



Just Facts

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Research and Statistics Division

Sentencing in Adult Criminal Courts in Canada in 2020–2021

This fact sheet is based on publicly available data from Statistics Canada. It examines data from 2020–2021 – the first year following the onset of the COVID-19 pandemic. At that time, public health measures were put into place, which temporarily closed, postponed and/or restricted Canadian court proceedings. As a result, there was an unprecedented decline in the number of adult court cases, particularly in the first few months of 2020. It is important to keep this context in mind when interpreting the data in this fact sheet.

Lowest number of cases completed in a decade¹

There were 232,900 cases completed in adult criminal courts in 2020–2021. This was a 27% decrease compared to the previous year and a 43% decrease compared to 2010–2011; this is the lowest number of completed adult criminal court cases in the last decade. The large decrease in the number of completed cases is mainly attributed to the initial backlog and delays that occurred in the first half of 2020–2021² as a result of the COVID-19 pandemic.³ Compared to the previous year, in 2020–2021, Manitoba and Quebec saw the largest declines in the number of completed cases (-36% each), while Yukon saw the only increase (+15%).⁴

¹ Data presented in this section come from: Statistics Canada (2022). Integrated Criminal Court Survey, 2020–2021. Table 35-10-0027-01 (Accessed March 2, 2023).

² After safety and control measures were put in place, the number of completed court cases began to slowly increase in the third quarter of 2020–2021 and returned to pre-pandemic numbers by the fourth quarter.

³ For more information, see Department of Justice Canada (2022). State of the Criminal Justice System: Impact of COVID-19 on the Criminal Justice System (Accessed March 2, 2023).

⁴ Caution should be used when comparing data on the number of cases between jurisdictions, as there are many factors that can influence provincial/territorial differences, such as Crown and police charging practices, offence distributions, and diversion programs.





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Half of completed cases resulted in a finding of guilt⁵

In 2020–2021, half (50%) of all completed cases in adult criminal court resulted in a finding of guilt.⁶ The proportion of completed cases resulting in a finding of guilt has decreased by 22% over the past decade. The proportion of guilty cases varies across Canada; in 2020–2021, the highest proportion was in Quebec (73%), followed by New Brunswick (72%), Prince Edward Island (66%) and British Columbia (63%), and the lowest was in Alberta (36%). The high proportion of guilty cases in Quebec, New Brunswick and British Columbia can be explained by the use of pre-charge screening programs in these jurisdictions.⁷ These programs require that Crown prosecutors approve whether the charges can proceed to court. These programs have an impact on the percentage of cases resulting in a guilty finding in their jurisdiction, as they are designed to divert less serious cases outside of the court system and to reduce court workload.

Probation was the most common sentence⁸

In 2020–2021, probation remained the most common sentence imposed in adult criminal court cases, either on its own or in combination with another sentence, consistent with trends for the last decade. Probation was imposed in 43% of all guilty cases.⁹

In 2020–2021, the median length of probation sentences (for all offences combined) in Canada was 365 days. The median probation length was greater for homicide¹⁰ (913 days), attempted murder (730 days), other sexual offences¹¹ (730 days), sexual assault (720 days), offences in relation to sexual services (720 days), criminal harassment (720 days), and robbery (545 days).

The majority of custodial sentences were for less than six months¹²

In 2020–2021, incarceration sentences were given in 37% of all guilty cases in adult criminal courts. The median length of custody (for all offences combined) in Canada was 34 days, and 70% of the custodial sentences were six months or less. Approximately 4% of the custodial sentences were for a longer term of two years or more. Homicide (2,190 days) and attempted murder (1,320 days) cases received the longest median custodial sentences. The shortest custodial lengths were reported for disturbing the peace (2 days), failing to appear (5 days) and drug possession (8 days).

⁵ See note 1.

⁶ Guilty findings include guilty of the charged offence (or attempt), or of an included offence (or attempt). These findings also include guilty pleas, and cases where an absolute or conditional discharge has been imposed.

⁷ Prince Edward Island does not have a mandatory pre-charge screening program.

⁸ Data presented in this section come from: Statistics Canada (2022). Integrated Criminal Court Survey, 2020–2021. Tables 35-10-0030-01 and 35-10-0035-01 (Accessed March 2, 2023).

⁹ One individual case may include multiple types of sentences. For this reason, the proportion of completed cases which have either a probation sentence, a custody sentence or a fine exceeds 100%.

¹⁰ Includes first-degree murder, second-degree murder, manslaughter and infanticide.

¹¹ Includes, but not limited to, sexual interference, invitation to sexual touching, luring a child via a computer and sexual exploitation.

¹² Data presented in this section come from: Statistics Canada (2022). Integrated Criminal Court Survey, 2020–2021. Tables 35-10-0030-01, 35-10-0032-01 and 35-10-0033-01 (Accessed March 2, 2023).



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Use of custody varied by jurisdiction¹³

In 2020–2021, the jurisdictions reporting the lowest proportions of custodial sentences (of all guilty cases) were Nunavut (15%), Nova Scotia (24%) and British Columbia (28%). Prince Edward Island reported the highest proportion of custodial sentences (64%), which is in part explained by trends in custody sentences for impaired driving cases.¹⁴ In Prince Edward Island, impaired driving cases were more frequently sentenced to custody than other offences, representing 35% of all guilty cases sentenced to custody.

Fines imposed in approximately one-fifth of guilty cases in Canada¹⁵

In 2020–2021, fines were imposed in 21% of adult criminal court cases; the median fine amount was \$1,000. Median fines varied by offence; the smallest median fine amount was for failing to appear (\$200), while the highest median fine amount was for impaired driving (\$1,500). Note that these amounts do not include other monetary penalties, such as restitution or the federal or provincial/territorial victim surcharges.

Incarceration rates declined slightly¹⁶

In 2020–2021, there was on average 12,827 adults in federal custody and 18,950 adults in provincial/territorial custody on any given day. That year, the federal incarceration rate declined by 10% from the previous year to 42 offenders per 100,000 adult population. The provincial/territorial incarceration rate was about 62 offenders per 100,000 adult population, a decrease of about 22% from 2019–2020. These declines represent the largest recorded at both the federal and provincial and territorial levels since 1978–1979, when incarceration rates were first reported, and can be attributed to the COVID-19 pandemic public health restrictions.

¹³ Unless otherwise indicated, data presented in this section come from: Statistics Canada (2022). Integrated Criminal Court Survey, 2020–2021. Table 35-10-0030-01 (Accessed March 2, 2023).

¹⁴ For more information, see Maxwell, A. (2017). Adult criminal court statistics in Canada 2014/2015. *Juristat*. Statistics Canada Catalogue no. 85-002-X, Ottawa.

¹⁵ Data presented in this section come from: Statistics Canada (2022). Integrated Criminal Court Survey, 2020–2021. Tables 35-10-0030-01 and 35-10-0037-01 (Accessed March 2, 2023).

¹⁶ Data presented in this section come from: Statistics Canada (2022). Corrections Key Indicator Report for Adults, 2020–2021. Tables 35-10-0154-01 and 35-10-0155-01 (Accessed March 2, 2023).