



The Justice System Costs of Administration of Justice Offences in Canada, 2009

Research and Statistics Division

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Executive Summary

Administration of Justice Offences (AOJOs) are a suite of offences classified by the common theme of a perpetrator willfully attempting to obstruct the course of justice and/or disobeying various orders sanctioned by the court. AOJOs represent a significant proportion of charges (34%) and cases (21%) heard in criminal court in 2009/10, proportions that have been increasing over the past years.

In order to gain a sense of the overall criminal justice system costs of AOJOs in Canada, the Research and Statistics Division used data from the Canadian Centre for Justice Statistics to estimate the costs associated with police, court, prosecution, legal aid, and corrections resulting from AOJOs committed by both adults and youth. Overall, the estimated criminal justice system costs of AOJOs in Canada in 2009 were approximately \$730 million.

Police costs were estimated by using severity weights assigned by Statistics Canada for each of the AOJO offences charged under both the *Criminal Code* sections and the *Youth Criminal Justice Act* sections. It is estimated that the total police costs for AOJOs were \$239,025,628 in 2009.

Costs associated with the court procedure (court, prosecution and legal aid) were estimated based on the median court elapsed time for each type of offence which is deemed to capture the differences of the required court resources among various offences. The total costs for AOJOs during the court stage were approximately \$193,974,927.

Corrections costs included federal and provincial custody, conditional sentence, and probation, while the amounts of fines were subtracted from the sum since they are a source of revenue to the justice system. Many other types of sentences are not included due to data limitations. Probation costs made up the largest proportion of the total corrections costs (\$296,714,141).

The Summary Table presents the details of the estimated results, which indicates that the costs of AOJOs are significant and strategies to reduce their financial impact appear worthwhile of further exploration.

Summary Table: Estimated Costs of Administration of Justice Offences in Canada: 2009		
Police Costs	\$239,025,628	32.8%
Court Costs	\$75,387,052	10.3%
Prosecution Costs	\$69,392,240	9.5%
Legal Aid Costs	\$49,195,635	6.7%
Corrections Costs	\$296,714,141	40.7%
Total Costs	\$729,714,696	100%

1. Introduction

Administration of Justice Offences (AOJOs) are a suite of offences classified by the common theme of a perpetrator willfully attempting to obstruct the course of justice and/or disobeying various orders sanctioned by the court. Under the *Criminal Code* sections, Statistics Canada classifies AOJOs as failure to comply with an order; breach of probation; failure to appear; unlawfully at large; escapes or helps escape from unlawful custody and other AOJOs. In addition, offences set out in the *Youth Criminal Justice Act* (YCJA) are essentially offences against the administration of justice as well, the most common of which is a failure to comply with a sentence or disposition. Note that there are also several scenarios in which an adult can be charged with an AOJO under the YCJA¹. See Table 1 for the detailed *Criminal Code* and the YCJA sections and offence descriptions for each AOJO category.

Both the number of incidents and the number of court cases of AOJOs in Canada have increased over the past years. For example, the police-reported crime rate for AOJOs was 544 per 100,000 population in 2000, and it has increased to 557 in 2010². In terms of court cases, there were a total of 89,402 AOJO cases processed in criminal court in 2005/06, representing 19% of all cases heard in criminal court; in 2009/2010, the case number increased to 102,250 (including 95,244 cases charged under the *Criminal Code* sections and 7,006 cases charged under the YCJA), 21% of all criminal court cases in that year³. All AOJO related changes have also increased by 20% from 278,219 to 333,169 between 2005/06 and 2009/10⁴. This trend constitutes an increasing demand on the criminal justice system, in terms of resources for policing, court proceedings, and correctional services. In addition, the percentage of AOJO cases resulting in a guilty decision (72%) was higher than the average for all other cases (62%) in 2009/10⁵.

AOJOs have the potential to add delays, complexities and increased costs to criminal court proceedings - particularly when part of multiple-charge cases. It would be fair to speculate that the increase in AOJOs over the last decade could, at least partially, account for increases in the average number of appearances and elapsed time per criminal case over the same period.

To gain a sense of the scope of the issue, this study estimates the financial impact of AOJOs on the criminal justice system in Canada.

¹ For instance, if an adult breaches a condition of a youth sentence given for a YCJA offence, he or she will be charged under section 137 of the YCJA. In addition, adults can also be charged under the YCJA for publishing or disclosing the identity of a young offender.

² Source: Statistics Canada, CCJS, Uniform Crime Reporting Survey2 (UCR2).

³ Source: Statistics Canada, CCJS, Integrated Criminal Court Survey (ICCS).

⁴ See note 3.

⁵ See note 3.

TABLE 1: CRIMINAL CODE ADMINISTRATION OF JUSTICE-RELATED VIOLATIONS

<i>Criminal Code Sections</i>	Offence Description
145 (2) (a) and (b)	Failure to attend court
733.1 (1) (a) and (b) and (2)	Failure to comply with probation order
740 (a) and (b)	Priority to restitution
753.3 (1) and (2)	Breach of long-term supervision
144 (a) and (b)	Prison breach
145(1)(a) and (b)	Escape and being at large without excuse
145 (3) (4) (5) (5.1) (6) (8) (9) (a) (b) and (c)	Failure to appear or comply with summons
161 (1) (a) (b) and (c), (1.1) (a) (b) and (c), (2) (a) and (b), (3), (4) (a) and (b)	Order of prohibition offences
811 (a) and (b)	Breach of recognizance
118 – 149	“Other Administration of Justice Offences” would include offences not otherwise categorized that are defined as offences in Part IV (Offences Against Administration of Law and Justice) of the Criminal Code, sections 118-149. Examples are Bribery of judicial officers, Bribery of officers, Frauds on the government, Breach of trust by public officer, Municipal corruption, etc. ⁶
<i>YCJA Sections</i>	Offence Description
YCJA 136 (1) (a)-(c)	Induce or assist a young person to leave unlawfully a place of custody; unlawfully remove a young person from a place of custody; knowingly harbour a young person who has unlawfully left a place of custody
YCJA 136 (1) (d)-(e)	Induce or assist a young person to breach a condition of a youth sentence; prevent a young person from performing a condition of a youth sentence
YCJA 137	Failure to comply with sentence or disposition
YCJA 138	Contravene a section regarding disclosure of identities, information, or records
YCJA 139	Failure to comply with designated place of temporary detention or with undertaking regarding placement with a responsible person

⁶ Canadian Centre for Justice Statistics; e-mail communication, May 22, 2012.

2. Methodology

This report draws on the methodology and costing models used in two other reports produced by the Research and Statistics Division (RSD), Department of Justice: “The Costs of Firearm-related Crime in Canada, 2008”, (Zhang and Qin 2011), and “The Economic Impact of Spousal Violence in Canada, 2009, (Zhang et al. 2013). These studies estimate the economic impact of their subject matter in terms of criminal justice system costs (police, court, prosecution, legal aid and corrections costs), victim costs (health care, productivity losses, personal and intangible costs) and third party costs (funeral service expenses, loss of affection/enjoyment to family members, other persons harmed/threatened, social service operating costs and other related expenditures).

Since there are few victim and third party costs associated with AOJOs, this study will focus exclusively on the costs to the criminal justice system. Five main elements of the system are considered, including the police, court, prosecution, legal aid and correctional services. The costs of each element are estimated in separate sections. Detailed breakdowns of all calculations in the report can be found in Appendix A.

