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Canadian Centre for Justice Statistics



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## Youth Court Statistics, 2006/2007

by Jennifer Thomas

### Highlights

- In 2006/2007, youth courts in Canada processed 56,463 cases, involving 179,873 charges. Although consistent with the overall caseload in 2005/2006, it is 26% lower than that in 2002/2003, the year prior to the enactment of the *Youth Criminal Justice Act (YCJA)*.
- Every province and territory has experienced drops in youth court caseload since the introduction of the *YCJA*. There were five jurisdictions where the caseload in 2006/2007 was at least 30% lower than in 2002/2003 – Northwest Territories (-52%), Newfoundland and Labrador (-47%), Yukon (-45%), British Columbia (-37%) and Ontario (-30%).
- Over the same period, drops of between 21% to 24% occurred in Prince Edward Island, New Brunswick, Alberta and Nunavut. In the remaining provinces (Nova Scotia, Quebec, Manitoba and Saskatchewan), the youth court caseloads declined by less than 20%.
- Since reaching a high of 70% in 1998/1999, the proportion of cases where the youth either pleaded guilty or was found guilty has been gradually declining. Sixty percent of cases completed in youth court resulted in a finding of guilt in 2006/2007, the lowest proportion recorded.
- Consistent with the objectives of the *YCJA*, fewer youth cases are receiving a custodial sentence. In 2006/2007, about 17% or 5,640 of all guilty cases resulted in a sentence to custody. This compares to 13,246 or 27% of all guilty cases in 2002/2003.
- Probation continues to be the most frequently ordered sentence for youth, with 59% of guilty youth cases receiving this sentence in 2006/2007. However, this proportion is 11 percentage points lower than in 2002/2003, the year prior to the enactment of the *YCJA*.
- The new sentences for youth, as prescribed in the *YCJA* are not commonly used. In 2006/2007, of the new sentences, deferred custody and supervision orders were handed down most frequently. Of the 34,065 guilty cases, 1,080 (3%) received such an order.
- Youth court cases are becoming more complex. In 2006/2007, 6 out of every 10 cases involved multiple charges. In comparison, in 1991/1992 (the first year for which youth court data are available), multiple charge cases represented 45% of youth court cases.
- Since reaching an all-time high of 164 days in 2003/2004, the mean elapsed time to process a case in youth court has been gradually declining. In 2006/2007, the mean elapsed time from first to last court appearance was 156 days. Despite the decline, the elapsed time is still well above the 131 days in 2002/2003.



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## Cases heard in youth court

### Fewer youth appearing in court since the enactment of the YCJA

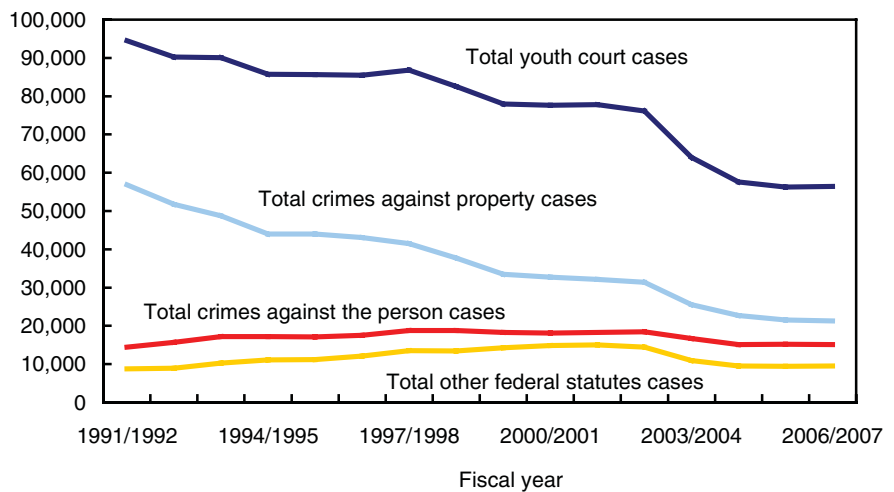
Youth courts in Canada processed 56,463 cases involving 179,873 charges in 2006/2007. Although unchanged from the overall caseload in 2005/2006, it is 26% lower than that in 2002/2003 – the year prior to the enactment of the *Youth Criminal Justice Act (YCJA)* (Table 1). The largest decline came in the first year of the new legislation when youth court judges disposed of 16% fewer cases than the year before.

Between 1991/1992<sup>1</sup> and 2002/2003, the number of youth court cases processed each year was already on the decline, primarily due to the steady decline in the number of crimes against property cases<sup>2</sup> (such as theft, break and enter and mischief), while the number of cases for most other offence categories was generally increasing. While crimes against property cases continued to drop following the enactment of the YCJA (-32% from 2002/2003 to 2006/2007), all other categories of offences dropped significantly as well. For instance, in 2006/2007 there were 34% fewer other federal statute cases<sup>3</sup> compared with 2002/2003, and 17% fewer Administration of justice cases (e.g., cases where the accused failed to comply with a recognizance order or failed to appear in court).

Chart 1

### Substantial declines in youth court caseload following the enactment of the YCJA

number of cases



Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Although crimes against the person cases were 5% higher than the low of 14,469 cases in 1991/1992, the number of cases in this category in 2006/2007 was 18% lower than in 2002/2003. Following an upward trend during the 1990s, crimes against the person cases dropped 9% in the first year of the YCJA and almost 10% in the following year. The level has remained stable since (Chart 1).

In 2006/2007, the types of cases processed in youth courts most often involved crimes against property (38%) and crimes against the person (27%) (Table 2). Less frequent were cases involving offences against the Administration of Justice (9%), offences under the *YCJA* or the *Young Offenders Act (YOA)* (8%), other *Criminal Code* offences (8%), drug-related offences (7%), *Criminal Code* traffic offences (2%), and other federal statute offences (2%).

## Ten offences accounted for three-quarters of the total youth court caseload

As in past years, a small number of offences accounted for a large proportion of the youth court caseload in 2006/2007. Together, the ten most frequent offences represented three-quarters (75%) of total cases (Chart 2).

Four of the most frequent offences were in the crimes against property category: theft accounted for 14% of the total completed caseload, while break and enter accounted for 9%, and mischief and possession of stolen property for 7% and 6%, respectively.

While common assault cases accounted for 1 in 10 cases in youth court overall, they made up almost 4 in 10 crimes against the person cases in youth courts. Major assault (23%), robbery (15%) and uttering threats (14%) were the other most common types of crimes against the person cases. Homicide (which includes murder, manslaughter and infanticide) and

attempted murder together amounted to a very small proportion of crimes against the person cases heard in youth courts (less than 0.5%). There were 40 cases of homicide and 23 cases of attempted murder disposed of in 2006/2007 in which a young person was the accused.

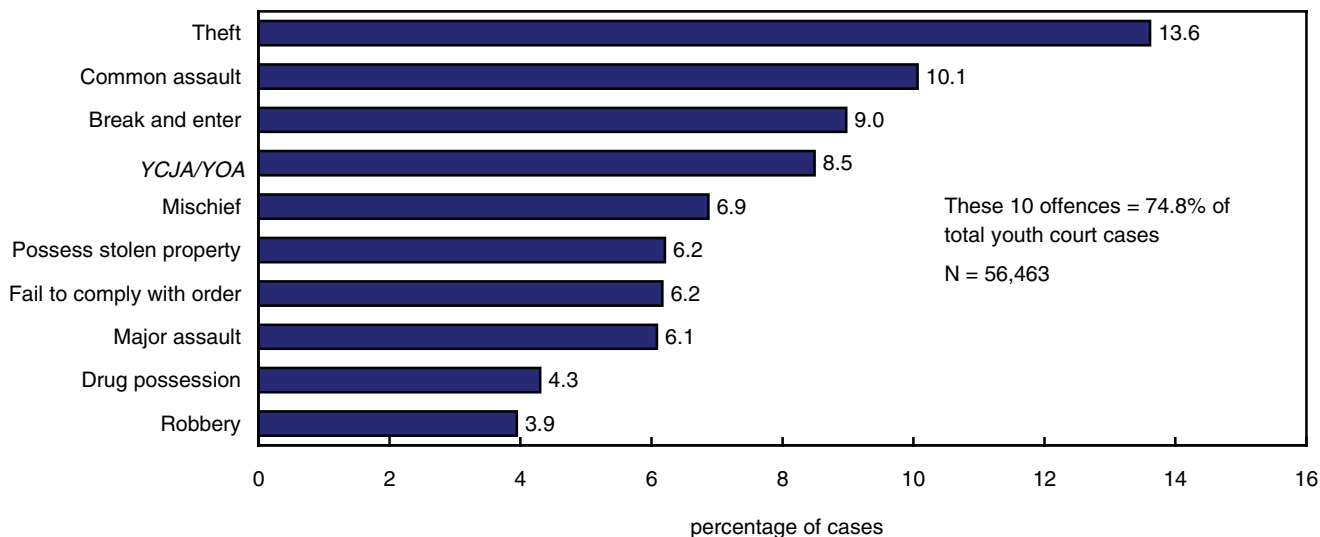
## Drop in youth court caseload seen across the country

Since the introduction of the *YCJA*, the drop in youth court caseload at the national level has been seen across the country. Among the provinces and territories, there were five jurisdictions where the caseload in 2006/2007 was at least 30% lower than in 2002/2003 – Northwest Territories (-52%), Newfoundland and Labrador (-47%), Yukon (-45%), British Columbia (-37%) and Ontario (-30%). Over the same period, drops of between 21% to 24% occurred in Prince Edward Island, New Brunswick, Alberta and Nunavut. In the remaining provinces (Nova Scotia, Quebec, Manitoba and Saskatchewan), the youth court caseloads dropped by less than 20% (Table 3).

Although the youth court caseload in every province and territory was much lower than it was under the last year of the *YOA*, several provinces and territories experienced an increase in caseload from 2005/2006. Prince Edward Island youth courts completed 17% more cases, while Yukon, Nova Scotia, Saskatchewan and Manitoba experienced increases of 10%, 8%, 6% and 3%, respectively.

Chart 2

### Ten offences accounted for three-quarters of the youth court caseload in 2006/2007



**Note:** YCJA/YOA offences are primarily the failure to comply with a disposition.

**Source:** Youth Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Differences across the country in the reporting of criminal incidents to police, in procedures and eligibility requirements for police diversion and extrajudicial measures programs, and differences in provincial policy directing Crown discretion will influence the volume and characteristics of cases heard in youth courts. Pre-charge screening by the Crown is mandatory in New Brunswick, Quebec and British Columbia. Processes such as these serve to keep less serious cases out of the court system and reduce court workload. These factors should be considered when making inter-jurisdictional comparisons.

### Text box 1

#### Youth and youth crime in context

- Population – 2006<sup>4</sup>
- Total Canadian population was 32.6 million with 2.6 million youth aged 12 to 17 years (8% of total).
- Persons charged by police in 2006<sup>5,6</sup>
- 629,497 adults and youths were charged with federal offences.
- 85,947 (14%) of these were youth.
- Cases processed in youth court, 2006/2007<sup>5</sup>
- 56,463 cases were heard in youth courts in 2006/2007.
- This is stable compared to the 2005/2006 caseload of 56,271, but is 26% lower than in 2002/2003 (the year prior to the enactment of the *YCJA*).
- Convictions in youth court, 2006/2007
- 34,065 cases (60%) resulted in a conviction in 2006/2007.

## Characteristics of youth appearing in court

### Over half of youth court cases involved 16- and 17-year-olds

Youth who appear in court tend to be older. In 2006/2007, 16-year olds accounted for 26% of cases and 17-year-olds, 30%.<sup>7</sup> Accused persons aged 15 years appeared in 21% of all cases, while those aged 14, 13, and 12 years showed proportionally less involvement, accounting for 13%, 6% and 2% of cases, respectively (Table 4).

