrease from 41% in 1997/98. Further, the proportion of these sentences given for violent crime has also decreased steadily, accounting for 23% in 2000/01, down from 27% in 1997/98. However, the proportion of conditional sentences for drug-related crime has almost doubled, from 14% to 26% over this period (Table 3.10.4).

In comparison 40% of probation commencements and only 16% of sentenced custody admissions were for violent offences; 32% of probation and 27% of sentenced custody admissions were property-related. However, 14% of probation and 29% of sentenced custody were the result of convictions for other Criminal Code offences. These proportions have been relatively consistent over the four year period.

The offence profile of conditional sentences differs by sex and Aboriginal status. Among males commencing a conditional sentence in 2000/01, 33% were convicted of property-related offences, 26% a drug-related crime, 25% violent crime, and 10% other Criminal Code offences. In comparison, of the 531 females commencing a conditional sentence, 47% were convicted of property-related offences, 28% for a drug-related crime, 12% violent crime, and 9% other Criminal Code offences.

69. **Sources:** Conditional Sentencing Special Study, 2002 for characteristics of conditional sentences; Adult Correctional Services (ACS) Survey for characteristics of probation and sentenced custody.

70. Age refers to age of the offender at time of program commencement.

71. Offence data are based on most serious offence where there is more than one type of offence type in a case.

The offence profile also differs according to Aboriginal status⁷². Of the 558 Aboriginal persons commencing a conditional sentence in 2000/01, 35% were involved in violent crime, 30% for property-related offences, 12% other Criminal Code, and 15% for drug-related offences. In comparison, the proportions for the 2,556 non-Aboriginal offenders were 20% for violent offences, 36% for property-related offences, 9% for other Criminal Code, and 29% for drugs-related offences.

Sentence length

In 2000/01, the median sentence length for conditional sentences was 6 months, consistent with previous years, except 1997/98 when it was 5 months. In comparison, the median for probation has been 12 months each year. The median length of sentenced custody was 2 months over this period.

In 2000/01, 66% of conditional sentences were 6 months or less, 22% were 6 to 12 months and 12% were over 12 months in duration. In contrast, 14% of probation orders were 6 months or less, 57% were 6 to 12 months and 29% were greater than 12 months. Regarding sentenced custody, 67% of sentences were three months or less, 16% were 3 to 6 months and 17% were over 6 months.

The median sentence length differed for Aboriginal and non-Aboriginal offenders. In 2000/01, the median conditional sentence length was four months for Aboriginal offenders against six months for non-Aboriginal offenders. There were also some minor differences between male and female offenders on conditional sentence. In 2000/01, the median sentence length was six months for male offenders compared to five months for females (Table 3.10.5).

A Correctional Service Description of Processing Conditional Sentences and Violations of Conditions⁷³

Program Orientation

The Attorney General designates all Probation Officers as persons having the authority to supervise conditional sentence orders. Conditional sentences are intended to be more punitive than probation orders. Conditional sentences impose greater restrictions on the offender's liberty than probation.

The Proulx decision affirms that the purpose of conditional sentencing is to reduce reliance on incarceration and increase the use of restorative justice principles. It was also stated that conditional sentences can provide significant denunciation and deterrence. This sentencing option is preferable to incarceration when punitive and rehabilitative objectives can be achieved.

Enforcement

House Arrest/Curfew:

Use of electronic monitoring with conditional sentences is consistent with the position taken by the Supreme Court of Canada in the Proulx decision that "house arrest" type conditions should be the norm for conditional sentences, not the exception.

72. Characteristics for offence type and sentence length exclude 112 conditional sentence commencements where the Aboriginal identity was not known.

73. **Source:** British Columbia, Ministry of Attorney General and Ministry of Public Safety and Solicitor General, Corrections Branch, Community Corrections.

Electronic monitoring systems monitor the offender's compliance with the requirement to remain at approved locations during specified times (curfews or house arrest).

The Central Monitoring Unit (CMU) monitors compliance by all offenders on electronic curfew monitoring on a 24-hour basis. Once a violation is confirmed, the CMU staff member faxes a report to the supervising Community Corrections office. The supervising office, not the office doing the initial hook-up, is responsible for case management actions.

Supervision Standards

The supervisor conducts an initial in-person interview on every offender who is the subject of a Conditional Sentence Order and ensures that the initial intake procedures are completed.

After the initial interview, a risk/needs assessment commences on all sentenced offenders who have been placed on a conditional sentence. The risk/needs assessment must be completed as soon as possible, but not longer than two months after the initial interview. The risk/needs assessment is updated every six months or more frequently by the supervisor.

Varying the Conditions Ordered

When the supervisor believes that circumstances of the offender have changed, and a change in optional conditions is desirable, the supervisor gives written notification of the proposed changes and reasons to the offender, Crown Counsel and Court.

The relevant documents must be completed and filed at the court registry by the supervisor and copies must be given to the Crown counsel and the offender.

Within seven days after receiving the Notice to Change a Conditional Sentence Order, the offender or Crown Counsel may request the court to hold a hearing to consider the proposed changes, or the court may order a hearing. The hearing must be held within thirty days of the court receiving the notice.

When there has been no request or order for a hearing within the seven-day period, the proposed changes take effect fourteen days after the court receives notification. The supervisor must keep track of the 14-day period, and ensure that the offender is notified of changes made to the order.

In cases involving violence, sexual offences or spousal assault, the supervisor makes reasonable efforts to contact the victim and ensures that the victim is aware of changes of conditions, especially protective conditions approved by the court. If the victim is not contacted, the reason is recorded on the case file.

Transfer Procedures Among the Jurisdictions

Before an order is transferred out of province, the Attorney General of B.C. must give consent when the substantive offence is a provincial matter. The Attorney General of Canada must give consent when the substantive offence is a federal matter.

Permission to leave the province should be carefully considered.

As soon as the supervisor knows that the offender will remain in the receiving province or be in the other province longer than three months, the supervisor must initiate a formal transfer of supervision.

If the supervisor is uncomfortable with allowing the offender to move to another province or be absent, the supervisor should deny permission and advise the offender to make an application to the court.

In sensitive or high profile cases, the supervisor advises the Crown counsel that the offender wishes to relocate to another province or territory. If Crown counsel does not support the relocation, the offender is directed to obtain permission to relocate from the court.

Actions Taken by the Correctional System and the Courts when an Offender Breaches the conditions of a Conditional Sentence

In order that offenders are properly held to the expectations of the court, expeditious enforcement of breach allegations is required.

Due to the onerous nature of conditional sentences and because there is an impact on a conditional sentence when the breach process is initiated, supervisors must submit allegations of breaches of conditional sentences within two working days of an alleged breach.

When a supervisor decides to initiate breach proceedings, a Report to Crown Counsel is submitted in electronic form and written format and an administrative hold is placed on the order.

The supervisor includes signed witness statements, taken by the local police detachment. Supervisors should seek the assistance of their local detachment in obtaining them.

Based on the information provided, Crown counsel may have a warrant issued for the arrest of the offender. The supervisor is not responsible for obtaining the warrant.

When the offender is known to be high risk with a history of serious offences including spousal assault offences, the supervisor notifies the police of the violation and submits an allegation of breach of conditional sentence report. After hours, the Central Monitoring Unit notifies the police who have the authority to arrest without a warrant.

In cases involving violence, sexual offences or spousal assault, the supervisor makes reasonable efforts to contact the victim. The victim is advised of relevant breaches of conditions on the order, especially protective conditions. The victim is notified if a report has been sent to the Crown Counsel. If the victim is not contacted, the reason is recorded on the case file.