The purpose of this report is to measure the impact (or costs) of all AOJOs that occurred in a given time period, regardless of when those costs were incurred or will be incurred. Therefore, all incidents of AOJOs that were reported to police in 2009⁷ are taken into account, and all costs associated with these incidents are included, whether the costs were realized in 2009 or at some later date. This study covers both adult and youth offenders. All jurisdictions (ten provinces and three territories) in Canada are included.

The principle data sources used in this study are:

- Uniform Crime Reporting Survey 2 (UCR2) which consists of incident-based police reported crime statistics. This survey is mainly used to estimate the associated police costs.
- Integrated Criminal Court Survey (ICCS) which consist of court-related information concerning the number of charges, cases, and decisions for a variety of offence, sentencing and outcome types.

Other data sources will be discussed in both the specific costing sections and in Appendix A. Limitations of the various methods and sources of data are also discussed in these sections.

⁷ At the time of the study, 2009 was the latest year for which the most complete data was available and thus serves as the base year for this study.

3. Criminal Justice System Costs

3.1 Police Costs

Police forces across Canada are required to tally and submit the total number and type (according to predefined offence categories) of incidents reported to them to Statistics Canada as part of the Uniform Crime Reporting Survey 2. In 2009, there were 2,448,805 incidents reported to police, 184,309 of them for AOJOs. Each incident category is assigned a severity weight⁸ by Statistics Canada based on the level of seriousness relative to other crimes.

In order to estimate police costs of AOJOs, it is necessary to determine the proportion of police expenditures in 2009 that was spent on crime-related activities, and of that amount the proportion spent on AOJOs. Statistics Canada's Police Administration Survey estimates Canadian police expenditures in 2009 at \$12.3 billion.⁹ Only a proportion of these costs however can be considered to be earmarked towards fighting crime. The Research and Statistics Division has consulted with the Ottawa police service in Canada, and determined that 65% is a reasonable estimate of the proportion of police time allocated strictly to crime-related activities. This value is consistent with estimates used in costing studies for other countries. For example, Walby (2004) uses 61% for the UK and Rollings (2008) uses 70% for Australia.

The first step in estimating the police costs for AOJO offences is determining the "total severity" of each offence, which is done by multiplying the severity weight of each offence by the number of incidents of each offence. The second step is determining each offence's "weighted proportion of severity" by dividing each offence's "total severity" calculated in the first step by the summation of all of the "total severities". The third step is determining the "overall police expenditure" on each offence by multiplying each offence's "weighted proportion" of severity by the total police budget (adjusted for the 65% proportion of police time allocated to criminal activities), which gives the police costs of each AOJO offence. The results are summarized in Table 2. In sum, police costs associated with AOJOs are estimated at close to one quarter of a billion dollars (\$239,025,628).

⁸ The Statistics Canada Crime Severity Index assigns a severity weight to each offence based on the level of seriousness relative to other crimes. This weighting is determined by the length and type of sentences administered by criminal courts. More serious offences will have a higher weight and therefore contribute to a higher "cost-per-incident" value and vice-versa. In the context of AOJOs, "escapes or helps to escape from custody" had the highest severity weight and cost per incident value (59 and \$2,874.54), with "failure to appear" being the least severe and costly per incident (16 and \$779.54).

⁹ This figure includes salaries, wages, employment benefits, and operating expenses such as accommodation, fuel, and maintenance but does not include capital expenditures, funding from external sources, revenues, and recoveries.

Table 2: Police Costs of AOJOs, by offence type, 2009

Offences	Severity weights	# of incidents	Weighted proportion	Police costs
Failure to appear	16	20,984	0.20%	\$16,316,927
Failure to comply with order	24	98,260	1.45%	\$116,037,153
Breach of probation	33	41,263	0.83%	\$66,176,662
Unlawfully at large	39	2,161	0.05%	\$4,095,901
Other AOJOs	48	8,108	0.24%	\$19,064,835
Escapes or helps to escape from lawful custody	59	1,072	0.04%	\$3,085,808
YCJA – AOJOs	24	12,461	0.18%	\$14,248,342
Total Police Costs				\$239,025,628

3.2 Court Costs

Estimating the court costs for AOJOs requires the knowledge of the court expenditures and the court case number for AOJO offences. The most recent court expenditure data available is from 2002/2003 (Statistics Canada). This figure includes both criminal and civil courts (note that this section is only concerned with criminal courts) and it does exclude some significant costs, such as building occupancy costs, maintenance costs, and lease costs. In addition, the average number of appearances per case and the average duration of each case have increased by approximately 23% from 2002/03 to 2008/09, which indicate that there has been a general trend towards lengthier and more complex court cases. These changes need to be reflected in the cost estimation: we first adjust the total 2002/03 court expenditure for inflation and then use a multiplier of 1.23 to account for the increased case complexity. Following this, the total court expenditures in 2009 are estimated at \$1,601,074,756.

No further detailed information for court expenditures is available. Therefore, it is decided to allocate the total court expenditures among offence types based on the different court elapsed time (median days) for each type of crime¹⁰. While the median length of court elapse time might not be able to accurately capture (as compared to other factors such as number of appearances) the court resources required for different type of offences, it is the only available variable that can be related to court process at the time of study, and it can shed some light on the different expenditures across offence types. As the total expenditure figure (\$1,601,074,756) include civil court, civil court is referred to as a “crime type” here to simplify the explanation.

¹⁰ The purpose of using the median days of court elapsed time, instead of the average days, is to better reflect the relative differences in terms of court resource usage among various offences. Generally, when the data is skewed, the median is more appropriate to use as the more typical measure of the central tendency. In this case, using the median value would be better to capture the difference between a typical AOJO with other offences, e.g., a typical homicide.

First, the median of the court elapsed time days is determined for each crime type. Multiplying this measure of center for the court time of each offence by the number of cases of that crime, we obtain the total court time in days for that offence. Next, the total court time for that offence is divided into the sum of total court times for all crimes (both criminal and civil) to get the proportion of court time devoted to that offence. Next, this proportion is multiplied by the total court expenditures in 2009 (estimated at \$1,601,074,756) to get the total court expenditures on that crime.

Data from the ICCS indicate that there were 89,281 and 11,812 AOJO cases processed in the adult and youth criminal courts, respectively, in 2009, which includes 94,048 AOJOs charged under the *Criminal Code* sections and 7,045 AOJOs charged under the *YCJA*. The corresponding court expenditures are estimated at \$67,596,905 and \$7,790,147, which gives a sum of **\$75,387,052** as the total court expenditures for AOJOs. The results are presented in Table 3.

Table 3: Court Expenditures for AOJO offences, by offence type, 2009				
Offence Type	Adult Criminal Court		Youth Criminal Court	
	Case counts	Expenditures	Case counts	Expenditures
Fail to appear	5,001	\$4,744,621	299	\$229,349
Breach of probation	32,713	\$19,644,983	170	\$115,474
Unlawfully at large	2,642	\$606,658	445	\$69,537
Fail to comply with order	38,227	\$30,479,282	4,055	\$3,888,004
Other admin. justice	9,335	\$11,306,288	1,161	\$1,007,510
YCJA	1,363	\$801,319	5,682	\$2,453,929
Total	89,281	\$67,596,905	11,812	\$7,790,147

Note that the number of AOJO cases (101,093) reflects only those cases where an AOJO was reported as the most serious offence (MSO). AOJOs are often part of multi-charge cases and are not always the MSO – meaning that there are additional AOJO offences not included in this figure. An argument can be made in this circumstance that the value could be considered an underestimate. On the other hand, this estimate could be considered as an overestimate as AOJO offences are likely less complex than the average criminal case and it is not certain how accurately the median court elapsed time can capture the differences of the required court resources among various offences. The degree to which the over and underestimation factors offset one another is unclear based on the data available for this study. Further studies and data sources are necessary to improve the estimation quality for court expenditures.

