



# Just Facts

January 2017

Research and Statistics Division

## Sentencing in Canada

This fact sheet is based on publicly-available and special request data from the Canadian Centre for Justice Statistics (CCJS). Generally, it includes information on the most recent fiscal year (2014/2015).<sup>1</sup>

### Lowest number of cases completed in a decade

Just over 328,000 cases were completed in adult criminal courts in 2014/2015. This number is down 13% from the previous year and down 14% from a decade ago to represent the lowest number of completed adult cases in a decade. Compared to the previous year, in 2014/2015 Québec saw the largest decline in the number of completed cases (-25%) while Saskatchewan saw the smallest (-2%).

### Almost two-thirds of completed cases result in a finding of guilt

In 2014/2015, 63% of all completed cases in adult criminal court resulted in a finding of guilt.<sup>2</sup> This proportion has remained stable over the last decade. The proportion of guilty cases varies in Canada: in 2014/2015, the highest proportion was in Newfoundland and Labrador (77%), New Brunswick (77%), and Québec (73%), and the lowest in Ontario (54%).

### Probation is the most common sentence

Probation remained the most common sentence imposed in adult criminal court cases, either on its own or in combination with another sentence, for the last decade. In 2014/2015, probation was imposed in 43% of all guilty cases. The median length of probation in Canada was 365 days. While most guilty cases received a median probation length of 365 days, median probation length was greater for homicide (913 days), robbery (730 days), sexual assault (730 days), and other sexual offences<sup>3</sup> (730 days). Only *Youth Criminal Justice Act* offences saw a median length of probation less than a year (270 days).

<sup>1</sup> A new version of Adult criminal court statistics in Canada is scheduled for release in 4<sup>th</sup> quarter 2016/2017. For the past publication, see: Maxwell, A. (2015). Adult criminal court statistics in Canada 2013/2014. *Juristat*. Statistics Canada Catalogue no. 85-002-X. Ottawa.

<sup>2</sup> Guilty findings include guilty of the offence (or attempt), of an included offence (or attempt). Includes findings of guilt, guilty pleas, and cases where an absolute or conditional discharge has been imposed.

<sup>3</sup> Includes, but not limited to, sexual interference, invitation to sexual touching and child pornography.



## The majority of custody sentences are for less than six months

In 2014/2015, a custodial sentence was the second most common sentence (37%). The median length of custody for all offences in Canada was 30 days and 81% of the custodial sentences were six months or less. Approximately 3% of the custodial sentences were for two years or more. Attempted murder (2,555 days) and homicide (1,825 days) cases received the longest median custodial sentences. The shortest custodial length was reported for disturbing the peace (5 days) and failing to appear (7 days).

## Use of custody varies by jurisdiction

In 2014/2015, the lowest proportion of custodial sentences was found in Nova Scotia (29%) and New Brunswick (29%). Prince Edward Island reported the highest proportion of custodial sentences (65%), which is often explained with custody trends in impaired driving cases.<sup>4</sup> A similar trend was reported a decade ago where PEI had the highest proportion (57%) of custodial sentences.

## Fines imposed in approximately one-third of guilty cases in Canada

Fines were imposed in 31% of adult criminal court cases in 2014/2015. The median fine amount was \$500. In 2014/2015, the smallest median fine amount was for robbery (\$10). The highest fine amounts were for impaired driving (\$1,200) and homicide (\$1,000). Note that these amounts do not include monetary penalties, such as restitution or the federal or provincial/territorial victims' surcharges.

## Federal incarceration rate declines slightly

In 2014/2015, there were 15,168 adults in federal custody on an average day, representing 38% of all adults in custody. The federal incarceration rate declined 1% from the previous year to 53 offenders per 100,000 adult population<sup>5</sup> (2013/2014, 54 offenders per 100,000 adult population). The provincial/territorial adult incarceration rate was 85 offenders per 100,000 adult population, down 4% from 2013/2014<sup>6</sup> (2013/2014, 87 offenders per 100,000 adult population).<sup>7</sup>

## Increase among offences subject to a mandatory minimum penalty (MMP)

Between 2000/2001 and 2013/2014, the number of cases with an offence subject to an MMP increased 103%, from 1,838 to 3,742. The largest one-year increase (2011/2012 and 2012/2013, 3,031 to 3,620) coincided with the enactment of the *Safe Streets and Communities Act* (2012).<sup>8</sup>

<sup>4</sup> See: Maxwell, A. (2015). Adult criminal court statistics in Canada 2013/2014. *Juristat*. Statistics Canada Catalogue no. 85-002-X. Ottawa.

<sup>5</sup> Reitano, J. (2016). Adult correctional statistics in Canada, 2014/2015. *Juristat*. Statistics Canada Catalogue no. 85-002-X. Ottawa.

<sup>6</sup> Reitano, J. (2016). Adult correctional statistics in Canada, 2014/2015. *Juristat*. Statistics Canada Catalogue no. 85-002-X. Ottawa.

<sup>7</sup> Correctional Services Program. (2015). Adult correctional statistics in Canada, 2013/2014. *Juristat*. Statistics Canada Catalogue no. 85-002-X. Ottawa.

<sup>8</sup> See: Department of Justice Canada. (2016). *Just Facts: Offences subject to mandatory minimum penalty*. Ottawa, ON: Department of Justice.

Note: Excludes impaired driving offences which may overestimate proportions of certain offences.

A child-related sexual offence was the most serious offence in half (50%) of all cases with an MMP offence from 2000/2001 and 2013/2014. Cases with a firearm-related offence comprised a quarter (24%) and the remaining cases were *Controlled Drug and Substances Act* offences (26%). Over the 14 year period, the highest proportion of all cases (21%) were sentenced between 6 months and 1 year in custody (180 to 364 days).