Table 3.10.1

Conditional Sentences, Probation and Sentenced Custody by Sex, British Columbia, 1997/98 to 2000/01¹

| | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|--------------------------|----------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| Male | 1997/98 | 1,718 | 83 | 11,564 | 85 | 9,819 | 93 |
| | 1998/99 | 1,828 | 85 | 11,116 | 85 | 8,978 | 93 |
| | 1999/00 | 2,038 | 84 | 10,333 | 84 | 8,954 | 92 |
| | 2000/01 | 2,694 | 84 | 10,585 | 84 | 8,823 | 93 |
| Female | 1997/98 | 344 | 17 | 1,982 | 15 | 764 | 7 |
| | 1998/99 | 329 | 15 | 1,922 | 15 | 648 | 7 |
| | 1999/00 | 401 | 16 | 1,958 | 16 | 785 | 8 |
| | 2000/01 | 531 | 16 | 2,008 | 16 | 697 | 7 |
| TOTAL⁴ | 1997/98 | 2,062 | 100 | 13,546 | 100 | 10,583 | 100 |
| | 1998/99 | 2,157 | 100 | 13,038 | 100 | 9,626 | 100 |
| | 1999/00 | 2,439 | 100 | 12,291 | 100 | 9,739 | 100 |
| | 2000/01 | 3,225 | 100 | 12,593 | 100 | 9,520 | 100 |
| Not stated | 1997/98 | 0 | ... | 2 | ... | .. | ... |
| | 1998/99 | 1 | ... | 4 | ... | 2 | ... |
| | 1999/00 | 0 | ... | 0 | ... | .. | ... |
| | 2000/01 | 1 | ... | 2 | ... | .. | ... |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

4. Totals exclude "Not stated."

Table 3.10.2

Conditional Sentences, Probation and Sentenced Custody by Aboriginal/Non-Aboriginal Status, British Columbia, 1997/98 to 2000/01¹

| | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|--------------------------|----------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| Aboriginal | 1997/98 | 335 | 17 | 2,123 | 16 | 1,872 | 18 |
| | 1998/99 | 340 | 17 | 2,061 | 18 | 1,903 | 20 |
| | 1999/00 | 414 | 18 | 2,036 | 17 | 1,817 | 19 |
| | 2000/01 | 558 | 18 | 2,170 | 18 | 1,931 | 20 |
| Non-Aboriginal | 1997/98 | 1,684 | 83 | 10,969 | 84 | 8,606 | 82 |
| | 1998/99 | 1,638 | 83 | 9,677 | 82 | 7,437 | 80 |
| | 1999/00 | 1,899 | 82 | 9,634 | 83 | 7,922 | 81 |
| | 2000/01 | 2,556 | 82 | 10,004 | 82 | 7,589 | 80 |
| TOTAL⁴ | 1997/98 | 2,019 | 100 | 13,092 | 100 | 10,478 | 100 |
| | 1998/99 | 1,978 | 100 | 11,738 | 100 | 9,340 | 100 |
| | 1999/00 | 2,313 | 100 | 11,670 | 100 | 9,739 | 100 |
| | 2000/01 | 3,114 | 100 | 12,174 | 100 | 9,520 | 100 |
| Not stated | 1997/98 | 43 | ... | 456 | ... | 105 | ... |
| | 1998/99 | 180 | ... | 1,304 | ... | 288 | ... |
| | 1999/00 | 126 | ... | 621 | ... | .. | ... |
| | 2000/01 | 112 | ... | 421 | ... | .. | ... |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

4. Totals exclude "Not stated."

Table 3.10.3

Conditional Sentences, Probation and Sentenced Custody by Age, British Columbia, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|----------------|--------------------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | 18 to 24 | 472 | 23 | 3,873 | 29 | 2,610 | 25 |
| | 25 to 34 | 725 | 35 | 4,588 | 34 | 4,139 | 39 |
| | 35 to 49 | 710 | 34 | 4,275 | 32 | 3,280 | 31 |
| | 50 and over | 154 | 7 | 800 | 6 | 545 | 5 |
| | TOTAL⁴ | 2,061 | 100 | 13,536 | 100 | 10,574 | 100 |
| | Mean age | 33.6 | ... | 32.0 | ... | 32.0 | ... |
| | Median age | 32 | ... | 31 | ... | 31 | ... |
| Not stated | 1 | ... | 12 | ... | ... | ... | |
| 1998/99 | 18 to 24 | 460 | 21 | 3,890 | 30 | 2,536 | 26 |
| | 25 to 34 | 776 | 36 | 4,282 | 33 | 3,721 | 39 |
| | 35 to 49 | 726 | 34 | 4,083 | 31 | 2,927 | 30 |
| | 50 and over | 196 | 9 | 779 | 6 | 441 | 5 |
| | TOTAL⁴ | 2,158 | 100 | 13,034 | 100 | 9,625 | 100 |
| | Mean age | 33.9 | ... | 31.9 | ... | 31.7 | ... |
| | Median age | 32 | ... | 31 | ... | 31 | ... |
| Not stated | 0 | ... | 8 | ... | 11 | ... | |
| 1999/00 | 18 to 24 | 593 | 24 | 3,526 | 29 | 2,636 | 27 |
| | 25 to 34 | 794 | 33 | 3,835 | 31 | 3,573 | 37 |
| | 35 to 49 | 832 | 34 | 4,120 | 34 | 3,050 | 31 |
| | 50 and over | 220 | 9 | 808 | 7 | 476 | 5 |
| | TOTAL⁴ | 2,439 | 100 | 12,289 | 100 | 9,735 | 100 |
| | Mean age | 33.8 | ... | 32.4 | ... | 31.8 | ... |
| | Median age | 32 | ... | 31 | ... | 31 | ... |
| Not stated | 0 | ... | 2 | ... | ... | ... | |
| 2000/01 | 18 to 24 | 694 | 22 | 3,704 | 29 | 2,458 | 26 |
| | 25 to 34 | 1,104 | 34 | 3,793 | 30 | 3,506 | 37 |
| | 35 to 49 | 1,141 | 35 | 4,203 | 33 | 3,059 | 32 |
| | 50 and over | 287 | 9 | 893 | 7 | 481 | 5 |
| | TOTAL⁴ | 3,226 | 100 | 12,593 | 100 | 9,504 | 100 |
| | Mean age | 34.0 | ... | 32.5 | ... | 32.0 | ... |
| | Median age | 33 | ... | 31 | ... | 31 | ... |
| Not stated | .. | ... | 2 | ... | ... | ... | |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

4. Totals exclude "Not stated." Total sentenced custody also excludes several young offenders in 1997/98 (9), 1998/99 (3), 1999/00 (4), and 2000/01 (16).

Table 3.10.4

Conditional Sentences, Probation and Sentenced Custody by Offence Group, British Columbia, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ³ | | Sentenced custody admissions ³ | |
|----------------|---|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | Violent | 547 | 27 | 5,270 | 39 | 1,835 | 17 |
| | Property | 840 | 41 | 4,123 | 31 | 3,064 | 29 |
| | Impaired/Dangerous Driving ⁴ | 128 | 6 | 676 | 5 | 969 | 9 |
| | Other CC | 233 | 11 | 2,436 | 18 | 2,766 | 26 |
| | Drugs | 283 | 14 | 720 | 5 | 748 | 7 |
| | Other Federal | 30 | 1 | 47 | 0 | 483 | 5 |
| | Provincial/Municipal | ... | ... | 168 | 1 | 718 | 7 |
| | TOTAL⁵ | 2,061 | 100 | 13,440 | 100 | 10,583 | 100 |
| Not stated | 1 | ... | ... | ... | ... | ... | |
| 1998/99 | Violent | 549 | 25 | 4,850 | 38 | 1,678 | 17 |
| | Property | 858 | 40 | 3,954 | 31 | 2,842 | 30 |
| | Impaired/Dangerous Driving ⁴ | 147 | 7 | 555 | 4 | 516 | 5 |
| | Other CC | 230 | 11 | 1,590 | 12 | 2,586 | 27 |
| | Drugs | 355 | 16 | 808 | 6 | 748 | 8 |
| | Other Federal | 8 | 1 | 39 | 0 | 655 | 7 |
| | Provincial/Municipal | ... | ... | 1,003 | 8 | 603 | 6 |
| | TOTAL⁵ | 2,157 | 100 | 12,799 | 100 | 9,628 | 100 |
| Not stated | 1 | ... | 6 | ... | ... | ... | |
| 1999/00 | Violent | 580 | 24 | 5,196 | 42 | 1,893 | 20 |
| | Property | 994 | 41 | 3,245 | 27 | 2,496 | 26 |
| | Impaired/Dangerous Driving ⁴ | 135 | 6 | 546 | 4 | 402 | 4 |
| | Other CC | 227 | 9 | 2,195 | 18 | 1,539 | 16 |
| | Drugs | 482 | 20 | 832 | 7 | 840 | 9 |
| | Other Federal | 21 | 1 | 92 | 1 | 1,931 | 20 |
| | Provincial/Municipal | ... | ... | 128 | 1 | 532 | 6 |
| | TOTAL⁵ | 2,439 | 100 | 12,234 | 100 | 9,633 | 100 |
| Not stated | 0 | ... | 49 | ... | 106 | ... | |
| 2000/01 | Violent | 735 | 23 | 4,636 | 40 | 1,519 | 16 |
| | Property | 1,131 | 35 | 3,713 | 32 | 2,528 | 27 |
| | Impaired/Dangerous Driving ⁴ | 159 | 5 | 476 | 4 | 323 | 3 |
| | Other CC | 305 | 9 | 1,602 | 14 | 2,802 | 29 |
| | Drugs | 843 | 26 | 917 | 8 | 881 | 9 |
| | Other Federal | 53 | 2 | 35 | 0 | 821 | 9 |
| | Provincial/Municipal | ... | ... | 130 | 1 | 646 | 7 |
| | TOTAL⁵ | 3,226 | 100 | 11,509 | 100 | 9,520 | 100 |
| Not stated | 0 | ... | ... | ... | ... | ... | |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. The unit of count for sentenced custody is the most serious disposition.