3.3 Prosecution Costs

The estimate of prosecution costs is based on the expenditure data from the Overview of the Courts Personnel and Expenditures Survey (CPES) in 2002/03, the latest data available (Statistics Canada). In addition to being slightly dated, the expenditure data does not have national coverage. A comprehensive national expenditure must therefore be estimated. The prosecution costs from the CPES are broken down by province, and these costs are summed across all available provinces. The number of criminal court cases in 2002/2003 in those same provinces (from the ICCS) is also summed. The summation of the costs is then divided by the summation of the number of court cases to obtain the prosecution cost per court case in 2002/2003. This number is adjusted for inflation to 2009 and for the increased case complexity (by the multiplier of 1.23). Finally, this 2009 per-case prosecution cost is multiplied by the number of all criminal court cases in 2009 to obtain the estimated national prosecution costs in 2009, which is approximately \$558,911,198.

Except that total prosecution costs are used in place of total court costs, the method for calculating the prosecution costs for each offence is identical to the method used for calculating the court costs by offence type, where the median court elapsed time is used to capture the differences in resource usage among various offences. Following this, the total prosecution costs for AOJO cases in 2009 are estimated at \$69,392,242 as presented in Table 4.

Table 4: Prosecution Expenditures for AOJO offences, by offence type, 2009		
Offence Type	Expenditures (Adult)	Expenditures (Youth)
Fail to appear	\$4,367,326	\$211,111
Breach of probation	\$18,082,805	\$106,292
Unlawfully at large	\$558,416	\$64,007
Fail to comply with order	\$28,055,557	\$3,578,828
Other admin. justice	\$10,407,207	\$927,392
YCJA	\$750,258	\$2,283,041
Total	\$62,221,570	\$7,170,672

The limitations discussed in the court costs section concerning the lower complexity of AOJO cases and the count of AOJO offences where AOJO is the MSO only also apply to this section.

3.4 Legal Aid Costs

Legal aid expenditure data, covering both criminal and civil matters, is available for the 2008/2009 and 2009/2010 fiscal years (Statistics Canada). The data is broken down into three categories: direct expenditures, central administrative expenditures, and other expenditures¹¹. Only the data for the direct category is enumerated by criminal and civil matters, so the amount of criminal legal aid in the central administrative and other categories (which are here just combined into one category, called “other”) must be estimated. To do this, the proportion of direct legal aid spent on criminal matters (out of criminal and civil) is applied to the amount of “other” legal aid, resulting in an estimate of a total of \$396,240,142 legal aid expenditures spent on criminal matters.

Again, the method for calculating the legal aid costs for each offence is similar to the method used in the court and prosecution sections. Using the length of court elapsed time to capture the differences in resource usage among offences, the total legal aid expenditures spent on AOJOs are estimated at \$49,195,635. See Table 5 for details.

Offence Type	Expenditures (Adult)	Expenditures (Youth)
Fail to appear	\$3,096,216	\$149,667
Breach of probation	\$12,819,807	\$75,356
Unlawfully at large	\$395,889	\$45,378
Fail to comply with order	\$19,889,990	\$2,537,210
Other admin. Justice	\$7,378,190	\$657,475
YCJA -- AOJO offences	\$531,895	\$1,618,562
Total	\$44,111,987	\$5,083,648

3.5 Corrections Costs

While it is ideal to use correctional service data to estimate the associated corrections costs, detailed information on admissions and time served is not available by breakdown of offence type. Therefore, In order to estimate the corrections costs for AOJOs only, we have to use court data which contains sentence information by offence type. In this section, corrections costs are broken down into custody (provincial and federal incarceration), conditional sentences, probation and fines. Detailed calculations for all sentence types are found in Appendix A. Due to a lack of data, it is not possible to obtain a reliable cost estimate for “other sentences” such as restitution, prohibition, compensation and other community or personal service orders.

¹¹ Direct legal service expenditures include monies spent on the provision of legal advice and representation services to clients; central administrative expenditures include monies spent on legal aid head office functions and on offices that do not employ staff to advise and represent clients, and other expenditures refer to any other monies expended by the legal aid plan and may include, among other things, capital expenditures.

Note that youth sentencing options are different from adult sentencing options. Given the data limitations, we decided to include only the types of youth sentences that were most similar to the types of adult sentences, even though other types of youth sentencing options, such as community service orders, are often imposed for administration of justice offences. In terms of youth sentences, only custody, deferred custody and supervision, intensive support and supervision, probation and fines were included. These types of sentences were grouped with the most similar type of adult sentence. For instance, a deferred custody and supervision order is similar to an adult conditional sentence, and therefore we treat it as a conditional sentence in terms of the cost estimation in the discussion below. Due to the enhanced costs of supervision associated with an intensive support and supervision order, this type of sentence was also treated as a conditional sentence.

According to the ICCS court data, a total of 69,217 adult AOJO cases and 6,880 youth AOJO cases resulted in guilty findings in 2009. Number of cases for each sentence is presented in Table 6. As discussed earlier, the ICCS data categorize case types by the most serious offences. Using the figures as shown in Table 6 would underestimate the costs as AOJOs are often part of multi-charge cases and are not always the MSO. Also, the information based on the MSO would show a higher percentage of custody out of total sentences handed down by judge¹².

Table 6: Sentence distribution for AOJO offences by sentence type, 2009		
Sentence	Adult offenders	Youth Offenders¹³
Custody	29,870	1,822
Conditional Sentence	1,534	458
Probation	22,400	3,972
Fine	15,413	629
Total	69,217	6,880

3.5.1 Custody

Differences in terms of sentence length, daily operational cost and early release exist between federal and provincial incarceration that deemed it necessary to separate the two for purposes of costing. Adult offenders who receive a sentence of 24 months or more will spend their sentenced time in federal custody and offenders whose sentence is less than 24 months will serve the sentence in provincial institutions. The average daily cost of keeping a federal inmate is also significantly higher than keeping a provincial inmate - \$309/day vs. \$161/day¹³ (Public Safety). Full parole and statutory release are also taken into consideration. While there is no procedure such as parole for youth, under the *YCJA*, custodial sentences are made up of a period of time in custody and a period of time spent under supervision in the community. For most types of offences, the period to be served in custody is two-thirds of the sentence and the community supervision period is one-third. Detailed calculations are fully documented in Appendix A. Note

¹² As discussed, youth sentencing options are different from adult sentencing. In Table 6, conditional sentence refers to intensive support and supervision, and deferred custody and supervision for youth, and probation represents supervised probation for youth. It is important to bear this in mind when reading this section.

¹³ While these cost figures are for adult inmates, they are also applied to youth offenders due to data limitations.

that remand costs are not included due to data limitations.

Information from court data indicates that the vast majority of offenders sentenced to custody for an AOJO in 2009 served their time in a provincial facility. Specifically, it is estimated that 27 adults were admitted to federal custody, and 29,843 adults and 1,822 youth offenders were admitted to provincial custody. The sentence lengths in days are different for AOJOs charged under *Criminal Code* and *YCJA*, and for adults and youth. See Table 7 for the estimated custody sentence lengths for different AOJOs by adult and youth.

