

March 30, 2022



# THE FEDERAL COST OF MINIMUM SENTENCES



OFFICE OF THE PARLIAMENTARY BUDGET OFFICER  
BUREAU DU DIRECTEUR PARLEMENTAIRE DU BUDGET

The Parliamentary Budget Officer (PBO) supports Parliament by providing economic and financial analysis for the purposes of raising the quality of parliamentary debate and promoting greater budget transparency and accountability.

Minimum sentences require judges to impose a minimum penalty on persons convicted of a specific crime. Minimum sentences can result in judges issuing longer sentences. The issuance of longer sentences results in more inmates in federal custody which, in turn, increases the costs incurred by the Correctional Service of Canada (CSC).

This report focuses on the minimum sentence for "Possession of a prohibited or restricted firearm with ammunition". Persons convicted of "Possession of a prohibited or restricted firearm with ammunition" in each year continue to be sentenced to a total of 1,162 more years in federal custody than they were before the minimum was increased. The total cost associated with the additional 684 persons in custody and 467 persons on parole at a given point in time as a result of this minimum sentence is estimated to be \$98 million/year. The effect of this minimum sentence persists despite the minimum sentence having been declared null and void by the courts.

It is difficult to draw conclusions about the impact of other minimum sentences. It is also unclear, what effect, if any, the repeal of a minimum sentence would have on the severity of sentencing.

We are grateful to the Correctional Service of Canada for their assistance and for providing the data used in this report; all results are the responsibility of the Office of the Parliamentary Budget Officer and do not necessarily represent the views for the Correctional Service of Canada.

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RP-2122-035-S\_e

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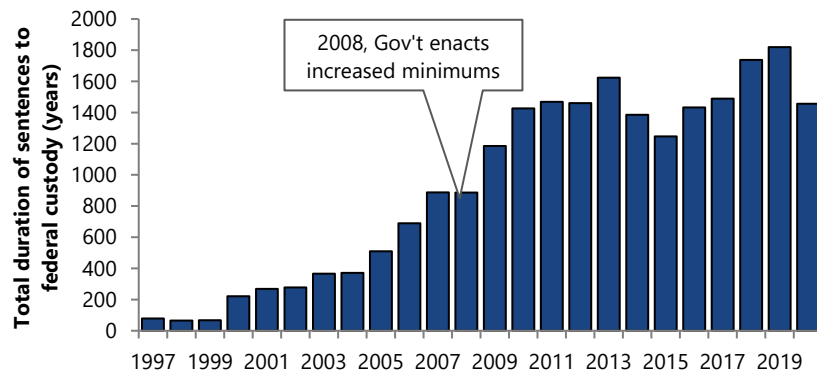
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# Executive Summary

Minimum sentences require judges to impose a minimum penalty on persons convicted of a specific crime. These minimums limit the sentence which can be imposed in a particular case, but more significantly, these minimums increase the severity of all sentences that include the offence.

This report focuses on the impact of one example of a minimum sentence, specifically the 3-year minimum sentence for possession of a restricted/prohibited firearm with ammunition. This minimum sentence was enacted in 2008. Since this increased minimum sentence came into effect, persons convicted of this crime in each year are sentenced to a total of 1,162 more years in federal custody than they were in an average year before the minimum was enacted.

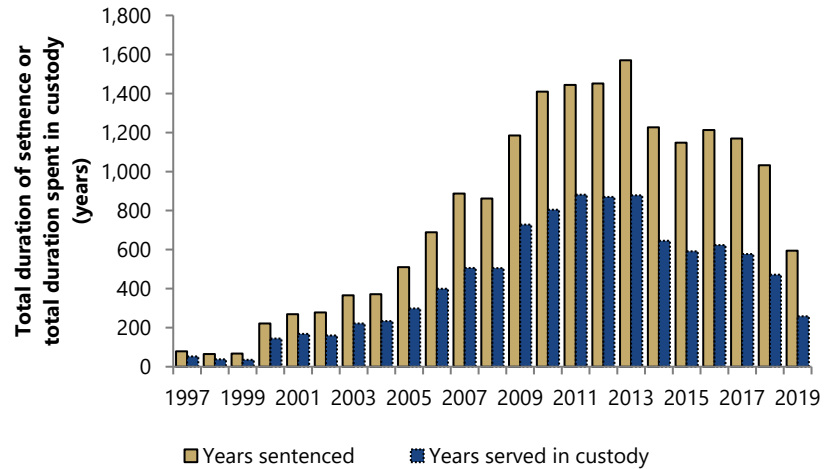
**Figure EX-1** Total duration of determinate sentences to federal custody for all persons convicted of Possession of a Prohibited or Restricted Firearm with Ammunition, by year of sentencing



Source: PBO analysis of the Correctional Service of Canada's Offender Management System

The effect of minimum sentences on the number of persons in custody is moderated by parole. On average, people convicted of possession of a restricted/prohibited firearm with ammunition served 60% of their sentences prior to being released on parole. As noted above, people convicted of this crime in each year continue to be sentenced to a total of 1,162 more years in federal custody than they were before the minimum was in place. This translates into approximately 684 additional persons serving sentences in federal institutions and 467 additional persons on federally supervised parole at a given point in time.

