

# Sexual Assault in Nova Scotia: A Statistical Profile

May 2009

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Library and Archives Canada Cataloguing in Publication

McFadyen, Sandra D., 1963-  
Sexual assault in Nova Scotia : a statistical profile. -- 2nd ed.

Prepared by Sandra D. McFadyen.  
"February 2009".  
Includes bibliographical references.  
ISBN 978-1-55457-203-8

1. Sex crimes--Nova Scotia--Statistics. 2. Sex crimes--Canada--Statistics.  
I. Nova Scotia Advisory Council on the Status of Women II. Title.

HV6569.C32N68 2008

364.15'309716021

C2008-902465-6

## About the Advisory Council

The Nova Scotia Advisory Council on the Status of Women was established by provincial statute in 1977. The Council's mandate under the Advisory Council on the Status of Women Act is to advise the Minister Responsible for the Status of Women and to bring forward the concerns of women in Nova Scotia.

The Council's work touches on all areas of women's lives, including...

family life	health
economics	education
legal rights	paid and unpaid work
sexuality	violence

Council pays close attention to the experiences of women who face barriers to full equality because of race, age, language, class, ethnicity, religion, ableness, sexual orientation, or various forms of family status.

We are committed to voicing women's concerns to government and the community through policy research, information services and community liaison. Working cooperatively with women and equality-seeking organizations, our mission is to advance equality, fairness and dignity for all women.

## **Acknowledgements**

The Nova Scotia Advisory Council on the Status of Women gratefully acknowledges the assistance of all those who read or commented on the first edition of this report which was published in 2005, including:

Lucille Harper, Executive Director, Antigonish Women's Resource Centre; Irene Smith, Executive Director, Avalon Sexual Assault Centre; the Nova Scotia "Making a Difference Project" team; staff of Nova Scotia Department of Justice – Policy, Planning and Research; and staff of the Nova Scotia Advisory Council on the Status of Women.

The Advisory Council would also like to thank the Nova Scotia Department of Justice – Policy, Planning and Research for providing data on police-reported offences in Nova Scotia. We would also like to thank the Canadian Centre for Justice Statistics, Statistics Canada, for providing Nova Scotia adult and youth court data for this report.

## Contents

Introduction . . . . .	1
Note on Change of Court Case Definition . . . . .	3
What We Know About Sexual Assault in the Population . . . . .	4
Sexual Assaults Reported to Police in Nova Scotia . . . . .	6
Sexual Assault and the Criminal Justice System . . . . .	9
A Look at the Regions . . . . .	12
Sexual Assault and the Courts – Adult Court Decisions . . . . .	15
Sexual Assault and the Courts – Youth Court Decisions . . . . .	17
Sentencing of Sexual Assault – Adult Court . . . . .	19
Sentencing of Sexual Assault – Youth Court . . . . .	22
Appendix A – Sexual Offences as defined by the <i>Criminal Code of Canada</i> . . . . .	23
Appendix B – Detailed Court Data Tables for Nova Scotia . . . . .	25
Technical Notes . . . . .	34
Sources for Figures and Tables . . . . .	41

## Introduction

This profile pulls together in one document the statistics that exist on sexual assault in Nova Scotia. The profile begins by outlining our current knowledge about the prevalence of sexual assault in the population, based on the findings of a Canadian survey on victimization conducted in 2004. The remainder of the report focuses on our existing knowledge of police-reported sexual assaults and how these crimes are dealt with by police and the courts in Nova Scotia. In both cases, the statistics paint a less than ideal picture about the personal safety and well-being of women in this province.

According to the General Social Survey (GSS), Nova Scotia's rate of sexual assault was 40 per 1,000 population aged 15 and over in 2004. This rate was not significantly different from the national rate of 21 per 1,000 population. However, while the national rate remained unchanged from 1999 to 2004, Nova Scotia's rate increased significantly during that time.

The GSS showed that the vast majority of sexual assault victims are female, while more than 90 per cent of accused are male. Most victims of sexual assault are young, with close to half being under the age of 25.

A particularly striking finding from this survey is that the vast majority of victims of sexual assault do not report the crime to police. Even when compared to other forms of violent victimization, sexual assaults are much less likely to be reported to police. In 2004, only 8 per cent of Canadians who indicated having been sexually assaulted in the past 12 months reported the incident to police, compared to 39 per cent of those who were physically assaulted and 46 per cent of those who were victims of robbery.

When we examine statistics on the very small proportion of sexual assaults that do get reported to police in Nova Scotia, we are able to get a sense of how these types of crimes are addressed by the justice system, especially when we compare sexual assaults to other reported violent crimes. We know, for instance, that the 765 sexual offences reported to Nova Scotia police in 2007 made up close to 8 per cent of all violent offences reported to police in the province. Of the sexual offences reported, just over 90 per cent were Level 1 sexual assaults (see Appendix A on page 23 for definitions of sexual offences).

The rate of police-reported sexual assault has changed considerably over time. With major changes in sexual assault legislation in the early 1980s came a sharp and steady increase in reporting to police, peaking in 1992 (at 149 per 100,000 population) and declining substantially since. In 2007, the rate of police-reported sexual assault in Nova Scotia was 75 per 100,000 population.

