

Catalogue no. 85-002-x
ISSN 1209-6393
ISBN 978-0-660-98541-1

Juristat

Criminal court outcomes of Black accused persons in Canada, 2016/2017 to 2022/2023

by Ashley Maxwell and Zoran Miladinovic

Release date: March 24, 2026



Statistics
Canada

Statistique
Canada

Canada

How to obtain more information

For information about this product or the wide range of services and data available from Statistics Canada, visit our website, www.statcan.gc.ca.

You can also contact us by

Email at infostats@statcan.gc.ca

Telephone, from Monday to Friday, 8:30 a.m. to 4:30 p.m., at the following numbers:

- Statistical Information Service 1-800-263-1136
- National telecommunications device for the hearing impaired 1-800-363-7629
- Fax line 1-514-283-9350

Standards of service to the public

Statistics Canada is committed to serving its clients in a prompt, reliable and courteous manner. To this end, the Agency has developed standards of service which its employees observe in serving its clients. To obtain a copy of these service standards, please contact Statistics Canada toll free at 1-800-263-1136. The service standards are also published on www.statcan.gc.ca under "Contact us" > "[Standards of service to the public](#)."

Note of appreciation

Canada owes the success of its statistical system to a long-standing partnership between Statistics Canada, the citizens of Canada, its businesses, governments and other institutions. Accurate and timely statistical information could not be produced without their continued co-operation and goodwill.

Published by authority of the Minister responsible for Statistics Canada

© His Majesty the King in Right of Canada, as represented by the Minister of Industry, 2026

Use of this publication is governed by the Statistics Canada [Open Licence Agreement](#).

An [HTML version](#) is also available.

Cette publication est aussi disponible en français.

Criminal court outcomes of Black accused persons in Canada, 2016/2017 to 2022/2023: Highlights

- There were 100,450 Black accused persons in adult criminal courts between 2016/2017 and 2022/2023. Black people (6.2%) were overrepresented as accused persons in adult criminal courts over this period, relative to their representation among the adult population of Canada (3.7%).
- The proportion of Black accused persons in adult criminal courts has generally increased over time, from 5.7% of all accused in 2016/2017 to 7.1% in 2022/2023.
- Between 2016/2017 and 2022/2023, the proportion of Black people in adult criminal courts in Nova Scotia and Ontario was more than two times higher than that of Black people in the total adult population of these provinces. Black people were also overrepresented as accused persons in criminal courts in Quebec, British Columbia, Alberta and New Brunswick compared with their representation in the total adult population.
- More than 4 in 10 (42%) cases involving a Black accused person completed in adult criminal courts between 2016/2017 and 2022/2023 resulted in a guilty decision. This was equal to the proportion of cases involving Black accused persons that were withdrawn, dismissed or discharged over this period (42%).
- Compared to the rest of the (non-Black) accused population, Black accused persons less often had their case result in a guilty decision and more often had it withdrawn, dismissed or discharged.
- Black accused persons most often received a guilty decision for cases where the most serious offence was a *Criminal Code* traffic offence such as impaired driving (69%) or an administration of justice offence such as breach of probation (49%), and least often for cases where it was a violent offence (33%).
- Between 2016/2017 and 2022/2023, just under half of violent crime cases (47%) and property crime cases (46%) involving Black accused persons were withdrawn, dismissed or discharged.
- Similar proportions of Black and non-Black accused persons were sentenced to custody upon being found guilty in adult criminal courts (29% versus 27%). Probation was the most common sentence handed down to both Black and non-Black accused persons.
- It took nearly two months longer for court cases involving Black accused persons to be completed in adult criminal courts between 2016/2017 and 2022/2023, compared to non-Black accused persons (219 versus 165 days).

Criminal court outcomes of Black accused persons in Canada, 2016/2017 to 2022/2023

by Ashley Maxwell and Zoran Miladinovic

Black populations in Canada have long and unique histories which have been shaped by various ethnocultural origins, places of birth, languages and religions, as well as many historical and contemporary policies and practices (Government of Canada, n.d.; Moore, 2024). Black populations are diverse: According to the 2021 Census of Population, the Black populations in Canada reported approximately 371 different ethnic or cultural origins, with many coming from Caribbean or African countries (Domey & Patsiurko, 2024).¹

Along with this diversity, Black people have faced—and continue to face—ongoing racism and discrimination (Cotter, 2022; Statistics Canada, 2024; Statistics Canada, 2022). These factors extend into the criminal justice system, where Black individuals often face differential treatment across various criminal justice institutions—including policing, courts, and corrections—which can significantly influence their experiences and outcomes within the system (Department of Justice Canada, n.d.; Ontario Human Rights Commission, 2020; Owusu-Bempah & Jones, 2024; Owusu-Bempah et al., 2023; Wortley, 2019). For example, research shows that Black populations are often subject to more police surveillance, increasing the likelihood of being stopped, arrested and charged, relative to other groups (Ontario Human Rights Commission, 2023; Wortley, 2019; Wortley & Owusu-Bempah, 2011). At the court stage, Black accused persons can experience racial prejudice in how their cases are handled by prosecutors, judges and jurors, and they may be more likely to face pretrial detention or be denied bail (McAuley & Lawn, 2022; Owusu-Bempah & Jeffers, 2021). During sentencing, Black people are often given longer sentences compared to their White counterparts for similar offences, reflecting deep-seated biases in judicial decision making (Owusu-Bempah & Wortley, 2014).

The involvement of Black people in the criminal justice system reflects broader structural inequities and systemic racism. These factors contribute to the overrepresentation and differential treatment of Black people during all stages of the criminal justice process, from initial contact with police to potential incarceration. For example, although Black people represent 4% of the Canadian population, they account for 9% of incarcerated individuals in federal custody (Department of Justice Canada, 2025b). This overrepresentation and disparity are deeply rooted in historical and systemic barriers that continue to impact Black communities.

Most of the existing research surrounding Black populations and the criminal justice system has largely focused on issues of overrepresentation and differential treatment, particularly in relation to police encounters and admissions to custody (Office of the Correctional Investigator, 2022; Owusu-Bempah & Jeffers, 2021; Wortley, 2019; Wortley & Owusu-Bempah, 2022; Wortley & Owusu-Bempah, 2011). While a previous study looked at the representation of Black people in criminal courts in Canada (Saghbini & Paquin-Marseille, 2023), and others have examined pretrial detention and the greater likelihood of Black accused persons being detained before trial (Kellough & Wortley, 2002), and spending longer time in pretrial detention (Mehler-Paperny, 2017), very little recent research exists about Black people in criminal courts in Canada. This has led to significant gaps in understanding the experiences of Black populations within the criminal court system.

Using a linked data file from the Integrated Criminal Court Survey (ICCS) and the Census of Population, this *Juristat* article examines the criminal court outcomes of Black accused persons² in adult criminal courts in Canada between 2016/2017 and 2022/2023.^{3,4} It highlights key court indicators for Black accused persons such as the number of completed cases and charges, the types of offences heard by the courts, case decisions, most serious sentences and case processing times. Where relevant and notable, findings for Black accused persons are compared to non-Black accused persons (i.e., all other accused persons) (see Text box 1).⁵ However, it is important to note that these comparisons do not take into account certain factors that are not captured in the data which may underlie any observed differences, including the historical and ongoing consequences of colonization, and systemic discrimination and racism, in addition to other factors that are known to influence levels of crime such as education, employment and stable and suitable housing (Department of Justice Canada, 2023).

This article is the first in a series of upcoming articles on the involvement of Black people in the criminal justice system. A forthcoming *Juristat* article will examine disparities in decisions and sentencing outcomes between Black and White accused persons, while controlling for certain factors, such as offence type. The article will utilize the adjusted relative rate index (ARRI), in a similar approach to that which was used to investigate the representation of Indigenous accused persons in adult criminal courts (see Khorrami & Paquin-Marseille, 2025).

It is also important to note that Black populations in Canada are not homogenous, and that they are shaped by various histories, ethnocultural origins, places of birth, languages and religions. While an analytical approach that disaggregates Black populations is ideal—since it accounts for differences between Black groups, while recognizing historical differences and diversity of experiences—the relatively small number of Black accused persons in criminal courts requires that an aggregated⁶ approach to the analysis in this article is taken, unless otherwise stated.

This article was developed by Statistics Canada in support of Canada's Black Justice Strategy.

Text box 1

Data sources and unit of count

Data in this article come from the Integrated Criminal Court Survey (ICCS), which collects statistical information on adult criminal and youth court cases in Canada involving *Criminal Code* and other federal statute offences.

Because the ICCS does not collect data on the race or ethnic or cultural origins of accused persons, data were linked to Census of Population long-form questionnaires.⁷ The linked data also allowed for the analysis of other sociodemographic information collected through the census which is also not captured by the ICCS, such as educational attainment and immigrant status.

To measure racialized populations in Canada, Statistics Canada generally uses the population group question in the census through the visible minority concept in accordance with the *Employment Equity Act*. However, this article uses the category of "Black" in the visible minority variable to establish the counts of Black accused persons and to conduct analysis of their court outcomes in adult criminal courts in Canada.⁸ The "Black" category includes people who reported "Black" or "Black" and "White" in the population group question in the Census of Population.⁹ A respondent who reported "Black" and another racialized group(s) is not included among "Black accused persons" in this article as respondents who reported more than one racialized group are enumerated in the aggregate category of "Multiple visible minorities, n.i.e." This likely slightly underestimates the proportion of Black accused persons in adult criminal courts.¹⁰

In addition, this article refers to "non-Black" accused persons (i.e., the rest of the accused population), which includes those individuals who are part of racialized groups other than "Black." This group also includes people who were categorized as "not a visible minority," which comprise individuals who reported an Indigenous response (First Nations, Métis or Inuit) as well as the non-racialized, non-Indigenous population. It is important to note that the inclusion of Indigenous Peoples in the comparison group of "non-Black" may influence some of the results of this category, given the well-documented evidence that shows that First Nations people, Métis and Inuit are disproportionately represented in the criminal justice system due to historic and contemporary marginalization and systemic racism and discrimination (National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019; Truth and Reconciliation Commission of Canada, 2015). Some caution should therefore be used when interpreting these results.

It is important to also note that because of the way the linked file was created, certain population groups were not captured in the data. This includes recent immigrants who immigrated to Canada after the census date(s) (May 10, 2016 and May 11, 2021).

In this article, the unit of count is an accused person. An accused person can appear multiple times during the reference period (2016/2017 to 2022/2023) but can only appear 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.

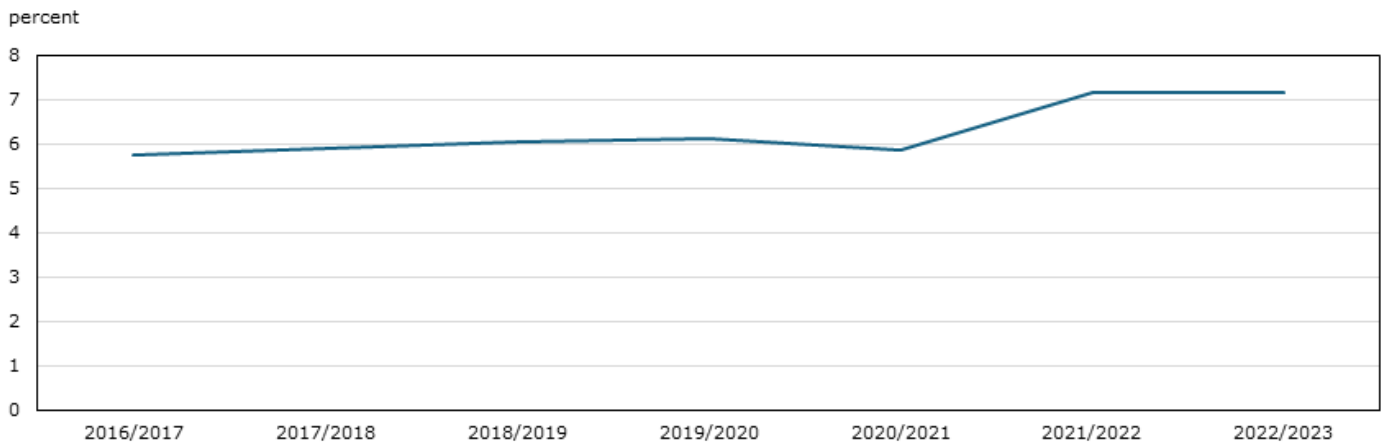
For more information on the data sources and the linkage process, see the Data sources and methodology section.