**Figure EX-2** Total duration of determinate sentences to federal custody and time served in federal custody for Possession of a Prohibited or Restricted Firearm with Ammunition, by year of sentencing



Source: PBO analysis of Correctional Service of Canada’s Offender Management System  
 Note: Only offenders who have been released are included in this chart

For the purposes of this cost estimate, the PBO assumes the cost associated with each person in custody is equal to CSC’s weighted average cost of maintaining an offender in custody. We assume the cost associated with each person on parole or statutory release is equal to CSC’s cost of maintaining an offender in the community. Given these assumptions, the expected cost associated with the additional 684 persons in custody and 467 persons on parole at a given point in time as a result of this minimum sentence is estimated to be \$98 million/year.

This report concludes by discussing challenges in extrapolating this impact to other minimum sentences. For 2021, we were able to identify 134 different minimum sentences across 60 current offences. The continued impact of minimum sentences even after they have been declared null and void by the courts also raises questions about whether the repeal of a minimum through legislation would have a different effect than a court declaration.

# 1. Introduction

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Minimum sentences<sup>1</sup> require judges to impose a minimum penalty on persons convicted of a specific crime. The penalty may be a fine, period of imprisonment, or period of parole ineligibility.

Minimum sentences can result in judges issuing longer sentences. The issuance of longer sentences leads to more inmates being in federal custody which, in turn, increases the costs incurred by the Correctional Service of Canada (CSC). Because sentences of two years or longer are served in federal custody (as opposed to provincial custody), minimum sentences can result in offenders serving sentences in federal institutions who otherwise would have been in provincial custody.

This report seeks to quantify each step of this causal chain between minimum sentences and federal costs:

1. The impact of minimum sentences on the total duration of sentences to federal custody,<sup>2</sup>
2. The impact of changes in the duration of sentences to federal custody on the number of people in federal custody or federally supervised in the community, and
3. The impact of changes these populations on CSC's cost to deliver a given quality of service.

Canada has long-standing minimum sentences for certain serious offences, like treason and murder. However, since 1995, minimum sentences have been imposed for an increasing number of offences. As of 1999, 29 criminal or drug offences had minimum sentences. For 2021, we were able to identify 134 different minimum sentences across 60 current offences. Additional detail regarding existing minimum sentences is provided in Section 5.

Persons who are accused of an offence subject to a minimum sentence can challenge the constitutionality of that minimum sentence. In many cases, the courts have decided that the minimum sentence constitutes cruel and unusual punishment contrary to section 12 of the *Canadian Charter of Rights and Freedoms* and have, consequently, declared the minimum sentence to be null and void under section 52 of the *Constitution Act, 1982*. This does not mean that the minimum sentence is repealed or removed from the legislation – it just means that the government and courts should, theoretically, act as if the minimum sentence were not present in the legislation. Constitutional challenges relate only to the validity of the particular offence being challenged, but an offence may be found unconstitutional because it would be grossly disproportionate in a reasonably foreseeable case.<sup>3</sup>

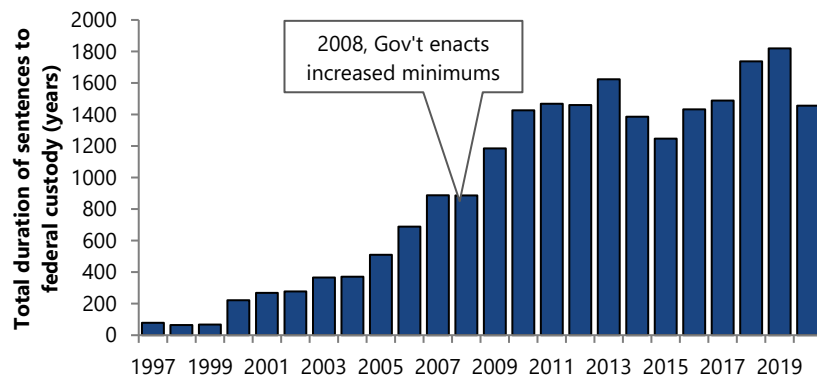
## 2. Impact on Sentencing

The impact of minimums on sentencing is best introduced through an illustrative example, the 2008 minimum sentence for “Possession of a prohibited or restricted firearm with ammunition” under section 95 of the *Criminal Code*. Whether or not the minimum applies depends on how prosecutors charge the accused – the minimum only applies if prosecutors charge the person with the offence as a more serious indictable offence. When the minimum applies, the minimum penalty for this offence is three years for a first conviction, and five years for any subsequent conviction. Prior to 2008, the minimum sentence for this offence was only one year.<sup>4</sup>

