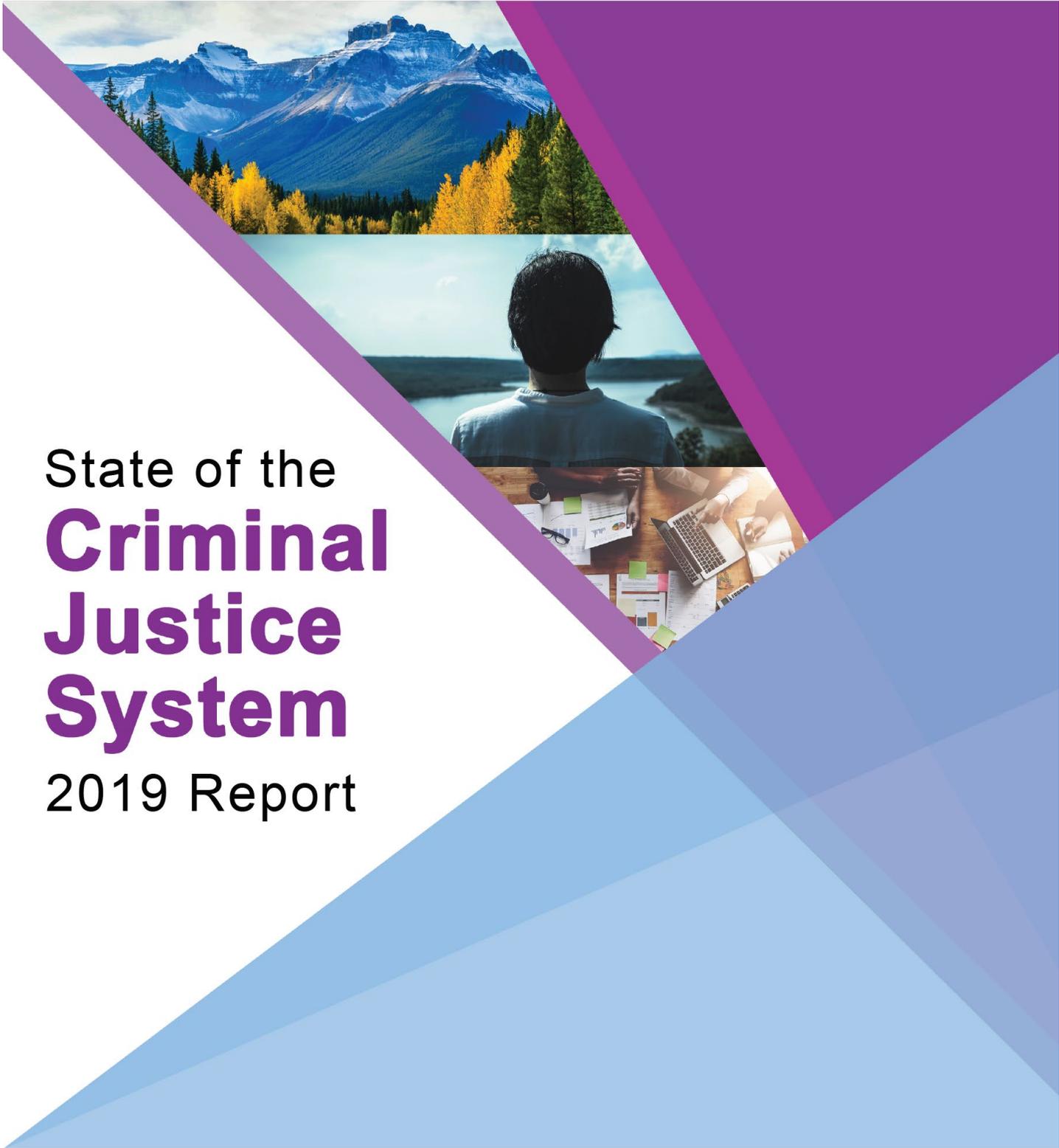




Department of Justice
Canada

Ministère de la Justice
Canada



State of the
**Criminal
Justice
System**
2019 Report

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Canada 

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Minister's message

I am pleased to present this report on the state of Canada's criminal justice system and to introduce the framework that will monitor its performance.

One of my top priorities as Minister of Justice and Attorney General of Canada has been to conduct a thorough review of our criminal justice system. In 2016, we started a national conversation about transforming this system. In March 2018, we released [What we heard - Transforming Canada's criminal justice system](#). Through public consultations with over 11,000 Canadians and a series of 27 roundtables held across the country, we received a clear message that Canadians want a fair, efficient, and compassionate criminal justice system, and one that promotes a safe, peaceful, and prosperous Canadian society.

An important part of the criminal justice system review included assessing the system's strengths and areas to improve. Longstanding gaps in data and information about the criminal justice system seriously limit the ability to evaluate the system's performance and support evidence-based decisions. As part of its commitment to review the criminal justice system and as part of its broader efforts to identify and address data gaps that hinder evidence-based decision-making, the Department of Justice Canada's Research and Statistics Division developed the first performance monitoring framework for the Canadian criminal justice system. Information from the Framework is presented in this State of the Criminal Justice System Annual Report and an online interactive Dashboard [<https://www.justice.gc.ca/eng/cj-jp/state-etat/index.html>].

This first annual report presents nine broad outcomes for the criminal justice system, along with over 40 performance indicators that measure the Government's progress toward these goals. The results of this work offer guidance about where we can build on our existing strengths and where we should focus our efforts in order to effect lasting change.

The most important goal of the criminal justice system is to ensure the safety of all Canadians. Nevertheless, we must acknowledge that our current system does not serve all Canadians equally. Indigenous people and certain marginalized and vulnerable populations are considerably overrepresented in our criminal justice system, both as victims and offenders. The Government has introduced and proposed significant changes to our laws, such as bail reform and improving how administration of justice offences are handled, as we know that these offences can function as a vulnerable individual's entry into the revolving door of criminal justice. We have also emphasized the increased use of restorative justice, which is a priority for our Indigenous partners and for the Department.

This first report serves as a benchmark for monitoring improvement. There is still much hard work ahead, and a number of areas require further study if we are to fill the remaining data gaps. I am confident that the work that remains, and what we have already accomplished, will have a profound impact on all of Canada.

I would like to thank all those who have participated in the review and the development of this Framework. I look forward to revisiting the Government's progress as we continue our work toward transforming Canada's criminal justice system.

The Honourable David Lametti
Minister of Justice and Attorney General of Canada

Acknowledgements

The Department of Justice Canada wishes to thank all of its partners for contributing to the development of the performance monitoring framework (Framework). Their collaboration and engagement are essential to its success. The following partners contributed:

- Canadian Association of Chiefs of Police and its Police Information and Statistics Committee
- Correctional Service of Canada
- Federal-Provincial-Territorial Coordinating Committee of Senior Officials – Criminal Justice
- Federal-Provincial-Territorial Coordinating Committee of Senior Officials – Youth Justice
- Federal-Provincial-Territorial Heads of Corrections
- Federal-Provincial-Territorial Working Group on Indigenous Justice Issues
- Federal-Provincial-Territorial Working Group on Legal Aid
- Federal-Provincial-Territorial Working Group on Restorative Justice
- Federal-Provincial-Territorial Working Group on Victims of Crime
- Mothers Offering Mutual Support (MOMS)
- National Associations Active in Criminal Justice
- National Justice Statistics Initiative Liaison Officers Committee
- Office of the Correctional Investigator
- Parole Board of Canada
- Public Safety Canada
- Royal Canadian Mounted Police
- Select Canadian universities
- SMART Justice Network
- Statistics Canada

A special thank you to Yvon Dandurand who provided expert guidance and support throughout the project. Many thanks to the Canadian Centre for Justice Statistics (CCJS) at Statistics Canada, the main source of data for this project. Its support in providing data through special requests has been integral to the completion of this project. Special thanks to other federal government partners whose data this project also relies on, including the Correctional Service of Canada, the Parole Board of Canada, and the Office of the Correctional Investigator.

The Department is grateful to Patricia Barkaskas, Larry Chartrand, Scott Clark, David Milward, Lisa Monchalin, and Jonathan Rudin for their expertise and guidance on the development of the Framework, particularly the Indigenous outcome and content for the Dashboard.

Executive summary

The Department of Justice Canada has created the first performance monitoring framework (Framework) for Canada's criminal justice system (CJS). It comprises broad expected outcomes and selected national indicators. Performance monitoring helps identify trends, benchmarks, strengths, and areas for improvement; it involves regularly collecting information to monitor how a system is doing, such as whether and to what extent the system's objectives are being achieved. This Framework is based on extensive research and feedback from multi-phased consultations with CJS partners, stakeholders, experts, and other Canadians. This State of the Criminal Justice System Annual Report presents information from the Framework.¹ Readers can also access an online interactive Dashboard available at <https://www.justice.gc.ca/eng/cj-jp/state-etat/index.html>.²

The Department took on this work as part of its commitment to review the CJS and as part of its broader efforts to identify and address data gaps that hinder evidence-based decision-making. The State of the Criminal Justice System Annual Report and online Dashboard:

- underscore the importance of having the right data to make decisions that can meaningfully affect the lives of Canadians;
- improve accountability and transparency about the CJS to Canadians;
- promote Open Government by making information about the CJS easier to access;
- identify information gaps that limit the ability to monitor the performance of the CJS; and
- respond to the Truth and Reconciliation Commission of Canada's Call to Action to report, monitor, and evaluate progress in addressing the issue of Indigenous people being overrepresented in the CJS.

The Framework is a work in progress, with modifications expected as performance measurement capacity and the CJS change. The Framework currently includes nine broad expected outcomes for the CJS that are measured by 41 national indicators. An additional 38 indicators or areas to consider were identified for possible inclusion in the Framework, but require further consultation to discuss data quality and data collection.

Each indicator includes a direction of improvement: increase, decrease, neutral.

Following are the nine expected outcomes:

- Canadians are safe and individuals and families feel safe
- The criminal justice system is fair and accessible
- Canadians understand the role of and express confidence in the criminal justice system
- The criminal justice system operates efficiently
- The criminal justice system promotes and supports diversion, restorative justice, Indigenous justice, and tools for community-based resolution
- The criminal justice system provides persons in the correctional system with services and supports to rehabilitate them and integrate them back into the community
- The criminal justice system respects victims' and survivors' rights and addresses their needs

¹ This report presents quantitative data on selected indicators from the performance monitoring framework.

² The Dashboard presents quantitative data for all the indicators from the Framework, where data are available. It also includes quantitative, qualitative, and contextual information about Indigenous people in the CJS.

- The criminal justice system reduces the number of Indigenous people in the system
- The criminal justice system reduces the number of marginalized and vulnerable people in the system

Canada's first national performance monitoring framework provides the foundation for understanding the current state of the CJS and provides a clear roadmap for further data development and data collection to inform legislation, policies, programs, and practices. The Framework reflects a common understanding of what the CJS is supposed to achieve and how to measure its achievements. The interactive Dashboard brings together information from multiple data sources in one easily accessible web application, and provides opportunities for stakeholders, academics, and other Canadians to share their research on the CJS.

Introduction

The Department of Justice Canada (the Department) began a review of the criminal justice system (CJS) in 2015 to support the mandate of the Minister of Justice and Attorney General of Canada (Office of the Prime Minister, 2015). A key component of the CJS review included examining existing strengths and areas to improve. Longstanding gaps in data and information seriously limit our ability to understand the CJS and identify problems, assess performance, and support evidence-based policy, programming, and legislative changes. At issue is not simply the lack of data pertaining to pathways through the CJS process, but also the inability to understand the circumstances that bring individuals into contact with the CJS and provide effective responses. This lack of data has been the subject of many discussions among experts and practitioners in the field of criminal justice and across other social disciplines. For example, the 2014 *Re-inventing Criminal Justice* symposium recommended developing and implementing performance measures to evaluate the CJS (International Centre for Criminal Law Reform and Criminal Justice Policy, 2014). In addition, as part of public consultations for the CJS review, stakeholders noted that the lack of data on the CJS makes it difficult to measure progress, make decisions, and deliver results (Department of Justice Canada, 2018a). Further, almost nine in ten Canadians strongly support having performance indicators for the CJS to tell Canadians how well it is or is not performing (Department of Justice Canada, 2018b).