Males accounted for 73% of youth court cases and they predominated in all age groups. While the proportion of cases against males increased with age, half of the cases<sup>8</sup> where the accused was female involved 15- and 16-year olds.

## Case processing

### Youth court cases becoming more complex

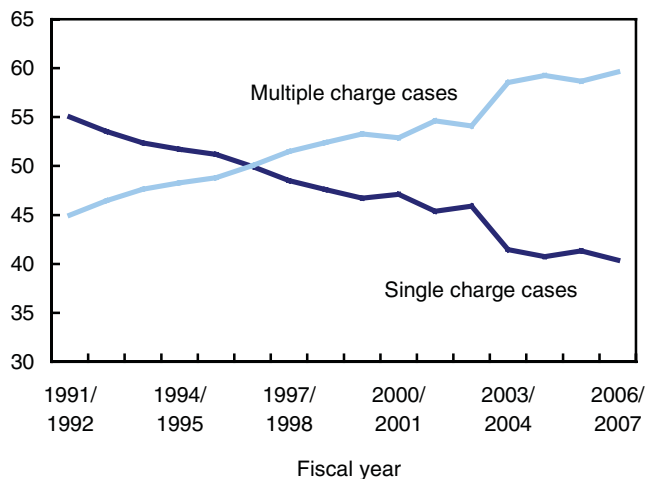
Multiple-charge cases<sup>9</sup> are often complex and more serious. In 1991/1992, the first year for which youth court data are available, youth court cases with more than one charge represented 45% of the total caseload. However, the proportion of youth court cases with multiple charges gradually increased throughout the 1990s – on average by 1 percentage point

per year, and continued into the next decade (Chart 3). In 2003/2004, the first year under the *YCJA*, the increase was more than 4 percentage points over the previous year, bringing the proportion of multiple-charge cases to 59%. This proportion has remained stable since.

Chart 3

### The proportion of multiple charge cases is on the rise in youth courts

percentage of total cases



Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Since reaching an all-time high of 164 days in 2003/2004, the average<sup>10</sup> elapsed time to process a case in youth court (from the time of the youth's first court appearance to the date of decision or sentencing) has been gradually declining. In 2006/2007, the average time from first to last court appearance for all cases was 156 days. Despite the decline, the average elapsed time is well above the 131 days in the year prior to the enactment of the *YCJA* (Chart 4).

Both single charge cases and multiple charge cases are taking longer to process, averaging 130 days and 173 days, respectively in 2006/2007. This compares to 105 days for single charge cases and 153 days for multiple charge cases in 2002/2003.

In 2006/2007, prostitution cases, on average, took the longest to complete (414 days), followed by cases of homicide (369 days). Sexual assault and other sexual offences (including voyeurism and sexual interference) had mean elapsed times of 284 and 266 days, respectively. The shortest mean elapsed time occurred for the offence of being unlawfully at large (69 days) (Table 5).

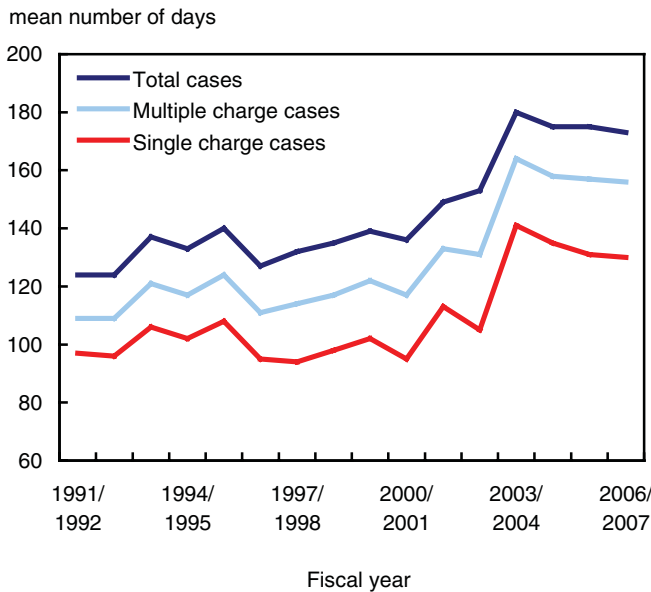
Saskatchewan had the longest mean elapsed time to process a case at 182 days, followed by Manitoba (177 days), Nova Scotia (171 days), Ontario (161 days) and Yukon (155 days). Prince

Edward Island had the shortest mean elapsed time (51 days), followed by the Northwest Territories (61 days).

In 2006/2007, about six out of every ten cases (58%) were processed in four months or less, with 6% of cases taking longer than a year. Nine percent of cases were completed at the first court appearance.

Chart 4

**Youth court cases are taking longer to process**



**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Youth courts may be hearing lengthier cases as a result of less serious cases being diverted away from the court process as per the principles and objectives of extrajudicial measures under the *YCJA*, reserving court for the more serious cases. Less serious cases may not proceed to court, but rather be dealt with by the police in the form of extrajudicial measures such as police warnings or cautions and referrals to community programs. Further vetting of charges by the Crown may result in additional charges less serious in nature being handled in some manner other than proceeding to court (e.g., Crown caution or extrajudicial sanction).

**Overview of youth court case outcomes**

**Six out of ten cases result in guilt**

Cases with a finding or plea of guilt accounted for 60% of cases disposed in youth courts in 2006/2007 (Table 6).<sup>11</sup> Twenty-two percent of cases were withdrawn or dismissed. Proceedings were stayed in 16% of cases, and 1% resulted in an acquittal.

The proportion of guilty verdicts varied among offence categories.<sup>12</sup> Cases where the youth was accused of being unlawfully at large were found guilty most often (91%), followed by impaired driving (83%), offences under the *YCJA* (82%) and other *Criminal Code* traffic offence cases (80%). Attempted murder cases recorded the lowest proportion of guilty findings (26%), followed by prostitution (32%), criminal harassment (41%) and drug possession (43%) (Table 7).

**The proportion of guilty cases reached a low in 2006/2007**

Since reaching a high of 70% in 1998/1999, the proportion of cases where the accused either pleaded guilty or was found guilty has been gradually declining. The figure for 2006/2007 (60%), is the lowest proportion over the entire period that data have been collected for youth courts in Canada.<sup>13</sup>

The proportion of cases resulting in guilt has declined for many different types of cases. However, much of the decrease comes from the higher volume cases, especially crimes against property cases, where the proportion fell from 69% of cases in 1998/1999 to 55% in 2006/2007. For example, the proportion of guilty cases for both theft and break and enter declined by 14 percentage points over this period, and possession of stolen property by 11.

Although other major offence categories experienced notable declines in the proportion of guilty cases, there were variations from the trend when examining individual offences within the category. For example, in 2006/2007, the overall proportion of crimes against the person cases resulting in guilt was 5 percentage points lower than in 2002/2003. While the proportion of guilty cases for criminal harassment, robbery and common assault has generally declined, there have been considerable fluctuations in the proportions for homicide, attempted murder, sexual assault, other sexual offences and other crimes against the person.

**The proportion of guilty cases varies considerably from one jurisdiction to another**

The proportion of cases resulting in a guilty finding ranged from 46% in Yukon to 88% in New Brunswick (Table 6). This proportion in all other jurisdictions ranged between 55% and 76%. There are several possible factors that influence variations in the proportion of cases found guilty. First, some jurisdictions use diversion programs to a greater extent which may reduce the number and types of cases that proceed to court. Second, the use of stays and withdrawals varies across the country. Cases that are stayed or withdrawn are often indicative of charges set aside pending completion of extrajudicial/alternative measures or diversion programs, or the systematic use of these decisions for administrative purposes. For example, more than one-half (51%) of cases were stayed, withdrawn or dismissed in Yukon, compared with 11% in New Brunswick. Third, the use of pre-charge screening by the Crown, which occurs in New Brunswick, Quebec, and British Columbia, may also affect the percentage of convictions through increased vetting of charges.

## Sentencing in youth court

The *YCJA* provides legislative direction to judges in sentencing youth who have been convicted of a criminal offence, by including statements of purpose, principles and factors with which judges must comply when imposing youth sentences. In sentencing a youth under the *YCJA*, a judge must consider a sentence that holds the youth accountable, ensures meaningful consequences for him or her and promotes his or her rehabilitation and reintegration into society. The sentence must be “proportionate to the seriousness of the offence and the degree of responsibility of the young person for that offence”.<sup>14</sup> All reasonable alternatives to custody must be considered before a judge may impose a custodial sentence. For the most part, custody is to be saved for violent offenders and serious repeat offenders.

Many of the alternatives to custody that a judge may consider, in accordance with the purpose and principles of sentencing, existed under the *YOJA*; however, several new sentences were introduced in the *YCJA*, including, intensive support and supervision, deferred custody and supervision, orders to attend a non-residential program and reprimands.<sup>15</sup>

Provinces and territories vary in terms of when they began providing *YCJA* sentencing data,<sup>16</sup> therefore caution should be exercised when comparing these data.<sup>17</sup> In years where the *YCJA* sentencing details were not available, they have been included in the “Other” category.

### New *YCJA* sentences not common

In 2006/2007, of the new sentences under the *YCJA*, deferred custody and supervision orders were handed down most frequently. Of the 34,065 guilty cases, 1,080 (3%) received such an order. Six offences accounted for about 64% of cases ordered to deferred custody and supervision - *YCJA* offences, major assault, robbery, break and enter, common assault and other *Criminal Code* offences (Table 8).

Additionally, there were 724 reprimands handed down, accounting for 2% of guilty cases, 347 orders to intensive support and supervision programs (1%) and 213 orders to attend a non-residential program (less than 1%). Combined, these new sentences were given in 7% of all guilty cases.

### Custody has become less likely in youth court cases

Consistent with the objectives of the *YCJA*, not only are there fewer youth appearing in court, fewer are being sentenced to custody. In 2006/2007, about 17% or 5,640 of all guilty cases resulted in a custodial sentence. This compares to 13,246 or 27% of all guilty cases in 2002/2003 (Table 10).

Custody is frequently ordered for serious violent offences under crimes against the person (Table 8). For example, in 2006/2007, 15 of the 21 guilty homicide cases (71%) and 5 of the 6 attempted murder cases where the youth was found guilty (83%) resulted in a sentence of custody. Although this proportion may seem low, custodial sentences may be affected

by time spent in pre-trial detention, particularly for more serious offences where time spent in custody prior to the decision of the court and sentencing is more likely to take place, and this may have been considered ‘time served’.

Cases in which the youth was found guilty of being unlawfully at large also frequently received a custodial sentence (67%).

### Almost half of custodial sentences are less than one month

In 2006/2007, 46% of cases resulting in custody and supervision were for terms of less than 1 month.<sup>18</sup> Twenty-six percent were for terms of 1 to 3 months, 17% were for greater than 3 months and up to a 6-month term, and 7% were for terms longer than 6 months.<sup>19</sup> The mean sentence length was 72 days (Table 12), which is also the average for the last 10 years of reported data.

### The use of custody varies across Canada

In 2006/2007, the use of custody and supervision ranged from 8% of cases with convictions in Manitoba to 34% in the Yukon (Table 9, Chart 5). This variation in the use of custody may reflect the influence of several factors. For example, the severity of offences being sentenced can vary from jurisdiction to jurisdiction, rates of repeat offending can be different, the availability of suitable alternatives to custody may vary, and the availability of custodial facilities can vary.

All provinces and territories have experienced significantly large decreases in both the numbers and proportions of guilty youth cases receiving custodial sentences since the first year of the *YCJA*.

In terms of the actual number of guilty cases being sentenced to custody, the impact is pronounced. Nunavut experienced the smallest decline (-45%) over the 2002/2003 to 2006/2007 period. In all other provinces and territories, in 2006/2007, the number of cases where the youth was found guilty and received a sentence to custody was down more than 50% from what it was in the final year of the *YOJA* (Table 10).

