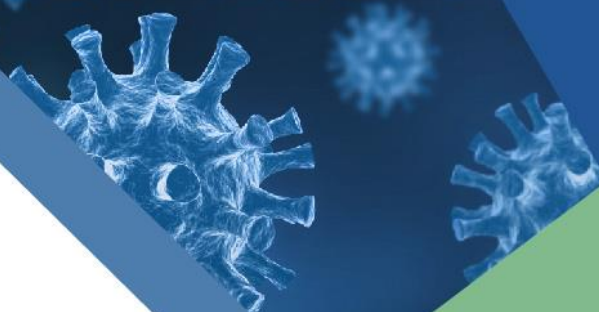




Department of Justice  
Canada

Ministère de la Justice  
Canada



2022

# STATE OF THE **CRIMINAL JUSTICE SYSTEM**

**Impact of COVID-19  
on the Criminal  
Justice System**

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## Table of Contents

Acknowledgements.....	4
Key Findings .....	5
Introduction .....	8
Text Box 1 – COVID-19 and pre-existing inequities .....	9
The SOCJS Framework .....	10
Framework Limitations .....	10
Data Limitations .....	11
Findings .....	12
Public perception and awareness of the criminal justice system during the pandemic .....	12
Feelings of personal safety and victimization during the pandemic .....	14
Policing during the pandemic .....	15
Police-reported crime .....	16
Text Box 2 – Joint response to mental health calls.....	17
Text Box 3 – Heightened fear of family violence .....	22
Criminal court operations during the pandemic: .....	23
Text Box 4 – A note on quarterly court data limitations.....	24
Trends in completed criminal court cases .....	24
Text Box 5 – The use of technology in Canadian courts .....	27
Court efficiencies .....	28
Text Box 6 – Proposed federal legislation to improve the CJS and address the impacts of COVID-1934	
Access to the CJS and other resolution mechanisms.....	34
Text Box 7– Indigenous Courtwork Program .....	36
Correctional operations during the pandemic.....	36
Text Box 8 – COVID-19 in federal corrections.....	37
Trends in correctional population.....	38
Services for rehabilitation and preparation for release into community .....	43
Trends in decisions for release into the community.....	45
Conclusion.....	47
Bibliography .....	50
Annex I – Abbreviations .....	57
Annex II – State of the Criminal Justice System Framework.....	58

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## Key Findings

This edition of the State of the Criminal Justice System (SOCJS) report focuses on monitoring key changes that occurred within the criminal justice system (CJS) since the onset of the COVID-19 pandemic. It compares indicators of performance prior to the start of the COVID-19 pandemic to those indicators up to two years into the pandemic, where data have been collected and made available. The following presents key findings from the report organized by the nine expected outcomes from the State of the Criminal Justice System Performance Monitoring Framework. Note that not all 42 performance indicators in the Framework were examined as part of this report due to unavailability of data before and after the onset of the COVID-19 pandemic.<sup>1</sup>

### **Outcome #1: Canadians are safe and individuals and families feel safe.**

- *Overall, the police-reported crime rate and Crime Severity Index decreased since the onset of the COVID-19 pandemic and have not reached pre-pandemic levels in 2021.*
- *In the first eight months following the start of the pandemic, there were significant shifts in the types of calls for service police received during the pandemic, with notable increases in calls for service related to mental health and wellness checks.*
- *The types of crimes reported during the pandemic have also changed, including:*
  - *Notable decreases in property crimes in 2021, likely due to people spending more time at home following the restrictions put in place to curb the spread of COVID-19;*
  - *Substantial increases in select violations such as: identity theft and identity fraud in 2020; and, hate crimes, opioid-related offences and child pornography in 2020 and 2021;*
  - *Police-reported family violence increased slightly in 2021; however, the data suggest that family violence is largely underreported.*
- *In May 2020, half of crowdsourcing participants<sup>2</sup> felt that the level of crime in their neighbourhood has not changed since the pandemic; racialized people reported lower levels of safety than non-racialized people both before and after the start of the pandemic.*

### **Outcome #2: The CJS is fair and accessible.**

- *About one year into pandemic, Canadians were less likely than before the pandemic to report being confident that the CJS is accessible and fair to all people than before the pandemic started. One year later, confidence levels have started to return to pre-pandemic levels.*
- *The number of adults and youth in remand/pre-trial detention decreased during the first year after the start of the pandemic. However, adults in remand make up an increasingly larger proportion of all adults in provincial and territorial custody (remand and sentenced).*
- *The number of approved criminal legal aid applications decreased in 2020/2021, but approved applications as a proportion of all legal aid applications remained stable and unchanged since the pandemic.*

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<sup>1</sup> See Annex II for list of indicators examined.

<sup>2</sup> Crowdsourcing involves collecting information from a large community of users. This method does not involve using a probability-based sampling. Rather the survey is open to anyone who wishes to answer. The results are therefore not representative of the general population.

**Outcome #3: Canadians understand the role of and express confidence in the CJS.**

- *Canadians' awareness of the role of different components of the CJS (police, courts, corrections) was lower during the first year of the pandemic, but has started to return to pre-pandemic levels for all three components of the CJS over the second year.*

**Outcome #4: The CJS operates efficiently.**

- *Overall, the police offence clearance rate<sup>3</sup> remained stable since the start of the pandemic, with a slight decrease in 2021.*
- *After the onset of the pandemic there was an initial and substantial drop in the number of adult criminal cases and youth cases completed in the courts. These numbers have since started to increase, but have not reached pre-pandemic levels in 2021/2022.*
- *The time required to complete a court case increased for both adults and youth over the first two years of the pandemic (2020/2021, 2021/2022). Consequently, the proportion of court cases that exceed the Jordan limit once completed has also increased.*
- *In 2021/2022, the percentage of cases completed in adult criminal and youth courts that had an administration of justice offence (AOJO)<sup>4</sup> as the most serious offence in the case has remained relatively stable and unchanged since the start of the pandemic.*

**Outcome #5: The CJS promotes and supports diversion, Restorative Justice, Indigenous justice and tools for community-based resolution.**

- *In the first months of the pandemic, there were substantial decreases in adult and youth custodial populations, which resulted in lower incarceration rates. Although these numbers increased since the initial drop, they had not reached pre-pandemic levels in 2020/2021.*
- *There was a decrease in the use of diversion and restorative justice programs and processes in 2020, which coincided with reduced capacity for these programs.*

**Outcome #6: The CJS provides persons in the correctional system with services and supports to rehabilitate them and integrate them back into the community.**

- *During the first year of the pandemic, the proportion of federal offenders with an identified mental health need receiving treatment remained similar to the pre-pandemic proportion.*
- *Educational and correctional programming capacity in federal institutions was significantly reduced during the first year of the pandemic.*
- *One year after the onset of the pandemic, the use of section 84 releases under the Correctional and Conditional Release Act remained stable; similar proportions of Indigenous offenders were released under section 84 in 2020/2021 compared to before the pandemic.*
- *The proportion of federal offenders securing community employment prior to the end of their sentence decreased in 2020/2021.*

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<sup>3</sup> The police clearance rate reflects the total number of incidents cleared (by charge, or otherwise) during the year divided by the total number of incidents during the year. It is weighted by assigning higher values ("weight") to more serious crimes.

<sup>4</sup> AOJOs include the following Criminal Code violations: failing to comply with bail conditions, breaches of a probation order, failing to appear in court, escape or help escape from custody, prisoner unlawfully at large, and other offences against the administration of justice (for example, impersonating a peace officer).

- *During the first year of the pandemic, there was an increase in the number of parole reviews conducted for individuals under federal correctional responsibility, including parole by exception.*
- *However, in 2020/2021, there was a decline in the overall proportion of individuals under federal correctional responsibility who were granted parole.*
- *At the start of the pandemic, there was an increase in the number of decisions to grant day parole to another location.*

**Outcome #7: The CJS respects victims' and survivors' rights and addresses their needs.**

- *In 2020/2021, the number of individuals registered as a victim to receive information about an individual who harmed them remained stable compared to before the pandemic.*

**Outcome #8: The CJS reduces the number of Indigenous people in the system.**

- *Since the start of the pandemic, there was an increase in homicides, particularly among Indigenous victims in 2020.*
- *The proportion of Indigenous persons accused of homicide, of all persons accused of homicide, decreased in 2021, the year after the onset of the pandemic.*
- *Indigenous adult and youth admissions to correctional services (federal, provincial and territorial) decreased, but Indigenous admissions have made up an increasingly larger proportion of overall admissions since the start of the pandemic.*
- *Since the pandemic, Indigenous offenders have made up an increasingly larger proportion of the total federal offender population.*
- *In 2020/2021, the proportion of Indigenous dangerous offenders remained stable and unchanged since the start of the pandemic.*

**Outcome #9: The CJS reduces the number of marginalized and vulnerable individuals in the system.**

- *In 2020/2021, the proportion of Black and racialized federal offenders (among total federal offender population) remained stable and unchanged since the onset of the pandemic.*

## Introduction

The COVID-19 global pandemic<sup>5</sup> has reached over 200 countries and caused more than 6 million deaths worldwide as of August 2022 (World Health Organization n.d.). Governments across the globe have had to decide how to respond to a worldwide threat that, at the time, was largely unknown.

In March 2020, in an attempt to minimize the spread of COVID-19 in Canada, federal, provincial and territorial (FPT) governments, municipalities and First Nations, Inuit and Métis leaders issued a range of public health measures. These included stay-at-home orders, school and daycare closures, non-essential business closures as well as restrictions on gatherings and travel (Government of Canada 2021). At various points during the pandemic, Canadians were required to wear facemasks outside of their homes, limit their exposure to persons outside of their household, avoid non-essential travel, and improve hygiene protocols, such as handwashing and the cleaning and disinfecting of surfaces and objects. Further provisions, such as screening protocols and isolation requirements, were set out in Emergency Orders and regulatory amendments. With these various measures in place, individuals, communities, companies, systems, and societies were required to adapt, respond, and continue to move forward while battling a global pandemic. The pandemic, as well as Canada's collective responses to it, significantly influenced how the various social and economic spheres and institutions operate, including the criminal justice system (CJS).

Prior to the start of the COVID-19 pandemic, policy makers and legislators in Canada undertook CJS modernization efforts to address the overrepresentation of Indigenous, vulnerable and marginalized people and to improve court procedures as well as supports for victims and survivors of crime.<sup>6</sup> In the midst of these ongoing improvements, the pandemic pushed policy makers and legislators to further adapt the CJS by embracing additional technological approaches, eliminating rules and processes that presented barriers to accessing justice and finding creative ways to provide people with legal information and other supports.

Recognizing that CJS performance may be impacted by the COVID-19 pandemic, this edition of the State of the Criminal Justice System (SOCJS) report focuses on monitoring key changes that occurred during this time. It compares indicators of performance prior to the start of the COVID-19 pandemic to those indicators up to two years into the pandemic, where data have been collected and made available.<sup>7</sup> It also provides contextual information to better understand the immediate impact of COVID-19 on police, courts,

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<sup>5</sup> COVID-19 is the disease caused by a new coronavirus called SARS-CoV-2. The World Health Organization first learned of this new virus on December 31, 2019, following a report of a cluster of cases of 'viral pneumonia' in Wuhan, People's Republic of China.

<sup>6</sup> Former Bill C-75 received Royal Assent on June 21, 2019. This bill included the following changes: modernized and clarified bail provisions; abolished peremptory challenges of jurors; restricted the availability of preliminary inquiries; streamlined the classification of offences; expanded judicial case management powers; enhanced measures to better respond to intimate partner violence; included measures to reduce CJS delays; restored judicial discretion in imposing victim surcharges; facilitated human trafficking prosecutions, and allowed for the possibility of property forfeiture; removed provisions that have been ruled unconstitutional by the Supreme Court of Canada; and made consequential amendments to other Acts.

<sup>7</sup> Framework indicators included in the analysis of this report are identified in Annex II: State of the Criminal Justice System Framework.



and correctional operations and on the people who interact with the CJS.<sup>8</sup> For this reason, the report was structured following the various stages of the CJS, rather than by the SOCJS outcomes.

A full assessment of the performance of the CJS based on all SOCJS Framework indicators<sup>9</sup> is available in the inaugural 2019 SOCJS Report and will be conducted again in 2024.

### Text Box 1 – COVID-19 and pre-existing inequities

The pandemic has highlighted and accentuated many pre-existing social inequities in Canada related to education, healthcare, housing, employment and other socioeconomic spheres. These inequities have intersected with other marginalization factors, such as ethno-cultural background and gender, to further compound the negative effects of COVID-19 for some groups and individuals.

The emerging research on the impact of COVID-19 on different population groups in Canada has highlighted some of the ways that systemic and structural racism has led to Indigenous Peoples and Black and racialized people being more exposed to COVID-19 (Centre for Research & Education on Violence Against Women & Children 2021). These groups have endured longstanding inequities regarding education, income and employment due to systemic discrimination. Consequently, a disproportionate number of Indigenous, Black and racialized individuals are low paid essential workers with direct exposure to the virus (ibid.). The Public Health Agency of Canada (2021a) also found that residential areas with a high concentration of racialized people were disproportionately affected by COVID-19; racialized people in Canada had higher mortality rates.

The COVID-19 pandemic also contributed to widening gender disparity between working men and women. In Canada, the service sector was one of the hardest hit industries in terms of employment losses during the pandemic. This sector employs a larger proportion of working women; overall, in February 2020, 90% of employed women were employed in the service sector, compared to 68% of employed men. As a result, women suffered more from employment losses and reduced hours than men, which contributed to a widening gender unemployment gap in Canada (Grekou and Lu 2021).

Recent events across North America have also highlighted the continued presence and impact of systemic racism on Indigenous Peoples and Black and racialized communities. For instance, in May 2020, the killing of a Black man, George Floyd, by police officers in Minneapolis, Minnesota amplified the Black Lives Matter movement<sup>1</sup> as well as calls to “defund the police.” Further, in May 2021, 215 unmarked graves were found near the site of the Kamloops Indian Residential School in Kamloops, British Columbia on the lands of the Tk'emlúps te Secwépemc First Nation.

These findings and events highlight how ongoing systemic racism and discrimination in Canada produce inequitable distribution of health risks. In this context, acknowledging the existence of pre-pandemic inequities based on ethno-cultural identity as well as gender is central to understanding why certain groups of people were unevenly impacted by COVID-19.

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<sup>8</sup> Contextual information was obtained from a scan of the available literature and media reporting. It should be noted that since the COVID-19 pandemic is a relatively recent event, the available literature does not necessarily provide a complete and exhaustive portrait of the situation. Further research will likely uncover more information on the impact of the pandemic on the CJS as it unfolds.

<sup>9</sup> See section on The SOCJS Framework for more details.

## The SOCJS Framework

The State of the Criminal Justice System Framework (the Framework) was developed in 2019 by the Department of Justice Canada through extensive research and consultation with key federal, provincial, and territorial government partners, community organizations, academics, Canadians, criminal justice data holders, and other experts in criminal justice policy, performance measurement, Indigenous justice and Indigenous legal traditions. The Framework relies on data from numerous stakeholders and partners including the Department of Justice Canada (JUS), the Canadian Centre for Justice and Community Safety Statistics (CCJCSS) at Statistics Canada, the Correctional Service of Canada (CSC), the Office of the Correctional Investigator (OCI), and the Parole Board of Canada (PBC).

The Framework consists of nine broad expected outcomes for the Canadian CJS:

1. Canadians are safe and individuals and families feel safe
2. The CJS is fair and accessible
3. Canadians understand the role of and express confidence in the CJS
4. The CJS operates efficiently
5. The CJS promotes and supports diversion, restorative justice, Indigenous justice, and tools for community-based resolution
6. The CJS provides persons in the correctional system with services and supports to rehabilitate them and integrate them back into the community
7. The CJS respects victims' and survivors' rights and addresses their needs
8. The CJS reduces the number of Indigenous people in the system
9. The CJS reduces the number of marginalized and vulnerable people in the system

Annex II provides an overview of the Framework, including each of the nine outcomes and associated indicators.

## Framework Limitations

Canada's CJS is designed to ensure public safety by protecting society from those who violate the law and holding these individuals accountable while also providing them support for rehabilitation. The CJS consists of several interrelated systems designed to work along a continuum to balance the needs of victims/survivors, accused/offenders, and communities. Police, courts and corrections work together within a broader social system to deliver fair and equitable justice. However, the administration of these systems differs across the provinces and territories, which makes it difficult to follow an individual's path through the CJS and in particular, across jurisdictions. The purpose of the SOCJS Framework, Dashboard and Report is to provide a national picture of Canada's CJS and as such, may not represent some of the differences in processes and practices across the country. Additionally, some jurisdictions are excluded from national figures for specific indicators, due to lack of available data.

While the current Framework is not exhaustive of all potentially relevant indicators that could measure the performance of the CJS, the Framework is evergreen and will integrate relevant information and data as they become available. The Department of Justice Canada is committed to working with its partners to further refine the Framework as new data are collected and statistical standards are developed.

Further, the Framework and online Dashboard encompass both the adult and youth CJSs; however, these two systems have distinct processes. To that end, a youth-adapted framework will be added in the coming years. The current report refers to the adult population unless otherwise stated.

### Data Limitations

Since this report focuses on the impact of an event that occurred at a specific time, only SOCJS indicators for which data were available before and after the onset of the pandemic were examined. SOCJS indicators for which 2019/2020 and 2020/2021 data were available were used to assess the impact of the COVID-19 pandemic on the CJS. These annual data were supplemented with monthly police-reported calls for service data from select police departments across Canada, quarterly court data and monthly corrections data provided by Statistics Canada, as well as special data requests filled by the Correctional Service of Canada and the Parole Board of Canada.

The data presented in this report represent a snapshot of the information that was accessible as of August 2022. Any data published after this date that cover the first two years of the pandemic are not reflected in this report.

## Findings

### Public perception and awareness of the criminal justice system during the pandemic

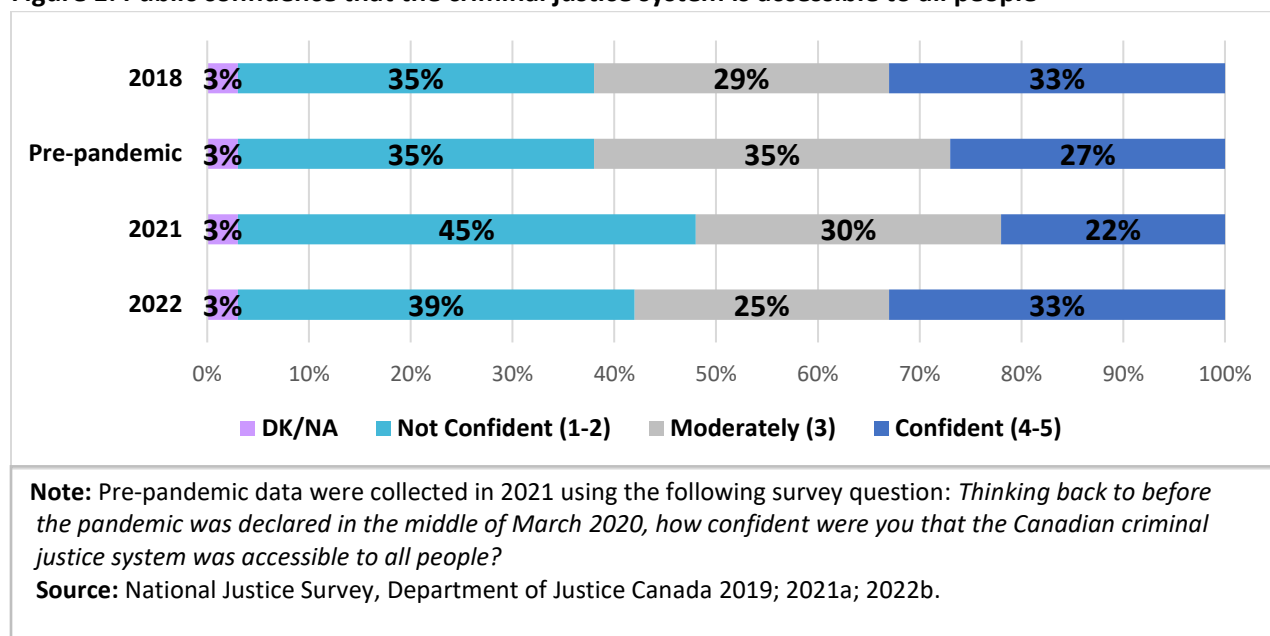
Maintaining an accessible, fair and efficient justice system directly contributes to the well-being of the country. Helping Canadians feel safe in their communities and have confidence in their justice system improves their quality of life, as well as their contribution to Canada's prosperity (Department of Justice Canada 2017).