When we examine court responses to sexual assaults over time, several trends emerge:

- ▶ The proportion of sexual assault cases that result in the laying of a charge against the accused has declined substantially (from 56 per cent to 30 per cent) in the last decade. This is not the case for other violent offences. The proportion of sexual assaults that result in the laying of a charge is lower in Nova Scotia than in any other province and territory in Canada.
- ▶ Clearance rates have declined for sexual assaults but have increased slightly for other violent offences.
- ▶ Acquittal rates for sexual assaults have risen for both adult and young offenders in the last decade but have remained stable for other violent offences.
- ▶ There has been a significant decline in the proportion of prison sentences given to adult offenders convicted of sexual assault in the past decade, while the proportion of prison sentences given to those convicted of other violent offences has remained relatively stable.
- ▶ Conditional sentences (less serious than prison but more serious than a term of probation. See p. 36) are much more likely to be given in cases of sexual assault than for other violent offences.

An examination of police-reported rates of sexual assault at the regional level also shows some clear differences. Rates of police-reported sexual assault are highest in Cape Breton and lowest in the Centre-North region of the province. There are also dramatic differences in the proportion of sexual assaults that result in the laying of a charge against the accused. In 2007, Halifax Regional Municipality (HRM), at 22 per cent, had the lowest proportion, while 54 per cent of sexual assaults reported in the South West region of the province resulted in the laying of a charge. Interestingly, cleared by charge rates are consistent across the regions, averaging 49 per cent across the province compared to 30 per cent for sexual assaults. Not surprisingly, HRM's clearance rate for sexual assaults in 2007 was also the lowest in the province, at 40 per cent.

These statistics only begin to give us a picture of sexual assault in this province. What is clear is that the high incidence of sexual assault in Nova Scotia, combined with a declining police and court response to sexual offences, leaves women in this province in a position of vulnerability.



## Note on Change of Court Case Definition

Since the release of the last edition of this report in December, 2005, the Canadian Centre for Justice Statistics at Statistics Canada has changed its definition of what constitutes a case in relation to court processing data:

*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.* Source: Statistics Canada, Canadian Centre for Justice Statistics.

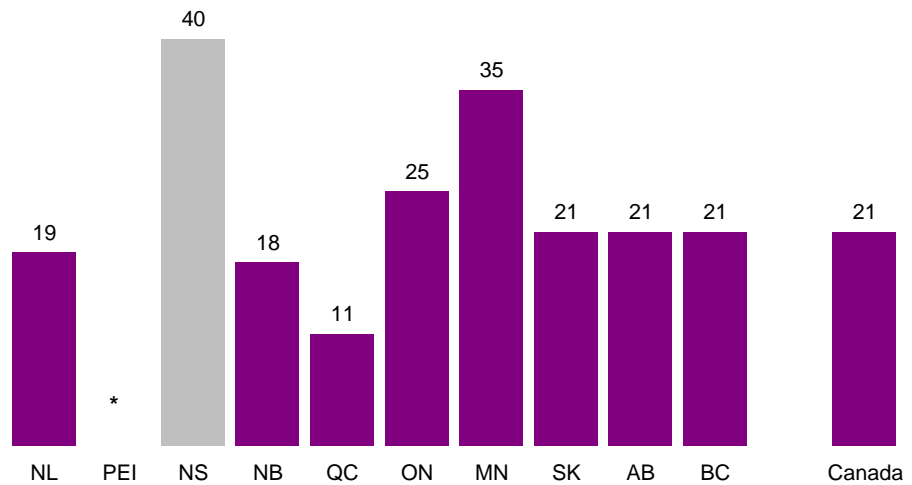
As a result, the court (decisions and sentences) data summarized in this report now reflect that new case definition and cannot be compared to the data summarized in the report released in 2005.

## What We Know About Sexual Assault in the Population:

### Nova Scotia's Sexual Assault Rate is 40 per 1,000 Population Aged 15 and Over

#### Sexual Assault Rate per 1,000 Population Aged 15+ Canada and Provinces, 2004

A report on criminal victimization in Canada indicated that, in 2004, Nova Scotia had a sexual assault rate of 40 per 1,000 population aged 15 and over.



\* Too unreliable to be published.

**Figure 1**

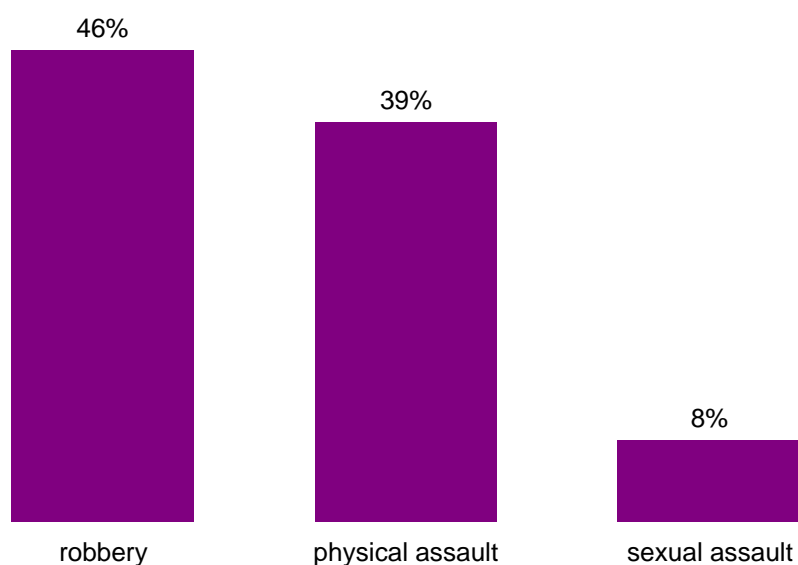
While Nova Scotia's sexual assault rate appears to be higher than that of other provinces and higher than the national rate, none of these differences are statistically significant except for the difference between Nova Scotia's rate (40) and Québec's (11).<sup>1</sup> Though the national rate of sexual assault remained virtually unchanged from 1999 to 2004, two provinces, Nova Scotia and Manitoba, experienced statistically significant increases in their rates of sexual assault over this five-year period. British Columbia was the only province to show a decline in its rate of sexual assault, while all other provinces' rates remained unchanged.<sup>2</sup>