Proportion of Black accused people in adult criminal courts has generally increased over time

Between 2016/2017 and 2022/2023, there were 100,450 Black persons accused in adult criminal courts in Canada (Table 1).¹¹ Overall, Black people represented 6.2% of all accused adults in court over this time period, which was higher than their representation among the Canadian adult population (3.7%), according to the 2021 Census of Population. In contrast, non-racialized, non-Indigenous people (i.e., White) represented 60% of all accused persons in adult criminal courts during this time, while accounting for 71% of the adult population in Canada. In addition, 22% of accused were Indigenous (First Nations people, Métis or Inuit), while 12% belonged to other racialized groups.¹²

Over the last seven years, the proportion of Black accused persons in adult criminal courts has generally increased.¹³ In 2016/2017, 5.7% of accused adults were Black, compared with 7.1% in 2022/2023, which was the second highest proportion over this reference period and slightly less than the value in 2021/2022 at 7.2% (Chart 1). Over the same period, the proportion of non-Black accused persons in adult criminal courts decreased, from 94.3% in 2016/2017 to 92.9% in 2022/2023.

Chart 1
Percent of accused persons in adult criminal courts who are Black, Canada, 2016/2017 to 2022/2023



Note: Black accused persons include those who reported being "Black" or "Black" and "White" in the Census of Population. Data exclude information from superior courts in Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data. Superior court information for Prince Edward Island was also unavailable until 2018/2019. Data for Quebec were not available for 2021/2022 and 2022/2023.
Source: Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, Integrated Criminal Court Survey and Census of Population linked file.

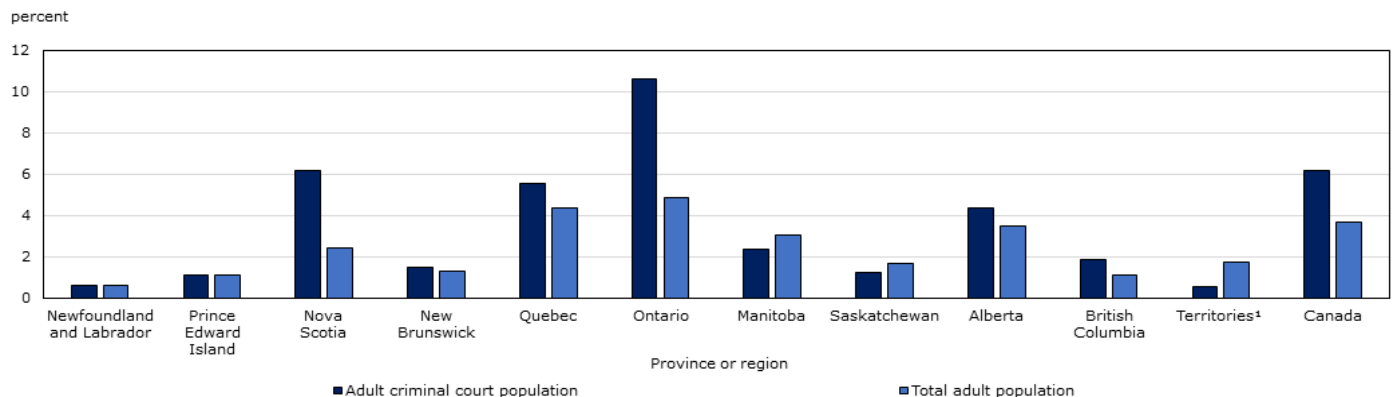
Despite the increase in the proportion of Black accused persons in adult criminal courts, the actual number of Black accused adults in court has mostly decreased over time. There were 16,320 Black accused persons in adult criminal courts in 2016/2017, compared with 12,650 in 2022/2023 (-22%). The number of non-Black accused persons also decreased over the same period but by a greater margin, from 268,030 non-Black accused persons in 2016/2017 to 164,320 in 2022/2023 (-39%).

There were 11,360 Black accused persons in adult criminal courts in 2020/2021, the lowest number over the last seven years. This period coincided with the start of the COVID-19 pandemic, when criminal court operations were disrupted because of stay-at-home orders and lockdowns which delayed many criminal court proceedings, such as trials, and created court backlogs across the country (Department of Justice Canada, 2022b). Adult criminal courts overall saw a comparable decline in the number of completed court cases¹⁴ during this fiscal year (Statistics Canada, n.d.-a).

Black accused persons overrepresented in court in some provinces

In several provinces, Black accused persons were overrepresented in court between 2016/2017 and 2022/2023, the largest gaps being in Nova Scotia and Ontario. Black people accounted for 6.2% of accused persons in adult criminal courts in Nova Scotia and 10.6% in Ontario (Table 2), which was more than two times higher than the proportion of Black people in the total adult population of these provinces, according to the 2021 Census of Population (2.4% and 4.9%, respectively) (Chart 2). Black accused persons were also overrepresented in Quebec (5.5% of the court population versus 4.3% of the total adult population), British Columbia (1.9% versus 1.1%), Alberta (4.3% versus 3.5%) and New Brunswick (1.5% versus 1.3%). In comparison, Black accused persons were equally represented in Newfoundland and Labrador and Prince Edward Island, and were underrepresented in Manitoba, Saskatchewan and the territories.¹⁵

Chart 2
Percent of accused persons in adult criminal courts and in the total adult population who are Black, by province or region, 2016/2017 to 2022/2023



1. Includes Yukon, the Northwest Territories and Nunavut.

Note: Black accused persons include those who reported being "Black" or "Black" and "White" in the Census of Population. Data exclude information from superior courts in Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data. Superior court information for Prince Edward Island was also unavailable until 2018/2019. Data for Quebec were not available for 2021/2022 and 2022/2023. Total adult population is based on data from the 2021 Census of Population. There are many factors that may influence variations between jurisdictions, therefore, 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.

Most Black accused persons in adult criminal courts are men aged 18 to 34

The large majority (81%) of Black accused persons in adult criminal courts between 2016/2017 and 2022/2023 were men (Table 3).¹⁶ This finding has also been consistent over time, with women representing about one in five (19%) Black accused persons in adult criminal courts.

Of all Black accused persons in adult criminal courts between 2016/2017 and 2022/2023, nearly 7 in 10 (68%) were aged 18 to 34.¹⁷ This age group represented the largest proportion of Black accused persons in court, regardless of gender (68% of accused men and 68% of accused women).

Overall, these patterns were consistent among non-Black accused persons and the total adult criminal court population, but to a lesser extent, with men aged 18 to 34 accounting for the largest proportion of accused persons in court. For example, among non-Black accused persons, men between the ages of 18 and 34 represented 51% of accused men. This is consistent with the finding that the Black population is significantly younger than the total population in Canada. According to the 2021 Census of Population, the Black population in Canada had a median age of 30.2 years compared with 41.2 years for the total population (Domey & Patsiurko, 2024).

Black accused immigrants are underrepresented in adult criminal courts, compared with their representation in the total population

Despite prevailing myths linking immigration to higher rates of crime (Baranauskas & Stowell, 2022; Pruyers et al., 2024), research has shown that most immigrants commit crime at lower rates than those born in Canada (Vaughn & Salas-Wright, 2018; Wortley, 2009). Between 2016/2017 and 2022/2023, about 4 in 10 (43%) Black accused persons in adult criminal courts were immigrants (Table 3).¹⁸ This percentage has remained stable over time and was lower than the proportion of Black Canadians who were identified as immigrants in the 2021 Census (51%) (Domey & Patsiurko, 2024).

A small proportion (3%) of Black accused persons were non-permanent residents.¹⁹ This was also lower than the proportion of Black Canadians who are non-permanent residents.²⁰ Just over half (54%) of Black accused persons in adult criminal courts were non-immigrants. Compared with their representation in the total Black population in Canada (42%) (Domey & Patsiurko, 2024), non-immigrants were overrepresented in court between 2016/2017 and 2022/2023.

In comparison, the large majority (87%) of non-Black accused persons were non-immigrants, while 12% were immigrants and less than 1% were non-permanent residents.

Nearly seven in ten Black accused persons in adult criminal courts have a high school diploma or lower

Most Black accused persons in adult criminal courts between 2016/2017 and 2022/2023 had either a high school diploma or equivalency certificate as their highest level of education (39%), or had no certificate, diploma or degree (30%) (Table 3).²¹ A small proportion (7%) of Black accused persons had a bachelor's degree or higher. These findings are consistent with research in general which has shown that poor educational outcomes are often linked with involvement with the criminal justice system (Groot & van den Brink, 2010; Lochner & Moretti, 2004; Owusu-Bempah & Jeffers, 2021). For example, research has shown that Black youth can often face challenges within school systems, including both disproportionately high rates and greater severity of disciplinary actions and suspensions, which can lead to poor academic performance, higher levels of school absenteeism and failure to graduate. These factors have been shown to contribute to lower levels of education and a greater likelihood of coming into contact with the criminal justice system (Henry & Tator, 2010; James, 2012; Maynard, 2017; Owusu-Bempah & Jeffers, 2021; Solomon & Palmer, 2004).

It is worth noting that Black people in Canada have levels of educational attainment that are comparable to their non-racialized counterparts. For instance, according to the 2021 Census of Population, about 29% of Canadian-born Black people aged 25 to 54 had a bachelor's degree or higher, which is similar to the figure for the non-racialized population of the same age group (28%) (Wall & Wood, 2023). Overall, Black people are one of the most educated groups of people in the country (Statistics Canada, 2025), however education levels do vary considerably between groups (Wall & Wood, 2023).

Non-Black accused persons in court also had relatively low levels of education—with 31% having a high school diploma or equivalency certificate as their highest level of education. Overall, the education levels of non-Black accused persons in adult criminal courts were similar to those of Black accused persons: 36% of non-Black accused persons had no certificate, diploma or degree, while 6% had a bachelor's degree or higher.

Three in ten Black accused persons in adult criminal courts are unemployed

Research shows that there is a strong association between involvement in the criminal justice system and employment (Babchishin et al., 2021; Doob et al., 2024). In particular, incarceration is often associated with unemployment, underemployment and low earnings, while stable employment after release from custody is linked with reduced recontact with the criminal justice system (Babchishin et al., 2021; Nolan & Power, 2014).

Between 2016/2017 and 2022/2023, 6 in 10 (61%) Black accused persons in adult criminal courts were in the labour force, while 39% were not (meaning they were retired, disabled, or otherwise not working or looking for work) (Table 3). Of those Black accused persons who were in the labour force, 3 in 10 (31%) were unemployed. This was higher than the proportion of non-Black accused persons who were unemployed (25%). Over time, the proportion of Black accused persons who were unemployed has varied, from a low of 28% of those in the labour force in 2020/2021 to a high of 38% in 2021/2022.

Common assault was the most frequent offence among Black accused persons

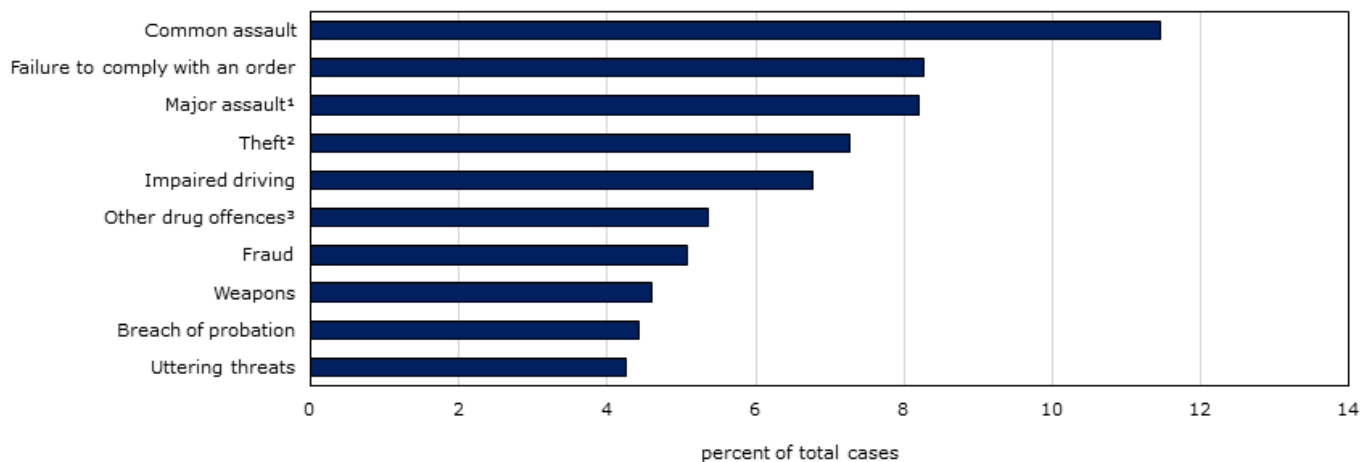
Between 2016/2017 and 2022/2023, Black persons were accused of 367,620 charges in adult criminal courts in Canada. These charges were part of 100,450 cases,²² averaging 3.7 charges per case. In comparison, non-Black accused persons had an average of 3.2 charges per case.

