

# Department of Justice

Facts 2011



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**Cover Photos:**

*Left:* Legal Services Solicitor Sarah Overington.

*Centre:* Land Claims Negotiator Sandi Gleason witnesses for Minister of Justice Marian C. Horne as she signs the Teslin Tlingit Council Administration of Justice Agreement in a ceremony in Teslin on February 21, 2011.

*Right:* The Justice Wellness Centre offers support services for clients during extended hours at 4th Avenue and Jarvis Street in Whitehorse.

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**Yukon**  
Justice

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## Forward

The Yukon Department of Justice is responsible for administering the justice system in Yukon and for the provision of services that contribute to order and safety for individuals, families and communities.

Department of Justice Facts 2011 is designed to provide basic statistical information about the Yukon Department of Justice. Information offered in this book covers the following programs and services: Court Operations, Correctional Services, Public Safety and Investigations, Policing Services, Community Justice, Victim Services, Coroner's Office, Sheriff's Office, Safer Communities and Neighbourhoods, Public Guardian and Trustee, Maintenance Enforcement Program and the Land Titles Office. It also explains the criminal and civil justice systems and provides statistics on civil cases heard in court.

The Department of Justice is responsible for the administration of adult sentences of less than two years. The Correctional Service of Canada is responsible for sentences of two years or more. Youth Justice is the responsibility of the

Yukon Department of Health and Social Services. Therefore, statistics on federal sentences and on youth corrections are not included in this document.

Most of the information covers the 2009-10 fiscal year. Wherever possible, historical data are provided as a reference. All statistics are based on data from the Yukon Department of Justice and the Canadian Centre for Justice Statistics.

## How to Read this Book

Department of Justice Facts 2011 follows the general path of the criminal and civil justice systems. The book first provides a summary of charges laid by the RCMP in Yukon and how those charges compare with other jurisdictions. The book then provides courts statistics and sentencing statistics. It then explains the civil justice system and the resources provided to the public and Yukon government departments by the Yukon Department of Justice.

## Yukon Department of Justice Mission, Values, Vision

### Mission

The Department of Justice upholds the principles of equitable access to justice. The justice system and Yukon laws are fair and accessible, and impartially administered with respect for individual, collective and human rights. We build relationships with others to support good governance; to reduce, resolve and mitigate conflict; and to foster safe communities with opportunities for healing.

### Values

**Integrity.** We carry out our work to the highest ethical and professional standards, to instill confidence in those we serve and to be responsive to their needs.

**Accountability.** We are accountable to those we serve and to each other. We take responsibility for what we do and say; we provide timely responses and follow-through; we recognize the need to minimize our impact on the environment; and we are prudent in our fiscal management.

**Respect.** We appreciate the inherent worth and dignity of others, and we treat our colleagues and those we serve with respect. We honour our cultural diversity and we seek to learn and understand different perspectives.

**Service excellence.** We are committed to providing excellent service. We help people overcome barriers and move forward in their lives. We support innovation and corporate

development initiatives that help us improve our service. We support each other in recognizing and appreciating a job well done.

**Employee wellness, safety and development.** We support wellness and safety in the workplace, including mental and emotional health. We support each other in encouraging learning opportunities and professional growth and development.

Department of Justice staff have identified these values as qualities that are important to all in carrying out the mission and working towards our vision. Our values are demonstrated by our behaviour towards our clients and each other. We strive to work in a manner to reflect these values and we are accountable for our behaviour.

From time to time, some of these values may be seen as competing. In those cases, we will work to resolve this by considering the behaviour associated with each of the values in light of our stated mission and the vision of the department.

### Vision

**Healthy relationships, peaceful communities:** Our justice system, legislation, and the work we do to build harmonious relationships are the foundation for safe, healthy and peaceful communities.

## Criminal Justice System

The criminal justice process starts when a police officer or private citizen has reason to believe someone has committed a crime. The RCMP may lay criminal charges without the permission of the court whereas a private citizen must attend court for a process hearing before a charge is formally laid.

Once an accused person has been arrested and charged, the next step is release. The RCMP may release a person shortly after arrest depending on the severity of the crime or other relevant factors. If the police do not choose to release an accused person, they will be kept in custody until they are given a bail hearing before a judge.

Before court, the Crown prosecutor will review the case and either consent to the release of the accused person or oppose. The Crown may also decide to withdraw the matter if, after review, they do not see a good foundation for the laying of the charge. If release is contested by the Crown, the court will have a bail hearing to determine if the accused should be released.

Once released, an accused person will be given their next court date. In court, the accused may plead guilty or not guilty to the charge(s). If an accused person pleads guilty, they can be sentenced immediately or a date will be set for a later time. If an accused pleads not guilty, the matter will then be set for trial where the Crown has to prove the allegations beyond a reasonable doubt. If the judge is not satisfied that

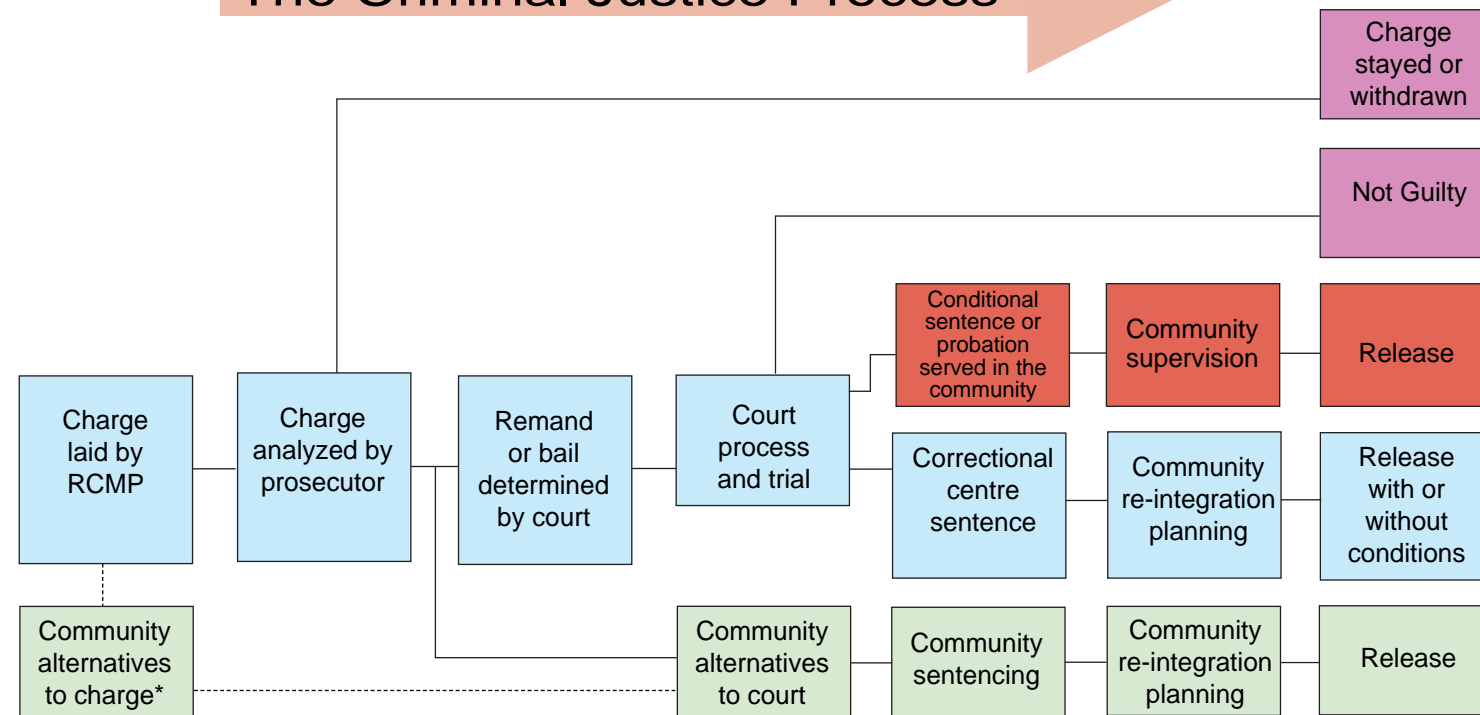
the accused committed the crime then the charge will be dismissed.

If an accused pleads guilty or is found guilty at trial, the judge must decide what type of sentence is right for the offender. The court may impose a fine, probation, a community based jail term (conditional sentence) or a jail term in a correctional center. If deemed necessary, the court may impose more than one type of sentence. For example, the court may place someone on probation after they complete a jail term or impose a fine in conjunction with a probation order. Upon completion of the imposed sentence, the offender is released back into the community.

Currently, there are several community alternatives in place that may be triggered at any point in the justice system that focus on restorative principles and community integration depending on the community and the crime. These alternatives help people to avoid incarceration and address any underlying issues or problems that may have contributed to the crime.

The flow chart on page 3 explains the processes for people that have committed a territorial or federal offence and enter the criminal justice system in Yukon. The time to complete the process will vary depending upon the offence and its specific circumstances.

## The Criminal Justice Process



\*Community justice alternatives can begin at any point in the regular criminal justice process, depending on the community and the crime.