Significant events, such as the COVID-19 pandemic and the collective responses to it, shed light on existing gaps in the confidence in our various social systems, including the criminal justice system. According to the National Justice Survey (NJS),<sup>10</sup> public perception that the CJS is accessible and fair to all people declined during the global COVID-19 pandemic. Since the NJS was not conducted in 2019 nor 2020, the 2021 survey asked respondents to consider their confidence in the CJS before the pandemic as well as their confidence approximately one year into the pandemic (Department of Justice Canada 2021a). These responses were compared to those of the 2018 NJS (Department of Justice Canada 2019).

#### *Decrease in proportion of Canadians who were confident that the CJS is accessible and fair to all people*

The proportion of Canadians who were confident or very confident (a rating of 4 or 5 on a 5 point scale) that the CJS is accessible to all people decreased from one-third (33%) in 2018 to less than one-quarter (22%) in 2021 (see Figure 1). On the opposite end of the scale, the proportion of Canadians who were not confident that the CJS is accessible to all people (a rating of 1 or 2 on a 5 point scale) increased from 35% in 2018 to 45% one year after the pandemic. In 2022, two years after the pandemic was declared, public confidence that the CJS is accessible to all people started to return to pre-pandemic levels.

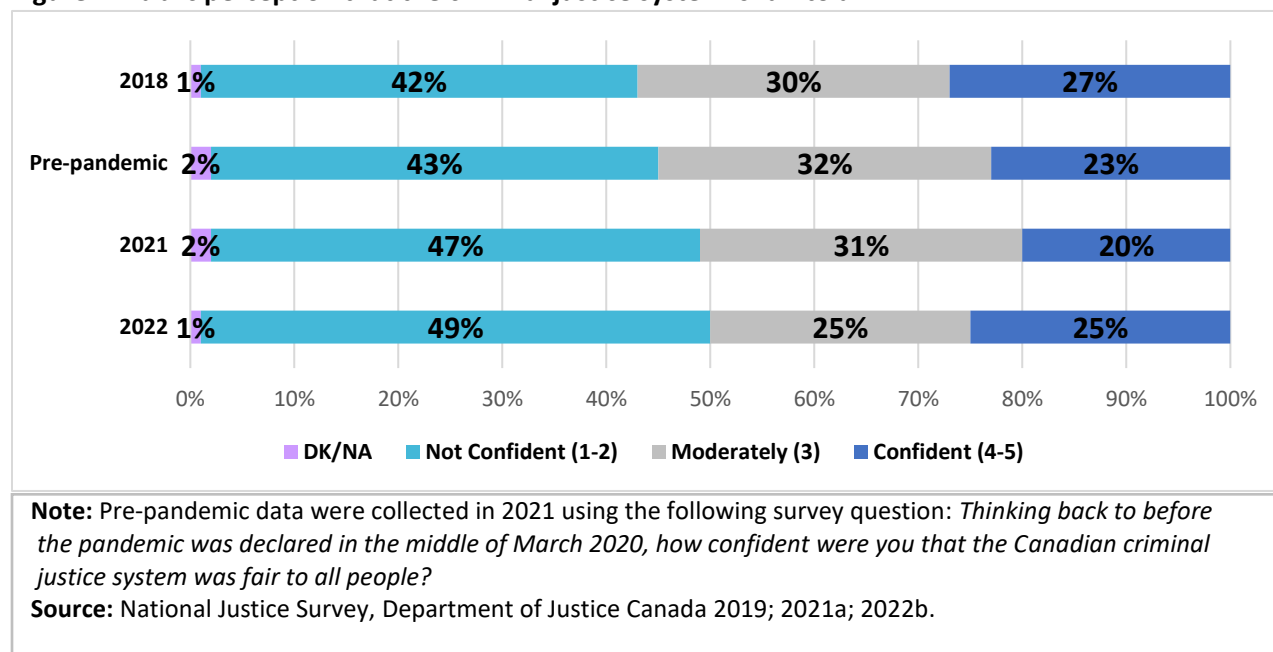
**Figure 1: Public confidence that the criminal justice system is accessible to all people**



<sup>10</sup> The National Justice Survey is conducted annually by Justice Canada to explore Canadian's perception and knowledge of the justice system and how it can be improved. See <https://www.justice.gc.ca/eng/rp-pr/jr/njs-snj.html>.

Nearly half of Canadians (47%) were not confident (a rating of 1 or 2 on a 5 point scale) that the CJS was fair to all people in 2021—an increase of five percentage points from 2018. On the opposite end of the scale, confidence (a rating of 4 or 5 on a 5 point scale) that the CJS is fair to all people declined from 27% in 2018 to 20% in 2021 (see Figure 2). However, two years after the pandemic was declared (2022), the proportion of Canadians who were confident (a rating of 4 or 5 on a 5 point scale) that the CJS is fair to all people increased to 25%.

**Figure 2: Public perception that the criminal justice system is fair to all**



### *Confidence in the CJS varied based on identity factors<sup>11</sup>*

In 2021 and 2022, men were more likely than women to indicate that the CJS was accessible and fair to all people. In 2021, those who identified as East/Southeast Asian or South/West Asian were more likely than those who identified as White to say they were confident the system was fair to all people (Department of Justice Canada 2021a). In 2022, Black respondents were less likely than White respondents to report that they were confident that the CJS is fair to all people while other racialized groups (Southeast Asian, East Asian, South Asian, Middle Eastern and North African) reported higher confidence than White respondents (Department of Justice Canada 2022b).

In 2021, First Nations respondents were more likely than non-Indigenous respondents to say that they were not confident that the CJS was fair to all people during the pandemic (Department of Justice Canada 2021a). However, Métis respondents were more likely than non-Indigenous respondents to say that the CJS was accessible to all during the pandemic.

Declines in the perceptions of accessibility and fairness of the CJS during the COVID-19 pandemic may be due in part to the wide-ranging challenges that Canadians faced during this time, in addition to the social movements that were occurring simultaneously. While it was necessary for the CJS to adapt and rely on alternative methods to advance cases during the COVID-19 pandemic, some of the approaches adopted

<sup>11</sup> Differences are statistically significant at  $p < .05$  level.

were not universally accessible. For example, court officials were required to balance the health and safety of court participants with the need to maintain court operations. While video conferencing and virtual hearings were appropriate alternatives for many individuals, those without access to high-speed internet were often unable to participate in that manner. Data from the Canadian Radio-television and Telecommunications Commission (CRTC) show that in 2017, 98.5% of households in the highest income quintile<sup>12</sup> had a home Internet subscription compared with 69% of households in the lowest income quintile (The Canadian Radio-television and Telecommunications Commission 2019). Moreover, only 45% of rural households in 2019 had access to high-speed internet (Silver 2021). This digital divide highlights the existing and intersecting inequalities faced by those without internet access when trying to access education, employment and justice (Harper-Merrett 2021).

#### *Awareness of the role of different components of the CJS was lower during the pandemic*

According to the NJS (Department of Justice Canada 2019, 2021a), awareness of the role of different components of the CJS was lower during the pandemic than in the previous reporting period. In 2018, 55% of Canadians reported that they were aware of the role of police compared to 46% in 2021. With regards to the role of the courts, 45% of Canadians said that they were aware in 2018 compared to 36% in 2021. Canadians reported the lowest level of awareness for corrections; 32% in 2018 and 26% in 2021. Overall, in 2021, self-reported awareness increased with education and income. Men were more likely than women to report awareness across all three aspects of the CJS. Both Black and East/South Asian respondents reported a lower awareness of the role of police and courts compared to White respondents in 2021.<sup>13</sup>

In 2022, awareness of all three components of the CJS started to return to pre-pandemic levels (56% for police, 44% for courts and 34% for corrections). Men were more likely than women to report awareness across all three components of the CJS.

#### *Feelings of personal safety and victimization during the pandemic*

An individual's perception of safety and risk of victimization affects their personal welfare and is a key indicator of a country's well-being (Statistics Canada 2020a). Data collected in the past two decades suggest that Canadians feel safer now than in the past; however, the full extent of the impact of COVID-19 on these perceptions is not yet known.

#### *Half of crowdsourcing participants felt that the level of crime in their neighbourhood has not changed since the pandemic*

According to the General Social Survey (GSS) on Canadians Safety (Victimization), in 2019, the majority of Canadians (74%) felt that the level of crime in their neighbourhood had remained about the same in the past 5 years. Less than one in five (19%) believed that crime in their neighbourhood had increased, while a smaller proportion (6%) felt that it had decreased (Cotter 2021). Because the GSS is conducted every five years, comparable post-pandemic data are not yet available. Although not directly comparable, in May

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<sup>12</sup> The first quintile is defined as annual household income below \$32,914, the fifth quintile as annual household income above \$132,809. See <https://crtc.gc.ca/pubs/cmr2019-en.pdf>.

<sup>13</sup> Differences are statistically significant at the  $p < .05$  level.

2020, Statistics Canada conducted an online crowdsourcing survey<sup>14</sup> of 43,000 Canadians on their perceptions of crime and personal safety in the wake of the COVID-19 pandemic. Half of crowdsourcing respondents indicated that crime had remained the same in their neighbourhood since the start of the pandemic (Statistics Canada 2020a). Another 11% reported that it increased, 15% reported that it had decreased; and 24% were unsure (Ibid.). Respondents who identified as Indigenous or as being part of a designated visible minority group<sup>15</sup> (hereafter, “racialized”) were more likely to indicate that crime had increased since the start of the pandemic compared to non-Indigenous respondents or non-racialized respondents (Ibid.).

One in ten (10%) participants who responded to Statistics Canada’s crowdsourcing survey on perceptions of crime and personal safety since the COVID-19 pandemic reported having contacted a victims’ service for a crime-related reason since the start of the pandemic (Ibid.). Participants who had contacted police or a victims’ service were more likely to feel unsafe walking alone after dark than those who did not feel that crime had increased in their neighbourhood (Ibid.).

#### *Racialized people reported lower levels of safety both before and after the start of the pandemic*

Consistent with previous research on personal safety and victimization (e.g., the GSS on Canadians’ Safety (Victimization)), racialized participants in Statistics Canada’s crowdsourcing survey on perceptions of crime and personal safety since the COVID-19 pandemic reported feeling less safe than the rest of the population. Just over a quarter (27%) of racialized participants reported feeling very or somewhat unsafe from crime when walking alone in their neighbourhood after dark, compared to 15% of the rest of the population (Statistics Canada 2020a). Of those who felt unsafe when walking alone at night, the proportion was highest among Korean (43%), Filipino (38%), and Chinese (31%) (Heidinger and Cotter 2020). These are the same racialized groups who were more likely to perceive an increase in discriminatory harassment or attacks since the pandemic began (Ibid.). Moreover, among racialized people, more than one third (36%) of women participants felt unsafe when walking alone after dark, compared with one in five (22%) men (Ibid.).

### **Policing during the pandemic**

To support the new public health measures implemented at the onset of the pandemic, police organizations collaborated closely with public health authorities to expand police officers’ roles in the areas of public education and enforcement of the new policies. Police organizations across the country were required to take on these additional tasks while facing ongoing staffing shortages and managing the health and safety risks posed to their members. This came at a time where public scrutiny of police was

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<sup>14</sup> Crowdsourcing involves collecting information from a large community of users. This method does not involve using a probability-based sampling. Rather the survey is open to anyone who wishes to answer. The results are therefore not representative of the general population.

<sup>15</sup> “Visible minority” refers to a person belonging to a visible minority group as defined by the *Employment Equity Act*. The Act defines visible minorities as “persons, other than Indigenous people, who are non-Caucasian in race or non-white in colour.” The visible minority population consists mainly of the following groups: South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean, and Japanese. Non-members of a visible minority include respondents who reported “Yes” to the Indigenous identity question as well as respondents not considered members of a visible minority group.

heightened following various events that led to some Canadians advocating to “defund the police” and to reallocate funding toward community services (Lopez-Martinez 2020).

## Police-reported crime

### *Offence clearance rate remained somewhat stable, with slight decrease in 2021*

Examining crime levels and changes in particular types of incidents is vital to our understanding of the well-being of Canadians during the pandemic. In 2020 and 2021, the restrictions and public health measures put in place to limit the spread of COVID-19 had wide-ranging effects on various facets of people’s lives—effects that will require further research to be fully understood. However, the impact that the pandemic and public health measures have had on crime and policing, to a certain extent, is measureable. One of the most common measures of police performance is the offence clearance rate.<sup>16</sup> In 2020, the offence clearance rate was consistent with the previous year (37.02 and 37.36, respectively), but slightly decreased by 4% to 35.78 in 2021 (Statistics Canada n.d.-a.). While the clearance rates observed during the pandemic remained somewhat similar to the year before the pandemic, there were significant shifts in the types of calls for service<sup>17</sup> police received during the pandemic as well as the types of crimes reported during this time.

### *Increases in police calls for service related to mental health and wellness checks*

Since the onset of the pandemic, police services reported increases in certain types of calls for service. Data collected from a subset of police services providing service to 32% of the Canadian population show an increase in calls for service related to general wellness checks (+16%), mental health (+13%) and domestic disturbances (+7%) in the eight months following the pandemic compared to the same eight-month period in 2019 (Moreau 2021).

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<sup>16</sup> The police clearance rate reflects the total number of incidents cleared (by charge, or otherwise) during the year divided by the total number of incidents during the year. It is weighted by assigning higher values (“weight”) to more serious crimes.

<sup>17</sup> Calls for service refer to any citizen-generated or police-initiated response that requires the tasking of police resources.



### Text Box 2 – Joint response to mental health calls

The emergence of the global COVID-19 pandemic led to extraordinary measures of containment, isolation, and social distancing. These measures contributed to an increase in mental health related issues and conditions (Canadian Medical Association 2021). A poll taken during the first wave of the pandemic found that half (50%) of Canadians believed their mental health had worsened as a result of the virus, and 41% experienced heightened anxiety (Centre for Addiction and Mental Health 2020a).

An increase in mental health related issues during the pandemic has put additional strain on Canada's mental health system, which was already struggling to address Canadians' needs for support, services and resources prior to the outbreak COVID-19 (Ibid.). In this context, it is not surprising to observe an increase in police service calls for mental health and wellness checks during the pandemic.

Some studies have found that police officers often report they do not feel adequately prepared to recognise, assess, and deal with an individual suffering from a mental health crisis (Lamanna, et al. 2018, Semple, et al. 2020). Many in Canada advocate for better mental health training for police officer to de-escalate crisis situations as well as further investment in programs to divert people struggling with mental health issues from the criminal justice system (Institute for Advancements in Mental Health 2022).

In addition, advocates want to broaden and normalize the use of mobile crisis intervention teams (MCITs), which incorporate a joint response from both police and mental health services when there is a crisis. Canadian studies suggest that MCITs have been effective in reducing wrongful and unnecessary arrests, have reduced the police use of force, and have been successful in providing individuals under mental distress with direct and proper health services (Blais, et al. 2020, Ghelani 2021, Lamanna, et al. 2018, Semple, et al. 2020). In the current context of the pandemic, joint mental health interventions continue to occupy a crucial space in emergency response procedures.

### *Overall police-reported crime rate and Crime Severity Index decreased*

In 2020, the overall police-reported crime rate (excluding traffic offences)—which measures the volume of crime—saw a 9% decrease from the previous year (Moreau 2022). In April 2020, the first full month after the pandemic was declared, there were 18% fewer criminal incidents compared to the same month in the previous year (Moreau 2021). Moreover, in 2020, the Crime Severity Index (CSI)—which measures the volume and severity of police-reported crime—decreased 7%, representing the first decrease after five years of increases (Moreau 2022).

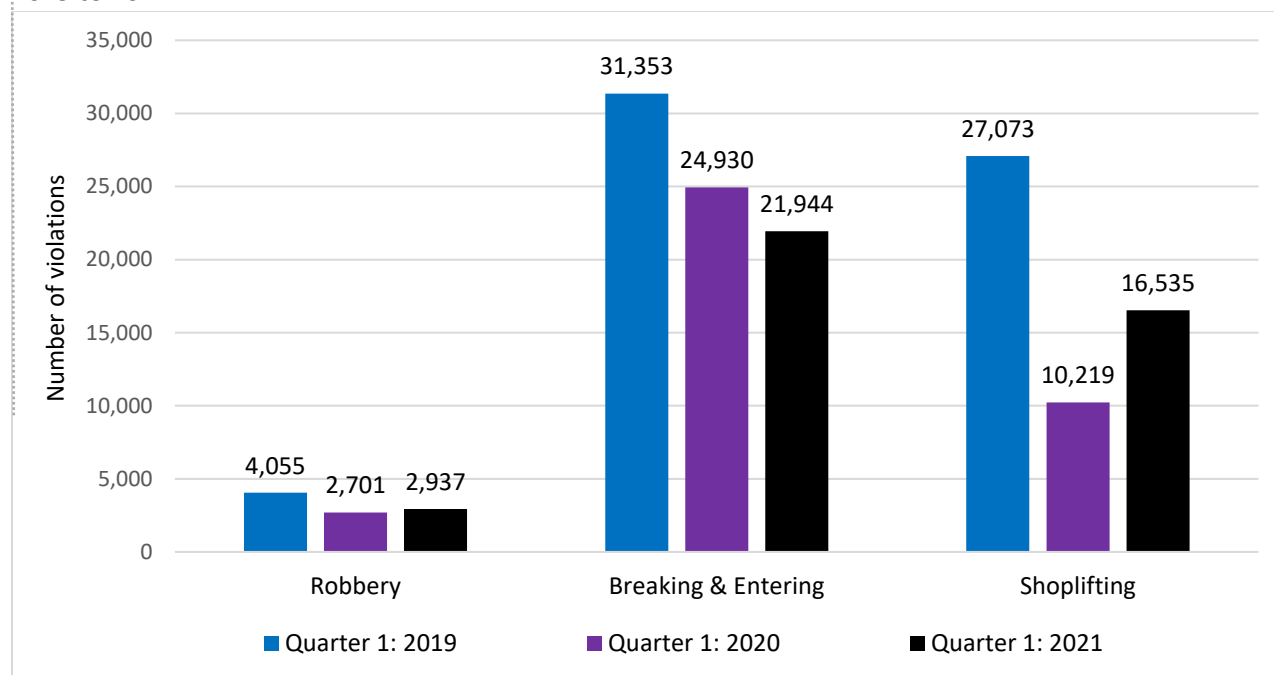
During the year following the start of the pandemic, 2021, the overall crime rate slightly increased of 1% from 2020 (Ibid.). The violent crime rate increased by 5% in 2021, and following a large decrease in 2020, the property crime rate decreased by 1% making it the lowest rate since 1965 (Ibid.). In 2021, the CSI remained stable at 73.7 compared to 73.9 in 2020 (Ibid.).

### *Notable decreases in property crimes*

In 2020, the first year of the COVID-19 pandemic, there was a notable decrease in property crimes (-9%) from the previous year, which coincides with the 7% decline in the CSI (Moreau 2022). Substantial decreases were also reported for shoplifting under \$5,000 (-36%), theft under \$5,000 (-21%), robbery (-18%), and breaking and entering (-16%) (Statistics Canada n.d.-b.). These shifts may be primarily explained by the fact that people were spending more time at home due to the restrictions put in place to curb the spread of COVID-19.

Data collected monthly<sup>18</sup> from a subset of Canadian police services providing service to 71% of the Canadian population cited similar trends in property crimes, specifically, breaking and entering, robbery, and shoplifting (see Figure 3). These types of incidents dropped considerably in the three-month period after the pandemic was declared, compared to the three months prior. One year after the pandemic was declared, the incident rates for these crimes remained below the pre-pandemic levels.

**Figure 3: Number of select police-reported property violations in the first quarter (April 1 to June 30), 2019 to 2021**



**Notes:**

1. Monthly data are collected from a subset of Canadian police services providing service to 71% of the Canadian population.
2. Quarter 1 refers to the three month period of April 1 to June 30.

**Source:** Table 35-10-0169-01 Selected police-reported crime and calls for service during the COVID-19 pandemic, Statistics Canada, n.d.-c.