Black accused persons were most frequently accused in cases where violent offences (32%), property offences (23%), and administration of justice offences (17%) were the most serious offence (Table 4).²³ Cases where common assault was the most serious offence represented 11% of all completed court cases involving Black accused persons over this period (Chart 3). Other offences frequently identified as the most serious in the case included failure to comply with an order (8%), major assault (8%), theft (7%) and impaired driving (7%). Together, these five offences accounted for more than 4 in 10 (42%) completed cases involving Black accused persons during this period.

Chart 3

Ten most common offences for cases completed in adult criminal courts involving Black accused persons, Canada, 2016/2017 to 2022/2023

Ten most common offences



1. Includes, for example, assault with a weapon (level 2) and aggravated assault (level 3).

2. Includes theft over and under \$5,000.

3. Includes drug trafficking, production, importing and exporting.

Note: 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. Black accused persons include those who reported being "Black" or "Black" and "White" in the Census of Population. Data exclude information from superior courts in Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data. Superior court information for Prince Edward Island was also unavailable until 2018/2019. Data for Quebec were not available for 2021/2022 and 2022/2023.

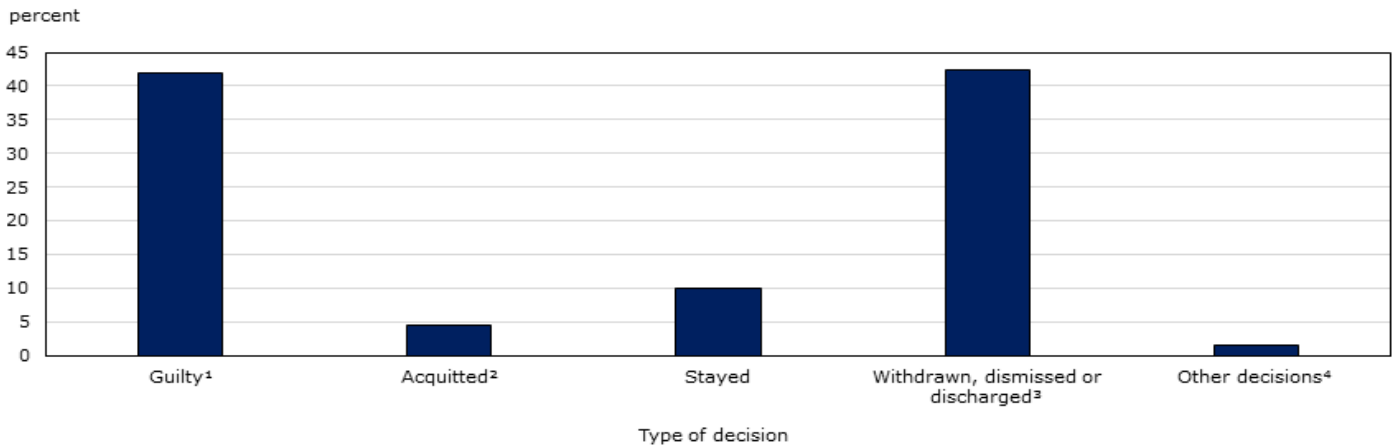
Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey and Census of Population linked file.

In comparison, non-Black accused persons were also most often accused of impaired driving (12%), common assault (12%), failure to comply with an order (8%), theft (7%) and major assault (7%) over the same period. These five offences made up just under half (46%) of completed cases involving non-Black accused persons.

Four in ten Black accused persons receive a guilty decision in adult criminal courts

About 4 in 10 (42%) adult criminal court cases involving a Black accused person completed between 2016/2017 and 2022/2023 resulted in a guilty decision (Chart 4).²⁴ This proportion has varied over time, from a low of 33% of cases in 2022/2023 to a high of 46% of cases in both 2016/2017 and 2019/2020.

Chart 4
Cases completed in adult criminal courts involving Black accused persons, by type of decision, Canada, 2016/2017 to 2022/2023



1. 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.
 2. Acquitted means that the accused has been found not guilty of the charges presented before the court.
 3. 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.
 4. 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 Charter arguments and cases where the accused was found unfit to stand trial.
Note: Black accused persons include those who reported being "Black" or "Black" and "White" in the Census of Population. 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. Data exclude information from superior courts in Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data. Superior court information for Prince Edward Island was also unavailable until 2018/2019. 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.

Between 2016/2017 and 2022/2023, an equal proportion (42%) of completed cases involving Black accused persons were withdrawn, dismissed or discharged, which refer to the court stopping criminal proceedings against the accused. The highest proportion of these decision types was in 2022/2023, when more than half (52%) of cases involving Black accused persons were withdrawn, dismissed or discharged. Research has suggested that Black people are often more vulnerable to unnecessary police charges that tend to have a low chance of conviction due to a lack of evidence which are often eventually withdrawn or dismissed in court (Wortley & Jung, 2020). These types of practices may demonstrate police bias—which may be racially motivated—where Black people are unnecessarily introduced to the court system (Owusu-Bempah & Jeffers, 2021).

The remaining cases involving Black accused persons during this period were stayed (10%), acquitted²⁵ (4%) or resulted in other decision types²⁶ (1%), such as not criminally responsible.

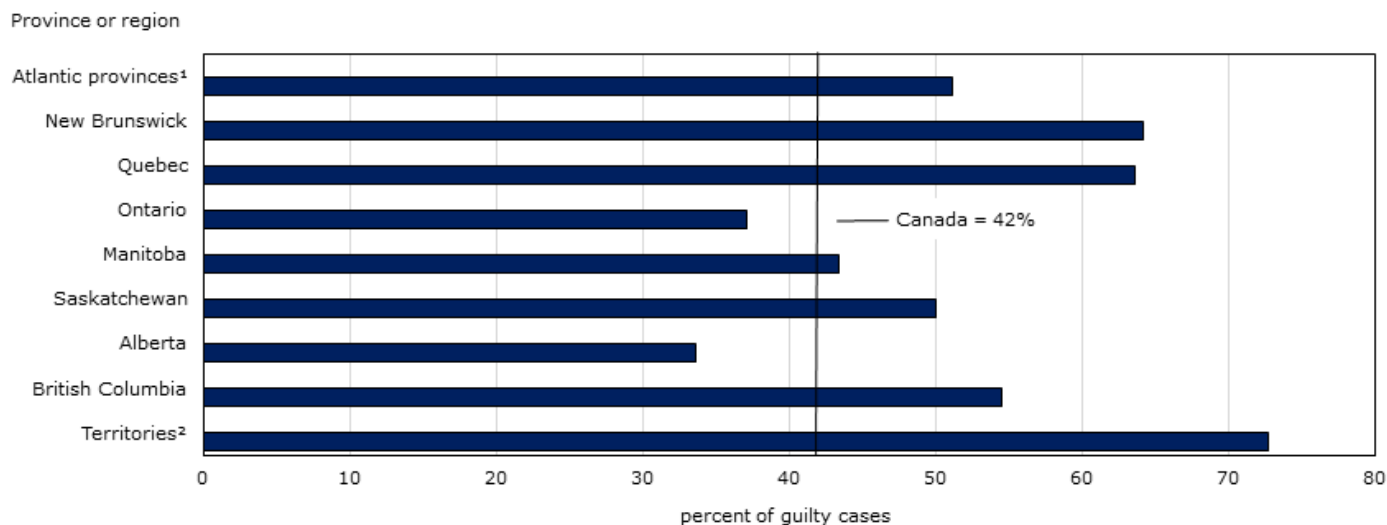
In comparison, a larger proportion of cases involving non-Black accused persons resulted in a guilty decision over the same period (55%), and a smaller proportion of cases were withdrawn, dismissed or discharged (28%).

Court outcomes for Black accused persons vary by province and territory

Like variations in crime patterns in general which can be influenced by policing practices and community characteristics (Cotter, 2025), differences in court outcomes can also be impacted by varying jurisdictional court practices. For instance, New Brunswick, Quebec and British Columbia utilize 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 can result in higher proportions of guilty findings 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 (Public Prosecution Service of Canada, 2014).

Between 2016/2017 and 2022/2023, provinces with pre-charge screening tended to have the highest proportions of cases involving Black accused persons that resulted in a finding of guilt. Nearly two-thirds (64%) of cases involving Black accused persons completed in adult criminal courts in both Quebec and New Brunswick resulted in a guilty decision, which was much higher than the national proportion (42%) (Chart 5).²⁷ Guilty findings among Black accused persons were also particularly high in British Columbia (55%) and the Atlantic provinces (excluding New Brunswick) (51%). In comparison, Alberta (34%) and Ontario (37%) reported the lowest proportions of guilty findings for Black accused individuals during this period. Overall, similar findings were noted among non-Black accused persons, where guilty decisions were higher in pre-charge screening provinces than the rest of the country.

Chart 5
Guilty cases in adult criminal courts involving Black accused persons, by province or region, 2016/2017 to 2022/2023



1. Includes Newfoundland and Labrador, Prince Edward Island and Nova Scotia.

2. Includes Yukon, the Northwest Territories and Nunavut.

Note: 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. 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. Black accused persons include those who reported being "Black" or "Black" and "White" in the Census of Population. Data exclude information from superior courts in Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data. Superior court information for Prince Edward Island was also unavailable until 2018/2019. Data for Quebec were not available for 2021/2022 and 2022/2023. There are many factors that may influence variations between jurisdictions, therefore, comparisons should be made with caution.

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

There were also differences across the country regarding other court outcomes such as withdrawals, dismissals and discharges, which were tied with guilty findings as the most common decision types for cases involving Black accused persons. These decision types were notably high in Ontario compared with the rest of the country: 54% of cases in Ontario involving Black accused individuals were withdrawn, dismissed or discharged between 2016/2017 and 2022/2023. Withdrawals, dismissals and discharges were also much higher in Alberta (43%) and the Atlantic provinces (35%). In contrast, less than 6% of cases involving Black accused persons in Manitoba combined with Saskatchewan and 2% of cases in British Columbia combined with the territories resulted in these court outcomes. Similar patterns were observed among non-Black accused persons.

Nearly half of violent crime cases involving Black accused persons are withdrawn, dismissed or discharged

The decisions that Black accused persons received in adult criminal courts between 2016/2017 and 2022/2023 varied by type of offence. Black accused persons most often received a guilty decision for cases where the most serious offence was a *Criminal Code* traffic offence (such as impaired driving) (69%) or an administration of justice offence (49%), and least often for violent offence cases (33%) (Table 5). In contrast, nearly half of violent crime cases (47%) and property crime cases (46%) involving Black accused individuals were withdrawn, dismissed or discharged, compared with one-quarter (25%) of *Criminal Code* traffic cases. There were fewer discrepancies among Black accused persons for other types of case decisions, regardless of type of offence.

In comparison, a higher proportion of non-Black accused persons received a guilty decision for all types of offences. Notably, a much larger proportion of non-Black accused individuals were guilty of other federal statute offences (e.g., drug offences) (61%) or other *Criminal Code* offences (e.g., weapons offences) (62%) than their Black counterparts (39% and 44%, respectively).

A smaller proportion of non-Black accused persons had their case withdrawn, dismissed or discharged compared to Black accused persons for every offence type. The disparity was largest for other *Criminal Code* offences (-19%) and smallest for *Criminal Code* traffic offences (-9%).

For other types of court outcomes such as stays of proceedings, acquittals and other decisions, the gap between Black accused persons and non-Black accused persons was not as pronounced, and there was less variation by type of offence.