## Crime Rates in Yukon and Canada

The Canadian Centre for Justice Statistics (CCJS), in co-operation with the policing community, collects police reported crime statistics through the Uniform Crime Reporting Survey (UCR). The UCR was designed to measure the incidence of crime in Canadian society and its characteristics. UCR data reflect reported crime that has been substantiated by police. Information collected by the survey includes the number of criminal incidents, the clearance status of those incidents and persons-charged information. The UCR produces a continuous historical record of crime and traffic statistics reported by every police agency in Canada since 1962. The Yukon's Crime Severity Index, which measures the seriousness of criminal activity, is down 1% from 2008.

The violent crime rate in Yukon jumped by 9% in 2009 after decreasing by 4% in 2008. This was the first increase after

decreasing for five consecutive years. In 2009, 1,399 violent crimes were reported to the RCMP. In comparison, Northwest Territories had 3,730 violent crimes reported, Nunavut 3,011 and Ontario, 131,437.

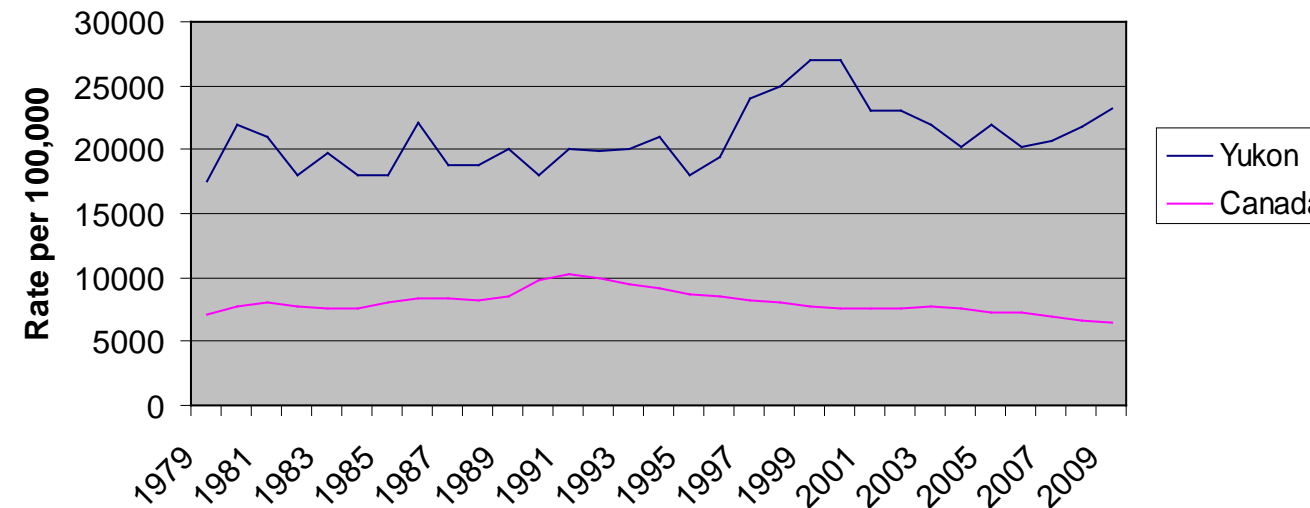
The number of cocaine offences in Yukon dropped in 2009 over 2008 by 23%, with 52 reported incidents. Cannabis related charges increased by 7% to 133 offences and charges for other drugs, including heroin, ecstasy and crystal meth also decreased by 23% over 2008 with 21 offences.

Yukon reported a 4% increase in impaired driving offences (397) in 2009 over 2008. The rate of impaired operation in the territory was similar to what it was 10 years ago. Yukon has the second highest number of impaired driving offences amongst the territories behind Northwest Territories (669).

## Yukon Crime Rate

The total crime rate, which measures the amount of criminal activity, is up 6% over 2008. Yukon continued to have the lowest crime rate among the three territories. Generally, crime rates in the three territories are higher than those in the provinces, but this rate can be skewed because of Yukon's small population (35,000) and because the crime rates are calculated based on 100,000 people.

1. Total Crime Rate, Yukon and Canada, 1979-2009



## Yukon Violent Crime Rate

The number of violent crimes in Yukon increased by 9% in 2009 over 2008. Yukon had two homicides in 2009, down from three the year before. The territory also had 177 serious assaults, which was similar to 2008, and nine robberies, which was a 45% decrease in 2009 over 2008. However,

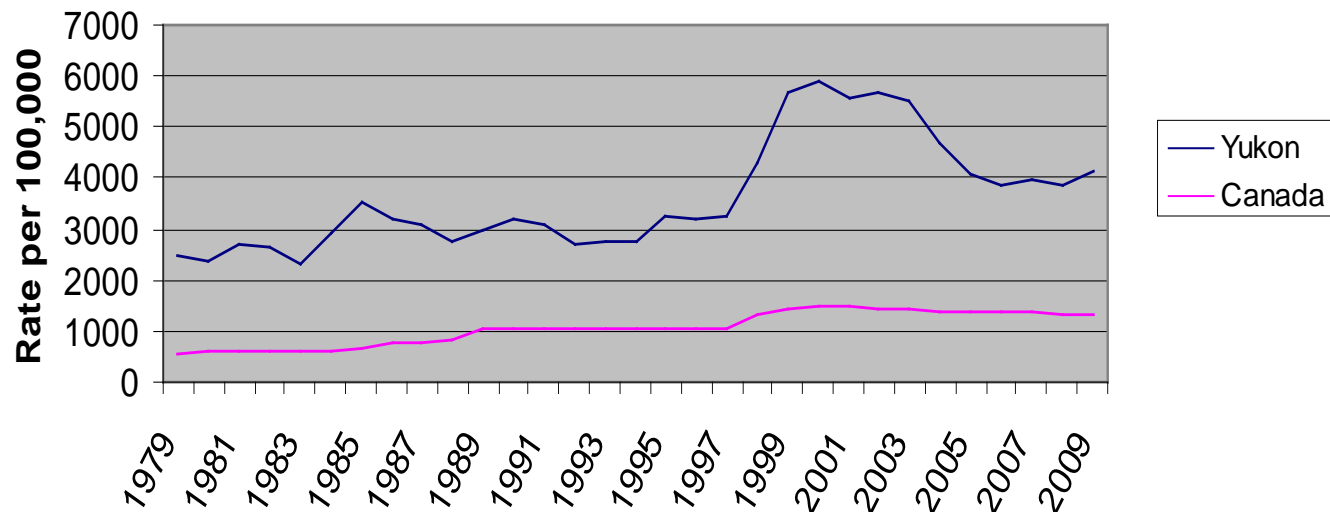
other violent crimes increased, including (but not limited to) sexual assaults, level 1 assaults, firearms offences, forcible confinement, kidnapping, abduction, harassment and uttering threats.

## Yukon Robbery Rate

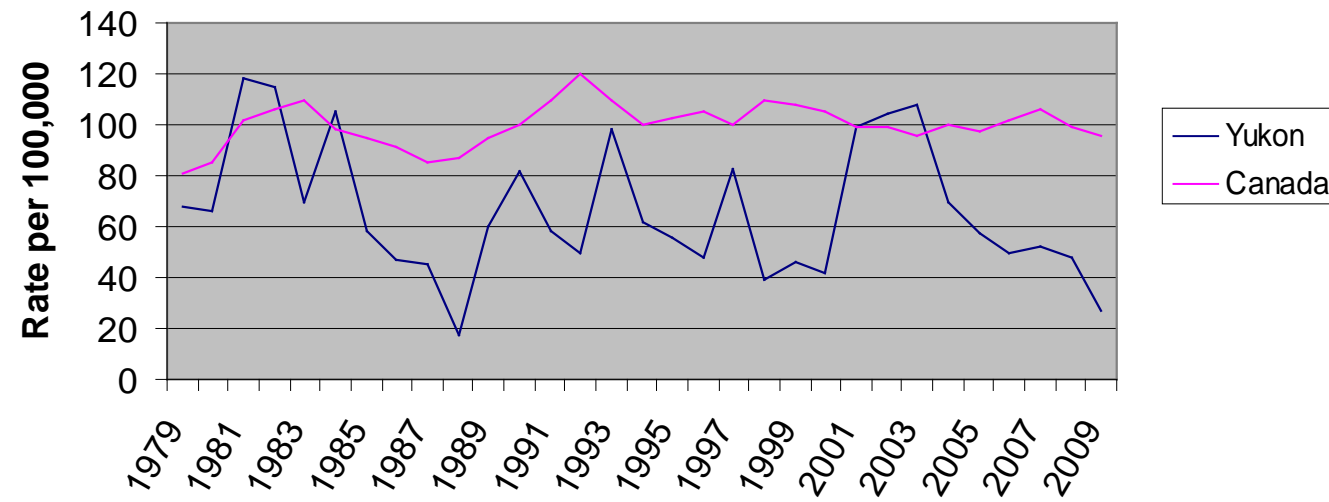
There were nine reported robberies in Yukon in 2009, down from 15 in 2008. Yukon's robbery rate has been decreasing since 2003. The territory's robbery rate has now been below the national average for the past six years and, in 2009, was

fourth lowest in the country behind PEI, Newfoundland and Labrador and New Brunswick. Northwest Territories reported 13 robberies and Nunavut, 23 in 2009.