Table 7: Custody Costs for AOJO Offences, 2009					
		Federal Custody		Provincial Custody	
		Count	Sentence length in days	Count	Sentence length in days
Adult	Criminal Code- AOJOs	26	1,117	29,569	26
	YCJA - AOJOs	1	970	274	19
Youth	Criminal Code- AOJOs	0	n/a	889	30
	YCJA - AOJOs	0	n/a	933	30

Taking into account early release, provincial custody costs are estimated at \$87,312,014. Despite only being 27 offenders, federal custody costs still translated into over \$6.6 million due to the long length of stay and high daily operation cost. Overall, the total custody costs for AOJOs are estimated at \$93,960,302 (Table 8).

Table 8: Custody Costs for AOJO Offences, 2009	
Federal custody costs	\$6,648,288
Provincial custody costs	\$87,312,014
Total Custody Costs for AOJO Offences	\$93,960,302

3.5.2 Conditional Sentence

According to the CCJS data, an estimated 1,992 offenders received a conditional sentence as a result of an AOJO in 2009. The average length of a conditional sentence for offenders convicted of an AOJO is 131 days (Robert and Laprairie 2000), while the average daily cost for supervising a conditional sentence offender is estimated at \$24¹⁴. Overall, the total costs of conditional

¹⁴ According to Victims of Violence, for a federally registered charitable organization, it costs almost \$50,000 less per year to supervise someone with a conditional sentence versus holding someone in provincial incarceration (from Victims of Violence, “Research Report: Conditional Sentence”,

http://www.victimsofviolence.on.ca/rev2/index.php?option=com_content&task=view&id=332&Itemid=22).

In 2009, the annual cost of keeping one provincial inmate was \$58,860 (calculated from data used in A.1.5.1.2). A simple calculation shows the annual cost of holding one offender on conditional sentence to be \$8,860, equivalent to approximately \$24 per day (referenced from “The Economic Impact of Spousal violence in Canada, 2009, Zhang et al. (2012) Research and Statistics Division, Justice Canada (forthcoming).

sentences for AOJOs offences are \$6,262,848.

3.5.3 Probation

Approximately 26,372 probation orders were handed down as a sanction for offenders who committed an AOJO. This figure includes 24,046 AOJOs charged under the *Criminal Code* sections and 2,326 charged under the *YCJA*. The average length of probation was 391 days for an adult and 347 days for a youth who were charged under the *Criminal Code* sections for an AOJO case. The average length in days for offenders who were charged under the *YCJA* is slightly shorter – 319 days for adults and 315 days for youth. Daily supervision cost for probation is assumed to be lower than the cost for conditional sentence and is estimated at \$20 as shown in previous costing studies conducted by the Research and Statistics Division. In sum, probation costs for AOJOs are estimated at \$201,010,640.

3.5.4 Fine

Fines are a type of sanction that represent a cost to the offender and are actually a source of revenue to the justice system. They are therefore deducted from corrections costs. An estimate of 16,043 offenders (15,414 adults and 629 youth) received a fine as a result of an AOJO conviction in 2009. The average fine amount was \$288 and \$258 for adults charged with *Criminal Code* violations and charged under the *YCJA*, respectively. Youth were given a lower fine for an AOJO - \$133 for a *Criminal Code* AOJO case and \$148 for an *YCJA* AOJO case. Following this, the total amount of fines received is estimated at \$4,519,649.

Table 9 summarizes the total costs of correctional services, which are approximately \$296,714,141.

Table 9: Total Costs of Correctional Services for AOJOs, 2009	
Custody	\$93,960,302
Conditional Sentence	\$6,262,848
Probation	\$201,010,640
Fine	\$(4,519,649)
Total Corrections Costs for AOJOs	\$296,714,141

3.6 Overall Costs

Overall, the total AOJO offences in Canada in 2009 cost the criminal justice system approximately \$730 million (Table 10). This amounted to \$3,961 per police-reported AOJO incident in that year. Correctional services used the majority of the expenditures (41%), followed by police services (33%).

Table 10: Total Financial Impact of AOJOs on the Criminal Justice System, 2009	
Police Costs	\$239,025,628
Court Costs	\$75,387,052
Prosecution Costs	\$69,392,240
Legal Aid costs	\$49,195,635
Corrections Costs	\$296,714,141
Total Costs of AOJOs on Criminal Justice System	\$729,714,696

4. Discussion

The present study estimates the financial impact of AOJOs on the criminal justice system in Canada. There are issues with data availability and the limitations of existing data in many areas of research. For example, there is no data on the current court or prosecution expenditures. Also, the court data record cases based on the most serious offence (MSO). As AOJO offences are often part of multi-charge cases and are not always the MSO, this counting method renders the counts of court cases an underestimate. In addition, many cost items such as the costs of Criminal Review Boards and the costs of relevant programs provided to offenders are not included due to the unavailability of data. Therefore, it is reasonable to suggest that the estimate of \$730 million is a conservative estimate. Nevertheless, this conservative estimate provides a clear indication that the impact of AOJOs is significant to the Canadian justice system, economy and taxpayer. A compelling case can be made for policymakers to investigate strategies to reduce the impact of these types of offences. For example, if the incidents of AOJO offences can be reduced by 1%, it is expected that there would be a potential savings of \$7.3 million to the Canadian criminal justice system.

Further research to assist policymakers with their understanding of the dynamics of AOJOs could seek to determine the impact (both financial and in terms of administrative and procedural delays) of AOJOs when they are broken down into more specific groups. The outcome could perhaps be used to develop more targeted strategies. Qualitative research examining why offenders commit AOJOs in the first place (and have been increasingly doing so) could provide valuable insight into the genesis of these crimes. In addition, interviews with key individuals in the justice system affiliated with various aspects of AOJOs could be developed, to gauge their perspectives concerning the underlying dynamics of effectiveness and efficiency issues and potential solutions for enhancement¹⁵.

¹⁵ The one example of this type of work found in the Canadian literature was a 2006 study by Saskatchewan Justice – Administration of Justice Offences in Saskatchewan: A Research Report, Policy, Planning and Evaluation.

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Appendix A: Detailed Criminal Justice System Cost Calculations

A.1 Police

Total police expenditure 2009	\$12,316,896,000 ^a
Proportion of the expenditures spent on crime-related activities	65% ^b
Police expenditure on crime-related activities (\$12,645,616*0.65)	\$8,005,982,400

The first step in estimating the police costs per incident is determining the “total severity” of each offence, which is done by multiplying the severity weight of each offence by the number of incidents of each offence. The second step is determining each offence’s “weighted proportion of severity” by dividing each offence’s “total severity” calculated in the first step by the summation of all of the “total severities”. The third step is determining the “overall police expenditure” on each offence by multiplying each offence’s “weighted proportion” of severity by the total police budget (adjusted for the 65% proportion of police time allocated to criminal activities). The final step is summing the police costs for the AOJO offences.

Results are presented in Table A1.