*Substantial increases in select violations*

Police services across Canada also reported substantial spikes in certain offences, some of which may have been the result of Canadians spending more time at home and in some cases, more time online. In 2020, police reported increases in the number of the following crimes since 2019: identity theft (+56%), opioid-related offences (+39%), hate crimes (+36%), child pornography (+26%), identity fraud (+15%) and homicide (+10%) (Statistics Canada n.d.-b., Moreau 2022). These are further discussed below.

<sup>18</sup> Includes data reported by a sample of 19 police services across Canada for this release. The Montréal Police Service, Québec Provincial Police, Royal Canadian Mounted Police, Edmonton Police Service and the Winnipeg Police Service were only able to provide calls for service data for select months. Additionally, some police services may not report data for every violation type or every call type in every month. Therefore, caution should be exercised when comparing monthly totals across police services.

### *Identity theft, identity fraud and cyber-related fraud increased*

After trending upwards for nine consecutive years, the total rate of fraud remained stable in 2020, compared with 2019 (Moreau 2021), and decreased by less than 1% in 2021 when compared to 2020 (Moreau 2022). However, changes occurred in different types of fraud: general fraud, the most voluminous type of fraud, declined 4% in 2020, while the rates of identity theft (+54%) and identity fraud (+14%) increased (Statistics Canada n.d.-b.).

The uncertainty brought about by the COVID-19 pandemic created an opportunity for individuals and groups to make fraudulent claims and exploit Canadians. Cyber-enabled fraud consists of exploiting people's uncertainties and tricking people into giving money or personal information. The Government of Canada has cautioned citizens about a number of COVID-19-related scams including:

- Phishing scams (via email, text message or phone call) where an individual sends a fake message claiming to be from a hospital or government organization stating for example, that the recipient is eligible for government funding. The individual is seeking money, personal information, or for the recipient to download a virus from an attachment;
- Fake mobile applications, such as legitimate-looking contact tracing apps, that hijack a user's phone and only gives their access back if they agree to pay a ransom (i.e., ransomware); and,
- Fake government websites that are used to spoof individuals into giving personal information they otherwise would not (Government of Canada 2020a).

From 2019 to 2020, the number of police-reported incidents of cyber-related fraud increased by 41%, and from 2020 to 2021, the number of incidents increased by 13% (Moreau 2022).

### *Increase in opioid-related offences*

In 2020, the rate of police-reported opioid-related offences increased by 37% from 2019 (Moreau 2022). All opioid-related drug violations increased, including possession, trafficking, production and importation or exportation offences. Of all specific drug offences reported in 2020, opioid offences were the only ones that increased from 2019 (Moreau 2021). From 2020 to 2021, the number of opioid-related offences continued to increase, but at a slower pace by 13% (Moreau 2022).

The increasing rate of opioid-related offences occurred within the context of a worsening opioid overdose crisis in Canada. There were 7,362 opioid-related deaths in the first year of the pandemic, April 2020 to March 2021, which represents a 96% increase from 2019 (Ibid.). In 2021, the number of opioid-related deaths has remained high; among apparent accidental opioid toxicity deaths, 86% involved fentanyl or fentanyl analogues (Ibid.). Increasingly toxic and unpredictable drug supply, feelings of isolation, stress, anxiety and depression, as well as reduced and limited availability of health and social services for individuals who use drugs are potential contributing factors to the increase in opioid-related fatalities (Public Health Agency of Canada 2021b).

### *Sharp increase in hate crimes*

Ongoing concerns related to safety and discrimination in Canada were further accentuated by the COVID-19 pandemic. Crowdsourced data<sup>19</sup> collected from 43,000 Canadians by Statistics Canada in May 2020 suggest that racialized respondents were three times more likely than the rest of respondents to perceive an increase in the frequency of harassment or attacks based on race, ethnicity or skin colour since the start of the pandemic (Heidinger and Cotter 2020).

During the first year of the pandemic, there was a 36% increase from 2019 in police-reported hate crimes (Moreau 2022). One year later, in 2021, the number of police-reported hate crimes further increased by 27% to 3,360 incidents, which means that in total, police-reported hate crimes in Canada increased 72% over the last two years since the pandemic began (Ibid.). In 2020, there were large increases in hate crimes targeting race and ethnicity, at almost double that in 2019 (+80%), with the populations most affected being the East or Southeast Asian population (+301%), Indigenous peoples (+152%), Black people (+92%), and the South Asian population (+47%) (Moreau 2021). In 2021, hate crimes targeting race and ethnicity showed a smaller increase (+6%) compared to the previous year; the largest increases in police-reported hate crimes targeted religion (+67%) and sexual orientation (+64%) (Moreau 2022).

### *Child pornography continues to rise*

The Canadian Centre for Child Protection (C3P), which operates Canada's tip line to report online child sexual abuse and exploitation—Cybertip.ca—notes that society's most vulnerable people have been disproportionately harmed by the abrupt change in our social environment caused by the pandemic (Canadian Centre for Child Protection 2021). Increased time at home, virtual classrooms and unrestricted internet access unintentionally heightened the risk of online abuse and exploitation of children. C3P reported a 40% increase in reports to Cybertip.ca during the first two weeks of the pandemic; by the end of 2020, the number of reports had increased by 106% (Ibid.).

From 2019 to 2021, the rate of incidents involving making, distributing, possessing or accessing child pornography increased by 31% (Moreau 2022). While other factors, such as mandatory reporting requirements and the expansion of the *National Strategy for the Protection of Children from Sexual Exploitation on the Internet* (2019), could have contributed to the rise in police-reported child pornography offences in the past decade (Moreau 2022), dark web discussions amongst child sex offenders revealed that the pandemic was an “unprecedented time to mobilize and share strategies for targeting and abusing children” (Canadian Centre for Child Protection 2021).

### *Increase in homicide, particularly among Indigenous victims one year after the onset of the pandemic*

From 2019 to 2020, the number of homicide victims in Canada increased by 10%, from 689 to 759 victims, respectively (Statistics Canada n.d.-d.). In 2021, the number of homicide victims increased at a slightly slower rate by 4%, to 788 homicide victims (Ibid.). Part of the increase in homicides in 2020 was the result of Canada's deadliest mass shooting that claimed the lives of 22 people in Nova Scotia (Armstrong and Jaffray 2021).

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<sup>19</sup> The crowdsourcing survey collected data on perceptions of crime and personal safety since the COVID-19 pandemic.

Between 2019 and 2020, the number of Indigenous<sup>20</sup> homicide victims increased by 16%, from 179 to 208 victims, whereas the number of non-Indigenous homicide victims increased by 9% (Statistics Canada n.d.-d.). The overall increase in Indigenous homicide victims was due to a 27% increase of homicides among Indigenous men, while homicides among Indigenous women decreased by 11% (Ibid.). Of the 727 victims of homicide in Canada in 2020 where Indigenous identity was known, 29% (208) were Indigenous; this was 29 more victims than in the previous year (Ibid.).

From 2020 to 2021, the number of Indigenous homicide victims decreased by 9%, and the number of non-Indigenous homicide victims increased by 8% (Ibid.). The decrease among Indigenous homicide victims is attributable to a 13% decrease among Indigenous men, from 166 to 145 victims from 2020 to 2021, whereas there was a 7% increase among Indigenous women, from 42 to 45 victims (Ibid.).

*Decreases in the proportion of Indigenous persons accused of homicide one year after the onset of the pandemic (2021)*

In 2020, the proportion of persons accused of homicide who are Indigenous (of all persons accused) remained unchanged at 37%, just as in the previous year (Statistics Canada n.d.-d.). One year after the pandemic started, in 2021, this proportion had decreased to 28% of all persons accused of homicide (Ibid.).

The proportion of Indigenous women accused of homicide increased by 26% from 2019 to 2020, but decreased by 11% in the following year, from 2020 to 2021 (Ibid.). In 2020, the proportion of Indigenous men accused of homicide had increased by 20% from 2019, but decreased by 32% from 2020 to 2021 (Ibid.).

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<sup>20</sup> Indigenous identity is reported by the police and is determined through information found with the accused person such as a status card, or through information supplied by the accused person's family, community members, or other sources (such as band records).

### Text Box 3 – Heightened fear of family violence

Since the onset of the COVID-19 pandemic, there have been fears among experts that social isolation, loss of employment and reduced income have increased the risk for domestic violence towards women and children in Canada (House of Commons 2021). The United Nations Special Rapporteur on violence against women, Dubravka Simonovic, warned that “restrictions of movement, financial constraints and generalized uncertainty embolden perpetrators and provide them with additional power and control” (Simonovic 2020).

It is estimated that domestic violence has risen by 30% in Canada since the beginning of the pandemic (House of Commons 2021, Sagesse Domestic Violence Prevention Society 2021). For example, the Assaulted Women’s Helpline in Ontario saw an increase of 84% in abuse related calls in 2020/2021 (93,444) when compared to the 2019/2020 (50,648) (The Assaulted Women’s Helpline 2021). According to Statistics Canada’s Survey of Residential Facilities for Victims of Abuse, which collected snapshot information on April 14, 2021 across Canada, the majority (84%) of women residing in these facilities for reasons of abuse were escaping intimate partner violence; their abuser was most often a current common-law partner (38%) or spouse (25%) (Ibrahim 2022).

The rise of domestic violence in Canada represents what scholars consider a far less visible “shadow pandemic” of violence against women (Koshan, Mosher and Wiegiers 2021). This increase in domestic violence correlates with an increase in female homicides in Canada. According to the Canadian Femicide Observatory, female homicides in Canada have increased by 26% since the onset of the COVID-19 pandemic from 2019 to 2021 (Canadian Femicide Observatory for Justice and Accountability 2021). Out of 173 women who were killed by homicide in 2021, 47% were killed in their home; in total, 35% of female homicides were committed by a former or current intimate partner (Ibid.).

The COVID-19 pandemic has highlighted significant gaps and challenges in accessing services and supports required to keep people safe (Koshan, Mosher and Wiegiers 2021). Most shelters in Canada (71%) reduced their bed capacity up to 50% or more to ensure public health measures were respected (Women’s Shelters Canada 2020). The drop in overall capacity directly impacted women’s and children’s access to domestic abuse services during the pandemic.

### *Police-reported family violence increased slightly*

The overall rate of police-reported family violence was unchanged in 2020 compared to the previous year; however, from 2020 to 2021 there was a 4% increase in the rate of family violence from 324 to 337 victims per 100,000 population (Moreau 2022). Moreover, the data suggest that family violence is largely underreported. For example, in 2014, less than one in five victims of spousal abuse reported it to the police (Government of Canada 2018). Reasons for underreporting include stigma, financial dependency, limited contacts outside the home, fear for personal safety (especially when there are children in the home) and fear of not being believed (Ibid.). The public health measures put in place to curb the spread of COVID-19, such as stay-at-home orders combined with the reduction or closure of support services, had the unintended consequence of confining individuals at home with perpetrators and making it increasingly difficult for people to access the assistance they need. This possibly further exacerbated the underreporting of family violence as well as highlighted current gaps in services. Crowdsourced data collected in April 2020 by Statistics Canada’s survey on the impacts of COVID-19 on Canadians suggest that

that 9% of women and 7% of men were very or extremely anxious about the possibility of violence in the home during the pandemic (Statistics Canada 2020b).

### Criminal court operations during the pandemic<sup>21, 22</sup>

At the onset of the pandemic, the paper-based systems and in-person procedures that Canadian courts have traditionally relied on presented significant challenges. Notably, public health measures put into place to curb the spread of COVID-19 brought an immediate halt to most in-person court proceedings across the country. Although the situation varied considerably across jurisdictions, in many instances, courtrooms were temporarily closed or access was restricted, regular and non-urgent proceedings were postponed or adjourned, and courts grappled with rapidly increasing their reliance on virtual proceedings and electronic filing of documents. These challenges raised concerns over exacerbating the existing backlog of criminal court cases.

Canada's courts adopted a layered approach of control measures as recommended by the Public Health Agency of Canada (PHAC) and local public health authorities to adapt the various environments (Action Committee on Court Operations in Response to COVID-19 2021a).<sup>23</sup> The control measures put in place to curb the spread of COVID-19 allowed Canadian courts to continue to advance cases during the pandemic. After the first lockdown order closed all non-essential businesses, courts and tribunals—as essential providers of justice services—moved quickly to amend rules, issue temporary practice directions and utilize new technologies to remove barriers in accessing justice despite significant capacity restrictions for in-person activities (Ibid.). While approaches varied across the country, most jurisdictions began accepting electronic filings, diverted as many matters as possible to virtual hearings and continued in-person hearings with heightened safety measures for urgent cases (Action Committee on Court Operations in Response to COVID-19 2021b).

While these measures were well intentioned, and in many instances necessary, some of those measures had the unfortunate consequence of limiting access to justice for many, especially marginalized individuals (Action Committee on Court Operations in Response to COVID-19 2020). The complete or partial closure of

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<sup>21</sup> Please note that the quarterly data from adult criminal courts and youth courts in the Integrated Criminal Court Survey (ICCS) presented in this section represent fiscal years and not calendar years. The quarterly ICCS data are preliminary and have some coverage limitations and there is variation in the number of jurisdictions reporting from one quarter to another. Comparisons between quarters should only be made from one year to the next to ensure consistent groups of reporting jurisdictions. For more detailed information, please see Text Box 4: A note on quarterly court data.

<sup>22</sup> The main unit of analysis used for the court section is the number of cases. A case can have more than one charge, and the charge that is considered the “most serious offence” (MSO) will be used to represent the case. The MSO is selected according to two key rules: 1) the charge with the “most serious decision” is selected. From most to least serious, court decisions for each charge are ranked as follows: (1) guilty; (2) guilty of a lesser offence; (3) acquitted; (4) stay of proceeding; (5) withdrawn, dismissed or discharged; (6) not criminally responsible; (7) other; and (8) transfer of court jurisdiction; and 2) when a case has two or more charges that result in the “most serious decision” (for example, guilty), *Criminal Code* sanctions will be considered. The MSO is then selected based on an offence seriousness scale, which looks at actual sentences given by Canadian courts.

<sup>23</sup> Physical distancing was introduced; engineering controls, such as the use of Plexiglas barriers and increased ventilation, were used to adjust the physical environment; administrative controls, such as court user and personnel screening and enhanced sanitation measures, were introduced; and, personal protective equipment was deployed (Action Committee on Court Operations in Response to COVID-19 2021a).

court facilities meant limited or no-access to certain court-related services and legal information. At times, individuals dealing with addiction or mental health issues did not have access to specialized courts or their required support networks, creating an additional barrier to their recovery (Action Committee on Court Operations in Response to COVID-19 2021c). The limited access to court services further compounded the devastating effects that COVID-19 has had on individuals already struggling with employment and/or housing issues.

#### Text Box 4 – A note on quarterly court data limitations

The quarterly court data presented in this report are from the Integrated Criminal Court Survey (ICCS), which is managed by Statistics Canada. These data are preliminary and based on fiscal years, not calendar years. The quarterly data represent the information that jurisdictions submitted within eight weeks of the end of each fiscal quarter, and this information has not been retroactively updated. The fiscal quarters are as follows: Quarter 1 is April 1<sup>st</sup> to June 30<sup>th</sup>, Quarter 2 is July 1<sup>st</sup> to September 30<sup>th</sup>, Quarter 3 is October 1<sup>st</sup> to December 31<sup>st</sup>, and Quarter 4 is January 1<sup>st</sup> to March 31<sup>st</sup>.

The preliminary quarterly ICCS data provide critical insights into the state of adult criminal courts and youth courts in Canada, and make it possible to identify emerging trends sooner than with the finalized annual ICCS data. Statistics Canada recommends that comparisons between different fiscal quarters be done with caution. Quarterly ICCS data are compared year-over-year as there is some seasonality within the court process, therefore some changes from quarter-to-quarter may be due to the regular court cycle. The data may be incomplete because they are preliminary, and there may be variations in the number of jurisdictions reporting from one quarter to the next.

Jurisdictions who did not consistently report for all four quarters from 2019/2020 to 2021/2022 were excluded from the data presented in this report (Figures 4 to 9). The jurisdictions who are not included in the criminal court data are Newfoundland and Labrador, Prince Edward Island, New Brunswick, Quebec and Manitoba. This ensures that comparisons between years include the same group of jurisdictions so that differences observed year-over-year are not attributable to variations in the number of jurisdictions reporting from one year to another.

#### Trends in completed criminal court cases

*After the onset of the pandemic there was an initial and substantial drop in the number of completed criminal court cases*

In the first quarter after the pandemic was declared (April 1 to June 30, 2020), the number of completed adult criminal court cases had declined by half (51%) when compared to the number of cases completed during the same period in 2019 (see Figure 4).<sup>24</sup> By the third quarter of 2020/2021 (October 1 to December 31, 2020), after safety and control measures<sup>25</sup> were in place to enable in-person and virtual attendance, the number of completed adult criminal court cases started edging toward pre-pandemic numbers (Ibid.).

<sup>24</sup> These data are preliminary and should be interpreted with caution. Data are compared from one year to another and not one quarter to the next, and exclude certain jurisdictions. For more details please see Text Box 4: A note on quarterly court data limitations.

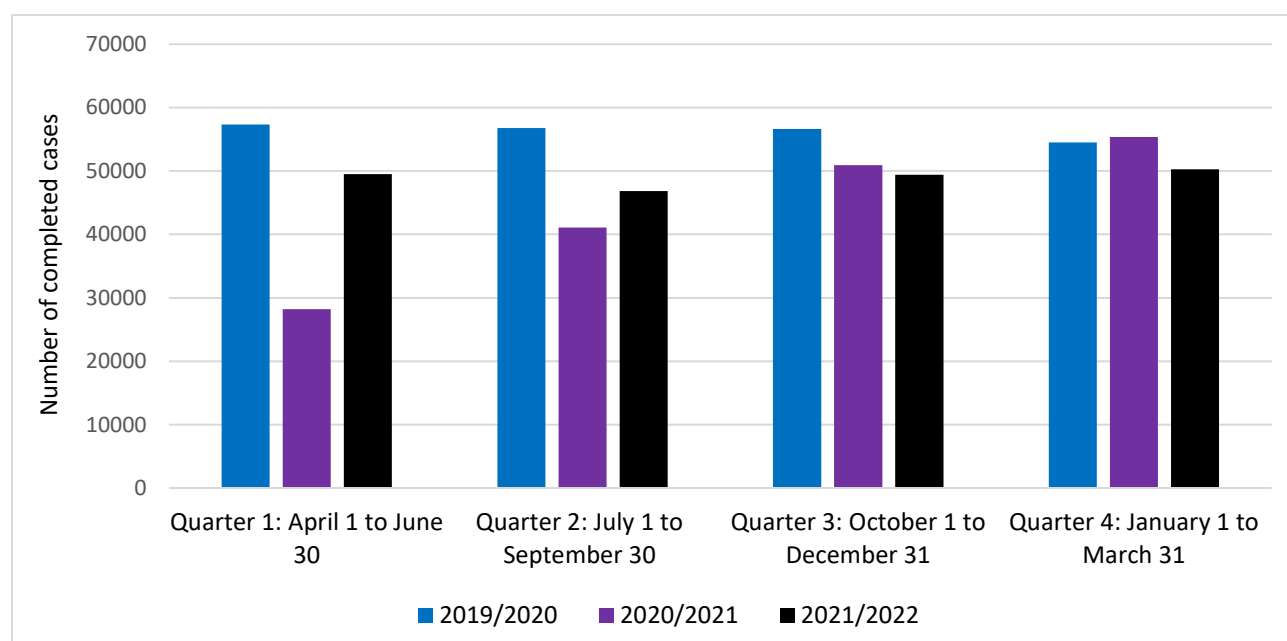
<sup>25</sup> Measures including improved ventilation, plexiglas barriers, use of personal protective equipment and in-person capacity limits.



The number of adult criminal court cases was slightly higher than the pre-pandemic number in the fourth quarter of 2020/2021 (Ibid.).

About a year after the pandemic was declared, the number of completed adult criminal court cases in the first quarter of 2021/2022 (April 1 to June 30, 2021) had increased so that it was closer to the pre-pandemic number, but still about 14% below the number of cases completed in the first quarter of 2019/2020 (see Figure 4). Similarly, the number of cases completed in the second and third quarters of 2021/2022 were respectively 17% and 13% less than the second and third quarters of 2019/2020, respectively (Ibid.).

