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Disparities in decision and sentencing outcomes between Indigenous accused and White accused in youth courts in Canada, 2016/2017 to 2022/2023

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Disparities in decision and sentencing outcomes between Indigenous accused and White accused in youth courts in Canada, 2016/2017 to 2022/2023: Key findings

- Between 2016/2017 and 2022/2023, Indigenous (First Nations, Métis and Inuit) youth accounted for 27% of all accused in youth courts but 8% of the youth population in Canada. Relative to their representation in the youth population, Indigenous accused were overrepresented in youth courts in all regions.
- First Nations youth, Métis youth, Inuit youth and youth with multiple Indigenous identities were all overrepresented in youth courts. Three-quarters (76%) of Indigenous youth accused were First Nations people, 19% were Métis, 3% were Inuit and 1% had multiple Indigenous identities.
- According to the Adjusted Relative Rate Index (ARRI), which measures the likelihood of a selected group encountering a given court outcome relative to a reference group encountering the same outcome—while controlling for the severity of the offence—Indigenous youth accused were overall slightly more likely (+6%) than their White counterparts to receive a guilty decision in court (including guilty pleas) between 2016/2017 and 2022/2023. This, however, differed for Inuit youth specifically, as they were less likely (-10%) to receive a guilty decision than White youth.
- Stays of proceedings were more likely (+18%) among Indigenous youth than White youth. The disparity was even higher for First Nations youth (+22% compared to White youth), whereas the disparity was relatively smaller for Métis (+7%) and Inuit (+6%) youth.
- Overall, Indigenous youth were less likely (-16%) to have their case result in a withdrawal, dismissal or discharge than White youth. This remained true for First Nations (-18%) and Métis (-12%) youth specifically, whereas Inuit youth were more likely (+15%) to have such an outcome.
- According to the ARRI, Indigenous youth found guilty of an offence were much more likely (+101%) than their White counterparts to receive a sentence of custody (including supervision) between 2016/2017 and 2022/2023. The disparity in custody sentences reached its highest point during the reference period in 2021/2022 (+200%).
- Among those who received a guilty decision, Indigenous youth were less likely (-10%) than White youth to receive probation as their most serious sentence. They were, however, more likely (+15%) to receive sentences of fines or community service.
- Indigenous youth who received a guilty decision were more likely (+26%) than guilty White youth to receive a sentence introduced under the *Youth Criminal Justice Act* (e.g., deferred custody and supervision, intensive support and supervision).

Disparities in decision and sentencing outcomes between Indigenous accused and White accused in youth courts in Canada, 2016/2017 to 2022/2023

by Ashley Maxwell, Shana Conroy and Mazdak Khorrami

In Canada, youth aged 12 to 17 who come in contact with the criminal justice system are treated under a legislative framework distinct from the one that applies to adults.¹ The *Youth Criminal Justice Act* (YCJA), enacted in 2003, emphasizes that youth are to be held accountable for their criminal behaviour in a way that is proportionate to their level of development and the seriousness of the offence they committed (*Youth Criminal Justice Act*, 2002). This is reflected in the YCJA's focus on extrajudicial measures,² which aim to divert youth outside of the formal court system at multiple stages of the criminal justice process (Bourgon, 2025). The Act also stipulates that custody is to be reserved for the most serious cases (*Youth Criminal Justice Act*, 2002).

Although the YCJA aims to reduce the reliance on court-based interventions and limit the use of custodial sentences (*Youth Criminal Justice Act*, 2002), administrative data and broader criminal justice research show that these objectives have not been experienced uniformly across all youth populations (Department of Justice Canada, 2024a; Love & Wiley, 2026; Sprott & Manson, 2017; Statistics Canada, 2026a). Similar to the patterns observed among Indigenous adults, Indigenous youth are overrepresented at every stage of the criminal justice process in Canada, from initial contact with police to court sentencing and custody (Alberton et al., 2023; Bressan & Coady, 2017; Clark, 2019; David & Mitchell, 2021; Department of Justice Canada, 2024b; Department of Justice Canada, 2019a; Doob & Sprott, 2007; Khorrami & Paquin-Marseille, 2025; Malakieh, 2018; Robinson et al., 2023; Statistics Canada, 2026a). This persistent overrepresentation is linked to several historical and ongoing factors—including colonization, the residential school system, the Sixties Scoop and the continued displacement of Indigenous children and youth away from their families into the child welfare system, intergenerational trauma, and systemic racism and discrimination—which have contributed to socioeconomic inequities and broader patterns of marginalization (Aguilar & Halseth, 2015; Bombay et al., 2009; National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019; Truth and Reconciliation Commission of Canada, 2015) (see Text box 1). These factors influence Indigenous peoples' experiences with social institutions—including the criminal justice system—and have contributed to patterns of contact that differ from those of non-Indigenous populations, highlighting the importance of examining whether criminal justice pathways and outcomes vary between Indigenous and White accused.

Using a linked data file from the Integrated Criminal Court Survey (ICCS) and the Census of Population, this *Juristat* article presents information on the court outcomes of Indigenous youth accused³ and White youth accused⁴ in youth courts in Canada from 2016/2017 to 2022/2023.⁵ The analysis primarily focuses on examining the disparities in court outcomes of these groups at the decision (e.g., guilty, stayed) and sentencing (e.g., custody, probation) stages of the court process using the Adjusted Relative Rate Index (ARRI; see Text box 2). Where possible, results are further disaggregated by Indigenous group—First Nations people, Métis and Inuit—to better reflect the different experiences and outcomes of these individuals, as Indigenous youth are not a homogenous group. Results are also presented by sociodemographic characteristics such as gender⁶ and age group.

It is important to note that the criminal justice system in Canada treats youth accused of a criminal offence differently than adults, in accordance with the provisions of the YCJA and its principle of diminished moral blameworthiness and culpability (*Youth Criminal Justice Act*, 2002). For this reason, drawing comparisons in court outcomes observed among youth to those observed among adults is not recommended.⁷ In addition, although this article does not account for the underlying drivers of court outcome disparities between Indigenous youth and White youth—such as the historical and ongoing consequences of colonization—these factors are recognized as integral to the interactions of Indigenous youth with the criminal justice system. The findings should therefore be interpreted within this broader, multifaceted context.

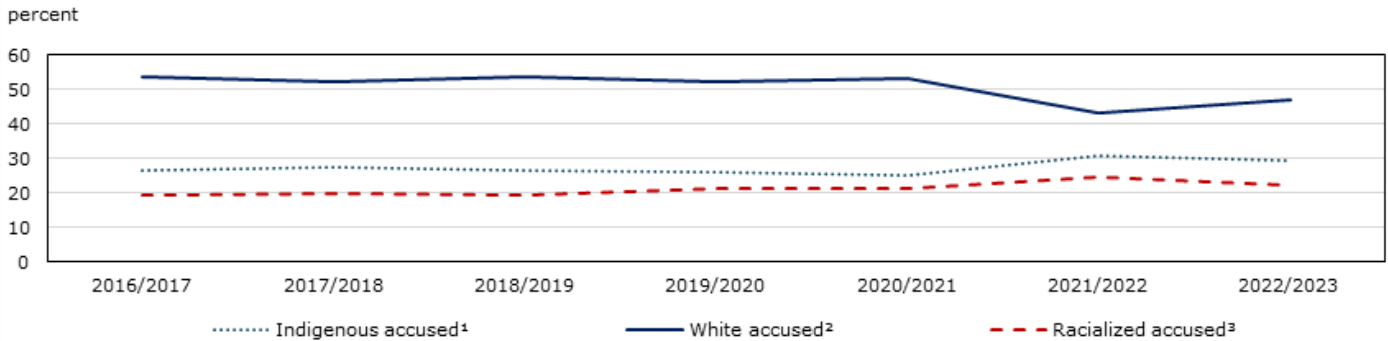
Characteristics of accused in youth courts

Indigenous youth are overrepresented as accused in youth courts

Between 2016/2017 and 2022/2023, there were approximately 30,530 cases involving Indigenous (First Nations, Métis and Inuit) accused persons aged 12 to 17 completed in youth courts in Canada. Indigenous youth represented 27% of all accused in youth courts over this period (Table 1).⁸ For reference, according to the 2021 Census of Population, 8% of the total youth population in Canada was Indigenous. In comparison, White youth represented 52% of accused in youth courts between 2016/2017 and 2022/2023, but they accounted for 60% of the total youth population in Canada in 2021.

The proportion of Indigenous youth accused fluctuated over the reference period; the lowest proportion being 25% in 2020/2021 and the highest, 31% in 2021/2022 (Chart 1). In contrast, the proportion of White youth accused was stable between 2016/2017 and 2020/2021, before declining to 43% in 2021/2022, its lowest point during the reference period.

Chart 1
Accused persons in youth courts, by identity group, Canada, 2016/2017 to 2022/2023



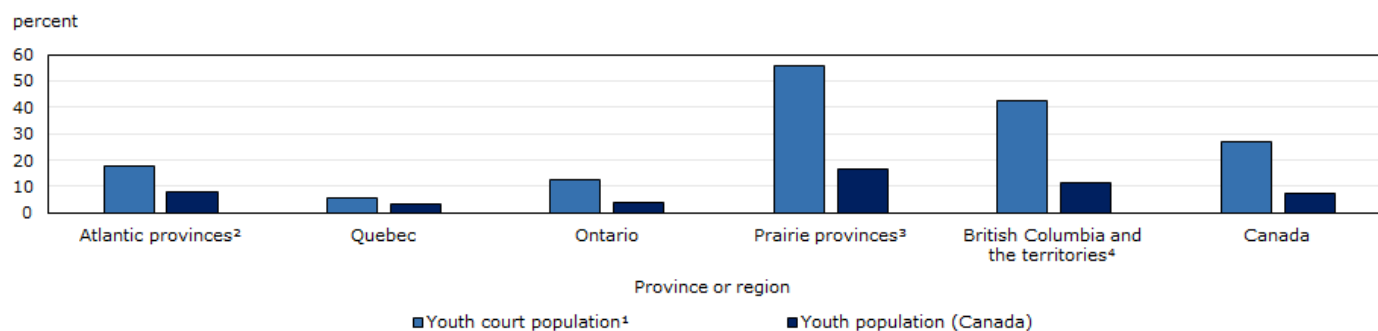
1. Indigenous accused persons include those who were identified as First Nations people, Métis and/or Inuit on the Census of Population's Indigenous group question. A person may be included in more than one of the three groups.
 2. White accused persons include those who were identified as White (and no other population group) on the Census of Population's population group question.
 3. Racialized accused persons include those who were identified as a member of a racialized group on the Census of Population's population group question. The concept of racialized populations is measured with the "visible minority" variable in the census.
Note: Includes accused persons with a completed case in youth courts who were aged 12 to 17 at the time of the offence. Data for Quebec were not available for 2021/2022 and 2022/2023. Excludes other groups not included elsewhere, which consist of non-Indigenous, non-racialized groups who were not identified as exclusively White on the Census of Population's population group question.
Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Integrated Criminal Court Survey and Census of Population linked file.

Of the Indigenous youth in court over this period, 76% were First Nations people, 19% were Métis, 3% were Inuit and 1% had multiple Indigenous identities (Table 2).⁹ Compared with their representation in the total youth population in Canada in 2021, First Nations youth, Métis youth, Inuit youth and youth with multiple Indigenous identities were all overrepresented in youth courts, with First Nations youth being overrepresented to the largest degree.¹⁰ In total, Indigenous accused and White accused accounted for four in five (79%) accused persons in youth courts between 2016/2017 and 2022/2023. The remaining youth accused were members of a racialized group¹¹ (21%) or another group¹² (1%).

Indigenous accused were overrepresented in youth courts across the country between 2016/2017 and 2022/2023. Notably, Indigenous youth accounted for 43% of the youth court population in British Columbia combined with the territories¹³ (Chart 2), which was nearly four times higher than their representation in the total youth population of this region (12%). Indigenous youth were also largely overrepresented in the Prairie provinces, where they accounted for 56% of the youth court population compared with 17% of the total youth population of these provinces. Indigenous youth were also notably overrepresented in youth courts in Ontario (13% versus 4%).¹⁴

Chart 2

Proportion of accused persons in youth courts and in the youth population who are Indigenous, by province or region, 2016/2017 to 2022/2023



1. Reflects the proportion during the total reference period (2016/2017 to 2022/2023).

2. Includes Newfoundland and Labrador, Prince Edward Island, Nova Scotia and New Brunswick.

3. Includes Manitoba, Saskatchewan and Alberta.

4. Includes British Columbia, Yukon, the Northwest Territories and Nunavut.

Note: Includes accused persons with a completed case in youth courts who were aged 12 to 17 at the time of the offence. Indigenous accused persons include those who were identified as First Nations people, Métis and/or Inuit on the Census of Population's Indigenous group question. A person may be included in more than one of the three groups. Data for Quebec were not available for 2021/2022 and 2022/2023. The youth population is based on data from the 2021 Census of Population. There are many factors that may influence variations between jurisdictions, comparisons should be made with caution.

Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Integrated Criminal Court Survey and Census of Population linked file.

Text box 1

Overrepresentation of Indigenous people in the criminal justice system

It is well documented that Indigenous (First Nations, Métis and Inuit) people are overrepresented in the criminal justice system in Canada, both as victims and survivors of crime, and as accused persons (Alberton et al., 2023; Bressan & Coady, 2017; Clark, 2019; David & Mitchell, 2021; Department of Justice Canada, 2024b; Department of Justice Canada, 2019a; Doob & Sprott, 2007; Khorrami & Paquin-Marseille, 2025; Malakieh, 2018; Robinson et al., 2023; Statistics Canada, 2026a). This overrepresentation is closely linked to the historical and ongoing impacts of colonial policies and practices, including residential schools, the Sixties Scoop (i.e., the removal of Indigenous children from their families into the child welfare system), and forced separation and relocation from Indigenous families and communities (Aguar & Halseth, 2015; Bombay et al., 2009; Department of Justice Canada, 2025; National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019; Truth and Reconciliation Commission of Canada, 2015). These policies have contributed to long-term inequalities, socioeconomic disadvantage and intergenerational trauma that continue to shape the present-day experiences and outcomes of Indigenous people in Canada. Systemic racism within various social institutions, including the criminal justice system (police, courts and corrections), further perpetuates these disparities.

Although much of the existing research surrounding overrepresentation of Indigenous people in the criminal justice system has focused on adults, Indigenous youth are also disproportionately represented in the criminal justice system. Compared with non-Indigenous youth, Indigenous youth experience higher levels of police contact, court involvement and custodial sentences. For example, Indigenous youth are more likely to experience over-policing through more frequent police stops, increased surveillance and higher charging rates than non-Indigenous youth, which can contribute to earlier and more persistent involvement in the criminal justice system (Alberton et al., 2023; Clark, 2019; David & Mitchell, 2021; Department of Justice Canada, 2025; Department of Justice Canada, 2019a; House of Commons Canada, 2021; National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019; Truth and Reconciliation Commission of Canada, 2015; Venczel, 2024). Research has also shown that disparities exist in the use of police-level extrajudicial measures—such as warnings, cautions and referrals—which are intended under the *Youth Criminal Justice Act* to divert youth away from formal charges (Bourgon, 2025). Some have suggested that Indigenous youth are less likely than non-Indigenous youth to benefit from these diversion options, potentially contributing to earlier and more frequent entry into the court system (Department of Justice Canada, 2021b). In court, Indigenous youth can face systemic disadvantages in court processes such as limited access to culturally appropriate legal supports and biases that can influence charging, plea bargaining and sentencing outcomes (Clark, 2019; Legal Aid Ontario, 2021; Office of the Correctional Investigator, 2013; Royal Commission on Aboriginal Peoples, 1996; Rudin, 2005; Truth and Reconciliation Commission of Canada, 2015). Indigenous youth also frequently receive custody sentences at much higher rates than non-Indigenous youth, which is

disproportionate to their representation in the youth population (Department of Justice Canada, 2024b; Office of the Correctional Investigator, 2022). For example, in 2022/2023, Indigenous youth accounted for 41% of the youth admissions to correctional facilities (Statistics Canada, n.d.), despite representing 8% of Canada's youth population.

In recent years, sustained efforts have been made to reduce the overrepresentation of Indigenous people in the criminal justice system, and various commissions and inquiries have continued to highlight the need to address these persistent disparities (Assembly of First Nations, 2025; Congress of Aboriginal Peoples, 2024; National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019; Truth and Reconciliation Commission of Canada, 2015). Key Supreme Court of Canada decisions, *R. v. Gladue* (1999) and *R. v. Ipeelee* (2012), affirmed that the history of Indigenous populations—including historical and systemic factors—must be considered when sentencing Indigenous offenders as these factors may have impacted an Indigenous person's circumstances and contributed to their involvement with the criminal justice system. Culturally appropriate alternatives to custody must also be evaluated. In some jurisdictions, Gladue courts have been established, which provide a specialized setting where Gladue principles are applied more consistently through dedicated processes, reports and supports, helping ensure that sentencing decisions reflect the unique circumstances of Indigenous people (Maurutto & Hannah-Moffat, 2016). Many judges in various jurisdictions have also undertaken Gladue-related training to strengthen their understanding of Indigenous histories to appropriately apply Gladue principles. Additional initiatives, such as the Indigenous Courtwork Program (Department of Justice Canada, n.d.-a), community-based justice programs such as the Indigenous Justice Program (Department of Justice Canada, 2021a), restorative justice approaches,^{15 16} and Indigenous-led services have also been established to provide culturally grounded alternatives to traditional court processes.

However, despite these efforts, evidence continues to show that disparities in criminal justice outcomes persist for Indigenous adults and youth in Canada (Clark, 2019; Department of Justice Canada, 2024b; Khorrami & Paquin-Marseille, 2025; Saghbini et al., 2021). Structural inequities, limited availability of culturally appropriate programming and the inconsistent application of Gladue principles contribute to ongoing challenges in reducing overrepresentation (Department of Justice Canada, 2023; Ndegwa et al., 2023). Critics have also argued that many of these initiatives and approaches do not adequately address the root causes of overrepresentation and limit progress on reconciliation (Department of Justice Canada, 2023; Truth and Reconciliation Commission of Canada, 2015).

Ongoing data collection, collaborative analysis and engagement with Indigenous communities remain essential to understanding and addressing the factors that shape Indigenous peoples' experiences within the criminal justice system.

While most youth accused are boys, girls account for a larger proportion of accused among Indigenous youth than White youth

Between 2016/2017 and 2022/2023, two-thirds (66%) of Indigenous youth accused were boys (Table 2).¹⁷ Girls accounted for a larger proportion of accused among Indigenous youth (34%) than White youth (22%).

Among Indigenous youth, just over half (54%) of accused were aged 16 to 17, while the remainder (46%) were aged 12 to 15. The age distribution of White youth was similar (56% and 44%, respectively).

Violent offences represent a smaller share of cases among Indigenous youth than White youth

Cases where a violent crime was identified as the most serious offence were the most common among both Indigenous youth (37%) and White youth (47%) accused between 2016/2017 and 2022/2023 (Table 2); however, proportionally, violent offences represented a much larger share of the total caseload among White youth.^{18 19} This disparity may reflect differences in police-level diversion practices. Existing research suggests that systemic biases often result in fewer diversionary outcomes (such as warnings or referrals) for Indigenous youth, who are consequently more likely than their non-Indigenous counterparts to have less serious or non-violent incidents formally charged and processed by the courts (Corrado et al., 2014; Department of Justice Canada, 2025; Truth and Reconciliation Commission of Canada, 2015; Venczel, 2024). After violent crime cases, property crime offences made up the next largest proportion of cases among both Indigenous and White youth (32% and 28%, respectively).

Although administration of justice offence cases represented a small proportion of all cases completed in youth courts for both Indigenous (11%) and White (5%) accused over the study period, they accounted for a larger proportion of the total caseload for Indigenous youth than White youth. This category includes the offences of failure to appear in court, breach of probation, failure to comply with a court order and being unlawfully at large, among others. Most of these offences are related to an individual not abiding by a pre-trial condition or a sentence that was imposed for a previous criminal offence and are an indication of prior involvement with the criminal justice system (Burczycka & Munch, 2015).

Previous research has suggested that Indigenous people are more likely than their non-Indigenous counterparts to be charged and convicted of administration of justice offences (Orsi & April, 2013; Pedneault et al., 2024), often due to systemic barriers that result in more restrictive and unrealistic conditions for Indigenous offenders (Department of Justice Canada, 2021a). For instance, Indigenous people living in rural areas may receive bail conditions that are more difficult for them to abide by—such as staying away from certain individuals who may live close to them in their small, Indigenous communities—which can result in breaches of conditions and subsequently additional administration of justice charges in court. Research has also shown that administration of justice offences play a large role in reconvictions among both Indigenous and non-Indigenous populations (Burczycka et al., 2026), and that they create a “revolving door” for people already involved in the criminal justice system (Department of Justice Canada, 2021a).

In terms of gender differences among Indigenous youth accused, the same pattern emerged for boys and girls: violent offences were most common (37% among boys and 38% among girls), followed by property crimes (32%, respectively). Relatively small proportions of boys (10%) and girls (13%) were accused of administration of justice offences.

Some differences did emerge according to Indigenous group. Offence patterns for First Nations (37% violent offences, 32% property crimes and 11% administration of justice offences) and Métis (38%, 31% and 11%, respectively) youth followed the general trend. Among Inuit youth, a similar proportion were accused of property crime (34%); however, violent offences were more common (48%), while administration of justice offences were less common (4%).

Indigenous youth have more prior convictions than White youth

Research has shown that Indigenous people who encounter the criminal justice system are more likely than their White counterparts to have prior convictions, a pattern linked to longstanding disparities in policing and justice system responses (Burczycka et al., 2026; Statistics Canada, 2026b). For instance, Indigenous youth often experience over-policing and biased charging practices, both of which increase their likelihood of early involvement with the criminal justice system (Alberton et al., 2023; Clark, 2019; David & Mitchell, 2021; Department of Justice Canada, 2019a; House of Commons Canada, 2021; National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019; Truth and Reconciliation Commission of Canada, 2015; Venczel, 2024). They are also disproportionately charged with administration of justice offences—often linked to more restrictive conditions and closer monitoring—which further contribute to the accumulation of prior convictions (Department of Justice Canada, 2021a).

Between 2016/2017 to 2022/2023, a larger proportion of Indigenous youth accused than White youth accused had at least one prior conviction (35% versus 22%) (Table 2), meaning that they had been found guilty of a criminal charge within the past 10 years.²⁰ More specifically, it was slightly more common for Indigenous youth to have one to two prior convictions (10%) or three to four prior convictions (6%) compared with White youth (8% and 4%, respectively). However, the proportion of Indigenous youth who had five or more prior convictions was twice that of their White counterparts (19% versus 9%). When it came to prior convictions for a violent offence specifically, one in five (20%) Indigenous youth had such a conviction, compared to about one in seven (14%) White youth.

Among Indigenous youth, it was more common for boys (38%) than girls (30%) to have at least one prior conviction. The proportions of First Nations (36%) and Métis (35%) youth that had at least one prior conviction were similar, whereas this was much less common among Inuit youth (18%).

Text box 2

Adjusted Relative Rate Index

The analysis that follows focuses on disparities in court decision and sentencing outcomes of Indigenous and White youth accused using the Adjusted Relative Rate Index (ARRI). The ARRI measures the likelihood of a selected group (Indigenous youth accused) encountering an outcome (e.g., guilty decision or custodial sentence) relative to a reference group (White youth accused) encountering the same outcome. The ARRI accounts for the severity of the most serious offence in the case, which ensures that any observed differences in outcomes are not due to differences in crime severity between the two groups.²¹

In this article, ARRI values are presented as positive and negative percentages. Positive percentages indicate that Indigenous youth accused are more likely to experience a given court outcome relative to their White counterparts, while negative percentages indicate that they are less likely. For the purposes of analysis, differences of 4% or less are considered to reflect no disparity between groups. In other words, if differences fall between -4% and +4%, Indigenous and White youth accused are considered equally likely to encounter the outcome in question.²² For more information on the ARRI, see Text box 3 in Khorrami & Paquin-Marseille, 2025.

The analysis of court decisions will focus on whether Indigenous youth are more or less likely than White youth to 1) be found guilty,²³ 2) have their case stayed,²⁴ or 3) have their charges withdrawn, have their case dismissed or be discharged before the trial.²⁵ Due to small counts, disparities in acquittals²⁶ and other decisions²⁷ are not examined in this article.