### 2. Violent Crime Rate, Yukon and Canada, 1979-2009



### 3. Robbery Rate, Yukon and Canada, 1979-2009



## Yukon Property Crime Rate

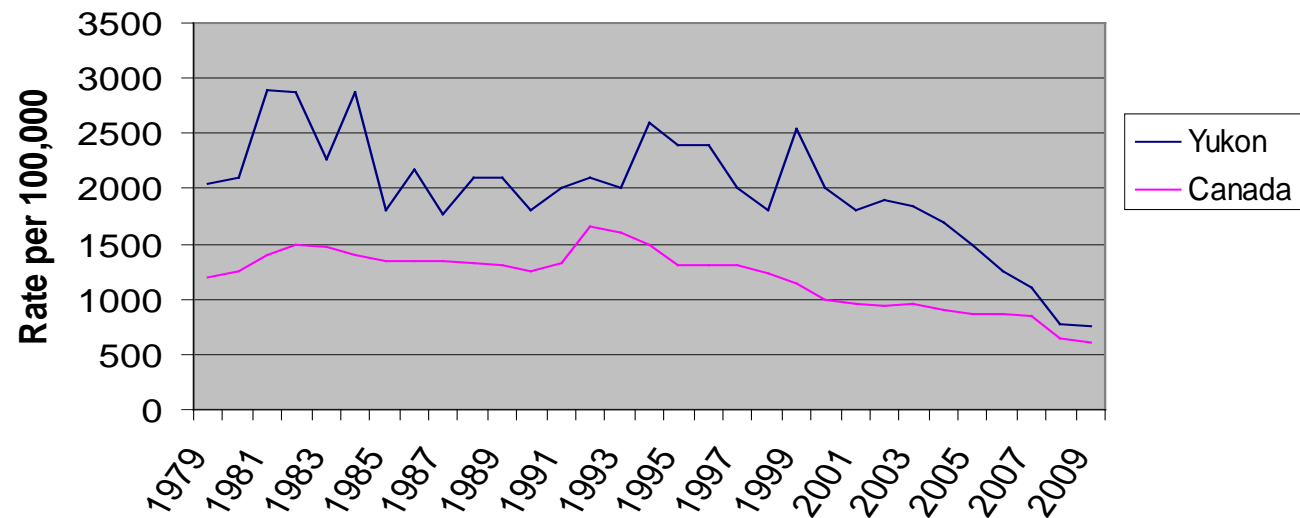
The Yukon property crime rate continued to drop after spiking in 1982. Property crimes include break and enter, possessing stolen property, motor vehicle theft, theft over \$5000 (non-motor vehicle), theft under \$5000 (non-motor vehicle),

fraud, mischief and arson. There were 256 break and enters in Yukon in 2009, up 3 from 253 in 2008. Northwest Territories experienced 717 break and enters and Nunavut 635 break and enters in 2009.

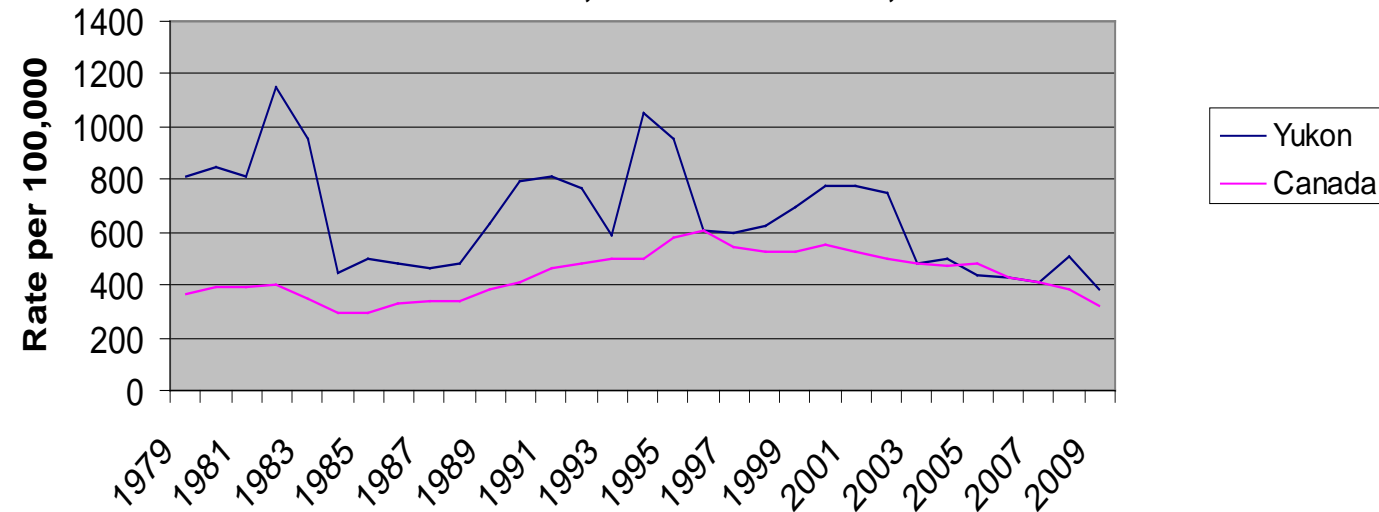
## Motor Vehicle Theft Rate

There were 130 motor vehicle thefts in Yukon in 2009; this was down by 40 thefts from 2008. Northwest Territories had 233 and Nunavut 191. Nationally, this rate dropped by 15% in 2009, the same decrease as 2008, with 108,172 vehicles stolen across Canada in 2009 (down from 125,000 in 2008).

4. Break and Enter Rate, Yukon and Canada, 1979-2009



5. Motor Vehicle Theft Rate, Yukon and Canada, 1979-2009





## Court Operations

Court Operations manages the administration and operations of Territorial Court, the Supreme Court, the Court of Appeal, Small Claims Court and the Federal Court. Community Wellness Court and the Domestic Violence Treatment Option Court are therapeutic courts which are part of the Territorial Court process.

### Territorial Court

This court considers lesser indictable offences, summary-conviction offences, preliminary inquiries for indictable offences, bail (except in murder cases), peace bond applications, and fitness hearings for mentally disordered accused.

### 6. Cases Heard by Territorial Court, 2005-2010

Year	2005-06	2006-07	2007-08	2008-09	2009-10
Cases	725	774	812	880	1121

### Supreme Court

Serious indictable offences are heard by the Supreme Court, as well as summary conviction appeals, bail applications on murder cases, bail reviews, appeals from decisions on fitness hearings for mentally disordered accused and civil matters.

### Court of Appeal

This court hears appeals of decisions made by the Territorial Court and the Supreme Court of Yukon in civil and criminal matters. The Court of Appeal sits in Whitehorse once a year for one week. Appeals from the Court of Appeal are heard by the Supreme Court of Canada.

### Small Claims Court

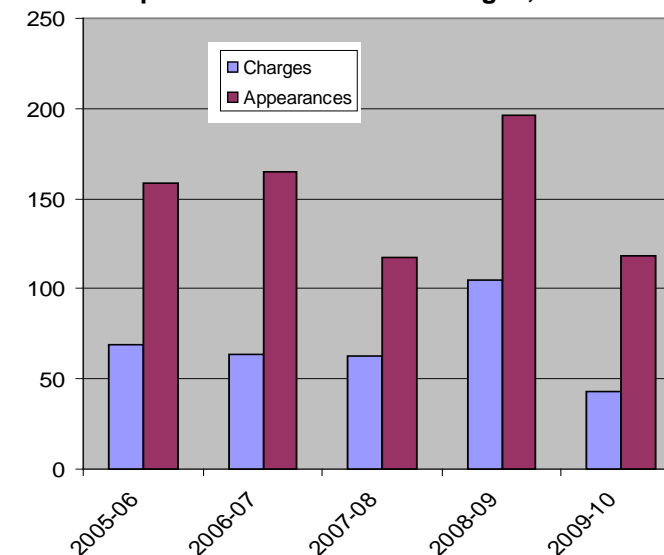
This court hears civil cases in which the amount of money or the value of personal property being claimed is \$25,000 or less. The Small Claims Court sits in the same locations as the Territorial Court and can hear cases as part of court circuits to the communities. Every judge of the Territorial Court is a judge of the Small Claims Court.

### Federal Court

This court reviews decisions of all federal boards, commissions or other tribunals and hears cases where federal legislation provides for the right of appeal or review in the court. It also hears cases where relief is claimed against the Crown. It is made up of Appeal and Trial Divisions, and administers both the common law and civil law legal systems. The Federal Court hears both criminal and civil cases. The Federal Court is based in Ottawa, Ontario, but its judges travel across Canada from time to time to hear cases.

The average time to complete an adult criminal case in either Territorial Court or Supreme Court in 2009-10 was 183 days.

### 7. Supreme Court Criminal Charges, 2005-2010



An accused person can appear on several charges on a given day. These statistics reflect only one appearance for an accused on any day when he or she appears in Supreme Court.