Total Police Costs for Administration of Justice Offences	\$239,025,628
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Table A1: Police Costs Allocated among AOJO offences according Severity Weights, 2009

Offences	Severity weights ^c	Incident counts ^d	Police costs
Failure to appear	16	20,984	\$16,316,927
Failure to comply with order	24	98,260	\$116,037,153
Breach of probation	33	41,263	\$66,176,662
Unlawfully at large	39	2,161	\$4,095,901
Other AOJO	48	8,108	\$19,064,835
Escapes or helps to escape from lawful custody	59	1,072	\$3,085,808
YCJA – AOJOs	24	12,461	\$14,248,342

a. This figure includes salaries, wages, employment benefits, and operating expenses such as accommodation, fuel, and maintenance but does not include capital expenditures, funding from external sources, revenues, and recoveries. Burczycka, Marta. Statistics Canada, Canadian Centre for Justice Statistics (CCJS), Police Resources in Canada 2010. Table 7. Available at <http://www.statcan.gc.ca/pub/85-225-x/2010000/t008-eng.htm>.

b. It is assumed that Canadian police spend 65% of their time on crime-related activities. Other duties can include: traffic regulations (non-criminal), offering youth education seminars, coordinating community efforts, patrolling a regular route or responding to phone calls ranging from noise complaints to non-crime emergency calls for help. After several communications with the Ottawa Police Service, 65% is considered as a reasonable proportion. This is consistent with other costing studies produced by the Research and Statistics Division. See “The Costs of Firearm-related Crime in Canada, 2008” (Zhang and Qin, 2011), and “The Economic Impact of Spousal Violence in Canada, 2009” (Zhang et al., 2013). This is also consistent with international studies. For example, Walby (2004) uses 61% for the UK and Rollings (2008) uses 70% for Australia.

- c. The Statistics Canada Crime Severity Index assigns a severity weight to each offence based on the level of seriousness relative to other crimes. This weighting is determined by the length and type of sentences administered by criminal courts. Higher weights are assigned to more serious crimes. It is assumed that more serious offences use a greater amount of police resources. Following this assumption, serious offences with a higher weight contribute to higher costs and vice-versa.
- d. Source: Statistics Canada, Canadian Centre for Justice Statistics (CCJS), Uniform Crime Reporting Survey 2 (UCR2), 2009.

A.2 Court ^a

Total court expenditures 2002/03	\$1,151,885,000 ^a
Adjustment for inflation 2009	\$1,301,686,733
Adjustment for the increased complexity of court cases (\$1,301,686,733 *01.23)	\$1,601,074,756 ^b

Total court elapsed time in days for all offences	\$158,635,140 ^c
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Offences (Adults)	Case counts ^c	Median court days ^c	Total court days ^c	Proportion ^c
Fail to appear	5,001	94	470,099	0.296%
Breach of probation	32,713	60	1,946,433	1.227%
Unlawfully at large	2,642	23	60,108	0.038%
Fail to comply with order	38,227	79	3,019,900	1.904%
Other admin. Justice	9,335	120	1,120,232	0.706%
YCJA	1,363	59	84,509	0.051%
Offences (Youth)	Case counts ^c	Median court days ^c	Total court days ^c	Proportion ^c
Fail to appear	299	76	22,724	0.014%
Breach of probation	170	68	11,441	0.007%
Unlawfully at large	445	16	6,890	0.004%
Fail to comply with order	4,055	95	385,225	0.243%
Other admin. Justice	1,161	86	99,825	0.063%
YCJA	5,682	43	247,152	0.155%

AOJO offence court expenditures (adult)	
Fail to appear (0.296% * \$1,601,074,756)	\$4,744,621
Breach of probation (1.227% * \$1,601,074,756)	\$19,644,983
Unlawfully at large (0.038% * \$1,601,074,756)	\$606,658
Fail to comply with order (1.904% * \$1,601,074,756)	\$30,479,282
Other admin. Justice (0.706% * \$1,601,074,756)	\$11,306,288
YCJA (0.051% * \$1,601,074,756)	\$815,073

AOJO offence court expenditures (youth)	
Fail to appear (0.014% * \$1,601,074,756)	\$229,349
Breach of probation (0.007% * \$1,601,074,756)	\$115,474
Unlawfully at large (0.004% * \$1,601,074,756)	\$69,537
Fail to comply with order (0.243% * \$1,601,074,756)	\$3,888,004
Other admin. Justice (0.063% * \$1,601,074,756)	\$1,007,510
YCJA (0.155% * \$1,601,074,756)	\$2,480,273

Total Court Costs for Administration of Justice Offences	\$75,387,052
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- a. Source: Statistics Canada, CCJS. Overview of the Courts Personnel and Expenditure Survey, 2002/03.
- b. The average number of appearances per case and the average duration of each case have increased by approximately 23% from 2002/03 to 2008/09, which indicate that there has been a general trend towards lengthier and more complex court cases. This should be reflected in the cost estimation. Following this, after the adjustment for inflation, the total expenditures are adjusted by a multiplier of 1.23 to account for the increased complexity. This method is consistent with other costing studies produced by the Research and Statistics Division.
- c. It is decided to allocate the total court expenditures among offence types based on the different court elapsed days (median) for each type of crime. The purpose of using the median days of court elapsed time, instead of the average days, is to better reflect the relative differences in terms of court resource usage among various offences. Generally, when the data is skewed, the median is more appropriate to use as the more typical measure of the central tendency. In this case, using the median value would be better to capture the difference between a typical AOJO with other offences, e.g., a typical homicide. As the total expenditure figure (\$1,601,074,756) include civil court, civil court is referred to as a “crime type” here to simplify the explanation. Source: Statistics Canada, CCJS, Integrated Criminal Court Survey (ICCS) 2008/09 and 2009/10; Civil Court Survey (CCS), 2005/06 to 2008/09. The underrepresentation of the ACCS has been adjusted.

A.2 Prosecution Costs

Total criminal prosecution expenditures (excluding BC) 2002/03					\$352,138,000 ^a
Number of criminal cases (adult + youth) (excluding BC) 2002/03					421,811 ^b
Average prosecution cost per case 2002/03 (\$352,139,000/421,811)					\$835
Adjustment for inflation 2009					\$946
Adjustment for the increased complexity of court cases (\$946*1.23)					\$1,164 ^c
Number of criminal cases (adult + youth) 2009					480,240 ^d
Total criminal prosecution expenditures 2009 (\$1,164*480,240)					\$558,911,198
<hr/>					
Total criminal court elapsed time in days for all offences					60,161,192 ^e
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Offences (Adults)	Case counts ^e	Median court days ^e	Total court days ^e	Proportion ^e	
Fail to appear	5,001	94	470,099	0.781%	
Breach of probation	32,713	60	1,946,433	3.235%	
Unlawfully at large	2,642	23	60,108	0.100%	
Fail to comply with order	38,227	79	3,019,900	5.020%	
Other admin. Justice	9,335	120	1,120,232	1.862%	
YCJA	1,363	59	84,509	0.134%	
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Offences (Youth)	Case counts ^e	Median court days ^e	Total court days ^e	Proportion ^e	
Fail to appear	299	76	22,724	0.038%	
Breach of probation	170	68	11,441	0.019%	
Unlawfully at large	445	16	6,890	0.011%	
Fail to comply with order	4,055	95	385,225	0.640%	
Other admin. Justice	1,161	86	99,825	0.166%	
YCJA	5,682	43	247,152	0.408%	
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AOJO offence prosecution expenditures (adult)					
Fail to appear (0.781% * \$558,911,198)					\$4,367,326
Breach of probation (3.235% * \$558,911,198)					\$18,082,805
Unlawfully at large (0.100% * \$558,911,198)					\$558,416
Fail to comply with order (5.020% * \$558,911,198)					\$28,055,557
Other admin. Justice (1.862% * \$558,911,198)					\$10,407,207
YCJA (0.134% * \$558,911,198)					\$750,258
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AOJO offence prosecution expenditures (youth)					
Fail to appear (0.038% * \$558,911,198)					\$211,111
Breach of probation (0.019% * \$558,911,198)					\$106,292
Unlawfully at large (0.011% * \$558,911,198)					\$64,007
Fail to comply with order (0.640% * \$558,911,198)					\$3,578,828

Other admin. Justice (0.166% * \$558,911,198)	\$927,392
YCJA (0.408% * \$558,911,198)	\$2,283,041
Total Prosecution Costs for Administration of Justice Offences	\$69,392,240

- a. Source: Statistics Canada, CCJS, Overview of the Prosecutions Personnel and Expenditures Survey, 2002/03.
- b. Source: Statistics Canada, CCJS, ICCS, 2002/03. The underrepresentation of the adult criminal court component (Quebec data) is not adjusted here as the prosecution expenditures data has the same coverage limitations.
- c. See section A.2, note c.
- d. Source: Statistics Canada, CCJS, ICCS, 2008/09 and 2009/10. The underrepresentation of the adult criminal court component (Quebec data) has been adjusted.
- e. The method used here follows the same steps as discussed in section A.2 where the court expenditures for each offence are estimated based on the court elapsed time for each type of crime. However, the total court elapsed time length in days for criminal prosecution does not include the time in civil court.