4. Probation and sentenced custody admissions exclude dangerous driving offences.

5. Totals exclude "Not stated."

Table 3.10.5

Conditional Sentences, Probation, and Sentenced Custody by Length of Sentence, British Columbia, 1997/98 to 2000/01¹

| Years | | Conditional sentence commencements ² | | Probation commencements ² | | Sentenced custody admissions ³ | |
|------------------------------|--------------------------------------|---|------------|--------------------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | Less than 3 months | 396 | 19 | 76 | 1 | 5,339 | 57 |
| | 3 months | 361 | 18 | 180 | 1 | 870 | 9 |
| | More than 3 and less than 6 months | 308 | 15 | 194 | 1 | 906 | 10 |
| | 6 months | 395 | 19 | 1,553 | 12 | 556 | 6 |
| | More than 6 and less than 12 months | 207 | 10 | 1,086 | 8 | 637 | 7 |
| | 12 months | 198 | 10 | 5,821 | 43 | 236 | 3 |
| | More than 12 and less than 24 months | 140 | 7 | 1,906 | 14 | 447 | 5 |
| | 24 months or more | 57 | 3 | 2,662 | 20 | 353 | 4 |
| | TOTAL⁴ | 2,062 | 100 | 13,478 | 100 | 9,344 | 100 |
| | Mean (months) ⁵ | 6.4 | ... | 14.5 | ... | 3.8 | ... |
| Median (months) ⁵ | 5.0 | ... | 12 | ... | 1.8 | ... | |
| Not stated | 0 | ... | 70 | ... | ... | ... | |
| 1998/99 | Less than 3 months | 391 | 18 | 82 | 1 | 5,057 | 58 |
| | 3 months | 327 | 15 | 174 | 1 | 776 | 9 |
| | More than 3 and less than 6 months | 287 | 13 | 176 | 1 | 858 | 10 |
| | 6 months | 447 | 21 | 1,386 | 11 | 582 | 7 |
| | More than 6 and less than 12 months | 251 | 12 | 1,052 | 8 | 509 | 6 |
| | 12 months | 214 | 10 | 6,003 | 46 | 252 | 3 |
| | More than 12 and less than 24 months | 166 | 8 | 1,830 | 14 | 353 | 4 |
| | 24 months or more | 74 | 3 | 2,270 | 17 | 357 | 4 |
| | TOTAL⁴ | 2,157 | 100 | 12,973 | 100 | 8,744 | 100 |
| | Mean (months) ⁵ | 6.9 | ... | 14.3 | ... | 3.3 | ... |
| Median (months) ⁵ | 6.0 | ... | 12 | ... | 1.7 | ... | |
| Not stated | 0 | ... | 69 | ... | 884 | ... | |
| 1999/00 | Less than 3 months | 444 | 18 | 80 | 1 | 4,777 | 57 |
| | 3 months | 405 | 17 | 164 | 1 | 770 | 9 |
| | More than 3 and less than 6 months | 296 | 12 | 213 | 2 | 783 | 9 |
| | 6 months | 554 | 23 | 1,527 | 12 | 520 | 6 |
| | More than 6 and less than 12 months | 242 | 10 | 1,033 | 8 | 822 | 10 |
| | 12 months | 231 | 9 | 5,689 | 46 | 3 | 0 |
| | More than 12 and less than 24 months | 212 | 9 | 1,631 | 13 | 517 | 6 |
| | 24 months or more | 55 | 2 | 1,900 | 16 | 250 | 3 |
| | TOTAL⁴ | 2,439 | 100 | 12,237 | 100 | 8,442 | 100 |
| | Mean (months) ⁵ | 6.8 | ... | 13.7 | ... | 3.8 | ... |
| Median (months) ⁵ | 6.0 | ... | 12 | ... | 2.0 | ... | |
| Not stated | 0 | ... | 54 | ... | 1,297 | ... | |
| 2000/01 | Less than 3 months | 522 | 16 | 83 | 1 | 4,907 | 58 |
| | 3 months | 520 | 16 | 174 | 1 | 755 | 9 |
| | More than 3 and less than 6 months | 426 | 13 | 167 | 1 | 828 | 10 |
| | 6 months | 681 | 21 | 1,382 | 11 | 478 | 6 |
| | More than 6 and less than 12 months | 331 | 10 | 1,112 | 9 | 786 | 9 |
| | 12 months | 387 | 12 | 6,053 | 48 | 10 | 0 |
| | More than 12 and less than 24 months | 308 | 10 | 1,614 | 13 | 468 | 5 |
| | 24 months or more | 51 | 2 | 1,962 | 16 | 289 | 3 |
| | TOTAL⁴ | 3,226 | 100 | 12,547 | 100 | 8,521 | 100 |
| | Mean (months) ⁵ | 7.1 | ... | 13.8 | ... | 3.6 | ... |
| Median (months) ⁵ | 6.0 | ... | 12 | ... | 2.0 | ... | |
| Not stated | 0 | ... | 48 | ... | 999 | ... | |

1. Percentages may not total exactly as shown due to rounding.

2. **Source:** Conditional Sentencing Special Study, 2002, Canadian Centre for Justice Statistics.

3. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

4. Totals exclude "Not stated." The sentenced custody total for 1997/98 excludes cases admitted through suspensions or revocations.

5. Sentenced custody data in days was divided by 30 to convert to months, and excludes sentences of 24 months or more.

3.11 Yukon

Trends in Conditional Sentences, Probation and Sentenced Custody⁷⁴

The Yukon was unable to respond to the Conditional Sentencing special study and therefore only limited data describing the case characteristics of conditional sentences are available from the Adult Correctional Services survey. Please note also that because of the relatively low number of cases in the Yukon, small changes in numbers can yield large swings in the percentage change from one year to another, resulting in volatility in the trends, particularly in the rate trends. The trend data should thus be viewed with caution.

Current Caseload

In 2000/01, there were 96 conditional sentence commencements in the Yukon, almost double the number from 1997/98 (50). This compares to 353 probation commencements and 294 admissions to sentenced custody in 2000/01. Conditional sentences represented 13% of the 743 total sentenced correctional services commencements⁷⁵ in 2000/01, while probation comprised 48% and sentenced custody, 40%.

From 1991/92 (296) the number of sentenced custody admissions progressively increased, reaching a peak of 393 in 1995/96, an increase of 33%, then dropping 21% the following year. Since 1996/97 the rate of sentenced custody admissions has fluctuated. In comparison, the number of probation commencements fluctuated between 1991/92 (376) and 1995/96 (330) before increasing dramatically by 56% in 1996/97 (515). Probation commencements have since declined by 31% to 353 in 2000/01 (Table 3.11).

Table 3.11

Adult Admissions to Correctional Service Programs, Yukon, 1991/92 to 2000/01

| | 1991/92 | 1992/93 | 1993/94 | 1994/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 | 2000/01 |
|------------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Sentenced custody ¹ | 296 | 324 | 389 | 368 | 393 | 310 | 304 | 300 | 308 | 294 |
| Probation | 376 | 373 | 376 | 356 | 330 | 515 | 451 | 467 | 405 | 353 |
| Conditional sentences ² | ... | ... | ... | ... | ... | 22 | 50 | 60 | 91 | 96 |
| TOTAL | 672 | 697 | 765 | 724 | 723 | 847 | 805 | 827 | 804 | 743 |

1. The 1991/92 figure is based on partial data.

2. The 1996/97 figure represents seven months of data.

Source: Adult Correctional Services Survey, Canadian Centre for Justice Statistics.

74. **Source:** The Adult Correctional Services Survey. Admission rates are calculated per 10,000 adults charged with Federal Statute offences using Uniform Crime Reporting Survey data.

75. Sentenced correctional services refer to the combined total of conditional sentence, probation and sentenced custody admissions.

The average count of offenders supervised under conditional sentence at any one time was 45 in 2000/01. In comparison, in 2000/01 375 offenders were supervised on probation and 35 were in sentenced custody in 2000/01. In all, of the 455 offenders supervised on an average day in 2000/01, 10% were on conditional sentence, 82% were on probation and 8% were in sentenced custody.