There is no other information available from the victimization survey about sexual assault at the provincial level. However, a number of findings are available at the national level. These include:

- ▶ The rate of sexual assault for women was five times higher than the rate for men (35 per 1,000 women versus 7 per 1,000 men) – 84 per cent of those who indicated they had been sexually assaulted in the past 12 months were women, while 16 per cent were men

- ▶ Most victims of sexual assault are young – 44 per cent of those who had experienced sexual assault were aged 15 – 24, another 24 per cent were aged 25 – 34, and another 19 per cent were aged 35 – 44
- ▶ 86 per cent of victims indicated that they lived in urban rather than rural areas
- ▶ More than half of victims (56 per cent) reported that they engaged in 30 or more evening activities per month
- ▶ In 91 per cent of sexual assault incidents, the accused was male
- ▶ In more than half of incidents (54 per cent), the accused was aged 18 – 34<sup>1</sup>

### Proportion of Violent Crimes Reported to Police Canada, 2004



What is also known about sexual assault from victimization surveys is that most incidents do not get reported to police. Unlike other types of violent victimization, victims of sexual assault are much less likely to report the crime to police.

**Figure 2**

In 2004, only 8 per cent of Canadians who indicated having been sexually assaulted in the past 12 months reported the incident to police compared to 39 per cent of those who were physically assaulted and 46 per cent of those who were victims of robbery.

## Sexual Assaults Reported to Police in Nova Scotia<sup>3</sup>

### Distribution of Violent Offences Reported to Police Nova Scotia, 2007

In 2007, 765 incidents involving sexual offences were reported to police in Nova Scotia. Sexual offences comprised 7.7 per cent of all violent offences reported to police in the province.

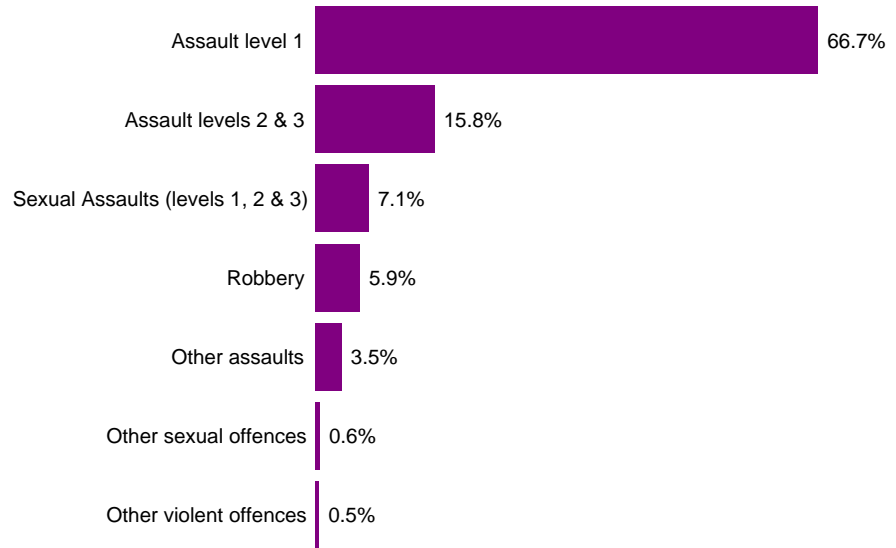


Figure 3

### Reported Sexual Offences by Type Nova Scotia, 2007

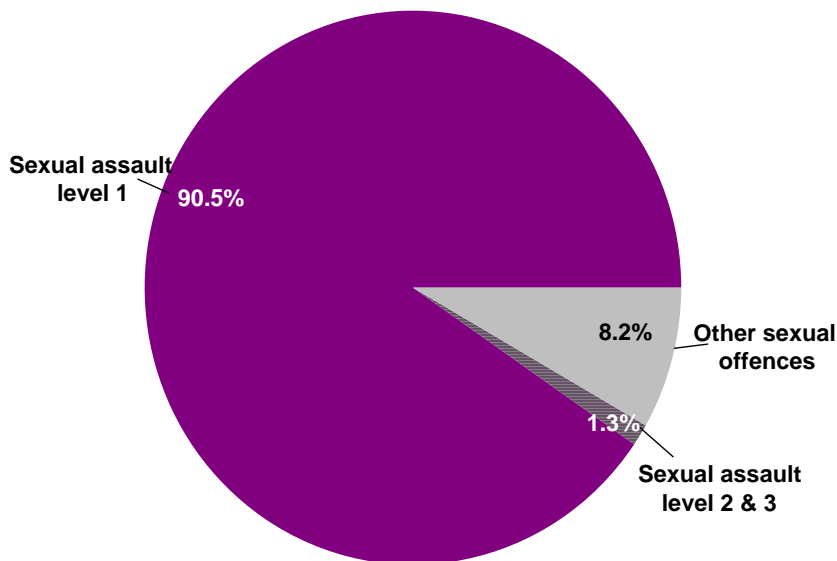


Figure 4

Most sexual offences (90.5 per cent) reported to police in Nova Scotia in 2007 were Level 1 sexual assaults while 8.2 per cent of these offences fell into the "other sexual offence" category. Just over 1 per cent of reported sexual offences were categorized as Level 2 or Level 3 sexual assaults (see Appendix A on page 23 for definitions).