A.3 Legal Aid Costs

Direct legal service expenditures (criminal matters) 2008/09	\$312,963,000 ^a
Other expenditures (criminal matters) 2008/09	\$75,321,498 ^a
Total legal aid expenditures (criminal matters) 2008/09 (\$313,049,000 + \$75,342,000)	\$388,284,498
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Direct legal service expenditures (criminal matters) 2009/10	\$314,259,000 ^a
Other expenditures (criminal matters) 2009/10	\$84,633,024 ^a
Total legal aid expenditures (criminal matters) 2009/10 (\$314,812,000 + \$84,719,000)	\$398,892,024
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Total Legal service expenditures 2009 (\$388,284,498 *25% + \$398,892,024*75%)	\$396,240,142
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AOJO offence legal aid expenditures (adult) ^b	
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Fail to appear (0.781% * \$396,240,142)	\$3,096,216
Breach of probation (3.235% * \$396,240,142)	\$12,819,807
Unlawfully at large (0.100% * \$396,240,142)	\$395,889
Fail to comply with order (5.020% * \$396,240,142)	\$19,889,990
Other admin. Justice (1.862% * \$396,240,142)	\$7,378,190
YCJA (0.134% * \$396,240,142)	\$531,895
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AOJO offence legal aid expenditures (youth) ^b	
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Fail to appear (0.038% * \$396,240,142)	\$149,667
Breach of probation (0.019% * \$396,240,142)	\$75,356
Unlawfully at large (0.011% * \$396,240,142)	\$45,378
Fail to comply with order (0.640% * \$396,240,142)	\$2,537,210
Other admin. Justice (0.166% * \$396,240,142)	\$657,475
YCJA (0.408% * \$396,240,142)	\$1,618,562
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Total Legal Aid Costs for Administration of Justice Offences	\$49,195,635
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a. Source: Statistics Canada, CCJS, Legal Aid in Canada: Resource and Caseload Statistics, 2008/09 and 2009/10. While direct legal service expenditures were disaggregated between criminal matters and civil matters, other expenditures were not. Therefore, we apply the percentage that the criminal legal service expenditures represent (out of the total direct legal service expenditures) to other expenditures to obtain the proportion of other expenditures that were spent on criminal matters. Other expenditures include office functions, external project expenditures and research activities, etc. This is consistent with other costing studies produced by the Research and Statistics Division. Missing data in certain jurisdictions are estimated to obtain a national coverage.

b. All the percentages used here are obtained from section A.3., and the method follows the same steps as discussed in section A.3.

A.4 Correctional Service Costs

A.5.1 Custody Costs

A.5.1.1 Federal Custody

Part 1: Criminal Code AOJOs

Estimated number of admissions to federal custody	26 ^a
Estimated length of federal custody in days	1,117 ^b
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Federal full parole grant rate	40.8% ^c
Federal full parole successful completion rate	81.2% ^d
Proportion of the sentence served before parole release	38.1% ^e
Percentage of offenders (without parole) released on statutory release	95% ^f
Federal statutory release successful completion rate	62.2% ^g
Proportion of sentence served before statutory release	66.7% ^f
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Number of offenders receiving full parole (26*40.8%)	11
Number of successfully completed full parole (10* 81.2%)	9
Number of non-completed parole release (10-8)	2
Number of offenders released on statutory release [(26-10)*95%]	14
Number of successfully completed statutory release (14*62.2%)	9
Number of non-completed statutory release (14-9)	5
Number of offenders without parole and statutory release (26-11-14)	1
<hr/>	
Number of days in incarceration for offenders	
with successfully completed full parole (1,117*38.1%*9)	3,830
with non-completed full parole [1,117*(38.1%+(1-38.1%)*0.5)*2]	1,543 ^h
with successfully completed statutory release (1,117*66.7%*9)	6,705
with non-completed statutory release [1,117*(66.7%+(1-66.7%)*0.5)*5]	4,655 ^h
without any early release (1,117*1)	1,117
<hr/>	
Total number of days in incarceration (3,830+1,543+6,705+4,655+1,117)	17,850
Daily cost of keeping a federal inmate, 2009	\$309 ⁱ
Total federal incarceration costs (17,850 * \$309)	\$5,515,650
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Number of days in community for offenders	
with successfully completed full parole [1,117*(1-38.1%)*9]	6,223
with non-completed full parole [1,117*(1-38.1%)*0.5*2]	691 ^h
with successfully completed statutory release [1,117*(1-66.7%)*9]	3,348
with non-completed statutory release [1,117*(1-66.7%)*0.5*5]	930 ^h
<hr/>	
Total number of days served in community (6,223+691+3,348+930)	11,192
Daily cost of keeping federal offenders in community	\$81 ^j
Total cost of supervising federal offenders in community (10,990*\$81)	\$906,552
<hr/>	
Federal Custody Costs for AOJOs – Part 1	\$6,422,202
(\$5,515,650+\$906,552)	

Part 2: YCJA – AOJOs

Estimated number of admissions to federal custody	1 ^a
Estimated length of federal custody in days	970 ^b
Federal full parole grant rate	40.8% ^c
Federal full parole successful completion rate	81.2% ^d
Proportion of the sentence served before parole release	38.1% ^e
Percentage of offenders (without parole) released on statutory release	95% ^f
Federal statutory release successful completion rate	62.2% ^g
Proportion of sentence served before statutory release	66.7% ^f
Number of offenders receiving full parole (1*40.8%)	0
Number of successfully completed full parole	0
Number of non-completed parole release	0
Number of offenders released on statutory release (1*95%)	1
Number of successfully completed statutory release (1*62.2%)	1
Number of non-completed statutory release (1-1)	0
Number of offenders without parole and statutory release (1-1)	0
Number of days in incarceration for offenders	
with successfully completed statutory release (970*66.7%*1)	647
Total number of days in incarceration	647
Daily cost of keeping a federal inmate, 2009	\$309 ⁱ
Total federal incarceration costs (647 * \$309)	\$199,923
Number of days in community for offenders	
with successfully completed statutory release [970*(1-66.7%)*1]	323
Total number of days served in community	323
Daily cost of keeping federal offenders in community	\$81 ^j
Total cost of supervising federal offenders in community (323*\$81)	\$26,163
Federal Custody Costs for AOJOs – Part 2	\$226,086
(\$199,923+\$26,163)	

Source: Statistics Canada, CCJS, Integrated Criminal Court Survey (ICCS) - guilty cases by type of sentence, 2008/09 and 2009/10. There was no youth AOJO case in 2009 which was given custody sentence of 24 months or more (federal custody).