### 8. Files Opened by Type of Yukon Court, 2009-10

Yukon Courts 2009-10	Files
Supreme Court:	
Criminal (Charges)	43
Civil	478
Summary Conviction Appeals	10
Court of Appeal:	20
Territorial Court:	
Civil	122
Adult (charges)	4294
Young Offender (charges)	578
Summary Conviction tickets	2236
Territorial Applications	99
Federal Court:	2
Small Claims Court:	181

## Court Fines and Surcharges

The Department of Justice is mandated to collect fines and victim surcharges, as ordered by the courts, for offences under territorial law, the federal Criminal Code and other federal statutes. In 2009-10, fines were imposed for a total of \$494,171 on 2384 fines ordered. Another \$55,132 was collected in court-ordered victim surcharges on 2548 offences. Just over \$24,000 in victim surcharges was unpaid.

### 9. Court Ordered Fines, 2009-10

Statute	Fines	Amount Ordered (\$)	Amount Paid (\$)	Fines Unpaid	Amount Unpaid (\$)
Criminal Code	186	181,205	115,470	79	65,375
Federal statutes	21	14,150	8100	9	6050
Territorial statutes	2177	298,816	214,509	393	84,307
<b>Total</b>	<b>2384</b>	<b>494,171</b>	<b>338,079</b>	<b>481</b>	<b>156,092</b>

### 10. Court Ordered Victim Surcharges, 2009-10

Statute	Amount Ordered (\$)	Number	Amount Paid (\$)	Amount Unpaid (\$)	Number
Criminal Code	37,664	425	24,430	13,234	188
Other federal statutes	1351	18	963	388	6
Territorial statutes	40,283	2105	29,739	10,544	366
<b>Total</b>	<b>79,297</b>	<b>2548</b>	<b>55,132</b>	<b>24,165</b>	<b>560</b>

### Territorial Offences

Most territorial prosecutions are initiated by way of a ticket, though more serious offences are sometimes initiated by other means. A conviction for a territorial offence is not a conviction under the Criminal Code, but it can still carry severe penalties including substantial fines and incarceration.

There were 2257 Summary Convictions Act tickets served in Yukon in the 2009 calendar year and 3751 served in 2010. Most of the offences in 2010 (3205) were related to motor vehicles. Another 290 offences were under the *Liquor Act*. Fishery regulation offences accounted for 51 charges in 2010. Ninety per cent of the charges resulted in a conviction.

## Jury Trials

Several times per year, Yukoners are asked to serve jury duty. In 2009-10, there were five jury trials held in Yukon. Fifty-five Yukoners served on a jury at one of these trials, after 1148 Yukoners were initially called for jury duty.

### 11. Jury Duty, 2005-10 (fiscal years)

	Number of Trials Prepared	Number of Trials Held	Number of Jurors Summoned
2005-06	8	3	1605
2006-07	5	1	1381
2007-08	7	3	2079
2008-09	4	3	1096
2009-10	6	5	1148

### Community Wellness Court

The Community Wellness Court (CWC) began operation on June 4, 2007, as a voluntary alternative to the mainstream criminal court process. The court is for people that enter the justice system because they are suffering from addictions, conditions such as Fetal Alcohol Syndrome Disorder or a mental illness. CWC focuses on finding solutions to the root causes of criminal behaviour. A case plan is created for each client who enters the court after pleading guilty to his or her

offences. Clients who complete their wellness journey may receive alternative sentences at the end of the process.

As of November 8, 2010, 78 offenders had been referred to the CWC, 44 offenders had been accepted into the program and 7 offenders had graduated from the program.

#### Clients attending CWC:

- 16 active clients (11 men, 5 women, of which 11 are First Nation, 5 are non-First Nation).
- 10 are on a wellness journey, 3 have a wellness plan developed, 3 are in the suitability assessment stage, 9 have addictions, 3 have addictions and mental health issues, 1 has addictions and FASD and 3 have FASD.

#### Clients sentenced in CWC:

- 7 clients have completed their sentences (5 men, 2 women, 3 are First Nation, 4 are non-First Nation, 4 have addictions and mental health issues, 1 has FASD and addiction, 1 has FASD).
- 8 clients have partially completed their sentence before a wellness plan was submitted to the court (8 males, 6 First Nation, 2 non-First Nation, 5 with addiction and FASD, 2 have addictions, 1 has addictions and mental health issues)
- 12 clients have partially completed their sentence after the

wellness plan was developed ( 9 male, 3 female, 5 non-First Nation, 7 First Nation, 10 with addictions and mental health issues, 2 with addiction issues).

#### **Clients who have left CWC:**

•37 clients have been referred to, and subsequently left, CWC (26 men, 11 women, 24 First Nation, 13 non-First Nation), 19 with addictions, 7 with addiction and FASD (known or suspected), 4 with addiction and mental health (known or suspected), 4 with addiction, FASD (known or suspected) and mental health (known or suspected), 3 unknown.

#### **Reasons for leaving CWC:**

•10 clients returned to regular court; 23 were found not suitable for CWC because the charges were too serious, they did not live in Whitehorse, or they did not have enough resources to meet a release plan. Three clients were found absent without leave and 1 client was found unfit to stand trial.

### **Domestic Violence Treatment Option Court**

The Department of Justice has successfully operated the Domestic Violence Treatment Option Court (DVTO) since March 2001.

The DVTO Court is a therapeutic court that supports offenders and victims to make the necessary changes in their lives so that they lower the risk to re-offend.

The court operates in Whitehorse and Watson Lake, in response to ongoing domestic violence in those communities. In 2009/2010 fiscal year, the DVTO Court had 226 open files.

National statistics produced by the Canadian Centre for Justice Statistics report a steady decline in police-reported spousal violence from 1998 to 2006 in Yukon.

The Department of Justice works with offenders (both individually and in group counselling sessions) at the Whitehorse Correctional Centre and in the community by delivering the Spousal Abuse Treatment Program for men and women, and an Anger and Violence Program for women.

In 2009/2010 fiscal year, Offender Services provided treatment services to 95 new participants.

### **Community Justice and Public Safety**

Community Justice and Public Safety consists of several units including Correctional Services, Crime Prevention and Policing, Community Justice, Coroner's Services, Victim Services, Yukon Workers' Advocate, Public Safety and Investigations and Offender Services.

#### **Mission**

The mission of Community Justice and Public Safety is to contribute to public safety by working collaboratively with First Nations, other government departments and non-government organizations to:

- offer support to victims and families;
- hold offenders accountable while encouraging healing and successful re-integration into their community;
- build capacity in communities to prevent crime and foster healthy and safe communities.

#### **Vision**

The vision of Community Justice and Public Safety is to contribute to community safety by offering opportunities for healing and hope for change.

### **Definition of Crime Categories**

In this publication, crimes are grouped as follows:

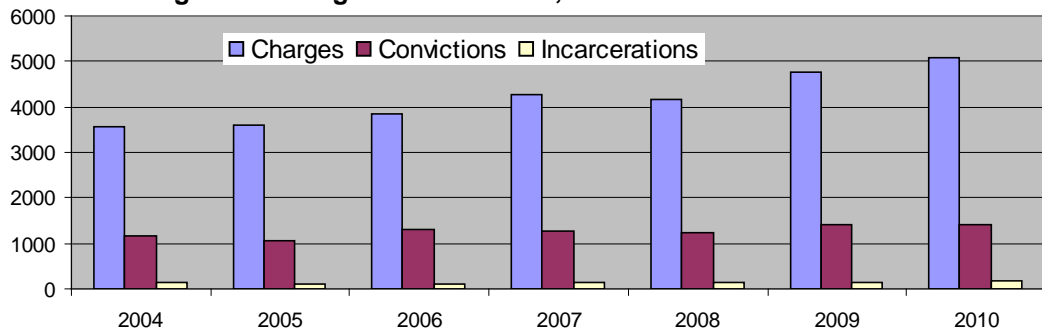
- Violent crime includes: abduction, aggravated assault, assault causing bodily harm, assault of a police officer, assault with a weapon, assaults general, kidnapping, murder, robbery with violence, sexual abuse, sexual assault and uttering threats.
- Property crimes include: arson, break and enter, break, enter and theft, break and enter with intent, false pretences, forgery and uttering, fraud, mischief, possession of stolen property, robbery, taking a motor vehicle without consent, theft over \$5000, theft under \$5000, being unlawfully in a dwelling-house and willful damage of property.
- Other Criminal Code offences include: Criminal Code traffic, dangerous use of firearms, disturbing the peace, driving while disqualified, escapes from custody, failure to appear, harassment, resisting arrest and being unlawfully at large.
- Drug offences include: possession of narcotics, possession of narcotics for the purposes of trafficking, trafficking narcotics and other drug offences.
- Impaired driving offences include: impaired driving, refusal of a breathalyzer and having a blood alcohol level of over .08.
- Other offences include charges laid under territorial, federal, or municipal laws other than the Criminal Code.

When reading this section about charges and sentencing, it is important to consider that the statistics presented represent a combination of individuals who are in the system and/or the number of charges that they have received in the course of a year. One individual may have multiple charges leading to one or more admissions into the correctional system.

### Most Serious Offence (MSO)

This measure is based on the Uniform Crime Reporting Survey, which classifies incidents. If an offender is sentenced for more than one offence, the most serious offence rule determines which of these offences is the most serious based on penalties in the Criminal Code. The MSO is used for statistical reporting purposes.