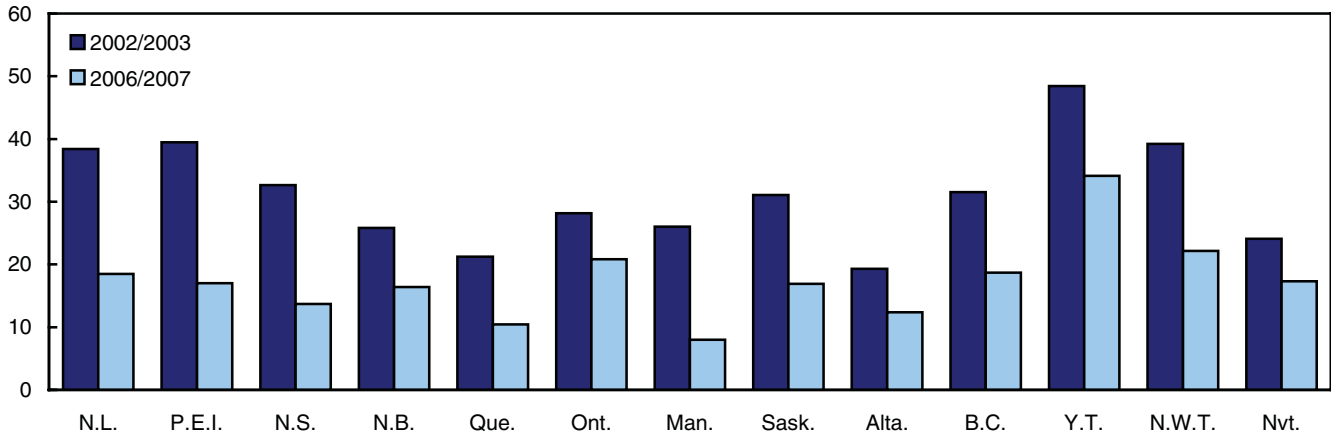
### Probation is still the most common sentence for youth, but it too is on the decline

Cases in which the youth was found guilty can have more than one sentence and when accounting for multiple sentences, probation was ordered in 59% of all guilty cases in 2006/2007, far more than any other type of sentence (Table 11). However, this is much lower than the proportion in 2002/2003, when 70% of all guilty cases received a sentence of probation (Chart 6). This may be due in part to the fact that under the *YOJA*, youth custody sentences were often followed by a period of probation to ensure some form of supervision on reintegration into the community. Under the *YCJA* however, all youth custody sentences have a mandatory period of supervision on release built into the sentence. Additionally, a portion of cases that may have received probation under the *YOJA* may have received some sort of extrajudicial measure under the *YCJA*.

Chart 5

**The proportion of guilty youth cases sentenced to custody has declined since the enactment of the YCJA**

percentage of guilty cases sentenced to custody

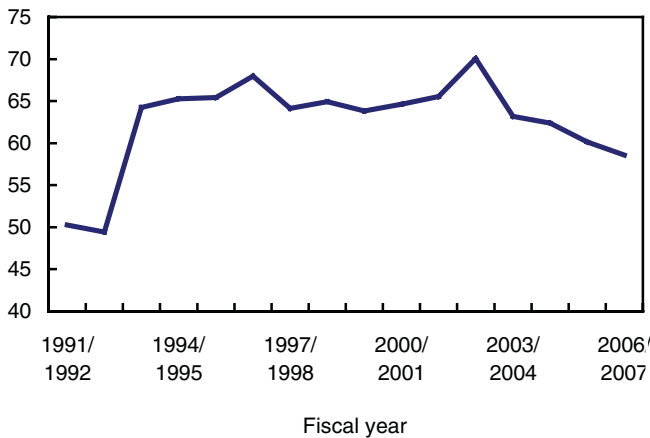


Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Chart 6

**The proportion of guilty youth cases sentenced to probation has also declined since the enactment of the YCJA**

percentage of guilty cases sentenced to probation



Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

In 2006/2007, probation (often in combination with other types of sentences) was ordered most frequently for guilty youth cases involving crimes against the person (68%) followed

by crimes against property (63%) and other *Criminal Code* offences (61%) such as weapons and disturbing the peace (Table 8). A smaller proportion of guilty cases involving *Criminal Code* traffic offences and offences against the Administration of Justice (43% for each) resulted in a probation sentence.

More specifically, probation was frequently ordered in youth cases involving attempted murder (83%), sexual assault (78%), other sexual offences (78%), other crimes against the person (78%), drug trafficking (74%), break and enter (73%), robbery (73%) and other property crimes (72%).

As with the YOA, under the YCJA, youth courts may sentence a young offender to probation for a maximum of two years. In 2006/2007, the mean sentence length for probation sentences was one year (Table 12). Twenty percent of cases with a probation sentence were for a period of 6 months or less, 51% ranged from greater than 6 months to 12 months, and 23% were for more than 12 months.

**Like the use of custody, the use of probation varies greatly between jurisdictions**

The proportion of guilty youth cases receiving a probation sentence by province and territory spans a large range. For example, in 2006/2007, Nunavut and Prince Edward Island had the highest proportions of cases where the youth was sentenced to probation, at 91% and 85%, respectively. At the low end were New Brunswick (47%), Alberta (47%), Saskatchewan (46%) and British Columbia (44%). All other provinces ranged between 50% to 74% (Table 9).



## Methodology

This product is based on case characteristics data collected from the Integrated Criminal Court Survey (ICCS) and the Youth Court Survey (YCS). Data on federal statute charges offences heard and completed in youth court for persons aged 12 to 17 years (up to the 18<sup>th</sup> birthday) at the time of the offence are collected by the Canadian Centre for Justice Statistics (CCJS) in collaboration with provincial and territorial government ministries responsible for the administration of courts. All youth courts in Canada have reported data to CCJS since the 1991/1992 fiscal year.

As not all youth crime is reported to police and not all youth in conflict with the law proceed to court, this report focuses on court processes and the response to youth crime rather than the prevalence of youth criminal activity.

### Primary unit of analysis

The primary unit of analysis is the case. The concept of a case has changed from previous reports to more closely reflect court processing. The new definition combines all charges against the same person having overlapping court dates into a single case. The previous definition combined all charges against the same person disposed of in court on the same day into a case. This tended to undercount the number of charges in a case, overcount the number of cases and underestimate the length of time required to process a case through court because not all charges are necessarily disposed of on the same day.

The impact of this change is noticeable in the compression of case counts as well as conviction rates for some jurisdictions, where certain administrative practices (e.g., use of stays, relays, withdrawals, transfers, etc.) may have resulted in multiple cases against an accused using the former definition. The new case definition is more effective for analyzing caseload, case processing and case complexity statistics, due to its nature of identifying all charges against an accused that are being heard simultaneously before the court. Since all data obtained through the ICCS and YCS have been processed using the new case definition, case counts presented in this report should not be compared with those in previous reports released before October 2007.

### Counting procedures for cases with more than one charge

Since a case is characterized by a single charge, in cases with more than one charge it is necessary to determine the charge that will represent the case. In multiple-charge cases, the “most serious decision” rule is applied. Decisions are ranked from the most to least serious as follows: transfer to adult court (under the YOA); guilty; other decision (e.g. not fit to stand trial); stay of proceedings; charge withdrawn; or transfer to other jurisdiction; and not guilty or charge dismissed. In cases where two or more offences have resulted in the same decision (e.g., guilty), the “most serious offence” rule is applied. All charges are ranked according to a seriousness scale based on the average length of custodial sentences imposed on convicted charges between

1999/2000 and 2003/2004. If two charges have equal results according to this criterion, information about the sentence type (e.g., custody, probation, and fine) is considered. If the representative charge for the case still cannot be determined, the magnitude of the sentence is considered.

### Factors influencing comparability of youth court statistics among jurisdictions

The reader is advised that the use of the decisions “stay” and “withdrawn” for administrative purposes (e.g., to reduce charges or to correct details on an information) varies by jurisdiction. To terminate and recommence a case for administrative purposes has been found to inflate the total number of cases reported. Ontario, Manitoba, Alberta, British Columbia and Yukon are most affected by this practice. Although every effort is made to identify and remove these occurrences, the reader is encouraged, where possible, to analyse cases with guilty findings to increase comparability among the jurisdictions.

Differences in data over time and across jurisdictions result from a number of factors that reflect how the YCJA and the YOA were implemented. Pre-court screening procedures may affect the number of youth appearing in court. The Crown Attorney, for example, may decide not to proceed with a charge, or the initial charge may be changed. A youth may also be diverted from the court process into an extrajudicial/alternative measures program (either before or after police lay charges), a police or Crown diversion program.

## Glossary of terms

### Decisions in youth court

The decision categories in this report are as follows:

**Found guilty** includes guilty (convicted) of the charged offence, of an included offence, of an attempt of the charged offence, of an attempt of an included offence, or a plea of guilt. This category also includes cases where a reprimand or an absolute or conditional discharge has been granted.

**Acquittal** means that the accused has been found not guilty of the charges presented before the youth court.

**Stay** involves a stay of proceedings, where a charge or charges are suspended, and the Crown may recommence court proceedings at a later date, within one year.

**Withdrawn or dismissed** refer to cases where all charges were withdrawn by the Crown (prior to the entering of a plea by the accused) or dismissed by the court. These decisions all refer to the court stopping or interrupting criminal proceedings against the accused.

**Other decisions** include cases that were transferred to adult court (under the YOA), transferred to another jurisdiction, the accused was found to be unfit to stand trial, or not criminally responsible due to mental disorder.

## Principal sentencing options in youth courts

The main types of sanctions that can be imposed by a youth court are presented under subsection 42(2), paragraphs (a) through (r) of the *YCJA*. Though many of the sanctions have been carried over from the *YOA*, the *YCJA* introduced a number of new or modified sanctions:

### Non-custodial sanctions

**Reprimand:** A new sentencing option under the *YCJA*, a reprimand is the least punitive of all youth sentences, essentially involving a stern lecture from the judge. A reprimand may be most suitable in minor cases where exposure to the police and the court system alone may be deemed sufficient to hold the youth accountable for their offence. Reprimands do not result in a criminal record.

**Fine:** When a fine is imposed, the young person is ordered to pay a specific dollar amount to the court. The maximum amount that a youth can be fined is \$1,000.

**Community service:** A community service order requires the youth to perform unpaid work for the community. The maximum length of a community service order is 240 hours with a maximum term of completion of 12 months.

**Probation:** A young person sentenced to a term of probation remains in the community, but is subject to a number of conditions for the duration of the probation order. Some conditions are compulsory and apply to all youth on probation. These include keeping the peace and appearing before the court when required to do so. The optional conditions vary from case to case, and can include a curfew, reporting to a probation officer, and attending school. The maximum length for a probation order is two years.

**Intensive support and supervision order:** A new sentencing option, an intensive support and supervision order was introduced in the *YCJA* as an alternative to custody. Similar to probation, an intensive support and supervision order is served in the community under conditions, but provides closer monitoring and support than a probation order to assist the young person in changing his or her behaviour.<sup>20</sup> This is an 'opt-in' sanction under the *YCJA*, meaning that provinces and territories may choose not to implement this option, taking into consideration available resources.

**Order to attend a non-residential program:** As another possible alternative to custody introduced by the *YCJA*, the youth court may order the young person to attend a non-residential program at fixed times and terms. The attendance order is also an 'opt-in' sanction for the provinces and territories.<sup>21</sup>

**Other sanctions:** In addition, the courts can choose a variety of other sentencing options including compensation for damages, restitution, compensation of an innocent purchaser, personal service, prohibition, seizure or forfeiture, conditional discharge, or absolute discharge. These sentencing options pre-date the introduction of the *YCJA*.