**Figure 4: Number of completed cases in adult criminal courts among reporting jurisdictions**



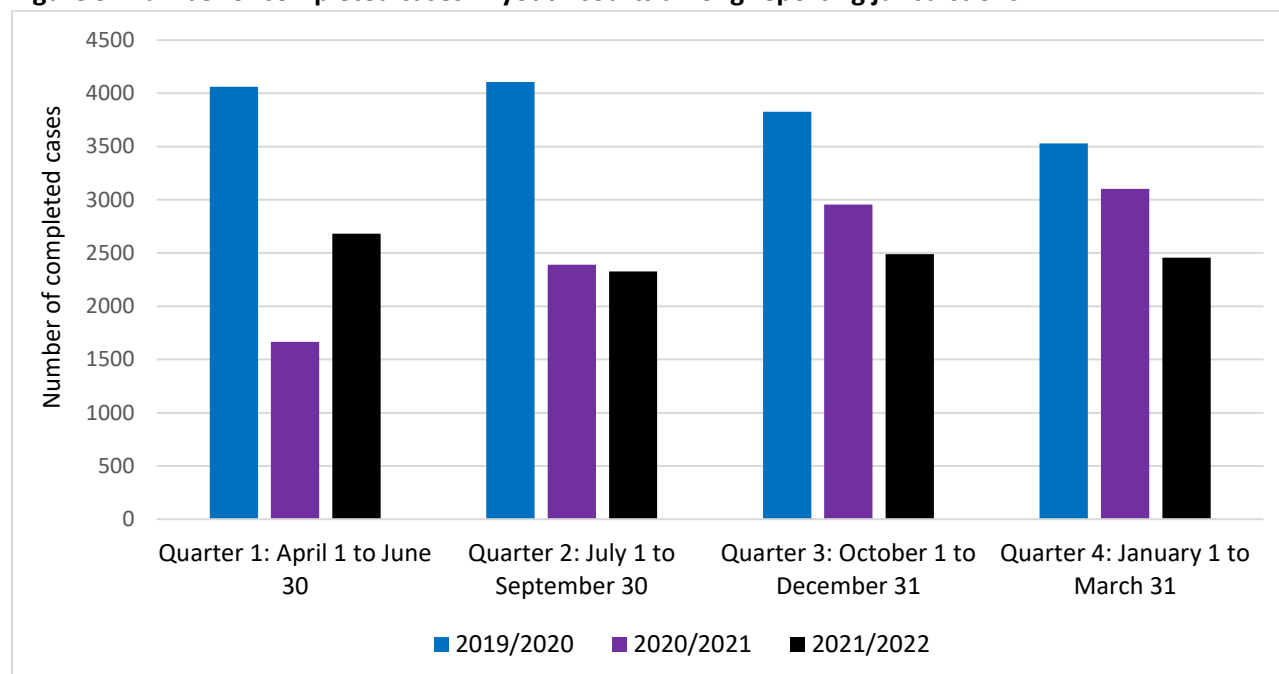
**Notes:**

1. The data exclude Newfoundland and Labrador, Prince Edward Island, New Brunswick, Quebec and Manitoba as these jurisdictions did not consistently report to the Integrated Criminal Court Survey for all quarters across the three years.
2. These data are preliminary and should be interpreted with caution. Data are compared from one year to another and not one quarter to the next. For more details please see Text Box 4: A note on quarterly court data limitations.

**Source:** Integrated Criminal Court Survey, Statistics Canada, Special request, n.d.-e.

A similar trend occurred in youth courts; there was a substantial drop of 59% in the number of completed cases in the first quarter after the pandemic was declared (April 1 to June 30, 2020) compared to the number of cases reported for the same period the year before (see Figure 5). However, the number of completed youth court cases has remained well below pre-pandemic levels in all year-over-year comparisons of subsequent quarters in 2020/2021 and 2021/2022. The number of court cases completed in the fourth quarter of 2021/2022 (January 1 to March 31, 2022) was 30% lower than that reported in the same quarter in 2019/2020 (Ibid.).

**Figure 5: Number of completed cases in youth courts among reporting jurisdictions**



**Notes:**

1. The data exclude Newfoundland and Labrador, Prince Edward Island, New Brunswick, Quebec and Manitoba as these jurisdictions did not consistently report to the Integrated Criminal Court Survey for all quarters across the three years.
2. These data are preliminary and should be interpreted with caution. Data are compared from one year to another and not one quarter to the next. For more details please see Text Box 4: A note on quarterly court data limitations.

**Source:** Integrated Criminal Court Survey, Statistics Canada, Special request, n.d.-e.

### Text Box 5 – The use of technology in Canadian courts

Though some work to modernize courtrooms across the country had already begun, the COVID-19 pandemic accelerated timelines and, in some instances, shifted priorities and ways of thinking. For example, in New Brunswick the need to address the constraints on jury trials resulting from the COVID-19 pandemic accelerated the process of simplifying jury procedures, a process that began prior to the pandemic. Existing technologies were leveraged to automate jury summons and to provide more information and simplified forms online for easier access (Action Committee on Court Operations in Response to COVID-19 2021d). In Nova Scotia, the Supreme Court began operating virtual courts, it published a best practices guide for remote hearings and held a virtual open house to provide legal professionals with information about how the virtual processes would work (Action Committee on Court Operations in Response to COVID-19 2021e). In April 2021, after pandemic-related experience with virtual hearings, the Provincial Court of British Columbia initiated a pilot program to centralize remote bail hearings for individuals from Northern communities (Ibid.).

A growing number of jurists, legal officials and academics have argued that it is time to “reimagine the courts” to address the inefficiencies and ongoing struggles with backlogs and delays (Haigh and Preston 2021). Ontario’s Chief Justice George R. Strathy described the COVID-19 crisis as a “*Jordan* moment”<sup>26</sup> for the entire justice system,<sup>27</sup> with Justice David M. Brown adding that there is a “generational opportunity” now occurring, of which we should take advantage.<sup>28</sup> In essence, a system that has resisted technology and innovation for so long is now being forced to modernize. While the use of technology that enabled videoconferencing and the electronic filing of documents thrust the court system into the 21<sup>st</sup> century, Chief Justice David Jenkins of the Prince Edward Island Court of Appeal is hoping that the experience gained during the pandemic “will produce longer term benefits and the ability to use technology in the courts.”<sup>29</sup>

Technology has proven successful in reducing delays; however, it cannot eliminate delays nor can it be applied universally. Hearings in which an accused has the right to be present in court is one such exemption to the use of virtual hearings. The Right Honourable Beverley McLachlin emphasizes that justice will always be a human endeavour and that while we embrace technology to improve efficiencies and access for some, “we must take great care not to create new barriers to justice.”<sup>30</sup> Poverty, language, infrastructure, technology support and access to information among others, need to be factored into future business continuity plans and into the planning for the future use of technology in Canadian courtrooms.

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<sup>26</sup> A “*Jordan* moment” refers to a major change in culture and practice in the justice system, and comes from the 2016 decision of the Supreme Court of Canada in *R v Jordan*. In that decision, the Supreme Court established a new framework based on presumptive time ceilings for the purpose of applying s.11(b) of the Charter, which guarantees the right of the accused persons to be tried within a reasonable time. The *Jordan* decision held that the previous s.11(b) framework set out in the 1992 *Morin* decision wasn’t working well and had contributed to a culture of delays, and a major change in approach was necessary to address this issue.

<sup>27</sup> The Advocates’ Society, “Virtual Fireside Chat with the Hon. Chief Justice Strathy” (19 May 2020), online (video): [perma.cc/ZSH7-EEQB].

<sup>28</sup> Canadian Institute for the Administration of Justice, “Will COVID-19 Be the Catalyst We Were Waiting for to Modernize the Courts?” (20 May 2020) at 01h:29m:16s, online (webcast): [perma.cc/96V4-3HZ6] [“Will COVID-19 Be the Catalyst”].

<sup>29</sup> See: <https://www.cbc.ca/news/politics/stefanovich-covid19-exposes-court-shortcomings-1.5502077>.

<sup>30</sup> See: <https://www.thelawyersdaily.ca/articles/20104/access-to-justice-a-plea-for-technology-in-the-justice-system-beverley-mclachlin-?spotlight=1>

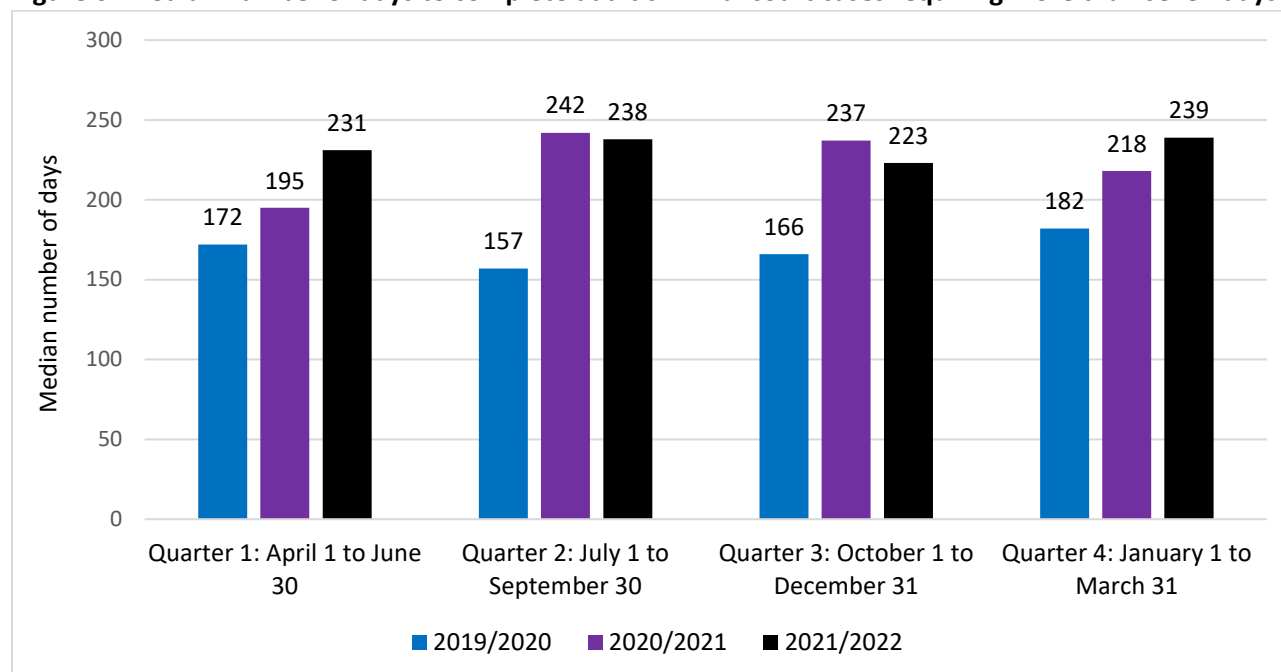
## Court efficiencies

### *Time required to complete a case increased*

Court delays are economically costly, undermine public safety and public confidence in the CJS, and also contribute to further hardship for victims, witnesses and accused persons. The amount of time that is required to process a case through the court is an important measure of court efficiency. It can demonstrate quantitatively the limited access to courts during the pandemic, although some cases will take longer to process in general due to the type of offence and level of complexity. Case completion is measured by the median number of days from first appearance to final decision—i.e., the median is the middle value separating half of all cases with lower (or equal) case lengths and half of all cases with longer (or equal) case lengths.

Among court cases that took longer than seven days to complete, the median number of days it took to resolve a case in adult criminal courts was higher for each quarter in the year the pandemic started when compared to the same quarters the year prior (see Figure 6). For example, in the first quarter of 2020/2021 (April 1 to June 30, 2020), when the pandemic was declared, the median number of days required to resolve adult criminal cases was 195 days, which was 23 more days than the 172 median number of days required to resolve adult criminal cases during the same period in 2019. In the second and third quarters of 2020/2021 (July 1 to September 30, 2020 and October 1 to December 31, 2020), the median case times were respectively 85 and 71 days higher than those for the same quarters the year before. In the following year, 2021/2022, the median number of days to complete a case in adult criminal courts in the second and third quarters were slightly lower than the same quarters of the previous year; however, these numbers were still not close to pre-pandemic levels. By the end of 2021/2022, data from the fourth quarter show that the median number of days to complete a case in adult criminal courts increased by 21 days when compared to the fourth quarter the year before in 2020/2021. This represented a 31% increase compared to the fourth quarter before the pandemic in 2019/2020.

**Figure 6: Median number of days to complete adult criminal court cases requiring more than seven days**



**Notes:**

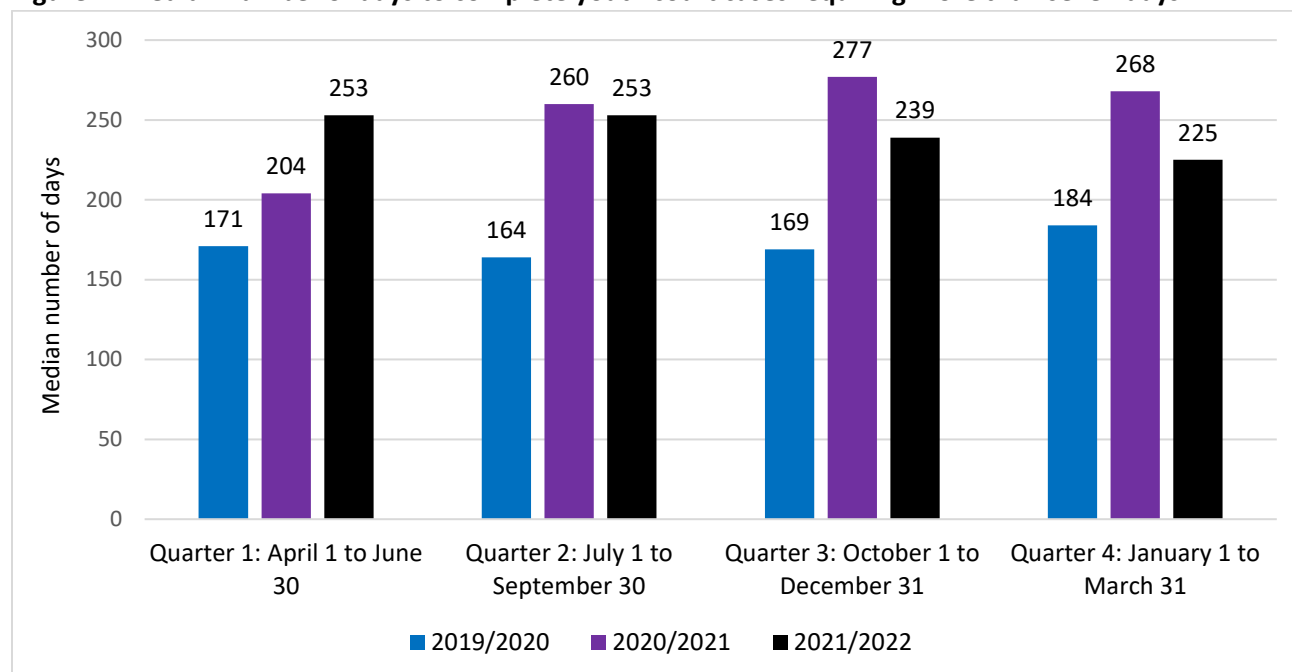
1. The data exclude Newfoundland and Labrador, Prince Edward Island, New Brunswick, Quebec and Manitoba as these jurisdictions did not consistently report to the Integrated Criminal Court Survey for all quarters across the three years.
2. These data are preliminary and should be interpreted with caution. Data are compared from one year to another and not one quarter to the next. For more details please see Text Box 4: A note on quarterly court data limitations.

**Source:** Integrated Criminal Court Survey, Statistics Canada, Special request, n.d.-e.

A similar trend occurred for youth cases completed during the same timeframe (see Figure 7). For example, in the first quarter of 2020/2021 (April 1 to June 30, 2020), the median number of days to resolve a case taking more than seven days to complete was 33 days greater than the same quarter in 2019/2020. However, in the following three quarters of 2020/2021, the difference in median case time grew by more than 80 days (ranging between 84 and 108 days) for each quarter when compared to the same quarters the year before the COVID-19 pandemic was declared.

Overall, by the end of the first year of the pandemic (fourth quarter of 2020/2021), the median number of days to complete a case was higher in youth courts (268 days) than in adult criminal courts (218 days), despite adult criminal courts having a much higher case load (i.e., almost 18 times more cases than youth courts in the fourth quarter of 2020/2021, Figures 4 and 5). In the following year, 2021/2022, the median number of days to complete a youth court case had decreased in the second, third and fourth quarters, although still not reaching pre-pandemic levels (Ibid.).

**Figure 7: Median number of days to complete youth court cases requiring more than seven days**



**Notes:**

1. The data exclude Newfoundland and Labrador, Prince Edward Island, New Brunswick, Quebec and Manitoba as these jurisdictions did not consistently report to the Integrated Criminal Court Survey for all quarters across the three years.
2. These data are preliminary and should be interpreted with caution. Data are compared from one year to another and not one quarter to the next. For more details please see Text Box 4: A note on quarterly court data limitations.

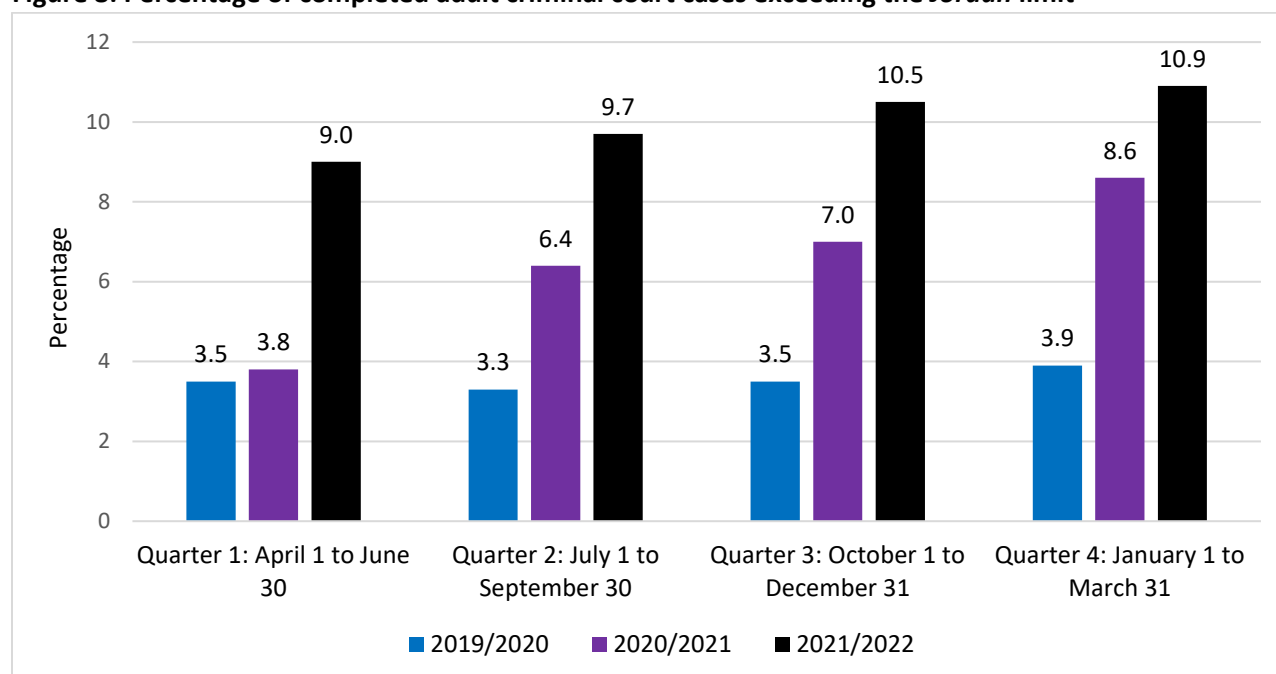
**Source:** Integrated Criminal Court Survey, Statistics Canada, Special request, n.d.-e.