Following 2008 there was an increase in the total duration of sentences to federal custody for this offence. Persons convicted of this crime in each year were sentenced to a total of 1,162 more years in federal custody since this minimum was enacted (2010-2019) than they were prior to the enactment of the minimum (1997-2007).

Five years after 2008, the offence was declared null and void, first by appellate courts in 2013 and later by the Supreme Court of Canada in 2015.<sup>5</sup> It has not yet been repealed, and therefore remains in the *Criminal Code*. This declaration of unconstitutionality had no discardable impact on sentences for the offence.

**Figure 2-1** Total duration of determinate sentences to federal custody for all persons convicted of Possession of a Prohibited or Restricted Firearm with Ammunition, by year of sentencing

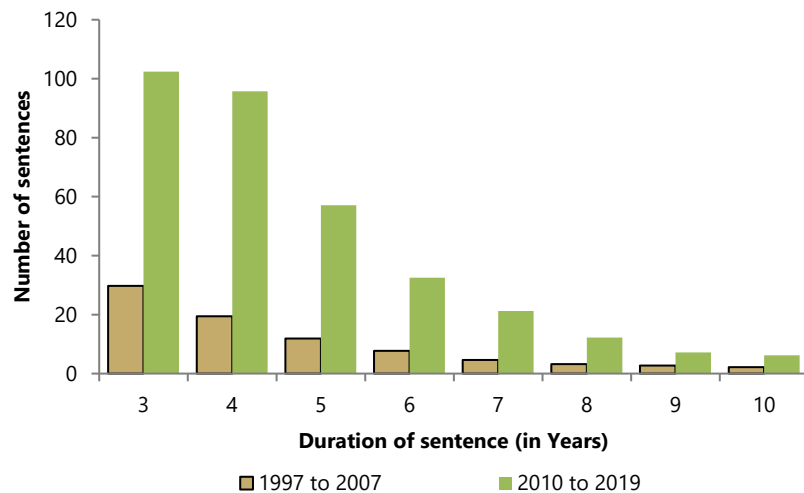


Source: PBO analysis of CSC’s Offender Management System

For the sake of simplicity and transparency, this report presents a simple comparison of total sentences before and after the minimum enacted. Appendix A provides further detail to show that this increase cannot be attributed to changes in the number of persons convicted, the impact of other minimum sentences, or the overall severity of sentences. That Appendix also explains the phase-in of the increase in total sentences.

The impact of the minimum sentence is also visible from the distribution of sentences. The minimum resulted in a 3-fold increase in the number of three-year sentences, after rounding up to account for credit for time served. From 2010 to 2020, 3-year sentences represented 29% of all sentences to federal custody for the offence.

**Figure 2-3** Number of convictions for Possession of a Firearm with Ammunition and sentenced to federal custody, by duration of sentence in years



Source: PBO analysis of CSC’s Offender Management System  
 Note: Sentences are rounded up to the nearest year. Sentences for less than two years are generally not captured because the data only includes persons sentenced to federal custody. The phase-in years of 2008 and 2009 are excluded because they do not fully reflect offenders being subject to, or not subject to, the minimum sentence.

Minimum sentences appear to have a binding effect and a normative effect. The binding effect is the impact of judges being required to impose the minimum sentences even when they do not believe it is proportionate in the circumstances of a particular case. A 2001 analysis by Julian Roberts demonstrated the binding effect of Canadian minimum sentences by showing that judges had imposed the minimum sentence in almost every case for several offences.<sup>6</sup> The existence of a binding effect in this case is supported by the 3-fold increase in the number of three-year sentences, the



minimum that would apply in most cases. However, the absence of any discernable impact of the minimum being declared unconstitutional suggests that the impact of the minimum is not primarily due to this binding effect.