## Custodial sentences

Although custody is still a sentencing option, there are several criteria which must be met before a judge can sentence a youth to custody. Section 39 of the *YCJA* prohibits a custodial sentence unless at least one of certain threshold criteria is met. Specifically, a youth justice court shall not commit a young person to custody unless the young person: (i) has committed a violent offence; (ii) has failed to comply with non-custodial sentences; (iii) has committed an indictable offence for which an adult would be liable to imprisonment for more than two years and has a history of convictions under the *YCJA* or *YOA*; or (iv) in exceptional cases, has committed an indictable offence and the aggravating circumstances are such that the imposition of a non-custodial sentence would be inconsistent with the purpose and principles of sentencing of the *YCJA*.<sup>22</sup>

Even if one of the above conditions is met, the youth justice court shall not sentence the young person to custody unless the court has considered all reasonable alternatives to custody and determined that no alternatives are available that are in keeping with the purpose and principles of sentencing.<sup>23</sup>

**Deferred custody and supervision order:** Another new sentence under the *YCJA*, a deferred custody and supervision order allows a young person who would otherwise be sentenced to custody to serve the sentence in the community under a number of conditions. Similar to the conditional sentence of imprisonment for adults, violation of conditions may result in the young person being sent to custody.

**Custody and supervision:** All cases sentenced to custody under the *YCJA* have a supervision component.<sup>24</sup> For most offences, the supervision period can be up to half as long as the custodial period, and the periods combined must not exceed the maximum sentence length specified in the *YCJA*. However, if the youth is convicted of manslaughter, attempted murder, or aggravated sexual assault, or is given an intensive rehabilitative custody and supervision order, the length of the custody period and supervision period is up to the discretion of the youth court, as long as the two periods combined is not greater than the maximum sentence length. The maximum lengths of custody and supervision orders for first and second degree murder remain unchanged from the *YOA*, however the *YCJA* specifies guidelines governing the maximum length of the sentence to be served in custody. If convicted of first degree murder, the youth's sentence cannot exceed 10 years, where the committal to custody must not exceed 6 years from the date of committal, followed by a period of conditional supervision<sup>25</sup> served in the community. For second degree murder, the total sentence cannot exceed 7 years, with the committal to custody not exceeding 4 years from the date of committal.

**Intensive rehabilitative custody and supervision order:** The *YCJA* introduced this type of sentence to provide treatment for serious violent young offenders suffering from mental or psychological disorders. The court must also determine that an individualized treatment plan has been developed for the young person.

**Sentence review:** The length of sentence ordered by the court may be subject to revision under conditions stipulated in the *YCJA*. The court must review all custodial sentences after one year. Optional reviews may be granted for custodial sentences where the amount of time to be served is less than one year, or in special circumstances<sup>26</sup> for sentences greater than one year, but before the anniversary date. Following a hearing and review, the judge, considering the needs of the young person and the interests of society, may “confirm the youth sentence, release the youth on conditional supervision, or convert an intensive rehabilitative custody and supervision order to a straightforward custody and supervision order or to an order under the ordinary regime”.<sup>27</sup>

Reviews for non-custodial sentences are not automatic. Rather, anytime after six months following the date of the sentence (or earlier if leave is granted by a youth court judge), the youth, his or her parents, the Crown or the provincial director may apply for a review of the sentence. Following the review hearing, the youth justice court may confirm the sentence, terminate the sentence, vary the sentence, or impose a new non-custodial sentence.

**Adult sentencing:** The *YCJA* does not provide for transfers of youth to adult court. However, youth courts may impose an adult sentence on a young offender in the exceptional case when the youth sentence for a given offence would not hold the youth accountable for his or her criminal conduct. Under the current provisions of the *YCJA*, an adult sentence can only be considered if the offence committed carries a maximum sentence of more than two years in adult court and the youth was 14 years or older when the offence was committed. The provinces and territories have the option of raising the minimum age to 16 years, so the second criteria may vary. For youth who are charged with murder (first or second degree), manslaughter, attempted murder, and aggravated sexual assault and for youth who have committed a violent offence and have been found guilty on at least two other occasions of serious violent offences, the presumption is that adult sentencing will apply, and the burden is on the convicted youth to show a youth sentence would be more appropriate. For all other cases, the presumption is that youth sentencing will apply.<sup>28</sup>

## Endnotes

1. National data for youth courts are available from 1991/1992.
2. For analytical purposes, when a case has more than one charge, it is necessary to decide which charge will be used to represent the case. If the case includes a finding of guilt, that charge will always be considered the most serious. The most serious offence in a case with multiple guilty findings is determined based on the type of offence and the sentences imposed. See the Methodology section for more details.
3. Other federal statute cases include drug offences and offences under the *YCJA* such as failure to comply with a sentence or disposition.
4. Postcensal estimates as of July 1<sup>st</sup>, 2006, Demography Division, Census and Demographic Statistics Branch, Statistics Canada.
5. Uniform Crime Reporting Survey, 2006, Canadian Centre for Justice Statistics, Statistics Canada.
6. Police-reported data are based on the calendar year (i.e., January 1<sup>st</sup> to December 31<sup>st</sup>), whereas court data are based on the fiscal year commencing April 1<sup>st</sup> to March 31<sup>st</sup>.
7. Age represents the offender's age in years on the day the offence was alleged to have been committed.

8. The sex of the accused was unknown in 6% of total cases.
9. The classification of a case as a single-charge or multiple-charge is based on the total number of charges in the case, not just those charges resulting in a finding of guilt.
10. The mean is the average value of all the data in the dataset.
11. Cases found guilty includes cases that have been discharged absolutely or on conditions following the finding of guilt.
12. For cases with two or more guilty charges, see “Counting procedures for cases with more than one charge” in the Methodology section for more information on how the representative charge for the case is selected.
13. Youth court data from all provinces and territories are available from 1991/1992 onwards.
14. Subsections 38(1), (2), *YCJA*.
15. For further detail, see “Principal sentencing options in youth courts” under the “Glossary of terms” section at the end of this report.
16. The new *YCJA* sentencing options were not part of the former Youth Court Survey (YCS), rather were implemented in the new Integrated Criminal Court Survey (ICCS). The new sentences have been reported by the provinces and territories from the time that they transitioned from the YCS to the new ICCS. Historical data have been collected where available.
17. As of 2005/2006, *YCJA* sentencing data were available for all provinces and territories with the exception of Saskatchewan.
18. In this report, the sentence length referred to represents both the custodial and supervision portions of the custody and supervision order.
19. The ICCS and the YCS cannot distinguish between consecutive and concurrent sentences and do not include sentencing revisions made under review by the court. In multiple sentence cases, for example, the sentence length may be underestimated because of the assumption of concurrent sentences for all charges and may not reflect actual time ordered.
20. Justice Canada website (<http://canada.justice.gc.ca/en/ps/yj/>), “*YCJA* Explained”.
21. Justice Canada website (<http://canada.justice.gc.ca/en/ps/yj/>), “*YCJA* Explained”.
22. Subsection 39(1), *YCJA*.
23. Subsection 39(2), *YCJA*.
24. Under the *YOA*, custody and supervision was only used in sentences for first and second degree murder.
25. Conditional supervision orders represent the community based portion of a custody and supervision order for convicted presumptive offences. Under a conditional supervision order the young offender must keep the peace, appear in youth court as required, report to the provincial director immediately upon release from custody, inform the provincial director if questioned or charged by police, report to police as required, report any address changes, comply with the instructions of the provincial director, and is prohibited from possessing any weapons.
26. S. 94 of the *YCJA* sets out the circumstances under which an optional review may be granted.
27. Justice Canada website (<http://canada.justice.gc.ca/en/ps/yj/>), “*YCJA* Explained”.
28. Despite these provisions for ‘presumption’, the Quebec Court of Appeal has held that the presumption provisions of the *YCJA* are invalid. Therefore, rather than relying on presumption, many jurisdictions are giving notice when seeking an adult sentence for a youth accused of committing and offence. Amendments to this effect are pending.

## References

- Tuck-Jackson, A. LL.B, Weinper, Justice F., Anand, S., LL.B., LL.M., Ph.D, Tustin, L., M.Ed., editors. 2004. *Annotated Youth Criminal Justice Act Service*. LexisNexis Canada Inc.
- Silver, W. 2007. “Crime Statistics in Canada, 2006” *Juristat*. Vol. 27, no. 5. Statistics Canada Catalogue no. 85-002-XIE. Ottawa.
- Youth Criminal Justice Act* (Statute of Canada).

Table 1

## Cases heard in youth courts, Canada, 2002/2003 to 2006/2007

Offence category	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007	Percentage change from 2002/2003 to 2006/2007
<b>Total cases</b>						
Number	76,153	64,002	57,588	56,271	56,463	...
Percentage change in the number of cases <sup>1</sup>	...	-16.0	-10.0	-2.3	0.3	-25.9
<b>Crimes against the person</b>						
Number	18,446	16,716	15,127	15,166	15,126	...
Percentage change in the number of cases <sup>1</sup>	...	-9.4	-9.5	0.3	-0.3	-18.0
<b>Crimes against property</b>						
Number	31,359	25,532	22,722	21,522	21,279	...
Percentage change in the number of cases <sup>1</sup>	...	-18.6	-11.0	-5.3	-1.1	-32.1
<b>Administration of justice</b>						
Number	5,924	5,186	4,904	4,793	4,945	...
Percentage change in the number of cases <sup>1</sup>	...	-12.5	-5.4	-2.3	3.2	-16.5
<b>Other Criminal Code offences</b>						
Number	4,686	4,457	4,200	4,348	4,471	...
Percentage change in the number of cases <sup>1</sup>	...	-4.9	-5.8	3.5	2.8	-4.6
<b>Criminal Code traffic</b>						
Number	1,329	1,216	1,136	1,049	1,086	...
Percentage change in the number of cases <sup>1</sup>	...	-8.5	-6.6	-7.7	3.5	-18.3
<b>Other federal statute</b>						
Number	14,409	10,895	9,499	9,393	9,556	...
Percentage change in the number of cases <sup>1</sup>	...	-24.4	-12.8	-1.1	1.7	-33.7

... not applicable

1. Refers to the previous year.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Table 2

**Youth court charges and cases, Canada, 2006/2007**

Offence group	Charges		Cases	
	number	percentage	number	percentage
<b>Total offences</b>	<b>179,873</b>	<b>100.0</b>	<b>56,463</b>	<b>100.0</b>
<b>Crimes against the person</b>	<b>35,290</b>	<b>19.6</b>	<b>15,126</b>	<b>26.8</b>
Homicide	72	0.0	40	0.1
Attempted murder	101	0.1	23	0.0
Robbery	4,535	2.5	2,228	3.9
Sexual assault	1,744	1.0	723	1.3
Other sexual offences	1,207	0.7	442	0.8
Major assault	8,059	4.5	3,435	6.1
Common assault	12,141	6.7	5,682	10.1
Uttering threats	6,066	3.4	2,137	3.8
Criminal harassment	407	0.2	135	0.2
Other crimes against persons	958	0.5	281	0.5
<b>Crimes against property</b>	<b>56,906</b>	<b>31.6</b>	<b>21,279</b>	<b>37.7</b>
Theft	19,162	10.7	7,687	13.6
Break and enter	10,210	5.7	5,066	9.0
Fraud	2,686	1.5	817	1.4
Mischief	13,128	7.3	3,878	6.9
Possess stolen property	10,895	6.1	3,505	6.2
Other property crimes	825	0.5	326	0.6
<b>Administration of justice</b>	<b>30,358</b>	<b>16.9</b>	<b>4,945</b>	<b>8.8</b>
Fail to appear	2,542	1.4	349	0.6
Breach of probation	910	0.5	182	0.3
Unlawfully at large	911	0.5	549	1.0
Fail to comply with order	24,994	13.9	3,483	6.2
Other administration of justice offences	1,001	0.6	382	0.7
<b>Other Criminal Code</b>	<b>15,616</b>	<b>8.7</b>	<b>4,471</b>	<b>7.9</b>
Weapons	6,702	3.7	1,996	3.5
Prostitution	42	0.0	19	0.0
Disturbing the peace	805	0.4	244	0.4
Residual <i>Criminal Code</i>	8,067	4.5	2,212	3.9
<b>Total Criminal Code (excluding traffic)</b>	<b>138,170</b>	<b>76.8</b>	<b>45,821</b>	<b>81.2</b>
<b>Criminal Code traffic</b>	<b>3,043</b>	<b>1.7</b>	<b>1,086</b>	<b>1.9</b>
Impaired driving	1,518	0.8	557	1.0
Other <i>Criminal Code</i> traffic	1,525	0.8	529	0.9
<b>Total Criminal Code</b>	<b>141,213</b>	<b>78.5</b>	<b>46,907</b>	<b>83.1</b>
<b>Other federal statute total</b>	<b>38,660</b>	<b>21.5</b>	<b>9,556</b>	<b>16.9</b>
Drug possession	5,487	3.1	2,430	4.3
Drug trafficking	2,509	1.4	1,305	2.3
<i>Youth Criminal Justice Act/Young Offenders Act</i>	27,053	15.0	4,795	8.5
Residual federal statutes	3,611	2.0	1,026	1.8