The analysis of court sentences will focus on whether Indigenous youth who have been found guilty of an offence are more or less likely than White youth to receive a sentence²⁸ of 1) custody (including supervision),²⁹ 2) probation,³⁰ 3) fine or community service, or 4) deferred custody and supervision or intensive support and supervision or an order to attend a non-residential program or a reprimand.³¹ Due to small counts, ARRI values could not be calculated by type of Indigenous group (First Nations people, Métis, Inuit) for the various sentence types, nor could they be calculated for length of custodial sentences, intensive rehabilitative custody and supervision sentences, conditional sentences and other youth sentences.³² For more information on youth sentences, see Text box 4.

Disparities in court decisions

Indigenous youth overall slightly more likely than White youth to receive a guilty decision between 2016/2017 and 2022/2023, but this varied by year and differed for Inuit youth

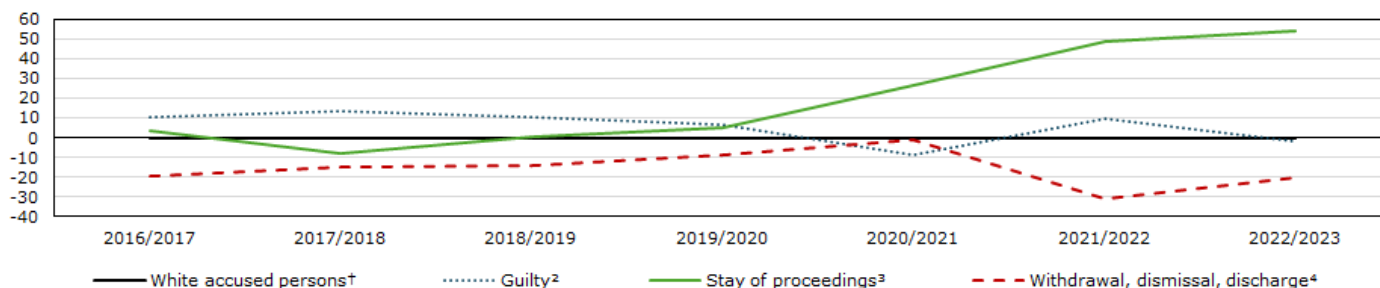
Accused persons are required to plead guilty or not guilty when they first appear in court. If they plead not guilty, they may proceed to trial where they may be found guilty and convicted of an offence. In this article, “guilty decisions” include findings of guilt and guilty pleas.³³

According to the ARRI, which accounts for crime severity, Indigenous youth were overall slightly more likely (+6%) to receive a guilty decision than their White counterparts between 2016/2017 and 2022/2023 (Table 3). This, however, varied by year. For instance, compared to White youth, Indigenous youth were 13% more likely to receive a guilty decision in 2017/2018, but they were 9% less likely in 2020/2021 (Chart 3). Notably, Indigenous youth were more likely than White youth to receive a guilty decision in five of the seven reference years.

Chart 3

Case decisions for Indigenous accused persons relative to White accused persons in youth courts, Canada, 2016/2017 to 2022/2023

Adjusted Relative Rate Index¹



† reference category

1. The Adjusted Relative Rate Index (ARRI) measures the likelihood of Indigenous (First Nations, Métis and Inuit) accused persons encountering a specific court decision relative to White accused persons, controlling for the severity of the most serious offence in the case based on standard Crime Severity Index weights. ARRI values are presented as positive and negative percentages. Positive percentages indicate that Indigenous youth accused are more likely to experience a given court outcome relative to White youth accused, while negative percentages indicate that they are less likely. For the purposes of analysis, differences of 4% or less are considered to reflect no disparity between groups. In other words, if differences fall between -4% and +4%, then Indigenous youth accused and White youth accused are considered equally likely to encounter the outcome in question.

2. Guilty findings include guilty of the charged offence, of an included offence, of an attempt of the charged offence, or of an attempt of an included offence. This category also includes guilty pleas and cases where an absolute or conditional discharge has been imposed.

3. A stay of proceedings means that the Crown stops the prosecution against the accused, and that the case is put on hold temporarily or permanently.

4. Includes withdrawals, dismissals and discharges at preliminary inquiry as well as court referrals to alternative or extrajudicial measures and restorative justice programs. These decisions all refer to the court stopping criminal proceedings against the accused.

Note: Includes accused persons with a completed case in youth courts who were aged 12 to 17 at the time of the offence. Indigenous accused persons include those who were identified as First Nations people, Métis and/or Inuit on the Census of Population's Indigenous group question. A person may be included in more than one of the three groups. White accused persons include those who were identified as White (and no other population group) on the Census of Population's population group question. Data for Quebec were not available for 2021/2022 and 2022/2023. Due to small counts, disparities in acquittals and other decision types are not examined in this article.

Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Integrated Criminal Court Survey and Census of Population linked file.

Between 2016/2017 and 2022/2023, First Nations and Métis youth were slightly more likely to receive a guilty decision than White youth (+5% and +10%, respectively) (Table 4). In contrast, Inuit youth were less likely (-10%) to receive a guilty decision than their White counterparts.

Research has discussed the tendency among certain accused, including Indigenous persons, to accept guilty pleas to gain access to supports or programs that are contingent on doing so, or because they may hold a deep mistrust of the justice process (Bressan & Coady, 2017; Clark, 2019; Rudin, 2005). A lack of sufficient legal representation may also contribute to this pattern, as accused—and Indigenous accused in particular—may not receive adequate advice about their rights, the implications of a guilty plea, or the legal options available to them. National inquiries and evaluations have identified systemic barriers such as under-resourced legal aid, limited access to culturally informed counsel, and inconsistent legal guidance as factors that can shape plea decisions among Indigenous people (Royal Commission on Aboriginal Peoples, 1996; Rudin, 2005; Truth and Reconciliation Commission of Canada, 2015). As a result, Indigenous accused may be more inclined to accept plea agreements or plead guilty prematurely, even when alternative pathways and viable defences exist (Clark, 2019; Legal Aid Ontario, 2021; Office of the Correctional Investigator, 2013).

Indigenous youth in Quebec (+7%), the Prairie provinces (+6%) and British Columbia combined with the territories (+6%) had slightly higher disparities for guilty decisions compared to White youth in those areas (Table 3).³⁴ There was no disparity in guilty decisions between the two groups in the Atlantic provinces and Ontario.³⁵ It should be noted that some provinces—such as New Brunswick, Quebec and British Columbia—use pre-charge screening, which is a formal process that involves the Crown prosecutor (as opposed to the police) determining whether a criminal charge is laid and proceeds to court. This practice generally results in higher proportions of guilty decisions and lower proportions of stays or withdrawals in these provinces, as only those charges that the Crown believes have a reasonable prospect of conviction are laid and proceed to court (Lindsay, et al., 2023; Public Prosecution Service of Canada, 2014).

Indigenous youth overall slightly more likely to receive a guilty decision regardless of gender and age group

Regardless of gender, Indigenous youth were overall slightly more likely than White youth to receive a guilty decision (+6% for boys and +7% for girls) between 2016/2017 and 2022/2023 (Table 3). These disparities were similar among First Nations and Métis youth. However, among Inuit youth, both boys and girls were less likely to receive a guilty decision compared to their White counterparts (both -9%) (Table 4).

Similarly, Indigenous youth were slightly more likely to receive a guilty decision whether they were aged 12 to 15 (+6%) or 16 to 17 (+5%) (Table 3). The difference remained higher for First Nations youth aged 12 to 15 (+5%) and Métis youth (+10% for both those aged 12 to 15 and those aged 16 to 17) (Table 4). In contrast, Inuit youth were less likely to receive a guilty decision (-9% for those aged 12 to 15 and -11% for those aged 16 to 17).

Regardless of most serious offence and prior convictions, Indigenous youth slightly more likely to receive a guilty decision

Indigenous youth were slightly more likely than White youth to receive a guilty decision for nearly all types of crime between 2016/2017 and 2022/2023, including violent offences (+5%), property crimes (+7%), administration of justice offences (+6%) and other offences³⁶ (+6%) (Table 3). There was no disparity in guilty decisions for other *Criminal Code* offences, such as weapons offences.

Indigenous youth with no prior conviction (+6%) and with at least one prior conviction (+5%) were slightly more likely than their White counterparts to receive a guilty decision in court. This pattern generally remained regardless of the number of prior convictions, and for those with and without a prior conviction for a violent offence. As previously noted, Indigenous accused tend to have more previous convictions than their non-Indigenous counterparts, due to broader patterns of differential contact with the criminal justice system and systemic bias (Burczycka et al., 2026; Statistics Canada, 2026b). However, disparities in guilty decisions among those with no prior convictions indicate that these differences cannot be explained by criminal history alone.

Indigenous youth overall more likely than their White counterparts to have their case stayed, with the highest disparity among First Nations youth

A stay of proceedings means that the Crown or judge stops the prosecution against the accused, and that the case is put on hold temporarily or permanently.^{37 38} Stays are not a finding of guilt or a determination of innocence and there are many reasons a case may be stayed in youth court—such as an abuse of process, infringement on the rights of the accused³⁹ and the use of diversionary measures (e.g., community service, writing an apology letter).

According to the ARRI, a stay of proceedings was overall more likely (+18%) among Indigenous youth than White youth between 2016/2017 and 2022/2023 (Table 3). The disparity for stays of proceedings has increased year over year since 2018/2019, with Indigenous youth far more likely (+54%) to encounter a stay of proceedings in 2022/2023 (Chart 3). First Nations (+22%) youth were far more likely to encounter a stay of proceedings than White youth between 2016/2017 and 2022/2023, while the differences—compared to White youth—were slightly higher for Métis (+7%) and Inuit (+6%) youth (Table 4).

It is possible that the use of post-charge diversionary measures aimed at supporting Indigenous youth contributes to this disparity, as these approaches may result in a greater proportion of charges being stayed or withdrawn in court. In addition, research has suggested that over-policing and differential charging practices affecting Indigenous populations may increase the likelihood that Indigenous youth are charged in situations where non-Indigenous youth may be diverted earlier in the process or not charged at all (Alberston et al., 2023; Clark, 2019; David & Mitchell, 2021; Department of Justice Canada, 2019a; House of Commons Canada, 2021; National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019; Truth and Reconciliation Commission of Canada, 2015; Venczel, 2024). These systemic factors can lead to a higher volume of cases involving Indigenous youth entering the court system, which in turn may influence observed disparities in the proportion of charges that are ultimately stayed or withdrawn.

In general, Indigenous youth were overall more likely to encounter a stay of proceedings regardless of their gender (+18% for boys and +16% for girls) and age group (+18% for those aged 12 to 15 and +19% for those aged 16 to 17) (Table 3). Compared to White youth, the disparity was highest for First Nations boys (+23%) and girls (+19%), while the disparity was

relatively smaller among Métis boys and girls (+6% and +5%, respectively), and Inuit boys (+5%) (Table 4). A pattern similar to gender emerged for age, with the largest differences noted among First Nations youth (+22% for those aged 12 to 15 and +23% for those aged 16 to 17).

Stays of proceedings more likely for Indigenous youth regardless of most serious offence and prior convictions

Between 2016/2017 and 2022/2023, Indigenous youth were more likely than White youth to encounter a stay of proceedings regardless of the most serious offence in the case, whether it was a violent offence (+19%), a property crime (+17%), an administration of justice offence (+17%), another *Criminal Code* offence (+24%) or another offence (+18%) (Table 3). This disparity remained whether Indigenous youth had at least one prior conviction (+19%) or no prior conviction (+18%).

Indigenous youth overall less likely than their White counterparts to have their case withdrawn, dismissed or discharged, but this differed for Inuit youth

In youth courts, proceedings may conclude through a withdrawal, dismissal or discharge. These outcomes are grouped for this analysis as they all represent the ending of formal criminal proceedings. A withdrawal occurs when the Crown discontinues a prosecution, typically due to an insufficient prospect of conviction or because the proceedings do not serve the public interest. A dismissal is ordered at the discretion of the presiding judge, whereas a discharge may occur following a preliminary inquiry⁴⁰ where evidence is deemed insufficient to proceed to trial. In addition, a discharge may be granted when a court refers an accused to alternative or extrajudicial measures⁴¹ and restorative justice programs.^{42 43}

According to the ARRI, Indigenous youth were less likely (-16%) to have their case result in a withdrawal, dismissal or discharge than their White counterparts between 2016/2017 and 2022/2023 (Table 3). This pattern was consistent year over year, except in 2020/2021 when there was no disparity—likely the result of courts shifting their operations during the onset of the COVID-19 pandemic (Chart 3). The largest difference was noted in 2021/2022, when Indigenous youth were far less likely (-31%) to receive a withdrawal, dismissal or discharge than White youth.