*Proportion of court cases that exceeded the Jordan limit once completed has increased*

The failure to be tried within a reasonable time may be found to violate the constitutional rights of an accused person under section 11(b) of the *Charter* and could result in a stay of proceedings, in accordance with the Supreme Court of Canada's *Jordan* decision (R. v. Jordan 2016 SCC 27). The percentage of completed adult criminal court cases that exceeded the *Jordan* limit<sup>31</sup> increased, year-over-year for each quarter of each year since the start of the pandemic (see Figure 8). The steepest increases occurred a year after the pandemic was declared. For example, in the first quarter of 2021/2022 (April 1 to June 30, 2021), 9% of completed cases in adult criminal courts had exceeded the *Jordan* limit, which was more than twice the proportion for the same period the year before (4%, *ibid.*). Data from the fourth quarter of 2021/2022 show that the percentage of cases exceeding the *Jordan* limit is continuing to increase at 11% when compared to 9% in the fourth quarter the year before (*ibid.*).

<sup>31</sup> Time limits for the completion of criminal cases are set out as follows: 18 months for cases tried in provincial court; and 30 months for cases tried in superior court or in provincial court following a preliminary inquiry.

**Figure 8: Percentage of completed adult criminal court cases exceeding the *Jordan* limit**



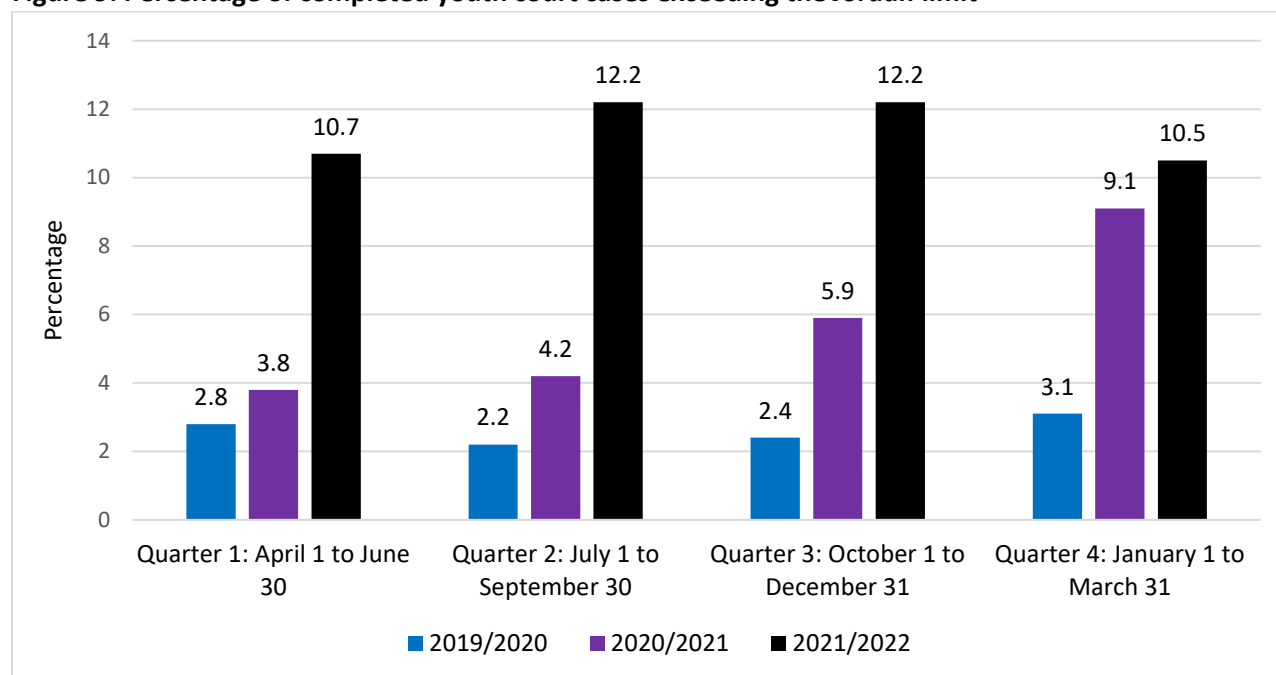
**Notes:**

1. The data exclude Newfoundland and Labrador, Prince Edward Island, New Brunswick, Quebec and Manitoba as these jurisdictions did not consistently report to the Integrated Criminal Court Survey for all quarters across the three years.
2. These data are preliminary and should be interpreted with caution. Data are compared from one year to another and not one quarter to the next. For more details please see Text Box 4: A note on quarterly court data limitations.
3. Note that the calculation of case completion time as reported in the Integrated Criminal Court Survey begins from the first court appearance while the *Jordan* limit begins at the time a charge is laid. This difference in calculating court case time may result in underreporting of cases that exceed the *Jordan* limit.

**Source:** Integrated Criminal Court Survey, Statistics Canada, Special request, n.d.-e.

Similarly, the proportion of completed youth court cases that exceed the *Jordan* limit has also increased since the onset of the pandemic. In 2021/2022, one year after the pandemic began, the proportion of completed youth court cases over the *Jordan* limit ranged between 11% and 12% throughout the first three quarters (see Figure 9). This was about four times higher for the first quarter and six times higher for the second and third quarters when compared to the same quarters in 2019/2020 (Ibid.). However, in the fourth quarter of 2021/2022, the proportion of cases completed in youth courts that exceed the *Jordan* limit is about 3 times higher than the fourth quarter of 2019/2020.

**Figure 9: Percentage of completed youth court cases exceeding the *Jordan* limit**



**Notes:**

1. The data exclude Newfoundland and Labrador, Prince Edward Island, New Brunswick, Quebec and Manitoba as these jurisdictions did not consistently report to the Integrated Criminal Court Survey for all quarters across the three years.
2. These data are preliminary and should be interpreted with caution. Data are compared from one year to another and not one quarter to the next. For more details please see Text Box 4: A note on quarterly court data limitations.
3. Note that the calculation of case completion time as reported in the Integrated Criminal Court Survey begins from the first court appearance while the *Jordan* limit begins at the time a charge is laid. This difference in calculating court case time may result in underreporting of cases that exceed the *Jordan* limit.

**Source:** Integrated Criminal Court Survey, Statistics Canada, Special request, n.d.-e.

In adult cases, the most recently available data for quarter 4 of 2021/2022 (January 1 to March 31, 2022) show that *Criminal Code* traffic offences (15%), crimes against the person (14%) and crimes against property (10%) had the highest percentage of cases exceeding the *Jordan* limit (Statistics Canada n.d.-d.).<sup>32</sup> For youth cases in the same time period, crimes against the person (13%), other *Criminal Code* offences<sup>33</sup> (10%) and *Criminal Code* traffic offences (10%) were the violations with the highest proportion of cases exceeding the *Jordan* limit (Ibid.).

The temporary or partial closure of courts across Canada has resulted in significant trial delays along with concerns regarding the section 11(b) *Charter* right to be tried within a reasonable time (Paciocco 2021). While the COVID-19 pandemic is undoubtedly a unique situation, determining whether a delay is the result of an “exceptional circumstance” would be determined by the trial judge applying the framework set out in

<sup>32</sup> These data represent the same group of reporting jurisdictions as those presented in Figures 8 and 9, i.e., Prince Edward Island, Newfoundland and Labrador, New Brunswick, Quebec and Manitoba are excluded from the data.

<sup>33</sup> Includes weapons, prostitution, disturbing the peace, residual *Criminal Code* offences.



the *Jordan* decision.<sup>34</sup> One year into the pandemic, multiple judges across Canada have ruled that a global pandemic constitutes an “exceptional circumstance.” That said, at the time of writing this report, a number of *Jordan* applications are making their way through the courts – and the jurisprudence in this area may continue to develop (Bridges and Latimer 2021).

Additional research is required in a post-pandemic future to fully understand the impacts of the COVID-19 pandemic on the Canadian court system, including an examination of the legal challenges brought before the courts in response to public health directives given during the pandemic.

#### *Administration of justice offences remain stable*

Another indicator of court efficiency highlighted in the SOCJS Framework relates to administration of justice offences (AOJOs). AOJOs are offences committed against the integrity of the criminal justice system and include, for example, failure to comply with conditions set out in an order (such as bail conditions), and failure to appear (in court), among other violations.<sup>35</sup> These violations are often seen as a revolving door within the justice system as they are committed when an individual violates a pre-trial condition or sentence imposed for a previous offence, thus sending them back into the system or keeping them in the system even though some may have been cleared of the initial offence for which they violated a pre-trial condition (Burczycka and Munch 2015). The percentage of cases completed in adult criminal and youth courts that had an AOJO as the most serious offence in the case has remained relatively stable and unchanged by the pandemic. For example, in the fourth quarter of 2021/2022, the proportions for adult criminal and youth courts were 20% and 8%, respectively, which was almost the same as the rates in the fourth quarter of the year before the pandemic (21% and 9%, respectively, in 2019/2020) (Statistics Canada n.d.-d.).<sup>36</sup>

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<sup>34</sup> Section 11(b) – Trial within a reasonable time: Exceptional circumstances are defined as those that lie outside the Crown’s control in the sense that they are: (a) reasonably unforeseen or reasonably unavoidable, and (b) such that Crown counsel cannot reasonably remedy the delays emanating from those circumstances once they arise.

<https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/check/art11b.html>

<sup>35</sup> AOJOs include the following *Criminal Code* violations: failing to comply with bail conditions, breaches of a probation order, failing to appear in court, escape or help escape from custody, prisoner unlawfully at large, and other offences against the administration of justice (for example, impersonating a peace officer).

<sup>36</sup> The data exclude Newfoundland and Labrador, Prince Edward Island, New Brunswick, Quebec and Manitoba as these jurisdictions did not consistently report to the Integrated Criminal Court Survey for all quarters across the three years.

### Text Box 6 – Proposed federal legislation to improve the CJS and address the impacts of COVID-19

On February 24, 2021 (43<sup>rd</sup> Parliament) the Honourable David Lametti, Minister of Justice and Attorney General of Canada, introduced former Bill C-23, *An Act to amend the Criminal Code and the Identification of Criminals Act and to make related amendments to other Acts (COVID-19 response and other measures)* (Department of Justice Canada 2021b). The Bill did not advance past First Reading in the House of Commons. On February 8, 2022 (44<sup>th</sup> Parliament), the Government reintroduced in Bill S-4 substantially similar amendments to the *Criminal Code*, the *Identification of Criminals Act* as well as related changes to other federal legislation. These amendments aimed to help address the challenges faced by criminal courts caused or exacerbated by the COVID-19 pandemic, to modernize the criminal justice system and to facilitate access to justice (Government of Canada 2022a).

### Access to the CJS and other resolution mechanisms

*Number of approved criminal legal aid applications decreased, but approved applications as a proportion of all legal aid applications remain stable*

Ensuring that the CJS is accessible is a core outcome of the SOCJS Framework.<sup>37</sup> This outcome can be measured by use of legal assistance and programs. The provision of criminal legal aid supports access to justice for the economically disadvantaged, helps to ensure that the Canadian criminal justice system is fair, relevant and accessible, and helps build public confidence in the criminal justice system. In 2020/2021, there were 238,156 applications received for criminal legal aid for both adults and youth (Department of Justice Canada 2022a), a 20% decline when compared to the previous year (299,330 in 2019/2020) (Ibid.). The number of criminal legal aid applications has been steadily declining over the years, but this represents the biggest decline in recent years. The decline in received applications for criminal legal aid may be partly attributed to COVID-19 as the pandemic resulted in courts closures, impacted staffing levels, reduced the availability of legal aid services and created a backlog in case processing, thus reducing the number of cases being completed. The number of applications approved for full legal representation<sup>38</sup> also decreased in 2020/2021, but their proportion of all applications received remained fairly stable, from 85% (253,786) in 2019/2020 to 84% (199,767) in 2020/2021 (Ibid.). A similar proportion of approved applications (of all applications) was found among Indigenous individuals (83%) (Ibid.).<sup>39</sup>

<sup>37</sup> Access to the CJS is defined as having equal access to the information and assistance that is needed to help prevent legal issues and help resolve such issues efficiently, affordably, and fairly.

<sup>38</sup> Reflects the number of individual requests for assistance, rather than the total number of persons seeking assistance. Full legal representation refers to the provision of full legal aid representation by a private bar lawyer, approved by the legal aid plan or by a staff lawyer (Department of Justice, 2022).

<sup>39</sup> Indigenous refers to an individual who self-identifies as First Nations (North American Indian), Inuk (Inuit), or Métis, whether they live on or off-reserve and whether or not they have Registered or Treaty Indian status.

### *Decrease in the use of diversion and restorative justice<sup>40</sup> programs and processes*

In Canada, crime may be addressed through various resolution mechanisms, including community-based and culturally-based options and/or the formal criminal justice system, when necessary. One of the outcomes highlighted in the SOCJS framework is the promotion and support for diversion, restorative justice, and Indigenous justice community-based programs. Notably, this outcome is measured by the use of diversion, and restorative justice programs and processes.

In 2020, there were 5,769 criminal incidents cleared by referral to a diversionary program by police, a 36% decrease compared to the previous year (9,009 in 2019) (Statistics Canada n.d.-f.). This decrease was partly driven by the 9% decrease in the total number of police-reported incidents during the same timeframe (Ibid.). The proportion of all incidents cleared by police slightly decreased from 35% in 2019 to 34% in 2020, while the proportion of all incidents not cleared increased from 63% in 2019 to 65% in 2020 (Ibid.).<sup>41</sup>

The pandemic restrictions that resulted in closures and delays across the Canadian CJS also had a direct impact on restorative justice (RJ) services, a community-based resolution mechanism. Police and prosecutors were focused on maintaining basic operations and many courts focused solely on hearing urgent matters. Each of these factors affected RJ referrals and led to some community-based RJ programs temporarily suspending their operations. About 92% of respondents to a survey of ministries and departments from 11 federal-provincial-territorial jurisdictions that support RJ programs indicated that there was a decrease in the number of referred cases between March and July 2020, mainly due to closures and delays in the court system. The decrease in the number of referrals also impacted the number of cases that were accepted (Federal-Provincial-Territorial Working Group on Restorative Justice Forthcoming). When possible, RJ organizations across the country used technology to connect with victims and offenders; however, virtual processes were only available to those with access to high-speed internet (e.g., at home, at a library or local justice office) (Asadullah and Tomporowski 2021).

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<sup>40</sup> Restorative Justice (RJ) is based on an understanding that crime is a violation of people and relationships. It provides opportunities for meaningful engagement and accountability, as well as for healing, reparation and reintegration. RJ supports the Government of Canada's commitment to justice system transformation and access to justice for all.

<sup>41</sup> An incident is not cleared when the case is open/still under investigation, or there is insufficient evidence to proceed with laying or recommending a charge.

### Text Box 7– Indigenous Courtwork Program

The SOCJS Framework examines the number of clients served by the Indigenous Courtwork Program (ICWP)<sup>42</sup> as an indicator of a fair and accessible CJS. There are currently no data available on the performance of the ICWP following the onset of the pandemic. However, a recent report examined the ICWP activities throughout the pandemic and found that it continued to operate with Indigenous courtworkers (ICW) acting as a direct link between the courts and their Indigenous clients. With the shift to remote work, the ICWs were able to work more closely with justice professionals (i.e., court personnel, probation officers, legal aid lawyers, duty counsel, Crown, and private lawyers) through the use of technology. However, it was more difficult to connect with clients who often did not have access to phones or devices (Reciprocal Consulting 2021).

A 2021 survey of ICWs found that there was a shift in the role for the ICWs during the pandemic. Respondents generally noted that they were providing more holistic supports to clients (i.e., Canadian Emergency Response Benefit applications, food hampers, and distribution of personal protective equipment) and played a larger advocacy role in the courtrooms. One third ( $n=56$ ) of respondents indicated that they were also supporting clients who did not fall within their role as ICWs (i.e., supporting a new settler to Canada, or other non-Indigenous clients) (Ibid.). Respondents also indicated that the pandemic impacted referrals to other services for their clients due to increased waitlists and decreased referrals options (Ibid.).

### Correctional operations during the pandemic

Individuals in correctional institutions are particularly vulnerable to COVID-19 as the facility design can add complexity to implementing infection prevention and control measures, and requires a strategic approach to work around issues like limited space and inflexible infrastructure. Recognizing the risk posed to individuals living in correctional facilities without appropriate safeguards, steps were taken at the outset of the pandemic to reduce the size of the institutional population while balancing public safety. These steps included: the temporary or early release of persons in custody who were considered a low risk to reoffend; extended periods for parole appeal deadlines and access to medical leave privileges; and, alternatives to custody while awaiting bail, trial, and sentencing (Statistics Canada 2021). In addition, education about infection prevention and control measures and personal protective equipment were provided to correctional staff and inmates, increased hygiene and cleaning practices were implemented within facilities, inter-regional and international transfers as well as in-person visits were temporarily suspended, and the use of technology was encouraged for family visitations and some court appearances (Ibid.).

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<sup>42</sup> The purpose of the Indigenous Courtwork Program is to help Indigenous people involved in the criminal justice system to obtain, fair, just, equitable and culturally relevant treatment. The objectives of the Indigenous Courtwork Program are to: 1) Assist Indigenous people to understand their right to speak on their own behalf or to request legal counsel; and, to better understand the nature of the charges against them and the philosophy and functioning of the criminal justice system; 2) Assist those involved in the administration of the criminal justice system become aware and appreciate the values, customs, languages and socio-economic conditions of Indigenous people; and, 3) Respond to problems and special needs caused by communication barriers between Indigenous people and those who are involved in the administration of the criminal justice system. See: <https://www.justice.gc.ca/eng/fund-fina/gov-gouv/acp-apc/index.html>

### Text Box 8 – COVID-19 in federal corrections

The COVID-19 pandemic presented particular challenges to correctional institutions. Similar to other communal living settings (e.g., senior residential homes, shelters), correctional institutions present a higher risk of COVID-19 transmission. This is due to close proximity among inmates and staff, confined spaces, lack of physical distancing, newly admitted inmates, in and out movements of staff and inmates, and poor sanitary environment. The approach taken by the CSC to mitigate these challenges included implementing a series of preventive and control measures similar to those noted in the paragraph above (Government of Canada 2020b).

#### *CSC Outbreaks and Fatalities*

As of August 18, 2022, over two years following the onset of the pandemic, a total of 6,237 positive cases of COVID among inmates in federal corrections were reported by CSC (Government of Canada 2022b). On that date, most federal inmates who had previously tested positive had recovered (99%), while approximately 1% of cases (56 cases) remained active and less than 1% (6 cases) resulted in the death of the inmate (Ibid.).

#### *Vaccine Rollouts*

The CSC has a legal obligation to provide essential health care to federally incarcerated inmates, under the *Corrections and Conditional Release Act* (CCRA), section 86. Throughout the pandemic, the CSC has been working closely with the PHAC to implement multiple preventive measures to avoid further spread of the virus and ensure the health and safety of inmates and staff. Namely, vaccines were administered in accordance with the National Advisory Committee on Immunization guidelines. The first vaccine rollout began in January 2021. As of August 14, 2022, the CSC had administered a total of 33,196 doses, meaning 81% of inmates were fully vaccinated (Government of Canada 2022c).<sup>43</sup>

#### *Offender Complaints*

Within the first eight months of the pandemic, the Office of the Correctional Investigator received nearly 500 COVID-19-related complaints from inmates in federal correctional institutions (Office of the Correctional Investigator 2021a). Complaints during the pandemic centered on limited access to services (e.g., health services, educational programs, library and gym access, visitations), limited access to sanitation supplies and personal protective equipment, staff not complying with protective measures, and excessive time spent in cells (Ibid.). In several cases, complaints stemmed from the implementation of restrictive control measures to prevent and limit the spread of COVID-19, which had the consequence of limiting access to key institutional services. The experience of the COVID-19 pandemic has been “exceptionally difficult and depriving for people living behind bars” (Office of the Correctional Investigator 2021b).

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<sup>43</sup> Fully vaccinated refers to the population that have completed their primary COVID-19 vaccine series (i.e., two vaccines).

## Trends in correctional population

### *Overall decreases in custodial populations*

In the first few months following the COVID-19 pandemic, the number of adults and youth in custodial institutions saw an unprecedented decline (see Figures 10 and 11). For instance, monthly changes in the adult custodial population typically do not exceed 1% (Statistics Canada 2021). In April 2020, the first month after the pandemic was declared, the average daily count of adults in federal and provincial/territorial custody<sup>44</sup> dropped by almost 5,000 (see Figure 10). From April to June 2020, the average daily count continued to decrease, although not as dramatically as in April. By July, this count slowly started increasing, but has not returned to pre-pandemic levels. By the end of 2020/2021, one year after the pandemic started, the annual average daily count of adults in provincial, territorial and federal custody had declined by 16% since the previous year (Statistics Canada 2022).