As part of its commitment to review the CJS and as part of its broader efforts to identify and address data gaps that hinder evidence-based decision-making, the Department's Research and Statistics Division created the CJS' first national performance monitoring framework (Framework).

Performance monitoring refers to the ongoing regular collection of information to monitor how a system is doing, such as whether and to what extent it is achieving its objectives. Performance monitoring helps identify trends, benchmarks, strengths, and areas for improvement, and highlights areas that need more data collected, monitored, and analysed. When the performance of the CJS is monitored regularly and reported publicly, it is more accountable to the public.

The State of the Criminal Justice System Annual Report as well as an online interactive Dashboard present data and information from the Framework. The purpose of the report is to make a complicated and varied collection of CJS datasets and indicators easier for the public to access and understand. The report provides Canadians interested in finding out how effective the CJS is with key CJS information that is located in a central and regularly updated source. This work is consistent with Open Government because it provides ready access to information on the CJS. This work also responds to the Truth and Reconciliation Commission of Canada's Call to Action to report, monitor, and evaluate the issue of Indigenous people being overrepresented in the CJS (Truth and Reconciliation Commission of Canada, 2015).

This first edition of the State of the Criminal Justice System Annual Report presents quantitative data on selected indicators from the Framework. The selected indicators included in this report were based on noteworthy findings and available data. The online Dashboard was developed to present quantitative data for all indicators from the Framework, where data are available. The report and online Dashboard present data at the national level and include the five most recent years where available to show

direction of changes (e.g., increase, decrease, neutral), strengths, and areas for improvement.³ The report notes some longer-term trends.

The online Dashboard also presents information on Indigenous people's interaction with the CJS. The Dashboard shows that data for some groups of people can be reported across more than one outcome and an effort to highlight and contextualize data on the experiences of particular populations within the CJS. Future editions of the online Dashboard and annual Report will highlight and contextualize data on the experiences of other populations, such as women and youth.

The report begins by describing the CJS and how it interacts with other social systems. It then discusses the development of the Framework, including its expected outcomes, limitations, and caveats. The main sections of the report describe the outcomes and research findings for each outcome by focusing on two to four indicators per outcome. The conclusion identifies current trends based on available data and highlights what the Department intends to do next. The report does not make any assumptions or conclusions about CJS strengths and areas to improve, aside from a need to invest in data collection.

³ A neutral direction means that the targeted direction of change in an indicator (e.g., increase or decrease) is not clear or is difficult to interpret. A change in the direction for some indicators could be interpreted both positively and negatively in relation to other data, or should be interpreted with caution based on data limitations. For example, a change in the number of individuals registered as a victim to receive information about the person who harmed them could be attributable to a change in other variables, such as the number of victims/individuals in the federal correctional system or victims' awareness of/interest in registering to receive information.

What is the criminal justice system?

The CJS apprehends, prosecutes, defends, and sentences those who are accused or convicted of illegal activity. Processing through the CJS can vary, but police, courts, and correctional services are the central processing and decision-making points for people who come in contact with the CJS (e.g., accused, victims, witnesses, families, services providers).⁴

Federal, provincial, territorial, and municipal governments share responsibility for the CJS. The federal government makes criminal laws that apply across the country and sets the procedure for criminal courts (*Constitution Act, 1867, ss. 91(27)*). This helps ensure that criminal matters are treated fairly and consistently across the country. The provinces and territories administer justice within their own jurisdictions (*ibid, ss. 92(14)*); they enforce the law, prosecute most offences, and provide assistance to victims of crime. Federal, provincial, territorial, and municipal governments share responsibility for policing in Canada. The provinces and territories are responsible for administering correctional services for youth, while federal and provincial/territorial governments share responsibilities for adult correctional services. The federal government is responsible for adults (aged 18 and over) sentenced to two or more years of custody. Provincial and territorial governments are responsible for adults sentenced to less than two years of custody, those held while awaiting trial or sentencing (remand), and those serving community sentences, such as probation.

An efficient, effective, and fair CJS depends on successfully coordinating federal, provincial/territorial, and municipal jurisdictions in a number of separate but interrelated parts. These include: legislatures (which enact the laws); law enforcement; legal services and courts (e.g., prosecution, defence, legal aid); victim services; correctional services; various stakeholders; service providers; community members and groups; and other social support systems, such as health, education, and social services.

The CJS as referred to in this report and online Dashboard encompasses both the adult and youth criminal justice systems. It should be highlighted that the two systems are separate. The *Youth Criminal Justice Act (YCJA) (2002)* is the law that governs Canada's youth justice system. It applies to youth, 12 to 17 years of age, who are alleged to have committed a criminal offence. The youth system is different from the adult system in many respects: measures of accountability are consistent with young persons' reduced level of maturity, procedural protections are enhanced, rehabilitation and reintegration are given special emphasis, and the importance of timely intervention is explicitly recognized.

How does the criminal justice system interact with other social systems?

The CJS operates within a broader social context, which includes demographic, social, and economic factors, as well as other social systems (e.g., health, education, housing, social services, child welfare). Many socioeconomic risk factors are associated with involvement in the CJS. Some of these include poverty, child welfare involvement, low levels of education and employment, previous victimization, mental health and addictions issues, and homelessness. How the health, child welfare, education, and social services sectors identify, prioritize, fund, and address other social issues can affect how the CJS operates. For instance, if health system programs are successful in identifying, treating, and/or managing mental health issues and providing appropriate supports, they can help prevent crime, reduce a person's risk of contact with the CJS, and reduce incarceration rates. Other social systems can not only help with prevention but can also reduce and manage risk after someone is involved in the CJS by

⁴ For an overview of the adult CJS, refer to Statistics Canada's infographic [Overview of the Adult Criminal Justice System](#).

helping build skills, addressing health and mental health needs, and promoting rehabilitation. During consultations to develop the Framework, participants noted that in many cases the CJS should be used as a last resort for responding to crime given its limited ability to address these socioeconomic risk factors underlying most criminal behaviour.

The framework does not account for the effect of other social systems on the CJS' performance due to a lack of data. The Department has been adding more programs that cross different systems because it sees them as a promising way to improve outcomes for those in the CJS and other social systems and anticipates it will improve how it collects and analyses data in this area over time.

Development of the Framework

The Framework provides the foundation for understanding the current state of the CJS and provides a clear roadmap for further data development and data collection necessary to fully understand how the CJS is performing. The Department developed the Framework for the Canadian CJS through extensive research and by consulting with key federal, provincial, and territorial government partners; criminal justice data holders; academics; community organizations; Canadians; and other experts in criminal justice policy, performance measurement, Indigenous justice, and Indigenous legal traditions. As a starting point, the Department reviewed national and international research on performance measurement initiatives.⁵ It also consulted with many groups in 2017 and 2018 to obtain information so it could broadly define the expected outcomes of the CJS and identify indicators and data sources to measure these outcomes.⁶

The Framework comprises nine broad expected outcomes for the CJS, such as community safety, fairness and access, public confidence, and efficiency. The outcomes can be measured by 41 performance indicators at the national level. Some indicators could be placed under more than one outcome; however, a best-fit assessment was made to limit repetition.

The Framework currently relies on data from the Department of Justice Canada (JUS), the Canadian Centre for Justice Statistics (CCJS) at Statistics Canada (STC), the Correctional Service of Canada (CSC), and the Office of the Correctional Investigator (OCI). The report and Dashboard present the most recent data at the time of publication.

The Framework is seen as an evergreen and iterative process that builds on the data. This first edition is intended to lead to a stronger Framework with a more complete set of indicators to monitor performance, and stronger, reliable data collection.

⁵ Including the works of Axford (2016); Dandurand & MacPhail (2015); Dandurand, Kittayarak, & MacPhail (2015); Perrin, Audas, & Pélouquin-Ladany (2016); Perrin & Audas (2016; 2018); the Canadian Index of Wellbeing; and the Scottish Government Justice Dashboard. For a background on the Department's approach for developing the performance monitoring framework, you may request a copy of the *State of the Criminal Justice System Methodology Report* by emailing rsd-drs@justice.gc.ca.

⁶ In this context, outcomes are the broad strategic results that the CJS as a whole intends to achieve (e.g., Canadians feel safe). The CJS uses outcomes to gauge the success of the system. Targeted initiatives, activities, or programs can directly or indirectly influence changes in the outcomes. Other social systems may also influence outcomes by intervening. Indicators are quantitative (specific and measurable) or sometimes qualitative (descriptive) data that can be collected regularly over time. They provide a valid and reliable method of showing progress towards an outcome (e.g., percentage of Canadians who report feeling safe).

The Framework – Outcomes and indicators

Expected Outcome	Indicator	Data Source
SAFE COMMUNITIES Canadians are safe and individuals and families feel safe	① <i>Police-reported crime</i>	STC
	② <i>Crime severity</i>	STC
	③ <i>Self-reported victimization</i>	STC
	④ <i>Satisfaction with personal safety from crime</i>	STC
FAIR AND ACCESSIBLE The criminal justice system is fair and accessible	① <i>Public perception that the criminal justice system is fair to all people</i>	JUS
	② <i>Public perception that the criminal justice system is accessible to all people</i>	JUS
	③ <i>Approved criminal legal aid applications</i>	JUS
	④ <i>Clients served by the Indigenous Courtwork Program</i>	JUS
	⑤ <i>Pre-trial detention/remand</i>	STC
	⑥ <i>Office of the Correctional Investigator complainants</i>	OCI
CONFIDENCE IN THE SYSTEM Canadians understand the role of and express confidence in the criminal justice system	① <i>Public awareness of the role of the criminal justice system</i>	JUS
	② <i>Public confidence in the police</i>	STC
	③ <i>Public confidence in the Canadian criminal courts</i>	STC
	④ <i>Victimization incidents reported to the police</i>	STC
OPERATION OF THE SYSTEM The criminal justice system operates efficiently	① <i>Offence clearance rate</i>	STC
	② <i>Case completion time</i>	STC
	③ <i>Administration of justice offences</i>	STC
RESOLUTION MECHANISMS The criminal justice system promotes and supports diversion, restorative justice, Indigenous justice, and tools for community-based resolution	① <i>Incarceration rate</i>	STC
	② <i>Criminal incidents cleared by referral to a diversionary program</i>	STC
	③ <i>Drug treatment court program referrals</i>	JUS

<p>CORRECTIONAL SUPERVISION</p> <p>The criminal justice system provides persons in the correctional system with services and supports to rehabilitate them and integrate them back into the community</p>	<p>① <i>Intensive Rehabilitative Custody and Supervision youth cases receiving specialized treatment</i></p>	JUS
	<p>② <i>Mental health services in federal corrections</i></p>	CSC
	<p>③ <i>Correctional programs in federal corrections</i></p>	CSC
	<p>④ <i>Educational programs in federal corrections</i></p>	CSC
	<p>⑤ <i>Individuals under federal correctional supervision granted parole</i></p>	PBC
	<p>⑥ <i>Successful completion of statutory release without revocation in federal corrections</i></p>	PBC
	<p>⑦ <i>Individuals under federal correctional supervision who secure employment before their sentence ends</i></p>	CSC
	<p>⑧ <i>Community release plan for Indigenous people in federal custody</i></p>	CSC
<p>VICTIMS AND SURVIVORS</p> <p>The criminal justice system respects victims' and survivors' rights and addresses their needs</p>	<p>① <i>Victim satisfaction with the actions taken by police</i></p>	STC
	<p>② <i>Individuals registered as a victim to receive information about an individual who harmed them</i></p>	PBC
<p>INDIGENOUS PEOPLE</p> <p>The criminal justice system reduces the number of Indigenous people in the system</p>	<p>① <i>Self-reported victimization among Indigenous people</i></p>	STC
	<p>② <i>Police-reported homicide victims identified as Indigenous</i></p>	STC
	<p>③ <i>Police-reported homicide accused identified as Indigenous</i></p>	STC
	<p>④ <i>Indigenous admissions to provincial/territorial correctional services</i></p>	STC
	<p>⑤ <i>Indigenous admissions to federal correctional services</i></p>	STC
	<p>⑥ <i>Indigenous people among the total federal offender population</i></p>	CSC
	<p>⑦ <i>Indigenous people designated as Dangerous Offenders</i></p>	CSC
<p>MARGINALIZED AND VULNERABLE PEOPLE</p> <p>The criminal justice system reduces the number of marginalized and vulnerable people in the system</p>	<p>① <i>Self-reported violent victimization among marginalized and vulnerable populations</i></p>	STC
	<p>② <i>Police contact among individuals with a mental or substance use disorder</i></p>	STC
	<p>③ <i>Mental health needs in federal corrections</i></p>	CSC
	<p>④ <i>Visible minorities in federal corrections</i></p>	CSC

Data gaps, limitations, and caveats

The CJS is a complex mix of systems and is administered differently across Canada. Producing a national account of the CJS thus hides some of the differences in processes and practices across the country. In addition, it is impossible and impractical to report on all possible outcomes and indicators. Consensus was not expected or achieved through consultations. Furthermore, the reported data are only as strong as the data collection efforts used to inform the outcomes and indicators. Indicators often suffer from data that are missing, unavailable, or inconsistently reported.