Text box 2

Black accused persons in youth courts

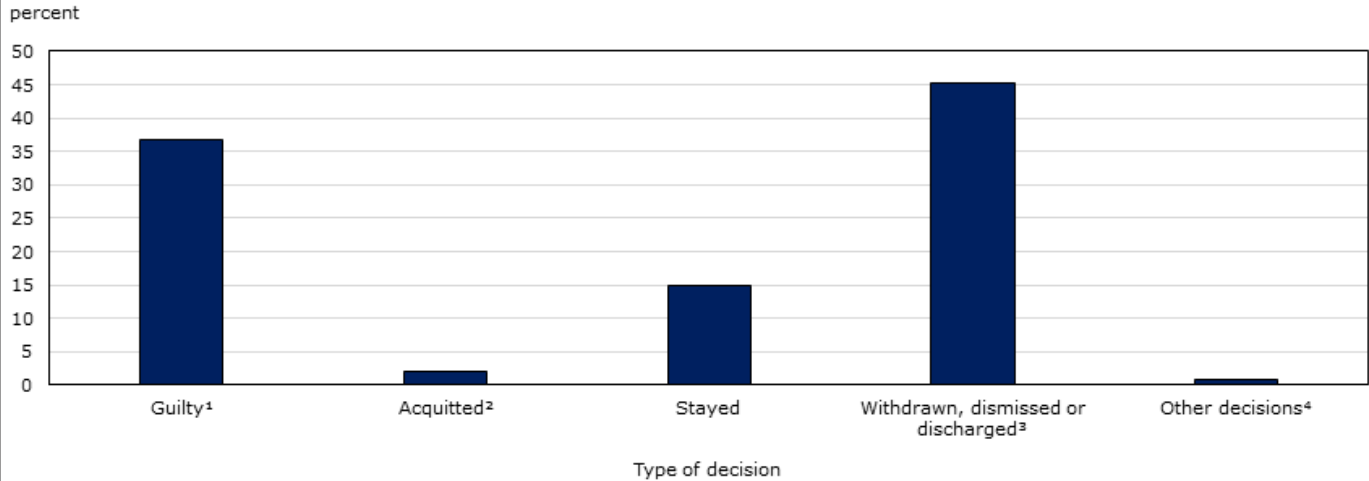
Youth courts in Canada are governed by the *Youth Criminal Justice Act* (YCJA), which applies to youth aged 12 to 17 who are accused of committing a criminal offence.²⁸ The goal of the YCJA is to provide age-appropriate responses to youth crime which are balanced between holding youth accountable and promoting rehabilitation and reintegration. In practice, the YCJA aims to divert most youth accused outside of the formal criminal justice system through extrajudicial measures (*Youth Criminal Justice Act*, 2002).²⁹ However, some youth ultimately end up in court for the resolution of criminal matters.

Between 2016/2017 and 2022/2023, there were 11,640 cases involving Black accused (aged 12 to 17) completed in youth courts in Canada. Black youth accused represented 10.2% of all youth in court over this period, while representing 6% of the total youth population in Canada.³⁰ The proportion of Black youth accused in court has generally increased over time, from 9.9% in 2016/2017 to 11.2% in 2022/2023. Half (50%) of Black youth accused in court were boys between the ages of 16 and 17,³¹ which is similar to the total youth court population in Canada (Statistics Canada, n.d.-b).³²

Most commonly, Black youth accused were in court for violent offence cases (48%) and property offence cases (25%), whereas they were less commonly in court for administration of justice offence cases (8%), other federal statute offence cases (9%), other *Criminal Code* offence cases (9%) and *Criminal Code* traffic offence cases (1%).

Overall, nearly two in five (37%) cases involving a Black accused completed in youth courts between 2016/2017 and 2022/2023 resulted in a guilty decision (Chart 6). This proportion generally remained stable over this period.³³ During the same time, nearly half (45%) of completed cases in youth courts involving a Black youth were withdrawn, dismissed or discharged. This share was notably higher than the proportion reported among non-Black youth over this period (27%).

Chart 6
Cases completed in youth courts involving Black accused persons, by type of decision, Canada, 2016/2017 to 2022/2023



1. 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.

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

3. 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.

4. 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 Charter arguments and cases where the accused was found unfit to stand trial.

Note: Black accused persons include those who reported being "Black" or "Black" and "White" in the Census of Population. 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. Data for Quebec were not available for 2021/2022 and 2022/2023. Youth accused include persons aged 12 to 17 years at the time of the offence.

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

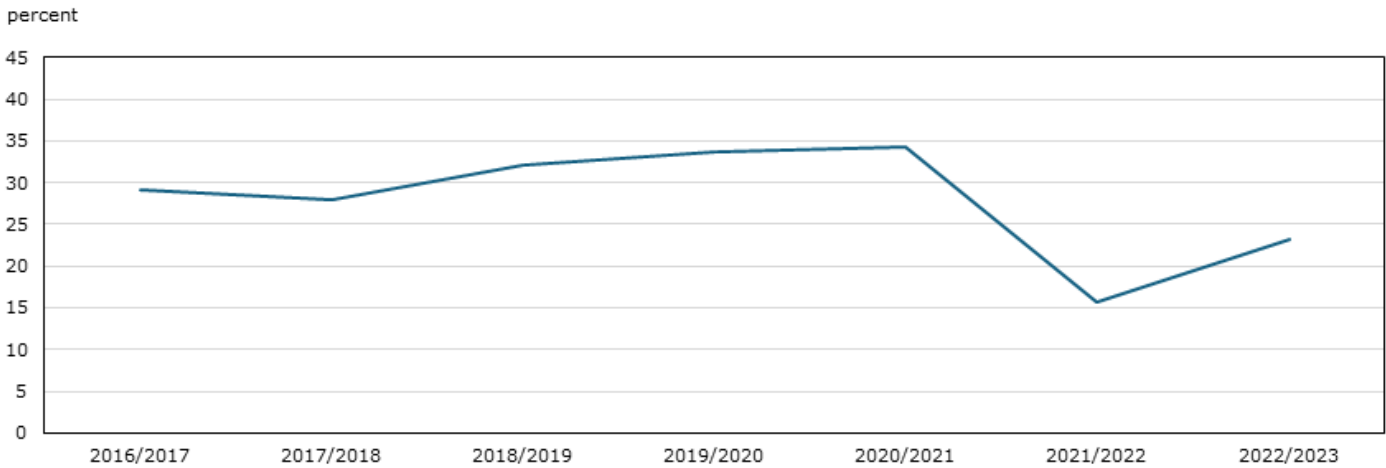
The YCJA outlines specific provisions for the sentencing of youth, which differ from the adult sentencing provisions in the *Criminal Code* (Department of Justice Canada, 2013). Between 2016/2017 and 2022/2023 in court cases involving a Black youth where there was a finding of guilt, one in seven (14%) received a custody and supervision sentence. Over time, the proportion of Black youth who received this type of sentence has fluctuated, from a low of 12% of Black youth found guilty in 2022/2023 to a high of 20% in 2021/2022. Notably, the proportion of guilty Black youth who received a custody and supervision sentence was twice as high as guilty non-Black youth (7%). The higher proportion of guilty Black youth who received a custody and supervision sentence compared with non-Black youth is notable, as research has demonstrated that the more contacts an individual has with the criminal justice system and the further they proceed through the system, the more likely they are to reoffend and return to the system (Brennan & Matarazzo, 2016; Department of Justice Canada, 2020).

Lower proportion of Black accused individuals sentenced to custody in recent years

Research has shown that Black persons are overrepresented in correctional facilities. Black people make up a larger proportion of those in custody compared to their representation in the overall population (Statistics Canada, 2026), and evidence shows they are more likely to face harsher outcomes, including longer sentences and higher security classifications when in custody (Office of the Correctional Investigator, 2022; Wortley & Jung, 2020).

Among Black accused persons in adult criminal court cases completed between 2016/2017 and 2022/2023 that resulted in a guilty decision, 3 in 10 (29%) received a custodial sentence.³⁴ This proportion has varied over time; it rose from 29% in 2016/2017 to 34% in 2020/2021, before declining in 2021/2022 to 16% (Chart 7; Table 6). This decrease coincided with a rapid increase in COVID-19 cases in Canada (Government of Canada, 2024). During this time many courts across the country implemented measures to reduce the custodial population, while balancing public safety considerations (Khorrami & Paquin-Marseille, 2025), which could explain this observed decrease in custodial sentences. In 2022/2023, the proportion of Black accused persons sentenced to custody increased, although to a level lower than before the pandemic (23%). In comparison, a slightly smaller proportion (27%) of guilty non-Black accused persons were sentenced to custody between 2016/2017 and 2022/2023.

Chart 7
Percent of guilty cases involving Black accused persons sentenced to custody in adult criminal courts, Canada, 2016/2017 to 2022/2023



Note: 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. 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. Black accused persons include those who reported being "Black" or "Black" and "White" in the Census of Population. Data exclude information from superior courts in Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data. Superior court information for Prince Edward Island was also unavailable until 2018/2019. Data for Quebec were not available for 2021/2022 and 2022/2023.

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

There was some variation in the proportion of Black accused persons who were sentenced to custody between provinces and territories. British Columbia combined with the territories had the lowest proportion of custodial sentences between 2016/2017 and 2022/2023 (19%), followed by Ontario (25%), while Quebec reported the highest percentage (38%). The remaining provinces reported proportions that ranged between 30% and 36%.

Black accused persons were most often sentenced to custody for other *Criminal Code* offence cases. Between 2016/2017 and 2022/2023, more than 4 in 10 (41%) Black accused individuals who were found guilty of an other *Criminal Code* offence case received a custodial sentence. This compared with 29% of Black accused persons found guilty of violent offences and 23% of those found guilty of property offences. Among non-Black persons accused of the same offences, the proportions were 33%, 27% and 31%, respectively. Overall, Black accused persons found guilty in *Criminal Code* traffic offence cases received a custodial sentence the least often (12%).

The median length of custodial sentences for Black accused persons was 36 days for cases completed between 2016/2017 and 2022/2023.³⁵ This figure varied over time, from a low of 30 days in both 2017/2018 and 2021/2022, to a high of 45 days in 2019/2020. Among non-Black accused persons, the median length of custody sentences between 2016/2017 and 2022/2023 was lower (30 days).

There were notable differences in median custody lengths between provinces and territories for cases completed in adult criminal courts involving Black accused individuals during this period. The median was highest in Quebec³⁶ and Saskatchewan at 60 days (each), followed by Ontario at 37 days and the Atlantic provinces at 30 days, while Alberta had the lowest median at 15 days.³⁷

Overall, probation (37%) was the most frequently ordered sentence type among Black accused persons found guilty in adult criminal courts between 2016/2017 and 2022/2023.³⁸ Probation was also the most frequently ordered sentence type among guilty non-Black accused persons (31%).

Less commonly, Black accused individuals received a fine (19%), a conditional sentence (6%), or an other sentence—such as restitution, absolute and conditional discharge, suspended sentence, community service order and prohibition orders, among others (10%).

Text box 3

Impact of race and culture assessments

When sentencing Black offenders in criminal courts in Canada, some jurisdictions utilize Impact of Race and Culture Assessments (IRCAs). These reports are similar to Gladue reports—which are often used in the sentencing of Indigenous offenders³⁹—but are used for Black and other racialized offenders.

IRCAs help sentencing judges to better understand the impacts that poverty, marginalization, racism and social exclusion may have had on Black and other racialized offenders. These assessments often help explain how certain circumstances such as lived experiences of racism and discrimination may have impacted the accused, including the crime they committed and their experience with the criminal justice system. IRCAs can also recommend sentencing alternatives to incarceration and/or culturally appropriate accountability measures within a custodial sentence (Department of Justice Canada, 2025a).

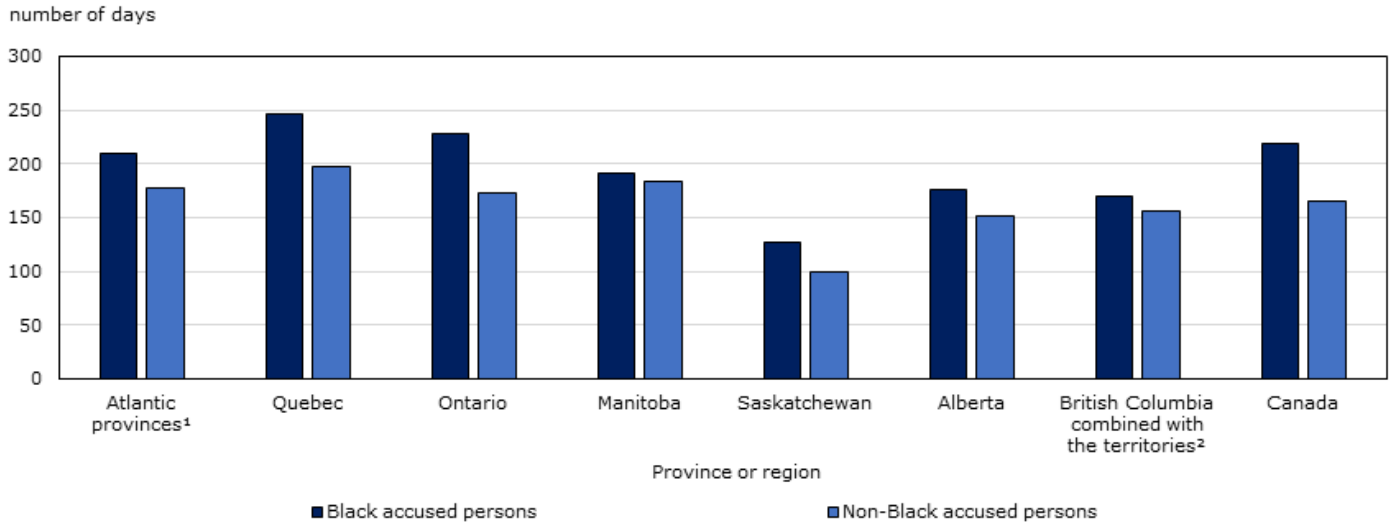
The preparation of an IRCA is not explicitly required by law. However, to date, courts in several provinces—most notably in Ontario and Nova Scotia—have recognized the importance of considering systemic racism, discrimination and social disadvantage in the selection of a sentence.⁴⁰ Judges in these jurisdictions have increasingly been using these assessments when making sentencing decisions. Since 2020, the federal government has been providing funding for the implementation of IRCAs across Canada through provincial/territorial legal aid programs. This work will continue to be supported in the coming years (Department of Justice Canada, 2024).