### Rates of Police-Reported Sexual Assaults Nova Scotia, 1983 – 2007

Rates of police-reported sexual assaults in Nova Scotia rose dramatically in the early 1980s, corresponding to changes in legislation. Rates peaked in 1992 at 149 per 100,000 population and have declined substantially since. By 2007, the rate of police-reported sexual assaults had declined to 75 per 100,000 population.

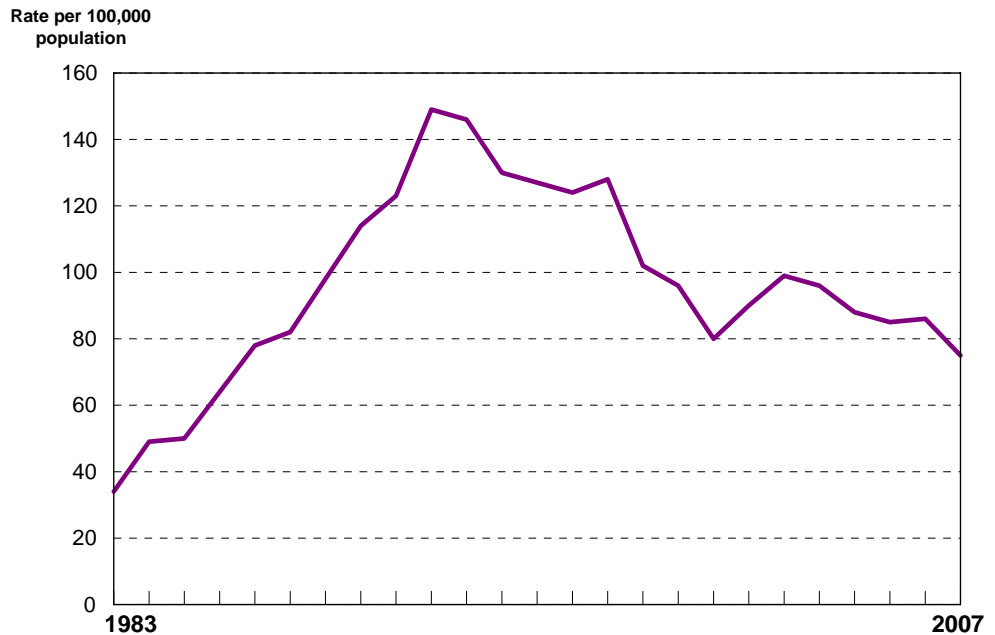


Figure 5

### Rates for Other Reported Violent Offences Nova Scotia, 1983 – 2007

Rates for other reported violent offences<sup>4</sup> have also shown an increasing trend. In 1983, the rate for other reported offences was 546 per 100,000 population. The rate peaked at 1,062 violent offences per 100,00 population in 2005 and dropped slightly to 983 in 2007.