First Nations (-18%) and Métis (-12%) youth were less likely to experience a withdrawal, dismissal or discharge between 2016/2017 and 2022/2023 (Table 4). Inuit youth, however, were more likely (+15%) than their White counterparts to have this outcome.

Regardless of gender and age group, Indigenous youth were less likely to experience a withdrawal, dismissal or discharge (-16% for both boys and girls, and -16% for those aged 12 to 15 and -15% for those aged 16 to 17) between 2016/2017 and 2022/2023 (Table 3). This disparity was similar for First Nations and Métis youth. Inversely, Inuit youth were more likely to have this outcome (+15% for both boys and girls, and +14% for those aged 12 to 15 and +17% for those aged 16 to 17) (Table 4).

Withdrawals, dismissals and discharges less likely for Indigenous youth regardless of the most serious offence in the case and prior convictions

When it came to the most serious offence in the case, between 2016/2017 and 2022/2023, Indigenous youth were less likely than White youth to experience a withdrawal, dismissal or discharge for violent offences (-16%), property offences (-18%) and all other types of offences (Table 3).

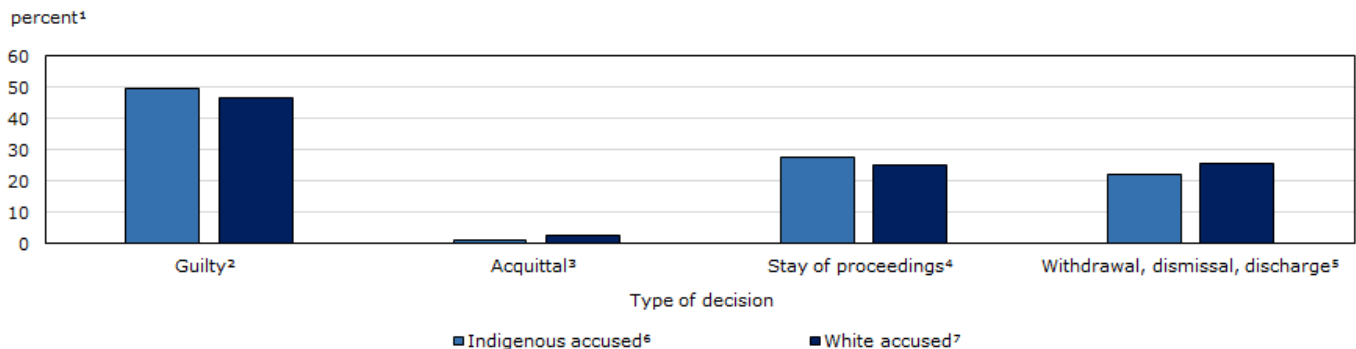
Indigenous youth were also less likely than White youth to have their case result in a withdrawal, dismissal or discharge, whether they had a prior conviction (-15%) or no prior conviction (-16%). The disparity was consistently lower among Indigenous youth regardless of the number of prior convictions.

Text box 3 Frequency of decision outcomes

Although the Adjusted Relative Rate Index (ARRI) highlights disparities in the relative likelihood of different court outcomes (see Text box 2), it does not convey how common each outcome is. Highlighting the proportion of youth in each group who experience a given outcome demonstrates how frequently these outcomes occur within the youth court system. However, it is important to note that differences in proportions do not account for crime severity. Therefore, using ARRI values alongside proportions can provide a more complete understanding of both the magnitude of disparities in court outcomes as well as the frequency of each outcome.

Between 2016/2017 and 2022/2023, a slightly larger—though comparable—proportion of Indigenous youth received a guilty decision in youth courts in Canada compared to White youth (49% versus 47%) (Chart 4). More specifically, 49% of First Nations youth, 51% of Métis youth and 45% of Inuit youth received a guilty decision.

Chart 4
Indigenous accused persons and White accused persons in youth courts, by type of case decision, Canada, 2016/2017 to 2022/2023



1. Reflects the proportion during the total reference period (2016/2017 to 2022/2023).

2. Guilty findings include guilty of the charged offence, of an included offence, of an attempt of the charged offence, or of an attempt of an included offence. This category also includes guilty pleas and cases where an absolute or conditional discharge has been imposed.

3. Acquitted means that the accused has been found not guilty of the charges presented before the court.

4. A stay of proceedings means that the Crown stops the prosecution against the accused, and that the case is put on hold temporarily or permanently.

5. Includes withdrawals, dismissals and discharges at preliminary inquiry as well as court referrals to alternative or extrajudicial measures and restorative justice programs. These decisions all refer to the court stopping criminal proceedings against the accused.

6. Indigenous accused persons include those who were identified as First Nations people, Métis and/or Inuit on the Census of Population's Indigenous group question. A person may be included in more than one of the three groups.

7. White accused persons include those who were identified as White (and no other population group) on the Census of Population's population group question.

Note: Includes accused persons with a completed case in youth courts who were aged 12 to 17 at the time of the offence. Data for Quebec were not available for 2021/2022 and 2022/2023. The category of "other" decision is not shown, which accounted for 1% of decisions among Indigenous accused and 1% among White accused. Due to small counts, disparities in acquittals and other decision types are not examined in this article.

Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Integrated Criminal Court Survey and Census of Population linked file.

During this period, 27% of Indigenous youth encountered a stay of proceedings compared with 25% of White youth. Among Indigenous youth, 28% of First Nations youth, 24% of Métis youth and 22% of Inuit youth had their case result in a stay.

A somewhat smaller proportion of Indigenous youth received a withdrawal, dismissal or discharge compared to White youth (22% versus 25%) between 2016/2017 and 2022/2023. More specifically, 21% of First Nations youth, 23% of Métis youth and 30% of Inuit youth experienced a withdrawal, dismissal or discharge.

The remaining Indigenous youth were acquitted (1%), or they received another decision type (1%), which includes, among others, decisions of not criminally responsible. The comparable proportions among White youth were 2% and 1%, respectively.⁴⁴

Disparities in sentencing outcomes

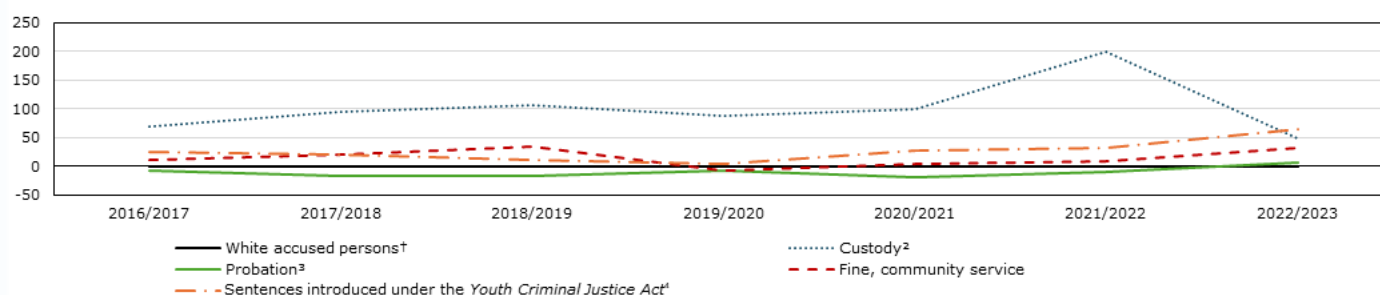
Following a guilty decision, Indigenous youth much more likely than White youth to receive a custodial sentence between 2016/2017 and 2022/2023

A custody (including supervision) sentence under the YCJA requires that a young person serve the first portion of their sentence in a youth custody facility, followed by a mandatory period of community supervision intended to support their rehabilitation. The YCJA stipulates that serious interventions, such as custody sentences should be reserved for the most serious crimes, reflecting the Act's focus on proportionality, rehabilitation and minimal use of incarceration (see Text box 4) (*Youth Criminal Justice Act*, 2002).

According to the ARRI—which accounts for the most serious type of offence—Indigenous youth who received a guilty decision were overall much more likely (+101%) to receive a custodial sentence than their White counterparts between 2016/2017 and 2022/2023 (Table 5).^{45 46 47} Although this trend remained consistent over the reference period, it was marked by some large year-over-year fluctuations. For instance, the disparity was largest in 2021/2022, when Indigenous youth were 200% more likely to receive such a sentence, before dropping to its lowest point in 2022/2023 (+48%) (Chart 5).

Chart 5
Sentencing outcomes for Indigenous persons relative to White persons who received a guilty decision in youth courts, Canada, 2016/2017 to 2022/2023

Adjusted Relative Rate Index¹



† reference category

1. The Adjusted Relative Rate Index (ARRI) measures the likelihood of Indigenous (First Nations, Métis and Inuit) accused persons encountering a specific sentencing outcome relative to White accused persons, controlling for the severity of the most serious offence in the case based on standard Crime Severity Index weights. ARRI values are presented as positive and negative percentages. Positive percentages indicate that Indigenous youth accused are more likely to experience a given court outcome relative to White youth accused, while negative percentages indicate that they are less likely. For the purposes of analysis, differences of 4% or less are considered to reflect no disparity between groups. In other words, if differences fall between -4% and +4%, then Indigenous youth accused and White youth accused are considered equally likely to encounter the outcome in question.

2. Custodial sentences include custody and supervision orders and custody and conditional supervision orders for murder. They also include unspecified types of custody or supervision, such as youth custodial sentences administered under the *Young Offenders Act* or an adult custodial sentence.

3. Probation is mandatory in cases where the accused is given a conditional discharge or a suspended sentence.

4. Includes deferred custody and supervision, intensive support and supervision, non-residential program and reprimand. These sentences were introduced under the *Youth Criminal Justice Act* effective April 1, 2003.

Note: Includes accused persons with a completed case in youth courts who were aged 12 to 17 at the time of the offence. Indigenous accused persons include those who were identified as First Nations people, Métis and/or Inuit on the Census of Population's Indigenous group question. A person may be included in more than one of the three groups. White accused persons include those who were identified as White (and no other population group) on the Census of Population's population group question. Data for Quebec were not available for 2021/2022 and 2022/2023. It is possible to receive more than one sentence type in relation to a guilty charge in a case. Only the most serious sentence in the case is represented. Due to small counts, disparities in intensive rehabilitative custody and supervision sentences, conditional sentences and other sentence types are not examined in this article.

Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Integrated Criminal Court Survey and Census of Population linked file.

With the onset of the COVID-19 pandemic, many courts implemented measures to reduce custodial populations across the country in response to public health and safety considerations (Department of Justice Canada, 2022; Khorrami & Paquin-Marseille, 2025). However, these measures appear to have had a limited impact on Indigenous youth, who remained substantially more likely than White youth to receive custody sentences during this period. The disparity widened throughout the early years of the pandemic: the gap in custody sentences was 87% higher for Indigenous youth than White youth in 2019/2020, increasing to 99% in 2020/2021 and peaking at 200% in 2021/2022. By 2022/2023, the gap narrowed, falling to 48%—a level lower than that observed pre-pandemic.

According to the ARRI, between 2016/2017 and 2022/2023, Indigenous youth were more likely than White youth to receive a custody sentence, regardless of gender and age group (Table 5). The gap between Indigenous youth and White youth was larger among girls (+110%) than boys (+102%), and among those aged 16 to 17 (+106%) than those aged 12 to 15 (+95%).

These findings align with broader research on the overrepresentation of Indigenous people in Canada's correctional system (Office of the Correctional Investigator, 2022; Robinson et al., 2023; Statistics Canada, 2026a). For instance, in 2022/2023,

Indigenous youth accounted for 41% of youth admissions to provincial and territorial correctional services (Statistics Canada, n.d.), despite accounting for approximately 8% of the youth population in Canada in 2021. This overrepresentation is particularly pronounced among Indigenous girls, who accounted for 55% of the incarcerated population of girls, while Indigenous boys accounted for 44% of the incarcerated population of boys (Department of Justice Canada, 2024b).

Between 2016/2017 and 2022/2023, Indigenous youth were consistently more likely than White youth to receive custody sentences across all provinces and regions. The disparity was most pronounced in British Columbia combined with the territories (+139%), followed by the Atlantic provinces (+121%) (Table 5). Although these figures highlight significant regional variance, it is important to note that court outcomes—much like police-reported crime patterns—may be influenced by varying jurisdictional practices and community characteristics (Cotter, 2025).