**12. Charges Resulting in incarceration, 2004-2010<sup>1</sup>**



<sup>1</sup>These numbers reflect the number of charges laid, not the number of individuals charged. An individual may have multiple charges. These numbers do not include summary conviction tickets, which are generally given for incidences such as traffic violations.

### Correctional Services

Correctional Services provides programs and supervision for offenders. Its primary goal is the safe integration of offenders into communities as law-abiding citizens.

The justice system emphasizes community supervision of offenders over incarceration at the Whitehorse Correctional Centre (WCC). Loss of liberty through incarceration is a last resort in protecting the public. Of the total number of charges laid, only a small fraction result in incarceration at WCC. Most Yukon sentences consist of fines or community-based sentences such as probation orders or conditional sentences. Chart 12 shows how many charges resulted in a conviction, and how many of those convictions resulted in incarceration at WCC or in a federal penitentiary outside of Yukon. In 2010, for example, 5100 charges were laid resulting in 1405 convictions and 172 sentences of incarceration.

### Recidivism

Many adults in Yukon who are convicted of an offence have been convicted before. Between 2004 and 2010, there were 4101 individuals convicted of one or more offences (excluding those who were issued a summary conviction ticket for offences such as traffic violations)<sup>2</sup>. During that same time period, 72% of these individuals had more than one conviction.

**13. Number of Convictions, 2004-2010**

Number of cases	First conviction	Multiple convictions
4844	28%	72%

### Offender Supervision

The majority of adults convicted of a crime in Yukon carry out their sentence within the community. This is called community supervision and it consists mainly of conditional sentences and probation orders. People awaiting trial on non-violent charges are sometimes placed on bail supervision.

<sup>2</sup>An individual convicted on multiple charges on the same file is counted once.

**14. Type of Community Supervision, 2004-2010**

	Number of orders	Percentage
Bail Supervision	3594	46.6
Conditional Sentences	697	9.0
Probation	3289	42.6
Other	138	1.8
Total	7718	100

### Bail Supervision

Bail Supervision provides an alternative to remanding an accused person in custody pending trial or sentencing. If an individual has not yet been tried, he or she is still classified as being under community supervision while on bail. If bail release is recommended, appropriate conditions are suggested for the court's approval.

Bail supervision accounted for 53% of all court-ordered community supervision in 2009. This is a slight increase from 2008, when 51% of community supervision entailed bail supervision.

## Conditional Sentences, Probation and Incarcerations at WCC

Table 16 presents a profile of offenders who were serving a conditional sentence, probation order, and/or incarcerated at the WCC in 2010.

The numbers represent new admissions, not individuals. An offender may be counted more than once if he or she was, for example, in custody and on probation in the same year or if he or she served two probation orders in one year.

As community supervision sentences can last for more than a year, there are approximately 700 people on probation or on a conditional sentence in Yukon at any time.

Seventy-five percent of inmates at WCC are First Nation<sup>3</sup>. Eighty-three percent of First Nation offenders at WCC are

male. Sentencing to WCC has increased 44% since 2004. However, the percentage of convicted offenders that serve jail time has remained steady in that time period at 2% per year.

<sup>3</sup>First Nation identity is self-identified by the individual.  
<sup>4</sup>Percentages may not equal 100 due to rounding off.

## 16. Offenders Serving Conditional Sentences, Probation Orders or Sentenced to WCC, 2010<sup>4</sup>

	Conditional Sentence		Probation		WCC <sup>5</sup>	
	Number	%	Number	%	Number	%
<b>Age (years)</b>						
18-29	29	36	98	35	91	37
30-39	14	17	79	28	67	27
40-49	26	32	63	22	60	24
50+	12	15	41	15	28	11
<b>Sex</b>						
Male	67	83	205	73	212	86
Female	14	17	76	27	34	14
<b>Identity</b>						
First Nations	42	52	149	53	185	75
Non-First Nations	39	48	132	47	61	25
<b>Total new admissions/orders</b>	<b>81</b>	<b>100</b>	<b>281</b>	<b>100</b>	<b>246</b>	<b>100</b>

<sup>5</sup>These numbers do not include federal inmates. In 2010, federal inmates accounted for two percent of the WCC population, or 15 inmates, on a short-term basis.

## 15. Sentencing, 2004-10

	WCC Sentences	Community Sentences
2004	170	99
2005	176	89
2006	200	105
2007	200	81
2008	211	79
2009	239	61
2010	246	81

## Conditional Sentences

A conditional sentence is a custodial sentence that is served in the community rather than in custody at WCC. Conditional sentences normally include conditions such as house arrest and strict curfews and may have other conditions attached to them. Non-compliance with the conditions can result in the sentence being served in jail. A conditional sentence may be applied to any offence that is not punishable by a minimum term of incarceration. The court must be satisfied that serving the sentence in the community will not endanger public safety. The maximum length of a conditional sentence is two years less a day.

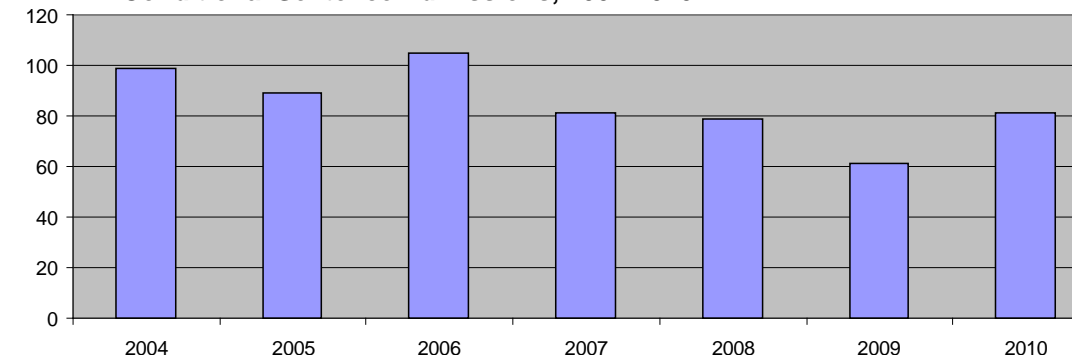
In 2010, there were 81 new conditional sentences being served in Yukon. This was an increase of 20 new sentences

from 2009 but just an increase of two sentences over 2008. The majority of persons serving a conditional sentence in 2010 were male (83%) and First Nations (52%). More people received conditional sentences between ages 19-29 than any other age group. Twenty-eight people were aged 19-29, 14 were aged 30-39, 26 were aged 40-49 and 12 were over 50. One 18-year-old served a community sentence.

Conditional sentences in 2010 were served for violent crimes (28%). Violent crimes include assault, assault causing bodily harm, and sexual assault<sup>6</sup>. This was about the same as 2009 (27%).

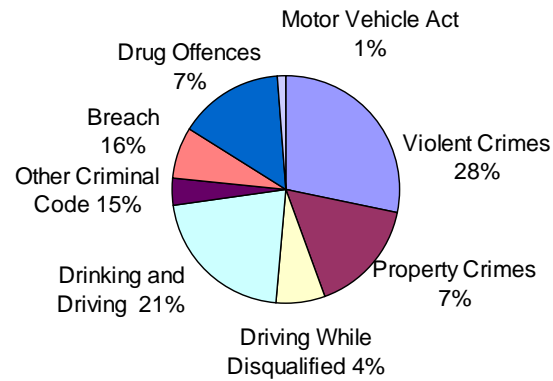
The second largest category was for driving under the influence of alcohol (21%). Breaching a conditional sentence or probation accounted for 16% of new conditional sentences.

## 17. Conditional Sentence Admissions, 2004-2010



<sup>6</sup>A list of crimes included in each crime category can be found on page 17 of this document.

## 18. Most Serious Offence, Conditional Sentence 2010



## Adult Probation

Probation is primarily intended to be a rehabilitative sentencing tool. The offender is authorized to stay in the community subject to strict conditions that are set out in a probation order.

In 2010, there were 281 new probation orders being served in Yukon. This is a decrease of 33 orders from 2009 and similar to the 2004 number of orders (276).

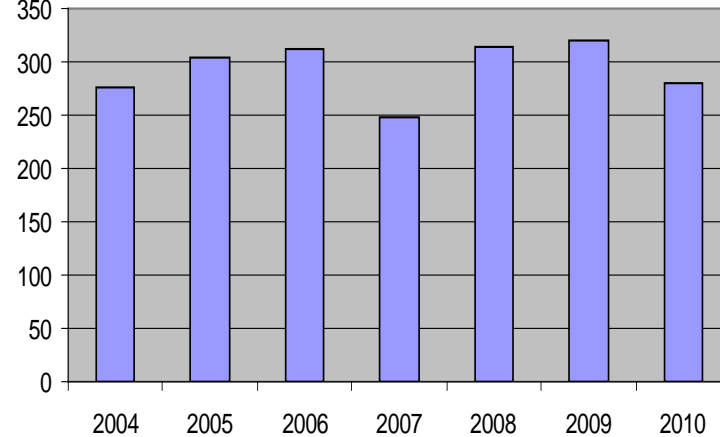
An individual may be under multiple probation orders at the same time.