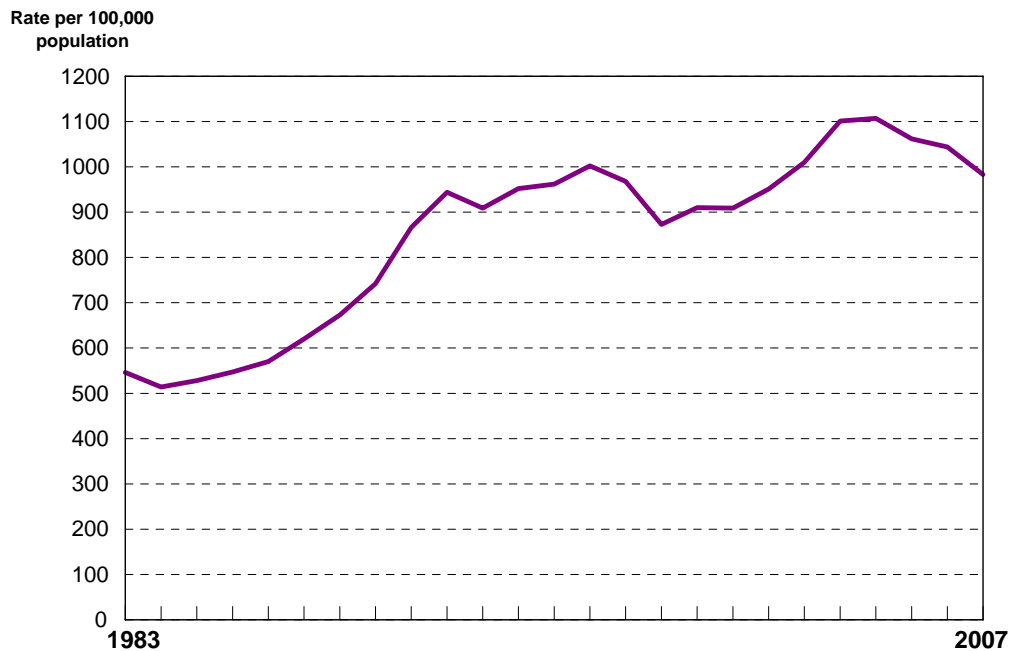


Figure 6

## Rates of Police-Reported Sexual Assaults Canada, Provinces and Territories, 2007

Rate per 100,000  
population

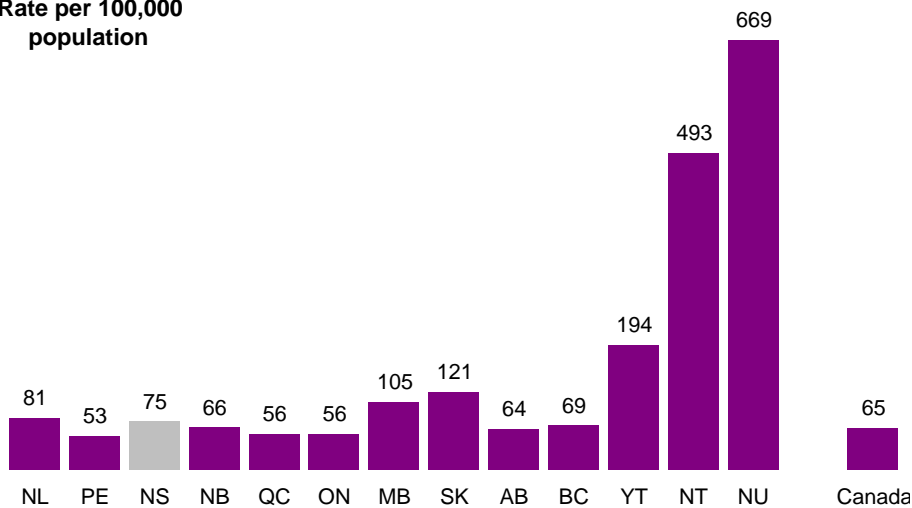


Figure 7

While Nova Scotia's rate of reported sexual assaults in 2007 was not the highest in the country, at 75 per 100,000 population, this province's rate was higher than the national rate of 65 per 100,000 population. Saskatchewan, Manitoba and Newfoundland were the only other provinces with higher rates than Nova Scotia's