Minimum sentences also have a normative effect by acting as a reference point in sentencing for the specified offence. Justice Arbour, writing a concurring opinion in *R v Morrissey* at the Supreme Court of Canada, argued that “the mandatory minimum sentences for firearms-related offences must act as an inflationary floor, setting a new minimum punishment applicable to the so-called “best” offender whose conduct is caught by these provisions. ... [Sentencing] is very much guided by the types of sentences that have been imposed in the past on similarly situated offenders, and because of that, it changes over time, and may come to reflect the inflationary consequences of the proper application of mandatory minimum sentences for particular types of offences.”<sup>7</sup>

The normative effect of minimum sentences can be seen in the increase in the frequency of sentences in excess of the three-year minimum sentence following the enactment of the minimum sentence. It is also demonstrated by the continuing elevation of sentenced time in federal custody after the minimum for “possession of a prohibited or restricted firearm with ammunition” was declared unconstitutional. A normative effect could also explain why total sentences to federal custody increase somewhat between the proposal of the legislation in 2006 and its enactment in 2008.

When the United States Sentencing Commission conducts prison and sentencing impact assessments, it considers both of these effects, as minimum sentences are factored into the development of sentencing guidelines but also applied to limit the distribution of possible sentences.<sup>8</sup>

Minimum sentences may affect the criminal justice process in other ways. The availability of a minimum sentence may influence the offence that prosecutors charge and the plea agreement they will accept. Conversely, the availability of a minimum sentence may affect the willingness of the defendant to proceed to trial, and their willingness to accept a plea agreement.<sup>9</sup> The uncertainty associated with these potential effects is mitigated in two ways. First, there was little change in the number of convictions for possession of a prohibited or restricted firearm with ammunition over the relevant period. Second, the increase in sentenced time in custody for the specific offence is reflected in an increase in sentenced time in custody for weapons offences generally. For details, see Appendix A.

Parliamentarians have previously expressed interest in the distributional impact of minimum sentences. The minimum sentence for possession of a restricted firearm with ammunition disproportionately affects Black and Indigenous people. Black people are 3.5% of the Canadian population but received 24% of the increase in sentenced time in federal custody. Indigenous people are 2.6% of the Canadian population but received 22% of the increase in sentenced time in federal custody. Conversely, Caucasian people are 73% of the Canadian population but received 37% of the increase in sentences resulting from the minimum. Men received 99% of total sentences for this offence.

**Table 2-1 Distribution of sentences across visible minority groups**

	Asian	Black	Caucasian	Hispanic	Indigenous	Other
<b>Share of sentenced time to federal custody before the minimum sentence</b>						
Pre-Minimum Total Duration of Sentences (1997-2007 Average)	12,849	33,237	72,856	2,491	10,818	4,031
Visible minority group share of pre-minimum sentences	9%	24%	53%	2%	8%	3%
<b>Share of sentenced time to federal custody after the minimum sentence</b>						
Post-Minimum Total Duration of Sentences (2010-2019 Average)	43,885	134,454	228,629	9,150	102,505	35,515
Visible minority group share of share of post-minimum sentences	8%	24%	41%	2%	18%	6%
<b>Share of increase in sentenced time to federal custody due to the minimum sentence</b>						
Increase	31,036	101,217	155,773	6,659	91,688	31,484
Share of increase in sentences	7%	24%	37%	2%	22%	8%
<b>Metrics for proportionality of the impact of the minimum sentences</b>						
% Increase in sentences	342%	405%	314%	367%	948%	881%
Share of general population	14.9%	3.5%	72.9%	1.3%	2.6%	4.9%
Share of pre-minimum sentences / Share of pop.	0.63	7.01	0.73	1.41	3.08	0.61
Share of post-minimum sentences / Share of pop	0.53	6.98	0.57	1.27	7.18	1.32
Share of increase / Share of pop	0.50	6.96	0.51	1.23	8.52	1.55

Source: PBO analysis of CSC's Offender Management System

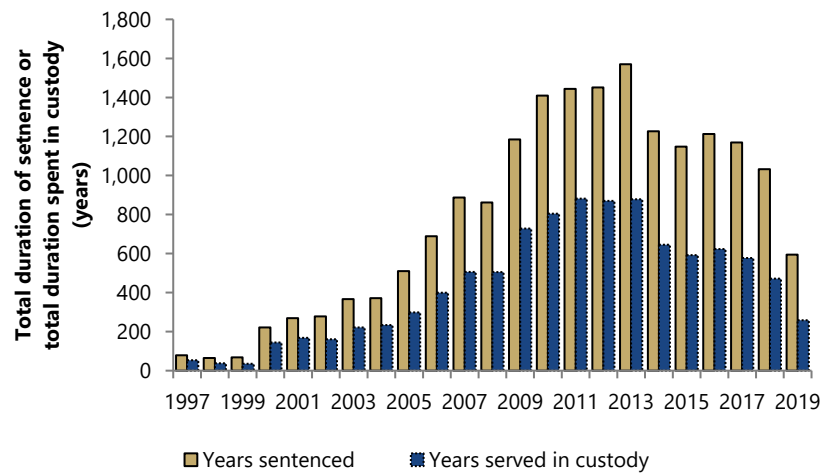
### 3. Impact on Headcounts

The relationship between sentenced time in custody and inmate populations is affected by parole and statutory release.