Similarly, the average daily count of youth in provincial/territorial custody<sup>45</sup> dropped by over 100 between March and April 2020 (see Figure 11). The average daily count for youth in custody began to increase from August to October 2020, but by the end of the first year of the pandemic it had decreased by 27% when compared to March 2020 (Ibid.).

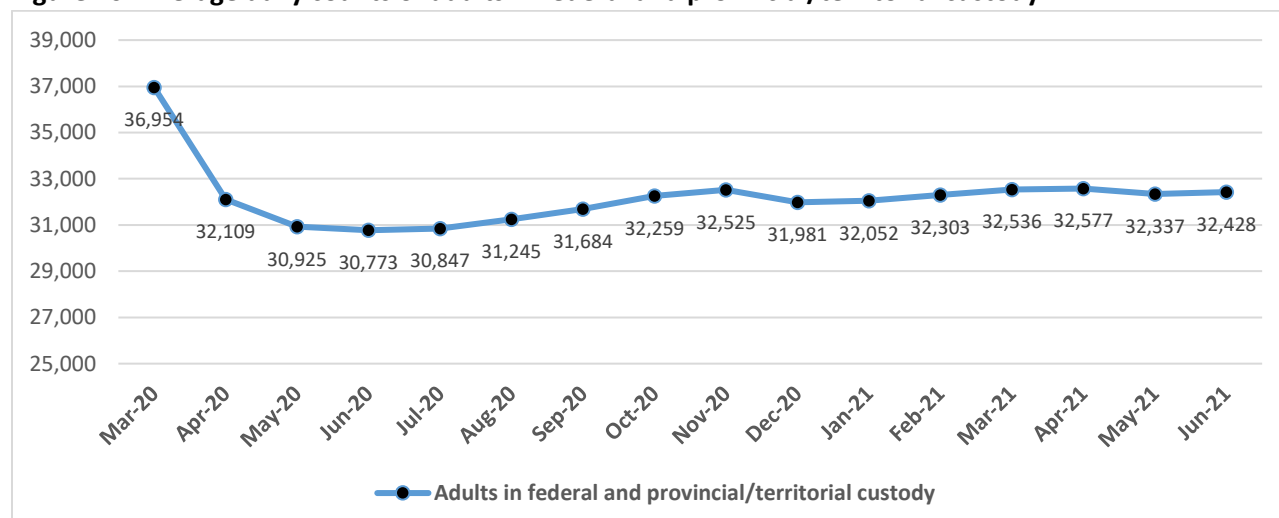
These decreases in the adult and youth custodial populations during the pandemic have resulted in decreases in the 2020/2021 incarceration rates for both adults and youth. For those 18 years and older, the incarceration rate in provincial/territorial corrections dropped from 79 to 62 per 100,000 adult population between 2019/2020 and 2020/2021 (Statistics Canada n.d.-g.). In federal corrections, for the same period, the incarceration rate decreased from 46 to 42 per 100,000 adult population (Statistics Canada n.d.-h.). For youth aged 12 to 17 years, the incarceration rate decreased from 4 to 3 per 10,000 youth population when compared to 2019/2020 (Statistics Canada n.d.-i.).

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<sup>44</sup> For the federal jurisdiction, actual-in counts include federal and provincial or territorial offenders in a federal facility and those temporarily detained in a federal facility, as well as persons in custody on temporary absence. For the provinces and territories, the total actual-in count represents persons held in custody under sentence, remand or who are otherwise legally required to be there and who are present at the time the count is taken.

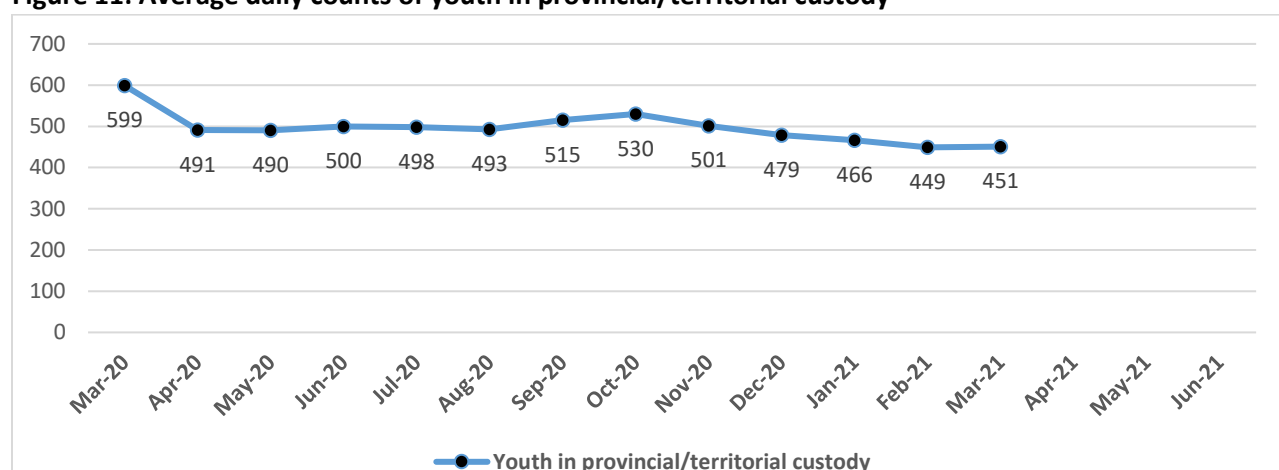
<sup>45</sup> The Key Indicator Report collects data from all youth correctional services programs in Canada that provide an average number of youth in provincial and territorial custody under sentence, pre-trial detention, Provincial Director Remand and other temporary detention per day for each month. Correctional services generally take a count of persons in custody every day and it is averaged over the number of days in that month.

**Figure 10: Average daily counts of adults in federal and provincial/territorial custody**



**Source:** Adult Corrections Key Indicator Report, Statistics Canada, 2022.

**Figure 11: Average daily counts of youth in provincial/territorial custody**



**Source:** Youth Corrections Key Indicator Report, Statistics Canada, 2022.

*Number of adults and youth in remand/pre-trial detention decreased, while adults in remand made up an increasingly larger proportion of all adults in custody (remand and sentenced)*

Declining trends in the adult provincial and territorial custodial population at the outset of the pandemic were largely driven by changes in the remand population (i.e., those in custody awaiting trial or sentencing) (Statistics Canada 2021). While remand (adults)/pre-trial detention (youth)<sup>46</sup> plays an important role in the protection of society and ensuring the administration of justice, increases in the number and proportion of

<sup>46</sup> Pre-trial detention is the temporary detention of a youth in provincial or territorial custody, while awaiting trial or sentencing. Remand is the detention of an adult temporarily detained in provincial or territorial custody, while awaiting trial or sentencing. The *Criminal Code* and the *Youth Criminal Justice Act* specify conditions under which an individual can be detained in pre-trial detention/remand, such as to ensure attendance in court, protect the public, including victims and witnesses, and maintain public confidence in the justice system.

people held in remand/pre-trial detention can be indicative of deeper systemic issues. This includes issues related to legal rights (e.g., presumption of innocence), human rights (e.g., poor conditions, overcrowding, lack of correctional programming), access to justice, a culture of inefficiency/delays, and the criminal justice system's disproportionate impact on vulnerable and marginalized people.

Since the start of the pandemic, the number of individuals in remand/pre-trial detention decreased. In 2020/2021, there were 12,767 adults in remand, an 18% decrease from 2019 (15,505) (Statistics Canada n.d.-g.). Despite this decrease, the proportion of adults in remand of all adults in custody (remand and sentenced) has slightly increased, from 66% in 2019/2020 to 69% in 2020/2021 (Ibid.).

The number of youth held in pre-trial detention decreased by 28%, from 383 in 2019 to 274 in 2020/2021 (Statistics Canada n.d.-i.). The proportion of youth in pre-trial detention of all youth in custody (pre-trial detention and sentenced) remained somewhat stable, at 58% in 2019/2020 and 57% in 2020/2021 (Ibid.).

*Indigenous adult and youth admissions to correctional services decreased, but Indigenous admissions made up an increasingly larger proportion of overall admissions*

The overrepresentation of Indigenous people in correctional services remains a pressing human rights issue in Canada. For this reason, a key indicator in the SOCJS Framework measures the representation of Indigenous Peoples among admissions to correctional services. Despite only representing about 5% of the Canadian adult population, Indigenous adults continued to make up a considerably larger proportion of adult admissions to provincial and territorial (31%) and federal (33%) custody in 2020/2021 (Statistics Canada 2022). During the same year, Indigenous youth accounted for half (50%) of all youth admissions to custody in 2020/2021, while representing about 8% of the youth population (Ibid.).

The number of Indigenous admissions to adult correctional services (custody and community services) decreased during the first year of the pandemic. This decrease was observed mainly in provincial/territorial corrections (-31%, from 104,550 in 2019/2020 to 72,002 in 2020/2021), and to a lesser extent in federal corrections (-9%, from 4,315 in 2019/2020 to 3,916 in 2020/2021) (Statistics Canada n.d.-j., Statistics Canada n.d.-m., Statistics Canada n.d.-k.). The decline was more pronounced for custody admissions compared to community services admissions. The number of Indigenous admissions to adult custody decreased by 34% for provincial/territorial corrections and by 16% for federal corrections (Statistics Canada n.d.-j., Statistics Canada n.d.-m.).

Despite these declines, between 2019/2020 and 2020/2021, the proportion of adult Indigenous admissions to correctional services (of all admissions to custody and community services) increased by one percentage point for provincial/territorial corrections (from 29% to 30%, respectively) and by two percentage points for federal corrections (from 30% to 32%, respectively) (Statistics Canada n.d.-j., Statistics Canada n.d.-k., Statistics Canada n.d.-n., Statistics Canada n.d.-o.). The gap between Indigenous and non-Indigenous offenders was more pronounced for women than men. In 2020/2021 Indigenous women made up 42% of female provincial/territorial admissions to custody and 40% to federal custody, while Indigenous men made up 30% of male admissions to provincial and territorial custody and 32% to federal custody (Ibid.).

Indigenous youth admissions to correctional services (custody and community services) also decreased in 2020/21 compared to the previous year (-41%, from 7,270 to 4,302) (Statistics Canada n.d.-n.). However, these declines were not as pronounced as those of non-Indigenous youth admissions since the proportion of Indigenous youth admissions (of all admissions) increased by 2 percentage points (from 41% to 43% in 2020/2021) (Ibid.). Similarly to adults, this decline was more pronounced for custody admissions compared



to community services admissions; Indigenous admissions to youth custody decreased by 44%, from 2019/2020 to 2020/2021 (Ibid.). Overrepresentation was more pronounced for female Indigenous youth who represented 62% of youth female admissions to custody, while male Indigenous youth represented 48% of youth male admissions to custody (Statistics Canada 2022).

*Indigenous offenders made up an increasingly larger proportion of total federal offender population*

As a result of the pandemic, in 2020/2021, the federal offenders population, including in custody and in community, decreased by almost 1,600 people when compared to the year before (Correctional Service Canada n.d.). Following a similar trend, the number of federal Indigenous offenders declined by 4%, from 6,030 in 2019/2020 to 5,809 in 2020/2021 (Ibid.). However, this decline was not as pronounced as that of non-Indigenous offenders; the proportion of Indigenous offenders (in custody and in community) increased by one percentage point (from 26% in 2019/2020 to 27% in 2020/2021) (Ibid.). This increase in proportion was more pronounced among the in-custody population. In 2019/2020, Indigenous offenders made up 30% (4,138) of all inmates in federal custody; this proportion increased to 32% (3,914) in 2020/2021 (Ibid.). Both Indigenous men (+1%) and women offenders (+2%) saw percentage point increases in their proportion among all federal offenders in custody between 2019/2020 and 2020/2021 (Ibid.).

*Proportion of Indigenous dangerous offenders remains stable and unchanged since the pandemic*

A Dangerous Offender (DO) is an individual given an indeterminate or a determinate sentence on the basis of a particularly violent crime or pattern of serious violent offences where it is judged that the offender's behaviour is unlikely to be inhibited by normal standards of behavioural restraint (Correctional Service Canada n.d.). In 2020/2021, the proportion Indigenous individuals among offenders designated as a DO remained unchanged compared to the previous year, at 36% (Ibid.).

*Proportion of Black and racialized federal offender population remains stable*

Since the onset of the pandemic, the number of racialized offenders<sup>47</sup> under federal supervision decreased by about 9%, from 3,864 in 2019/2020 to 3,530 in 2020/2021 (Correctional Service Canada n.d.). Decreases were observed across all racialized groups; Latinx offenders had the largest proportional reduction in numbers at 14% (from 258 to 222), whereas the smallest proportional reduction was observed for Black offenders under federal supervision at 7% (from 2,026 to 1,876) (Ibid.). The White offender population decreased by 9% (from 12,508 to 11,381) during this timeframe (Ibid.).

Despite the decrease in number, in 2020/2021, the proportion of racialized offenders among all offenders under federal supervision (in custody and in community) remained almost unchanged at 16% of all offenders under federal supervision, compared to just below 17% in 2019/2020 (see Figure 12) (Ibid.). Similarly, the proportion of White offenders under federal supervision remained relatively stable at 53% in 2020/2021, compared to 54% the previous year (Ibid.). Comparable trends were observed for both in custody and community populations.

In 2020/2021, Black offenders<sup>48</sup> accounted for the largest group of racialized offenders, comprising 9%<sup>49</sup> of all offenders under federal supervision while only accounting for 3% of the total Canadian adult population

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<sup>47</sup> Racialized offenders include Black, Arab, Asian, Latinx and people with multiple racial and ethnic identities. This category excludes Indigenous peoples.

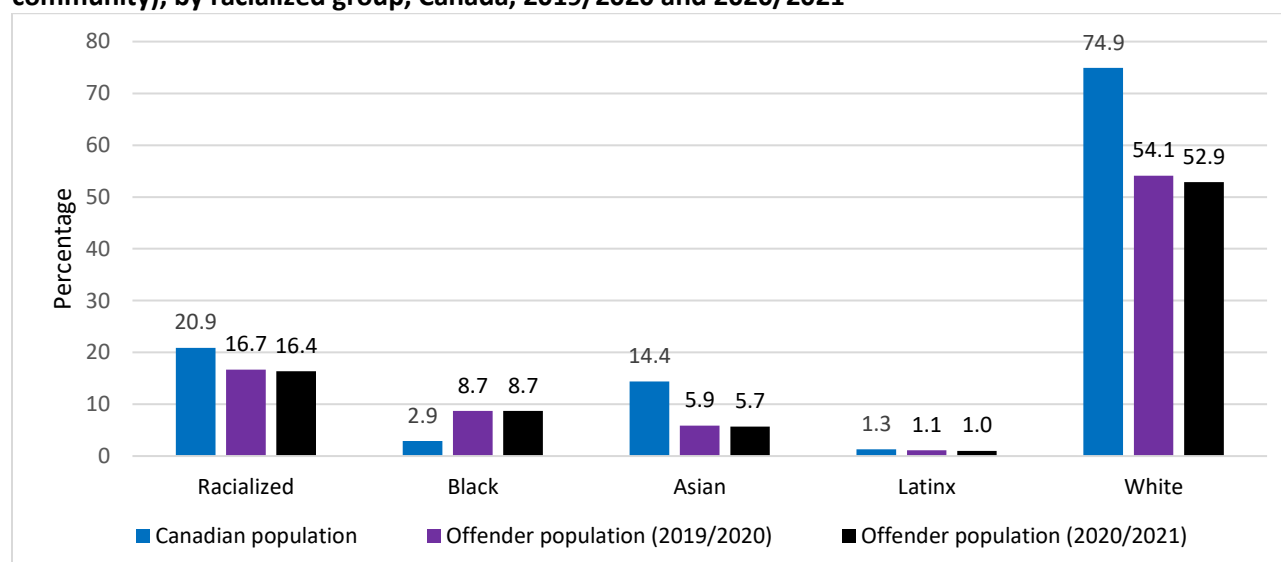
<sup>48</sup> Black offenders include those who identify as Black, Caribbean, and Sub-Saharan African.

<sup>49</sup> This proportion was the same in 2019/2020 and 2020/2021.

(see Figure 12). Although the proportion of Black offenders did not change in 2020/2021 from the previous year, the number of Black offenders under federal supervision has been steadily increasing over recent years, while the number of White offenders has been decreasing (Ibid.). For example, the number of Black offenders increased by 2% from 2016/2017 to 2020/2021, whereas the number of White offenders decreased by 16% in the same period (Ibid.).

Asian<sup>50</sup> and Latinx<sup>51</sup> offenders accounted for 6% and 1% of all offenders under federal supervision, respectively (see Figure 12).<sup>52</sup> These proportions were lower or equal to these groups' representation in the Canadian adult population (14% and 1%, respectively) (see Figure 12).

**Figure 12: Proportion of Canadian adult population and federal offender population (in custody and in community), by racialized group, Canada, 2019/2020 and 2020/2021**



**Note:** Data from the 2016 Census of Population (Statistics Canada) were used to present the proportion of the Canadian population aged 18 years and older. Census data on racialized groups were derived from the visible minority variable and categories. Please note that Census counts are randomly rounded so the proportions are not based on exact numbers.

**Source:** Census Profile 2016, Statistics Canada, Special request. Custom tabulation prepared by the Department of Justice Canada.

The biggest decreases in the numbers of racialized offenders from 2019/2020 to 2020/2021 were among those in custody (13%) versus those in community (2%) (Correctional Service Canada n.d.). In 2020/2021, the majority (62%) of Black offenders under federal supervision were in custody rather than in community (38%), whereas the proportion of White offenders was more evenly split between custody (52%) and community (48%) supervision, as was the case for Asian (51% in custody and 49% in community) and to a slightly lesser extent, Latinx (58% in custody and 42% in community) offenders (Ibid.).

<sup>50</sup> Asian offenders include those who identify as Arab, Arab/West Asian, Asian-East and Southeast, Asian-South, Asian-West, Asiatic, Chinese, East Indian, Filipino, Japanese, Korean, South Asian, and South East Asian.

<sup>51</sup> Latinx offenders include those who identify as Hispanic and Latin American.

<sup>52</sup> These proportions were all the same in 2019/2020 and 2020/2021.

Racialized women accounted for 10% of female offenders in federal custody (Ibid.). There was a decrease of 18% (from 77 to 63) among racialized female offenders<sup>53</sup> and 15% (from 313 to 267) among White female offenders from 2019/2020 to 2020/2021, whereas the number of racialized and White male offenders decreased by 13% each (Ibid.).

### Services for rehabilitation and preparation for release into community

Ensuring that individuals involved in the correctional system are provided with the services and supports they need for successful rehabilitation and reintegration into the community is a core outcome for the CJS. At the federal level, the CSC provides a variety of services and supports, including mental health treatment, educational programs, correctional programs as well as opportunities for Indigenous communities to participate in the reintegration of Indigenous offenders returning to their community through section 84 releases under the *Correctional and Conditional Release Act* (CCRA). The CSC and PBC also support victims of crime by enabling them to register to receive information about an individual who harmed them. Finally the PBC, as an independent administrative tribunal, makes conditional release decisions for incarcerated offenders. These key indicators of the SOCJS framework are examined below.

#### *Proportion of federal offenders with an identified mental health need receiving treatment remains stable*

Mental health-related issues are prevalent among incarcerated individuals under regular circumstances, let alone during a global pandemic (John Howard Society of Ontario 2021). The CCRA indicates that the CSC is responsible for providing every offenders with essential health care and reasonable access to non-essential health care, in keeping with professional standards. In 2020/2021, 85% of federal offenders with an identified mental health need<sup>54</sup> received a mental health treatment, a proportion unchanged from the previous year (Correctional Service Canada n.d.).<sup>55</sup>

#### *Programming capacity in federal institutions significantly reduced during the pandemic*

Educational programs in correctional facilities aim to improve an individual's literacy and personal development to increase their chances of successful reintegration into society. Prior to the COVID-19 pandemic, 12 to 15 inmates would attend class together; however, with COVID-19 restrictions in place, classes in institutions across the country were operating at 30% to 50% capacity (Office of the Correctional Investigator 2021a). In 2020/2021, 42% of offenders with an identified educational need upgraded their education prior to their full parole eligibility date (Correctional Service Canada n.d.). This represents an important decrease from the previous year when 58% of those with an identified need upgraded their education (Ibid.).