Not all relevant performance indicators are currently available or collected at a national level. An additional 38 indicators or areas of importance were identified for possible inclusion in the Framework, but require further consultation to discuss data collection, data quality, and data monitoring capabilities. Examples of these indicators and areas include crime prevention, oversight of the CJS, identification of marginalized groups, and recidivism. Refer to Annex 1 for a summary of indicators and areas for future data development.

CJS indicators are useful in providing information on the system's performance, directing attention to areas in need of improvement, and facilitating better resource planning. However, they cannot, on their own, explain the system's performance, nor can an indicator explain trends in data. The reasons for any changes over time must be examined independently of the Framework.

A final caveat to note is that while it is recognized that not everyone in Canada is considered Canadian (e.g., non-permanent residents) and some Indigenous people do not identify as Canadian, for the purpose of analysis and reporting, we use the term "Canadians" to coincide with the terminology used by Statistics Canada, Canada's national statistical office.

Results by outcome

This report presents data on selected indicators that were included based on noteworthy findings and available data.⁷ The Dashboard presents additional data. Some indicators had data for only one year and therefore no baseline was available to compare the data. Charts are included for selected indicators.⁸

Outcome 1 – Canadians are safe and individuals and families feel safe

Ensuring that individuals, families, and communities in Canada are safe is a core outcome of the CJS. Crime prevention and intervention, which aims to protect individuals, families, and communities, can achieve safety. This outcome is measured by the prevalence and severity of police-reported crime, self-reported victimization, and satisfaction with personal safety from crime. Other indicators, such as crime prevention programs and community safety plans, may be included in future editions of the Framework.

Police-reported crime

In 2017, police in Canada reported over 1.9 million *Criminal Code* incidents (excluding traffic offences) (Allen, 2018). At a rate of 5,334 incidents per 100,000 population, the 2017 police-reported crime rate, which measures the volume of crime, increased for the third consecutive year (Chart 1).⁹ At the same time, the Crime Severity Index (CSI), which measures both the volume and severity of police-reported crime, also increased for the third consecutive year, from 71.7 in 2016 to 72.9 in 2017.¹⁰ Despite these increases, both the police-reported crime rate and the CSI have decreased substantially from a decade earlier in 2007 (-23% and -24%, respectively). In addition, both the violent crime rate and the violent CSI have decreased over the last decade (-19% and -18%, respectively).

In 2017, most crime was non-violent, accounting for four out of five (79%) police-reported *Criminal Code* incidents (excluding traffic) (Allen, 2018). The most common crimes included theft of \$5,000 or under (non-motor vehicle), mischief, administration of justice offences (AOJOs),¹¹ assault level 1,¹² and

⁷ Percentages have been rounded unless they are less than 10. They may differ slightly from unrounded percentages published elsewhere.

⁸ Charts are also available on the online Dashboard for each indicator.

⁹ The traditional crime rate has been used to measure police-reported crime in Canada since 1962. It is generally expressed as a rate per 100,000 population. The crime rate is calculated by summing all *Criminal Code* incidents reported by the police and dividing by the population. The crime rate excludes *Criminal Code* traffic violations, as well as other federal statute violations such as drug offences. A population-based rate, which expresses the number of police-reported crimes based on the size of the population, is used internationally when reporting crime trends.

¹⁰ The CSI was developed to address the limitation of the police-reported crime rate: that it is driven by high-volume, relatively less serious offences. The CSI takes into account the volume of crime, as well as the relative severity of crime. To calculate the police-reported CSI, each violation is assigned a weight based on the violation's incarceration rate, as well as the average length of a prison sentence. To calculate the CSI, the weighted offences are summed and then divided by the population. Similar to other indexes (e.g., Consumer Price Index), to allow for ease of comparison, the CSI is then standardized to a base year of 100. For the CSI, the base year is 2006.

¹¹ Administration of justice offences include the *Criminal Code* violations of failure to comply with conditions/an order, breach of a probation order, failure to appear at court, escape or help escape from custody, prisoner unlawfully at large, and other offences against the administration of justice (for example, impersonating a peace officer).

¹² Assault level 1, also referred to as common assault, includes pushing, slapping, punching, and face-to-face verbal threats.

breaking and entering. Rates for most crimes decreased between 2007 and 2017, although increases were seen for child pornography,¹³ extortion, firearm offences, AOJOs, fraud, and sexual assault level 1 and level 3.¹⁴

Homicides account for a small proportion of all police-reported violent *Criminal Code* offences in Canada (less than 0.2% in 2017) (Allen, 2018). While homicide continues to be a relatively rare occurrence in Canada, homicide rates are considered benchmarks for levels of violent activity. Police reported 660 homicides in 2017, 48 more than the previous year. The 2017 homicide rate (1.80 victims per 100,000 population) was 7% higher than the previous year, the highest in nearly a decade (Beattie, David, & Roy, 2018). The increase in homicides was driven by an increase in firearm and gang-related homicides. The 2017 firearm-related homicide rate was the highest in 25 years and the 2017 gang-related homicide rate was the highest rate recorded since comparable data was first collected in 2005.

Police-reported data show that young adults aged 18 to 24 have the highest rates of criminal offending compared with other age groups (Allen, 2016). In 2014, crime rates were highest among young adults (5,428 per 100,000 young adults), followed by youth aged 12 to 17 (4,322 per 100,000 youth). Rates for both young adults and youth were more than twice as high as the rate for adults aged 25 and older (2,048 per 100,000 adults aged 25 and older).

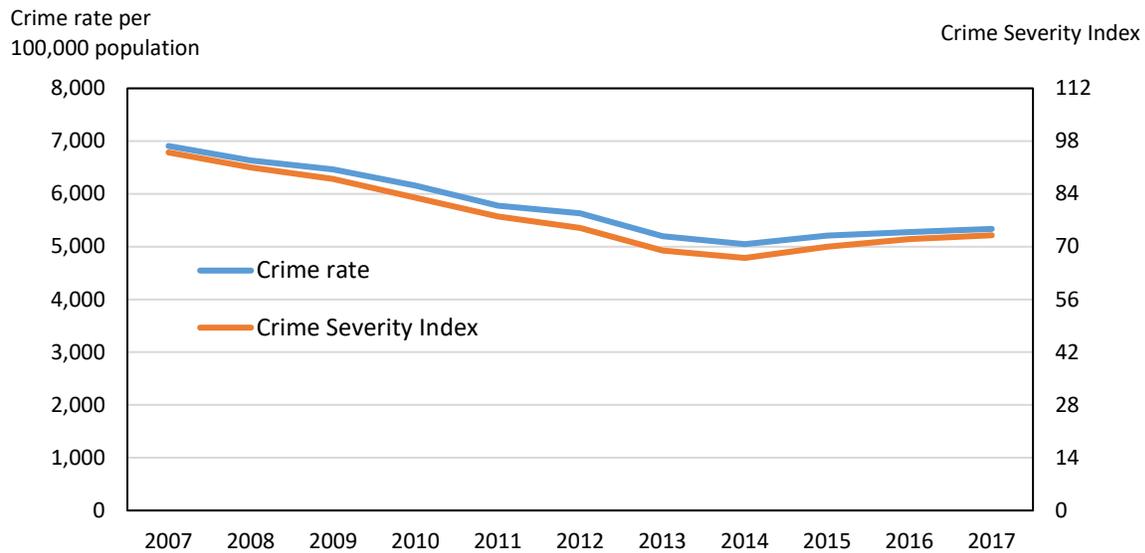
In 2017, the youth Crime Severity Index (YCSI), which measures both the volume and severity of crimes involving youth accused (both charged and not charged), increased 3% from the previous year, the first notable increase since 2007 (Allen, 2018). Both the police-reported youth crime rate and YCSI have decreased considerably over the last decade, since 2007 (-44% and -38%, respectively).

Police-reported data show that females are accused of criminal offending at a lower rate than males, regardless of their age. In 2017, females accused of a criminal offence accounted for 25% of all persons accused compared with 75% for males accused of a criminal offence (Savage, 2019).

¹³ Due to the complexity of these cyber incidents, the data likely reflect the number of active or closed investigations for the year rather than the total number of incidents reported to police. Data are based on police-reported incidents that are recorded in police services' records management systems.

¹⁴ Sexual assault level 1 is defined as assault of a sexual nature that violates the sexual integrity of the victim. Sexual assault level 3 is defined as sexual assault that wounds, maims, disfigures, or endangers the life of the victim.

Chart 1. Police-reported crime rate and Crime Severity Index, Canada, 2007 to 2017



Note: The crime rate is based on *Criminal Code* incidents, excluding traffic offences. The Crime Severity Index (CSI) is based on *Criminal Code* incidents, including traffic offences, as well as other federal statute violations. The base index was set at 100 for 2006 for Canada. Populations are based upon July 1st estimates from Statistics Canada, Demography Division.

Source: Statistics Canada. Table 35-10-0177-01 Incident-based crime statistics, by detailed violations; Statistics Canada. Table 35-10-0026-01 Crime severity index and weighted clearance rates.

Self-reported victimization

Police-reported crime statistics represent only a part of all crimes.¹⁵ The General Social Survey (GSS) on Canadians' Safety (Victimization) collects information on victims' self-reported experiences with crime, which includes incidents that may not have been reported to police. In 2014, just under one in five Canadians aged 15 years and older (approximately 5.6 million people) reported that they or their household had been the victim of a crime in the previous year, down from just over one in four in 2004 (Perreault, 2015).¹⁶ About two-thirds (65%) of crimes reported by Canadians in 2014 were non-violent. Theft of personal property was the crime most frequently reported (34%), followed by physical assault (22%), theft of household property (12%), sexual assault (10%), vandalism (9%), break and enter (7%), theft of motor vehicle or parts (4%), and robbery (3%).

¹⁵ There are two main sources of data on crime in Canada: the Uniform Crime Reporting (UCR) Survey, which collects police-reported data, and the GSS on Canadians' Safety (Victimization), which collects information on victims' self-reported experiences with crime, which include incidents that may not have been reported to police. Numbers from these two surveys should not be directly compared, and trends should be compared with caution given the significant methodological and conceptual differences (for further information, see Wallace, Turner, Babyak, & Matarazzo, 2009).

¹⁶ The GSS on Victimization collects information for a subset of offences – sexual assault, robbery, physical assault, breaking and entering, theft of motor vehicle or parts, theft of personal property, theft of household property, and vandalism. Excludes data from the territories – the survey in the territories was conducted using a different sampling design.

The rate of violent victimization (76 violent incidents per 1,000 people), which includes sexual assault, robbery, and physical assault, was 28% lower in 2014 than in 2004 (Perreault, 2015). Among the different types of violent crime, robbery and physical assault decreased from 2004 (-45% and -36%, respectively), while sexual assault was the only crime for which the victimization rate remained relatively stable since 2004.

Males and females (aged 15+) have shown similar rates of violent victimization in the past; however, in 2014, a higher rate was observed for females than males (85 incidents per 1,000 females vs. 67 incidents per 1,000 males) (Perreault, 2015). This can be explained by the stable rate of sexual assault since 2004 (a crime in which the majority of victims are female) and the significant drop in rates of robbery and physical assault (crimes in which the majority of victims are male). Overall, since 2004, rates of violent victimization have declined for both females and males. Research into the risk of violent victimization among males and females shows that females have about a 20% higher risk of violent victimization than males, even when controlling other risk factors (Perreault, 2015). Victimization data for Indigenous people and marginalized and vulnerable people are reported under outcomes 8 and 9.