## Rates for Other Reported Violent Offences Canada, Provinces and Territories, 2007

Rate per 100,000  
population

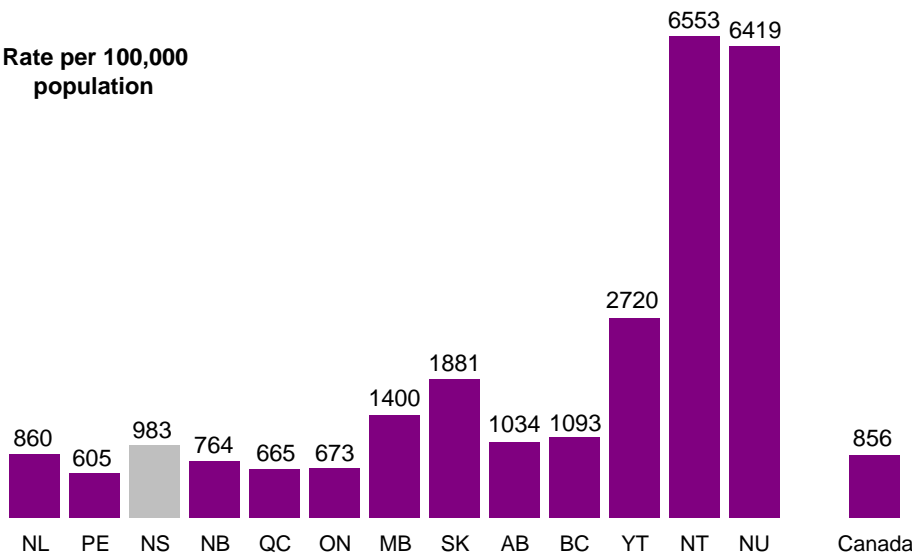


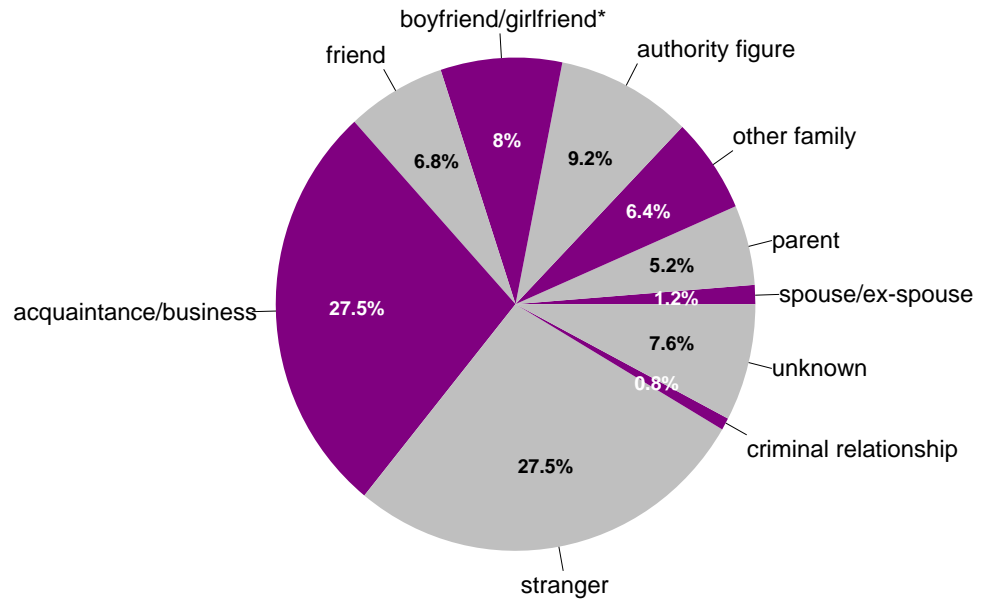
Figure 8

As "other violent offences" comprises several types of crimes (see technical note 4 on page 34), the rates are substantially higher than for the single offence category of sexual assault. The distribution pattern of rates of sexual assault and of other violent offences is however, similar.

In 2006, 84 per cent of victims of all sexual offences reported to the Halifax Regional Police Service were female and 16 per cent were male. In close to half of cases (47 per cent), victims (female and male) were under 18.

### Victim-Suspect Relationship for Sexual Offences Reported to the Halifax Regional Police Service, 2007

In 65 per cent of cases reported to the Halifax Regional Police Service in 2007, victims of sexual offences knew the accused. Just under 28 per cent of victims were sexually assaulted by strangers.<sup>5</sup>



\* Includes current and ex- boyfriends/girlfriends

**Figure 9**

### Sexual Assault and the Criminal Justice System

Of the 702 sexual assaults reported to police in Nova Scotia in 2007, charges were laid in 212 cases (30 per cent). Another 161 cases (23 per cent) were cleared otherwise<sup>6</sup> and the remaining 329 incidents (47 per cent) were not cleared. In the same year, other types of violent offences reported to police in Nova Scotia were cleared by the laying of a charge in 49 per cent of cases, while 28 per cent were cleared otherwise and 23 per cent remained not cleared.

## Percentage of Sexual Assaults and Other Violent Offences Where Charge is Laid Nova Scotia, 1993 – 2007

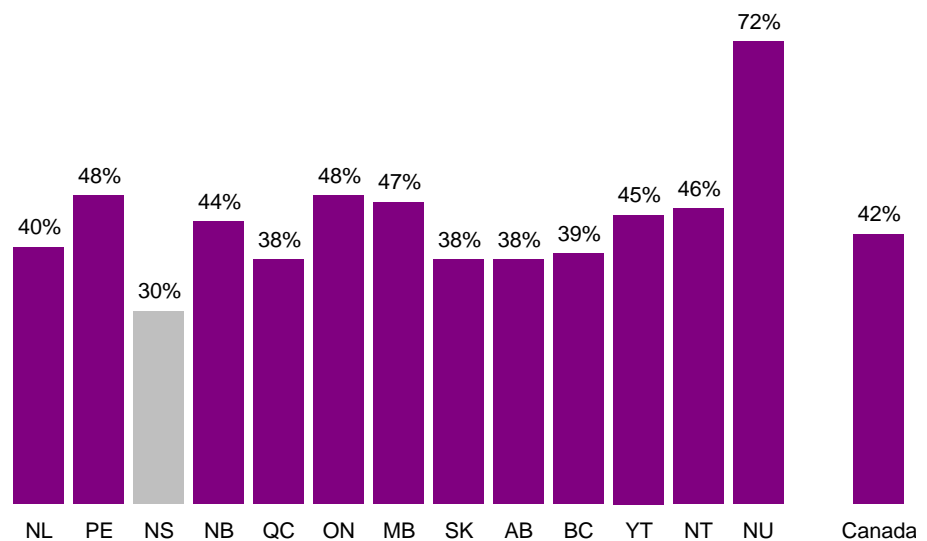


**Figure 10**

Between 1993 and 2007, the proportion of sexual assaults where a charge was laid declined from 56 per cent to 30 per cent. In comparison, the proportion of other violent offences that resulted in the laying of a charge remained relatively stable, averaging around 43 per cent.