Cases involving Black accused individuals take nearly two months longer to complete than those involving non-Black accused individuals

It took a median of 219 days to complete a case involving a Black accused person in adult criminal court between 2016/2017 and 2022/2023. This was notably much longer than the time required to complete a court case involving a non-Black accused person (165 days) during the same period. Over time, median case processing times have generally increased for Black accused persons as well as for non-Black accused persons, but Black accused persons have consistently had longer cases. In 2016/2017, cases involving Black accused adults took a median of 196 days to reach a final decision, compared with 257 days in 2022/2023. For non-Black accused adults, the comparable medians were 148 days and 207 days (respectively). Overall, median case processing times increased 31% for Black accused persons over this period, while non-Black accused persons saw case processing times increase 40%.

Among the provinces and territories, there was wide variation in the median length of time taken to complete a case involving a Black accused person, ranging from a low of 127 days in Saskatchewan to a high of 246 days in Quebec (Chart 8). Compared to non-Black accused persons, the median length of cases was longer for cases involving Black accused persons in each province or region.

Chart 8
Median length of cases involving Black and non-Black accused persons in adult criminal courts, by province or region, 2016/2017 to 2022/2023



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

2. The territories include Yukon, the Northwest Territories and Nunavut.

Note: 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. Black accused persons include those who reported being "Black" or "Black" and "White" in the Census of Population. Non-Black accused persons include those who reported being non-racialized (i.e., "White") or another racialized group other than "Black" in the Census of Population. This category also includes those who reported being Indigenous (First Nations, Métis or Inuit). Data exclude information from superior courts in Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data. Superior court information for Prince Edward Island was also unavailable until 2018/2019. Data for Quebec were not available for 2021/2022 and 2022/2023. Case lengths are calculated based on the number of days it takes to complete a case, from first appearance to final decision or sentencing. The median is the point at which half of all cases had longer case lengths and half had shorter case lengths. Excludes cases in which the case length was unknown. There are many factors that may influence variations between jurisdictions, therefore, 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.

Cases in which a Black accused person was acquitted took longer to complete than cases resulting in other decision types. Between 2016/2017 and 2022/2023, it took a median of 306 days to complete a case involving a Black accused person that resulted in an acquittal, compared to 246 days for cases that received a guilty decision and 200 days for cases that were withdrawn, dismissed, or discharged.⁴¹ Over this period, it took longer to complete cases involving Black accused persons for all decision types than it did for cases involving non-Black accused persons (290 days for acquitted cases, 170 days for guilty cases, 150 days for withdrawn, dismissed or discharged cases).

Median case lengths for Black accused individuals also varied by type of offence. Violent offence cases (273 days) and *Criminal Code* traffic offence cases (254 days) were among the lengthiest in adult criminal courts. The longest cases for Black accused persons were those where an other *Criminal Code* offence was the most serious offence in the case. These cases took a median of 279 days to complete in adult criminal courts between 2016/2017 and 2022/2023. Administration of justice offence cases involving Black accused persons took the least amount of time to complete, with a median of 159 days. In comparison, case lengths were shorter overall for non-Black accused persons, particularly for *Criminal Code* traffic offence cases (153 days) and other *Criminal Code* offence cases (197 days), where there were the biggest gaps between Black and non-Black accused persons.

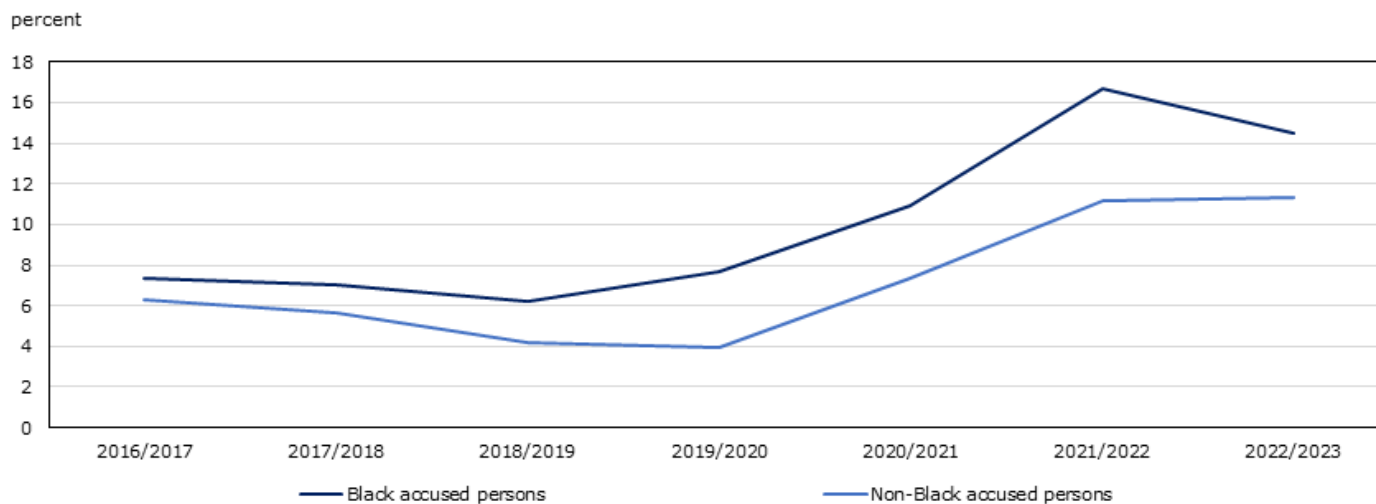
Higher proportion of cases involving Black accused individuals exceed the *Jordan* ceiling

In July 2016, the Supreme Court of Canada's *R. v. Jordan* decision set time limits for the completion of criminal charges: 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. Charges that exceed these limits are considered presumptively unreasonable and can be stayed under section 11(b) of the *Charter of Rights and Freedoms* due to unreasonable delay unless there are exceptional circumstances that justify the delay (*R. v. Jordan*, 2016).

Between 2016/2017 and 2022/2023, 1 in 10 (10%) adult criminal court cases involving Black accused persons exceeded the *Jordan* ceiling. This was higher than the proportion of cases involving non-Black accused persons that exceeded the ceiling (7%). It is important to note that the data collected through the ICCS assign the date of the first court appearance as the start of the charge or case rather than the date on which a charge is laid. The first appearance often occurs after the charge is laid. Furthermore, the ICCS data do not allow for the determination of whether cases that exceeded the *Jordan* ceiling are stayed due to unreasonable delay or if the case was stayed or withdrawn for another reason. For instance, the *Jordan* decision requires that delays attributed to the defence be subtracted from the overall time required to complete the case. The ICCS data do not account for defence-induced delay, so a case that appears to have exceeded the *Jordan* ceiling may in fact not have exceeded the limit after these delays are subtracted by the courts. This could result in an overestimation of the cases that exceeded the *Jordan* limit.

While there has been some year-to-year variation, the trend has been toward an increase in the proportion of cases exceeding the *Jordan* ceiling for adult criminal court cases involving Black accused individuals. In 2016/2017, less than 1 in 10 (7%) completed cases involving Black accused persons exceeded the ceiling (Chart 9). After a period of small fluctuations during the subsequent years, the proportion rose sharply in 2020/2021, to reach 11% of completed cases involving Black accused persons that exceeded the ceiling. This proportion peaked at 17% in 2021/2022, before declining to 14% in 2022/2023. In comparison, the proportion of cases involving non-Black accused individuals exceeding the *Jordan* ceiling has also been toward an increase, but followed a different pattern by decreasing each year during the start of this period, followed by three years of increase beginning in 2020/2021. However, during each year over this period, the proportion of cases involving non-Black accused persons that exceeded the *Jordan* ceiling was lower than among Black accused persons.

Chart 9
Percent of cases involving Black and non-Black accused persons exceeding the *Jordan* ceiling in adult criminal courts, Canada, 2016/2017 to 2022/2023



Note: 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. Black accused persons include those who reported being "Black" or "Black" and "White" in the Census of Population. Non-Black accused persons include those who reported being non-racialized (i.e., "White") or another racialized group other than "Black" in the Census of Population. This category also includes those who reported being Indigenous (First Nations, Métis or Inuit). Data exclude information from superior courts in Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data. Superior court information for Prince Edward Island was also unavailable until 2018/2019. Data for Quebec were not available for 2021/2022 and 2022/2023. The *Jordan* ceiling is based on limits set by the Supreme Court of Canada in *R. v. Jordan*: 18 months for matters heard in provincial court or 30 months for matters heard in superior court or in provincial court following a preliminary inquiry.

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

More than one-third of Black accused persons had a criminal conviction in the previous five years

Over one-third (36%) of Black accused persons with a criminal case completed between 2016/2017 and 2022/2023 had a criminal conviction in the five years preceding that case (their "five-year criminal conviction history") (Table 7).⁴² This proportion was slightly lower than that of non-Black accused persons (39%). These findings are consistent with a previous study which looked at reconvictions among adults sentenced to custody or community supervision which found that reconviction rates were similar among Black and White people in the cohort (Pedneault et al., 2024). In adult criminal courts,

the percentage of Black accused persons who had a five-year criminal conviction history for a violent offence specifically over the same period was 18%, which was the same percentage noted among non-Black accused persons (18%). In other words, differences in court decision and sentencing outcomes are not fully explained by variations in prior convictions.

While previous research (Department of Justice Canada, 2022a; Saghbini & Paquin-Marseille, 2023) and the current analysis have found that Black accused individuals are overrepresented in the accused population, the observation that Black accused persons had slightly lower criminal conviction histories than non-Black accused may lend support to the idea that police may “overcharge” Black accused persons. Other studies have suggested that Black people may be more vulnerable to unnecessary charges, which are eventually withdrawn or dismissed by the courts (Owusu-Bempah & Jeffers, 2021; Wortley & Owusu-Bempah, 2022). Indeed, proportionately fewer Black accused individuals than non-Black accused individuals were found guilty between 2016/2017 and 2022/2023 (42% versus 55%), while a higher percentage of Black accused persons had their charges withdrawn, dismissed or discharged (42% versus 28%).

The proportion of Black accused persons with a five-year criminal conviction history has mostly been on a steady decline since 2016/2017. In that year, 40% of Black accused persons had been convicted of a criminal offence in the preceding five years. This proportion decreased in each of the subsequent three years, reaching 38% in 2019/2020. It increased slightly in 2020/2021 but saw a large decrease to 28% in 2021/2022 and 2022/2023.

The five-year criminal conviction history among Black accused persons varied somewhat between the provinces and territories for the period between 2016/2017 and 2022/2023. It ranged from a low of 33% of Black accused persons in Ontario having a prior criminal conviction in the preceding five years, to a high of 47% in Quebec. The Atlantic provinces followed closely behind Quebec, at 44%, while the Western provinces and the territories had values between 35% and 41%.

The proportion of Black accused persons who had been incarcerated at one point in the preceding five years was 18% between 2016/2017 and 2022/2023. This figure was almost equal to the corresponding value for non-Black accused persons over the same period (19%).

Summary

There were 100,450 Black accused persons in adult criminal courts between 2016/2017 and 2022/2023. Although Black people made up 3.7% of the total adult population in Canada in 2021, they represented 6.2% of accused persons in adult criminal courts over this period. This percentage has generally been increasing even though there are fewer cases being completed in adult criminal courts on an annual basis.