There was a similar decrease in the percentage of offenders with an identified need who completed a Nationally Recognized Correctional Program (NRCP) during the first year of the pandemic. Correctional programs contribute to public safety through assessment activities and program interventions for

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<sup>53</sup> Counts of women for different racialized groups were small (below 40) and have not been reported.

<sup>54</sup> Mental Health need is defined as "Some" or higher on the Mental Health Need Scale (MHNS). Where multiple MHNS were completed in the same fiscal year, the highest level was selected.

<sup>55</sup> Mental health treatment includes counseling, psychiatric clinics, suicide/self-injury interventions, activities of daily living/skills training, and treatment planning contacts. An offender is counted as having received treatment if they had at least one contact for any of these reasons.

individuals under federal correctional supervision that are designed to assist their rehabilitation and facilitate their successful reintegration into the community. These programs are designed to target specific risks and need factors that are related to criminal behaviours, which may include friends and associates, history of criminal behaviour, harmful thoughts, history of family violence, employment history, and substance abuse. Similar to educational programs, correctional programs were also operating at a reduced capacity during the pandemic (Office of the Correctional Investigator 2021a).

In 2020/2021, 36% of federal offenders with an identified need completed an NRCP prior to their full parole eligibility date (Correctional Service Canada n.d.). This represents an important decrease from 2019/2020 when 50% of those with an identified need completed an NRCP (Ibid.). Delays in accessing programs may result in a larger number of federally-sentenced individuals who have not completed their assigned correctional programs before being eligible for parole. The PBC has indicated that it is collaborating closely with CSC to assess impacts and evaluate options to address the gap in correctional program delivery (Parole Board of Canada 2021).

#### *Use of CCRA Section 84 releases for Indigenous offenders remains stable*

Recognizing the unique needs of Indigenous offenders and the importance of providing culturally responsive services, section 84 of the CCRA gives Indigenous communities the opportunity to become active partners in the process of reintegrating Indigenous offenders back into the community. In 2020/2021, 36% of Indigenous offenders who expressed an interest in obtaining a section 84 release plan had one prior to first release, compared to 37% the previous year (Correctional Service Canada n.d.). Differences were found by gender; half (51%) of women offenders who expressed interest in section 84 plans had one prior to first release compared to one-third (34%) of men offenders with interest in Section 84 plans (Ibid.).

#### *Decrease in proportion of federal offenders securing community employment prior to the end of their sentence*

Securing employment upon release into the community helps incarcerated individuals reintegrate into society. In 2020/2021, 72% of federal offenders with an identified employment need obtained community employment prior to their sentence expiry date, a decrease from the previous year (76%) (Correctional Service Canada n.d.). This decrease was particularly evident among Indigenous offenders, from 64% in 2019/2020 to 56% in 2020/2021 (Ibid.). The public health measures put in place to curb the spread of COVID-19 may have hindered employment opportunities as many businesses were forced to close and many more were operating with a reduced staff.

### *Number of individuals registered as a victim to receive information about an individual who harmed them remains stable*

Victims of crime can register with the Parole Board of Canada or Correctional Services Canada to receive information on the individual who harmed them. Specifically, victims receive information on an offender's status, release date, correctional plan and progress. In 2020/2021, 8,661 victims registered to receive information about an individual who harmed them, about 1% less than the previous year (8,783 in 2019/2020) (Parole Board of Canada n.d.). In addition to the possible impact of the pandemic, the fluctuation in the number of registered victims from one year to another depends on many variables, including the overall number of victims, a victim's awareness and interest in registration, and the overall number of offenders in custody. That said, victim registration has generally been increasing over the years; there were 12% more victims registered in 2020/2021 compared to 2016/2017 (Ibid.).

### *Trends in decisions for release into the community*

#### *Increase in the number of parole reviews for individuals under federal correctional responsibility, including parole by exception*

Parole is the process by which individuals are released from prison to serve a portion of their sentence in the community under strict conditions to facilitate their transition back into mainstream society. There are two types of parole: day parole and full parole. Day parole allows an individual to be released in the community while having to return nightly to a community-based residential facility or halfway house unless otherwise authorized by the PBC.<sup>56</sup> Full parole allows an individual to serve part of their sentence under supervision in the community under specific conditions. Full parole normally follows successful completion of day parole. Offenders on full parole typically reside in a private residence.

In 2020/2021, the number of parole reviews conducted by the PBC increased compared to the previous year (2019/2020), both for full parole (+11%) and day parole (+4%) (Public Safety Canada 2022, Parole Board of Canada n.d.). This represents an overall average of 187 reviews per week in 2020/21, compared to 175 in 2019/20 (Ibid.). The majority of reviews were conducted via videoconferencing or by teleconferencing if videoconferencing was not available, as well as through paper reviews (Parole Board of Canada 2021).

Due to the pandemic, the PBC also saw more interest in parole by exception<sup>57</sup> than in any given year. However, most of the 62 applications received from March 2020 to March 2021 resulted in PBC determining that the applicant did not meet the legislative criteria for parole by exception (Ibid.). One fifth (21%) of all applications were granted (Ibid.). By May 2022, there had been 18 parole by exception cases granted (and 4 pending) (Government of Canada 2022d).

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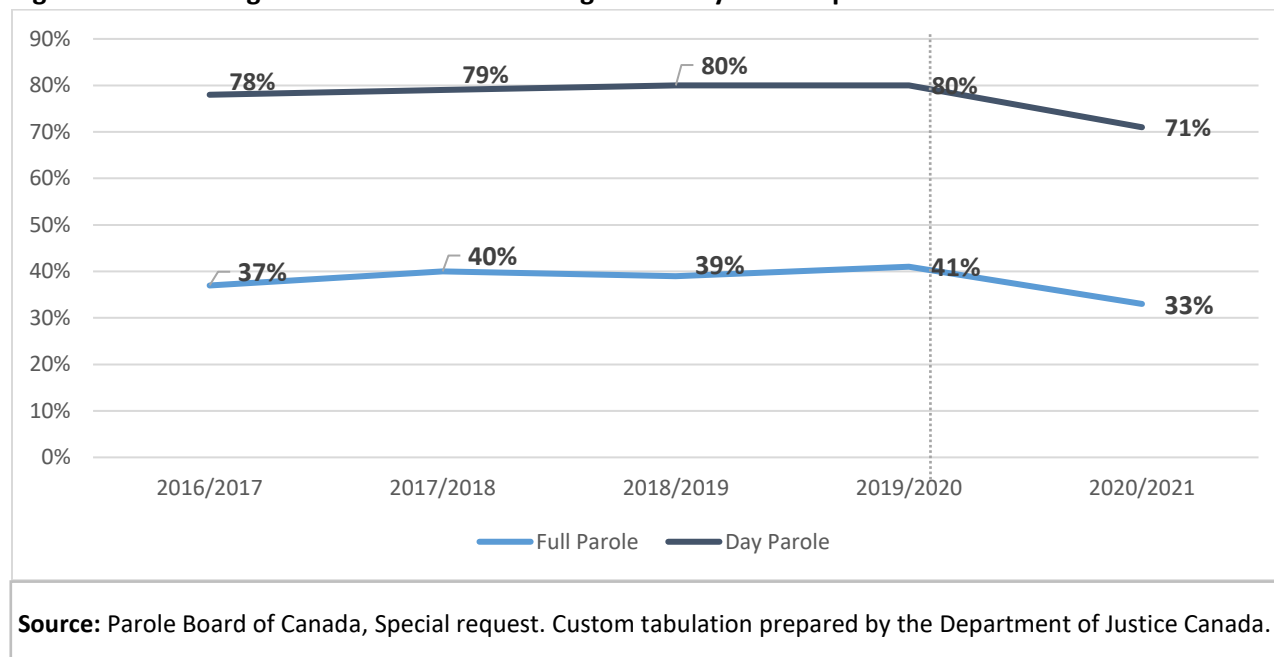
<sup>56</sup> The PBC can authorize day parole to other location (e.g., an offender's home).

<sup>57</sup> Parole by exception is a mechanism in law to permit an exceptional parole consideration for those who have not yet reached their parole eligibility date and meet one of the following circumstances: "(1) who is terminally ill; (2) whose physical or mental health is likely to suffer serious damage if the individual continues to be held in confinement; (3) for whom continued confinement would constitute an excessive hardship that was not reasonable foreseeable at sentencing; or (4) who is subject to order of surrender under the Extradition Act and to be detained until surrendered" (Parole Board of Canada 2021).

### *Decline in the overall proportion of individuals under federal correctional responsibility who were granted parole*

The total number and proportion of parole reviews granted decreased in 2020/2021. About 71% (3,787) of cases reviewed were granted day parole and 33% (1,458) were granted full parole (Parole Board of Canada n.d.). This represents a significant decrease from the previous year for both day parole (80%; 4,073)<sup>58</sup> and full parole (41%; 1,627)<sup>59</sup> (Ibid.). Part of this decline may have resulted from more offenders applying for parole at the outset of the pandemic regardless of their higher risk profiles, as well as more applications being received for parole by exception by offenders who did not meet the criteria for such releases.

**Figure 13: Percentage of individuals who were granted day and full parole**



Decreases were observed for both Indigenous (76% to 67% for day parole; 29% to 23% for full parole) and non-Indigenous offenders (81% to 73% for day parole; 44% to 35% for full parole), although non-Indigenous offenders continued to obtain both day and full parole in higher proportions. (Parole Board of Canada n.d.). To ensure that conditional release reviews accommodate the needs of Indigenous people, the PBC offers elder-assisted hearings (EAH). EAHs consist of culturally adapted hearings for Indigenous people, which involve ceremonies and prayers. Due to the COVID-19 pandemic, EAH came to a halt in the first months of the pandemic; the number of EAHs held decreased from 31 in March 2020, of which 23 were held prior to the lockdown, to none between April and August 2020, before increasing again in the second half of the year when safety measures permitted them (Parole Board of Canada 2021).

### *Increase in the number of decisions to grant day parole to another location at the start of the COVID-19 pandemic*

Although the overall number of parole grants decreased in 2020/2021, there was an increase in the number of decisions for day parole to another location (e.g., an offender's home) at the start of the COVID-

<sup>58</sup> Statistically significant at the .05 level with a 95% confidence interval.

<sup>59</sup> Statistically significant at the .05 level with a 95% confidence interval.

19 pandemic, which peaked in March 2020 and has since continuously declined to slightly above pre-COVID-19 levels (Parole Board of Canada 2021). Since March 2020, on average, the PBC made about eight decisions per week to grant day parole to another location (compared to five per week over the previous year) (Government of Canada 2022d). For some offenders who were already in the community under supervision, the PBC made decisions to grant day parole to another location, resulting in offenders no longer needing to reside in a halfway house, and being able to safely reside at home. The PBC made an average of two such decisions per week (compared to one per week over the previous year) (Ibid.).

Since the outset of the pandemic, prisoner advocates have called for the early release of some offenders to limit the spread of COVID-19 in institutions. This sentiment was echoed by the Correctional Investigator, Ivan Zinger, in his recommendation for the CSC to collaborate with the PBC on an early release strategy for elderly and medically compromised inmates who pose no undue risk to society (Office of the Correctional Investigator 2021a). Stan Stapleton, the president of the Union of Safety and Justice Employees<sup>60</sup> notes that there are significant concerns with expediting the release of offenders, including the lack of a realistic plan for where offenders will live and how they will support themselves (APTN National News 2020). Individuals released in the community have long faced challenges related to lack of housing, employment, and continuity of care (Griffiths, Dandurand and Murdoch 2017). These challenges were exacerbated during the pandemic, which highlights the need to carefully consider these risks alongside potential mitigation efforts in any decision to expedite the release of offenders.

## Conclusion

In Canada, as of August, 2022, there were over 4 million confirmed cases<sup>61</sup> of COVID-19 and more than 43,000 deaths reported to the World Health Organization (World Health Organization n.d.). The pandemic, as well as the collective responses to it, significantly influenced Canadian society in all of its spheres.

The pandemic substantially altered the way the CJS operates and has had a profound effect on the people in contact with the system. In the midst of social unrest related to the social movements advocating against systemic racism and in favour of “defunding the police,” the discovery of thousands of unmarked graves at former residential schools, and the increased harassment and hate crimes, notably toward Asian people—Canadians’ confidence in the CJS declined. Additionally, Canadians’ perceptions of safety and well-being were being tested; among key concerns was a heightened fear of family violence brought on by the stress of the pandemic, which was compounded by stay-at-home orders and the significant reduction in services and support for victims.

The pandemic also brought about changes to the trends in criminal activities. Despite a decrease in overall police-reported crimes, changes to Canadians’ way of life gave rise to an increase in specific types of offences including identity theft, child pornography, opioid-related offences and hate crimes. While some of these crimes may be the result of spending more time at home and online, others may be reflective of increased stress and isolation brought on by the pandemic, paired with xenophobic narratives.

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<sup>60</sup> The union represents 16,000 federal government employees, mainly Correctional Service of Canada Employees such as parole officers and correctional guards.

<sup>61</sup> Health officials note that these numbers may be undercounted due to strained testing capacity reported in a number of provinces and territories.

The pandemic highlighted how police take on roles that go beyond enforcement. Police officers as well as by-law officers were required to continuously educate and inform citizens as public health measures and emergency orders were routinely updated. Police officers were also called on to respond to an increasing number of mental health and wellness check calls. This increase in calls for service related to mental health highlights the importance of what academics and advocates have been requesting for years: mandatory training for all officers related to de-escalation techniques as well as having mental health professionals more widely available to respond to these types of calls. Ensuring access to mental health care to individuals in crisis, including by way of referral to appropriate social services, may help reduce the likelihood of further involvement with the CJS (Centre for Addiction and Mental Health 2020b).

The pandemic also significantly changed, at least temporarily, the way courts operated. After initial temporary and partial shutdowns, courts were required to embrace technology and adapt outdated processes. Purely paper-based processes were digitized, virtual hearings became a more common practice, and safety measures were put in place to protect individuals who were required to appear in person. Despite these efforts, during the first year of the pandemic, there was a substantial decline in the number of completed cases, an increase in the time it took to complete cases as well as an increase in the percentage of cases that exceeded the ceilings set out by the Supreme Court of Canada in the *Jordan* decision.

In addition to the financial impact caused by these delays, victims, accused persons and their families were also adversely affected. During a time of crisis, when mental and physical health are already at risk, excessive delays, reduced use of diversion and restorative justice programs and processes, decreased numbers of approved criminal legal aid applications, and a substantial reduction of services further exacerbated the negative impact of the pandemic on individuals interacting with the CJS, particularly the most vulnerable. While the use of technology did allow matters to proceed during the pandemic, justice system officials will need to assess the efficiencies and challenges brought about by these changes and determine how best to manage the backlog of cases while balancing the needs of all individuals, including those without access to technology or who face difficulties in using existing technologies.

The pandemic resulted in significant and temporary decreases to the in-custody population in the first months following onset. Recognizing the risk posed to individuals living in correctional facilities without appropriate safeguards, steps were taken at the outset of the pandemic to reduce the size of the custodial population while balancing public safety. As of June 2021, the in-custody population had not reached pre-pandemic levels. Access to various services including educational and vocational training, and other correctional programs was greatly reduced. This, coupled with limited employment options in the community due to business closures, may have hampered opportunities for successful community reintegration of offenders. The increasing number of parole reviews for individuals under federal correctional responsibility, but declining parole grant rates during this time may be evidence of this.

The COVID-19 pandemic has brought about temporary and possibly permanent changes in how the CJS operates. Though many of these changes have helped modernize the CJS, the long-term impacts of COVID-19 on the CJS are not yet known. Moving forward government and judicial officials, academics and community leaders will grapple with a new set of challenges, including: how to better prepare for such an event in the future; how to pivot the criminal justice modernization efforts to address lessons learned during the pandemic and capitalize on efficiencies gained; and, how to gather the appropriate data required to make evidence-based decisions. These challenges will need to be addressed in tandem with



existing and ongoing issues of systemic racism, the overrepresentation of Indigenous, Black, racialized and marginalized populations in the CJS, staffing shortages, system inefficiencies and court case backlogs.

The challenges brought on by the COVID-19 pandemic are unmatched in recent history; however, they now provide the opportunity to examine the ways in which the CJS can further become accessible, fair and efficient to better meet the needs of Canadians.

## Bibliography

- Action Committee on Court Operations in Response to COVID-19. 2020. "Examining the Disproportionate Impact of the COVID-19 Pandemic on Access to Justice for Marginalized Individuals." Ottawa: Office of the Commissioner for Federal Judicial Affairs Canada.
- Action Committee on Court Operations in Response to COVID-19. 2021a. "Safe and Accessible Courts: Orienting Principles for Canadian Court Operations in Response to COVID-19." Ottawa: Office of the Commissioner for Federal Judicial Affairs Canada.
- Action Committee on Court Operations in Response to COVID-19. 2021b. "Virtual Hearings and Services: Tools and Resources for Court Users and Personnel." Ottawa: Office of the Commissioner for Federal Judicial Affairs Canada.
- Action Committee on Court Operations in Response to COVID-19. 2021c. "Impact of the COVID-19 Pandemic on Access to Specialized Court Programs." Ottawa: Office of the Commissioner for Federal Judicial Affairs Canada.
- Action Committee on Court Operations in Response to COVID-19. 2021d. "Streamlining Processes for Jury Summons and Selection - A Case Study of New Brunswick." Ottawa: Office of the Commissioner for Federal Judicial Affairs Canada.
- Action Committee on Court Operations in Response to COVID-19. 2021e. "Orienting Principles: Leading and Managing Change in the Courts." Ottawa: Office of the Commissioner for Federal Judicial Affairs Canada.
- APTN National News. 7 April 2020. "Release or Isolate: The Debate on How to Help People Inside Canada's Prisons and Jails During COVID-19." Available at: <https://www.aptnnews.ca/national-news/release-or-isolate-the-debate-on-how-to-help-people-inside-canadas-prisons-and-jails-during-covid-19/>.
- Armstrong, A. and B. Jaffray. 2021. "Homicide in Canada, 2020." Juristat. Statistics Canada. Available at: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00017-eng.htm>.
- Asadullah, M. and B. Tomporowski. 2021. "COVID-19 and Restorative Justice." *The Annual Review of Interdisciplinary Justice Research*, 10(0): 92-120.
- Bill C-23, *An Act to amend the Criminal Code and the Identification of Criminals Act and to make related amendments to other Acts*. 2nd Session, 43rd Parliament, 2021.
- Bill S-4, *An Act to amend the Criminal Code and the Identification of Criminals Act and to make related amendments to other Acts*. 1st Session, 44th Parliament, 2022.
- Blais, E., M. Landry, N. Elazhary and S. Car. 2020. "Assessing the Capability of a Co-Responding Police-mental Health Program to Connect Emotionally Disturbed People with Community Resources and Decrease Police Use of Force." *Journal of Experimental Criminology*, 18: 41-65.
- Bridges, A. and K. Latimer. 4 July 2021. "COVID-19 Has Delayed Criminal Trials Across Canada. Is the Justice System Doing Enough to Address the Problem?" *CBC News*, available at:

<https://www.cbc.ca/news/canada/saskatchewan/covid-19-delays-justice-system-jordan-rule-fertuck-canada-1.6087923>.

Burczycka, M. and C. Munch. 2015. "Trends in Offences Against the Administration of Justice." Juristat. Statistics Canada. Available at: <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2015001/article/14233-eng.pdf?st=zPslqtGS>.

Canadian Centre for Child Protection. 27 July 2021. "New Statistics Canada Crime Data Shows Victimization of Children Intensified During Pandemic." Available at: <https://protectchildren.ca/en/press-and-media/news-releases/2021/stats-canada-crime-data-pandemic>.

Canadian Femicide Observatory for Justice and Accountability. 2021. "2021 Report on Femicide." Available at: <https://femicideincanada.ca/2021-Report.pdf>.

Canadian Medical Association. 2021. "A Struggling System: Understanding the Health Care Impacts of the Pandemic." Available at: <https://www.cma.ca/sites/default/files/pdf/health-advocacy/Deloitte-report-nov2021-EN.pdf>.

Centre for Addiction and Mental Health. 2020a. "Mental Health in Canada: Covid-19 and Beyond." Available at: <https://www.camh.ca/-/media/files/pdfs---public-policy-submissions/covid-and-mh-policy-paper-pdf.pdf>.