Satisfaction with personal safety from crime

Among Organisation for Economic Co-operation and Development (OECD) countries, Canadians are among those who feel safest (Perreault, 2017). Only citizens of the Scandinavian countries (except Sweden), Switzerland, and Slovenia were more likely to report feeling safe. According to the 2014 GSS on Canadians' Safety (Victimization), the majority (88%) of Canadians said they were satisfied with their personal safety from crime (Statistics Canada, n.d.-a).¹⁷ Levels of satisfaction with personal safety from crime differ among segments of the population. A higher proportion of males than females (91% vs. 85%) said they were satisfied with their personal safety from crime in 2014. Slightly higher proportions of non-Indigenous people than Indigenous people (88% vs. 85%) and non-members of a visible minority than visible minorities (89% vs. 86%) reported being satisfied with their personal safety from crime.¹⁸ A similar proportion of immigrants and non-immigrants (89% and 88%, respectively) said they were satisfied with their personal safety from crime.¹⁹

Outcome 2 – The criminal justice system is fair and accessible

Ensuring the CJS is fair and accessible is a core outcome of the CJS. Fairness is defined as people being treated according to the rule of law, without discrimination, while also considering a person's individual characteristics throughout the process (e.g., past behaviours, history of victimization, mental health and substance use disorders). Access to the CJS is defined as having equal access to the information and

¹⁷ Includes responses "very satisfied" and "satisfied". Calculations of percentages include responses "Don't know" and "Refusal".

¹⁸ "Visible minority" refers to a person belonging to a visible minority group as defined by the Employment Equity Act. The Act defines visible minorities as "persons, other than Indigenous people, who are non-Caucasian in race or non-white in colour". The visible minority population consists mainly of the following groups: South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean, and Japanese. Non-members of a visible minority include respondents who reported "Yes" to the Indigenous identity question as well as respondents not considered members of a visible minority group.

¹⁹ "Immigrant" refers to a person who is, or who has ever been, a landed immigrant or permanent resident. Such a person has been granted the right to live in Canada permanently by immigration authorities. Immigrants who have obtained Canadian citizenship by naturalization are included in this group.

assistance that is needed to help prevent legal issues and to help resolve such issues efficiently, affordably, and fairly. This outcome is measured by public perceptions of CJS fairness and accessibility, access to legal aid, use of the Indigenous Courtwork Program, remand/pre-trial detention,²⁰ and complaints against the federal correctional system. Other indicators, such as complaints against the Royal Canadian Mounted Police (RCMP), self-represented accused, and administrative segregation may be included in future editions of the Framework.

Public perception that the criminal justice system is fair and accessible

According to the 2018 National Justice Survey (NJS), 57% of Canadians said they are confident or moderately confident that the CJS is fair to all people (Department of Justice Canada, 2019). In contrast 43% of Canadians expressed a lack of confidence that the CJS is fair.²¹

According to the 2018 NJS, 64% of Canadians said they are confident or moderately confident that the CJS is accessible to all people (Department of Justice Canada, 2019), while 36% of Canadians expressed a lack of confidence that the CJS is accessible.²²

Criminal legal aid applications

Legal aid services support access to justice for people who are unable to pay for a lawyer on their own. Legal aid services are funded by federal, provincial, and territorial governments. The Department of Justice Canada's Legal Aid Program provides some funding to the provinces through contribution agreements for criminal legal aid, and to the territories through consolidated access to justice services agreements. In 2016/17, legal aid services received 340,781 criminal legal aid applications across the country (Department of Justice Canada, 2018c).²³ Over three-quarters (81%) of these were approved for full legal aid services (80% of adult applications and 94% of youth applications).

Indigenous Courtwork Program

Through the Indigenous Courtwork (ICW) Program, the Department contributes to provincial and territorial governments to assist Indigenous people in contact with the CJS (accused persons, victims, witnesses, and family members) to obtain fair, just, and culturally relevant treatment. As part of the Program, community-based Indigenous courtworkers provide information on the criminal justice process (e.g., charges, court procedures, rights and responsibilities), offer support in accessing legal resources and community services, facilitate communication with court officials, and provide the court with critical background and contextual information on the Indigenous accused person and available community resolution options. The ICW Program is delivered through a network of over 200 full-time and part-time courtworkers in over 450 communities across Canada.

²⁰ Being remanded into custody (remand)/pre-trial detention refers to temporarily detaining an adult/youth in provincial/territorial custody, while they are awaiting trial or sentencing.

²¹ Excludes a small proportion of "unknown" responses. A definition of "fair" was not provided to respondents.

²² Excludes a small proportion of "unknown" responses. A definition of "accessible" was not provided to respondents.

²³ An application for legal aid refers to a request for legal aid assistance that results in providing summary or full-service assistance on behalf of the legal aid plan, or denying legal aid service. Summary services include providing legal advice, information, or any other type of minimal legal service granted to a person. Full services constitute more extensive legal assistance. Applications not approved for full legal aid services may receive summary services instead. Data were only available on the number of approved legal aid applications for full service.

In 2016/17, the ICW Program served about 77,500 clients (Department of Justice Canada, n.d.-a),²⁴ a 32% increase from 2013/14. This increase should be interpreted with caution as it could indicate a greater reach of the Program, but also a greater number of Indigenous people in contact with the CJS. Over three-quarters (82%) of clients served in 2016/17 were accused persons with a charge. A smaller proportion (18%) of clients were witnesses, victims, family members, or persons without a charge.

Remand/pre-trial detention

Being remanded into custody (remand)/pre-trial detention refers to temporarily detaining an adult/youth in provincial/territorial custody, while they are awaiting trial or sentencing. This contrasts with sentenced custody, the detention of an adult/youth who has already been convicted of a crime. The *Criminal Code* (1985, s. 515(10)) and the *Youth Criminal Justice Act* (2002, s. 29(2)) specify justifications for detention in custody: to ensure attendance in court, protect the public (including victims and witnesses), and maintain public confidence in the administration of justice.

Remand/pre-trial detention issues relate to the fairness of the CJS since some people remanded into custody or detained in pre-trial detention are waiting to move through the system and some have not been found guilty.²⁵ While remand/pre-trial detention plays a role in the protection of society and the administration of justice, increases in the percentage of people held in remand/pre-trial detention may suggest deeper systemic issues. These include issues of:

- legal rights (e.g., the presumption of innocence);
- human rights (e.g., poor conditions in detention including overcrowding and a lack of correctional programs);
- access to justice;
- a culture of inefficiency/delays; and,
- the disproportionate effect of the CJS on vulnerable and marginalized people.

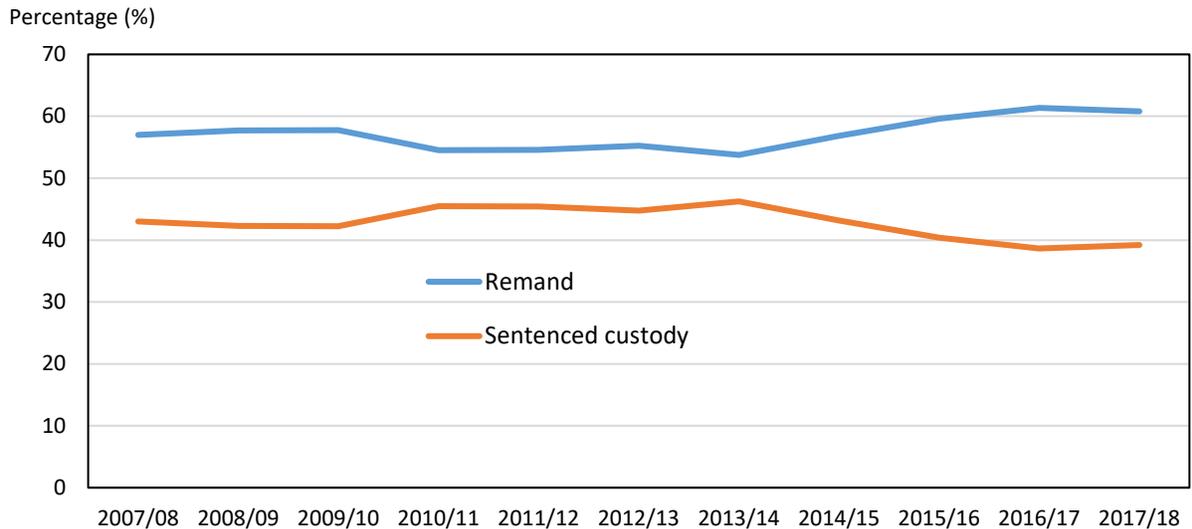
On an average day in 2017/18, more adults were in provincial/territorial remand than in sentenced custody (61% vs. 39%, respectively) (Statistics Canada, n.d.-b) (Chart 2). Over the past decade, the proportion of adults in remand has exceeded the sentenced custody population and the gap has widened. A similar trend has been observed for youth. On an average day in 2017/18, more youth were in pre-trial detention than sentenced custody (60% vs. 40%, respectively) (Statistics Canada, n.d.-c).²⁶ The proportion of youth in pre-trial detention has exceeded the sentenced custody population since 2008/09 and the gap has widened. These trends for adults and youth show that the average count of adults and youth in sentenced custody is declining while the average count of those in remand/pre-trial detention is increasing.

²⁴ Data exclude Prince Edward Island, Newfoundland and Labrador, and New Brunswick, which do not currently have ICW programs. The total does not necessarily represent all reporting jurisdictions, because the availability of data for certain jurisdictions and years varies.

²⁵ Data on remand/pre-trial detention counts allow for comparisons with sentenced custody counts, but do not allow distinctions to be made between those in remand/pre-trial detention awaiting sentence and those awaiting trial.

²⁶ Data for a given year may be incomplete due to missing data for one or more jurisdictions. Quebec data is unavailable starting in 2011/2012 and Alberta data are unavailable for 2013/2014. Comparison among years at the national level should be made with caution.

Chart 2. Percentage of adults in provincial/territorial remand and sentenced custody, Canada, 2007/2008 to 2017/2018



Note: Data represent the total actual-in count (i.e., persons held in custody under sentence or remand and who are present at the time the count is taken) for all reporting jurisdictions. Data for a given year may be incomplete due to missing data for one or more jurisdictions. Alberta data are unavailable for 2013/14. Comparison among years at the national level should be made with caution. Calculations exclude "other temporary detention" (e.g., offenders held for lock-ups, parole violations or suspensions, immigration holds), which accounts for less than 2% of adults held in custody.

Source: Statistics Canada. Table 35-10-0154-01 Average counts of adults in provincial and territorial correctional programs. Custom tabulation prepared by Department of Justice Canada.

Outcome 3 – Canadians understand the role of and express confidence in the criminal justice system

Ensuring that Canadians understand the role of and express confidence in the CJS is a core outcome of the CJS. Research shows that Canadians are more likely to express confidence in the CJS if they increase their awareness and understanding of the CJS through public legal education or media. This outcome is measured by public awareness of the role of the CJS, public confidence in the CJS, and by the willingness of victims to report crime. Other indicators, such as public perception that the courts are doing a good job of providing justice quickly and public confidence in correctional services may be included in future editions of the Framework.

Public awareness of the role of the criminal justice system

An important measure of the performance of the CJS is the extent to which Canadians are actually aware of the role of the CJS, namely the police, courts, and correctional services. An increase in public awareness of the role of the CJS may be linked to an increase in public confidence in the system. According to the 2018 National Justice Survey, a majority of Canadians reported being aware or moderately aware of the role of the police (88%), courts (79%), and corrections (68%) (Department of Justice Canada, 2019).²⁷

²⁷ Excludes a small proportion of "unknown" responses.

Public confidence in the criminal justice system

Another important measure of the performance of the CJS is the extent to which Canadians are satisfied with the work of the police, courts, and other sections of the system. For the system to be effective and for people to come forward as victims and witnesses of crime, the public must have confidence and trust in the CJS.

According to the 2014 GSS on Victimization, the majority (91%) of Canadians (aged 15+) have confidence in the police (Statistics Canada, n.d.-a).²⁸ This proportion increased from 83% in 2009. In 2014, public confidence in the police was higher among females than males (92% vs. 89%), and non-Indigenous people than Indigenous people (91% vs. 83%). Equal proportions of visible minorities and non-members of a visible minority reported confidence in the police (91%).

Also according to the 2014 GSS on Victimization, more than two-thirds (71%) of Canadians (aged 15+) have confidence in Canadian criminal courts (Statistics Canada, n.d.-a).²⁹ This proportion increased from 58% in 2009. Public confidence in criminal courts was higher among females than males (73% vs. 70%), non-Indigenous people than Indigenous people (72% vs. 65%), and visible minorities than non-members of a visible minority (77% vs. 71%).