Black accused persons in adult criminal courts were most often men between the ages of 18 and 34. About 4 in 10 (43%) Black accused persons were immigrants, and most had education levels of a high school diploma or lower.

While the charges faced in court by Black accused persons varied, most had their case withdrawn, dismissed, or discharged, or they were found guilty. These findings differed from what was noted among non-Black accused persons, who were more often found guilty, and less often received a withdrawal, dismissal or discharge.

Among Black accused individuals found guilty between 2016/2017 and 2022/2023, nearly 3 in 10 (29%) received a custodial sentence, which was slightly higher than the proportion of non-Black accused individuals who received that type of sentence (27%)

More than a third (36%) of Black accused persons had a criminal conviction in the five years preceding their court case. This proportion has declined over time, going from 40% in 2016/2017 to 28% in 2022/2023.

It took a median of 219 days to complete a court case involving a Black accused person between 2016/2017 and 2022/2023, which was notably higher than the time it took to complete a court case involving a non-Black accused person (165 days) over the same period. The time taken to complete court cases involving Black accused persons has generally increased over time.

While this article fills an important data gap on the profile of Black persons in the criminal justice system by presenting some of the most recent findings on the court outcomes of Black accused persons in adult criminal courts in Canada, more research is required to further understand the disproportionate representation and differential treatment experienced by Black populations across the criminal justice system. Gaps persist regarding the reasons for some of these outcomes, as well as analysis of other stages of the court process which were not analyzed in this article due to data limitations, such as bail proceedings, preliminary inquiries and trials. Future research could also utilize linked data to explore police-reported incidents involving Black accused persons as well as corrections data to better understand the experience of Black persons that are in contact with the criminal justice system.

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 largely based on the adult criminal court portion of the survey.

As of 2005/2006, all provincial and territorial (adult criminal) courts in ten provinces and three territories report to the survey. However, information from superior courts in Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec are not available for extraction from their electronic reporting systems and are therefore not reported to the survey. Superior court information for Prince Edward Island was also unavailable until 2018/2019. ICCS data for Quebec were not available for 2021/2022 and 2022/2023. All youth courts in Canada have reported data to the youth component of the survey since the 1991/1992 fiscal year.

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.

Linkage file: Integrated Criminal Court Survey and Census of Population

A critical component of this article is a linkage between the ICCS and the Census of Population long-form questionnaire. The purpose of this linkage was to obtain information from the census on racialized groups (based on the population group question) of the criminal court population, as this information is not available on the ICCS. ICCS cases from 2016/2017 to 2020/2021 were linked to the 2016 Census of Population, while ICCS 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%.

Linkage weights

Linkage weights were developed to consider the rate of non-linkage between the ICCS cohort files and the Census of Population long-form questionnaire. Not all individuals in the ICCS cohort files were linked to the census as the long-form questionnaire covers 25% of the population. Only a fraction of records in the ICCS will match a corresponding record in the census, which raises concerns about coverage and sampling. As a result, it is likely that the distributions of key demographic and socioeconomic factors will be different between the linked ICCS and census file and the original ICCS cohort files. This issue can lead to bias in results unless additional corrective steps are taken. Therefore, to help minimize such bias and enable generalization of the findings from the linked samples to the original ICCS cohort files, weights are produced to ensure that the distribution of background characteristics for accused persons in the ICCS that are linked to the Census of Population long-form questionnaire reflect the distribution of characteristics in the total population of accused persons in criminal courts in Canada. All results are weighted using this method.

Furthermore, to ensure a better linkage rate, multiple imputation⁴³ (Mayer, 2024) was used to fill in the missing values on age in the ICCS data. Details on the weight development strategy are available upon request.

Data rounding

All estimates have been rounded to the nearest 10. Estimates have been rounded independently; therefore, the sum of the rounded categories may not equal the rounded total. Percent calculations are based on rounded estimates.

References

- Babchishin, K. M., Keown, L.-A., & Mularczyk, K. P. (2021). Economic outcomes of Canadian federal offenders. Public Safety Canada, Research Report 2021-R002.
- Baranauskas, A. J., & Stowell, J. I. (2022). Perceptions of immigrants as a criminal threat: The role of negative affect and ethnocentrism. *Race and Justice*, 15(1), 92-118.
- Brennan, S. & Matarazzo, A. (2016). Re-contact with the Saskatchewan justice system. *Juristat*. Statistics Canada Catalogue no. 85-002-X.
- Cotter, A. (2025). Characteristics of police-reported crime in rural areas in the Canadian provinces, 2023. *Juristat*. Statistics Canada Catalogue no. 85-002-X.
- Cotter, A. (2022). Experiences of discrimination among the Black and Indigenous populations in Canada, 2019. *Juristat*. Statistics Canada Catalogue no. 85-002-X.
- Department of Justice Canada. (2025a). Legal Aid in Canada: 2023-24. Government of Canada.
- Department of Justice Canada. (2025b). Overrepresentation of Black people in the Canadian criminal justice system: Causes and effects. Government of Canada.
- Department of Justice Canada. (2024). Impact of race and culture assessments. Government of Canada.
- Department of Justice Canada. (2023). Social determinants of justice. In Canada's Black Justice Strategy. Government of Canada.
- Department of Justice Canada. (2022a). Overrepresentation of Black people in the Canadian criminal justice system. *Just Facts*. Government of Canada.
- Department of Justice Canada. (2022b). State of the criminal justice system: Impact of COVID-19 on the criminal justice system. Government of Canada.
- Department of Justice Canada. (2020). Recidivism in the criminal justice system. *Just Facts*. Government of Canada.
- Department of Justice Canada. (2013). The *Youth Criminal Justice Act*: Summary and background. Government of Canada.
- Department of Justice Canada. (n.d.). Fact sheet: Key historical facts about anti-Black racism and discrimination in Canada. In Canada's Black Justice Strategy. Government of Canada.
- Domey, N. & Patsiurko, N. (2024). The diversity of the Black populations in Canada, 2021: A sociodemographic portrait. *Ethnicity, Language and Immigration Thematic Series*. Statistics Canada Catalogue no. 89-657-X.
- Doob, A., Gartner, R., Jung, M., King, T., Kwon, J., Sprott, J. & Van Wagner, D. (2024). Centre for Criminology & Sociological Studies. *Criminological Highlights*, 21(5), 1–11.
- Government of Canada. (2024). COVID-19 epidemiology update: Outbreaks. Health Infobase.
- Government of Canada. (n.d.). Significant events in Black history in Canada.
- Groot, W. & van den Brink, H. M. (2010). The effects of education on crime. *Applied Economics*, 42(3), 279–289.
- Henry, F., & Tator, C. (2010). The colour of democracy: Racism in Canadian society (4th ed.). Toronto: Nelson Education.
- James, C. E. (2012). Students "at risk": Stereotypes and the schooling of Black boys. *Urban Education*, 47(2), 464–494.
- Kellough, G. & Wortley, S. (2002). Remand for plea: Bail decisions and plea bargaining as commensurate decisions. *The British Journal of Criminology*, 42(1), 186–210.
- Khorrani, M. & Paquin-Marseille, L. (2025). Disparities in decision and sentencing outcomes between Indigenous accused and White accused in adult criminal court, 2016/2017 to 2020/2021. *Juristat*. Statistics Canada Catalogue no. 85-002-X.

- Lochner, L. & Moretti, E. (2004). The effect of education on crime: Evidence from prison inmates, arrests, and self-reports. *American Economic Review*, 94(1), 155–189.
- Mayer, M. (2024). Fast Imputation of Missing Values [R package missRanger version 2.6.0]. R-Project.org.
- Maynard, R. (2017). *Policing Black lives: State violence in Canada from slavery to the present*. Halifax: Fernwood Publishing.
- McAuley, L. & Lawn, J. (2022). Race and prosecutorial decision-making: An analysis of the Public Prosecution Service of Canada's British Columbia regional office. Research report prepared for Todd Gerhart and George Dolhai.
- Mehler-Paperny, A. (2017). Exclusive: New data shows race disparities in Canada's bail system. Reuters.
- Moore, F. (2024). The history of colonialism and slavery still impacts Black people in Canada. *Policy Options*.
- National Inquiry into Missing and Murdered Indigenous Women and Girls. (2019). *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*.
- Nolan, A., & Power, J. (2014). Community employment characteristics and conditional release outcome among federal offenders. Correctional Service Canada, Research Report R-316.
- Office of the Correctional Investigator. (2022). *Annual Report 2021-2022*. Government of Canada.
- Ontario Human Rights Commission. (2023). *From impact to action: Final report into anti-Black racism by the Toronto Police Service*.
- Ontario Human Rights Commission. (2020). *A disparate impact: Second interim report on the inquiry into racial profiling and racial discrimination of Black persons by the Toronto Police Service*.
- Owusu-Bempah, A., & Jeffers, S. K. (2021). *Black youth and the criminal justice system: Summary report of an engagement process in Canada*. Ottawa: Department of Justice Canada.
- Owusu-Bempah, A & Jones, Z. (2024). *A roadmap for transformative change: Canada's Black Justice Strategy*. Ottawa: Department of Justice Canada.
- Owusu-Bempah, A., Jung, M., Sbaï, F., Wilton, A., & Kouyoumdjian, F. (2023). Race and incarceration: The representation and characteristics of Black people in provincial correctional facilities in Ontario, Canada. *Race and Justice*, 13(4), 530-542.
- Owusu-Bempah, A., & Wortley, S. (2014). Race, crime, and criminal justice in Canada. In *The Oxford Handbook of Ethnicity, Crime, and Immigration*, edited by S. M. Bucerius and M. Tonry. Oxford Academic.
- Pedneault, C., Lee, S. C. & Jones, N. J. (2024). Reconvictions among adults sentenced to custody or community supervision across five provincial correctional programs, 2015/2016 to 2018/2019. *Juristat*. Statistics Canada Catalogue no. 85-002-X.
- Pruysers, S., Banerjee, K., & Blais, J. (2024). Fear of crime and anti-refugee sentiments: Evidence from Canada. *Refuge: Canada's Journal on Refugees*, 40(2), 1–19.
- Public Prosecution Service of Canada. (2014). *Public Prosecution Service of Canada Deskbook*. Catalogue no. J77-2/2014E. Government of Canada.
- R. v. Anderson*. 2021. NSCA 62.
- R. v. Gladue*. 1999. CanLII 679 (SCC).
- R. v. Jordan*. 2016. SCC 27, [2016] 1 S.C.R. 631.
- R. v. Morris*. 2021. ONCA 680.
- Saghbini, C. & Paquin-Marseille, L. (2023). *Black people in criminal courts in Canada: An exploration using the relative rate index*. Department of Justice Canada.

- Solomon, R. P., & Palmer, H. (2004). Schooling in Babylon, Babylon in school: When racial profiling and zero tolerance converge. *Canadian Journal of Educational Administration and Policy*, 33.
- Statistics Canada. (2026). Overrepresentation of Indigenous and Black adults in provincial and federal custody. *The Daily*. Statistics Canada Catalogue no. 11-001-X.
- Statistics Canada. (2025). Labour market outcomes of the Black populations in Canada, 2020 to 2025. *The Daily*. Statistics Canada Catalogue no. 11-001-X.
- Statistics Canada. (2024). Half of racialized people have experienced discrimination or unfair treatment in the past five years. *The Daily*. Statistics Canada Catalogue no. 11-001-X.
- Statistics Canada. (2022). Discrimination against Black people in Canada. StatsCan Plus.
- Statistics Canada. (n.d.-a). Table 35-10-0027-01 Adult criminal courts, number of cases and charges by type of decision.
- Statistics Canada. (n.d.-b). Table 35-10-0038-01 Youth courts, number of cases and charges by type of decision.
- Truth and Reconciliation Commission of Canada. (2015). Honouring the truth, reconciling for the future: Summary of the final report of the Truth and Reconciliation Commission of Canada.
- Vaughn, M. G., & Salas-Wright, C. P. (2018). Immigrants commit crime and violence at lower rates than the US-born Americans. *Annals of Epidemiology*, 28(1), 58–60.
- Wall, K. & Wood, S. (2023). Education and earnings of Canadian-born Black populations. *Insights on Canadian Society*. Statistics Canada Catalogue no. 75-006-X.
- Wortley, S. (2019). Halifax, Nova Scotia: Street checks report. Halifax: Nova Scotia Human Rights Commission.
- Wortley, S. (2009). Introduction: The immigration-crime connection: Competing theoretical perspectives. *Journal of International Migration and Integration*, 10(4), 349–358.
- Wortley, S., & Jung, M. (2020). Racial disparity in arrests and charges: An analysis of arrest and charge data from the Toronto Police Service. Ontario Human Rights Commission.
- Wortley, S., & Owusu-Bempah, A. (2022). Race, police stops, and perceptions of anti-Black police discrimination in Toronto, Canada over a quarter century. *Policing An International Journal of Police Strategies and Management*, 45(4), 570–585.
- Wortley, S., & Owusu-Bempah, A. (2011). The usual suspects: Police stop and search practices in Canada. *Policing & Society*, 21(4), 395–407.
- Youth Criminal Justice Act*. (2002). SC, c.1.