In 2010, 73% of individuals on a probation order were male

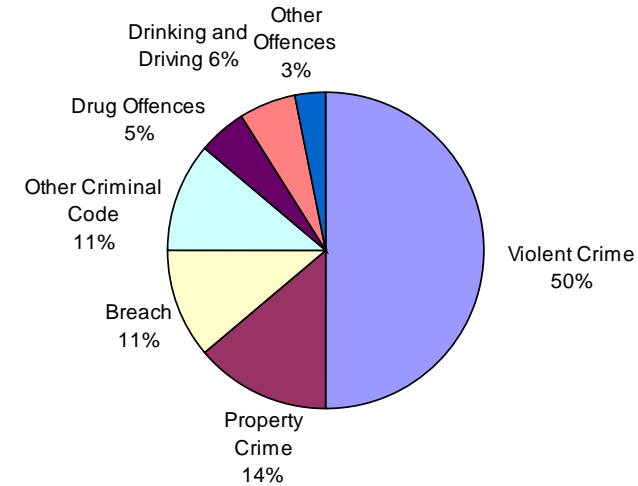
and 53% were self-identified First Nation. Thirty-five percent of the individuals were between the ages of 19 and 29 and 28% were between the ages of 30 and 39. Another 22% were between the ages of 40 and 49. Table 16 on page 20 gives a more complete profile of the adult probation population.

In 2010, 33% of all probation orders were served for assault convictions. A breakdown of probation order offences is on page 24.

19. Adult Probation Orders, 2004-2010



## 20. Most Serious Offence, Adult Probation, 2010<sup>7</sup>



<sup>7</sup> Other Criminal Code offences include: dangerous use of firearms, disturbing the peace, driving while disqualified, forgery, failure to appear, forcible entry, harassment, resisting arrest and being unlawfully in a dwelling.

## Incarcerations at WCC

The Whitehorse Correctional Centre (WCC) is a multi-level security correctional facility for adult men and women. It accommodates inmates serving sentences of less than two years and individuals who are on remand. This means they have been charged with an offence(s) and are awaiting trial or sentencing and, after a bail hearing, must remain in custody until they appear in court.

People may also be held at WCC under other legislation such as immigration holds under the *Immigration Act*.

In 2010, there were 617 admissions to WCC. This does not include 15 federal sentenced inmates that spent time at WCC. One person can be admitted several times in a year.

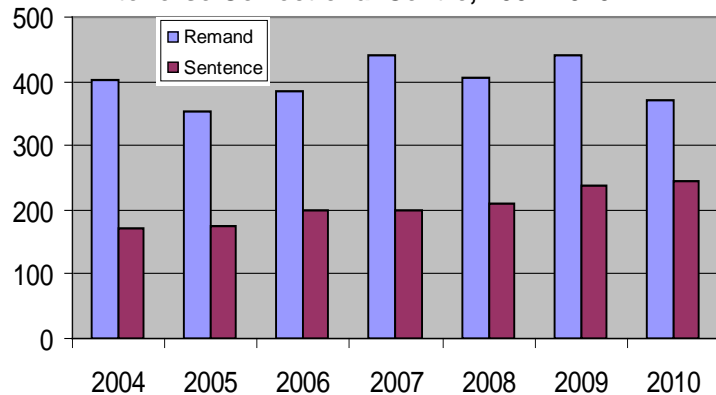
Sixty percent of the admissions to WCC in 2010 were individuals who were on remand awaiting trial or sentencing. Most of the remanded inmates at WCC in 2010 were male (82%) and First Nations (76%).

The highest number of sentenced male inmates (not including those released on a temporary absence) was 94 in June, 2010 and the lowest number was 55 in January, 2011. The average number of sentenced male inmates was 74.

The average sentence length in 2010 was 89 days, which is up from 80 days in 2009. The shortest sentence was five days and the longest sentence was 730 days. Eighty-six percent of sentenced inmates were male and 75% of inmates were First Nation. This is the same rate of sentenced First Nation inmates as 2005.

Thirty-seven percent of inmates were aged 18-29, 27% were between 30-39, 24% between 40-49 and 11% of sentenced inmates were over 50. The youngest inmate was 18 and the oldest inmate was 70.

**21. Remand and Sentenced Inmates  
Whitehorse Correctional Centre, 2004-2010**

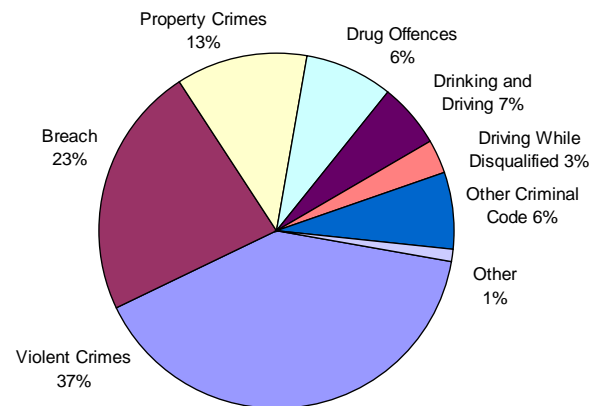


There were 34 sentenced female inmates in 2010, up from 10 sentenced females in 2004.

In 2010, the length of remand admissions ranged from 1 day to 230 days. The average remand stay was 28 days.

Thirty-seven percent of inmates at WCC were serving a sentence for violent crimes. The next largest category was breach of a probation order or a conditional sentence (23%).

**22. Most Serious Offence, Whitehorse Correctional Centre, 2010<sup>8</sup>**



<sup>8</sup> Other Criminal Code offences include: dangerous use of firearms, disturbing the peace, driving while disqualified, forgery, failure to appear, forcible entry, harassment, Motor Vehicle Act, resisting arrest and being unlawfully in a dwelling.

## Female Population at WCC

The number of admissions of female inmates (remand and sentence) at WCC has steadily increased since 2004 from 7% in 2004 (39 inmates) to 16% in 2010 (100 inmates).

On average, 9 females were incarcerated daily at WCC in the 2010/11 fiscal year. This is down from 10 females incarcerated daily at WCC in 2008. The maximum count was 17 in May 2010 and the minimum count was 4 in September, 2010.

The majority of female inmates are of First Nations identity. In 2010, 32 of the 34 sentences served by females at WCC were First Nations. More female inmates (47%) were between the ages of 20 and 29 than in any other age group.

## Repeat Offenders at WCC

An inmate may have multiple admissions to WCC in his or her lifetime.

Between 2004 and 2010, there were 579 sentences served at WCC. Approximately 59% of the inmates did not re-offend. Forty-one percent of the offenders served multiple sentences at WCC during this time. Twenty-three percent of the offenders were re-admitted to WCC three or more times.

**23. WCC Number of repeat offenders, 2004-10**

Number of Sentences	# of Offenders	Percentage
1	425	59
2	128	18
3 to 9	154	22
10 or more	9	2
Total	579	100

## Offenders' Communities

Offenders who are sentenced to Correctional Services supervision come from all over Yukon. A small number of offenders are from outside the territory. Table 24 indicates the communities where offenders resided in 2010. The numbers represent new admissions, not individuals. An offender may be counted more than once if, for example, he or she was in custody and on probation in the same year or if he or she served two probation orders in one year.

## Offender Services

Offender Services offers treatment programs such as the Spousal Abuse Program and the Sexual Offender Risk Management Program. These programs are available to people involved in the Domestic Violence Treatment Option Court and to others as required.

Offender Services provides support services for offenders with cognitive impairments. It also conducts assessments of risk and other factors contributing to offending. All the unit's work is focused on reducing the risk of re-offending.

24. Admissions by Community of Residence, 2010

Community	Number of Admissions		
	Conditional Sentence	Probation Order	WCC
Atlin, BC	0	2	5
Beaver Creek	0	1	0
Burwash Landing	0	1	3
Carcross	0	10	39
Carmacks	2	15	12
Dawson City	1	8	11
Faro	1	1	0
Haines Junction	1	4	12
Lower Post, BC <sup>9</sup>	0	0	5
Mayo	0	5	13
Old Crow	9	20	23
Pelly Crossing	4	14	41
Ross River	1	5	16
Teslin	3	3	19
Whitehorse	42	127	317
Watson Lake	7	20	57
Other	1	5	28
Unknown	9	42	16
Total	81	281	617

<sup>9</sup> Yukon Corrections provides services for clients from Lower Post, BC through a cost sharing arrangement with BC Corrections.

## Public Safety and Investigations

The Public Safety and Investigations Office is responsible for overseeing the Investigations and Standards Office, managing the Territorial Police Services Agreement and managing the Safer Communities and Neighbourhoods (SCAN) Office. More information on SCAN investigations is found in the civil justice section.

## Investigations and Standards Office

The Investigations and Standards Office (ISO) was created through the enactment of the *Corrections Act* on January 10, 2010, to provide independent oversight of Yukon correctional services.

During its first calendar year of operation, ISO received 76 inmate complaints and another 26 appeals of inmate discipline.

During that period, ISO completed a number of reviews of correctional processes at the request of the Corrections Branch, Assistant Deputy Minister, Deputy Minister, and on the Director of ISO's own motion. The ISO also is poised to conduct its first Corrections Inspection.