Inmates are generally eligible for full parole after serving one third of their sentence, although it is up to the Parole Board of Canada to determine whether or not the offender will actually be granted parole.<sup>10</sup> In addition, inmates usually receive statutory release after serving two thirds of their sentence.<sup>11</sup> While offenders released on parole remain subject to various restrictions and continue to be supervised by CSC, their release is fiscally significant because the costs associated with persons on parole are much lower than the costs associated with persons in custody.

In the case of persons sentenced to federal custody for “Possession of a Prohibited or Restricted Firearm with Ammunition”, they served an average of 60% of their sentence in custody prior to being released into the community via parole or statutory release.<sup>12</sup>

**Figure 3-1** Total federal years sentenced and served in custody by persons sentenced for “Possession of a Prohibited or Restricted Firearm with Ammunition,” by year of sentencing



Source: PBO analysis of Correctional Service of Canada’s Offender Management System

Note: Only offenders who have been released are included in this chart.

As noted above, persons convicted of this crime in each year continue to be sentenced to a total of 1,162 more years in federal custody than they would

be if the minimum had never been enacted. Based on the duration these persons typically spend in custody, this means that, at a given point in time, there 684 additional offenders in custody and 467 additional offenders supervised in the community than they would be if the minimum had never been enacted.

## 4. Impact on Costs

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The Correctional Service of Canada (CSC) is typically responsible for approximately 14,000 people in custody and 9,000 people supervised in the community. To carry out these responsibilities, CSC had a budget of \$2.7 billion in 2019-20, expected to rise to \$2.8 billion in 2023-24.<sup>13</sup>

The number of inmates in custody and supervised in the community is one of the factors used to determine the funding requested by CSC:

Most of CSC's costs are salary and employee benefit costs, which accounted for \$1.9 billion (72%) of CSC's 2019-20 net expenditures.<sup>14</sup> Of those employees, 77% work in institutions.<sup>15</sup> Staffing in institutions is driven largely by the minimum staffing levels required to operate each facility. Over the longer term, the cost of an increase or decrease in the number of offenders in custody will depend greatly on whether the change tips the decision to operate additional capacity. Even when CSC has excess capacity, as is currently the case, the impact of a minimum sentence may prevent a further consolidation of facilities. Furthermore, it may be that only the cumulative impact of several minimum sentences generates capacity challenges, while each minimum individually would not generate capacity challenges.

For the purposes of this cost estimate, the PBO assumes the cost associated with each person in custody is equal to CSC's weighted average cost of maintaining an offender in custody. We assume the cost associated with each person on parole or statutory release is equal to CSC'S cost of maintaining an offender in the community.

**Figure 4-1 Average cost of keeping an inmate incarcerated in 2018-19**

Type of Institution	Cost (\$/year)
Maximum Security (men only)	163,642
Medium Security (men only)	109,660
Minimum Security (men only)	83,900
Women's Facilities	204,474
Exchange of Services Agreements	122,269
<b>Incarcerated weighted average</b>	<b>120,589</b>
<b>Offenders in the Community</b>	<b>32,037</b>

Source: 2019 Corrections and Conditional Release Statistical Overview

At a cost of \$120,589 per year in custody and \$32,037 per year on parole, 684 additional offenders in custody and 467 additional offenders on parole is expected to cost \$98 million each year. This reflects the expected cost considering the probability these additional inmates tip the decision to operate additional capacity in each year; the actual difference in funding requested by CSC will be more or less, depending on whether this increased headcount actually tips the decision to open an additional facility in a given year.

## 5. Generalization

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### Other Minimum Sentences

Possession of a prohibited/restricted firearm provides an example of the impact of a minimum sentence, but is not necessarily a typical example, or the most fiscally significant example.

Across the *Criminal Code* and *Controlled Drugs and Substances Act*, we identified 134 different minimum sentences across 60 current offences. Different minimums apply depending on whether the case is prosecuted as a summary offence or by indictment, as well as based on whether various factors like use of a firearm and prior convictions.<sup>16</sup>

Most minimum sentences appear to have little impact on sentences to federal custody because

1. Few or zero people commit the offence (ex. High Treason),
2. Prosecutors do not charge the offence (ex. Drug trafficking in or near a school),<sup>17</sup>
3. The offence does not result in sentences over two years (ex. Purchasing sex), and/or
4. The offence does not result in more severe sentences than the offenders would have received anyways (ex. Attempted Murder with a Firearm).