Victimization incidents reported to police

Based on the 2014 GSS on Victimization, just under one-third (31%) of victimization incidents were reported to the police, meaning that most incidents (67%) go unreported (Perreault, 2015).³⁰ The proportion of victimization incidents reported to police in 2014 (31%) was unchanged from 2009, but decreased since 2004 (34%) and 1999 (37%). In general, the more serious an incident, the greater the likelihood it will be reported to police. Sexual assault is the notable exception to this trend, being the least likely crime to be reported to police in 2014 (among offences measured by the GSS) (Chart 3). Only 5%^E of sexual assault incidents were brought to the attention of the police in 2014, a proportion not significantly different from that recorded a decade earlier in 2004 (8%^E).³¹ For other offences, reporting rates ranged from 25% for theft of household property to 50% for break and enter.

The most common reason for not reporting a criminal incident to police was that victims considered it minor and not worth taking the time to report (78%) (Perreault, 2015). Other reasons included victims feeling that the police would not have considered the incident important enough (58%), that there was a lack of evidence (52%), that police would not have found the accused person or stolen property (51%), and that the incident was a private or personal matter and was handled informally (43%). The most common reason for not reporting a sexual assault to police was that victims considered it minor and not

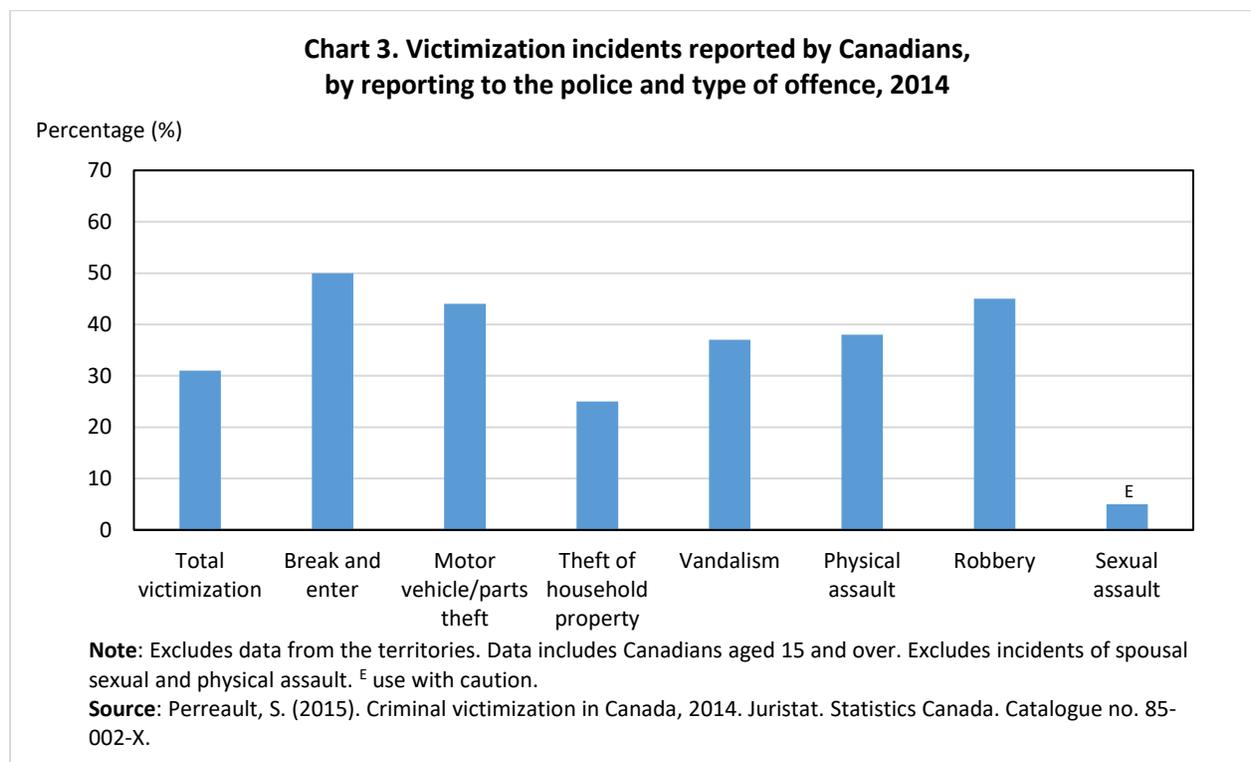
²⁸ Includes people who self-reported “a great deal” or “some” confidence in police. Excludes data from the territories.

²⁹ Includes people who self-reported “a great deal” or “some” confidence in Canadian criminal courts. Excludes data from the territories.

³⁰ Excludes data from the territories – the survey was conducted in the territories using a different sampling design. The remaining 2% of cases include “don’t know” responses and refusals to answer the question.

³¹ ^E use with caution. As with any household survey, there are some data limitations. The results are based on a sample and are therefore subject to sampling errors. Somewhat different results might have been obtained if the entire population had been surveyed. Statistics Canada uses the coefficient of variation (CV) as a measure of the sampling error. Estimates with a CV between 16.6 and 33.3 should be used with caution and the symbol “E” is used.

worth taking the time to report (71%) (Perreault, 2015). Other reasons included victims feeling that the incident was a private or personal matter and was handled informally (67%), that no one was harmed or suffered financial loss (63%), and that they did not want the hassle of dealing with the police (45%).



Outcome 4 – The criminal justice system operates efficiently

Ensuring the CJS operates efficiently and that police and courts process offences promptly, and uses services and resources efficiently, is a core outcome of the CJS. This outcome is measured by the offence clearance rate, court case processing time, and administration of justice offences. Other indicators, such as court cases stayed due to systemic delay and costs of the CJS may be included in future editions of the Framework.

Offence clearance rate

One of the primary functions of the police is investigating and solving crimes. The primary way of measuring how effective the police are in performing this function is by using the weighted clearance rate. This rate represents the number of incidents police cleared by a charge or otherwise (i.e., solved) during the year as a proportion of the number of incidents during the year, and assigns higher values (“weight”) to more serious crimes.³² In 2017, the weighted police clearance rate was 39%, a slight

³² Total clearance rates share the same limitation as total crime rates in that overall totals are dominated by high-volume, less-serious offences such as minor thefts, mischief, and minor assaults. Many of these less serious offences that drive the overall clearance rate are often difficult to solve. For example, by the time an incident of graffiti/mischief to property is reported to police, the accused may no longer be present at the crime scene, nor will there likely be any witnesses. In the calculation of the overall clearance rate, all offences are counted equally:

increase from 2007 (36%) (Statistics Canada, n.d.-d). In 2017, the police clearance rate was higher for violent offences than non-violent offences (63% and 30%, respectively). In general, police are more than twice as likely to solve violent crimes as property crimes. This is partly because victims often serve as witnesses to help identify accused persons in crimes that involve direct confrontation between a victim and offender (Hotton Mahony & Turner, 2012).

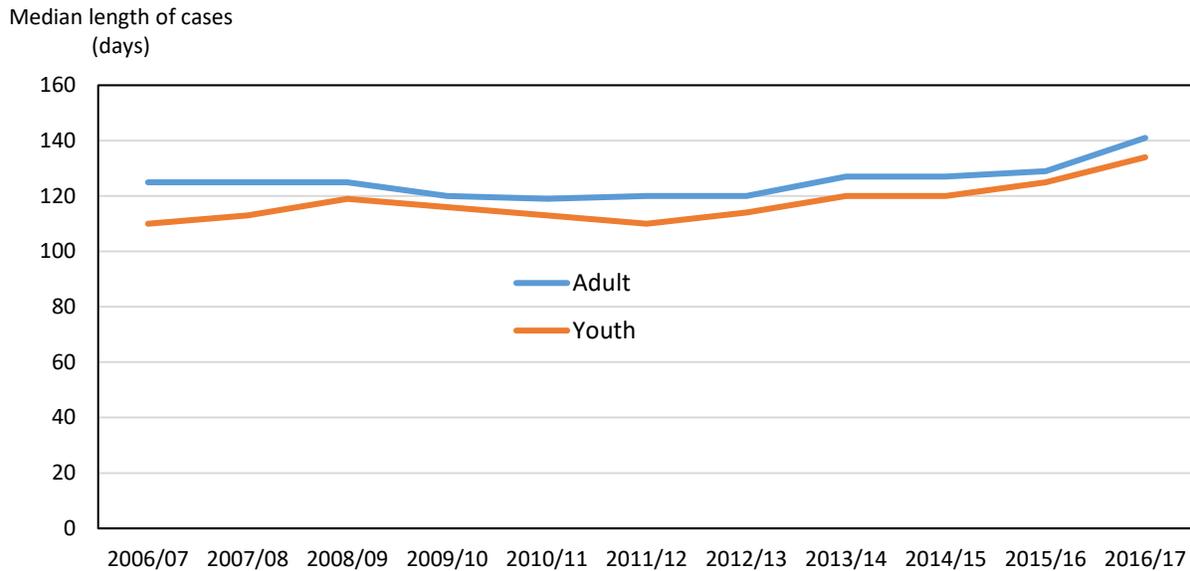
Court case processing time

The amount of time it takes to process a case through the courts is an important measure of court efficiency. Court delays are a significant concern because of increased CJS costs, the rights of accused persons, and the effect on victims of crime. The Supreme Court of Canada's *Jordan* decision underscores this: A failure to provide a trial in a reasonable period violates the constitutional rights of accused persons and can result in cases, including serious charges, being dismissed (*R. v. Jordan*, [2016] SCC 27 1 S.C.R. 631). This can contribute to further hardship for victims and the ineffective use of CJS resources, as well as undermine public safety and public confidence in the CJS.

The median length of a case, from a person's first court appearance to the completion of their case (court finding), measures the time it takes to process a court case. The median is the point at which half of all cases had longer case lengths and half had shorter case lengths. Compared with the mean (average), the median is less affected by outliers and skewed data (e.g., very short or long cases). In 2016/17, it took a median of 141 days (almost five months) to complete a case in adult criminal court (Chart 4) (Statistics Canada, n.d.-e). This was 12 days longer than the previous year, and 16 days longer than a decade ago in 2006/07. A similar trend was observed in youth courts: In 2016/17, it took a median of 134 days (over four months) to complete a case, nine days longer than the previous year, and 24 days longer than a decade ago in 2006/07 (Statistics Canada, n.d.-f).

clearing one mischief incident by police counts the same as solving one homicide incident. To address this limitation, a "weighted" clearance rate was developed, similar to the concept used in the Crime Severity Index (CSI). The weighted clearance rate assigns values to crimes according to their seriousness, with more serious crimes given a higher statistical "weight." For example, clearing a homicide, robbery, or break-in would represent a greater contribution to the overall weighted clearance rate value than clearing a minor theft, mischief, or disturbing the peace. The severity of an offence is determined using average sentences handed down by Canadian criminal courts. The more serious the average sentence for an offence, the higher the weight, and, in turn, the greater effect on the overall clearance rate. Unlike the CSI, which is indexed to a base year of 100, clearance rates (weighted clearance rate and traditional unweighted clearance rate) are expressed as a percentage. It should be noted that, on average, overall weighted clearance rates are slightly lower than overall clearance rates. This is because some serious, relatively high-volume offences such as robbery and break-ins have lower than average clearance rates compared with other violent and non-violent crimes.

Chart 4. Median length of cases completed in adult criminal and youth court, Canada, 2006/2007 to 2016/2017



Note: A case is one or more charges against an accused person or company, which were processed by the courts at the same time and received a final decision. Case length is calculated based on the number of days it takes to complete a case, from first appearance to final decision. 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. Excludes information from superior courts in Prince Edward Island, Ontario, Manitoba, and Saskatchewan as well as municipal courts in Quebec due to the unavailability of data. Since some of the most serious cases are processed in superior courts, the absence of data from superior courts in these jurisdictions may result in a slight underestimation of case elapsed times as more serious cases generally require more court appearances and take more time to complete. In Quebec, the median processing time for cases in adult criminal court is overestimated since the data from municipal courts, which normally hear less serious cases, are not taken into account.