0 true zero or a value rounded to zero

**Note:** Due to rounding, percentages may not add to 100.**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Table 3

**Cases before youth courts, Canada, provinces and territories, 2002/2003 to 2006/2007**

	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007	Percentage change 2005/2006 to 2006/2007	Percentage change 2002/2003 to 2006/2007
	number of cases					percentage	
<b>Canada</b>	<b>76,153</b>	<b>64,002</b>	<b>57,588</b>	<b>56,271</b>	<b>56,463</b>	<b>0.3</b>	<b>-25.9</b>
Newfoundland and Labrador	1,403	1,110	1,030	753	738	-2.0	-47.4
Prince Edward Island	263	179	127	178	209	17.4	-20.5
Nova Scotia	1,942	1,651	1,540	1,672	1,798	7.5	-7.4
New Brunswick	1,551	1,182	1,160	1,225	1,174	-4.2	-24.3
Quebec	7,689	7,256	7,027	6,930	6,653	-4.0	-13.5
Ontario	35,710	28,306	25,943	25,084	25,102	0.1	-29.7
Manitoba	3,506	3,306	2,834	2,995	3,076	2.7	-12.3
Saskatchewan	6,377	5,342	4,961	4,855	5,165	6.4	-19.0
Alberta	10,439	10,121	8,094	7,919	8,016	1.2	-23.2
British Columbia	6,473	4,995	4,269	4,111	4,065	-1.1	-37.2
Yukon	164	97	74	82	90	9.8	-45.1
Northwest Territories	385	234	312	242	186	-23.1	-51.7
Nunavut <sup>1</sup>	251	223	217	225	191	-15.1	-23.9

1. The number of cases may be underreported for Nunavut, as there may be charge and case information from remote areas that is entered into their caseload management system several months after sending their data submission for the Youth Court Survey.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Table 4

**Cases heard in youth court by offence category and age of accused, Canada, 2006/2007**

Offence category	Total cases	Age of accused													
		12		13		14		15		16		17		Other <sup>1</sup>	
		number	percent	number	percent	number	percent	number	percent	number	percent	number	percent	number	percent
<b>Total offences</b>	<b>56,463</b>	<b>1,356</b>	<b>2.4</b>	<b>3,442</b>	<b>6.1</b>	<b>7,248</b>	<b>12.8</b>	<b>11,722</b>	<b>20.8</b>	<b>14,851</b>	<b>26.3</b>	<b>16,677</b>	<b>29.5</b>	<b>1,167</b>	<b>2.1</b>
Crimes against the person	15,126	594	3.9	1,272	8.4	2,224	14.7	3,196	21.1	3,723	24.6	3,916	25.9	201	1.3
Crimes against property	21,279	576	2.7	1,451	6.8	3,121	14.7	4,783	22.5	5,541	26.0	5,608	26.4	199	0.9
Administration of justice	4,945	51	1.0	218	4.4	559	11.3	997	20.2	1,377	27.8	1,557	31.5	186	3.8
Other <i>Criminal Code</i> offences	4,471	81	1.8	202	4.5	486	10.9	853	19.1	1,170	26.2	1,401	31.3	278	6.2
<i>Criminal Code</i> traffic	1,086	5	0.5	16	1.5	41	3.8	94	8.7	280	25.8	641	59.0	9	0.8
Other federal statute offences	9,556	49	0.5	283	3.0	817	8.5	1,799	18.8	2,760	28.9	3,554	37.2	294	3.1

1. Other age group includes cases where the accused was older than 17 at the time of the offence (i.e., YCJA sections 136 to 139 and YOA sections 26, 50) or the age was unknown.

Notes: Due to rounding, percentages may not add to 100. Age of accused is at the time of offence.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Table 5

**Elapsed time to complete a case in youth court, by type of offence, Canada, 2006/2007**

Offence group	Total cases	Mean <sup>1</sup>	Median <sup>1</sup>	Elapsed time (in days) from first to last court appearance									
				One day		Greater than one day to 4 months		Greater than 4 months to 8 months		Greater than 8 months to 12 months		Greater than 12 months	
				number	percent	number	percent	number	percent	number	percent	number	percent
<b>Total offences</b>	<b>56,463</b>	<b>156</b>	<b>110</b>	<b>5,090</b>	<b>9.0</b>	<b>27,648</b>	<b>49.0</b>	<b>14,793</b>	<b>26.2</b>	<b>5,596</b>	<b>9.9</b>	<b>3,336</b>	<b>5.9</b>
<b>Crimes against the person</b>	<b>15,126</b>	<b>189</b>	<b>148</b>	<b>654</b>	<b>4.3</b>	<b>6,019</b>	<b>39.8</b>	<b>4,866</b>	<b>32.2</b>	<b>2,244</b>	<b>14.8</b>	<b>1,343</b>	<b>8.9</b>
Homicide	40	369	344	0	0.0	5	12.5	10	25.0	16	40.0	9	22.5
Attempted murder	23	195	186	5	21.7	3	13.0	9	39.1	4	17.4	2	8.7
Robbery	2,228	217	170	34	1.5	838	37.6	752	33.8	359	16.1	245	11.0
Sexual assault	723	284	225	9	1.2	153	21.2	235	32.5	172	23.8	154	21.3
Other sexual offences	442	266	228	7	1.6	106	24.0	136	30.8	100	22.6	93	21.0
Major assault	3,435	199	159	99	2.9	1,303	37.9	1,139	33.2	534	15.5	360	10.5
Common assault	5,682	167	127	369	6.5	2,477	43.6	1,753	30.9	732	12.9	351	6.2
Uttering threats	2,137	151	127	110	5.1	974	45.6	707	33.1	257	12.0	89	4.2
Criminal harassment	135	169	148	12	8.9	53	39.3	40	29.6	23	17.0	7	5.2
Other crimes against persons	281	200	175	9	3.2	107	38.1	85	30.2	47	16.7	33	11.7
<b>Crimes against property</b>	<b>21,279</b>	<b>156</b>	<b>108</b>	<b>1,949</b>	<b>9.2</b>	<b>10,695</b>	<b>50.3</b>	<b>5,651</b>	<b>26.6</b>	<b>1,850</b>	<b>8.7</b>	<b>1,134</b>	<b>5.3</b>
Theft	7,687	146	97	891	11.6	4,023	52.3	1,916	24.9	507	6.6	350	4.6
Break and enter	5,066	172	121	339	6.7	2,476	48.9	1,360	26.8	536	10.6	355	7.0
Fraud	817	204	120	70	8.6	392	48.0	207	25.3	88	10.8	60	7.3
Mischief	3,878	140	109	369	9.5	1,883	48.6	1,101	28.4	360	9.3	165	4.3
Possess stolen property	3,505	160	112	274	7.8	1,789	51.0	950	27.1	309	8.8	183	5.2
Other property crimes	326	189	158	6	1.8	132	40.5	117	35.9	50	15.3	21	6.4
<b>Administration of justice</b>	<b>4,945</b>	<b>128</b>	<b>69</b>	<b>624</b>	<b>12.6</b>	<b>2,885</b>	<b>58.3</b>	<b>909</b>	<b>18.4</b>	<b>332</b>	<b>6.7</b>	<b>195</b>	<b>3.9</b>
Fail to appear	349	218	79	60	17.2	176	50.4	62	17.8	29	8.3	22	6.3
Breach of probation	182	104	60	32	17.6	95	52.2	36	19.8	10	5.5	9	4.9
Unlawfully at large	549	69	21	96	17.5	403	73.4	34	6.2	8	1.5	8	1.5
Fail to comply with order	3,483	130	78	404	11.6	1,989	57.1	692	19.9	260	7.5	138	4.0
Other administration of justice offences	382	128	92	32	8.4	222	58.1	85	22.3	25	6.5	18	4.7
<b>Other Criminal Code</b>	<b>4,471</b>	<b>169</b>	<b>127</b>	<b>265</b>	<b>5.9</b>	<b>2,072</b>	<b>46.3</b>	<b>1,314</b>	<b>29.4</b>	<b>518</b>	<b>11.6</b>	<b>302</b>	<b>6.8</b>
Weapons	1,996	175	144	65	3.3	870	43.6	654	32.8	272	13.6	135	6.8
Prostitution	19	414	72	2	10.5	10	52.6	4	21.1	1	5.3	2	10.5
Disturbing the peace	244	152	106	31	12.7	107	43.9	74	30.3	17	7.0	15	6.1
Residual Criminal Code	2,212	162	118	167	7.5	1,085	49.1	582	26.3	228	10.3	150	6.8
<b>Total Criminal Code (excluding traffic)</b>	<b>45,821</b>	<b>165</b>	<b>120</b>	<b>3,492</b>	<b>7.6</b>	<b>21,671</b>	<b>47.3</b>	<b>12,740</b>	<b>27.8</b>	<b>4,944</b>	<b>10.8</b>	<b>2,974</b>	<b>6.5</b>
<b>Criminal Code traffic</b>	<b>1,086</b>	<b>149</b>	<b>91</b>	<b>171</b>	<b>15.7</b>	<b>510</b>	<b>47.0</b>	<b>236</b>	<b>21.7</b>	<b>90</b>	<b>8.3</b>	<b>79</b>	<b>7.3</b>
Impaired driving	557	128	50	145	26.0	244	43.8	94	16.9	41	7.4	33	5.9
Other Criminal Code traffic	529	171	122	26	4.9	266	50.3	142	26.8	49	9.3	46	8.7
<b>Total Criminal Code</b>	<b>46,907</b>	<b>165</b>	<b>120</b>	<b>3,663</b>	<b>7.8</b>	<b>22,181</b>	<b>47.3</b>	<b>12,976</b>	<b>27.7</b>	<b>5,034</b>	<b>10.7</b>	<b>3,053</b>	<b>6.5</b>
<b>Other federal statute total</b>	<b>9,556</b>	<b>111</b>	<b>64</b>	<b>1,427</b>	<b>14.9</b>	<b>5,467</b>	<b>57.2</b>	<b>1,817</b>	<b>19.0</b>	<b>562</b>	<b>5.9</b>	<b>283</b>	<b>3.0</b>
Drug possession	2,430	115	78	376	15.5	1,271	52.3	562	23.1	157	6.5	64	2.6
Drug trafficking	1,305	176	141	36	2.8	586	44.9	429	32.9	179	13.7	75	5.7
<i>Youth Criminal Justice Act/Young Offenders Act</i>	4,795	91	42	824	17.2	3,012	62.8	685	14.3	169	3.5	105	2.2
Residual federal statutes	1,026	115	52	191	18.6	598	58.3	141	13.7	57	5.6	39	3.8

0 true zero or a value rounded to zero

1. The mean is the average value of the number of days for all cases from the first to last court appearance. The median represents the midpoint in the sorted dataset, where exactly half the dataset are above and half below the midpoint.