Analyzing the impact of all minimum sentences is beyond the scope of this report. There are various challenges associated with estimating the impact of other minimum sentence. For example, in some cases, the creation of a minimum sentence coincided with the introduction of new offence definitions, the number of persons being charged with the crime changed or the implementation of the minimum predates reliable longitudinal data.

### Changes to Minimums

As noted above, when a minimum sentence is imposed, it engenders both a binding effect (judges being required to impose the minimum sentences even when they do not believe it is proportionate) and a normative effect (judges using the minimum as a reference point in sentencing).

When a minimum is declared null and void by the courts, it should cease to have a binding effect, but may continue to have a normative effect. A similar effect would result if Parliament were to adopt a proposal that allows discretionary exemptions to minimum sentences, like Bill S-251 *An Act to amend the Criminal Code (independence of the judiciary)*<sup>18</sup>. However, in the case of “possession of a prohibited/restricted firearm with ammunition” the total duration of sentences was not discernably affected by the minimum being declared unconstitutional.

Because no minimum sentence has ever been repealed in Canada for a continuing offence, it is not possible to empirically examine the impact of a legislative repeal on the normative effect of minimum sentences. Theoretically, if the normative effect of minimums persists beyond a declaration of unconstitutionality (because sentencing judges rely on cases decided prior to the declaration of unconstitutionality), the effect may persist despite the repeal of the minimum. Conversely, if the normative effect of minimums persists because judges consider the statutory minimum or take the statutory minimum as a signal of legislative intent, then the normative effect could be reversed by the repeal of the minimum.

## 6. Conclusion

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To summarize, minimums increase the number of inmates in custody. But the impact of some minimums is unclear, as is the total impact of all minimums. Furthermore, the impact of minimums may persist despite those minimums being declared null and void, being made discretionary, or being repealed. Together, these and other factors make it difficult to estimate the cost of repealing a wide range of minimum sentences.



# Appendix A: Methodological Notes

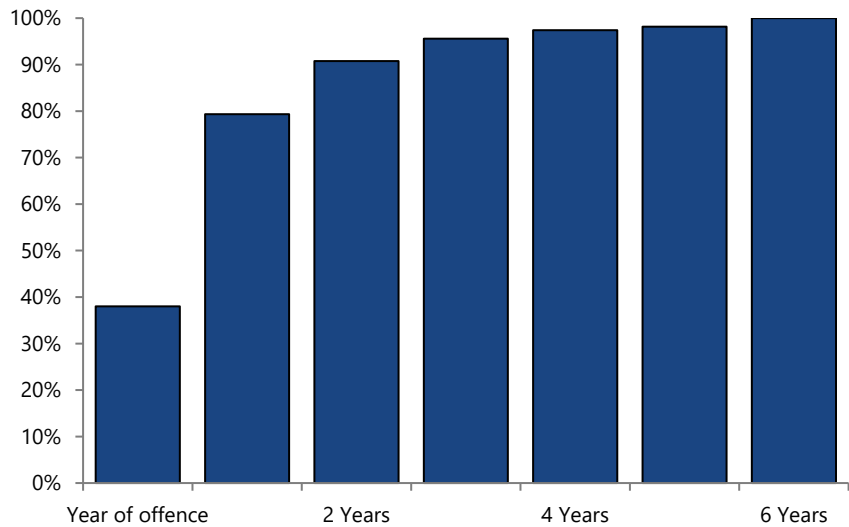
This Appendix addresses some potential questions surrounding the inference that the minimum sentences caused the increase in sentences for possession of a prohibited or restricted firearm with ammunition.

### The phase-in of the increase in total sentences is consistent with the application of new minimum sentences

The impact of the mandatory minimum occurs gradually following the enactment of the minimum because offenders who committed an offence prior to the effective date of a minimum sentence are not subject to that minimum sentence. The phase-in of the increase in total sentences reflects the typical delay between the commission of offences and sentencing for those offences.

Figure A-1

Share of sentenced inmates subject to minimum sentence for Possession of a Firearm with Ammunition by years since implementation of minimum sentence



