



By the Numbers: Crime, Bail and Pre-trial Detention in Canada

Crime in Canada: Declining crime rates, declining severity

- Canada's crime rate has been steadily decreasing for decades; the 2012 crime rate was the lowest it has been since 1972.¹
- The violent crime rate has also been declining; Canada's 2012 violent crime rate was the lowest since 1987.²
- In 2012, property offences and other non-violent charges (eg. breaching court orders, mischief) accounted for 79% of police-reported crime.³
- In 2011/2012, an administration of justice charge was the most serious charge in 22% of completed criminal and federal cases; just under half of these administration of justice charges stem from violations of bail conditions.⁴

Canada's Jails: The rising pre-trial detention population

- Provincial and territorial jails hold individuals detained before their trial and anyone sentenced to a custodial sentence under two years; federal prisons incarcerate those who are convicted and sentenced to two or more years in custody.
- On an average day in 2012/2013, there were 25,208 people behind bars of provincial and territorial jails; 54.5% of these people were in pre-trial custody, legally innocent, awaiting trial or determination of bail.⁵
- Over the past 30 years, the pre-trial detention rate has tripled; 2005 was the first time Canada's provincial and territorial jails held more people who were legally innocent than they did sentenced offenders.⁶
- There are significant differences between different provinces and territories. Manitoba has the highest proportion of pre-trial incarceration: 66% of people incarcerated in that province are in pre-trial detention. Other provinces with high percentages of pre-trial detention include Alberta (61%), Yukon (60%) and Ontario (60%). Prince Edward Island has the lowest ratio of pre-trial to sentenced population; 18% of its jailed population is in pre-trial custody.⁷
- Two-thirds of those in pre-trial detention are charged with non-violent offences. Violation of a previous bail condition is the most common reason for people to be held for a bail appearance, accounting for just over 1 in 10 cases.⁸

Disproportionate Impacts

- In 2011/2012 Aboriginal Canadians made up 25% of admissions to remand, and just under 4% of the population. The over-representation of Aboriginal persons is higher for women than it is for men: 37% of women admitted to remand in Canada are Aboriginal.⁹
- A study of Toronto's criminal courts found that, "after controlling for a variety of legal factors, black accused were much more likely to be remanded to custody before trial than offenders from other racial backgrounds"¹⁰
- A disproportionate number of individuals in pre-trial detention have mental health or substance abuse issues. A study of individuals supervised by bail programs in Ontario showed that 70% had issues with substances (alcohol or drugs), over 40% reported that they have current mental health issues, 31% had concurrent mental health and substance use issues. Approximately one-third reported being homeless.¹¹

Sources

¹ Samuel Perreault, Statistics Canada, *Police-reported Crime Statistics in Canada, 2012* (Ottawa: StatCan, 25 July 2013), online: Statistics Canada <http://www.statcan.gc.ca/pub/85-002-x/2013001/article/11854-eng.htm#wb-tphp>.

² *Ibid.*

³ *Ibid.*

⁴ Jillian Boyce, *Adult criminal court statistics in Canada, 2011/2012* (Ottawa: StatCan, 13 June 2013), online: Statistics Canada <http://www.statcan.gc.ca/pub/85-002-x/2013001/article/11804-eng.htm?fpv=2693>.

⁵ Statistics Canada, CANSIM Table 251-005.

⁶ *Ibid.*

⁷ Samuel Perreault, Correctional services key indicators, 2012/2013 (Ottawa: StatCan, 12 May 2013), online: Statistics Canada <http://www.statcan.gc.ca/pub/85-002-x/2014001/article/14007-eng.htm>.

⁸ Lindsay Porter and Donna Calverley, *Trends in the use of remand in Canada* (Ottawa: StatCan, 17 May 2011), online: Statistics Canada <http://www.statcan.gc.ca/pub/85-002-x/2011001/article/11440-eng.htm#a4>.

⁹ Samuel Perreault, Admissions to adult correctional services in Canada, 2011/2012 (Ottawa: StatCan, 20 March 2014), online: Statistics Canada <http://www.statcan.gc.ca/pub/85-002-x/2014001/article/11918-eng.htm#a5>.

¹⁰ Kellough, Gail and Scot Wortley 2002 "Remand for Plea: The Impact of Race, Pre-trial Detention and Over-Charging on Plea Bargaining Decisions." *British Journal of Criminology* 42 (1): 186-210.

¹¹ John Howard Society of Ontario, *Reasonable Bail?* (2013), online: <http://johnhoward.on.ca/pdfs/Reasonable%20Bail%20-%20JHSO%20Report%202013%20final.pdf>.