In addition to the foregoing oversight responsibilities, the ISO frequently is called upon to provide recommendations of best practice to correctional staff and to the panel of independent disciplinary hearing adjudicators.

## Total ISO Complaints and Appeals 2010/11 Fiscal Year

Files Opened: 71

### Complaint Type:

Inquiry	6
Complaint	65

### Investigative Decision:

Withdrawn	5
Abandoned/Unsubstantiated	29
Substantiated	5
Resolved Prior to ISO conclusion	4
Referred	14
Not Investigated	11
Frivolous/Vexatious	1

### Appeals on ISO Decisions:

Files Opened: 26

### Investigative Decision:

rescind the decision and disposition	9
direct a new hearing be convened	3
confirm the decision and	
substitute alternate disposition	2
confirm the decision and disposition	12



## Policing Services

The Government of Yukon contracts with the RCMP for the provision of police services across the territory. The RCMP has 108 contract service members located in detachments in Whitehorse, Beaver Creek, Haines Junction, Old Crow, Dawson City, Mayo, Pelly Crossing, Carmacks, Faro, Ross River, Watson Lake, Carcross and Teslin. Seventeen of the members are First Nation. There are also federal RCMP members located in Yukon who work on federal enforcement and integrated border enforcement issues.

In 2010, the Department of Justice worked collaboratively with the RCMP, the Council of Yukon First Nations and various stakeholders on the Review of Yukon's Police Force. A report came out of this review, entitled *Sharing Common Ground, Final Report*. This report, as well as the written submissions received during the review period, are available online at [www.policereview2010.gov.yk.ca](http://www.policereview2010.gov.yk.ca). The Department of Justice is now moving forward with implementing the report's recommendations.

## Community Justice Projects

Community Justice projects are developed, implemented and run by the community. They have been supported by the Department of Justice since 1993. These projects typically focus on creating healthy communities by repairing the harm that has resulted from crime and facilitating the healing process of the offenders, the victims, and the community as a whole.

There are nine ongoing community justice projects in eight Yukon communities. Community Justice Committees and other related community-based justice initiatives are important components in supporting communities to develop local, culturally-relevant solutions that may be more effective at resolving conflict in ways that promote healing, reconciliation and respect.

The Department of Justice has worked in partnership with the Government of Canada, through the Aboriginal Justice Strategy, to fund Yukon's community justice projects. Since 2007, the Government of Yukon has provided just over \$307,000 annually to support nine community justice projects.

There are a variety of partners to community justice in Yukon, including, but not limited to, Yukon First Nations, RCMP, federal Crown, Youth Justice, Department of Health & Social Services, Yukon Department of Justice and Department of Justice, Canada.

## Victim Services

Victim Services offers support services and professional assistance to victims of crime, including sexual assault and spousal assault. Victim Services contributes to healthier communities and the protection of families by ensuring that these programs and services are available to all Yukoners. There are Victim Services workers assigned to all Yukon communities and workers are located in Whitehorse, Dawson City and Watson Lake.

In 2009, the Department, in cooperation with the Women's Directorate, released the *Victims of Crime Strategy*. This strategy is guiding the Government of Yukon in responding to victims of crime over the next years.

The strategy outlines activities in five areas:

- 1) strengthening the focus on the needs of victims of crime;
- 2) focusing on addressing violence against women;
- 3) exploring legislative options – a new *Victims of Crime Act* was proclaimed in spring 2011;
- 4) mentorship and capacity building in communities and;
- 5) integrating responses for victims, offenders, families and communities.

A workplan for these activities is being implemented in cooperation with an Implementation Advisory Committee, comprised of First Nations, women's groups and other community agencies.

## Crime Prevention & Victim Services Trust Fund

The Crime Prevention and Victim Services Trust Fund was created to fund projects that provide services and information to support victims of crime, help reduce the incidence of crime, address the root cause of criminal behaviour, prevent violence against women and children and publicize information about crime prevention and how people can protect themselves from becoming victims. The fund has awarded just under \$3,000,000 to 300 individual community projects since it was established in 1998.

## Coroner's Office

The Coroner's Service is an independent government unit. The Chief Coroner investigates unexpected or unexplained deaths. Based on the results of a coroner's inquest and judgments of inquiry, the coroner or a jury at inquest recommends ways to prevent loss of life in similar circumstances.

In 2009, the Chief Coroner investigated 51 deaths, 15 deaths involved alcohol or drugs. There were 22 natural deaths, 21 accidental, 2 suicides, 2 homicides and 4 undetermined causes of death. The annual average is 55 investigations into deaths.

## Legal Services

Under the *Department of Justice Act*, the Minister of Justice is the Attorney-General for Yukon as well as Legal Advisor to the Commissioner, Cabinet, and Yukon government. One of the primary responsibilities of the Department outlined in its annual Department Plan is to "provide legal services to the Government of Yukon". In practice, this role is carried out through the Deputy Minister and the Legal Services Branch (LSB).

The LSB provides legal services to Yukon government departments and government corporations. The lawyers in LSB provide such services as:

- Giving legal advice and opinions;
- Reviewing and drafting legislation, contracts, and other material;
- Appearing on behalf of Yukon government in court and before other bodies;
- Providing legal support with respect to various negotiations that the Yukon government is involved in.

The Legal Services Branch's goals are to:

- Provide sound and timely legal advice;
- Keep the client advised as the matter progresses;
- Where appropriate, assist in identifying legally supportable options to address client's issues;
- Provide information in a clear and understandable manner.

## Branches

### Legislative Council Office

The Legislative Counsel Office (LCO) prepares all of the legislation of the government – including Acts, Regulations, Orders, and Appointments – in both English and French. It provides legal advice to client departments on the development and interpretation of legislation as well as advice regarding government organization and parliamentary practice. The Office of the Registrar of Regulations is also housed in the Legislative Counsel Office and is responsible for the filing, indexing, publication, and maintenance of all regulations as required under the *Regulations Act*.

### Aboriginal Law Group

The Aboriginal Law Group (ALG) provides legal advice to client departments in the area of aboriginal law, including the interpretation of Yukon First Nation Final Agreements, Self-Government Agreements, and Transboundary Agreements. It also provides advice on aboriginal justice issues and conducts the negotiation of the Administration of Justice Agreements provided for in the Self-Government Agreements.

### Litigation Group

Litigation Group counsel are responsible for representing and advising client departments in litigation and matters

likely to proceed to litigation. They appear on behalf of client departments before courts and administrative tribunals in civil matters, territorial prosecutions and child protection matters, and assist client departments in attempting to settle disputes outside of court. They also provide opinion advice and briefings on matters related to their areas of expertise.

### Natural Resources and Environmental Law Group

The Natural Resources and Environmental Law Group (NRELG) provides legal services to client departments on a variety of natural resources and environmental law matters. Key areas of practice are: environmental assessment, mining, forestry, land use and disposition, contaminated sites restoration and rehabilitation, parks and protected areas, water management and oil and gas. Legal counsel from NRELG work very closely with their clients and are engaged in preparing legal opinions and advice, licensing of resource development activities, contract drafting and review, legislative development, civil litigation and prosecutions in the environmental and natural resources area.

### Solicitors Group

The Solicitors Group provides legal advice in the area of public procurement, legislative interpretation, health law, in-

formation and privacy, and a variety of other specialties such as immigration, governance, real estate, and risk analysis.

## Civil Justice System

The civil justice system provides people with the opportunity to obtain a remedy through the court system for an infringement of their rights.

People who believe they have suffered an infringement of their rights may consult with a lawyer to determine if they have a case and if they are entitled to financial or any other compensation. They may also choose to represent themselves.

If a court action is commenced, the choice of the appropriate court will be the first procedural question considered. This decision is based on the nature of the case and the amount of the claim. In fiscal year 2009/2010, there were 803 civil files opened in the five Yukon courts.

After choosing the appropriate court, the person who is bringing the action is usually referred to as the plaintiff. The plaintiff will file a claim in the court registry against the defendant.

The claim is served on the defendant in person and informs the defendant of the nature of the claim against him and explains that if he does not appear and defend the action, the plaintiff may obtain judgment by default against the defendant.

The defendant can then file a response to the claim in a statement of defence and have it served on the plaintiff. The

written pleadings contained in the claim and defence assist the plaintiff and defendant to determine the precise issues between them.

If the matter is not settled in a pre-trial conference, mediation or a settlement conference, the parties may participate in an examination for discovery, disclosure or discovery of documents or a medical examination. These steps also assist with the sharing of information to settle the dispute out of court.

If the parties cannot agree, they proceed to trial. The trial will be heard either by a judge or a judge and jury. At the trial, each party is entitled to present evidence, usually through witnesses or documents. Each witness can be cross-examined by the other party.

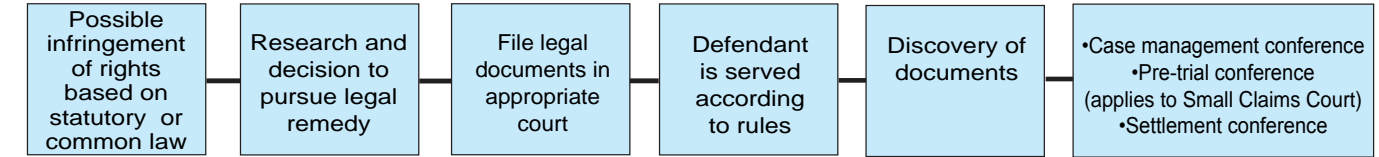
The parties then present closing arguments on the facts and the law of the case. The judge renders judgment or the jury can deliver a verdict on the issues of fact and the judge renders judgment accordingly.