**Note:** Due to rounding, percentages may not add to 100.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Table 6

**Cases before youth courts by type of decision, Canada, provinces and territories, 2006/2007**

	Total cases	Decision									
		Found guilty <sup>1</sup>		Acquittal		Stayed		Withdrawn/ dismissed		Other <sup>2</sup>	
		number	percent	number	percent	number	percent	number	percent	number	percent
<b>Canada</b>	<b>56,463</b>	<b>34,065</b>	<b>60</b>	<b>727</b>	<b>1.3</b>	<b>9,098</b>	<b>16.1</b>	<b>12,196</b>	<b>21.6</b>	<b>377</b>	<b>0.7</b>
Newfoundland and Labrador <sup>3</sup>	738	563	76	2	0.3	61	8.3	107	14.5	5	0.7
Prince Edward Island	209	153	73	0	0.0	55	26.3	1	0.5	0	0.0
Nova Scotia	1,798	1,118	62	39	2.2	48	2.7	585	32.5	8	0.4
New Brunswick	1,174	1,035	88	6	0.5	0	0.0	127	10.8	6	0.5
Quebec <sup>4</sup>	6,653	4,761	72	366	5.5	1,083	16.3	429	6.4	14	0.2
Ontario	25,102	13,833	55	112	0.4	3,723	14.8	7,268	29.0	166	0.7
Manitoba	3,076	2,051	67	9	0.3	1,013	32.9	3	0.1	0	0.0
Saskatchewan	5,165	2,945	57	30	0.6	535	10.4	1,637	31.7	18	0.3
Alberta	8,016	4,496	56	58	0.7	1,434	17.9	1,910	23.8	118	1.5
British Columbia	4,065	2,811	69	102	2.5	1,077	26.5	45	1.1	30	0.7
Yukon	90	41	46	1	1.1	19	21.1	27	30.0	2	2.2
Northwest Territories	186	131	70	0	0.0	19	10.2	34	18.3	2	1.1
Nunavut <sup>5</sup>	191	127	66	2	1.0	31	16.2	23	12.0	8	4.2

0 true zero or a value rounded to zero

1. Found guilty decisions include absolute and conditional discharges.

2. Other decisions include transferred to another province/territory, unfit to stand trial and not guilty by reason of insanity.

3. In Newfoundland and Labrador, the terms 'acquittal' and 'dismissed' are used interchangeably.

4. The number of acquittals may be over-reported due to administrative practices.

5. Total case counts may be underreported for Nunavut, as there may be charge and case information from remote areas that is entered into their caseload management system several months after sending their data submission for the Youth Court Survey.

**Note:** Due to rounding, percentages may not add to 100.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.



Table 7

## Percentage of cases resulting in guilt in youth courts, by type of offence, Canada, 2006/2007

Offence group	1998/1999	1999/2000	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007
	percentage of cases resulting in guilt								
<b>Total offences</b>	<b>70</b>	<b>69</b>	<b>67</b>	<b>66</b>	<b>65</b>	<b>61</b>	<b>62</b>	<b>62</b>	<b>60</b>
<b>Crimes against the person</b>	<b>67</b>	<b>66</b>	<b>66</b>	<b>65</b>	<b>66</b>	<b>60</b>	<b>61</b>	<b>61</b>	<b>61</b>
Homicide	45	52	51	29	48	51	59	53	53
Attempted murder	42	20	65	47	40	34	45	57	26
Robbery	72	70	68	70	69	62	63	63	61
Sexual assault	65	63	63	66	63	56	60	64	63
Other sexual offences	55	57	60	58	55	63	64	63	62
Major assault	70	70	68	68	69	62	64	62	64
Common assault	68	67	67	66	66	61	61	60	60
Uttering threats	62	59	62	61	61	57	56	57	57
Criminal harassment	55	60	57	55	60	54	53	54	41
Other crimes against persons	54	60	55	55	53	50	50	58	57
<b>Crimes against property</b>	<b>69</b>	<b>69</b>	<b>66</b>	<b>64</b>	<b>63</b>	<b>60</b>	<b>61</b>	<b>58</b>	<b>55</b>
Theft	67	67	64	62	60	57	60	55	53
Break and enter	80	78	78	75	76	70	71	69	66
Fraud	71	74	70	70	68	65	59	60	54
Mischief	64	65	64	62	59	54	54	55	52
Possess stolen property	60	61	58	55	54	54	53	49	49
Other property crimes	63	61	62	60	60	49	56	56	55
<b>Administration of justice</b>	<b>69</b>	<b>67</b>	<b>67</b>	<b>66</b>	<b>66</b>	<b>64</b>	<b>65</b>	<b>65</b>	<b>64</b>
Fail to appear	47	44	46	45	43	42	42	49	48
Breach of probation	62	57	60	54	51	60	55	62	59
Unlawfully at large	94	92	92	91	92	89	91	89	91
Fail to comply with order	62	61	61	61	61	58	61	62	61
Other administration of justice offences	71	69	70	71	69	71	74	67	68
<b>Other Criminal Code</b>	<b>67</b>	<b>66</b>	<b>66</b>	<b>65</b>	<b>64</b>	<b>58</b>	<b>57</b>	<b>59</b>	<b>58</b>
Weapons	64	64	61	60	60	52	52	55	54
Prostitution	78	59	49	48	75	41	36	35	32
Disturbing the peace	64	61	60	64	60	52	47	53	45
Residual <i>Criminal Code</i>	70	69	70	69	67	63	64	63	63
<b>Total Criminal Code (excluding traffic)</b>	<b>69</b>	<b>68</b>	<b>66</b>	<b>65</b>	<b>64</b>	<b>60</b>	<b>61</b>	<b>60</b>	<b>58</b>
<b>Criminal Code traffic</b>	<b>81</b>	<b>83</b>	<b>79</b>	<b>80</b>	<b>78</b>	<b>78</b>	<b>80</b>	<b>80</b>	<b>82</b>
Impaired driving	84	86	83	83	82	80	78	83	83
Other <i>Criminal Code</i> traffic	79	78	76	79	75	77	82	78	80
<b>Total Criminal Code</b>	<b>69</b>	<b>68</b>	<b>67</b>	<b>65</b>	<b>64</b>	<b>61</b>	<b>61</b>	<b>60</b>	<b>59</b>
<b>Other federal statute total</b>	<b>75</b>	<b>73</b>	<b>71</b>	<b>68</b>	<b>66</b>	<b>65</b>	<b>67</b>	<b>69</b>	<b>68</b>
Drug possession	62	58	54	51	44	33	44	44	43
Drug trafficking	75	75	72	69	66	64	63	62	56
<i>Youth Criminal Justice Act/Young Offenders Act</i>	78	78	77	76	76	75	78	80	82
Residual federal statutes	74	63	67	64	60	64	63	77	77

Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Table 8

**Guilty youth court cases by type of sentence and type of offence, Canada, 2006/2007**

Offence group	Total guilty cases	Type of sentence									
		Custody and supervision <sup>1</sup>		Conditional sentence		Deferred custody and supervision <sup>2</sup>		Intensive support and supervision <sup>2</sup>		Attend a non-residential program <sup>2</sup>	
		number	percent	number	percent	number	percent	number	percent	number	percent
<b>Total offences</b>	<b>34,065</b>	<b>5,640</b>	<b>16.6</b>	<b>27</b>	<b>0.1</b>	<b>1,080</b>	<b>3.2</b>	<b>347</b>	<b>1.0</b>	<b>213</b>	<b>0.6</b>
<b>Crimes against the person</b>	<b>9,164</b>	<b>1,591</b>	<b>17.4</b>	<b>13</b>	<b>0.1</b>	<b>422</b>	<b>4.6</b>	<b>144</b>	<b>1.6</b>	<b>43</b>	<b>0.5</b>
Homicide	21	15	71.4	0	0.0	1	4.8	0	0.0	0	0.0
Attempted murder	6	5	83.3	0	0.0	0	0.0	0	0.0	0	0.0
Robbery	1,355	500	36.9	1	0.1	113	8.3	38	2.8	6	0.4
Sexual assault	459	55	12.0	1	0.2	35	7.6	14	3.1	0	0.0
Other sexual offences	272	30	11.0	0	0.0	17	6.3	9	3.3	0	0.0
Major assault	2,213	429	19.4	3	0.1	117	5.3	49	2.2	18	0.8
Common assault	3,404	341	10.0	7	0.2	89	2.6	21	0.6	12	0.4
Uttering threats	1,218	164	13.5	0	0.0	34	2.8	11	0.9	6	0.5
Criminal harassment	55	7	12.7	0	0.0	4	7.3	0	0.0	0	0.0
Other crimes against persons	161	45	28.0	1	0.6	12	7.5	2	1.2	1	0.6
<b>Crimes against property</b>	<b>11,793</b>	<b>1,607</b>	<b>13.6</b>	<b>2</b>	<b>0.0</b>	<b>292</b>	<b>2.5</b>	<b>90</b>	<b>0.8</b>	<b>65</b>	<b>0.6</b>
Theft	4,078	423	10.4	1	0.0	73	1.8	31	0.8	40	1.0
Break and enter	3,364	635	18.9	0	0.0	112	3.3	32	1.0	10	0.3
Fraud	441	58	13.2	0	0.0	12	2.7	3	0.7	2	0.5
Mischief	2,029	159	7.8	1	0.0	40	2.0	5	0.2	9	0.4
Possess stolen property	1,701	306	18.0	0	0.0	53	3.1	13	0.8	4	0.2
Other property crimes	180	26	14.4	0	0.0	2	1.1	6	3.3	0	0.0
<b>Administration of justice</b>	<b>3,164</b>	<b>849</b>	<b>26.8</b>	<b>2</b>	<b>0.1</b>	<b>61</b>	<b>1.9</b>	<b>15</b>	<b>0.5</b>	<b>24</b>	<b>0.8</b>
Fail to appear	169	31	18.3	0	0.0	3	1.8	0	0.0	1	0.6
Breach of probation	108	22	20.4	0	0.0	2	1.9	0	0.0	0	0.0
Unlawfully at large	501	338	67.5	0	0.0	7	1.4	1	0.2	3	0.6
Fail to comply with order	2,128	404	19.0	2	0.1	37	1.7	11	0.5	18	0.8
Other administration of justice offences	258	54	20.9	0	0.0	12	4.7	3	1.2	2	0.8
<b>Other Criminal Code</b>	<b>2,574</b>	<b>401</b>	<b>15.6</b>	<b>4</b>	<b>0.2</b>	<b>96</b>	<b>3.7</b>	<b>31</b>	<b>1.2</b>	<b>18</b>	<b>0.7</b>
Weapons	1,068	189	17.7	1	0.1	41	3.8	18	1.7	10	0.9
Prostitution	6	2	33.3	0	0.0	0	0.0	0	0.0	0	0.0
Disturbing the peace	111	0	0.0	1	0.9	2	1.8	1	0.9	0	0.0
Residual <i>Criminal Code</i>	1,389	210	15.1	2	0.1	53	3.8	12	0.9	8	0.6
<b>Total Criminal Code (excluding traffic)</b>	<b>26,695</b>	<b>4,448</b>	<b>16.7</b>	<b>21</b>	<b>0.1</b>	<b>871</b>	<b>3.3</b>	<b>280</b>	<b>1.0</b>	<b>150</b>	<b>0.6</b>
<b>Criminal Code traffic</b>	<b>886</b>	<b>87</b>	<b>9.8</b>	<b>0</b>	<b>0.0</b>	<b>19</b>	<b>2.1</b>	<b>9</b>	<b>1.0</b>	<b>2</b>	<b>0.2</b>
Impaired driving	464	1	0.2	0	0.0	1	0.2	0	0.0	0	0.0
Other <i>Criminal Code</i> traffic	422	86	20.4	0	0.0	18	4.3	9	2.1	2	0.5
<b>Total Criminal Code</b>	<b>27,581</b>	<b>4,535</b>	<b>16.4</b>	<b>21</b>	<b>0.1</b>	<b>890</b>	<b>3.2</b>	<b>289</b>	<b>1.0</b>	<b>152</b>	<b>0.6</b>
<b>Other federal statute total</b>	<b>6,484</b>	<b>1,105</b>	<b>17.0</b>	<b>6</b>	<b>0.1</b>	<b>190</b>	<b>2.9</b>	<b>58</b>	<b>0.9</b>	<b>61</b>	<b>0.9</b>
Drug possession	1,050	17	1.6	4	0.4	0	0.0	1	0.1	9	0.9
Drug trafficking	730	102	14.0	2	0.3	31	4.2	4	0.5	3	0.4
<i>Youth Criminal Justice Act/Young Offenders Act</i>	3,912	859	22.0	0	0.0	159	4.1	53	1.4	49	1.3
Other federal statutes	792	127	16.0	0	0.0	0	0.0	0	0.0	0	0.0

0 true zero or a value rounded to zero

1. S. 85(1) of the *YCJA* specifies that the provinces and territories must provide for at least two levels of custody, however the levels are not defined (as in the *YOA*, which provided for open and secure levels of custody). The majority of provinces and territories no longer maintain data in their operational systems pertaining to the level of custody to which a youth was sentenced.