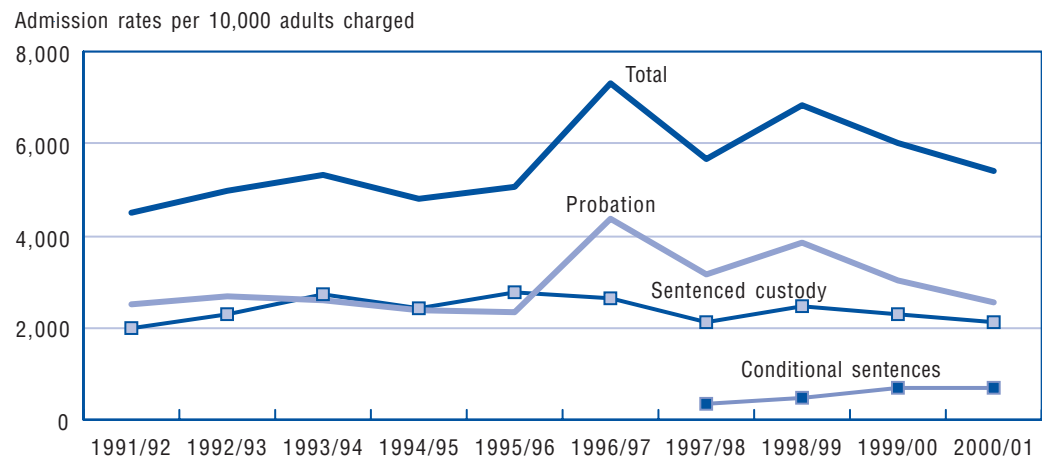
Trends in admission rates – 1991/92 to 2000/01

In 2000/01, there were 5,384 sentenced correctional services commencements per 10,000 adults charged in the Yukon. This was 20% higher than the rate of 4,483 in 1991/92 but 26% lower than the peak rate of 7,299 in 1994/95. The rate of conditional sentence commencements has doubled from a rate of 351 in 1997/98 to 698 commencements per 10,000 adults charged in 2000/01. This compares to a rate of 2,558 for probation and a rate for sentenced custody of 2,130 admissions per 10,000 adults charged in 2000/01 (Figure 11.1).

The rate of probation commencements fluctuated between 1991/92 (2,508) and 1995/96 (2,319), then rising 88% to 4,357 commencements per 10,000 adults charged in 1996/97. Probation rates have since declined 40% to a rate of 2,558 in 2000/01, similar to 1991/92. Sentenced custody admissions also fluctuated in the early 1990's, peaking in 1995/96 (2,762). Rates have since declined 23% to 2,130 in 2000/01.

Figure 11.1

Admission rates per 10,000 adults charged, Yukon, 1991/92 to 2000/01



Note: Sentenced custody rates for 1991/92 are based on partial admissions data. Conditional sentencing became an option in September, 1996. Total admissions rate in 1996/97 includes partial counts of conditional sentences.

Source: Adult Correctional Services Survey, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics.

Case Characteristics of conditional sentences, 1997/98 to 2000/01

Sex of Offenders

In 2000/01, male offenders comprised 85% of conditional sentence commencements compared to 81% of probation commencements and 91% of sentenced custody admissions. These proportions have fluctuated for probation and conditional sentences since 1997/98, however, the proportion of custody admissions that are male have declined from 95% in 1997/98 (Table 3.11.1).

Aboriginal/non-Aboriginal Offenders

According to the 2001 Canadian Census of Population, Aboriginal persons account for 20% of the adult population in Yukon. In 2000/01, 65% of offenders commencing a conditional sentence were Aboriginal compared to 57% of probation commencements and 72% of sentenced custody admissions (Table 3.11.2).

Age of Offenders⁷⁶

In 2000-01 the mean age of offenders at commencement of a conditional sentence was 34 years. In comparison, the mean age for probation and for sentenced custody was 32 years.

Over the four year period 1997/98 to 2000/01 the mean age and the age distribution of offenders in the Yukon has fluctuated for all three sentence types (Table 3.11.3).

76. Age refers to age of the offender at time of program commencement.

Table 3.11.1

Conditional Sentences, Probation and Sentenced Custody by Sex, Yukon, 1997/98 to 2000/01¹

| | | Conditional sentence commencements | | Probation commencements | | Sentenced custody admissions | |
|--------------------------|----------------|------------------------------------|------------|-------------------------|------------|------------------------------|------------|
| | | Number | % | Number | % | Number | % |
| Male | 1997/98 | 40 | 80 | 390 | 87 | 256 | 95 |
| | 1998/99 | 51 | 86 | 375 | 80 | 275 | 92 |
| | 1999/00 | 75 | 82 | 335 | 83 | 283 | 92 |
| | 2000/01 | 82 | 85 | 287 | 81 | 268 | 91 |
| Female | 1997/98 | 10 | 20 | 58 | 13 | 14 | 5 |
| | 1998/99 | 8 | 14 | 91 | 20 | 25 | 8 |
| | 1999/00 | 16 | 18 | 70 | 17 | 25 | 8 |
| | 2000/01 | 14 | 15 | 66 | 19 | 26 | 9 |
| TOTAL² | 1997/98 | 50 | 100 | 448 | 100 | 270 | 100 |
| | 1998/99 | 59 | 100 | 466 | 100 | 300 | 100 |
| | 1999/00 | 91 | 100 | 405 | 100 | 308 | 100 |
| | 2000/01 | 96 | 100 | 353 | 100 | 294 | 100 |
| Not stated | 1997/98 | .. | ... | 3 | ... | 34 | ... |
| | 1998/99 | 1 | ... | 1 | ... | .. | ... |
| | 1999/00 | .. | ... | .. | ... | .. | ... |
| | 2000/01 | .. | ... | .. | ... | .. | ... |

1. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. Percentages may not total exactly as shown due to rounding.

2. Totals exclude "Not stated."

Table 3.11.2

Conditional Sentences, Probation and Sentenced Custody by Aboriginal/Non-Aboriginal Status, Yukon, 2000/01¹

| | | Conditional sentence commencements | | Probation commencements | | Sentenced custody admissions | |
|----------------|----------------|------------------------------------|------------|-------------------------|------------|------------------------------|------------|
| | | Number | % | Number | % | Number | % |
| Aboriginal | 2000/01 | 62 | 65 | 200 | 57 | 213 | 72 |
| Non-Aboriginal | 2000/01 | 34 | 35 | 153 | 43 | 81 | 28 |
| TOTAL | 2000/01 | 96 | 100 | 353 | 100 | 294 | 100 |

1. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. Percentages may not total exactly as shown due to rounding.

Table 3.11.3

Conditional Sentences, Probation and Sentenced Custody by Age, Yukon, 1997/98 to 2000/01¹

| | | Conditional sentence commencements | | Probation commencements | | Sentenced custody admissions | |
|----------------|--------------------------|------------------------------------|------------|-------------------------|------------|------------------------------|------------|
| | | Number | % | Number | % | Number | % |
| 1997/98 | 18 to 24 | 15 | 30 | 135 | 30 | 80 | 30 |
| | 25 to 34 | 20 | 40 | 144 | 32 | 105 | 39 |
| | 35 to 49 | 12 | 24 | 136 | 30 | 67 | 25 |
| | 50 and over | 3 | 6 | 34 | 8 | 17 | 6 |
| | TOTAL² | 50 | 100 | 449 | 100 | 269 | 100 |
| | Mean age | 31.0 | ... | 32.4 | ... | 31.6 | ... |
| | Median age | 29 | ... | 30 | ... | 29 | ... |
| Not stated | ... | ... | 2 | ... | 34 | ... | |
| 1998/99 | 18 to 24 | 18 | 31 | 148 | 32 | 71 | 24 |
| | 25 to 34 | 25 | 42 | 145 | 32 | 97 | 32 |
| | 35 to 49 | 13 | 22 | 143 | 31 | 109 | 36 |
| | 50 and over | 3 | 5 | 23 | 5 | 22 | 7 |
| | TOTAL² | 59 | 100 | 459 | 100 | 299 | 100 |
| | Mean age | 30.7 | ... | 31.4 | ... | 33.3 | ... |
| | Median age | 29 | ... | 29 | ... | 33 | ... |
| Not stated | 1 | ... | 8 | ... | ... | ... | |
| 1999/00 | 18 to 24 | 21 | 23 | 120 | 30 | 66 | 21 |
| | 25 to 34 | 23 | 25 | 119 | 29 | 108 | 35 |
| | 35 to 49 | 40 | 44 | 133 | 33 | 111 | 36 |
| | 50 and over | 7 | 8 | 33 | 8 | 23 | 7 |
| | TOTAL² | 91 | 100 | 405 | 100 | 308 | 100 |
| | Mean age | 34.0 | ... | 32.5 | ... | 33.5 | ... |
| | Median age | 35 | ... | 32 | ... | 33 | ... |
| Not stated | ... | ... | ... | ... | ... | ... | |
| 2000/01 | 18 to 24 | 26 | 27 | 119 | 34 | 79 | 27 |
| | 25 to 34 | 31 | 32 | 103 | 29 | 107 | 36 |
| | 35 to 49 | 33 | 34 | 109 | 31 | 96 | 33 |
| | 50 and over | 6 | 6 | 22 | 6 | 12 | 4 |
| | TOTAL² | 96 | 100 | 353 | 100 | 294 | 100 |
| | Mean age | 33.5 | ... | 31.6 | ... | 31.8 | ... |
| | Median age | 32 | ... | 30 | ... | 31 | ... |
| Not stated | ... | ... | .. | ... | .. | ... | |

1. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. Percentages may not total exactly as shown due to rounding.