Notes

1. Overall, most Caribbean-born Black people in Canada were born in Jamaica and Haiti, while Nigeria, Ethiopia and the Democratic Republic of the Congo were the most common countries of birth for the African-born Black populations in Canada (Domey & Patsiurko, 2024).

2. Black accused persons are individuals with a completed case in adult criminal court between 2016/2017 and 2022/2023 who reported “Black” or “Black” and “White” to the population group question in either the 2016 or the 2021 Census of Population, as this information is not collected by the Integrated Criminal Court Survey. For more information, see Text box 1.

3. Data contained in this article come from the adult criminal court portion of the Integrated Criminal Court Survey, namely, individuals who were 18 years of age or older at the time of the offence.

4. 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.

5. Non-Black accused persons are individuals with a completed case in adult criminal court between 2016/2017 and 2022/2023 who did not report “Black” as a single response or “Black” and “White” in either the 2016 or the 2021 Census of Population. This category also includes those who reported as Indigenous (First Nations, Métis or Inuit).

6. This means that data for all Black people are combined into one category, regardless of place of birth, ethnic or cultural origins, immigrant status, etc. For example, “Black” will include individuals who are of African descent born in Canada as well as Caribbean immigrants.

7. Data for cases completed between 2016/2017 and 2020/2021 were linked to the 2016 Census, while data for cases completed between 2021/2022 and 2022/2023 were linked to the 2021 Census.

8. The concept of racialized populations is measured with the “visible minority” variable. 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.

9. In the 2021 Census of Population, 89.8% of the category “Black” was single-response answers and 10.2% was multiple-response answers associated with the categories “Black” and “White” (Domey & Patsiurko, 2024).

10. The number of Black accused persons may also be slightly underestimated because people who responded as First Nations, Métis or Inuit to Question 24 (Indigenous group) in the Census of Population were not asked the population group question. In accordance with the *Employment Equity Act*, they are included in the “Not a visible minority” category in the visible minority variable, along with people who reported other selected groups such as “White.”

11. All estimates have been rounded to the nearest 10. Estimates have been rounded independently; therefore, the sum of the rounded categories may not equal the rounded total. Percent calculations are based on rounded estimates.

12. According to the 2021 Census of Population, 4% of the adult population were Indigenous, while 22% were members of racialized groups (other than Black).

13. Over this time period, the fiscal years in which there was a decrease in the proportion of Black accused persons in adult criminal courts year-over-year were 2020/2021 (5.9%) compared with 2019/2020 (6.1%) and 2022/2023 (7.1%) compared with 2021/2022 (7.2%).

14. 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.

15. Throughout this article, data for some provinces and territories are sometimes combined with other jurisdictions due to small counts.

16. 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 “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 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 men/boys or women/girls.
17. Excludes accused persons whose age was coded as unknown.
18. Immigrants include individuals who are or who have ever been landed immigrants or permanent residents, who landed in Canada on or prior to census day in 2016 or 2021. Immigrants who have obtained Canadian citizenship by naturalization are included in this category. Recent immigrants who immigrated to Canada after the census date(s) are not captured in the data.
19. Non-permanent residents include persons from another country with a usual place of residence in Canada who have a work or study permit or who are refugee claimants, and their family members living with work or study permits (unless their family members are already Canadian citizens, landed immigrants or permanent residents).
20. According to the Census, in 2021, 7% of the Black population in Canada were non-permanent residents (Domey & Patsiurko, 2024).
21. Based on persons aged 15 years and older in private households.
22. See note 14.
23. 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.).
24. 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.
25. Acquitted means that the accused has been found not guilty of the charges presented before the court.
26. Other decisions include final decisions of “not criminally responsible” and decisions 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 Charter arguments and cases where the accused was found unfit to stand trial.
27. Guilty findings among Black accused persons were highest in the territories (73%), although caution should be used due to the small number of Black accused persons. In all, there were 110 Black accused persons in the territories between 2016/2017 and 2022/2023.
28. In Canada, children under the age of 12 cannot be charged with a criminal offence.
29. 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 going through the formal court process (Department of Justice Canada, 2013).
30. Non-Black youth accounted for 90% of accused youth in youth courts between 2016/2017 and 2022/2023.
31. Three in ten (30%) Black youth accused were boys aged 12 to 15, while the remaining Black youth accused were girls aged 12 to 15 (9%) or aged 16 to 17 (11%).

32. In the total youth court population, boys aged 16 to 17 represented 44% of accused between 2016/2017 and 2022/2023 (Statistics Canada, n.d.-b).

33. In 2016/2017, 36% of cases in youth court involving a Black accused youth resulted in a guilty decision, compared with 38% in 2022/2023.

34. 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: custody; conditional sentence; probation; fine; and other (restitution, absolute or conditional discharge, suspended sentence, other).

35. 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.

36. It is important to note that the data from Quebec excludes municipal courts, which tend to handle the least serious matters. This can result in an over-estimation of custody lengths in that province.

37. The median length of custody sentences for Black accused persons was lower in British Columbia combined with the territories, at 1 day, however, caution should be used when interpreting this number due to the small number of Black accused persons in the territories.

38. See note 34.

39. The Supreme Court of Canada's 1999 *R. v. Gladue* decision determined that when sentencing Indigenous offenders, judges need to consider the systemic and background factors that may have led to an Indigenous person's involvement with the criminal justice system, including colonization, forced assimilation and systemic racism and discrimination (*R. v. Gladue*, 1999).

40. The Ontario Court of Appeal (*R. v. Morris*, 2021) and the Nova Scotia Court of Appeal (*R. v. Anderson*, 2021) confirmed that Impact of Race and Culture Assessments are vital in sentencing Black offenders since they provide context on systemic racism and discrimination.

41. It took a median of 177 days to complete cases involving Black accused persons that were stayed and 147 days for cases that received an other decision type.

42. The term five-year criminal conviction history refers to whether an accused person had been found guilty of a criminal charge within the past five years. It is based on the date on which a previous criminal court case is completed, when applicable, and the date on which a previous charge is completed. Guilty findings include both findings of guilty by the court as well as guilty pleas. It also includes cases in which an absolute or conditional discharge has been imposed.

43. Multiple imputation involves imputing the missing values of age and sex many times (25 times for this project) with different values from observations with similar characteristics in the data. Therefore, 25 datasets for each cohort year were created. The main statistical analysis was conducted on each of these datasets, followed by the integration of the parameter estimates and their variances across all the datasets. The use of multiple imputed datasets ensures that the uncertainty in the imputed values is properly captured.

Detailed data tables

Table 1
Number of Black and non-Black accused persons in adult criminal courts, Canada, 2016/2017 to 2022/2023

Year	Black accused persons ¹		Non-Black accused persons ²		Total accused persons
	number	percent	number	percent	number
2016/2017	16,320	5.7	268,030	94.3	284,350
2017/2018	16,450	5.9	262,880	94.1	279,330
2018/2019	15,360	6.1	238,350	93.9	253,720
2019/2020	15,350	6.1	235,530	93.9	250,890
2020/2021	11,360	5.9	182,650	94.1	194,010
2021/2022	12,950	7.2	167,890	92.8	180,830
2022/2023	12,650	7.1	164,320	92.9	176,970
Total	100,450	6.2	1,519,650	93.8	1,620,100

1. Black accused persons include those who reported being "Black" or "Black" and "White" in the Census of Population.

2. Non-Black accused persons include those who reported being non-racialized (i.e., "White") or another racialized group other than "Black" in the Census of Population. This category also includes those who reported being Indigenous (First Nations, Métis or Inuit).

Note: Data exclude information from superior courts in Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data. Superior court information for Prince Edward Island was also unavailable until 2018/2019. Data for Quebec were not available for 2021/2022 and 2022/2023. All estimates have been rounded to the nearest 10. Estimates have been rounded independently; therefore, the sum of the rounded categories may not equal the rounded total. Percent calculations are based on rounded estimates.

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

Table 2
Number of Black and non-Black accused persons in adult criminal courts by province or region, 2016/2017 to 2022/2023

Province or region	Black accused persons ¹		Non-Black accused persons ²		Total accused persons
	number	percent	number	percent	number
Newfoundland and Labrador	150	0.6	24,550	99.4	24,690
Prince Edward Island	80	1.1	7,220	98.9	7,300
Nova Scotia	3,210	6.2	48,780	93.8	51,990
New Brunswick	530	1.5	35,390	98.5	35,920
Quebec	14,220	5.5	243,180	94.5	257,400
Ontario	64,990	10.6	545,480	89.4	610,460
Manitoba	2,210	2.4	91,570	97.6	93,790
Saskatchewan	1,380	1.2	112,220	98.8	113,600
Alberta	10,590	4.3	234,010	95.7	244,600
British Columbia	2,970	1.9	157,420	98.1	160,390
Territories ³	110	0.6	19,840	99.4	19,950
Canada	100,450	6.2	1,519,650	93.8	1,620,100

1. Black accused persons include those who reported being "Black" or "Black" and "White" in the Census of Population.

2. Non-Black accused persons include those who reported being non-racialized (i.e., "White") or another racialized group other than "Black" in the Census of Population. This category also includes those who reported being Indigenous (First Nations, Métis or Inuit).

3. Includes Yukon, the Northwest Territories and Nunavut.

Note: Data exclude information from superior courts in Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data.

Superior court information for Prince Edward Island was also unavailable until 2018/2019. Data for Quebec were not available for 2021/2022 and 2022/2023. There are many factors that may influence variations between jurisdictions, therefore, comparisons should be made with caution. All estimates have been rounded to the nearest 10. Estimates have been rounded independently; therefore, the sum of the rounded categories may not equal the rounded total. Percent calculations are based on rounded estimates.

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

Table 3
Sociodemographic characteristics of Black and non-Black accused persons in adult criminal courts, Canada, 2016/2017 to 2022/2023

Sociodemographic characteristic	Black accused persons ¹		Non-Black accused persons ²		Total accused persons
	number	percent	number	percent	number
Gender³ and age group					
Women	18,820	19	349,580	23	368,400
18 to 24 years	5,760	31	74,970	22	80,730
25 to 34 years	6,930	37	120,150	35	127,080
35 to 44 years	3,520	19	81,630	23	85,150
45 to 54 years	1,720	9	45,170	13	46,890
55 years and older	630	3	25,450	7	26,080
Age unknown	270	...	2,210	...	2,480
Men	81,630	81	1,170,070	77	1,251,700
18 to 24 years	26,540	33	226,560	20	253,100
25 to 34 years	29,020	36	364,120	31	393,130
35 to 44 years	14,160	17	273,350	24	287,510
45 to 54 years	7,100	9	175,480	15	182,580
55 years and older	4,390	5	121,380	10	125,770
Age unknown	430	...	9,180	...	9,610
Immigrant status					
Immigrant	43,500	43	189,580	12	233,080
Non-immigrant	53,870	54	1,319,140	87	1,373,010
Non-permanent resident	3,080	3	10,940	1	14,010
Highest educational attainment					
Bachelor's degree or higher	6,820	7	94,160	6	100,980
University certificate or diploma below bachelor level	2,080	2	22,360	1	24,440
College, CEGEP or other non-university certificate or diploma	12,970	13	190,920	13	203,890
Apprenticeship or trades certificate or diploma	8,950	9	192,080	13	201,040
High (secondary) school diploma or equivalency certificate	39,330	39	467,660	31	507,000
No certificate, diploma or degree	29,790	30	546,770	36	576,560
Not applicable	490	...	5,700	...	6,200
Employment status					
In the labour force	61,450	61	952,010	63	1,013,470
Employed	42,300	69	715,090	75	757,400
Unemployed	19,150	31	236,920	25	256,070
Not in the labour force	38,500	39	561,940	37	600,440

... not applicable

1. Black accused persons include those who reported being "Black" or "Black" and "White" in the Census of Population.

2. Non-Black accused persons include those who reported being non-racialized (i.e., "White") or another racialized group other than "Black" in the Census of Population. This category also includes those who reported being Indigenous (First Nations, Métis or Inuit).

3. 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 "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, the concept of gender is used instead of sex.