After judgment, the losing party may choose to appeal based on questions of law. No new evidence is allowed unless an application to bring 'fresh evidence' is made to the court and allowed. A court of appeal may confirm, vary or reverse the trial judgement or order a new trial.

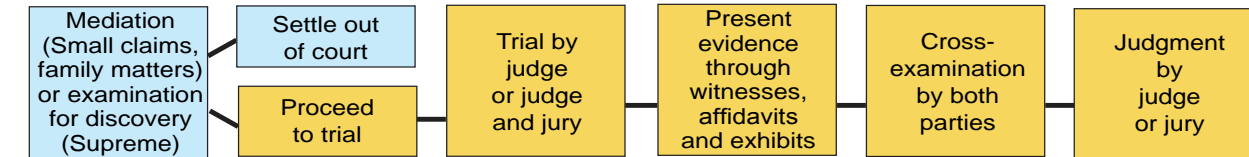
The judge may dismiss the action or maintain it in full or in part. The decision can then be enforced as an order of the court.

## The Civil Justice Process (Private Law Suits)

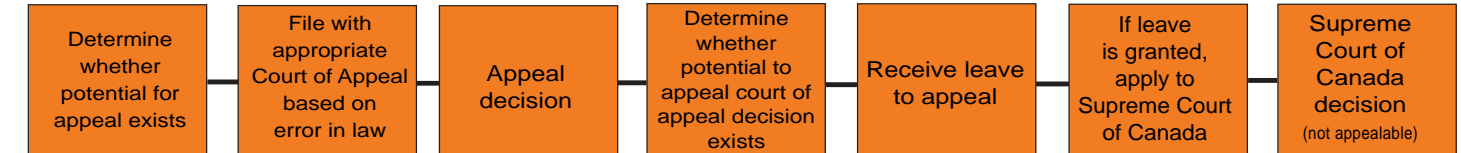
### Pre-Trial



### Trial



### Appeal



Civil Appeal cases are only heard by the Yukon Court of Appeal from the Yukon Supreme Court.

## 25. Subject Matter of Civil Files Opened in Yukon Courts, 2009-10 (fiscal year).

Heard in Yukon Courts	Files	Heard in Yukon Courts	Files
Court of Appeal Civil Appeals	13	Employment Standards	24
Breach of Contract	9	Family Property and Support Act	30
Small Claims (other civil)	52	Adult Guardianship	9
Damages	17	Residential School Supreme Court	1
Unpaid Loan/Promissory Note	1	Injury (other than Motor Vehicle)	7
Motor Vehicle Accident	42	Interjurisdictional Support Orders Act	15
N.S.F. Cheque	6	Legal Profession	2
Court of Appeal Criminal Trials	7	Mortgage Foreclosure	3
Unpaid Account	95	Maintenance	93
Federal Court Civil Files	2	Probates	103
Adoptions	4	Small Claims	1
Appeals/Reviews from Boards/Tribunals	3	Territorial Court Civil Actions not SMC	1
Bank Act	3	Workers Compensation Act	2
Bankruptcy	14	Family Violence Protection Act	16
Business Corporations Act Actions	3	Landlord and Tenant Act Supreme Court	1
Child and Family Services Act	32	Landlord and Tenant	17
Supreme Court Civil Actions	35	Landlord and Tenant Small Claims	1
Divorce	104	Summary Conviction Appeals	5
Criminal Trials	6	Slander	1
Wardship	13	Territorial Civil (not Small Claims Court)	1
Infant Settlement	1	Mandamus	1
Insurance Act	1	Miners Lien Act	6
<b>Total</b>			<b>803</b>

## 26. Civil Cases opened in Yukon Courts, 2009-10

Court	# Files
Court of Appeal	20
Federal	2
Small Claims	181
Supreme	478
Territorial	122
<b>Total</b>	<b>803</b>

## Sheriff's Office

The Sheriff's Office is responsible for the enforcement of civil judgments issued to the Sheriff by Yukon courts and the Federal Court of Canada, jury selection, management of judge and jury trials, serving civil documents and for providing security to the Law Courts and the judiciary. In 2009-10, the Sheriff's Office was responsible for 637 civil enforcement actions.

## Small Claims Court Process

The Small Claims Court hears civil cases in which the amount of money or the value of personal property being claimed is \$25,000 or less. It does not have jurisdiction over actions concerning land, actions against a personal representative of a deceased person, or actions for libel or slander. In 2009/10 fiscal year, 181 small claims cases were heard in Yukon.

The Small Claims Court sits in the same locations as the Territorial Court and can hear cases as part of court circuits to the communities. Every judge of the Territorial Court is a judge of the Small Claims Court.

A claim may be filed in person, by mail or by fax in Whitehorse, Dawson City and Watson Lake. Claims sent by fax must be followed up by mailing original documents. Hours of operation are Monday to Friday from 9:00 a.m. to 4:00 p.m. in Whitehorse, and 9:00 a.m. to 1:00 p.m. in Dawson City and Watson Lake.

Small Claims Court Information Booklets are available from court registries. For more information on the process, visit [www.yukoncourts.ca](http://www.yukoncourts.ca).

## Safer Communities and Neighborhoods

In May 2006, the Yukon Legislature passed the *Safer Communities and Neighborhoods (SCAN) Act*. The legislation is designed to protect the family and create safer communities.

The SCAN office was opened on November 29, 2006. The office receives and investigates complaints about unsafe and illegal activities, including drug-dealing and drug use, bootlegging, solvent abuse and prostitution.

### 27. Safer Communities and Neighborhoods Results, 2006-10

Description	Total From Implementation To Date
Complaints	432
Cases	356
Pending Closure	59
Eviction	45
Moved Prior to Completion	38
<sup>10</sup> Unfounded	5
Otherwise	18
Referred to Other Agency	11
Insufficient Evidence	118

<sup>10</sup>Denotes cases that do not fit into other categories.

## Public Guardian and Trustee

The Public Guardian and Trustee (PGT) of Yukon operates under Yukon law to protect the legal rights and financial interests of children, to act as guardian of last resort for adults who require financial and personal decision making and to administer the estates of deceased and missing persons when there is no one else to do so.

The Office of the PGT is responsible for the investigation of financial abuse and protection of estates under the *Adult Protection and Decision Making Act* and the *Care and Consent Act*, both of which came into effect in 2005. The office also delivers public education on its services including how to complete private guardianship applications.

### Address:

Office of the Public Guardian and Trustee  
Government of Yukon  
3rd Floor, Andrew A. Philipsen Law Centre J-2B  
P.O. Box 2703, Whitehorse, Yukon  
Y1A 2C6

**Phone: (867) 667-5366**

**Toll free** (in Yukon): 1-800-661-0408, local 5366

**Fax:** (867) 393-6246

**Email:** [publicguardianandtrustee@gov.yk.ca](mailto:publicguardianandtrustee@gov.yk.ca)

**Website:** [www.publicguardianandtrustee.gov.yk.ca](http://www.publicguardianandtrustee.gov.yk.ca)

## Maintenance Enforcement Program

The Maintenance Enforcement Program (MEP) enforces agreements or court orders requiring family support payments.

In 2009-10, MEP collected \$2.26 million dollars. There is \$5 million in unpaid family support payments that remain in arrears. These numbers have remained consistent over the last four years.

MEP is currently enforcing family support orders for 537 children between the ages of 0 and 19.

## Land Titles Office

The land registration system in Yukon is based on the Torrens system. Under this system, the government guarantees the accuracy of the title and any interests registered on the title. The Yukon government has custody of all original titles, filed documents and survey plans.

All legal documents and survey plans submitted to the Land Titles Office are examined to ensure they comply with the *Land Titles Act*, *Condominium Act*, *Builders Lien Act* and

other applicable legislation, case law, policies and procedures before being accepted for registration.

A person deprived of land due to the operations of the *Act* or who suffers loss or damage as a result of an error or omission of the Land Titles Office can apply for reimbursement from the Land Titles Assurance Fund.

### 28. Documents Registered with Land Titles Office, 2003-2010

Documents <sup>11</sup>	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10
<b>Certificates of Title</b> – created, examined and issued	1521	1739	1610	1768	1695	1537
<b>Transfers</b> - examined and registered	1440	1739	1510	1538	1693	1537
<b>Mortgages</b> - examined and registered	1313	1507	1537	1632	1710	1581
<b>Other Documents</b> - examined and registered*	2067	2414	2583	2465	2262	1990
<b>Survey Plans</b> - examined and registered	228	209	181	133	190	156
<b>Total Documents Examined and Registered</b>	<b>6569</b>	<b>7608</b>	<b>7421</b>	<b>7536</b>	<b>7550</b>	<b>6801</b>

<sup>11</sup>includes discharges, caveats, easements, leases, powers of attorney, etc.