2. Totals exclude "Not stated." Total sentenced custody excludes one offender in 1997/98 and 1998/99.

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3.12 Nunavut

Trends in Conditional Sentences, Probation and Sentenced Custody⁷⁷

Nunavut was unable to respond to the Conditional Sentencing special study; limited data are available from the Adult Correctional Services survey for 2000/01 only.

- In 2000/01 there were 198 conditional sentence commencements in Nunavut. This compares to 801 probation commencements and 229 admissions to sentenced custody in 2000/01. Conditional sentences represented 16% of the 1,228 sentenced correctional services commencements⁷⁸ that year, while probation comprised 65% and sentenced custody, 19%.
- Of the 198 conditional sentence commencements, 87% were male, compared to 84% for probation and 98% of sentenced custody admissions (Table 3.12.1).
- According to the 2001 Canadian Census of Population, Aboriginal persons account for 78% of the adult population in Nunavut. In 2000/01, 95% of conditional sentence and probation commencements were Aboriginal. Data on the Aboriginal status of custody offenders are unavailable (Table 3.12.2).
- In 2000/01, 23% of offenders commencing a conditional sentence were 18 to 24 years of age⁷⁹, 46% were 25 to 34 years and 31% were over 35 years. In comparison, 37% of probationers were 18 to 24 years, 39% were 25 to 34 and 23% were over 35 years. Age data are unavailable for custody admissions (Table 3.12.3).

77. **Source:** The Adult Correctional Services Survey. Data on aggregate conditional sentence and probation commencement counts for Nunavut were unavailable at the time of the 2000/01 release of the ACS. These data have since been provided and have been included here.

78. Sentenced correctional services commencements refer to the combined total of conditional sentence commencements, probation commencements and sentenced custody admissions.

79. Age refers to age of the offender at time of program commencement.

Table 3.12.1
Conditional Sentences, Probation and Sentenced Custody by Sex, Nunavut, 1999/00 to 2000/01¹

| | | Conditional sentence commencements | | Probation commencements | | Sentenced custody admissions | |
|--------------------------|----------------|------------------------------------|------------|-------------------------|------------|------------------------------|------------|
| | | Number | % | Number | % | Number | % |
| Male | 1999/00 | .. | ... | .. | ... | .. | ... |
| | 2000/01 | 172 | 87 | 667 | 84 | 229 | 100 |
| Female | 1999/00 | .. | ... | .. | ... | .. | ... |
| | 2000/01 | 26 | 13 | 129 | 16 | 0 | 0 |
| TOTAL² | 1999/00 | .. | ... | .. | ... | .. | ... |
| | 2000/01 | 198 | 100 | 796 | 100 | 229 | 100 |
| Not stated | 1999/00 | .. | ... | .. | ... | .. | ... |
| | 2000/01 | 0 | ... | 5 | ... | 0 | ... |

1. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. Percentages may not total exactly as shown due to rounding.
2. Totals exclude "Not stated."

Table 3.12.2
Conditional Sentences, Probation and Sentenced Custody by Aboriginal/Non-Aboriginal Status, Nunavut, 1999/00 to 2000/01¹

| | | Conditional sentence commencements | | Probation commencements | | Sentenced custody admissions ² | |
|-----------------------|----------------|------------------------------------|------------|-------------------------|------------|---|------------|
| | | Number | % | Number | % | Number | % |
| Aboriginal | 1999/00 | .. | ... | .. | ... | .. | ... |
| | 2000/01 | 188 | 95 | 761 | 95 | .. | ... |
| Non-Aboriginal | 1999/00 | .. | ... | .. | ... | .. | ... |
| | 2000/01 | 10 | 5 | 40 | 5 | .. | .. |
| TOTAL | 1999/00 | .. | ... | .. | ... | .. | ... |
| | 2000/01 | 198 | 100 | 801 | 100 | 229 | 100 |

1. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. Percentages may not total exactly as shown due to rounding.
2. 98% of all admissions to custody are Inuit males.

Table 3.12.3

Conditional Sentences, Probation and Sentenced Custody by Age, Nunavut, 1999/00 to 2000/01¹

| Years | | Conditional sentence commencements | | Probation commencements | | Sentenced custody admissions | |
|----------------|--------------------------|------------------------------------|------------|-------------------------|------------|------------------------------|------------|
| | | Number | % | Number | % | Number | % |
| 1999/00 | 18 to 24 | .. | ... | .. | ... | .. | ... |
| | 25 to 34 | .. | ... | .. | ... | .. | ... |
| | 35 to 49 | .. | ... | .. | ... | .. | ... |
| | 50 and over | .. | ... | .. | ... | .. | ... |
| | TOTAL | .. | ... | .. | ... | .. | ... |
| | Mean age | .. | ... | .. | ... | .. | ... |
| | Median age | .. | ... | .. | ... | .. | ... |
| | Not stated | .. | ... | .. | ... | .. | ... |
| 2000/01 | 18 to 24 | 45 | 23 | 287 | 37 | .. | ... |
| | 25 to 34 | 89 | 46 | 306 | 39 | .. | ... |
| | 35 to 49 | 48 | 25 | 159 | 20 | .. | ... |
| | 50 and over | 11 | 6 | 26 | 3 | .. | ... |
| | TOTAL² | 193 | 100 | 778 | 100 | 229 | 100 |
| | Mean age | .. | ... | .. | ... | .. | ... |
| | Median age | .. | ... | .. | ... | .. | ... |
| | Not stated | 4 | ... | 21 | ... | .. | ... |

1. **Source:** Adult Correctional Services Survey, Canadian Centre for Justice Statistics. Percentages may not total exactly as shown due to rounding.

2. Totals exclude "Not stated". Total conditional sentence and probation exclude 1 and 2 young offenders respectively.

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Part 4. METHODOLOGY

The data shown in this report were compiled from three different surveys, the Adult Correctional Service Survey (ACS), the Adult Criminal Court Survey (ACCS), and the Conditional Sentencing Special Study, released in 2002 by the Canadian Centre for Justice Statistics (CCJS). As well, the Uniform Crime Reporting Survey (UCR) provided the number of adults charged that was used to produce rates.

In May, 2002, a complete set of data tables for each participating jurisdiction, and a *Bulletin* entitled “Highlights of the Conditional Sentencing Special Study” were formally released to the public. This final report presents the profiles of conditional sentencing for the ten provincial jurisdictions that participated in the study. None of the territories were able to participate in the study. Conditional sentencing data from the Adult Correctional Services survey are presented for Yukon and Nunavut. No data on conditional sentences are available from the Northwest Territories and they have not been included in this report. Also included in the report are Adult Criminal Court Survey data highlights for three jurisdictions: Newfoundland and Labrador, Ontario, and Alberta.

Conditional Sentence Special Study

A feasibility study was undertaken by the CCJS following the approval of the Liaison Officers Committee in November, 2000. The provinces, territories and Justice Canada were consulted to determine the information needs, definitions of concepts, requirements, availability of data, and issues of data quality. This feasibility study recommended a one-time data collection of aggregate data for the fiscal years 1997/98 to 2000/01, with the understanding that individual profiles for the provinces and territories would be prepared because of non-comparability of data across jurisdictions. As well, differences in the availability of data across jurisdictions resulted in not all jurisdictions being able to supply all of the data requested. The study was approved in May 2001.

The scope of the data collection for the Conditional Sentencing Special Study was limited to conditional sentence commencements (admissions) to correctional service programs. The counts are not person counts. Data collected are: conditional sentence commenced and conditional sentences terminated. The reader is advised to refer to notes accompanying the data tables for a description of the counts provided by the respondent.

Data elements were defined to be uniform with the annual ACS. The common offence classification used for this data collection is now in use by the ACCS and UCR surveys and the most serious offence that describes each admission follows the severity index used by the Uniform Crime Reporting Survey (UCR). The reader is advised to refer to notes accompanying the data tables for any differences. To provide a context for the data, provincial and territorial procedures for processing conditional sentences are included in the jurisdictional profiles.

The data collection instrument was sent to the jurisdictions for completion in October, 2001. The instrument took the form of electronic data tables to collect aggregate counts for the fiscal years 1997/98 to 2000/01. Tables were completed by ten jurisdictions (excluding Yukon, Northwest Territories and Nunavut). From November, 2001 to May,

2002, most data were collected and verified. The verification procedures included a follow-up via e-mail and telephone calls to collect information on data compilation and interpretation of the counts submitted.

Adult Correctional Services Survey

The second source of data was the Adult Correctional Services (ACS) survey, which is conducted annually on a fiscal year basis (from April 1 to March 31). The ACS survey is a CCJS survey that collects aggregate caseload and case characteristic data on adult offenders (18 years and over) under the authority of provincial/territorial and federal correctional agencies in Canada. Data are collected via paper questionnaires sent to respondents. The data are provided by the various provincial, territorial and federal ministries, departments and agencies that administer correctional services across the country.