- a. Sources: Statistics Canada, CCJS, ICCS - guilty cases by length of custody. The length of federal custody was estimated by using the average custody sentence length and the sentence length categories for provincial custody.
- b. Source: Public Safety, Corrections and Conditional Release Statistical Overview Annual Report 2011, Table D1. Due to data limitations, day parole is not examined.

- c. Source: Public Safety, Corrections and Conditional Release Statistical Overview Annual Report 2011, Table D8.
- d. Source: Public Safety, Corrections and Conditional Release Statistical Overview Annual Report 2011, Table D6.
- e. Offenders who are not granted parole are normally entitled to statutory release after serving approximately 2/3 of their sentence, unless it is determined that they are likely to commit an offence causing death or serious harm to another person, a sexual offence involving a child or a serious drug offence before the expiration of their sentence. Offenders with indeterminate sentences are not entitled to statutory release. With statutory release, the offender is supervised in the community and will be returned to prison if he or she is believed to present an undue risk to the public. According to National Board Canada, about 84% of incarcerated population serving determinate sentences was released on statutory release in 2009/10. As this figure does not take into account that some of the incarcerated population has not reached either their parole eligibility dates or their statutory release dates, this report assumes that 95% of federal offenders of AOJO offences who were not released on parole were released on statutory release. Statutory release does not apply to those convicted of 1st or 2nd degree murder (and a few other rare offences). Offenders with indeterminate sentences are not entitled to statutory release. The 5% can be considered a factor to capture those dangerous or repeat offenders.
- f. Source: Public Safety, Corrections and Conditional Release Statistical Overview Annual Report 2011, Table D9.
- g. It is assumed that revocation occurs in the middle of parole or statutory release, and offenders are returned to incarceration on breach of release conditions to serve the rest of their sentences. Additional sentences due to new charges are not considered due to data limitations. This is consistent with other costing studies produced by the Research and Statistics Division.
- h. Source: Public Safety, Corrections and Conditional Release Statistical Overview Annual Report 2011, Figure B3. Inflation has been adjusted.
- i. Source: Public Safety, Corrections and Conditional Release Statistical Overview Annual Report 2011, page 25. The annual cost of supervising a federal offender on parole (in community) in 2008/09 was equivalent to about \$81 per day in the 2009 dollars.
- j. Source: Public Safety, Corrections and Conditional Release Statistical Overview Annual Report 2011, page 25.

5.1.2 Provincial Custody

Part 1: Criminal Code AOJOs

Estimated number of adult admissions to provincial custody	29,569 ^a
Estimated length of provincial custody in days for adult offenders	26 ^b
Estimated number of youth admissions to provincial custody	889 ^a
Estimated length of provincial custody in days for youth offenders	30 ^b
<hr/>	
Provincial full parole grant rate 2009	38.5% ^c
Provincial full parole successful completion rate	81.8% ^d
Proportion of the sentence served before parole release	33.3% ^e
Percentage of offenders (without parole) released on statutory release	100% ^f
Proportion of sentence served before statutory release	66.7% ^f
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Number of adult offenders receiving full parole (29,569*38.5%)	11,384
Number of successfully completed full parole (11,384* 81.8%)	9,312
Number of non-completed parole release (11,384-9,312)	2,072
Number of adult offenders released on statutory release (29,569-11,384)	18,185
<hr/>	
Number of days in incarceration for adult offenders	
with successfully completed full parole (26*33.3%*9,312)	80,623
with non-completed full parole [26*(33.3%+(1-33.3%)*0.5)*2,072]	35,906 ^g
with successfully completed statutory release (26*66.7%*18,185)	315,364
Total number of days in incarceration for adults (80,623+35,906+315,364)	431,893
<hr/>	
Number of days served in community for adult offenders	
with successfully completed full parole [26*(1-33.3%)*9,312]	161,489
with non-completed full parole [26*(1-33.3%)*0.5*2,072]	17,966 ^g
with successfully completed statutory release [26*(1-66.7%)*18,185]	157,446
Total number of days in community for adults (161,489+17,966+157,446)	336,901
<hr/>	
Proportion of sentence served in community for youth	33.3% ^h
Proportion of sentence served in incarceration for youth (1-33.3%)	66.7%
Number of days in incarceration for youth offenders (30*66.7%*889)	17,789
Number of days in community for youth offenders (30*33.3%*889)	8,881
<hr/>	
Total number of days in incarceration (431,893+17,789)	449,682
Total number of days in community (336,901+8,881)	345,782
Daily cost of keeping a provincial inmate, 2009	\$161 ⁱ
Daily cost of keeping a provincial offenders in community, 2009	\$32 ^j
Total provincial incarceration costs (449,682*\$161)	\$72,398,802
Total cost of supervising provincial offenders in community (345,782*\$32)	\$11,068,024
<hr/>	
Provincial Custody Costs for AOJOs – Part 1	\$83,463,826
(\$72,398,802+\$11,068,024)	

Part 2: YCJA - AOJOs

Estimated number of adult admissions to provincial custody	274 ^a
Estimated length of provincial custody in days for adult offenders	19 ^b
Estimated number of youth admissions to provincial custody	933 ^a
Estimated length of provincial custody in days for youth offenders	30 ^b
<hr/>	
Provincial full parole grant rate 2009	38.5% ^c
Provincial full parole successful completion rate	81.8% ^d
Proportion of the sentence served before parole release	33.3% ^e
Percentage of offenders (without parole) released on statutory release	100% ^f
Proportion of sentence served before statutory release	66.7% ^f
<hr/>	
Number of adult offenders receiving full parole (274*38.5%)	105
Number of successfully completed full parole (105* 81.8%)	86
Number of non-completed parole release (105-86)	19
Number of adult offenders released on statutory release (274-105)	169
<hr/>	
Number of days in incarceration for adult offenders	
with successfully completed full parole (19*33.3%*86)	544
with non-completed full parole [19*(33.3%+(1-33.3%)*0.5)*19]	241 ^g
with successfully completed statutory release (19*66.7%*169)	2,142
Total number of days in incarceration for adults (544+241+2,142)	2,927
<hr/>	
Number of days served in community for adult offenders	
with successfully completed full parole [19*(1-33.3%)*86]	1,090
with non-completed full parole [19*(1-33.3%)*0.5*19]	121 ^g
with successfully completed statutory release [19*(1-66.7%)*169]	1,069
Total number of days in community for adults (1,090+121+1,069)	2,280
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Proportion of sentence served in community for youth	33.3% ^h
Proportion of sentence served in incarceration for youth (1-33.3%)	66.7%
Number of days in incarceration for youth offenders (30*66.7%*933)	18,669
Number of days in community for youth offenders (30*33.3%*933)	9,321
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Total number of days in incarceration (2,927+18,669)	21,596
Total number of days in community (2,280+9,321)	11,601
Daily cost of keeping a provincial inmate, 2009	\$161 ⁱ
Daily cost of keeping a provincial offenders in community, 2009	\$32 ^j
Total provincial incarceration costs (21,596*\$161)	\$3,476,956
Total cost of supervising provincial offenders in community (11,601*\$32)	\$371,232
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Provincial Custody Costs for AOJOs - Part 2	\$3,848,188
(\$3,476,956+\$371,232)	