Source: Statistics Canada. Table 35-10-0029-01 Adult criminal courts, cases by median elapsed time in days; Statistics Canada. Table 35-10-0040-01 Youth courts, cases by median elapsed time in days.

Administration of justice offences

Administration of justice offences (AOJOs) include the *Criminal Code* violations of failure to comply with conditions/an order, breach of a probation order, failure to appear at court, escape or help escape from custody, prisoner unlawfully at large, and other offences relating to justice administration (for example, impersonating a peace officer). These type of charges represent one of the most frequent offences in criminal court. The effect of charges for AOJOs is important to the overall efficiency of the CJS because the volume puts additional pressure on the system by diverting resources from more serious crimes and contributing to additional delays in case processing times. Monitoring trends in AOJOs can provide insight into the effectiveness of the CJS because these trends may highlight where conditions and supervision approaches are not working well and where conditions may be inappropriately applied. AOJOs are described as part of the “revolving door” of the CJS, as setting people up to fail, and placing unnecessary or overly broad release conditions on people that have a disproportionate effect on vulnerable and marginalized populations (Burczycka & Munch, 2015; Canadian Civil Liberties Association and Education Trust, 2014).

In 2016/17, an AOJO was the most serious offence in almost one in four (23%) cases in adult criminal court and 11% of cases in youth court (Statistics Canada, n.d.-g; Statistics Canada, n.d.-h). These proportions have remained stable over the past decade. Failure to comply with an order and breach of probation made up the majority of AOJO cases in adult court in 2016/17 (42% and 39%, respectively). In youth court, the majority (67%) of these cases included failure to comply with an order.

Outcome 5 – The criminal justice system promotes and supports diversion, restorative justice, Indigenous justice, and tools for community-based resolution

Ensuring victims, survivors, accused, convicted persons, and families have multiple options available to address crime, either through community-based or culturally-based options, where appropriate, or the formal CJS, when necessary, is a core outcome of the CJS. This outcome is measured by the use of incarceration,³³ diversion,³⁴ and drug treatment courts.³⁵ Other indicators such as referrals to restorative justice programs,³⁶ Indigenous justice programs, and specialized/therapeutic courts may be included in future editions of the Framework.

Incarceration rate

Custody is the most serious sentence handed down by Canadian courts. On an average day in 2017/18, about 39,000 adults were in provincial/territorial or federal custody (Malakieh, 2019). This translates to an incarceration rate of 131 adults per 100,000 adult population, a 4% decrease from 2016/17. On an average day in 2017/18, 792 youth were in custody, a rate of 4 per 10,000 youth population, a 12% decrease from the previous year and a 29% decrease from 2013/14.³⁷ The use of incarceration is not an alternative to the traditional CJS, but it remains important when exploring the use of alternatives and resolution mechanisms. The incarceration rate, a common and internationally used metric, can contextualize how the CJS responds to crime. A decrease in the incarceration rate could mean a greater use of non-custodial sentences, such as probation and alternative processes (e.g., diversion, community-based resolution mechanisms). It could also mean a decrease in violent or other crimes leading to custodial sentences.

Incidents cleared by referral to a diversionary program

In 2017, about two-thirds (65%) of police-reported criminal incidents that were cleared by police were cleared by charge and about one-third (35%) were cleared by other means (Statistics Canada, n.d.-i).³⁸

³³ Incarceration refers to custody, which includes jail or prison, and may be sentenced custody or pre-trial custody.

³⁴ Diversion broadly refers to any program, strategy, or response used as an alternative to the formal CJS.

³⁵ Drug treatment courts refer to court-based substance abuse intervention programs. While there may be different models with different priorities and intervention techniques, drug treatment courts offer court-supervised treatment in place of incarcerating people with substance use problems that relate to their criminal activities, such as drug-related and property offences.

³⁶ Restorative justice is commonly defined as an approach to justice that focuses on addressing the harm caused by crime while holding the offender responsible for their actions, by providing an opportunity for the parties directly affected by the crime – victims, offenders, and communities – to identify and address their needs in the aftermath of a crime.

³⁷ Data for 2017/18 excludes Quebec and Yukon due to unavailability of data. Comparisons to 2013/2014 exclude Quebec, Alberta, and Yukon due to unavailability of data. The national adult incarceration rate for 2013/14 was not publicly available at the time of publication.

³⁸ For an incident to be cleared by charge, at least one chargeable suspect has been identified and there is a charge laid against or recommended to be laid against this individual in connection with this incident. For an incident to

Referrals to a diversionary program represented a small proportion of incidents cleared by other means (3%). Referrals to a diversionary program include cases where the accused is diverted away from the court process into a formal diversionary program, commonly referred to as “Alternative Measures or Extrajudicial Sanctions.” This proportion (3%) has remained stable over the past five years. The most common reason for clearing an incident by other means included police departmental discretion (47%).³⁹ The remaining one-half (50%) of incidents were cleared by other means for another reason,⁴⁰ such as the complainant declined to press charges. At the time of publication, data was only available for all incidents cleared by referral to a diversionary program and could not be separated for adults and youth.

Drug treatment courts

The relationship between illegal drug use and crime is well established and it represents a continuing and costly problem in Canada. Drug treatment courts provide judicially supervised or court-monitored addiction treatment in an effort to address some of the underlying issues that bring non-violent people before court. Drug treatment courts can be effective in directing marginalized and vulnerable populations to effective alternatives to the CJS through appropriate community treatment and support. Successful court-monitored programs operate through strong, collaborative partnerships between the court, health, and community support systems. In 2018, there were 106 people referred to a drug treatment court program federally funded by the Drug Treatment Court Funding Program (DTCCFP), Department of Justice Canada, and by provincial/territorial government partners (Department of Justice Canada, n.d.-b).⁴¹ This represents a 19% increase from 2014.

Outcome 6 – The criminal justice system provides persons in the correctional system with services and supports to rehabilitate them and integrate them back into the community

Ensuring people in the correctional system are provided with services and supports so they can be rehabilitated and reintegrated into the community is a core outcome for the CJS. This outcome is measured by providing specialized treatment, services, and programs; parole eligibility; successful statutory release; securing employment before they complete their sentence; and community release plans for Indigenous people in federal custody. Other indicators, such as recidivism, healing lodges, and record suspensions/pardons may be included in future editions of the Framework. At this time, the federal correctional level is the main source of information for an account of correctional services and

be cleared by other means, an accused person must be identified and there must be sufficient evidence to lay a charge in connection with the incident, but instead the suspect is processed by other means. An incident is not cleared when the case is open/still under investigation, or there is insufficient evidence to proceed with laying or recommending a charge.

³⁹ This is used when the police department’s administration decides not to lay a charge against the accused person, for example if an accused is given a warning, caution, or a referral to a community-based program.

⁴⁰ Includes suicide of accused person, death of accused person, death of witness/complainant, reasons beyond control of department, diplomatic immunity, accused person is under 12 years of age, committal of accused person to mental hospital, accused in foreign country, complainant declines to lay charge, accused person involved in other incidents, accused already sentenced, incidents cleared by a lesser statute, incident cleared by other municipal/provincial/federal agency.

⁴¹ This number does not necessarily cover referrals to all drug treatment court programs in Canada. The same person can be referred to the program more than once. The DTCCFP provides funding to 10 jurisdictions (British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, Nova Scotia, Newfoundland and Labrador, Yukon, and Northwest Territories). Data reported excludes Quebec and Newfoundland and Labrador as these jurisdictions have yet to start reporting to the database.

supports. The intent is to add indicators over time that cover adults and youth in the provincial/territorial correctional system.

Mental health services in federal corrections

The Correctional Service of Canada (CSC) is responsible for providing essential health services and reasonable access to non-essential mental health services that contribute to rehabilitation and successful community reintegration for individuals under federal correctional supervision. The CSC offers mental health screening to all people admitted to CSC under a new federal sentence to identify mental health problems and facilitate follow-up assessment and intervention. According to the CSC (2018), in 2017/18, the majority (94%) of federally incarcerated individuals with an identified mental health need received mental health services. This represented a decrease from 98% in 2013/14 (CSC, 2014). Mental health services ranged from psychological counselling to crisis intervention for self-injurious behaviour. They were provided by an interdisciplinary team of mental health professionals, including psychologists, social workers, occupational therapists, and nurses.

Correctional programs in federal corrections

Correctional programs contribute to public safety through assessment activities and program interventions for individuals under federal correctional supervision to assist their rehabilitation and facilitate successful community reintegration. Federal correctional programs are available for men, women, Indigenous men, and Indigenous women. These programs are designed to target specific risk and need factors demonstrated to be linked to reoffending (e.g., low levels of education and employment, mental health and addictions issues, criminal associates). In 2017/18, more than three-quarters (83%) of individuals under federal correctional supervision with an identified need completed a nationally recognized correctional program before their sentence ended, a decrease from 95% in 2013/14 (CSC, 2018; CSC, 2014).

Educational programs in federal corrections

The goal of correctional educational programs is to help improve the literacy, academic and personal development skills of individuals under federal correctional supervision to support their rehabilitation and reintegration into the community. These programs lead to formal recognition, certification, or accreditation from a recognized educational authority. In 2017/18, about two-thirds (67%) of individuals under federal correctional supervision with an identified educational need upgraded their educational qualifications before their sentence ended, an increase from 58% in 2013/14 (CSC, 2018; CSC, 2014).

Community release plans for Indigenous people in federal custody

Implemented in 1992 to address the overrepresentation of Indigenous people in federal institutions and increase the likelihood of positive outcomes for Indigenous people post-release, section 84 of the *Corrections and Conditional Release Act* (CCRA) (1992) requires the CSC to involve Indigenous communities in planning for the release of Indigenous people from custody. In 2017/18, less than one-half (44%) of Indigenous people in custody had a CCRA Section 84 release plan, about the same percentage as in 2015/16 (CSC, 2018).

Outcome 7 – The criminal justice system respects victims’ and survivors’ rights and addresses their needs

Ensuring the CJS respects victims’ and survivors’ rights and addresses their needs is a core outcome for the CJS. This outcome is measured by how satisfied victims/survivors are with the system and by whether they participate in the system. The low number of indicators under this outcome underscores the need to improve data collection and reporting efforts for victims’ and survivors’ rights and needs. Other indicators, such as victims assisted by victim services agencies, criminal injuries compensation and financial benefits programs, and restitution orders, may be included in future editions of the Framework.

Victims’ satisfaction with actions taken by police

In 2014, about two-thirds (66%) of victims of violent crime who reported an incident to police were satisfied with the actions taken by police (Statistics Canada, n.d.-a).⁴² This percentage remained relatively stable across the past three iterations of the survey (1999, 2004, and 2009).

Victims registered so they can receive information about the person who harmed them

Under the *Canadian Victims Bill of Rights* (2015), victims have the right, on request, to some general information about the CJS as well as to certain case-specific information. The *Corrections and Conditional Release Act* (1992) provides victims with the right to certain information pertaining to the person who harmed them in cases where the convicted person is under the federal correctional system. The Correctional Service of Canada (CSC) and the Parole Board of Canada (PBC) do not automatically provide information, to respect victims who do not wish to be informed and to comply with privacy law. Victims who register with the CSC or PBC can obtain information about the status of the person who harmed them, their progress in their correctional plan, copies of PBC decisions, and CSC’s victim-offender mediation services, among other information.⁴³ In 2018/19, 8,367 victims were registered with the CSC or PBC to receive information about the person who harmed them, up from 6,594 in 2010/11 (Parole Board of Canada, n.d.).

Outcome 8 – The criminal justice system reduces the number of Indigenous people in the system

Indigenous people have historically been, and continue to be, overrepresented in the CJS. This outcome links directly to the Truth and Reconciliation Commission of Canada’s Call to Action to report, monitor, and evaluate progress in eliminating the overrepresentation of Indigenous people in custody (Truth and Reconciliation Commission of Canada, 2015). Ensuring the CJS identifies the proportion of Indigenous to non-Indigenous victims/survivors and accused/convicted persons is critical to know if there has been a reduction. This outcome is measured by self-reported victimization, number of homicide victims, number of homicide accused, admissions to the correctional system, and Dangerous Offender classifications.⁴⁴ Other indicators, such as the proportion of Indigenous people at different stages of the

⁴² Data are based on the 10 provinces.