Five primary program areas fall under the umbrella of adult correctional services in Canada: (1) custodial remands; (2) custodial sentences; (3) conditional sentences; (4) probation; and (5) conditional release. *Of these five areas of responsibility, only admission counts and average daily counts for custodial sentences, conditional sentences and probation are examined in this report. The “total” correctional services admission counts refer to these three sanctions only.*

While admission data describe and measure the changing case flow of correctional agencies over time, these data do not indicate the number of individuals using correctional services. A person can be included several times in annual “admission” totals, for example, the offender will be counted once for an entry into custody and again as probation commences. It is also not uncommon for an offender to be convicted of several offences in a single court disposition, or to accumulate multiple, overlapping sentences during a period of correctional supervision. Consequently, a correctional admission or commencement may be composed of more than one sentence being served concurrently or consecutively, referred to as an “aggregate” sentence in the correctional sector.

A second correctional measure, “inmate counts”, is used to describe the number of inmates imprisoned or serving a sentence in the community at a given point in time. Counts are a major operational indicator for correctional managers. Correctional officials perform daily counts of inmates in their facility, minimally at every shift change, and monthly counts of offenders under community supervision.

The reader should be cautioned not to extrapolate the information obtained from admission data onto the daily inmate population counts. Admission data describe and measure the volume of case-flow for a correctional agency over an extended period of time, while the average counts of inmates or offenders serving a sentence in the community provide a snapshot of the daily correctional population.

Adult Criminal Court Survey

The third source of data for this report is the Adult Criminal Court Survey, the source of information on disposed federal statute charges. The purpose of the Adult Criminal Court Survey (ACCS) is to provide a national database of statistical information on the processing of cases through the adult criminal court system. The survey consists of a census of Criminal Code and other federal statute charges in adult criminal courts.

Data suppliers are the provincial and territorial government departments responsible for adult criminal courts. At the time of this report, adult criminal courts in nine provinces and one territory reported to the ACCS. These ten jurisdictions represent approximately 90% of the national adult criminal court caseload.

The primary unit of analysis is the case, which is defined as one or more charges against an individual and disposed of in court on the same day. All case information that is used to define the case, is determined by the “most serious offence”. The individuals involved are persons 18 years or older at the time of the offence, companies, as well as youths who have been transferred to adult criminal court. With the exception of Prince Edward Island, New Brunswick, Alberta, British Columbia and the Yukon, no data are provided from superior courts. The absence of data from all but five superior court jurisdictions may result in a slight underestimation of the severity of sentences imposed across Canada.

The number of cases with prison sentences (ACCS) and the number of admissions to correctional facilities (ACS) differ because the number of sentenced admissions reported by the Adult Correctional Services survey includes persons sentenced to prison in superior courts as well as admissions resulting from fine defaults. Note also that correctional service counts are based on aggregate sentences (see discussion above).

To date, full coverage on conditional sentences and characteristics is not available for all reporting jurisdictions. Data from Newfoundland and Labrador, Ontario and Alberta are highlighted in this report.

The analysis of conditional sentences from the ACCS in this report is based on cases completed with only one conviction. Consequently, the offender characteristics may differ from those shown in the ACS admission data because the scope of the two surveys differ.

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ANNEX A

COURT STATISTICS

Sentencing data in this section are based on single-conviction case data from the Adult Criminal Court Survey. Multiple-conviction cases are excluded from the analysis because only in single-conviction cases can one directly relate the punishment to a specific offence. For comparative purposes, sentencing outcomes in this section are examined based on the type of sentences imposed for single-conviction cases.

Table A1

Percentage of Conditional Sentences Imposed in Conjunction with at Least One Other Sentence, 2000/01

| Jurisdiction | Total cases with conditional sentences | % conditional sentence alone | % conditional sentence + probation | % conditional sentence + fine | % conditional sentence + restitution | % conditional sentence + other |
|---------------------------|--|------------------------------|------------------------------------|-------------------------------|--------------------------------------|--------------------------------|
| Newfoundland and Labrador | 109 | 18 | 81 | 0 | 6 | 0 |
| Ontario | 2,912 | 26 | 58 | 2 | 16 | 32 |
| Alberta | 658 | 44 | 19 | <1 | 25 | 23 |

Note: Percentages can exceed 100% because cases can have more than one sanction.

Source: Adult Criminal Court Survey, single conviction cases.

Newfoundland and Labrador

In 2000/01, there were 3,219 single-conviction cases in Newfoundland and Labrador, which represents 64% of all convicted cases.

Use of conditional sentences (Table A.2, A.3)

In 2000/01, a conditional sentence was imposed in 109 (3%) single-conviction cases in Newfoundland and Labrador. A conditional sentence was most often imposed in violent (5%) and property (5%) cases, followed by Other Criminal Code cases (4%), and Other federal statute cases (3%). Criminal Code traffic cases, which are subject to minimum sentencing provisions, which may impact the use of conditional sentencing, were sentenced to a conditional sentence in 1% of cases.

Six offences accounted for three-quarters of all the conditional sentences imposed in 2000/01. These offences were theft (representing 23% of all cases with a conditional sentence), trafficking/importing drugs (19%), Other Criminal Code infractions (14%), sexual abuse (7%), major assault (6%), and break and enter (6%).

Conditional sentences were given more frequently to adults between the ages of 18 and 34 years. In 2000/01, adults between the ages of 18 and 34 years represented 52% of the single-conviction cases in Newfoundland and Labrador whereas individuals 18 to 34 years represented 57% of the conditional sentences imposed.

In 2000/01, males accounted for 78% of the conditional sentences imposed and females accounted for 22%, whereas males represented 84% of the single-conviction cases in Newfoundland and Labrador, and females represented 16%.

Sentencing trends

During the three-year period that conditional sentencing data are available for Newfoundland and Labrador, 1998/99 to 2000/01, the number of single-conviction cases has declined by 10%, from 3,585 cases in 1998/99 to 3,219 cases in 2000/01. In 2000/01, 17% of cases received a prison sentence, 46% probation, 3% conditional sentence, and the remainder another type of sentence (e.g., fine).

The number of cases sentenced to prison has decreased 6%, from 578 cases to 541 cases during this period. The use of incarceration as a sanction has been stable since 1998/99. In 1998/99, 16% single-conviction cases received this sanction, compared to 17% in 2000/01.

Since 1998/99, the number of cases ordered to serve a conditional sentence has increased by 25%, from 87 cases to 109 cases. Conditional sentencing as a proportion of single-conviction cases has been stable during this period. In 1998/99, 2% of single-conviction cases received this sanction, and in 2000/01, 3% were sentenced to a conditional sentence.

The number of cases sentenced to a term of probation has declined by 9%, from 1,633 single-conviction cases in 1998/99 to 1,489 cases in 2000/01. Probation sentences as a proportion of single-conviction cases have not changed since 1998/99, when a probation term was ordered in 46% of single-conviction cases.

The use of incarceration declined for four of the six offences that frequently receive a conditional sentence. Between 1998/99 and 2000/01, the number of cases and proportion of cases sentenced to a term of incarceration declined for theft, trafficking/importing drugs, sexual abuse, and break and enter.

Conditional sentences are frequently combined with other sanctions (Table A.1). Most conditional sentences are imposed in combination with a probation order. A term of probation was ordered in 81% of the single-conviction cases receiving a conditional sentence in Newfoundland and Labrador in 2000/01.

The length of conditional sentence was greater than 6 months for 91% of the cases sentenced to both a conditional sentence and a probation term, and the sentence was 6 months and less for 9%. The term of probation in these cases was 6 months or less in 3% of cases, greater than 6 months to 1 year in 44%, greater than 1 year to 2 years in 43%, and greater than 2 years in 9% of cases.

Two-thirds (67%) of cases sentenced to a conditional sentence without an associated probation order were sentenced to a conditional sentence of 6 months or less.

Ontario

In 2000/01, there were 82,663 single-conviction cases in Ontario, which represents 77% of all convicted cases.

Use of conditional sentences (Table A.2, A.3)

In 2000/01, a conditional sentence was imposed in 2,912 (4%) single-conviction cases in Ontario. A conditional sentence was most often imposed in property cases (6%), followed by Other federal statute cases (5%), violent cases (4%), and Other Criminal Code cases (2%). Criminal Code traffic cases, which are subject to minimum sentencing provisions, which may impact the use of conditional sentencing, were sentenced to a conditional sentence in 1% of cases.

Six offences accounted for 70% of all the conditional sentences imposed in 2000/01. These offences were fraud (representing 16% of all cases with a conditional sentence), trafficking/importing drugs (15%), Other Criminal Code infractions (12%), theft (11%), major assault (8%), and common assault (7%).