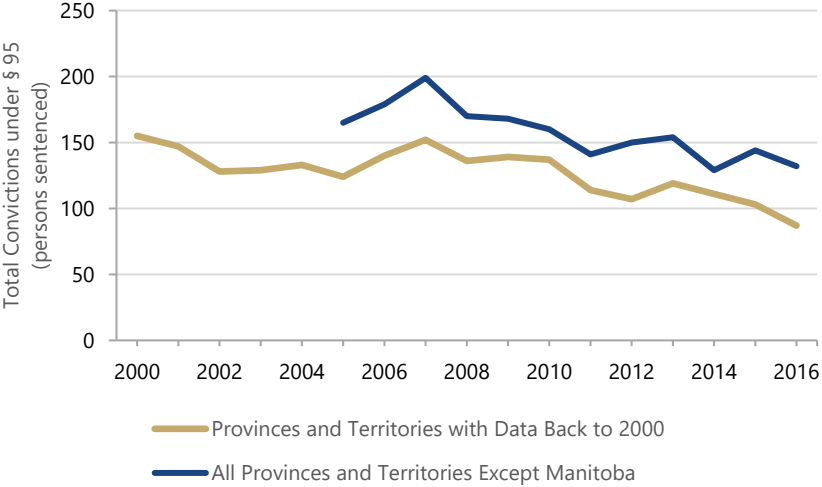
Source: PBO analysis of Statistics Canada’s Integrated Criminal Court Survey<sup>19</sup>

A phenomenon which is more difficult to explain is that total sentences started increasing at least one year prior to the enactment of the minimum sentence. This suggests it may be difficult to disentangle the impact of minimums themselves from the impact of the social and political process leading to the enactment of minimums. There were no significant legislative changes leading up to 2008 that could explain the change, nor was there any comparable change for other offences not subjected to minimum sentences.

**The increase in total sentences was not a result of more people being convicted of the offence**

The increase in sentenced time in federal custody is also not a result of changes in the number of convictions. The number of convictions for this offence (including those that did not result in a sentence to federal custody) slightly declined over the relevant period.

**Figure A-2 Total convictions for Possession of a Prohibited/Restricted Firearm with Ammunition by year of sentencing**



Source: PBO analysis of Statistics Canada’s Integrated Criminal Court Survey<sup>19</sup>

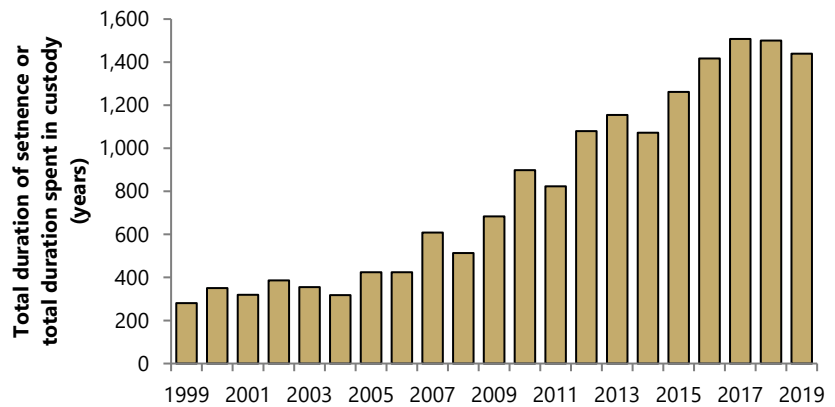
Note: Includes convictions that did not result in federal custody. This only includes sentences where possession of a prohibited or restricted firearm with ammunition was the most serious offence for which the persons was being sentenced. Manitoba is excluded due to data quality issues.

**The Supreme Court of Canada’s decision in *R v Nur* may have contributed to the increase in the length of sentences.**

It might be argued that the increase in sentences for possession of a prohibited or restricted firearm with ammunition had different causes before and after being declared unconstitutional. In *R v Nur* the Supreme Court of Canada held that the minimum for possession of a prohibited or restricted firearm with ammunition was unconstitutional; but, at the same time, it also upheld a 40-month sentence in the actual case before it. That 40-month sentence was based explicitly on the inflationary floor created by the minimum sentence. While the actual sentence imposed in the case of *R v Nur* may have been instrumental to the continuing increase in the length of sentences, that sentence itself was explicitly inflated by the minimum sentence.

Regardless, sentences also appear to remain elevated for other minimums which have been declared unconstitutional. Another example is the minimum sentence for sexual interference when prosecuted by indictment. This minimum was imposed in 2005 and increased in 2012. Total sentences for this offence have remained elevated despite the minimum being declared unconstitutional by a variety of courts between 2016 and 2019.<sup>20</sup>