- a. Source: Statistics Canada, CCJS, ICCS - guilty cases by type of sentence, 2008/09 and 2009/10.
- b. Sources: Statistics Canada, CCJS, ICCS - guilty cases by length of custody.
- c. Source: National Parole Board, Performance Monitoring Report 2010-2011, Table 61, 2008/09 and 2009/10.
- d. Source: National Parole Board, Performance Monitoring Report 2010-2011, Table 141, 2008/09 and 2009/10.
- e. Offenders sentenced to provincial custody generally are released on parole after serving 1/3 of their sentence.
- f. Offenders who are not granted parole release are released after serving approximately 2/3 of their sentence. This is the law and is not a discretionary release by the National Parole Board. This type of release is not subject to any supervision.
- g. See note h, Section A.5.1.1.
- h. Where this is no parole for youth, the *Youth Criminal Justice Act* (YCJA) stipulates that the final one-third of most custody sentences shall be served under community supervision.
- i. Source: Calverley, Donna. 2010. *Adult Correctional Services in Canada, 2008/2009*. Table 4. Ottawa: CCJS, Statistics Canada.
- j. It is reported that a person is supervised in the community for about 20% of the cost of supervising a person in provincial custody (from The John Howard Society of Ontario, "Fact Sheet: Reconsidering Community Corrections in Ontario," January 1997). Although the level of supervision for both provincial parole and probation are similar (depending on risk level), provincial parole has more infrastructure that leads to additional costs. Parole boards are one example of additional infrastructure, and these require that an inmate have a parole hearing, a decision be made by members of the parole board, and that the board have revocation procedures and hearings. This and other extra personnel and procedures is the main reason for a higher daily cost of provincial parole compared to probation. This methodology is consistent with other costing studies produced by the Research and Statistics Division.

5.1.1 Federal custody costs	\$6,648,288
Part 1: <i>Criminal Code</i> AOJOs	\$6,422,202
Part 2: YCJA AOJOs	\$226,086
5.1.2 Provincial custody costs	\$87,312,014
Part 1: <i>Criminal Code</i> AOJOs	\$83,463,826
Part 2: YCJA AOJOs	\$3,848,188
Total Custody Costs for Administration of Justice Offences	\$93,960,302

A.5.2 Conditional Sentence Costs

Part 1: Criminal Code AOJOs

Estimated number of adult offenders receiving conditional sentence	1,513 ^a
Estimated number of youth offenders receiving conditional sentence	155 ^a
Average length (days) of conditional sentence for AOJO offenders	131 ^b
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Total length of conditional sentence in days [(1,513+155)*131]	218,508
Average daily cost for supervising an offender with conditional sentence	\$24 ^c
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Conditional Sentence Costs for AOJOs - Part 1 (307,719*\$24)	\$5,244,192

Part 2: YCJA - AOJOs

Estimated number of adult offenders receiving conditional sentence	21 ^a
Estimated number of youth offenders receiving conditional sentence	303 ^a
Average length (days) of conditional sentence for AOJO offenders	131 ^b
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Total length of conditional sentence in days [(21+303)*131]	42,444
Average daily cost for supervising an offender with conditional sentence	\$24 ^c
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Conditional Sentence Costs for AOJOs - Part 2 (42,444*\$24)	\$1,018,656
<hr/>	
Total Conditional Sentence Costs for Administration of Justice Offences (\$5,244,192 + 1,018,656)	\$6,262,848

a. Source: Statistics Canada, CCJS, ICCS - guilty cases by type of sentence, 2008/09 and 2009/10.

b. Source: Roberts, J. and C. LaPrairie. 2000. *Conditional Sentence in Canada: An Overview of Research Finding*. Table 3.5. Ottawa: Department of Justice Canada. The average length of conditional sentence for selected jurisdictions was 4.3 months (131 days) for AOJOs during the period of 1996-1999. As there is no sentence length information for AOJOs charged under the YCJA specifically, we use 131 (days) for AOJOs under both *Criminal Code* and *YCJA*.

c. According to Victims of Violence, for a federally registered charitable organization it costs about \$50,000 per year to supervise someone with a conditional sentence than to hold someone in provincial incarceration (from Victims of Violence, "Research Report: Conditional Sentence", http://www.victimsofviolence.on.ca/rev2/index.php?option=com_content&task=view&id=332&Itemid=22). In 2009, the annual cost of keeping one provincial inmate was \$58,860 (calculated from data used in A.1.5.1.2). A simple calculation shows the annual cost of holding one offender on conditional sentence to be \$8,860, equivalent to approximately \$24 per day. This methodology is consistent with other costing studies produced by the Research and Statistics Division.

5.3 Probation Costs

Part 1: Criminal Code AOJOs

Estimated number of adult offenders receiving probation	22,107 ^a
Estimated number of youth offenders receiving probation	1,939 ^a
Average probation length in days for adult offenders	391 ^b
Average probation length in days for youth offenders	347 ^b
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Total probation length in days (22,107*391+1,939*347)	9,316,670
Average daily cost for supervising an offender on probation	\$20 ^c

Probation Costs for AOJOs - Part 1 (9,316,670*\$20) \$186,333,400

Part 2: YCJA - AOJOs

Estimated number of adult offenders receiving probation	293 ^a
Estimated number of youth offenders receiving probation	2,033 ^a
Average probation length in days for adult offenders	319 ^b
Average probation length in days for youth offenders	315 ^b
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Total probation length in days (293*319+2,033*315)	733,862
Average daily cost for supervising an offender on probation	\$20 ^c

Probation Costs for AOJOs - Part 2 (42,444*\$20) \$14,677,240

**Total Probation Costs for Administration of Justice Offences
(\$186,333,400 + 14,677,240) \$201,010,640**

^a. Source: Statistics Canada, CCJS, ICCS - guilty cases by type of sentence, 2008/09 and 2009/10.

^b. Sources: Statistics Canada, CCJS, ICCS - guilty cases by mean and median of probation.

^c. Considering that the seriousness of probation is lower than conditional sentence, it is assumed that the daily probation cost is \$20. This methodology is consistent with other costing studies produced by the Research and Statistics Division.

5.4 Fine Costs^a

Part 1: Criminal Code AOJOs

Estimated number of adult offenders receiving fine as sentence	15,120 ^b
Estimated number of youth offenders receiving fine as sentence	257 ^b
Average fine amount for adult offenders with AOJO offence, 2009	\$288 ^c
Average fine amount for young offenders with AOJO offence, 2009	\$133 ^c
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Fine amounts for adult offenders (15,120*\$288)	\$4,354,560
Fine amounts for youth offenders (257*\$133)	\$34,181

Fines for AOJOs - Part 1 (\$4,354,560+\$34,181) \$4,388,741

Part 2: YCJA - AOJOs

Estimated number of adult offenders receiving fine as sentence	294 ^b
Estimated number of youth offenders receiving fine as sentence	372 ^b
Average fine amount for adult offenders with AOJO offence, 2009	\$258 ^c
Average fine amount for young offenders with AOJO offence, 2009	\$148 ^c
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Fine amounts for adult offenders (294*\$258)	\$75,582
Fine amounts for youth offenders (372*\$148)	\$55,056

Fines for AOJOs - Part 2 (\$75,582+\$55,056) \$130,908

**Total Fines for Administration of Justice Offences
(\$4,388,741 + 130,908) \$4,519,649**

- a. Fines are deducted from the total costs to the system as they represent a source of revenue.
b. Source: Statistics Canada, CCJS, ICCS - guilty cases by type of sentence, 2008/09 and 2009/10.
c. Sources: Statistics Canada, CCJS, ICCS - guilty cases by mean and median amount of fine.

5.1 Custody Costs	\$93,960,302
5.2 Conditional Sentence Costs	\$6,262,848
5.3 Probation Costs	\$201,010,640
5.4 Fine Costs	\$(4,519,649)

Total Corrections Costs for Administration of Justice Offences \$296,714,141