In 2000/01, adults between the ages of 18 and 24 represented 30% of the single-conviction cases in Ontario and 24% of conditional sentences. Offenders 25 to 34 years of age represented 29% of single conviction cases, but 33% of conditional sentences. All other age groups represented approximately the same proportion of single-conviction cases and conditional sentences.

In 2000/01, males accounted for 74% of the conditional sentences imposed and females accounted for 26%, whereas males represented 85% of the single-conviction cases in Ontario, and females represented 15%.

Sentencing trends

During the three-year period that conditional sentencing data are available for Ontario, 1998/99 to 2000/01, the number of single-conviction cases has declined by 5%, from 87,072 cases in 1998/99 to 82,663 cases in 2000/01. In 2000/01, 34% of cases received a prison sentence, 49% probation, 4% conditional sentence with the remainder receiving another type of sentence (e.g., fine).

The number of cases sentenced to prison has decreased 8%, from 30,862 cases to 28,425 cases during this period. The use of incarceration as a sanction has been stable since 1998/99. In 1998/99, 35% of single-conviction cases received this sanction compared to 34% in 2000/01.

Since 1998/99, the number of cases ordered to serve a conditional sentence has increased by 14%, from 2,548 cases to 2,912 cases. Conditional sentencing as a proportion of single-conviction cases has been stable during this period. In 1998/99, 3% of single-conviction cases received this sanction, and in 2000/01, 4% were sentenced to a conditional sentence.

The number of cases sentenced to a term of probation has not changed since 1998/99. In 1998/99, 46% single-conviction cases received this sanction, and in 2000/01, 49% received this sanction.

The use of incarceration declined for five of the six offences that frequently receive a conditional sentence. Between 1998/99 and 2000/01, the proportion of cases sentenced to a term of incarceration declined for fraud, trafficking/importing drugs, Other Criminal Code infractions, major assault, and common assault.

Conditional sentences are frequently combined with other sanctions (Table A.1). Most conditional sentences are imposed in combination with a probation order. A term of probation was ordered in 58% of the single-conviction cases receiving a conditional sentence in Ontario in 2000/01.

The length of conditional sentence was greater than 6 months for 28% of the cases sentenced to both a conditional sentence and a probation term, and the sentence was 6 months or less for 72%. The term of probation in these cases was 6 months or less in 4% of cases, greater than 6 months to 1 year in 44%, greater than 1 year to 2 years in 38%, and greater than 2 years in 14% of cases.

Less than two-thirds (62%) of cases sentenced to a conditional sentence without an associated probation order were sentenced to a conditional sentence of 6 months or less.

Alberta

In 2000/01, there were 27,002 single-conviction cases in Alberta, which represents 69% of all convicted cases.

Use of conditional sentences (Table A.2, A.3)

In 2000/01, a conditional sentence was imposed in 658 (2%) of single-conviction cases in Alberta. A conditional sentence was most often imposed in violent (5%) and property (5%) cases, followed by Other federal statute cases (4%), and Other Criminal Code cases (1%). Criminal Code traffic cases, which are subject to minimum sentencing provisions, which may impact the use of conditional sentencing, were sentenced to a conditional sentence in 1% of cases.

Five offences accounted for (70%) of all the conditional sentences imposed in 2000/01. These offences were fraud (representing 18% of all cases with a conditional sentence), theft (18%), trafficking/importing drugs (16%), common assault (9%), and major assault (8%).

Offenders 18 to 24 years of age represented 28% of conditional sentences imposed and 31% of total single-conviction cases. Offender 25 to 34 years of age accounted for 28% of conditional sentences and 30% of total cases, and offenders 35 and older represented 43% of conditional sentences compared to 39% of single-conviction cases.

In 2000/01, males accounted for 72% and females 28% of the conditional sentences imposed, whereas males represented 84% of the single-conviction cases in Alberta, and females represented 16%.

Sentencing trends

During the three-year period that conditional sentencing data are available for Alberta, 1998/99 to 2000/01, the number of single-conviction cases has increased by 4%, from 26,047 cases in 1998/99 to 27,002 cases in 2000/01. In 2000/01, 22% of cases received a prison sentence, 24% probation, 2% a conditional sentence with the remainder receiving another type of sentence (e.g., fine).

The number of cases sentenced to prison has been stable during this three-year period. In 1998/99, 5,989 single-conviction cases (23%) received this sanction, compared to 5,981 (22%) in 2000/01.

Since 1998/99, the number of cases ordered to serve a conditional sentence has increased by 34%, from 491 cases to 658 cases. Conditional sentencing as a proportion of single-conviction cases has not changed since 1998/99, when conditional sentencing was used as a sanction in 2% of single-conviction cases.

The number of cases sentenced to a term of probation has increased 6% since 1998/99. The use of probation has been stable during this period. In 1998/99, 23% of single-conviction cases received this sanction, and in 2000/01 24% received this sanction.

The use of incarceration declined for the five offences that frequently receive a conditional sentence. Between 1998/99 and 2000/01, the proportion of cases sentenced to a term of incarceration declined for fraud, theft, trafficking/importing drugs, common assault, and major assault.

Conditional sentences are frequently combined with other sanctions (Table A.1). Conditional sentences are often imposed in combination with a probation order. This sentence combination was ordered in 19% of the single-conviction cases receiving a conditional sentence in Alberta in 2000/01.

The length of conditional sentence was greater than 6 months for 39% of the cases sentenced to both a conditional sentence and a probation term, and the sentence was 6 months or less for 61%. The term of probation in these cases was 6 months or less in 14% of cases, greater than 6 months to 1 year in 48%, greater than 1 year to 2 years in 32%, and greater than 2 years in 6% of cases.

Less than one-thirds (30%) of cases sentenced to a conditional sentence without an associated probation order were sentenced to a conditional sentence of 6 months or less.

Table A2

Percentage of Single Conviction Cases receiving Conditional Sentences by Offence Group, Selected Jurisdictions, 1998/99 to 2000/01

| TOTAL cases | Crimes Against the Person | | | | | Crimes Against Property | | | | | Other Criminal Code | | | Other Federal Statutes | | | |
|----------------------------------|---------------------------|-----------------------------|---------------|----------------|-------|-------------------------|-----------------|-------------------|-------|-------|------------------------------------|---------------------------------------|-------|------------------------|--------------|-------|---------|
| | Total | Sexual assault ¹ | Major assault | Common assault | Other | Total | Break and enter | Fraud and related | Theft | Other | Criminal Code Traffic ² | Against the administration of justice | | Total | Drug related | | |
| | | | | | | | | | | | | Total | Other | | | Total | related |
| Number | % | | | | | % | | | | | % | | % | | | | |
| Newfoundland and Labrador | | | | | | | | | | | | | | | | | |
| 1998/99 | 88 | 27 | 10 | 5 | 13 | 0 | 33 | 5 | 7 | 18 | 3 | 3 | 23 | 3 | 19 | 14 | 13 |
| 1999/00 | 108 | 31 | 6 | 9 | 15 | 0 | 33 | 6 | 8 | 15 | 5 | 4 | 17 | 1 | 16 | 16 | 16 |
| 2000/01 | 109 | 19 | 10 | 6 | 4 | 0 | 37 | 6 | 5 | 23 | 4 | 6 | 18 | 3 | 16 | 20 | 19 |
| Ontario | | | | | | | | | | | | | | | | | |
| 1998/99 | 2,548 | 24 | 6 | 8 | 8 | 2 | 42 | 5 | 21 | 12 | 5 | 4 | 18 | 6 | 12 | 11 | 11 |
| 1999/00 | 2,955 | 25 | 5 | 10 | 7 | 2 | 38 | 4 | 18 | 11 | 5 | 5 | 18 | 5 | 12 | 14 | 13 |
| 2000/01 | 2,912 | 22 | 6 | 8 | 7 | 2 | 36 | 4 | 16 | 11 | 5 | 5 | 20 | 6 | 14 | 17 | 17 |
| Alberta | | | | | | | | | | | | | | | | | |
| 1998/99 | 469 | 26 | 9 | 8 | 6 | 3 | 52 | 6 | 18 | 23 | 4 | 6 | 12 | 1 | 11 | 5 | 4 |
| 1999/00 | 522 | 25 | 8 | 8 | 8 | 2 | 55 | 5 | 21 | 24 | 5 | 7 | 8 | 1 | 7 | 6 | 5 |
| 2000/01 | 658 | 27 | 9 | 8 | 9 | 2 | 43 | 4 | 18 | 18 | 3 | 6 | 7 | 1 | 7 | 16 | 16 |