⁴³ For more information, see Public Safety Canada’s [Victims of Crime - Staying Informed](#)

⁴⁴ The Dangerous Offender (DO) provisions of the *Criminal Code* are intended to protect the public from the most dangerous violent and sexual predators. People convicted of certain offences can be designated as a DO if a sentencing court is satisfied that they constitute a threat to the life, safety, or physical or mental well-being of the public. DOs may receive an indeterminate sentence of imprisonment.

court process and applying Gladue principles⁴⁵ in sentencing may be included in future editions of the Framework.

Canada's 2016 Census showed that over 1.6 million people self-identified as Indigenous (4.9% of the population) (Statistics Canada, 2017a). Indigenous people are overrepresented in the CJS both as victims/survivors and accused/convicted persons. This does not mean that they commit more crime than non-Indigenous people. Since the 1970s, numerous studies, inquiries, and commissions have been undertaken, laws have been changed, and programs have been established to address overrepresentation. They have highlighted four key factors that have contributed to Indigenous overrepresentation: colonialism, systemic discrimination, socioeconomic marginalization, and cultural differences. The CJS also needs to recognize the context in which the overrepresentation of Indigenous people in the CJS is occurring when looking at the data presented. The Dashboard includes a "learn more" section in the Indigenous people theme that provides more information on Indigenous people's experience with the CJS.

Self-reported victimization among Indigenous people

In 2014, a significantly higher proportion of Indigenous people than non-Indigenous people in Canada (aged 15+) reported being victimized in the previous year (28% vs. 18%) (Boyce, 2016).⁴⁶ The proportion of Indigenous people reporting being victimized declined from 2009 (from 38% in the provinces and 36% in the territories).⁴⁷ In 2014, the overall rate of violent victimization among Indigenous people was more than double that of non-Indigenous people (163 vs. 74 incidents per 1,000 people). The rate of violent victimization among Indigenous females (219^E violent incidents per 1,000 people) was double that of Indigenous males (106^E) and close to triple that of non-Indigenous females (81).⁴⁸

When all risk factors measured by the GSS were controlled for (e.g., age, childhood victimization, perceived neighbourhood social disorder, homelessness, drug use, mental health issues), Indigenous identity itself did not stand out as a characteristic linked to the risk of victimization (Boyce, 2016; Perreault, 2015).⁴⁹ Instead, the higher victimization rates among Indigenous people, overall, were related to the increased presence of risk factors among this group than among non-Indigenous people. However, when considering only Indigenous females, Indigenous identity itself remained a key risk

⁴⁵ Gladue principles refer to the 1999 Supreme Court of Canada decision *R. v. Gladue*. The *Criminal Code* (s. 718.2(e)) directs sentencing judges to consider "the unique systemic or background factors which may have played a part in bringing the particular aboriginal offender before the courts" (e.g., low incomes, high unemployment, substance abuse, community fragmentation), and all available sanctions other than imprisonment that are reasonable in the circumstances (*R. v. Gladue*, [1999]).

⁴⁶ Includes being a victim of one of the eight types of offences measured by the GSS on Victimization: sexual assault, robbery, physical assault, theft of personal property, breaking and entering, theft of motor vehicle or parts, theft of household property, and vandalism.

⁴⁷ 2014 is the first year that data from the GSS on Victimization collected from the provinces and territories were combined for analysis.

⁴⁸ ^E use with caution. As with any household survey, there are some data limitations. The results are based on a sample and are therefore subject to sampling errors. Somewhat different results might have been obtained if the entire population had been surveyed. Statistics Canada uses the coefficient of variation (CV) as a measure of the sampling error. Estimates with a CV between 16.6 and 33.3 should be used with caution and the symbol "E" is used.

⁴⁹ In this analysis, some societal factors could not be controlled, such as the impact of residential schools on Indigenous families and communities.

factor for victimization even when controlling for the presence of other risk factors. This suggests that factors other than those measured in the analysis that place Indigenous females at a higher risk of victimization need to be considered.

Indigenous homicide victims

Indigenous people accounted for about one-quarter (24%) of all homicide victims in 2017, while representing an estimated 5% of the Canadian population (Beattie et al., 2018; Statistics Canada, 2018).⁵⁰ This proportion has remained relatively stable since 2014 (the first release of complete information about Indigenous identity for both male and female victims). In 2017, the homicide rate for Indigenous victims increased 8% from the previous year to 8.76 homicides per 100,000 Indigenous population. This rate was six times higher than for non-Indigenous people (1.42 per 100,000 non-Indigenous population).

Indigenous persons accused of homicide

In 2017, about two out of five (38%) persons accused of homicide were Indigenous, a proportion which has increased since 2014 when it was 31% (Beattie et al. 2018).⁵¹ The rate of Indigenous persons accused of homicide in 2017 was 12 times higher than that of non-Indigenous accused persons (11.12 per 100,000 Indigenous population vs. 0.93 non-Indigenous population). This is similar to previous years where the rate for Indigenous accused persons was at least nine times higher than for non-Indigenous accused persons.

Indigenous admissions to custody

Indigenous people are dramatically overrepresented in custody relative to the general population. In 2017/18, Indigenous adults represented 4% of the Canadian adult population but accounted for 30% of provincial/territorial custody admissions and 29% of federal custody admissions (Chart 5) (Malakieh, 2019). At the same time, Indigenous youth, who represent 8% of the Canadian youth population, accounted for 49% of custody admissions (Malakieh, 2019; Statistics Canada, n.d.-j).⁵² These proportions have been trending upwards for over 10 years. In 2007/08, Indigenous adults accounted for 21% of provincial/territorial custody admissions, 20% of federal custody admissions, and Indigenous youth accounted for 28% of provincial/territorial custody admissions (Malakieh, 2019; Statistics Canada, n.d.-j).

As with victimization data, the issue of overrepresentation in custody is more pronounced for Indigenous females. For example, Indigenous men accounted for 28% of adult male admissions to provincial/territorial custody in 2017/18 whereas Indigenous women accounted for 42% of adult female admissions (Malakieh, 2019).⁵³ At the same time, Indigenous male youth accounted for 47% of male youth admissions to provincial/territorial custody compared with 59% of Indigenous female youth admissions (Statistics Canada, n.d.-j).⁵⁴

⁵⁰ Excludes 2% of victims where Indigenous identity was reported as unknown.

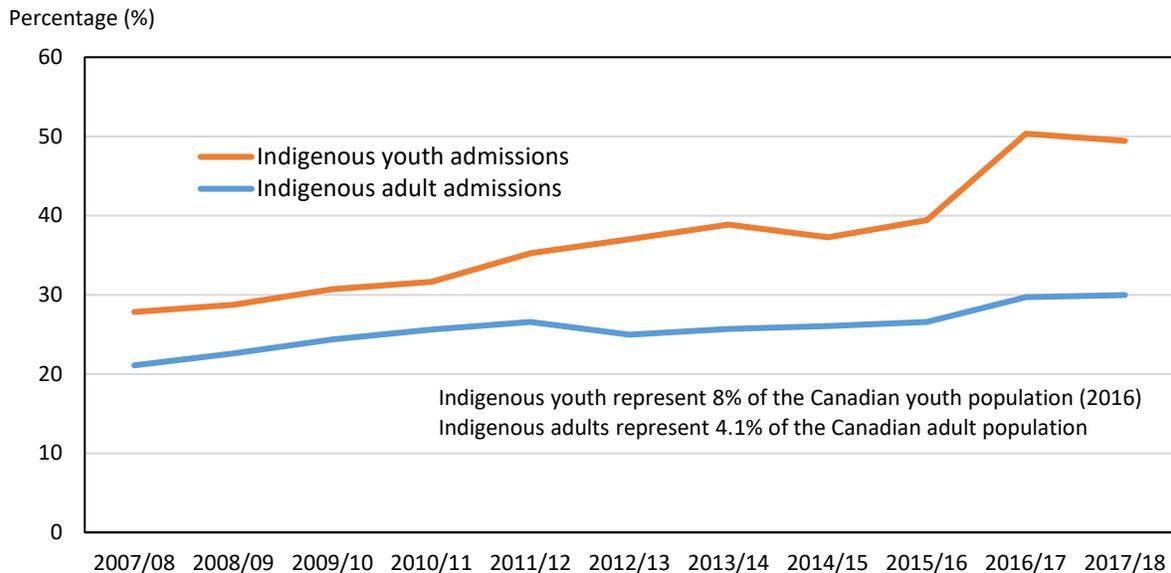
⁵¹ Excludes 1% of accused where Indigenous identity was reported as unknown.

⁵² Youth custody admission counts exclude a small percentage of cases where Indigenous identity was unknown.

⁵³ Information excludes a small proportion of cases where Indigenous identity and sex were unknown.

⁵⁴ *ibid.* Excludes Nova Scotia, Quebec, and Alberta due to unavailability of data.

Chart 5. Indigenous adult and youth admissions to provincial/territorial custody, Canada, 2007/2008 to 2017/2018



Note: An admission is counted each time a person begins any type of custody or community supervision program. The same person may be included several times in the admission counts where he/she moves from one correctional program to another (e.g., from remand to sentenced custody) or re-enters the system later in the same year. For adults, custodial admissions are totals of sentenced (including intermittent sentences), remand and other custodial status admissions. For adults, provincial/territorial sentenced admissions include provincial and territorial inmate admissions as well as federal inmates admitted to the provincial and territorial system prior to being transferred to a federal penitentiary. For youth, custody includes pre-trial detention, provincial director remand, and open and secure custody. The total does not necessarily represent all provinces and territories as there are variations in the availability of data for certain jurisdictions and years. Comparison among years at the national level should be made with caution. For adult admissions, data are not available for Prince Edward Island (2007/08) and Alberta (2012/13 to 2015/16). For youth admissions, data are not available for Prince Edward Island (2007/08 to 2008/09), Nova Scotia (2009/10 to 2017/18), Quebec (2011/12 to 2017/18), Saskatchewan (2007/08 to 2015/16), and Alberta (2012/13 to 2017/18). Data on youth admissions for Saskatchewan was added in 2016/2017 which would account for some of the increase year over year. Percentages exclude a small percentage of cases where Indigenous identity was unknown.

Source: Statistics Canada. Table 35-10-0016-01 Adult custody admissions to correctional services by Aboriginal identity; Statistics Canada. Table 35-10-0007-01 Youth admissions to correctional services, by Aboriginal identity and sex. Custom tabulation prepared by Department of Justice Canada.

Outcome 9 – The criminal justice system reduces the number of marginalized and vulnerable people in the system

Certain marginalized and vulnerable populations are overrepresented in the CJS, including Black Canadians, those with mental health and cognitive impairment, and those without housing. Ensuring the CJS identifies the proportion of marginalized to non-marginalized victims/survivors and accused/convicted persons is critical to know if there has been a reduction. This outcome is measured by self-reported victimization, police contact among people with mental health issues, visible minorities among the federal correctional population, and the federal correctional population with mental health