Note: Data exclude information from superior courts in Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data. Superior court information for Prince Edward Island was also unavailable until 2018/2019. Data for Quebec were not available for 2021/2022 and 2022/2023. All estimates have been rounded to the nearest 10. Estimates have been rounded independently; therefore, the sum of the rounded categories may not equal the rounded total. Percent calculations are based on rounded estimates. 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 4
Number of cases involving Black and non-Black accused persons in adult criminal courts, by type of offence, Canada, 2016/2017 to 2022/2023

Type of offence	Black accused persons ¹		Non-Black accused persons ²		Total accused persons
	number	percent	number	percent	number
Violent offences	31,670	32	447,720	29	479,390
Homicide ³	170	0	1,100	0	1,270
Attempted murder	270	0	600	0	870
Robbery	2,110	2	9,130	1	11,240
Sexual assault	1,570	2	19,790	1	21,360
Offences in relation to sexual services ⁴	350	0	2,300	0	2,660
Other sexual offences ⁵	810	1	24,900	2	25,700
Major assault ⁶	8,240	8	100,870	7	109,120
Common assault ⁷	11,510	11	183,860	12	195,370
Uttering threats	4,270	4	68,710	5	72,980
Criminal harassment	900	1	20,400	1	21,300
Other violent offences	1,470	1	16,040	1	17,510
Property offences	23,390	23	324,670	21	348,060
Motor vehicle theft	410	0	6,690	0	7,100
Theft ⁸	7,300	7	106,920	7	114,220
Break and enter	1,970	2	40,490	3	42,450
Fraud	5,090	5	47,610	3	52,700
Mischief	4,080	4	72,720	5	76,800
Possess stolen property	4,200	4	41,810	3	46,010
Other property offences	340	0	8,430	1	8,770
Administration of justice offences	17,460	17	275,790	18	293,260
Failure to appear	1,240	1	18,100	1	19,340
Breach of probation	4,450	4	96,420	6	100,870
Unlawfully at large	450	0	6,520	0	6,980
Failure to comply with an order	8,300	8	116,870	8	125,180
Other administration of justice offences	3,020	3	37,870	2	40,890
Other Criminal Code offences	7,620	8	97,030	6	104,650
Weapons	4,620	5	53,740	4	58,370
Disturbing the peace	150	0	3,470	0	3,630
Residual <i>Criminal Code</i> ⁹	2,850	3	39,810	3	42,660
Criminal Code (excluding traffic)	80,140	80	1,145,210	75	1,225,350
Criminal Code traffic offences	9,280	9	227,310	15	236,600
Impaired driving ¹⁰	6,800	7	184,380	12	191,180
Other <i>Criminal Code</i> traffic ¹⁰	2,480	2	42,940	3	45,420

See notes at the end of the table.

Table 4
Number of cases involving Black and non-Black accused persons in adult criminal courts, by type of offence, Canada, 2016/2017 to 2022/2023

Type of offence	Black accused persons ¹		Non-Black accused persons ²		Total accused persons
	number	percent	number	percent	number
Total Criminal Code offences	89,420	89	1,372,530	90	1,461,950
Other federal statute offences^{11 12 13}	11,020	11	147,130	10	158,150
Drug possession	2,920	3	39,100	3	42,020
Other drug offences ¹⁴	5,390	5	35,950	2	41,350
Youth Criminal Justice Act ¹⁵	230	0	2,390	0	2,630
Residual federal statutes	2,480	2	69,680	5	72,160
Total offences	100,450	100	1,519,650	100	1,620,100

0 true zero of a value rounded to zero

1. Black accused persons include those who reported being "Black" or "Black" and "White" in the Census of Population.

2. Non-Black accused persons include those who reported being non-racialized (i.e., "White") or another racialized group other than "Black" in the Census of Population.

This category also includes those who reported being Indigenous (First Nations, Métis or Inuit).

3. Homicide includes first-degree murder, second-degree murder, manslaughter and infanticide.

4. Bill C-36 a legislation targeting "the exploitation that is inherent in prostitution and the risks of violence posed to those who engage in it" (*Criminal Code* Chapter 25, preamble), came into effect in December 2014. New offences classified as "Offences in Relation to Sexual Services", created under this legislation, include: the purchasing of sexual services or communicating for that purpose (s. 286.1); receiving a material benefit deriving from the purchase of sexual services (s. 286.2); procuring of persons for the purpose of prostitution (s. 286.3); and advertising sexual services offered for sale (s. 286.4). In addition, offences parent or guardian procuring sexual activity (s. 170) and householder permitting prohibited sexual activity crimes (s. 171) are now classified as 'Offences in Relation to Sexual Services', rather than 'Prostitution' offences. A number of other offences related to prostitution such as communicating to provide sexual services for consideration; and stopping or impeding traffic for the purpose of offering, providing or obtaining sexual services for consideration continue to be considered non-violent, 'Other *Criminal Code*' offences and are classified under 'Prostitution' offences.

5. Includes, for example, sexual interference, invitation to sexual touching, luring a child via a computer and sexual exploitation.

6. Includes, for example, assault with a weapon (level 2) and aggravated assault (level 3).

7. Common assault (level 1) is the least serious of the three types of assaults. A common assault has been committed when an individual intentionally applies force or threatens to apply force to another person, without that person's consent. The seriousness of physical injury is what distinguishes this type of assault from other, more serious assaults.

8. Includes theft over and under \$5,000.

9. Includes prostitution offences.

10. In 2018, new impaired driving laws were enacted. On June 21, 2018, Part 1 of Bill C-46 "An Act to amend the *Criminal Code* (relating to conveyances) and to make consequential amendments to other Acts" came into effect. Part 2 of this legislation came into effect on December 18, 2018.

11. Other federal statute offences refer to offences against Canadian federal statutes, such as *Customs Act*, *Employment Insurance Act*, *Firearms Act*, *Food and Drugs Act* (FDA), *Income Tax Act*, *Controlled Drugs and Substances Act* (CDSA), *Narcotic Control Act* (NCA) and the *Cannabis Act*. This offence category excludes *Criminal Code of Canada* offences. On October 17, 2018, The *Cannabis Act*, Bill C-45 "An Act respecting cannabis and to amend the *Controlled Drugs and Substances Act*, the *Criminal Code* and other Acts" came into effect. Where possible, reporting on offences under the *Cannabis Act* began in 2018/2019.

12. With the introduction of the *Controlled Drugs and Substances Act* (CDSA), some drug offences have been coded to the "other federal statutes" category. This inflates the other federal statutes group and undercounts drug offences.

13. Information on offences against the *Controlled Drugs and Substances Act* (CDSA) is not available from Quebec.

14. Includes drug trafficking, production, importing and exporting.

15. *Youth Criminal Justice Act* (YCJA) offences include the offences of inducing a young person, failure to comply with a sentence or disposition, publishing the identity of offenders, victims or witnesses and failure to comply with a designated temporary place of detention. The YCJA came into effect on April 1, 2003.

Note: 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. Data exclude information from superior courts in Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data. Superior court information for Prince Edward Island was also unavailable until 2018/2019. Data for Quebec were not available for 2021/2022 and 2022/2023. All estimates have been rounded to the nearest 10. Estimates have been rounded independently; therefore, the sum of the rounded categories may not equal the rounded total. Percent calculations are based on rounded estimates. 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 5
Number of cases involving Black accused persons in adult criminal courts, by type of offence and type of decision, Canada, 2016/2017 to 2022/2023

Type of offence	Guilty ¹		Stayed		Withdrawn, dismissed or discharged ²		Acquitted ³ and other decisions ⁴		Total cases
	number	percent	number	percent	number	percent	number	percent	
Violent offences	10,520	33	3,150	10	15,030	47	2,980	9	31,670
Property offences	9,010	39	2,740	12	10,840	46	800	3	23,390
Administration of justice offences	8,570	49	1,300	7	6,830	39	760	4	17,460
Other <i>Criminal Code</i> offences	3,320	44	710	9	3,020	40	580	8	7,620
<i>Criminal Code</i> traffic offences	6,400	69	270	3	2,300	25	310	3	9,280
Other federal statute offences ⁵	4,330	39	1,740	16	4,570	41	380	3	11,020
Total offences	42,140	42	9,920	10	42,590	42	5,810	6	100,450

1. 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.

2. 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.

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

4. 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 Charter arguments and cases where the accused was found unfit to stand trial.

5. Other federal statute offences refer to offences against Canadian federal statutes, such as *Customs Act*, *Employment Insurance Act*, *Firearms Act*, *Food and Drugs Act (FDA)*, *Income Tax Act*, *Controlled Drugs and Substances Act (CDSA)*, *Narcotic Control Act (NCA)* and the *Cannabis Act*. This offence category excludes *Criminal Code* of Canada offences. On October 17, 2018, The *Cannabis Act*, Bill C-45 "An Act respecting cannabis and to amend the *Controlled Drugs and Substances Act*, the *Criminal Code* and other Acts" came into effect. Where possible, reporting on offences under the *Cannabis Act* began in 2018/2019.

Note: Black accused persons include those who reported being "Black" or "Black" and "White" in the Census of Population. 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. Data exclude information from superior courts in Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data. Superior court information for Prince Edward Island was also unavailable until 2018/2019. Data for Quebec were not available for 2021/2022 and 2022/2023. All estimates have been rounded to the nearest 10. Estimates have been rounded independently; therefore, the sum of the rounded categories may not equal the rounded total. Percent calculations are based on rounded estimates. 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 6
Most serious sentence for cases involving Black and non-Black accused persons in adult criminal courts, Canada, 2016/2017 to 2022/2023

	Black accused persons ¹		Non-Black accused persons ²		Total accused persons
	number	percent	number	percent	number
Most serious sentence³					
Custody	12,040	29	222,170	27	234,220
Conditional sentence	2,540	6	50,070	6	52,610
Probation ⁴	15,600	37	259,860	31	275,460
Fine	7,950	19	215,360	26	223,310
Other/unknown ⁵	4,010	10	84,240	10	88,240
Total guilty cases⁶	42,140	100	831,710	100	873,850

1. Black accused persons include those who reported being "Black" or "Black" and "White" in the Census of Population.

2. Non-Black accused persons include those who reported being non-racialized (i.e., "White") or another racialized group other than "Black" in the Census of Population.

This category also includes those who reported being Indigenous (First Nations, Métis or Inuit).

3. 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: custody; conditional sentence; probation; fine; and other (restitution, absolute or conditional discharge, suspended sentence, other).

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

5. Other most serious sentences include restitution, absolute and conditional discharge, suspended sentence, community service order and prohibition orders among others. Figures for "other" as the most serious sentence are low since they are among the least serious sentence types, and are often used in combination with other more serious sentences.

6. 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.

Note: 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. Data exclude information from superior courts in Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data. Superior court information for Prince Edward Island was also unavailable until 2018/2019. Data for Quebec were not available for 2021/2022 and 2022/2023. All estimates have been rounded to the nearest 10. Estimates have been rounded independently; therefore, the sum of the rounded categories may not equal the rounded total. Percent calculations are based on rounded estimates. 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 7
Percent of Black and non-Black accused persons with a five-year criminal conviction history in adult criminal courts, by province or region, 2016/2017 to 2022/2023

Province or region	Black accused persons ¹		Non-Black accused persons ²	
	Previous conviction ³	No previous conviction	Previous conviction ³	No previous conviction
	percent			
Atlantic provinces ⁴	44	56	38	62
Quebec	47	53	41	59
Ontario	33	67	31	69
Manitoba	35	66	48	52
Saskatchewan	41	59	50	50
Alberta	37	63	42	58
British Columbia combined with the territories ⁵	40	60	45	55
Canada	36	64	39	61

1. Black accused persons include those who reported being "Black" or "Black" and "White" in the Census of Population.

2. Non-Black accused persons include those who reported being non-racialized (i.e., "White") or another racialized group other than "Black" in the Census of Population. This category also includes those who reported being Indigenous (First Nations, Métis or Inuit).

3. Previous conviction refers to whether an accused person had been found guilty of a criminal charge within the past five years. It is based on the date on which a previous criminal court case is completed, when applicable, and the date on which the reference case is completed. Guilty findings include both findings of guilty by the court as well as guilty pleas. It also includes cases in which an absolute or conditional discharge has been imposed.

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

5. The territories include Yukon, the Northwest Territories and Nunavut.

Note: Data exclude information from superior courts in Ontario, Manitoba and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data.

Superior court information for Prince Edward Island was also unavailable until 2018/2019. Data for Quebec were not available for 2021/2022 and 2022/2023. There are many factors that may influence variations between jurisdictions, therefore, comparisons should be made with caution. 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.