## Percentage of Sexual Assaults Where Charge is Laid Canada, Provinces and Territories, 2007

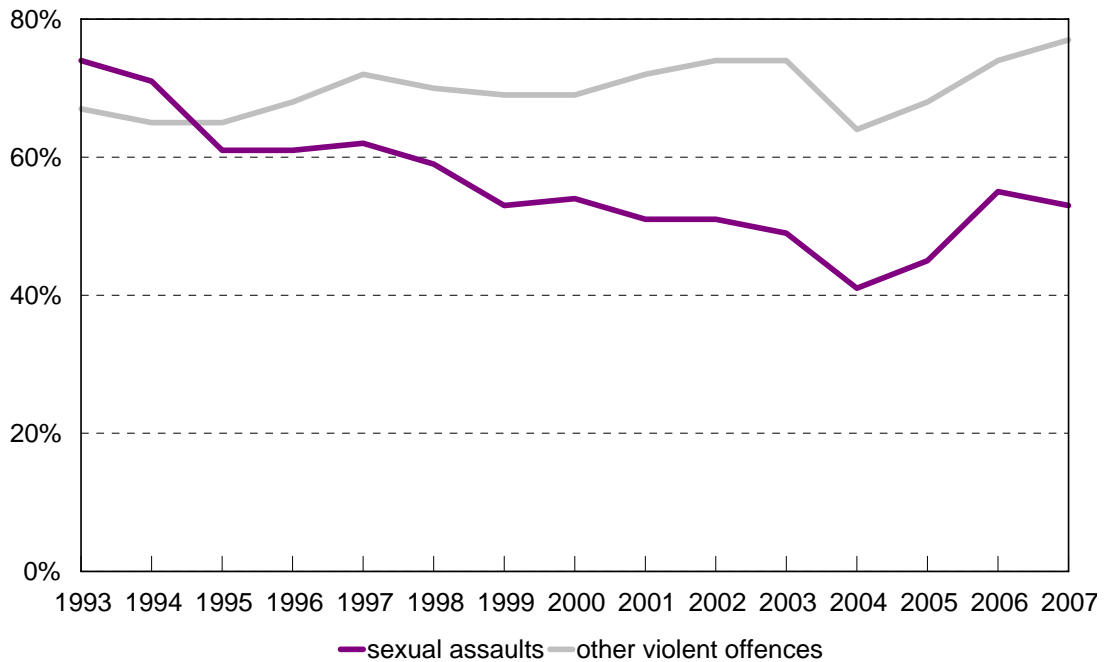
In 2007, the proportion of sexual assaults that resulted in the laying of a charge against the accused in Nova Scotia (30 per cent) was lower than in all other Canadian provinces and territories.



**Figure 11**



## Clearance Rates for Sexual Assaults and Other Violent Offences Nova Scotia, 1993 – 2007



**Figure 12**

Clearance rates<sup>7</sup> for sexual assaults in Nova Scotia have shown a declining trend, albeit with an upturn in the most recent two to three years. Clearance rates for other violent offences have shown a slight upward trend over the last decade. In 2007, the clearance rate for sexual assaults was 53 per cent; for other violent offences it was 77 per cent.

## A Look at the Regions

### Rates of Police-Reported Sexual Assaults Nova Scotia and Regions, 2007



Figure 13

### Rates for Other Reported Violent Offences Nova Scotia and Regions, 2007

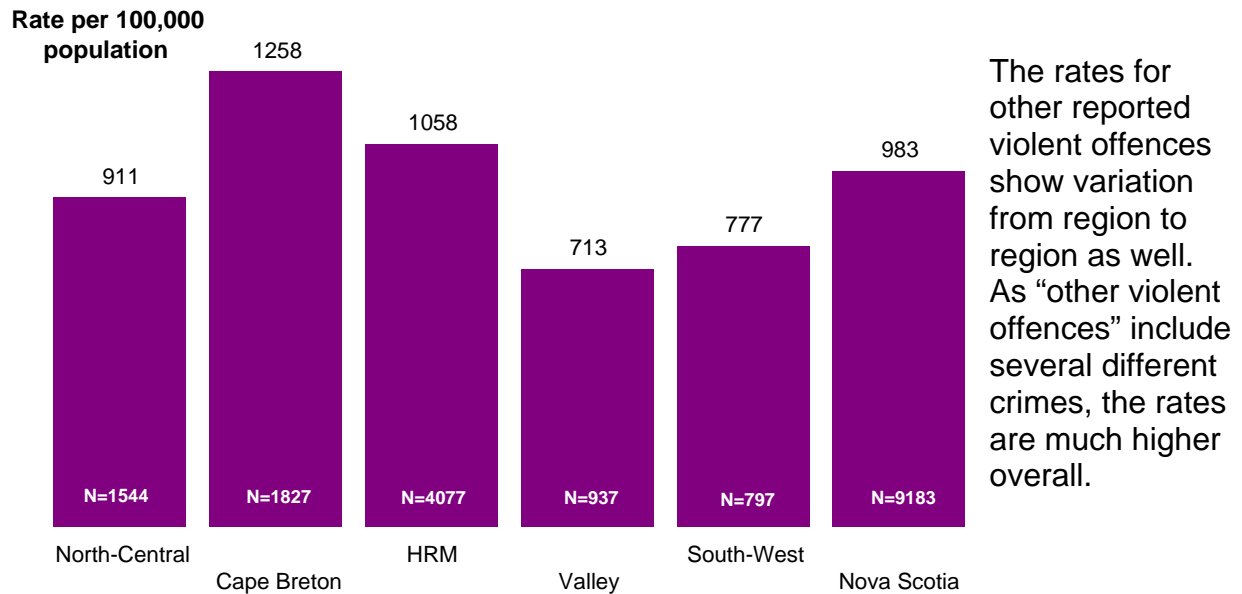
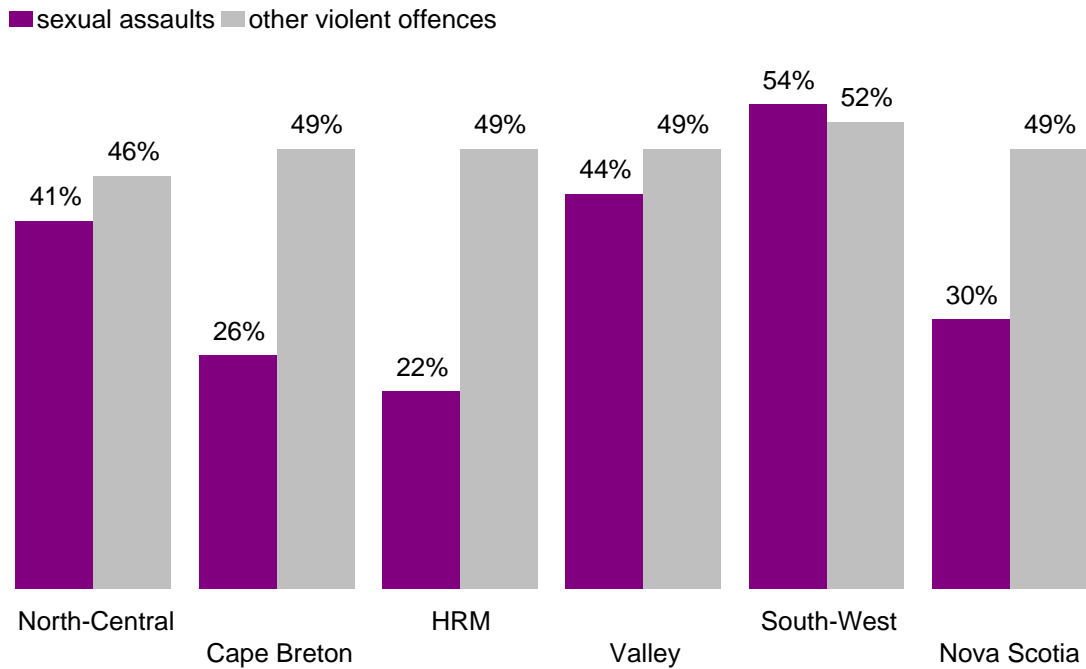