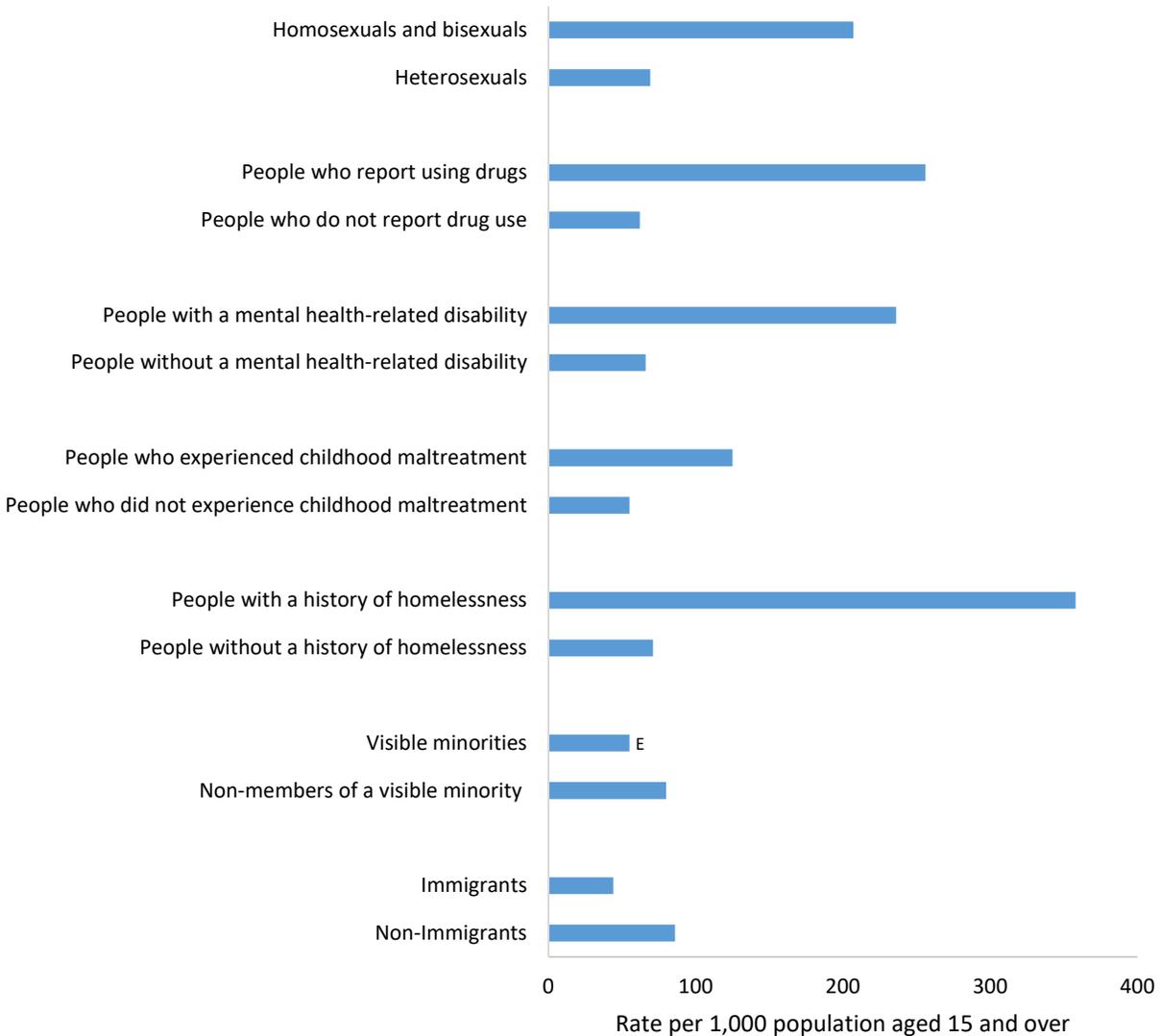
needs. Other indicators, such as the proportion of visible minorities at different stages of the court process, and the prevalence of mental health and cognitive impairment may be included in future editions of the Framework.

Self-reported victimization among marginalized and vulnerable populations

Not everyone in Canada carries the same risk of being a victim of a violent crime. In 2014, higher rates of violent victimization were reported for a number of population groups (aged 15+) (Chart 6) (Perreault, 2015). For example, people self-identifying as homosexual or bisexual recorded a violent victimization rate three times higher than that of people who identified as heterosexual (207 vs. 69 incidents per 1,000 population). In addition, people who reported that they used drugs during the previous month recorded a rate of violent victimization more than four times higher than non-users (256 vs. 62 incidents per 1,000 population). Similarly, people with a mental health-related disability recorded a rate of violent victimization more than three times higher than that for people without a mental health-related disability (236 vs. 66 incidents per 1,000 population). Furthermore, people who experienced childhood maltreatment recorded a violent victimization rate more than double that of people who did not experience such abuse (125 vs. 55 incidents per 1,000 population). Moreover, people with a history of homelessness reported a violent victimization rate five times higher than people who had never been homeless (358 vs. 71 incidents per 1,000 population). Immigrants (44 vs. 86 incidents per 1,000 population) and visible minorities (55^E vs. 80 incidents per 1,000 population) reported lower victimization rates than non-immigrants and non-members of a visible minority.⁵⁵

⁵⁵ E use with caution. As with any household survey, there are some data limitations. The results are based on a sample and are therefore subject to sampling errors. Somewhat different results might have been obtained if the entire population had been surveyed. Statistics Canada uses the coefficient of variation (CV) as a measure of the sampling error. Estimates with a CV between 16.6 and 33.3 should be used with caution and the symbol “E” is used.

Chart 6. Violent victimization incidents reported by Canadians, by selected population groups, 2014



Note: Rates are calculated per 1,000 population aged 15 years and older with the exception of data for homosexuals and bisexuals which includes adults aged 18 and over. Violent victimization includes sexual assault, robbery, and physical assault. Excludes data from the territories – the survey was conducted in the territories using a different sampling design. People who report using drugs are identified as individuals who self-reported using drugs in the month preceding the survey. A mental health-related disability is an emotional, psychological, or mental health condition, such as anxiety, depression, bipolar disorder, anorexia, substance abuse and others, which sometimes, often or always limits an individual's daily activities. Childhood maltreatment includes being slapped, hit on the head or pushed, as well as more serious actions such as being punched, kicked or forced into unwanted sexual activity. Homelessness includes both "strict" homelessness (i.e., having lived on the street, in a shelter) and "hidden" homelessness (i.e., couch-surfing, having to stay with friends or family because they had nowhere else to go). The immigrant population excludes non-permanent residents, who are persons in Canada on a work or study permit, or who are refugee claimants. ^E use with caution.

Source: Perreault, S. (2015). Criminal victimization in Canada, 2014. *Juristat*. Statistics Canada Catalogue no. 85-002-X.

Mental health/substance use disorders and police contact

While the majority of people with mental health and addictions issues rarely come in contact with police, police contact is relatively common among this population. The reasons for contact are not necessarily criminal. They can be complex, often resulting from social and systemic factors, such as homelessness, poverty, addiction, and a lack of supports in the community. Information on police interactions with people who have a mental health or substance use disorder is important since these situations can be unpredictable and require different interventions. These interactions can also be more time-consuming, not only for the police, but for the health and social sectors as well. Therefore, it is important to understand this vulnerable population better in an effort to develop improved policing and mental health services. In 2012, about one in five (19%) Canadians (aged 15+) who reported having contact with police also met the criteria for a mental or substance use disorder (Boyce, Rotenberg, & Karam, 2015).⁵⁶

⁵⁶ Includes people who met the criteria for at least one of six mental or substance use disorders measured by the survey: depression, bipolar disorder, generalized anxiety disorder, alcohol abuse or dependence, cannabis abuse or dependence, and other drug abuse or dependence. Data come from the 2012 Canadian Community Health Survey – Mental Health, which is collected from people 15 years of age and older, living in the 10 provinces.

Conclusion

The Department of Justice Canada developed the first performance monitoring framework for the Canadian CJS so it could identify and address data gaps and make information on CJS performance easier to access. This first edition of the annual report presents data on indicators so readers can identify the strengths⁵⁷ of the CJS' performance and areas where it can improve. The Dashboard brings together information from multiple data sources in an accessible web application so Canadians can easily access data and information about the CJS.

The research findings and trends highlighted herein speak to the current state of the CJS including strengths and areas in need of improvement. These include:

- Most Canadians feel safe from crime. Most crime in Canada is non-violent. Crime has increased slightly in the last few years, but remains lower than a decade ago. Homicide has increased and is attributable to firearm and gang-related homicides. Three-quarters of people accused of crime are male. Most crime is committed by youth and young adults (ages 12-24).
- Between one-half and two-thirds of Canadians feel the CJS is fair and accessible. Most Canadians understand the CJS and are most familiar with police (compared to courts and correctional services). Most Canadians are confident in the police and courts. About two-thirds of victims who reported an incident to police are satisfied with the actions taken by police.
- It takes about five months to process a case in adult criminal court. Administration of justice offences represent about one-quarter of cases in adult criminal court. There are more people in provincial/territorial pre-trial custody/remand than sentenced custody and this trend has been consistent for the past decade.
- Indigenous people have higher victimization rates, including being victims of homicide. They are also overrepresented in custody. Certain marginalized and vulnerable populations have higher victimization rates, for example, those with mental health disorders and those without housing.

The results from this work highlight the need to invest in data collection and public reporting to increase what we know about the CJS, especially data on victims and survivors of crime and how the CJS interacts with other social systems. The Framework improves our current understanding of the state of the CJS and provides a clear roadmap of where the Department needs strong and reliable data and regular reporting overall so it can respond appropriately, intervene on these issues, and contribute to evidence-based policy. Better data would also improve our current understanding and provide a clear roadmap of where the Department could increase investments, programs, and resources, and where it could focus policy and/or legislative change.

With input from partners, stakeholders, experts, and other Canadians, the Department developed Canada's first national performance monitoring framework for the Canadian CJS. This report serves as a benchmark, and the Department will continue to consult with partners and data holders to fill data gaps and develop other population-based themes, such as women and youth. The interactive online Dashboard promotes transparency and open government efforts to make information on the CJS easier to access. Addressing these data gaps improve our ability to make decisions driven by data and evidence, which will have a positive effect on the lives of Canadians.

⁵⁷ Where data show the CJS is meeting its objectives or improvements in the indicators.

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Annex 1 – Future Data Development

It is expected that the Framework will change over time as more data becomes available. Not all relevant performance indicators are currently available or collected at a national level. Some indicators are available, but require further consultation and discussion before incorporating into the Framework. Thirty-eight additional indicators or areas have been identified as important for monitoring and reporting on performance.

These additional indicators and areas for future data development signal that core information about the performance of the criminal justice system is missing, which limits the ability to fully understand the state of the criminal justice system. The additional indicators and areas are noted below by theme.

➤ **Canadians are safe and individuals and families feel safe**

An indicator could include the number of community safety plans developed by Indigenous communities.

An area for future data development could include crime prevention.

➤ **The criminal justice system is fair and accessible**

Indicators could include the number of individuals who self-reported discrimination by police and courts, the number of self-represented accused, and the number of successful Charter challenges.

Areas for future data development could include complaints against the criminal justice system and administrative segregation. Although data on the median number of days in administrative segregation currently exist at the federal level, more consultation and engagement activities are needed to develop an appropriate performance monitoring and reporting indicator that speaks to fairness and accessibility of the criminal justice system.

➤ **Canadians understand the role of and express confidence in the criminal justice system**

Indicators could include public perception that the courts are doing a good job of providing justice quickly and public confidence in correctional services.

➤ **The criminal justice system operates efficiently**

Indicators could include the number of cases using video technology and the time spent in pre-trial detention/remand.

Areas for future data development could include court cases stayed due to systemic delays and CJS costs.

➤ **The criminal justice system promotes and supports diversion, restorative justice, Indigenous justice, and tools for community-based resolution**

An indicator could include the number of Indigenous Justice Program referrals.

Areas for future data development could include restorative justice programs/processes (e.g., participant satisfaction and the number referrals) and specialized/therapeutic courts (e.g., referrals to mental health/Gladue/Indigenous/wellness courts).

➤ **The criminal justice system provides persons in the correctional system with services and supports to rehabilitate them and integrate them back into the community**

Indicators could include the number of deaths by suicide in federal custody, the number of revoked provincial/territorial correctional supervision, and the number of granted record suspension/pardon applications.

Areas for future data development could include mental health beds/forensic psychiatric services, culturally based programming (e.g., healing lodges), and recidivism rates.⁵⁸

➤ **The criminal justice system respects victims' and survivors' rights and addresses their needs**

Indicators could include victims' perception that their security and privacy was considered during the criminal justice system process, the number of victims who requested victim services and were assisted, the number of complaints received through the *Canadian Victims Bill of Rights* that were assessed/acted upon, the number of victim impact statements submitted for consideration to a parole hearing, and the number of victims who attend a Parole Board of Canada hearing.

Areas for future data development could include criminal injuries compensation programs and financial benefits programs, victims' satisfaction with the criminal justice system, victim service agencies offering specialized programs or services for victims with particular needs, and restitution orders.

➤ **The criminal justice system reduces the number of Indigenous people in the system**

Indicators could include the number of unresolved cases of missing Indigenous women and girls, the number of unsolved homicides involving Indigenous women and girls as victims, and the relative rate index of Indigenous people in the criminal court system.

An area for future development could include Gladue reports.

➤ **The criminal justice system reduces the number of marginalized and vulnerable people in the system**

Indicators could include the number of police-reported homicides where the accused is suspected of having a mental or cognitive disorder, and the relative rate index of visible minority groups in the criminal court system.

Going forward, the Department will liaise with data holders to prioritize and further develop these indicators.

⁵⁸ Currently not captured nationally. See for example Brennan & Matarazzo (2018) and Ibrahim (2019).