2. Data on new *YCJA* sentences are not yet available for Saskatchewan. They are included in the "Other" category.

Table 8

**Guilty youth court cases by type of sentence and type of offence, Canada, 2006/2007 (continued)**

Offence group	Type of sentence									
	Probation		Fine		Community service		Other <sup>3</sup>		Reprimand <sup>2</sup>	
	number	percent	number	percent	number	percent	number	percent	number	percent
<b>Total offences</b>	<b>19,953</b>	<b>58.6</b>	<b>1,860</b>	<b>5.5</b>	<b>8,120</b>	<b>23.8</b>	<b>11,671</b>	<b>34.3</b>	<b>724</b>	<b>2.1</b>
<b>Crimes against the person</b>	<b>6,249</b>	<b>68.2</b>	<b>102</b>	<b>1.1</b>	<b>1,969</b>	<b>21.5</b>	<b>3,642</b>	<b>39.7</b>	<b>102</b>	<b>1.1</b>
Homicide	7	33.3	0	0.0	1	4.8	8	38.1	0	0.0
Attempted murder	5	83.3	0	0.0	1	16.7	3	50.0	0	0.0
Robbery	990	73.1	3	0.2	323	23.8	738	54.5	6	0.4
Sexual assault	360	78.4	1	0.2	59	12.9	145	31.6	1	0.2
Other sexual offences	213	78.3	0	0.0	32	11.8	63	23.2	0	0.0
Major assault	1,543	69.7	30	1.4	514	23.2	922	41.7	10	0.5
Common assault	2,136	62.7	50	1.5	741	21.8	1,337	39.3	59	1.7
Uttering threats	832	68.3	12	1.0	232	19.0	331	27.2	26	2.1
Criminal harassment	38	69.1	4	7.3	17	30.9	27	49.1	0	0.0
Other crimes against persons	125	77.6	2	1.2	49	30.4	68	42.2	0	0.0
<b>Crimes against property</b>	<b>7,454</b>	<b>63.2</b>	<b>370</b>	<b>3.1</b>	<b>3,243</b>	<b>27.5</b>	<b>3,859</b>	<b>32.7</b>	<b>198</b>	<b>1.7</b>
Theft	2,371	58.1	191	4.7	1,145	28.1	1,423	34.9	103	2.5
Break and enter	2,461	73.2	34	1.0	975	29.0	903	26.8	12	0.4
Fraud	270	61.2	16	3.6	98	22.2	157	35.6	9	2.0
Mischief	1,169	57.6	59	2.9	553	27.3	819	40.4	42	2.1
Possess stolen property	1,053	61.9	63	3.7	422	24.8	497	29.2	30	1.8
Other property crimes	130	72.2	7	3.9	50	27.8	60	33.3	2	1.1
<b>Administration of justice</b>	<b>1,371</b>	<b>43.3</b>	<b>226</b>	<b>7.1</b>	<b>505</b>	<b>16.0</b>	<b>683</b>	<b>21.6</b>	<b>193</b>	<b>6.1</b>
Fail to appear	76	45.0	16	9.5	19	11.2	41	24.3	13	7.7
Breach of probation	54	50.0	12	11.1	23	21.3	17	15.7	8	7.4
Unlawfully at large	116	23.2	2	0.4	59	11.8	26	5.2	10	2.0
Fail to comply with order	972	45.7	188	8.8	355	16.7	546	25.7	157	7.4
Other administration of justice offences	153	59.3	8	3.1	49	19.0	53	20.5	5	1.9
<b>Other Criminal Code</b>	<b>1,578</b>	<b>61.3</b>	<b>94</b>	<b>3.7</b>	<b>537</b>	<b>20.9</b>	<b>945</b>	<b>36.7</b>	<b>57</b>	<b>2.2</b>
Weapons	686	64.2	26	2.4	208	19.5	526	49.3	17	1.6
Prostitution	2	33.3	0	0.0	0	0.0	0	0.0	3	50.0
Disturbing the peace	56	50.5	11	9.9	26	23.4	46	41.4	7	6.3
Residual <i>Criminal Code</i>	834	60.0	57	4.1	303	21.8	373	26.9	30	2.2
<b>Total Criminal Code (excluding traffic)</b>	<b>16,652</b>	<b>62.4</b>	<b>792</b>	<b>3.0</b>	<b>6,254</b>	<b>23.4</b>	<b>9,129</b>	<b>34.2</b>	<b>550</b>	<b>2.1</b>
<b>Criminal Code traffic</b>	<b>378</b>	<b>42.7</b>	<b>344</b>	<b>38.8</b>	<b>146</b>	<b>16.5</b>	<b>612</b>	<b>69.1</b>	<b>2</b>	<b>0.2</b>
Impaired driving	118	25.4	304	65.5	65	14.0	413	89.0	1	0.2
Other <i>Criminal Code</i> traffic	260	61.6	40	9.5	81	19.2	199	47.2	1	0.2
<b>Total Criminal Code</b>	<b>17,030</b>	<b>61.7</b>	<b>1,136</b>	<b>4.1</b>	<b>6,400</b>	<b>23.2</b>	<b>9,741</b>	<b>35.3</b>	<b>552</b>	<b>2.0</b>
<b>Other federal statute total</b>	<b>2,923</b>	<b>45.1</b>	<b>724</b>	<b>11.2</b>	<b>1,720</b>	<b>26.5</b>	<b>1,930</b>	<b>29.8</b>	<b>172</b>	<b>2.7</b>
Drug possession	477	45.4	161	15.3	299	28.5	628	59.8	39	3.7
Drug trafficking	543	74.4	32	4.4	241	33.0	436	59.7	3	0.4
<i>Youth Criminal Justice Act/Young Offenders Act</i>	1,593	40.7	444	11.3	913	23.3	822	21.0	130	3.3
Other federal statutes	310	39.1	87	11.0	267	33.7	44	5.6	0	0.0

0 true zero or a value rounded to zero

1. S. 85(1) of the *YCJA* specifies that the provinces and territories must provide for at least two levels of custody, however the levels are not defined (as in the *YOA*, which provided for open and secure levels of custody). The majority of provinces and territories no longer maintain data in their operational systems pertaining to the level of custody to which a youth was sentenced.
2. Data on new *YCJA* sentences are not yet available for Saskatchewan. They are included in the "Other" category.
3. Other sentences include absolute discharge, restitution, prohibition, seizure, forfeiture, compensation, pay purchaser, essays, apologies, counseling programs, and conditional discharge. For Saskatchewan, this category also includes deferred custody and supervision, intensive support and supervision, attend a non-residential program and reprimand.

**Note:** The sentence types presented are not mutually exclusive and will not add to 100.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Table 9

**Sentences in youth courts, Canada, provinces and territories, 2006/2007**

	Total guilty cases	Type of sentence									
		Custody and supervision <sup>1</sup>		Conditional sentence		Deferred custody and supervision <sup>2</sup>		Intensive support and supervision <sup>2</sup>		Attend a non-residential program <sup>2</sup>	
		number	percent	number	percent	number	percent	number	percent	number	percent
<b>Canada</b>	<b>34,065</b>	<b>5,640</b>	<b>16.6</b>	<b>27</b>	<b>0.1</b>	<b>1,080</b>	<b>3.2</b>	<b>347</b>	<b>1.0</b>	<b>213</b>	<b>0.6</b>
Newfoundland and Labrador	563	104	18.5	0	0.0	13	2.3	0	0.0	0	0.0
Prince Edward Island	153	26	17.0	0	0.0	0	0.0	0	0.0	0	0.0
Nova Scotia	1,118	153	13.7	0	0.0	87	7.8	0	0.0	0	0.0
New Brunswick	1,035	170	16.4	0	0.0	67	6.5	0	0.0	0	0.0
Quebec	4,761	498	10.5	0	0.0	93	2.0	16	0.3	31	0.7
Ontario	13,833	2,880	20.8	19	0.1	469	3.4	16	0.1	40	0.3
Manitoba	2,051	164	8.0	3	0.1	29	1.4	0	0.0	0	0.0
Saskatchewan <sup>2</sup>	2,945	498	16.9	0	0.0	0	0.0	0	0.0	0	0.0
Alberta	4,496	557	12.4	0	0.0	158	3.5	11	0.2	142	3.2
British Columbia	2,811	525	18.7	4	0.1	160	5.7	301	10.7	0	0.0
Yukon	41	14	34.1	0	0.0	0	0.0	3	7.3	0	0.0
Northwest Territories <sup>4</sup>	131	29	22.1	0	0.0	0	0.0	0	0.0	0	0.0
Nunavut	127	22	17.3	1	0.8	4	3.1	0	0.0	0	0.0

	Type of sentence									
	Probation		Fine		Community service		Other <sup>3</sup>		Reprimand <sup>2</sup>	
	number	percent	number	percent	number	percent	number	percent	number	percent
<b>Canada</b>	<b>19,953</b>	<b>58.6</b>	<b>1,860</b>	<b>5.5</b>	<b>8,120</b>	<b>23.8</b>	<b>11,671</b>	<b>34.3</b>	<b>724</b>	<b>2.1</b>
Newfoundland and Labrador	344	61.1	7	1.2	182	32.3	128	22.7	35	6.2
Prince Edward Island	130	85.0	13	8.5	0	0.0	28	18.3	0	0.0
Nova Scotia	827	74.0	47	4.2	265	23.7	226	20.2	16	1.4
New Brunswick	483	46.7	47	4.5	51	4.9	203	19.6	7	0.7
Quebec	3,177	66.7	178	3.7	2,261	47.5	1,692	35.5	29	0.6
Ontario	9,053	65.4	406	2.9	3,101	22.4	6,401	46.3	463	3.3
Manitoba	1,035	50.5	108	5.3	279	13.6	272	13.3	32	1.6
Saskatchewan <sup>2</sup>	1,343	45.6	166	5.6	707	24.0	154	5.2	0	0.0
Alberta	2,127	47.3	707	15.7	729	16.2	1,568	34.9	96	2.1
British Columbia	1,227	43.6	169	6.0	542	19.3	922	32.8	46	1.6
Yukon	22	53.7	3	7.3	3	7.3	11	26.8	0	0.0
Northwest Territories <sup>4</sup>	69	52.7	6	4.6	0	0.0	39	29.8	0	0.0
Nunavut	116	91.3	3	2.4	0	0.0	27	21.3	0	0.0

0 true zero or a value rounded to zero

1. S. 85(1) of the YCJA specifies that the provinces and territories must provide for at least two levels of custody, however the levels are not defined (as in the YOA, which provided for open and secure levels of custody). The majority of provinces and territories no longer maintain data in their operational systems pertaining to the level of custody to which a youth was sentenced.
2. Data on new YCJA sentences are not yet available for Saskatchewan. They are included in the "Other" category.
3. Other sentences include absolute discharge, restitution, prohibition, seizure, forfeiture, compensation, pay purchaser, essays, apologies, counseling programs, and conditional discharge. For Saskatchewan, this category also includes deferred custody and supervision, intensive support and supervision, attend a non-residential program and reprimand.
4. The number of custody orders have been under-reported and the number of probation orders have been over-reported by unknown amounts due to clerical procedures in the Northwest Territories. The majority of custody orders were captured as probation.