Text box 4

Youth sentences under the *Youth Criminal Justice Act*

Aside from outlining the ways in which youth should be dealt with by the youth criminal justice system, the *Youth Criminal Justice Act* (YCJA) also sets out the sentencing framework for young persons who are found guilty. This framework is intended to ensure that youth are held accountable through meaningful consequences for their criminal behaviour that promote their rehabilitation and reintegration into society, while also proportionate to the seriousness of the crime they committed (*Youth Criminal Justice Act*, 2002).

Sentencing options available under the YCJA include, among others, reprimands, discharges (with or without conditions), community service, fines, compensation, restitution, probation, orders into intensive support and supervision programs and participation in non-residential programs. Some of these options did not exist under the repealed *Young Offenders Act*, which previously governed youth criminal justice in Canada. The YCJA also introduced a significant shift toward community-based sentences and reduced reliance on custody.

For youth found guilty of the most serious criminal offences—such as violent offences—a custodial sentence may be considered appropriate. However, under the YCJA, custody (including supervision) sentences are only supposed to be imposed when other sentencing options are deemed insufficient to hold the youth accountable. In certain exceptional circumstances, a youth may also be sentenced as an adult (*Youth Criminal Justice Act*, 2002).

In addition, the YCJA also introduced intensive rehabilitative custody orders for youth who have committed either serious violent offences or offences causing serious bodily harm, and who have a mental health issue or disorder, a psychological disorder or emotional disturbance. This type of sentence allows youth to receive intensive treatment and services while in custody and under conditional supervision in the community (Department of Justice Canada, 2013; Department of Justice Canada, n.d.-b).⁴⁸

Indigenous youth much more likely to receive custody, regardless of offence type and prior convictions

Disparities in custody sentences also varied by offence type. Between 2016/2017 and 2022/2023, Indigenous youth who were found guilty were much more likely to receive a sentence of custody than their White counterparts for all types of offences. The largest gaps were between Indigenous youth and White youth who were guilty of a property crime (+120%), an administration of justice offence (+112%), a violent offence (+110%) or another *Criminal Code* offence (+109%) (Table 5). The gap for custody sentences was relatively smaller—but still substantial—when the most serious offence in the case was another type of offence⁴⁹ (+92%).

Between 2016/2017 and 2022/2023, Indigenous youth with no prior convictions (+102%) and with at least one prior conviction (+104%) were more likely to receive a custody sentence than their White counterparts (Table 5). The disparity was largest among those with five or more prior convictions (+119%). These findings indicate that sentencing outcomes are not fully explained by variations in criminal history alone, suggesting that judicial decision-making involves factors beyond prior record.⁵⁰ Further, the results also suggest a compounding effect as Indigenous youth become more entrenched in the criminal justice system.

In recognition of these persistent disparities, the Canadian legal system utilizes Gladue principles (*R. v. Gladue*, 1999). As detailed in Text box 1, judges sentencing Indigenous persons consider Gladue factors, often presented to the court through a Gladue report, which provide individualized information on the systemic and background factors—including colonization, forced assimilation and systemic racism—which may have shaped an Indigenous person's circumstances and contributed to their involvement with the criminal justice system (Office of the Commissioner for Federal Judicial Affairs, 2025). Although the intent of these reports is to provide a remedial framework to address overrepresentation, the data highlight the ongoing challenges of breaking the cycle of incarceration, particularly for those with the most extensive prior contact with the courts.

According to the ARRI, when considering prior convictions for a violent offence specifically, Indigenous youth were much more likely than White youth to receive a custody sentence regardless of whether they had this type of conviction (+102% for those with no prior violent conviction and +101% for those with a prior violent conviction).

Indigenous youth less likely than their White counterparts to receive probation

Compared to custody, probation is a less restrictive type of sentence and is the type most frequently imposed by the courts. It can be imposed on its own but is often ordered alongside other types of sentences. Probation allows an offender to serve their sentence in the community under conditions prescribed in the probation order. These conditions can include, for example, reporting regularly to a probation officer, attending counselling or treatment programs, keeping the peace and being of good behaviour, staying away from certain people or places and complying with curfews. It is important to note that the sentencing data presented in this article are based on the “most serious sentence” in a case. Therefore, any disparities in some of the less serious types of youth sentences, such as probation, should be interpreted with some level of caution, because cases in which these sentences are given in combination with another more serious sentence (e.g., probation given with custody) are presented under the more serious sentence type.

According to the ARRI, Indigenous youth who received a guilty decision were less likely (-10%) to receive a probation sentence than their White counterparts between 2016/2017 and 2022/2023 (Table 5). As with custodial sentences, the disparity for probation sentences also fluctuated year over year throughout the reference period (from -8% to -19%) (Chart 5). The only exception occurred in 2022/2023, when Indigenous youth became slightly more likely (+7%) to receive probation. Differences in probation sentences for Indigenous youth compared with White youth were consistent across gender (-9% for boys and -11% for girls) and age groups (-10% for those aged 12 to 15 and -11% for those aged 16 to 17).

Indigenous youth consistently less likely to receive probation, regardless of offence type or prior convictions

Between 2016/2017 and 2022/2023, Indigenous youth who were found guilty of an offence were consistently less likely than White youth to receive a probation sentence across all offence categories. The disparity was smallest for Indigenous youth found guilty of a property crime (-5%) (Table 5). This trend remained consistent regardless of criminal history, with Indigenous youth 9% less likely to receive probation if they had no prior convictions, and 11% less likely if they had a prior conviction.

Indigenous youth more likely than White youth to receive fines or community service

Following a guilty decision, youth courts can impose a variety of sentences beyond custody or probation. These include community service, which requires the performance of unpaid work in the community, and fines. Under the YCJA, fines should not exceed \$1,000 or the maximum fine an adult would receive for the same offence; furthermore, courts must consider a young person's ability to pay when determining the amount (*Youth Criminal Justice Act*, 2002). The following section presents disparities in youth sentences of community service and fines, which are grouped together for analysis.⁵¹

Between 2016/2017 and 2022/2023, Indigenous youth were more likely (+15%) than White youth to receive fines or community service as their most serious sentence (Table 5). However, the year-over-year differences between the groups varied. For example, in 2019/2020, Indigenous youth were 7% less likely than White youth to receive fines or community service, whereas in 2018/2019, they were 35% more likely (Chart 5). Differences in fines or community service sentences for Indigenous youth compared with White youth were relatively larger for girls (+21%) compared with boys (+8%), as well as for those aged 12 to 15 (+20%) compared with those aged 16 to 17 (+13%).

Fines or community service sentences more likely for Indigenous youth for most offence categories

Between 2016/2017 and 2022/2023, for most offence categories, Indigenous youth who were found guilty of an offence were more likely than White youth to receive sentences of fines or community service. The exception was property crime, where Indigenous youth were 8% less likely than White youth to receive these sentences. This trend remained consistent regardless of criminal history, with Indigenous youth 14% more likely than White youth to receive fines or community service if they had no prior convictions, and 16% more likely if they had a prior conviction.

Indigenous youth who received a guilty decision more likely to receive many of the sentences available under the *Youth Criminal Justice Act*

As noted in Text box 4, the YCJA introduced a new sentencing framework which emphasizes the rehabilitation and reintegration of young people found guilty of criminal offences, while expanding the availability of community-based sanctions and reducing the use of custody (*Youth Criminal Justice Act*, 2002). The new sentences available under the YCJA, however, continue to represent a small proportion of all sentences imposed on youth found guilty of criminal offences in Canada (see Text box 5). In this article, the sentence types of deferred custody and supervision,⁵² intensive support and supervision,⁵³ attendance at a non-residential program,⁵⁴ and reprimands⁵⁵ are grouped together for analysis and are collectively referred to as YCJA sentences.

According to the ARRI, Indigenous youth who received a guilty decision were 26% more likely than White youth to receive one of the YCJA sentences between 2016/2017 and 2022/2023 (Table 5). This higher likelihood persisted throughout most of the study period, though the magnitude of the differences varied. In 2022/2023 for example, the disparity reached a peak, with Indigenous youth 65% more likely to receive one of these sentences as their most serious sentence (Chart 5), whereas no disparity was observed in 2019/2020. This trend was consistent across gender and age groups, as well as across most offence categories and criminal history.

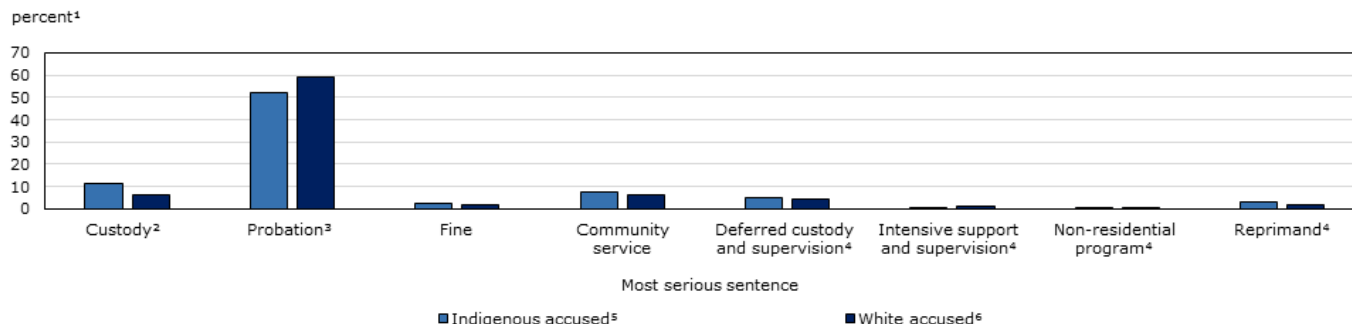
Text box 5 Frequency of sentencing outcomes

As noted in Text box 3, information on court decision and sentence proportions provide additional information on the frequency in which a given outcome occurs within the youth court system.

When an accused is found guilty by the court for a criminal charge, they receive an associated sentence. Often, an individual receives more than one sentence. However, in this article, the focus is on the most serious sentence.

Between 2016/2017 and 2022/2023, among those who were found guilty of an offence, 12% of Indigenous youth and 6% of White youth received a sentence of custody (including supervision) (Chart 6).⁵⁶ Under the *Youth Criminal Justice Act* (YCJA), youth courts should reserve the most serious interventions for the most serious crimes, and they must consider all alternatives or a combination of alternatives to custody that are reasonable under the circumstances (*Youth Criminal Justice Act*, 2002).

Chart 6
Indigenous persons and White persons who received a guilty decision in youth courts, by type of sentence, Canada, 2016/2017 to 2022/2023



1. Reflects the proportion during the total reference period (2016/2017 to 2022/2023).

2. Custodial sentences include custody and supervision orders and custody and conditional supervision orders for murder. They also include unspecified types of custody or supervision, such as youth custodial sentences administered under the *Young Offenders Act* or an adult custodial sentence.

3. Probation is mandatory in cases where the accused is given a conditional discharge or a suspended sentence.

4. These sentences were introduced under the *Youth Criminal Justice Act* effective April 1, 2003.

5. Indigenous accused persons include those who were identified as First Nations people, Métis and/or Inuit on the Census of Population's Indigenous group question. A person may be included in more than one of the three groups.

6. White accused persons include those who were identified as White (and no other population group) on the Census of Population's population group question.

Note: Includes accused persons with a completed case in youth courts who were aged 12 to 17 at the time of the offence. Data for Quebec were not available for 2021/2022 and 2022/2023. It is possible to receive more than one sentence type in relation to a guilty charge in a case. Only the most serious sentence in the case is represented. The category of "other" sentence is not shown, which accounted for 17% of sentences among Indigenous accused and 18% among White accused. Due to small counts, disparities in intensive rehabilitative custody and supervision sentences, conditional sentences and other sentence types are not examined in this article.

Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Integrated Criminal Court Survey and Census of Population linked file.

Between 2016/2017 and 2022/2023, nearly nine in ten (89%) Indigenous youth who received a custody sentence were sentenced to six months or less, compared with 84% of White youth.⁵⁷ On the other hand, a smaller proportion of Indigenous youth than White youth received custody sentences that were longer than six months (11% versus 16%).

Probation was the most frequently imposed sentence for both groups, though it accounted for a larger proportion of sentences for White youth (59%) than for Indigenous youth (52%). Within the Indigenous youth court population, a larger proportion of Inuit youth received probation (72%) than First Nations (53%) and Métis youth (47%).

In addition, 7% of Indigenous youth received community service as their most serious sentence and 2% of Indigenous youth received a fine, while 17% of Indigenous youth received other types of sentences.⁵⁸ Similar proportions were noted among White youth (6%, 2% and 18%, respectively).