Centre for Addiction and Mental Health. 2020b. "Mental Health and Criminal Justice Policy Framework." Available at: <https://www.camh.ca/-/media/files/pdfs---public-policy-submissions/camh-cj-framework-2020-pdf.pdf>.

Centre for Research & Education on Violence Against Women & Children. 2021. "'More Exposed & Less Protected' in Canada: Racial Inequality as Systemic Violence During COVID-19." Available at: [https://www.vawlearningnetwork.ca/our-work/backgrounders/more\\_exposed\\_and\\_less\\_protected\\_in\\_canada\\_systemic\\_racism\\_and\\_covid\\_19/](https://www.vawlearningnetwork.ca/our-work/backgrounders/more_exposed_and_less_protected_in_canada_systemic_racism_and_covid_19/).

Correctional Service Canada. n.d. Special request.

*Corrections and Conditional Release Act*, S.C. 1992, c. 20.

Cotter, A. 2021. "Criminal Victimization in Canada, 2019." Juristat. Statistics Canada. Available at: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00014-eng.htm>.

Department of Justice Canada. 2017. "The Canadian Criminal Justice System: Overall Trends and Key Pressure Points." Ottawa, ON. Available at: <https://www.justice.gc.ca/eng/rp-pr/jr/press/>.

Department of Justice Canada. 2019. "National Justice Survey 2018." Ottawa. Available at: [https://publications.gc.ca/collections/collection\\_2019/jus/J4-93-2018-eng.pdf](https://publications.gc.ca/collections/collection_2019/jus/J4-93-2018-eng.pdf).

Department of Justice Canada. 2021a. "National Justice Survey, 2021." Ottawa. Available at: [https://publications.gc.ca/collections/collection\\_2021/jus/J4-93-2021-eng.pdf](https://publications.gc.ca/collections/collection_2021/jus/J4-93-2021-eng.pdf).

Department of Justice Canada. 2021b. "Responding to the Impacts of the COVID-19 Pandemic, Government of Canada Proposes Changes to the Criminal Code and Other Related Laws to Improve Effectiveness of Criminal Justice System." Ottawa, ON. Available at:

<https://www.canada.ca/en/department-justice/news/2021/02/responding-to-the-impacts-of-the-covid-19-pandemic-government-of-canada-proposes-changes-to-the-criminal-code-and-other-related-laws-to-improve-eff.html>.

Department of Justice Canada. 2022a. "Legal Aid in Canada 2020-21." Ottawa, ON. Available at: <https://www.justice.gc.ca/eng/rp-pr/jr/aid-aide/2021/p1.html>.

Department of Justice Canada. 2022a . "National Justice Survey 2022." [https://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/justice\\_canada/2022/100-21-e/index.html](https://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/justice_canada/2022/100-21-e/index.html)

Federal-Provincial-Territorial Working Group on Restorative Justice. Forthcoming. "The Impact of COVID-19 on Restorative Justice in Criminal Matters in Canada: Summary Report."

Ghelani, A. 2021. "Knowledge and Skills for Social Workers on Mobile Crisis Intervention Teams." *Clinical Social Work Journal*.

Government of Canada. 2018. "Family Violence: How Big is the Problem in Canada?" Available at: <https://www.canada.ca/en/public-health/services/health-promotion/stop-family-violence/problem-canada.html>.

Government of Canada. 2020a. "Top COVID-19 Scams to Be Wary of." Available at: <https://www.getcybersafe.gc.ca/en/blogs/top-covid-19-scams-be-wary>.

Government of Canada. 2020b. "COVID-19 Preparedness and Plans in Federal Corrections." Available at: <https://www.canada.ca/en/correctional-service/campaigns/covid-19/plans-preparation/update-june-2020.html>.

Government of Canada. 2021. "Community-based Measures to Mitigate the Spread of Coronavirus Disease (COVID-19) in Canada." Available at: <https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/guidance-documents/summary-evidence-supporting-covid-19-public-health-measures.html>.

Government of Canada. 2022a. "Proposed Changes to Improve the Operation of the Criminal Justice System and Address the Impacts of the COVID-19 Pandemic." Available at: <https://www.justice.gc.ca/eng/csj-sjc/pl/ocjs-asjp/index.html>.

Government of Canada. 2022b. "Testing of Inmates in Federal Correctional Institutions for COVID-19." Available at: <https://www.canada.ca/en/correctional-service/campaigns/covid-19/inmate-testing.html>.

Government of Canada. 2022c. "Vaccines administered to inmates in the federal correctional system." Available at: <https://www.canada.ca/en/correctional-service/campaigns/covid-19/vaccine-csc/vaccine-table.html>.

Government of Canada. 2022d. "COVID-19 and the Parole Board of Canada." Available at: <https://www.canada.ca/en/parole-board/services/coronavirus-covid-19.html>.

Grekou, D. and Y. Lu. 2021. "Gender Differences in Employment One Year into the COVID-19 Pandemic: An Analysis by Industrial Sector and Firm Size." Economic and Social Report. Statistics Canada. Available at: <https://www150.statcan.gc.ca/n1/pub/36-28-0001/2021005/article/00005->

[eng.htm#:~:text=The%20analysis%20shows%20that%20women,changes%20in%20the%20services%20sector.](#)

Griffiths, C. T., Y. Dandurand and D. Murdoch. 2007. "The Social Reintegration of Offenders and Crime Prevention." Ottawa: Public Safety Canada. Available at: <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/scl-rntgrtn/scl-rntgrtn-eng.pdf>.

Haigh, R. and B. Preston. 2021. "The Court System in a Time of Crisis: COVID-19 and Issues in Court Administration." *Osgoode Hall Law Journal*, 57(3): 869-904.

Harper-Merrett, T. 28 April 2021. "Access to High-speed Infrastructure Is Not the Only Barrier to Connectivity." Policy Options. Available at: <https://policyoptions.irpp.org/magazines/april-2021/access-to-high-speed-infrastructure-is-not-the-only-barrier-to-connectivity/>.

Heidinger, L. and A. Cotter. 2020. "Perceptions of Personal Safety Among Population Groups Designated as Visible Minorities in Canada During the COVID-19 Pandemic." Juristat. Statistics Canada. Available at: <https://www150.statcan.gc.ca/n1/pub/45-28-0001/2020001/article/00046-eng.pdf>.

House of Commons. 2021. "The Shadow Pandemic: Stopping Coercive and Controlling Behaviour in Intimate Relationships: Report of the Standing Committee on Justice and Human Rights." Available at: <https://www.ourcommons.ca/Content/Committee/432/JUST/Reports/RP11257780/justrp09/justrp09-e.pdf>.

Ibrahim, D. 2022. "Canadian Residential Facilities for Victims of Abuse, 2020/2021." Juristat. Statistics Canada. Available at: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2022001/article/00006-eng.htm>.

Institute for Advancements in Mental Health. 2022. "Our Mental Health Advocacy." Available at: <https://www.iamentalhealth.ca/Initiatives/Our-Avocacy#:~:text=Our%20Mental%20Health%20Advocacy,are%20impacted%20by%20mental%20illness>.

John Howard Society of Ontario. 2021. "Broken Record: The Continued Criminalization of Mental Health Issues." Available at: <https://johnhoward.on.ca/wp-content/uploads/2021/01/Broken-Record.pdf> [Accessed December 10 2021]

Koshan, J., J. Mosher and W. Wieggers. 2021. "COVID-19, the Shadow Pandemic, and Access to Justice for Survivors of Domestic Violence." *Osgoode Hall Law Journal*, 57(3): 739-799.

Lamanna, D., G. K. Shapiro, M. Kirst and F. A. Matheson. 2018. "Co-responding Police-mental Health Programmes: Service User Experience and Outcomes in a Large Urban Center." *International Journal of Mental Health Nursing*, 27(2): 891-900.

Lopez-Martinez, Melissa. 30 August 2020. "Protesters Across Canada March to Defund the Police." CTV News. Available at: <https://www.ctvnews.ca/canada/protesters-across-canada-march-to-defund-the-police-1.5084956>.

Moreau, G. 2021. "Police-reported Crime Statistics in Canada, 2020." Juristat. Statistics Canada. Available at: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00013-eng.htm>.

- Moreau, G. 2022. "Police-reported Crime Statistics in Canada, 2021." Juristat. Statistics Canada. Available at: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2022001/article/00013-eng.htm>.
- Office of the Correctional Investigator. 2021a. "Third COVID-19 Status Update." Ottawa, ON. Available at: <https://www.oci-bec.gc.ca/cnt/rpt/pdf/oth-aut/oth-aut20210223-eng.pdf>.
- Office of the Correctional Investigator. 2021b. "Office of the Correctional Investigator Annual Report 2020-2021." Ottawa, ON. Available at: <https://www.oci-bec.gc.ca/cnt/rpt/annrpt/annrpt20202021-eng.aspx>.
- Paciocco, P. 2021. "Trial Delay Caused by Discrete Systemwide Events: The Post-Jordan Era Meets the Age." *Osgoode Hall Law Journal* 57(3): 835-867.
- Parole Board of Canada. n.d. Special request. Custom tabulation prepared by the Department of Justice Canada.
- Parole Board of Canada. 2021. "COVID-19 Impact on Conditional Release." Research Brief. Ottawa: Parole Board of Canada.
- Public Health Agency of Canada. 2021a. "Social Inequalities in COVID-19 Mortality by Area- and Individual-level Characteristics in Canada, January to July/August 2020." Ottawa, ON. Available at: <https://health-infobase.canada.ca/covid-19/inequalities-deaths/technical-report.html>.
- Public Health Agency of Canada. 2021b. "Joint Statement from the Co-Chairs of the Special Advisory Committee on the Epidemic of Opioid Overdoses – Latest Modelling Projections on Opioid Related Deaths and National Data on the Overdose Crisis." Ottawa, ON. Available at: <https://www.canada.ca/en/public-health/news/2021/06/joint-statement-from-the-co-chairs-of-the-special-advisory-committee-on-the-epidemic-of-opioid-overdoses--latest-modelling-projections-on-opioid-re.html>.
- R. v. Jordan*, 2016 SCC 27 [CanLII] 1 S.C.R. 631.
- Reciprocal Consulting. 2021. "Indigenous Resilience and Adaptability: The National Indigenous Courtwork Program Response to COVID-19." Native Courtworker and Counselling Association of British Columbia.
- Sagesse Domestic Violence Prevention Society. 2021. "Coercive Control Brief." Available at: <https://www.ourcommons.ca/Content/Committee/432/JUST/Brief/BR11112021/br-external/SagesseDomesticViolencePreventionSociety-e.pdf>.
- Semple, T., M. Tomlin, C. Bennel and B. Jenkins. 2020. "An Evaluation of a Community-Based Mobile Crisis Intervention Teams in a Small Canadian Police Service." *Community Mental Health Journal*, 57(3): 567-578.
- Silver, J. 28 October 2021. "Rural Canadians still lack high-speed, reliable internet: report." iPolitics. Available at: <https://ipolitics.ca/2021/10/28/rural-canadians-still-lack-high-speed-reliable-internet-report/>.
- Simonovic, D. 2020. "States Must Combat Domestic Violence in the Context of COVID-19 Lockdowns – UN Rights Expert." United Nations Human Rights Office of the High Commissioner. Available at:

<https://www.ohchr.org/en/press-releases/2020/03/states-must-combat-domestic-violence-context-covid-19-lockdowns-un-rights>.

Statistics Canada. n.d.-a. Table 35-10-0026-01 - Crime Severity Index and Weighted Clearance Rates, Canada, Provinces, Territories and Census Metropolitan Areas. Available at: <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510002601>.

Statistics Canada. n.d.-b. Table 35-10-0177-01 - Incident-based Crime Statistics, by Detailed Violations, Canada, Provinces, Territories, Census Metropolitan Areas and Canadian Forces Military Police. Available at: <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510017701>.

Statistics Canada. n.d.-c. Table 35-10-0169-01 - Selected police-reported crime and calls for service during the COVID-19 pandemic. Available at: <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510016901>.

Statistics Canada. n.d.-d. Table 35-10-0060-01 - Number of Homicide Victims and Persons Accused of Homicide, by Indigenous Identity, Age Group and Gender. Available at: <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510006001>.

Statistics Canada. n.d.-e. Integrated Criminal Court Survey. Special request.

Statistics Canada. n.d.-f. Table 35-10-0176-01 - Key Indicator Results and Absolute Change for Preliminary Quarterly Data, Adult Criminal Court and Youth Court. Available at: <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510017601>.

Statistics Canada. n.d.-g. "Canadian Centre for Justice and Community Safety Statistics, Uniform Crime Reporting Survey (Trend Database)." Special request.

Statistics Canada. n.d.-h. Table 35-10-0154-01 - Average Counts of Adults in Provincial and Territorial Correctional Programs. Available at: <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510015401>.

Statistics Canada. n.d.-i. Table 35-10-0155-01 - Average Counts of Offenders in Federal Programs, Canada and Regions. Available at: <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510015501>.

Statistics Canada. n.d.-j. Table 35-10-0003-01 - Average Counts of Young Persons in Provincial and Territorial Correctional Services. Available at: <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510000301>.

Statistics Canada. n.d.-k. Table 35-10-0016-01 - Adult Custody Admissions to Correctional Services by Indigenous Identity. Available at: <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510001601>.

Statistics Canada. n.d.-m. Table 35-10-0020-01 - Adult Admissions to Community Services by Indigenous Identity. Available at: <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510002001>.

Statistics Canada. n.d.-l. Integrated Correctional Services Survey. Custom tabulation prepared by the Department of Justice Canada.

- Statistics Canada. n.d.-n. Table 35-10-0007-01 - Youth Admissions to Correctional Services, by Indigenous Identity and Sex. Available at: <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510000701>.
- Statistics Canada. n.d.-o. "Number and Percentage of Admissions to Federal Correctional Services." Special request.
- Statistics Canada. 2017. "Census Profile 2016." Special request. Custom tabulation prepared by the Department of Justice Canada.
- Statistics Canada. 2020a. "Canadians' Perceptions of Personal Safety Since COVID-19." The Daily. Statistics Canada. Available at: <https://www150.statcan.gc.ca/n1/daily-quotidien/200609/dq200609a-eng.htm>.
- Statistics Canada. 2020b. "Impacts of COVID-19 on Canadians: First Results from Crowdsourcing." The Daily. Statistics Canada. Available at: <https://www150.statcan.gc.ca/n1/en/daily-quotidien/200423/dq200423a-eng.pdf?st=jIjYCYD>.
- Statistics Canada. 2021. "After an Unprecedented Decline Early in the Pandemic, the Number of Adults in Custody Rose Steadily Over the Summer and Fell Again in December 2020." The Daily. Statistics Canada. Available at: <https://www150.statcan.gc.ca/n1/daily-quotidien/210708/dq210708a-eng.htm>.
- Statistics Canada. 2022. "Adult and Youth Correctional Statistics, 2020/2021." The Daily. Statistics Canada. Available at: <https://www150.statcan.gc.ca/n1/en/daily-quotidien/220420/dq220420c-eng.pdf?st=Lkxy2x7p>.
- The Assaulted Women's Helpline. 2021. "2021 Gratitude Report." Available at: <https://www.flipbookpdf.net/web/site/8156c669799e62fa159db7b8efa6f2db3af49bd2202204.pdf.html>.
- The Canadian Radio-television and Telecommunications Commission. 2019. "Communications Monitoring Report 2019." Ottawa: Government of Canada. Available at: <https://crtc.gc.ca/pubs/cmr2019-en.pdf>.
- Women's Shelters Canada. 2020. "Shelter Voices: The Impact of COVID-19 on VAW Shelters and Transition Houses." Available at: <http://endvaw.ca/wp-content/uploads/2020/11/Shelter-Voices-2020-2.pdf>.
- World Health Organization. n.d. "Coronavirus disease (COVID-19) pandemic." Available at: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019>.



## Annex I – Abbreviations

AOJO	Administration of justice offences
C3P	Canadian Centre for Child Protection
CCJCSS	Canadian Centre for Justice and Community Safety Statistics
CCRA	Correctional and Conditional Release Act
CJS	Criminal justice system
CRTC	Canadian Radio-television and Telecommunications Commission
CSC	Correctional Service of Canada
CSI	Crime Severity Index
CDSA	Controlled Drugs and Substances Act
DO	Dangerous offender
EAH	Elder Assisted Hearings
GSS	General Social Survey
FPT	Federal, provincial and territorial
ICCS	Integrated Criminal Court Survey
ICWP	Indigenous courtwork program
IJP	Indigenous justice program
JUS	Department of Justice Canada
MCIT	Mobile crisis intervention teams
NJS	National Justice Survey
NRCP	Nationally Recognized Correctional Programs
OCI	Office of the Correctional Investigator
PBC	Parole Board of Canada
PHAC	Public Health Agency Canada
PS	Public Safety Canada
RCMP	Royal Canadian Mounted Police
RJ	Restorative Justice
SOCJS	State of the Criminal Justice System
STC	Statistics Canada

## Annex II – State of the Criminal Justice System Framework

The State of the Criminal Justice System Framework provides the foundation for understanding the state of the CJS. It provides a clear roadmap for further data development and data collection necessary to understand how the CJS is performing. The Department of Justice Canada (JUS) developed the Framework through extensive research and consultations with key federal, provincial, and territorial government partners, academics, community organizations, Canadians, and other experts in criminal justice policy, performance measurement, Indigenous justice, and Indigenous legal traditions.

The Framework presents nine high-level outcomes of the Canadian CJS, measured by 42 indicators (see below). Performance on these outcomes is monitored through an online interactive Dashboard, and the SOCJS Report. The Framework currently relies on data from JUS, the Correctional Service of Canada (CSC), the Office of the Correctional Investigator (OCI), the Parole Board of Canada (PBC) and Statistics Canada (STC).

Note: Framework indicators included in the analysis of this report are identified by an asterisk.

### **Outcome #1: Canadians are safe and individuals and families feel safe.**

- Police-reported crime\*
- Crime severity\*
- Self-reported victimization
- Satisfaction with personal safety from crime

### **Outcome #2: The CJS is fair and accessible.**

- Public perception that the CJS is fair to all people\*
- Public perception that the CJS is accessible to all people\*
- Pre-trial detention/remand\*
- Approved criminal legal aid applications\*
- Office of the Correctional Investigator complainants
- Clients served by the Indigenous Courtwork Program

### **Outcome #3: Canadians understand the role of and express confidence in the CJS.**

- Public awareness of the role of the CJS\*
- Public confidence in the police
- Public confidence in the Canadian criminal courts
- Victimization incidents reported to the police

**Outcome #4: The CJS operates efficiently.**

- Offence clearance rate\*
- Administration of justice offences\*
- Case completion time\*

**Outcome #5: The CJS promotes and supports diversion, RJ, Indigenous justice and tools for community-based resolution.**

- Drug treatment court program referrals
- Restorative justice program referrals
- Victims and offenders accepted into a restorative justice process
- Incarceration rate\*
- Criminal incidents cleared by referral to a diversionary program\*

**Outcome #6: The CJS provides persons in the correctional system with services and supports to rehabilitate them and integrate them back into the community.**

- Intensive Rehabilitative Custody and Supervision youth cases receiving specialized treatment
- Mental health services in federal corrections\*
- Correctional programs in federal corrections\*
- Educational programs in federal corrections\*
- Individuals under federal correctional supervision granted parole\*
- Successful completion of statutory release without revocation in federal corrections
- Individuals under federal correctional supervision who secure employment before their sentence ends\*
- Community release plan for Indigenous individuals in federal custody\*

**Outcome #7: The CJS respects victims' and survivors' rights and addresses their needs.**

- Individuals registered as a victim to receive information about an individual who harmed them\*
- Victim satisfaction with the actions taken by police

**Outcome #8: The CJS reduces the number of Indigenous people in the system.**

- Self-reported violent victimization among Indigenous individuals

- Police-reported homicide victims identified as Indigenous\*
- Police-reported homicide accused identified as Indigenous\*
- Indigenous adults and youth admissions to provincial/territorial correctional services\*
- Indigenous admissions to federal correctional services\*
- Indigenous individuals among the total federal offender population\*
- Indigenous individuals designated as dangerous offenders\*

**Outcome #9: The CJS reduces the number of marginalized and vulnerable individuals in the system.<sup>62</sup>**

- Visible minorities in federal corrections\*
- Self-reported violent victimization among marginalized and vulnerable populations
- Police contact among individuals with a mental or substance use disorder

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<sup>62</sup> This outcome is currently under review.