**Figure A-3 Total duration of sentences to federal custody for sexual interference by year of sentencing**



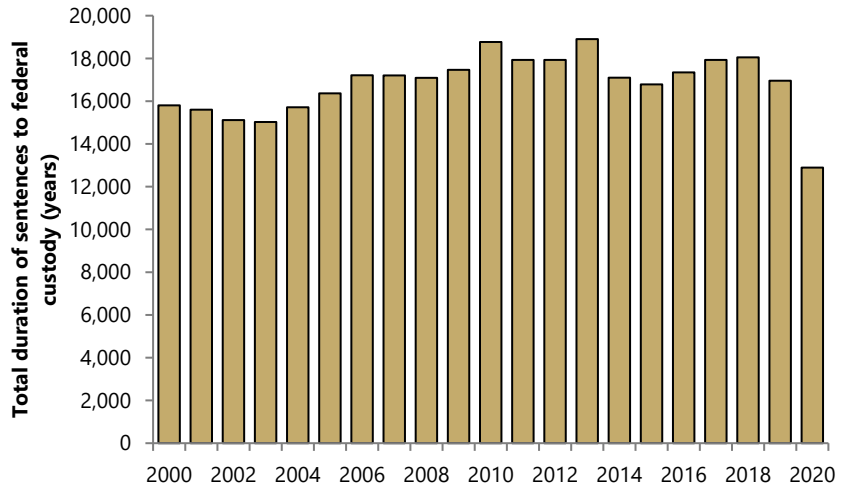
Source: PBO analysis of CSC’s Offender Management System

Note: Total sentences for all offences declined in 2020 due to the Covid-19 pandemic and associated public health restrictions.

**The increase in total sentences was not a result of an increase in the severity of sentences for all offences**

There were some minor aggregate fluctuations in sentenced years in federal custody, due in part to changes in credit for time served, conditional sentencing and the 2020 Covid-19 pandemic, but these are not significantly enough to explain the observed change in sentencing.

**Figure A-4** Total duration of determinate sentences to federal custody by year of sentencing



Source: PBO analysis of CSC’s Offender Management System

**The increase was not due to other minimum sentences**

A single sentence is often imposed for multiple offences. As a result, it is possible for an increase in total sentences for one offence to create an apparent increase in total sentences for other offences charged together with that offence. Looking at sentences relating to both “Possession of a prohibited or restricted firearm with ammunition” (§ 95) and other offences subject to minimum sentences, some of these other offences subject to minimum sentences are often charged together. Specifically, sentences for “Possession of a prohibited or restricted firearm with ammunition” often also related to convictions for drug trafficking under § 5 of the *Controlled Drugs and Substances Act* (43% of § 95 sentences) and weapons possession offences under § 92 of the *Criminal Code* (15% of § 95 sentences). However, the minimum sentences under these sections were enacted later and only apply to a small subset persons convicted under those sections. As a result, other minimum sentences cannot explain the increase in sentences observed for § 95.

# References

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1. This report uses the term “minimum sentences” for brevity in lieu of the more common but redundant term “mandatory minimum sentences.”
2. Under s 743 of the *Criminal Code of Canada*, sentences of two years or more are served in federal penitentiaries while sentences of less than two years are served in provincial prisons. Sentences of two years or more are referred to in this report as “sentences to federal custody. Longer sentences can result in more persons receiving sentences to federal custody of two years or more. They can also increase the duration of federal sentences for persons who would have been sentenced to federal custody anyways.
3. *R v Nur* 2015 SCC 15
4. [Criminal Code \(as of 2003\)](#) s 95.
5. *R v Nur* 2015 SCC 15
6. Julian Roberts, *Mandatory Minimum Sentences of Imprisonment: Exploring the Consequences for the Sentencing Process* (2001) 39 Osgoode Hall L.J. 305.
7. *R v Morrissey* [2000] 2 SCR 90 at para 75-76
8. United States Sentencing Commission, [Most Frequently Asked Questions Prison & Sentencing Impact Assessments](#).
9. See PBO, [Conditional Sentencing](#).
10. *Corrections and Conditional Release Act*, SC 1992, c 20, s 120.
11. *Corrections and Conditional Release Act*, SC 1992, c 20, s 127.
12. This average was calculated for persons sentenced between 2000 and 2009 with at least one recorded release from custody. It reflects the average share of sentenced years served, i.e. giving greater weight to longer sentences.
13. CSC, [2021-22 Departmental Plan](#).
14. CSC, [Statement of management responsibility including internal control over financial reporting 2019-20](#). 2019-20 is used to exclude pandemic-related spending changes.
15. CSC, [Corrections and Conditional Release Statistical Overview 2020](#).
16. For a reasonably complete list of the specific offences subject to minimums and their current legal status see mms.watch.
17. Public Prosecution Service of Canada, [Supplementary Guideline on Mandatory Minimum Penalties for Certain Drug Offences Under the Controlled Drugs and Substances Act](#).
18. 42nd Parl, 1st Sess

19. Although the research and analysis are based on data from Statistics Canada, the opinions expressed do not represent the views of Statistics Canada.
20. See for example, *R v ML*, 2016 ONSC 7082; *R v WG*, 2019 ONSC 1146 and *R v BJT*, 2019 ONCA 694.