Small proportions of Indigenous and White youth received the sentencing options introduced under the YCJA (see Text box 4). Between 2016/2017 and 2022/2023, 5% of Indigenous youth received a sentence of deferred custody and supervision, while 1% received a sentence of intensive support and supervision and 1% received an order to attend a non-residential program. Furthermore, 3% of Indigenous youth received a reprimand, which is the least serious sentencing option available to youth. The corresponding figures among White youth were 4%, 1%, 1% and 2%.

Summary

First Nations people, Métis and Inuit continue to be overrepresented across all areas of the criminal justice system in Canada. This article utilized the Adjusted Relative Rate Index (ARRI) to examine disparities in court decision and sentencing outcomes of Indigenous youth accused and White youth accused between 2016/2017 and 2022/2023.

There were approximately 30,530 Indigenous youth accused in youth courts in Canada between 2016/2017 and 2022/2023. Indigenous youth represented an average of 27% of the youth court population over this period, despite comprising 8% of the total youth population in Canada according to the 2021 Census of Population. Among Indigenous groups, First Nations youth were overrepresented to the largest degree. In comparison, White youth accused were underrepresented in court, accounting for 52% of accused in youth courts, but 60% of the total youth population. Three-quarters (76%) of Indigenous youth accused in court were First Nations people, while smaller proportions were Métis (19%), Inuit (3%) or had multiple Indigenous identities (1%).

The analysis revealed several disparities in court case decision outcomes for Indigenous youth accused compared with their White counterparts between 2016/2017 and 2022/2023. Indigenous youth were overall slightly more likely (+6%) than White youth to receive a guilty decision in court (including guilty pleas) over this period. Although this disparity was consistent across the various accused person and case characteristics examined in the study, it differed when broken down by type of Indigenous group, reiterating the need for continued distinctions-based analysis of Indigenous populations where possible.

Over the study period, Indigenous youth were overall more likely (+18%) than their White counterparts to receive a stay of proceedings and less likely (-16%) to receive a withdrawal, dismissal or discharge. Although the data used in this study cannot speak to the reasons for these types of disparities, factors such as over-policing, differential charging practices and varying access to diversionary programs and measures have been cited in criminal justice research literature as potential contributors.

Among those who received a guilty decision, Indigenous youth were much more likely to receive more serious sentences than White youth throughout the study period. Overall, Indigenous youth were far more likely (+101%) than White youth to receive a custody (including supervision) sentence between 2016/2017 and 2022/2023. This disparity persisted even when broken down by all available accused person and case characteristics.

In contrast, Indigenous youth were less likely (-10%) than White youth to receive probation—a less restrictive sentencing option than custody—while they were more likely (+15%) to receive some of the other less serious sentence types such as fines or community service. Indigenous youth were, however, more likely (+26%) than White youth to receive one of the sentencing options that were introduced under the *Youth Criminal Justice Act* (e.g., deferred custody and supervision, intensive support and supervision), which were intended to provide community-based alternatives to custody.

While efforts to reduce the overrepresentation of Indigenous people in the criminal justice system have been ongoing for years—including the application of Gladue principles, which require the consideration of systemic factors, historical trauma, and lived experiences in sentencing—this study demonstrates that significant disparities in court decision and sentencing outcomes persist for Indigenous youth in Canada.

Future research could benefit from analyzing some of the factors which may contribute to these disparities, including differential access to and use of extrajudicial measures, variations in police diversion and judicial discretion, and the unequal availability of culturally appropriate, community-based alternatives.

Data sources and methodology

Integrated Criminal Court Survey

The Integrated Criminal Court Survey (ICCS) collects statistical information on adult criminal and youth court cases involving *Criminal Code* and other federal statute offences. Data presented in this article are based on the youth court portion of the survey. The individuals involved are persons aged 12 to 17 years at the time of the offence.

All youth courts in Canada have reported data to the youth component of the survey since the 1991/1992 fiscal year. ICCS data for Quebec were not available for 2021/2022 and 2022/2023.

Census of Population long-form questionnaire

The Census of Population is a mandatory survey conducted every five years. It provides statistical information on the demographic characteristics, socioeconomic characteristics and racialized identity of the Canadian population. Both the 2016 and 2021 Census long-form questionnaires were sent to one in four households. The census long-form sampling frame includes 100% coverage of most reserves.

Integrated Criminal Court Survey and Census of Population linked file

Data from the Integrated Criminal Court Survey (ICCS) and the Census of Population long-form questionnaire were linked to obtain census information about population groups (i.e., Indigenous, White, racialized), which is not available on the ICCS. Completed court cases from 2016/2017 to 2020/2021 were linked to the 2016 Census of Population, while cases for 2021/2022 and 2022/2023 were linked to the 2021 Census of Population. The linkage rates between the annual ICCS cohorts (i.e., 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021, 2021/2022 and 2022/2023) and the Census of Population long-form questionnaire ranged from 14% to 18%.

To ensure the confidentiality of responses collected for the Census of Population, percentage distributions are calculated on rounded data and may not necessarily add up to 100%. Because of random rounding, estimates and percentages may vary slightly between different products.

The unit of analysis is an accused person. An accused person can be involved in multiple cases during the reference period (2016/2017 to 2022/2023). If an accused person was involved in multiple court cases in a given year, one case was randomly selected to represent the accused that year.

Linkage weights

Not all individuals with a completed court case in the ICCS were linked to the Census of Population long-form questionnaire, as the latter covers 25% of the population. To account for the individuals who were not linked to the census, weights were produced to ensure that the linked population reflects all individuals with a completed court case in the ICCS from 2016/2017 to 2022/2023. Weights were developed for each fiscal year to ensure consistency between the linked ICCS population and the total ICCS population in terms of key sociodemographic characteristics (e.g., gender, age, province or territory, criminal history). Results for each year were produced using these calibrated weights.

Further, to ensure a better linkage rate, multiple imputation was used to fill in the missing values on gender (sex) and age in the ICCS data. Details on the weight development strategy are available upon request.

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Notes

1. While police may identify children under age 12 as accused in criminal incidents, children cannot be criminally charged with an offence under the *Criminal Code*.
2. Extrajudicial measures are out-of-court responses to youth criminal behaviour which provide an alternative to charging. They include taking no further action, giving an informal or formal warning, or referring an individual to a community program or agency, which often helps them consider the consequences of their actions and may require them to give back to the community through services (Bourgon, 2025).
3. Indigenous youth accused are those with a completed case in youth court between 2016/2017 and 2022/2023 who were identified as Indigenous (First Nations people, Métis and Inuit) on the Indigenous group question on either the 2016 or 2021 Census of Population, as this information is not collected by the Integrated Criminal Court Survey. A person may be included in more than one of the three groups.
4. White youth accused are those with a completed case in youth court between 2016/2017 and 2022/2023 who were identified as White (and no other population group) on the population group question on either the 2016 or 2021 Census of Population, as this information is not collected by the Integrated Criminal Court Survey.
5. The data in this article are from the youth court portion of the Integrated Criminal Court Survey and reflect individuals who were aged 12 to 17 at the time of the offence. Integrated Criminal Court Survey data are reported by fiscal year (April 1 to March 31). Cases are counted in the fiscal year in which they are completed. Data for Quebec were not available for 2021/2022 and 2022/2023.
6. Data from the 2016 Census were reported based on sex as the binary values “male” and “female.” Data from the 2021 Census were reported based on gender as “men+,” which includes men and boys, as well as some non-binary persons, and “women+,” which includes women and girls, as well as some non-binary persons. Given that the non-binary population is small, data aggregation to a two-category gender variable is sometimes necessary to protect the confidentiality of responses. In these cases, individuals in the category “non-binary persons” are distributed into the other two gender categories. A fact sheet on gender concepts, *Filling the gaps: Information on gender in the 2021 Census*, is available. For readability and for consistency with other Statistics Canada publications which use the concept of gender instead of sex, accused persons in this article will be referred to as boys and girls. The term “gender” is also used to refer to both gender and sex to facilitate readability.
7. For more information on the disparities in decision and sentencing outcomes of Indigenous and White accused adults, see Khorrami and Paquin-Marseille, 2025.
8. In this article, the unit of analysis is an accused person. An accused person can be involved in multiple cases during the reference period (2016/2017 to 2022/2023) but they are only counted once per year. If an accused person was involved in multiple court cases in a given year, one case was randomly selected to represent the accused for that year.
9. Percentages may not total 100% due to rounding.
10. According to the 2021 Census of Population, 5% of the total youth population in Canada are First Nations people, 2% are Métis, 0.3% are Inuit and 0.1% have multiple Indigenous identities. In contrast, First Nations youth accounted for 21% of the total youth court population between 2016/2017 and 2022/2023, 5% were Métis, 1% were Inuit and 0.3% had multiple Indigenous identities.
11. Racialized youth accused are those with a completed case in youth court between 2016/2017 and 2022/2023 who were identified as a member of a racialized group on the population group question on either the 2016 or 2021 Census of Population, as this information is not collected by the Integrated Criminal Court Survey. The concept of racialized populations is measured with the “visible minority” variable in the census. The term “visible minority” refers to whether a person belongs to one of the visible minority groups defined by the *Employment Equity Act*. The Act defines visible minorities as “persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour.” This consists mainly of the following groups: South Asian, Chinese, Black, Filipino, Arab, Latin American, Southeast Asian, West Asian, Korean and Japanese.
12. Other youth accused are those with a completed case in youth court between 2016/2017 and 2022/2023 not included elsewhere, which consist of non-Indigenous, non-racialized groups who were not identified as exclusively White on the population group question on either the 2016 or 2021 Census of Population, as this information is not collected by the Integrated Criminal Court Survey.

13. Throughout this article, data for some provinces and territories are combined due to small counts.
14. While some provinces and territories were combined for analysis, the proportion of the population that is Indigenous varies within these grouped regions. For more information, see Statistics Canada, 2023.
15. Restorative justice is an alternative measure used to address adult and youth offending. It provides opportunities for those affected directly or indirectly by a crime (victims, offenders, communities) to repair the harm caused to victims, hold the offender accountable and address community needs (Allen, 2020; Department of Justice Canada, 2021c).
16. Examples of restorative justice practices used for Indigenous accused include healing circles, sentencing circles, victim-offender mediation and Elder guidance. These approaches focus on holistic community healing and repairing harm rather than punishment (Chartrand & Horn, 2016; Department of Justice Canada, 2021c).
17. See note 6.
18. A case is defined as one or more charges against an accused person that were processed by the courts at the same time and received a final decision. A case combines all charges against the same person having one or more key overlapping dates (date of offence, date of initiation, date of first appearance, date of decision or date of sentencing) into a single case.
19. A case that has more than one charge is represented by the charge with the “most serious offence” (MSO). The most serious offence is selected using the following rules. First, court decisions are considered and the charge with the “most serious decision” (MSD) is selected. Court decisions for each charge in a case are ranked from most to least serious as follows: 1) guilty, 2) guilty of a lesser offence, 3) acquitted, 4) stay of proceeding, 5) withdrawn, dismissed and discharged, 6) not criminally responsible, 7) other, and 8) transfer of court jurisdiction. Second, in cases where two or more charges result in the same MSD (e.g., guilty), *Criminal Code* sentences are considered. The charge with the MSO type is selected according to an offence seriousness scale, based on actual sentences handed down by courts in Canada. Each offence type is ranked by looking at (a) the proportion of guilty charges where custody was imposed and (b) the average (mean) length of custody for the specific type of offence. These values are multiplied together to arrive at the final seriousness ranking for each type of offence. If, after looking at the offence seriousness scale, two or more charges remain tied then information about the sentence type and duration of the sentence are considered (e.g., custody and length of custody, then probation and length of probation, etc.).
20. Prior conviction is based on the date on which a previous charge was completed.
21. Severity is represented by the crime severity weight that is used in calculating the Crime Severity Index (CSI). For more information about the CSI, see Moreau, 2025.
22. A threshold of 4% was selected to avoid classifying minor variances as differential outcomes, and to ensure that the disparity of outcomes identified are meaningful from a policy perspective.
23. Guilty findings include guilty of the charged offence, of an included offence, of an attempt of the charged offence or of an attempt of an included offence. This category also includes guilty pleas and cases where an absolute or conditional discharge has been imposed.
24. A stay of proceedings means that the Crown stops the prosecution against the accused, and that the case is put on hold temporarily or permanently.
25. Includes withdrawals, dismissals and discharges at preliminary inquiry as well as court referrals to alternative or extrajudicial measures and restorative justice programs. These decisions all refer to the court stopping criminal proceedings against the accused.
26. Acquittal means that the accused has been found not guilty of the charges presented before the court.
27. Other decisions include final decisions of found not criminally responsible and waived out of province or territory. This category also includes any order where a guilty decision was not recorded, the court’s acceptance of a special plea, cases which raise arguments under the *Charter of Rights and Freedoms* and cases where the accused was found unfit to stand trial.