1. Includes sexual abuse.

2. Includes impaired driving.

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

Table A3

Single Conviction Cases receiving Conditional Sentences by Length of Sentence, Sex and Age, Selected Jurisdictions, 2000/01¹

| | Newfoundland and Labrador | | Ontario | | Alberta | |
|--------------------------------------|------------------------------|------------|--------------|------------|------------|------------|
| | Number | % | Number | % | Number | % |
| Sentence Length | | | | | | |
| 3 months or less | 8 | 7 | 953 | 33 | 57 | 9 |
| More than 3 and less than 6 months | 14 | 13 | 1,014 | 35 | 179 | 27 |
| More than 6 and less than 12 months | 43 | 39 | 643 | 22 | 206 | 31 |
| More than 12 and less than 24 months | 44 | 40 | 302 | 10 | 216 | 33 |
| 24 months or more | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 109 | 100 | 2,912 | 100 | 658 | 100 |
| Sex | | | | | | |
| Male | 85 | 78 | 2,164 | 74 | 475 | 72 |
| Female | 24 | 22 | 744 | 26 | 183 | 28 |
| TOTAL² | 109 | 100 | 2,908 | 100 | 658 | 100 |
| Not stated | 0 | 0 | 4 | ... | 0 | ... |
| Age | | | | | | |
| 18 to 24 | 28 | 26 | 676 | 24 | 186 | 28 |
| 25 to 34 | 34 | 31 | 936 | 33 | 184 | 28 |
| 35 to 44 | 31 | 29 | 800 | 28 | 178 | 27 |
| 45 to 54 | 8 | 7 | 285 | 10 | 74 | 11 |
| 55 and over | 7 | 6 | 125 | 4 | 32 | 5 |
| TOTAL² | 108 | 100 | 2,822 | 100 | 654 | 100 |
| Not stated | 1 | ... | 90 | ... | 4 | ... |

1. Percentages may not total exactly as shown due to rounding.

2. Total excludes "Not stated."

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

ANNEX B

Glossary of Terms

Actual-in count - Refers to the daily midnight count of offenders who are legally required to be at a facility and are present at the time a head count is taken. The average of these counts over the year are used to calculate annual **Average daily counts**.

Administrative offences – This type of offence would include fail to appear, breach bail or probation.

Admissions – Admission data are collected when the offender enters a custodial institution. These data describe and measure the changing case flow of correctional agencies over time. These data do not indicate the number of unique individuals using correctional services since the same person can be included several times in annual admission totals. The Conditional Sentence Special Study collects the following information on those admitted to custody: sentence disposition/length; age and sex of the offender; Aboriginal status of the offender (i.e. Aboriginal/non-Aboriginal), and offence for which the offender was sentenced.

Adults charged – Refers to the number of persons who were charged by the police in connection with a particular incident. If a person is charged with more than one offence, the most serious offence rule is applied, that is, the most serious offence is recorded.

Age – Refers to the age of the person at the time of admission to a correctional facility or on commencement of probation or conditional sentence..

Aggregate case – Refers to a case composed of one or more correctional dispositions being supervised concurrently or consecutively.

Aggregate sentence – The cumulative length of all sentences of a particular disposition combined. For example, an offender who receives a one year conditional sentence and then receives another one year conditional sentence exactly six months later would have an aggregate sentence of one and one-half years.

Commencement – This is the same concept as an admission, except that in this report the term has been applied to conditional sentences and probation.

Community service order (CSO) – A court order that the offender performs a certain number of hours of volunteer work or service in the community.

Conditional release – The planned and gradual release of inmates into the community through release mechanisms such as day parole, full parole, temporary absence passes, and statutory release.

Conditional sentence – An important provision of recent sentencing reforms (Bill C 41) was the creation of a new type of community-based alternative to imprisonment called a conditional sentence. If certain legal criteria are fulfilled, a judge may sentence an offender to a conditional term of imprisonment who would otherwise have been sent to prison. According to the terms of the conditional sentence, the offender will serve the term of imprisonment in the community, provided that he/she abides by conditions imposed by the court as part of the conditional sentence order. If the offender violates these conditions, he/she may be sent to prison to serve the balance of that sentence.

Controlled Drugs and Substances Act (CDSA) – Formerly the Narcotic Control Act and the Food and Drug Act. Offences that fall into this category would include possession, trafficking, and cultivating.

Criminogenic need factors – These are elements of an offender’s risk level assessment, that are used by correctional workers to assess offenders. They are dynamic attributes of the offender that, when changed, are associated with changes in the probability of recidivism.

Disposition – A court sentence ordered upon finding a person guilty of an offence.

Duration of order – Date from commencement of a conditional sentence or probation order, to its termination.

Driving offences – Driving offences would include dangerous driving, impaired driving and hit and run.

Elapsed time to breach – Refers to duration of time from the date of commencement of the conditional sentence or probation order to its breach..

Mean – Mean is the average, calculated as the sum of the value of all observations divided by the number of observations.

Median – A median represents the mid-point when the values are arranged in order of magnitude; one-half of the observations have a value less than the median and one-half of the observations have a value greater than the median.

Most serious disposition (MSD) – If an offender receives more than one conviction, the offence with the longest sentence, as stated in the Criminal Code, is the one recorded and reported in the Conditional Sentence Report.

Most serious offence (MSO) – This measure is based on the Uniform Crime Reporting Survey, which classifies incidents according to the most serious offence in the incident on the basis of the penalties specified in the Criminal Code. The Conditional Sentence Special Study uses the same rule in determining the most serious offence for which an offender is sentenced where several offences occur in one incident.

Multiple charge (MC) – If an offender is charged with, and found guilty of more than one offence, all charges are recorded and reported.

Non-criminogenic needs – Non-criminogenic needs of an offender are dynamic and changeable, but these changes are not necessarily associated with the probability of recidivism.

Offence against the person – An offence against the person would include assault, sexual assault, threats/harassment and robbery.

Optional conditions of a conditional sentence – *Criminal Code* s. 742.3(2) lists optional conditions of a conditional sentence order. The court may prescribe that the offender do one or more of the following: abstain from consumption of alcohol/drugs; abstain from owning, possession or carrying a weapon; provide support for dependents; perform up to 240 hours of community service, attend a treatment program; or comply with other reasonable conditions for securing the good conduct of the offender and for preventing a repetition by the offender of the same offence or the commission of other offences.

Optional conditions of probation – *Criminal Code* S. 732.1(3) lists optional conditions of a probation order. The court may prescribe that the offender do one or more of the following: report to a probation officer, remain within the jurisdiction, abstain from the consumption of alcohol/drugs; abstain from owning, possession or carrying a weapon; provide support for dependents, perform up to 240 hours of community service, if the offender agrees, attend a treatment program; or comply with other reasonable conditions for protecting society and for facilitating the offender’s successful reintegration into the community.

Other *Criminal Code* incidents – These incidents involve the remaining *Criminal Code* offences that are not classified as violent or property (excluding traffic offences). Examples are mischief, bail violations, disturbing the peace, arson, prostitution and offensive weapons.

Other Federal Statute offences – These incidents include violations under federal statutes other than the *Criminal Code* and the *Controlled Drugs and Substances Act*. Examples of incidents in this category are the *Canada Shipping Act*, the *Immigration Act*, the *Customs Act*, the *Excise Act* and the *Bankruptcy Act*.

Probation – Probation is a non-custodial disposition imposed by the court. The offender is released into the community bound by conditions of a probation order that have been stipulated by the court, and is under the supervision of a probation officer. Violation of the terms of probation is a criminal offence.

Property Offences – Property offences include theft, possess stolen property, break & enter, fraud, forgery.

Reason for termination - The reason that the conditional sentence has been terminated or is considered completed.

Restitution order – A condition requiring the offender to make restitution for injuries or to pay compensation for loss of or damage to property as a result of the offence.

Sex – The sex of the offender, male or female.

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ANNEX C

Errata

Conditional Sentencing Special Study, June 2002

Bulletin and Data Tables

Presented below are corrections to the special study data tables and clarifications of the conditional sentencing counts made available to the public on June 4, 2002 by the Canadian Centre for Justice Statistics.

Bulletin, Highlights of the Conditional Sentencing Special Study

Admission rates per 10,000 adults charged now exclude 1990/91 and 1991/92. Ontario data for these years must be excluded due to revisions made to the data file after the annual releases of the data from the Adult Correctional Services Survey. In addition, the New Brunswick sentenced custody estimate used to tabulate the total admissions to sentenced custody were revised after the release of the special study data. Consequently, the current national trends now begin in 1993/94 and exclude New Brunswick data.

Refer to the publication for up to date rate calculations for the jurisdictional and national admission rates and analysis.

Conditional Sentencing Special Study Data Tables

Unit of Count

The data tables submitted by the jurisdictions refer to a variety of counts. For a clarification of the data submitted, refer to Table 1.1 Data Availability and Unit of Count Reported of the publication for a description of the data submitted. The unit of count used by the respondents may account for features of the data, e.g. a conditional sentence with a duration of 24 months or more may be reported where the unit of count is an aggregate case rather than a single commencement.

Newfoundland, Table 1

Replace title “Mean” with “Median” and “Median” with “Mean”

Revise appropriate title to read “3 months and less”

Revise appropriate title to read “More than 12 months to 18 months”