**Note:** The sentence types presented are not mutually exclusive and will not add to 100%.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Table 10

**Guilty youth cases sentenced to custody, Canada, provinces and territories, 2002/2003 to 2006/2007**

	2002/2003			2003/2004			2004/2005		
	Total guilty cases	Guilty cases sentenced to custody		Total guilty cases	Guilty cases sentenced to custody		Total guilty cases	Guilty cases sentenced to custody	
	number	number	percent	number	number	percent	number	number	percent
<b>Canada</b>	<b>49,169</b>	<b>13,246</b>	<b>26.9</b>	<b>39,323</b>	<b>8,683</b>	<b>22.1</b>	<b>35,865</b>	<b>7,578</b>	<b>21.1</b>
Newfoundland and Labrador	1,049	403	38.4	855	184	21.5	759	174	22.9
Prince Edward Island	185	73	39.5	117	23	19.7	94	15	16.0
Nova Scotia	1,341	438	32.7	1,016	150	14.8	888	117	13.2
New Brunswick	1,374	355	25.8	1,027	235	22.9	1,009	210	20.8
Quebec	5,824	1,236	21.2	5,330	845	15.9	5,082	777	15.3
Ontario	21,344	6,013	28.2	16,407	4,589	28.0	15,314	4,059	26.5
Manitoba	2,413	628	26.0	2,089	334	16.0	1,900	299	15.7
Saskatchewan	3,801	1,180	31.0	2,788	732	26.3	2,746	586	21.3
Alberta	6,803	1,313	19.3	5,869	752	12.8	4,587	600	13.1
British Columbia	4,532	1,429	31.5	3,483	767	22.0	3,070	660	21.5
Yukon	64	31	48.4	44	13	29.5	32	8	25.0
Northwest Territories <sup>1</sup>	273	107	39.2	157	30	19.1	246	40	16.3
Nunavut	166	40	24.1	141	29	20.6	138	33	23.9
	2005/2006			2006/2007			Percentage change in number of cases receiving custody 2002/2003 to 2006/2007	Percentage point change in proportion of guilty cases receiving custody 2002/2003 to 2006/2007	
Total guilty cases	Guilty cases sentenced to custody		Total guilty cases	Guilty cases sentenced to custody					
number	number	percent	number	number	percent	percentage			
<b>Canada</b>	<b>34,628</b>	<b>6,355</b>	<b>18.4</b>	<b>34,065</b>	<b>5,640</b>	<b>16.6</b>	<b>-57.4</b>	<b>-10.4</b>	
Newfoundland and Labrador	608	121	19.9	563	104	18.5	-74.2	-19.9	
Prince Edward Island	129	22	17.1	153	26	17.0	-64.4	-22.5	
Nova Scotia	985	112	11.4	1,118	153	13.7	-65.1	-19.0	
New Brunswick	1,065	174	16.3	1,035	170	16.4	-52.1	-9.4	
Quebec	4,936	559	11.3	4,761	498	10.5	-59.7	-10.8	
Ontario	14,418	3,446	23.9	13,833	2,880	20.8	-52.1	-7.4	
Manitoba	1,983	173	8.7	2,051	164	8.0	-73.9	-18.0	
Saskatchewan	2,718	489	18.0	2,945	498	16.9	-57.8	-14.1	
Alberta	4,502	554	12.3	4,496	557	12.4	-57.6	-6.9	
British Columbia	2,923	622	21.3	2,811	525	18.7	-63.3	-12.9	
Yukon	35	15	42.9	41	14	34.1	-54.8	-14.3	
Northwest Territories <sup>1</sup>	174	34	19.5	131	29	22.1	-72.9	-17.1	
Nunavut	152	34	22.4	127	22	17.3	-45.0	-6.8	

1. From 2004/2005 to 2006/2007, for the Northwest Territories, the number of custody orders have been under-reported and the number of probation orders have been over-reported by unknown amounts due to clerical procedures. The majority of custody orders were captured as probation.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Table 11

**Guilty youth cases sentenced to probation, Canada, 2002/2003 to 2006/2007**

	2002/2003			2003/2004			2004/2005		
	Total guilty cases	Guilty cases sentenced to probation		Total guilty cases	Guilty cases sentenced to probation		Total guilty cases	Guilty cases sentenced to probation	
	number	number	percent	number	number	percent	number	number	percent
<b>Canada</b>	<b>49,169</b>	<b>34,440</b>	<b>70.0</b>	<b>39,323</b>	<b>24,847</b>	<b>63.2</b>	<b>35,865</b>	<b>22,380</b>	<b>62.4</b>
Newfoundland and Labrador	1,049	742	70.7	855	589	68.9	759	501	66.0
Prince Edward Island	185	134	72.4	117	87	74.4	94	73	77.7
Nova Scotia	1,341	988	73.7	1,016	735	72.3	888	686	77.3
New Brunswick	1,374	869	63.2	1,027	519	50.5	1,009	521	51.6
Quebec	5,824	4,310	74.0	5,330	3,692	69.3	5,082	3,603	70.9
Ontario	21,344	17,068	80.0	16,407	12,233	74.6	15,314	11,016	71.9
Manitoba	2,413	1,510	62.6	2,089	1,151	55.1	1,900	1,111	58.5
Saskatchewan	3,801	2,188	57.6	2,788	1,351	48.5	2,746	1,245	45.3
Alberta	6,803	3,103	45.6	5,869	2,342	39.9	4,587	1,908	41.6
British Columbia	4,532	3,177	70.1	3,483	1,901	54.6	3,070	1,529	49.8
Yukon	64	37	57.8	44	22	50.0	32	18	56.3
Northwest Territories <sup>1</sup>	273	170	62.3	157	108	68.8	246	53	21.5
Nunavut	166	144	86.7	141	117	83.0	138	116	84.1

	2005/2006			2006/2007			Percentage change in number of cases receiving probation 2002/2003 to 2006/2007	Percentage point change in proportion of guilty cases receiving probation 2002/2003 to 2006/2007
	Total guilty cases	Guilty cases sentenced to probation		Total guilty cases	Guilty cases sentenced to probation			
	number	number	percent	number	number	percent		
<b>Canada</b>	<b>34,628</b>	<b>20,822</b>	<b>60.1</b>	<b>34,065</b>	<b>19,953</b>	<b>58.6</b>	<b>-42.1</b>	<b>-11.5</b>
Newfoundland and Labrador	608	420	69.1	563	344	61.1	-53.6	-9.6
Prince Edward Island	129	112	86.8	153	130	85.0	-3.0	12.5
Nova Scotia	985	729	74.0	1,118	827	74.0	-16.3	0.3
New Brunswick	1,065	524	49.2	1,035	483	46.7	-44.4	-16.6
Quebec	4,936	3,123	63.3	4,761	3,177	66.7	-26.3	-7.3
Ontario	14,418	10,045	69.7	13,833	9,053	65.4	-47.0	-14.5
Manitoba	1,983	1,006	50.7	2,051	1,035	50.5	-31.5	-12.1
Saskatchewan	2,718	1,287	47.4	2,945	1,343	45.6	-38.6	-12.0
Alberta	4,502	2,030	45.1	4,496	2,127	47.3	-31.5	1.7
British Columbia	2,923	1,358	46.5	2,811	1,227	43.6	-61.4	-26.5
Yukon	35	16	45.7	41	22	53.7	-40.5	-4.2
Northwest Territories <sup>1</sup>	174	41	23.6	131	69	52.7	-59.4	-9.6
Nunavut	152	131	86.2	127	116	91.3	-19.4	4.6

1. From 2004/2005 to 2006/2007, for the Northwest Territories, the number of custody orders have been under-reported and the number of probation orders have been over-reported by unknown amounts due to clerical procedures. The majority of custody orders were captured as probation.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

Table 12

**Mean and median length of custody and probation sentences,<sup>1</sup> Canada, 2006/2007**

Offence group	Custody <sup>2,3</sup>		Probation	
	Mean	Median	Mean	Median
				days
<b>Total offences</b>	<b>72</b>	<b>36</b>	<b>365</b>	<b>365</b>
<b>Crimes against the person</b>	<b>117</b>	<b>60</b>	<b>393</b>	<b>365</b>
Homicide	1,084	730	582	540
Attempted murder	243	227	435	365
Robbery	148	120	429	365
Sexual assault	165	120	515	540
Other sexual offences	142	120	509	540
Major assault	110	60	395	365
Common assault	38	24	352	365
Uttering threats	56	39	367	365
Criminal harassment	35	20	367	365
Other crimes against persons	238	120	393	365
<b>Crimes against property</b>	<b>68</b>	<b>43</b>	<b>362</b>	<b>365</b>
Theft	51	30	338	365
Break and enter	94	67	391	365
Fraud	45	24	385	365
Mischief	40	23	333	365
Possess stolen property	49	30	365	365
Other property crimes	149	90	424	365
<b>Administration of justice</b>	<b>33</b>	<b>20</b>	<b>368</b>	<b>365</b>
Fail to appear	22	15	406	365
Breach of probation	40	20	399	365
Unlawfully at large	41	30	386	365
Fail to comply with order	24	10	359	365
Other administration of justice offences	55	51	386	365
<b>Other Criminal Code</b>	<b>61</b>	<b>36</b>	<b>364</b>	<b>365</b>
Weapons	73	41	398	365
Prostitution	140	140	180	180
Disturbing the peace	0	0	307	270
Residual <i>Criminal Code</i>	50	30	338	365
<b>Total Criminal Code (excluding traffic)</b>	<b>79</b>	<b>40</b>	<b>374</b>	<b>365</b>
<b>Criminal Code traffic</b>	<b>101</b>	<b>80</b>	<b>388</b>	<b>365</b>
Impaired driving	1	1	333	365
Other <i>Criminal Code</i> traffic	102	80	414	365
<b>Total Criminal Code</b>	<b>79</b>	<b>40</b>	<b>374</b>	<b>365</b>
<b>Other federal statute total</b>	<b>41</b>	<b>20</b>	<b>310</b>	<b>360</b>
Drug possession	11	10	273	270
Drug trafficking	107	94	372	365
<i>Youth Criminal Justice Act/Young Offenders Act</i>	31	20	309	360
Other federal statutes	57	40	269	270

0 true zero or a value rounded to zero

1. The mean is the average value of all sentences for each of custody and probation. The median represents the midpoint in the sorted dataset, where exactly half the dataset are above and half below the midpoint.
2. S. 85(1) of the *YCJA* specifies that the provinces and territories must provide for at least two levels of custody, however the levels are not defined (as in the *YOA*, which provided for open and secure levels of custody). The majority of provinces and territories no longer maintain data in their operational systems pertaining to the level of custody to which a youth was sentenced.
3. Since custody orders under the *YCJA* include a mandatory period of post-custody supervision, the figures for custody include the post-custody supervision portion of the order effective April 1, 2003.

**Source:** Statistics Canada, Canadian Centre for Justice Statistics, Youth Court Survey.

## Canadian Centre for Justice Statistics

For further information about this product, please contact the Canadian Centre for Justice Statistics, 19<sup>th</sup> floor, R.H. Coats Building, Ottawa, Ontario K1A 0T6 at 613-951-9023 or call toll-free 1-800-387-2231.

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