28. It is possible to receive more than one sentence type in relation to a guilty charge in a case. Only the most serious sentence in the case is represented. Sentence types are ranked from most to least serious as follows: intensive rehabilitative custody and supervision; custody and supervision, youth custodial sentence under the *Young Offenders Act*, or adult custody; conditional sentence, deferred custody and supervision; intensive support and supervision; probation; prohibition, seizure, forfeiture; community service; personal service/compensation in kind; pay purchaser; restitution; compensation; fine; conditional discharge; absolute discharge; reprimand; and other. While this ranking does not impact information on sentences of custody and supervision, which is always the most serious sentence, it means that percentages for other types of sentences considered to be less serious may be underestimated.

29. Custodial sentences include custody and supervision orders and custody and conditional supervision orders for murder. They also include unspecified types of custody or supervision, such as youth custodial sentences administered under the *Young Offenders Act* or an adult custodial sentence.

30. Probation is mandatory in cases where the accused is given a conditional discharge or a suspended sentence.

31. These sentences were introduced under the *Youth Criminal Justice Act* effective April 1, 2003.

32. The category 'other sentences' includes, for example, absolute discharge, restitution, prohibition, seizure, forfeiture, compensation, pay purchaser and conditional discharge, as well as other court-imposed conditions such as apologies and essays. Other sentences also include deferred custody and supervision, intensive support and supervision, attendance at non-residential program and reprimand where sentencing data under the *Youth Criminal Justice Act* are not available.

33. See note 23.

34. See note 13.

35. As mentioned in Text box 2, in this article, differences that deviate by 4% or less are considered to reflect no disparity between groups.

36. Includes *Criminal Code* traffic offences and other federal statute offences (e.g., *Youth Criminal Justice Act*).

37. A case that has been stayed by the Crown can generally be reinitiated within one year. If the Crown does not reopen the proceedings within that period, the charges are considered to have never been started. Stays that have been initiated by a judge are generally considered to be a permanent termination of the case.

38. The application of stays and withdrawals is determined by the policies in each jurisdiction. For instance, certain jurisdictions may favour the use of a stay to end court proceedings, while others may favour the use of a withdrawal. While provincial and territorial policies may contribute to differences in the overall use of stays and withdrawals, these variations do not affect Adjusted Relative Rate Index (ARRI) values. The ARRI measures disparities between groups rather than the overall prevalence of a particular outcome. Consequently, the measure captures only the differential application of stays and withdrawals between groups and remains independent of the underlying frequency in which these outcomes occur in a given province or territory.

39. A case may be stayed under section 11(b) of the *Charter of Rights and Freedoms* due to unreasonable delay. This was affirmed by the Supreme Court of Canada's *R. v. Jordan* decision in July 2016, which set time limits for the completion of criminal charges in adult criminal and youth courts: 18 months after the date on which a charge is laid for matters heard in provincial court and 30 months after a charge is laid for matters heard in superior court or in provincial court following a preliminary inquiry (*R. v. Jordan*, 2016).

40. A preliminary inquiry is a judicial hearing which is used in serious (indictable) court cases to determine whether the evidence assembled by the Crown against an accused person is sufficient to proceed with a trial (Department of Justice Canada, 2019b).

41. Extrajudicial measures include police warnings, Crown cautions, or referrals to community programs. They are non-court responses to youth crime which are intended to hold youth accountable for their criminal behaviour without proceeding through the formal court process (Bourgon, 2025; Department of Justice Canada, 2013).

42. See note 15 and note 16.

43. Referrals to extrajudicial measures and restorative justice programs can also occur at the pre-charge, policing stage of the criminal justice process, whereby an accused is not charged criminally with an offence if they complete these types of programs. Data in this article are based on the Integrated Criminal Court Survey and therefore cannot capture information on diversion at the pre-charge stage. However, a recent study found that about half of youth who came into contact with police between 2010 to 2021 were not charged, meaning they were diverted to programs such as extrajudicial measures (Bourgon, 2025).

44. Due to small counts, acquittals and other decision types are not included in the model for the Adjusted Relative Rate Index and, as such, information about these types of decisions is not available elsewhere in this article.

45. See note 28 and note 29.

46. Between 2016/2017 and 2022/2023, less than 1% of Indigenous youth and White youth received a sentence of intensive rehabilitative custody and supervision. This is the most serious sentence available to youth under the *Youth Criminal Justice Act*, which is reserved for the most serious offenders. In this analysis, the category “custody (including supervision)” does not include sentences of intensive rehabilitative custody and supervision. For more information on youth sentences, see Text box 4.

47. As previously noted in Text box 2, due to small counts, Adjusted Relative Rate Index (ARRI) values could not be calculated by type of Indigenous group (First Nations people, Métis, Inuit) for the various sentence types, nor could they be calculated for length of custody (including supervision) sentences, intensive rehabilitative custody and supervision sentences, conditional sentences or other youth sentences. Further, due to small counts, some caution should be used when interpreting disparities for the various sentence outcomes as small differences in case counts can have a large impact on ARRI values.

48. See note 46.

49. See note 36.

50. Judges may consider factors such as maturity, level of remorse and the youth’s role in the offence (e.g., whether they were a leader, follower or active participant in the crime) when determining a youth sentence. These types of considerations cannot be captured in data from the Integrated Criminal Court Survey.

51. Youth can also receive a variety of other sentences such as absolute discharges, restitution orders, prohibitions, seizures, forfeitures, compensation orders, pay-purchaser orders and conditional discharges, as well as other court-imposed conditions such as apologies and essays. Disparities in other types of youth sentences are not presented in this article.

52. Deferred custody and supervision is a type of custody sentence that youth serve in the community, not in a correctional facility, as long as they follow strict conditions. It is used for serious offences where the court believes the youth can remain in the community (Department of Justice Canada, n.d.-b).

53. Intensive support and supervision provides a higher level of monitoring and supervision than regular probation, and allows youth to access structured programming and support services (e.g., counselling, behavioral programs).

54. An order to attend a non-residential program requires a youth to participate in a structured, community program for no longer than six months. The programs are designed to be rehabilitative, and may include life-skills training, anger management, counselling, substance-use education, etc. (Department of Justice Canada, n.d.-b).

55. Reprimands are the least severe youth sentence available and are a formal warning (or a stern lecture) from a judge. They are typically used for very minor offences.

56. Among Indigenous youth, about one in nine First Nations (12%), Métis (11%) and Inuit (11%) youth received a custody sentence between 2016/2017 and 2022/2023.

57. Custody lengths are intended to reflect the amount of time remaining to be served on a custodial sentence after credit has been awarded for time spent in pre-sentence custody. However, in some jurisdictions, the length of custody information represents the total length of custody imposed by the court. Length of custody data are not available for Manitoba. Data exclude cases in which the length of the custody sentence was unknown.

58. See note 32.

Detailed data tables

Table 1
Accused persons in youth courts, by identity group and province or region, 2016/2017 to 2022/2023

Province or region	Indigenous accused ¹	White accused ²	Racialized accused ³
	percent ⁴		
Atlantic provinces ⁵	18	76	6
Quebec	6	77	17
Ontario	13	52	34
Prairie provinces ⁶	56	32	12
British Columbia and the territories ⁷	43	41	16
Canada	27	52	21

1. Indigenous accused persons include those who were identified as First Nations people, Métis and/or Inuit on the Census of Population's Indigenous group question. A person may be included in more than one of the three groups.

2. White accused persons include those who were identified as White (and no other population group) on the Census of Population's population group question.

3. Racialized accused persons include those who were identified as a member of a racialized group on the Census of Population's population group question. The concept of racialized populations is measured with the "visible minority" variable in the census.

4. Reflects the proportion during the total reference period (2016/2017 to 2022/2023).

5. Includes Newfoundland and Labrador, Prince Edward Island, Nova Scotia and New Brunswick.

6. Includes Manitoba, Saskatchewan and Alberta.

7. Includes British Columbia, Yukon, the Northwest Territories and Nunavut.

Note: Includes accused persons with a completed case in youth courts who were aged 12 to 17 at the time of the offence. Data for Quebec were not available for 2021/2022 and 2022/2023. There are many factors that may influence variations between jurisdictions, comparisons should be made with caution. Excludes other groups not included elsewhere, which consist of non-Indigenous, non-racialized groups who were not identified as exclusively White on the Census of Population's population group question.

Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Integrated Criminal Court Survey and Census of Population linked file.

Table 2
Indigenous accused persons and White accused persons in youth courts, by select characteristic, Canada, 2016/2017 to 2022/2023

Select characteristic	Indigenous accused ¹	White accused ²
	percent ³	
Indigenous group		
First Nations	76	...
Métis	19	...
Inuit	3	...
Multiple Indigenous identities	1	...
Gender⁴		
Boys	66	78
Girls	34	22
Age group (years)		
12 to 15	46	44
16 to 17	54	56
Most serious offence in the case⁵		
Violent offence ⁶	37	47
Property offence ⁷	32	28
Administration of justice offence ⁸	11	5
Other <i>Criminal Code</i> offence ⁹	8	7
Other offence ¹⁰	12	13
Prior convictions¹¹		
No	65	78
Yes	35	22
One to two	10	8
Three to four	6	4
Five or more	19	9
Prior conviction for a violent offence^{6, 11}		
No	80	86
Yes	20	14

... not applicable

1. Indigenous accused persons include those who were identified as First Nations people, Métis and/or Inuit on the Census of Population's Indigenous group question. A person may be included in more than one of the three groups.

2. White accused persons include those who were identified as White (and no other population group) on the Census of Population's population group question.

3. Reflects the proportion during the total reference period (2016/2017 to 2022/2023).

4. Data from the 2016 Census of Population were reported based on sex as the binary values "male" and "female." Data from the 2021 Census of Population were reported based on gender as "man+," which includes men and boys, as well as some non-binary persons, and "woman+," which includes women and girls, as well as some non-binary persons. For readability and consistency with other Statistics Canada publications which use the concept of gender instead of sex, this article uses gender.

5. A case is one or more charges against an accused person that were processed by the courts at the same time and received a final decision. Cases that involve more than one charge are represented by the most serious offence.

6. Includes, for example, assault (levels 1, 2 and 3), sexual assault (levels 1, 2 and 3), robbery and criminal harassment.

7. Includes, for example, theft, breaking and entering, fraud and mischief.

8. Includes, for example, failure to appear, breach of probation, unlawfully at large and failure to comply with an order.

9. Includes, for example, disturbing the peace. Excludes *Criminal Code* traffic offences.

10. Includes *Criminal Code* traffic offences and other federal statute offences (e.g., *Youth Criminal Justice Act*).

11. The term prior conviction refers to whether an accused person had been found guilty of a criminal charge within the past 10 years. It is based on the date on which a previous charge was completed.

Note: Includes accused persons with a completed case in youth courts who were aged 12 to 17 at the time of the offence. Data for Quebec were not available for 2021/2022 and 2022/2023. Percentages may not total 100% due to rounding.

Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Integrated Criminal Court Survey and Census of Population linked file.

Table 3
Case decisions for Indigenous accused persons relative to White accused persons in youth courts, by select characteristic, Canada, 2016/2017 to 2022/2023

Select characteristic	Type of decision ¹		
	Guilty ²	Stay of proceedings ³	Withdrawal, dismissal, discharge ⁴
	Adjusted Relative Rate Index ⁵		
Total	6	18	-16
Gender⁶			
Boys	6	18	-16
Girls	7	16	-16
Age group (years)			
12 to 15	6	18	-16
16 to 17	5	19	-15
Most serious offence in the case⁷			
Violent offence ⁸	5	19	-16
Property offence ⁹	7	17	-18
Administration of justice offence ¹⁰	6	17	-15
Other <i>Criminal Code</i> offence ¹¹	3	24	-16
Other offence ¹²	6	18	-14
Prior convictions¹³			
No	6	18	-16
Yes	5	19	-15
One to two	6	18	-15
Three to four	4	21	-14
Five or more	6	18	-16
Prior conviction for a violent offence^{8, 13}			
No	6	18	-16
Yes	5	19	-15

See notes at the end of the table.

