

Just Facts

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Research and Statistics Division

Criminal Court Case Processing Time

This fact sheet is based on publicly available data¹ from the Canadian Centre for Justice Statistics (CCJS) between 2006/2007 and 2016/2017.² Data is also presented from the Department of Justice Canada's Justice Effectiveness 2008 (JE) project that collected data to specifically analyze case processing time and factors that were associated with case processing delays. The JE dataset includes 3,093 criminal cases³ from five courts in four jurisdictions.⁴ The majority (90%) of these cases closed in 2008.

This is an update to a similar *JustFacts* published in 2017.

Case⁵ completion time increased slightly between 2006/2007 and 2016/2017

In 2006/2007 half of all adult criminal court cases were completed within 125 days. In 2016/2017, half of all cases were completed in 141 days. This represents a 14% increase from 2006/2007.

Crimes against the person take the longest time to complete in adult criminal court

Cases involving crimes against the person (e.g., assault, sexual assault, manslaughter) typically take the longest to complete. Between 2006/2007 and 2016/2017, the median case time for crimes against the person cases increased 15%, from 159 to 186 days. Saskatchewan was the only province or territory that recorded a decrease in median case length (-1.5%) for crimes against the person (133 days in 2006/2007 and 131 days in 2016/2017).

Prince Edward Island and the Northwest Territories (57 days in 2016/2017) reported the shortest case lengths for crimes against the person, followed by Nunavut (79 days in 2016/2017), Saskatchewan (131 days in 2016/2017) and New Brunswick (147 days in 2016/2017).

Administration of justice offences and property crime cases take the shortest time to complete in adult criminal court

The shortest median case times were for administration of justice offence (AOJO) cases (e.g., breach of probation, fail to appear, unlawfully at large) and property crime cases (e.g., fraud, theft, break and enter). The case lengths

¹ Data include all federal statute offences including all *Criminal Code* and *Criminal Code* traffic offences. However, information from superior courts in Prince Edward Island, Ontario, Manitoba and Saskatchewan as well as municipal courts in Québec was not available for extraction from their electronic reporting systems and was therefore not reported. The absence of these courts may result in an underestimation in case time in the four jurisdictions missing superior court data. The median length of case completion in Québec may be overestimated given that data from municipal courts, which tend to handle the least serious matters, are unavailable. Source: *Statistics Canada*. Table 35-10-0029-01 *Adult criminal courts, cases by median elapsed time in days*, CANSIM (database).

² The statistics used by CCJS for case processing time is the median time to criminal case completion, herein referred to as the median case time. The median is the half-way point in a distribution of counted figures: half of all counted figures lie above the median and half of all counted figures lie below the median.

³ A case started with a law enforcement agency's arrest of an individual and was considered 'completed' or 'closed' if it recorded a disposition date and, where necessary, a sentencing date.

⁴ For confidentiality reasons, the jurisdictions included in this study are not publically divulged.

⁵ As defined by Statistics Canada, a case is one or more charges against an accused person or company, that were processed by the courts at the same time (date of offence, date of initiation, date of first appearance, or date of decision), and received a final decision.



for these types of cases have increased over time. The median case time for AOJO cases increased by 11% from 77 days in 2006/2007 to 87 days in 2016/2017. Crimes against property cases were completed in a median number of 113 days in 2006/2007 and 125 days in 2016/2017, an increase of +1.8%.

Québec reports the longest and Prince Edward Island reports the shortest case processing time in adult criminal court

Québec reported the longest median case time. In 2006/2007, the median case time for Québec was 183 days; by 2016/2017, the median case time peaked at 246 days (+34%). As noted earlier, the median length of case completion in Québec may be overestimated given that data from municipal courts, which tend to handle the least serious matters, are unavailable.

The next highest median case times were reported in Newfoundland & Labrador. In 2006/2007, the median case time for Newfoundland & Labrador was 120 days; by 2016/2017, the median case time was 189 days (+58%). Nova Scotia was the province with the third highest median case times. In 2006/2007, the median case time for Nova Scotia was 122 days; by 2016/2017, the median case time was 169 days (+39%).

Prince Edward Island (PEI) had the lowest median case times. In 2006/2007, the median case time for PEI was 30 days; by 2016/2017, the median case time was 43 days (+43%). Saskatchewan had the second lowest median case times. In 2006/2007, the median case time for Saskatchewan was 92 days; by 2016/2017, the median case time was 78 days (-15%). British Columbia also showed a decrease in media case times. In 2006/2007, the median case time for British Columbia was 109 days; by 2015/2016, the median case time was 107 days (-1.8%).

Legal representation shown to impact case processing time

Data from Justice Canada's Justice Effectiveness (JE) study indicate that legal representation may be a factor associated with case processing time, with cases having intermittent legal representation requiring, on average⁶, 298 days to reach conclusion. In comparison, cases with total representation took an average of 160 days and those with no representation took an average of 189 days to completion.

⁶ Note the JE study presents average case processing time, in comparison to CCJS, which refers to median case processing time.