



Research and Statistics Division

Fact Sheet

## Conditional Sentencing Series

### Fact Sheet # 3: Usage of Conditional Sentencing Across Canada (1996-1999)

The conditional sentence of imprisonment is a new sanction which came into force in 1996. It was introduced to reduce the number of admissions to custody in a safe and principled way. The sentence applies to the less serious offenders (those sentenced to terms of less than two years in prison). A conditional sentence of imprisonment is a sentence of imprisonment that an offender serves in the community. The offender must abide by a number of compulsory and optional conditions. If these conditions are violated, there will be a hearing in court, and if the violation is proved against the offender, he may be required to serve the balance of the conditional sentence order in prison.

This fact sheet, one of a series, is intended to provide answers to some of the most commonly-asked questions about the conditional sentence (For further information on the nature of the conditional sentence of imprisonment, see Fact Sheet #1).

#### How many conditional sentences have been imposed across Canada to date?

Judges across Canada have followed Parliament's direction and have imposed a conditional sentence in a significant number of cases. Over the period September 6, 1996, to September 30, 1999, courts across Canada imposed 42,941 conditional terms of imprisonment. The most recent statistics (for the period 1998-1999) show a slight decline in the number of conditional sentences imposed.

#### Which provinces accounted for the highest numbers of conditional sentences?

The highest number of conditional sentences over this period was imposed in Quebec. In Quebec, 12,690 conditional terms were imposed, 11,443 in Ontario followed by 6,334 in British Columbia. Following these jurisdictions were Alberta, with 3,414 conditional terms imposed, and 3121 in Saskatchewan. New Brunswick imposed 1,578 conditional sentences, Nova Scotia imposed 1,486, with 1,245 in Manitoba and 1,078 in Newfoundland. The lowest number of conditional sentences in this time frame were in the Yukon, with 305, followed by 146 in the Northwest Territories, and 101 in Prince Edward Island.

#### What kinds of offences were most likely to result in the imposition of a conditional sentence?

Crimes involving property accounted for the largest percentage (39%) of conditional sentences. Crimes against the person accounted for under one-third of all conditional sentences. Offences against the administration of justice accounted for 11% of all such sentences and driving related offences, 4%.

#### What is the typical length of a conditional sentence of imprisonment?

The average length of conditional sentences of imprisonment to date is eight months. Almost one quarter of conditional sentences were 12 months or longer. (According to the Criminal Code, no conditional sentence order may exceed two years less one day in duration.) Crimes of violence attracted the longest conditional sentence orders. The shortest conditional sentence orders were imposed on



offenders convicted of crimes against the administration of justice.

**What kinds of conditions were imposed on offenders serving conditional sentences of imprisonment in the community?**

Treatment for alcohol and drug abuse was the optional condition most often imposed, followed by curfews and community service. Most offenders serving conditional sentences are ordered to abide by several conditions.

**What percentage of conditional sentences result in a breach hearing?**

Many conditional sentences imposed are still being served in the community. However, of those that have been completed approximately 15% of the orders have been breached or violated. The majority of breaches involved the violation of conditions of the order. Only a minority of conditional sentence orders were revoked as a result of allegations of fresh offending.

**Other Fact Sheets in this Series**

Fact Sheet # 1: What is a Conditional Sentence?

Fact Sheet # 3: Usage of Conditional Sentencing across Canada (1996-1999)

**Further Reading**

*An Overview of Research on Conditional Sentencing* (1996-1999). Ottawa: Department of Justice Canada. Report Available from the Research and Statistics Division, Department of Justice Canada.

Gemmell, J. (1999). Conditional Sentences. In: *Making Sense of Sentencing* Toronto: University of Toronto Press.

Cole, D. (1999). Conditional Sentencing: Recent Developments. In: *Making Sense of Sentencing* Toronto: University of Toronto Press.

**For more information** on this fact sheet, or to obtain others in this series, contact

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