Table 3
Case decisions for Indigenous accused persons relative to White accused persons in youth courts, by select characteristic, Canada, 2016/2017 to 2022/2023

Select characteristic	Type of decision ¹		
	Guilty ²	Stay of proceedings ³	Withdrawal, dismissal, discharge ⁴
	Adjusted Relative Rate Index ⁵		
Province or region			
Atlantic provinces ¹⁴	4	20	-15
Quebec	7	5	-12
Ontario	4	21	-16
Prairie provinces ¹⁵	6	18	-16
British Columbia and the territories ¹⁶	6	18	-16

1. Due to small counts, disparities in acquittals and other decision types are not examined in this article.

2. Guilty findings include guilty of the charged offence, of an included offence, of an attempt of the charged offence, or of an attempt of an included offence. This category also includes guilty pleas and cases where an absolute or conditional discharge has been imposed.

3. A stay of proceedings means that the Crown stops the prosecution against the accused, and that the case is put on hold temporarily or permanently.

4. Includes withdrawals, dismissals and discharges at preliminary inquiry as well as court referrals to alternative or extrajudicial measures and restorative justice programs. These decisions all refer to the court stopping criminal proceedings against the accused.

5. The Adjusted Relative Rate Index (ARRI) measures the likelihood of Indigenous (First Nations, Métis and Inuit) accused persons encountering a specific court decision relative to White accused persons, controlling for the severity of the most serious offence in the case based on standard Crime Severity Index weights. ARRI values are presented as positive and negative percentages. Positive percentages indicate that Indigenous youth accused are more likely to experience a given court outcome relative to White youth accused, while negative percentages indicate that they are less likely. For the purposes of analysis, differences of 4% or less are considered to reflect no disparity between groups. In other words, if differences fall between -4% and +4%, then Indigenous youth accused and White youth accused are considered equally likely to encounter the outcome in question. The results presented in this table are the averaged ARRI values from 2016/2017 to 2022/2023.

6. Data from the 2016 Census of Population were reported based on sex as the binary values "male" and "female." Data from the 2021 Census of Population were reported based on gender as "man+," which includes men and boys, as well as some non-binary persons, and "woman+," which includes women and girls, as well as some non-binary persons. For readability and consistency with other Statistics Canada publications which use the concept of gender instead of sex, this article uses gender.

7. A case is one or more charges against an accused person that were processed by the courts at the same time and received a final decision. Cases that involve more than one charge are represented by the most serious offence.

8. Includes, for example, assault (levels 1, 2 and 3), sexual assault (levels 1, 2 and 3), robbery and criminal harassment.

9. Includes, for example, theft, breaking and entering, fraud and mischief.

10. Includes, for example, failure to appear, breach of probation, unlawfully at large and failure to comply with an order.

11. Includes, for example, disturbing the peace. Excludes *Criminal Code* traffic offences.

12. Includes *Criminal Code* traffic offences and other federal statute offences (e.g., *Youth Criminal Justice Act*).

13. The term prior conviction refers to whether an accused person had been found guilty of a criminal charge within the past 10 years. It is based on the date on which a previous charge was completed.

14. Includes Newfoundland and Labrador, Prince Edward Island, Nova Scotia and New Brunswick.

15. Includes Manitoba, Saskatchewan and Alberta.

16. Includes British Columbia, Yukon, the Northwest Territories and Nunavut.

Note: Includes accused persons with a completed case in youth courts who were aged 12 to 17 at the time of the offence. Indigenous accused persons include those who were identified as First Nations people, Métis and/or Inuit on the Census of Population's Indigenous group question. A person may be included in more than one of the three groups. White accused persons include those who were identified as White (and no other population group) on the Census of Population's population group question. Data for Quebec were not available for 2021/2022 and 2022/2023. There are many factors that may influence variations between jurisdictions, comparisons should be made with caution.

Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Integrated Criminal Court Survey and Census of Population linked file.

Table 4
Case decisions for First Nations, Métis and Inuit accused persons relative to White accused persons in youth courts, by gender and age group of accused, Canada, 2016/2017 to 2022/2023

Gender and age group	Type of decision ¹		
	Guilty ²	Stay of proceedings ³	Withdrawal, dismissal, discharge ⁴
	Adjusted Relative Rate Index ⁵		
First Nations total	5	22	-18
Gender⁶			
Boys	5	23	-18
Girls	7	19	-18
Age group (years)			
12 to 15	5	22	-18
16 to 17	4	23	-17
Métis total	10	7	-12
Gender⁶			
Boys	10	6	-12
Girls	11	5	-11
Age group (years)			
12 to 15	10	7	-11
16 to 17	10	7	-12
Inuit total	-10	6	15
Gender⁶			
Boys	-9	5	15
Girls	-9	4	15
Age group (years)			
12 to 15	-9	5	14
16 to 17	-11	7	17

1. Due to small counts, disparities in acquittals and other decision types are not examined in this article.

2. Guilty findings include guilty of the charged offence, of an included offence, of an attempt of the charged offence, or of an attempt of an included offence. This category also includes guilty pleas and cases where an absolute or conditional discharge has been imposed.

3. A stay of proceedings means that the Crown stops the prosecution against the accused, and that the case is put on hold temporarily or permanently.

4. Includes withdrawals, dismissals and discharges at preliminary inquiry as well as court referrals to alternative or extrajudicial measures and restorative justice programs. These decisions all refer to the court stopping criminal proceedings against the accused.

5. The Adjusted Relative Rate Index (ARRI) measures the likelihood of Indigenous (First Nations, Métis and Inuit) accused persons encountering a specific court decision relative to White accused persons, controlling for the severity of the most serious offence in the case based on standard Crime Severity Index weights. ARRI values are presented as positive and negative percentages. Positive percentages indicate that Indigenous youth accused are more likely to experience a given court outcome relative to White youth accused, while negative percentages indicate that they are less likely. For the purposes of analysis, differences of 4% or less are considered to reflect no disparity between groups. In other words, if differences fall between -4% and +4%, then Indigenous youth accused and White youth accused are considered equally likely to encounter the outcome in question. The results presented in this table are the averaged ARRI values from 2016/2017 to 2022/2023.

6. Data from the 2016 Census of Population were reported based on sex as the binary values "male" and "female." Data from the 2021 Census of Population were reported based on gender as "man+," which includes men and boys, as well as some non-binary persons, and "woman+," which includes women and girls, as well as some non-binary persons. For readability and consistency with other Statistics Canada publications which use the concept of gender instead of sex, this article uses gender.

Note: Includes accused persons with a completed case in youth courts who were aged 12 to 17 at the time of the offence. Indigenous accused persons include those who were identified as First Nations people, Métis and/or Inuit on the Census of Population's Indigenous group question. A person may be included in more than one of the three groups. White accused persons include those who were identified as White (and no other population group) on the Census of Population's population group question. Data for Quebec were not available for 2021/2022 and 2022/2023. Excludes accused persons who were identified as belonging to more than one Indigenous group (First Nations people, Métis, Inuit).

Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Integrated Criminal Court Survey and Census of Population linked file.

Table 5
Sentencing outcomes for Indigenous persons relative to White persons who received a guilty decision in youth courts, by select characteristic, Canada, 2016/2017 to 2022/2023

Select characteristic	Most serious sentence ¹			
	Custody ²	Probation ³	Fine, community service	Sentences introduced under the <i>Youth Criminal Justice Act</i> ⁴
	Adjusted Relative Rate Index ⁵			
Total	101	-10	15	26
Gender⁶				
Boys	102	-9	8	27
Girls	110	-11	21	28
Age group (years)				
12 to 15	95	-10	20	26
16 to 17	106	-11	13	27
Most serious offence in the case⁷				
Violent offence ⁸	110	-10	10	27
Property offence ⁹	120	-5	-8	34
Administration of justice offence ¹⁰	112	-13	25	28
Other <i>Criminal Code</i> offence ¹¹	109	-10	33	28
Other offence ¹²	92	-17	27	29
Prior convictions¹³				
No	102	-9	14	26
Yes	104	-11	16	29
One to two	111	-10	15	27
Three to four	80	-13	43	26
Five or more	119	-10	11	34
Prior conviction for a violent offence^{8, 13}				
No	102	-10	16	26
Yes	101	-10	14	27

See notes at the end of the table.

Table 5
Sentencing outcomes for Indigenous persons relative to White persons who received a guilty decision in youth courts, by select characteristic, Canada, 2016/2017 to 2022/2023

Select characteristic	Most serious sentence ¹			Sentences introduced under the <i>Youth Criminal Justice Act</i> ⁴
	Custody ²	Probation ³	Fine, community service	
	Adjusted Relative Rate Index ⁵			
Province or region				
Atlantic provinces ¹⁴	121	-9	3	31
Quebec	98	-13	8	19
Ontario	94	-8	0	26
Prairie provinces ¹⁵	109	-10	14	24
British Columbia and the territories ¹⁶	139	-9	7	39

0 true zero or a value rounded to zero

1. It is possible to receive more than one sentence type in relation to a guilty charge in a case. Only the most serious sentence in the case is represented. Sentence types are ranked from most to least serious as follows: intensive rehabilitative custody and supervision; custody and supervision, youth custodial sentence under the *Young Offenders Act*, or adult custody; conditional sentence, deferred custody and supervision; intensive support and supervision; probation; prohibition, seizure, forfeiture; community service; personal service/compensation in kind; pay purchaser; restitution; compensation; fine; conditional discharge; absolute discharge; reprimand; and other. Due to small counts, disparities in intensive rehabilitative custody and supervision sentences, conditional sentences and other sentence types are not examined in this article.

2. Custodial sentences include custody and supervision orders and custody and conditional supervision orders for murder. They also include unspecified types of custody or supervision, such as youth custodial sentences administered under the *Young Offenders Act* or an adult custodial sentence.

3. Probation is mandatory in cases where the accused is given a conditional discharge or a suspended sentence.

4. Includes deferred custody and supervision, intensive support and supervision, non-residential program and reprimand. These sentences were introduced under the *Youth Criminal Justice Act* effective April 1, 2003.

5. The Adjusted Relative Rate Index (ARRI) measures the likelihood of Indigenous (First Nations, Métis and Inuit) accused persons encountering a specific sentencing outcome relative to White accused persons, controlling for the severity of the most serious offence in the case based on standard Crime Severity Index weights. ARRI values are presented as positive and negative percentages. Positive percentages indicate that Indigenous youth accused are more likely to experience a given court outcome relative to White youth accused, while negative percentages indicate that they are less likely. For the purposes of analysis, differences of 4% or less are considered to reflect no disparity between groups. In other words, if differences fall between -4% and +4%, then Indigenous youth accused and White youth accused are considered equally likely to encounter the outcome in question. The results presented in this table are the averaged ARRI values from 2016/2017 to 2022/2023.

6. Data from the 2016 Census of Population were reported based on sex as the binary values "male" and "female." Data from the 2021 Census of Population were reported based on gender as "man+," which includes men and boys, as well as some non-binary persons, and "woman+," which includes women and girls, as well as some non-binary persons. For readability and consistency with other Statistics Canada publications which use the concept of gender instead of sex, this article uses gender.

7. A case is one or more charges against an accused person that were processed by the courts at the same time and received a final decision. Cases that involve more than one charge are represented by the most serious offence.

8. Includes, for example, assault (levels 1, 2 and 3), sexual assault (levels 1, 2 and 3), robbery and criminal harassment.

9. Includes, for example, theft, breaking and entering, fraud and mischief.

10. Includes, for example, failure to appear, breach of probation, unlawfully at large and failure to comply with an order.

11. Includes, for example, disturbing the peace. Excludes *Criminal Code* traffic offences.

12. Includes *Criminal Code* traffic offences and other federal statute offences (e.g., *Youth Criminal Justice Act*).

13. The term prior conviction refers to whether an accused person had been found guilty of a criminal charge within the past 10 years. It is based on the date on which a previous charge was completed.

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Note: Includes accused persons with a completed case in youth courts who were aged 12 to 17 at the time of the offence. Indigenous accused persons include those who were identified as First Nations people, Métis and/or Inuit on the Census of Population's Indigenous group question. A person may be included in more than one of the three groups. White accused persons include those who were identified as White (and no other population group) on the Census of Population's population group question. Data for Quebec were not available for 2021/2022 and 2022/2023. There are many factors that may influence variations between jurisdictions, comparisons should be made with caution.

Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Integrated Criminal Court Survey and Census of Population linked file.