



Just Facts

June 2017

Research and Statistics Division

Preliminary Inquiries

This fact sheet is based on publicly available data from Statistic Canada databases, Canadian government and academic studies and publications released in 2005 and 2017, data from special requests to the Canadian Centre for Justice Statistics as well as internal research reports prepared by Justice Canada.

Decline in the number of completed cases¹ in adult criminal court for the fifth consecutive year

There were 328,028 completed adult criminal court cases across Canada in 2014/2015 that involved 992,635 charges. The number of completed adult criminal court cases declined 13% from the previous year and marks the fifth year of consecutive decline.²

¹ As defined by Statistics Canada, a case is one or more charges against an accused person or company, which were processed by the courts at the same time (date of offence, date of initiation, date of first appearance, or date of decision), and received a final decision.

² Information from superior courts in Prince Edward Island, Ontario, Manitoba and Saskatchewan was not available for extraction from their electronic reporting systems and was therefore not reported. Source: Statistics Canada. *Table 252-0053 - Adult criminal courts, number of cases and charges by type of decision, annual (number)*, CANSIM (database). (accessed: April, 2017)



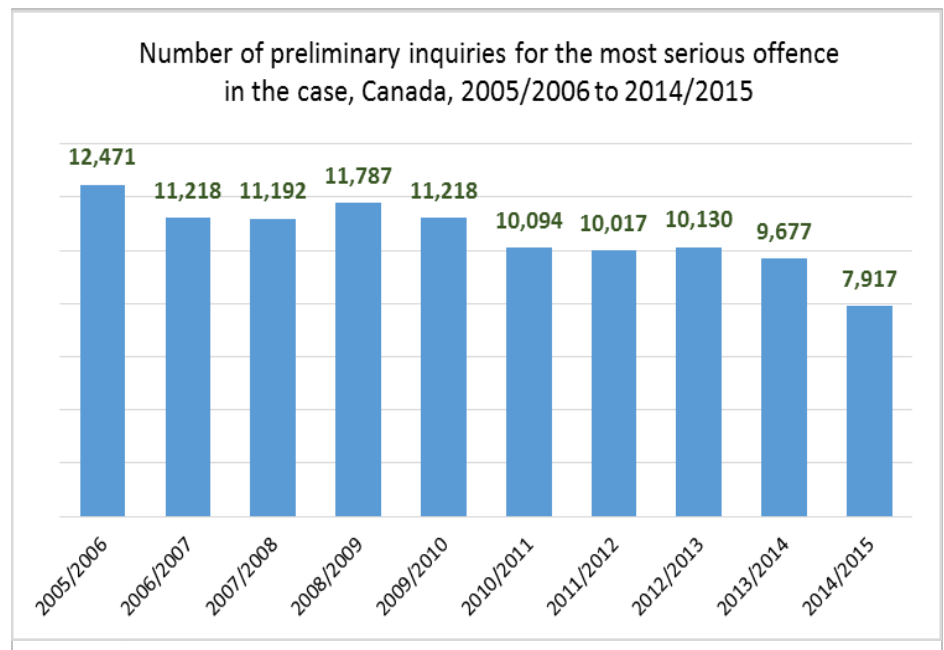


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Number of preliminary inquiries for the most serious offence in case have decreased over the last 10 years

In 2014/2015, 7,917 preliminary inquiries were scheduled and/or held for the most serious offence in the case (including both adult and youth cases).^{3,4} The number of preliminary inquiries that were scheduled and/or held, for the most serious offence in the case, has decreased by 37% over the last ten years (12,471 preliminary inquiries in 2005/2006).



Preliminary inquiries may impact the time required for case completion⁵

In 2014/2015, the majority (81%; n = 7,432) of adult criminal court cases (provincial and superior court cases) that had at least one charge with a preliminary inquiry that was requested and/or held were completed in less than 30 months. The remaining cases (19%; n = 1,747) took 30 months or longer to complete.

³ It is important to note that if the case is transferred to superior court, the data related to that case in the Integrated Criminal Court Survey (ICCS) is also transferred to superior court. In jurisdictions where there is no superior court coverage this data is lost and therefore may result in an undercounting of preliminary inquiries in some jurisdictions. Excludes information from superior courts in Prince Edward Island, Ontario, Manitoba and Saskatchewan due to the unavailability of data.

⁴ Statistics Canada, Canadian Centre for Justice Statistics, ICCS. Note that a breakdown of the number of cases that proceeded summarily and by indictment is not available and therefore the proportion of preliminary inquiries for eligible cases cannot be determined using the recent data. In addition, the data from the ICCS is unable to determine if a preliminary inquiry was actually held.

⁵ Excludes information from superior courts in Prince Edward Island, Ontario, Manitoba and Saskatchewan due to the unavailability of data. Source: Maxwell, A. (2017). Adult criminal court statistics in Canada, 2014/2015, Juristat. Statistics Canada Catalogue no. 85-002-x.



Mixed results regarding the likelihood of a trial following a preliminary inquiry

Research by Justice Canada⁶ found that holding a preliminary inquiry did not impact the likelihood of a trial taking place while Webster's research⁷ found some evidence to indicate that when a preliminary inquiry was held the likelihood of a trial taking place decreased.⁸

2004 Amendments to the Preliminary Inquiry

A Justice Canada study⁹ found that there was a 20% decrease in the number of preliminary inquiries following the 2004 amendments made by Bill C-15A.¹⁰

⁶ Preliminary Inquiries: An Analysis of the Impact of the Bill C-15A Amendments, Research and Statistics Division, Department of Justice Canada (Internal Report). The Preliminary Inquiry Study investigates straight indictable cases that were closed in fiscal year 2006/2007. The study is based on data from the CCJS Adult Criminal Court Survey (ACCS) and Integrated Criminal Court Survey (ICCS) for Newfoundland, New Brunswick, Ontario, Manitoba, Alberta, British Columbia, Northwest Territories, Nunavut and Quebec. The dataset represents a total of 80,881 straight indictable offence cases. The Pre/Post Study investigates cases where a preliminary inquiry was held between June 1, 2003 and May 31, 2005. The data are from the CCJS ACCS and ICCS for British Columbia, New Brunswick, Nunavut and Quebec. This dataset represents 17,616 cases where a preliminary inquiry was held.

⁷ A Preliminary Inquiry into the Preliminary Inquiry, by Cheryl Marie Webster, Department of Criminology, University of Ottawa, March 30, 2005. This report is an initial examination of the use of the preliminary inquiry in Canadian Criminal Courts. The dataset used in this paper includes all cases involving Criminal Code and other federal statute charges dealt with in the provincial/territorial adult criminal courts of Newfoundland & Labrador, Prince Edward Island, Nova Scotia, New Brunswick, Quebec, Ontario, Saskatchewan, Alberta, British Columbia, Yukon and the Northwest Territories. Data were available from these 11 Canadian jurisdictions for at least one of five years between 1998/9 and 2002/3 and represent slightly more than 2.2 million cases.

⁸ In the jurisdictions studied.

⁹ Preliminary Inquiries: An Analysis of the Impact of the Bill C-15A Amendments, Research and Statistics Division, Department of Justice Canada (Internal Report).

¹⁰ In the jurisdictions studied.