Figure 14

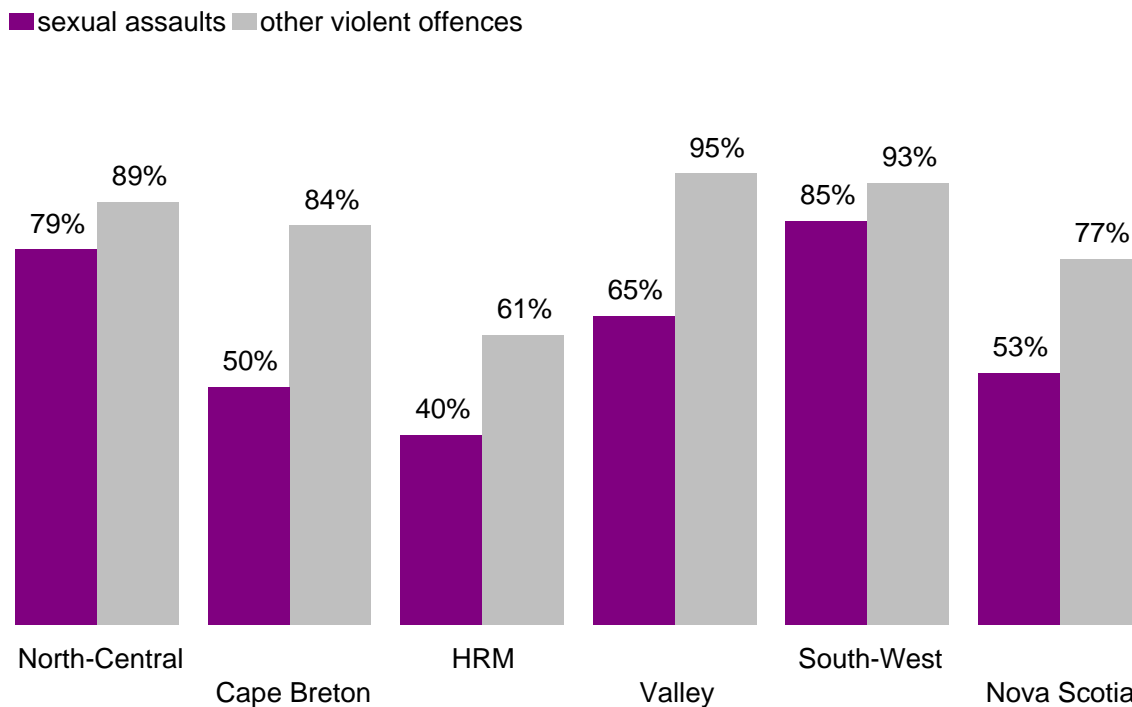
**Percentage of Sexual Assaults and Other Reported  
Violent Offences Where Charge is Laid  
Nova Scotia and Regions, 2007**



**Figure 15**

There are clear differences in the proportion of reported sexual assaults that result in the laying of a charge against the accused, depending on the region of the province. For other violent offences, on the other hand, the proportion that result in the laying of a charge against the accused is quite consistent across the regions and significantly higher overall, averaging 49 per cent for the province, compared to 30 per cent for sexual assaults. In 2007, HRM, at 22 per cent and Cape Breton at 26 per cent had the lowest proportions of sexual assaults cleared by charge. The South-West region had the highest proportion charged at 54 per cent.

### Clearance Rates for Sexual Assaults and Other Reported Violent Offences Nova Scotia and Regions, 2007



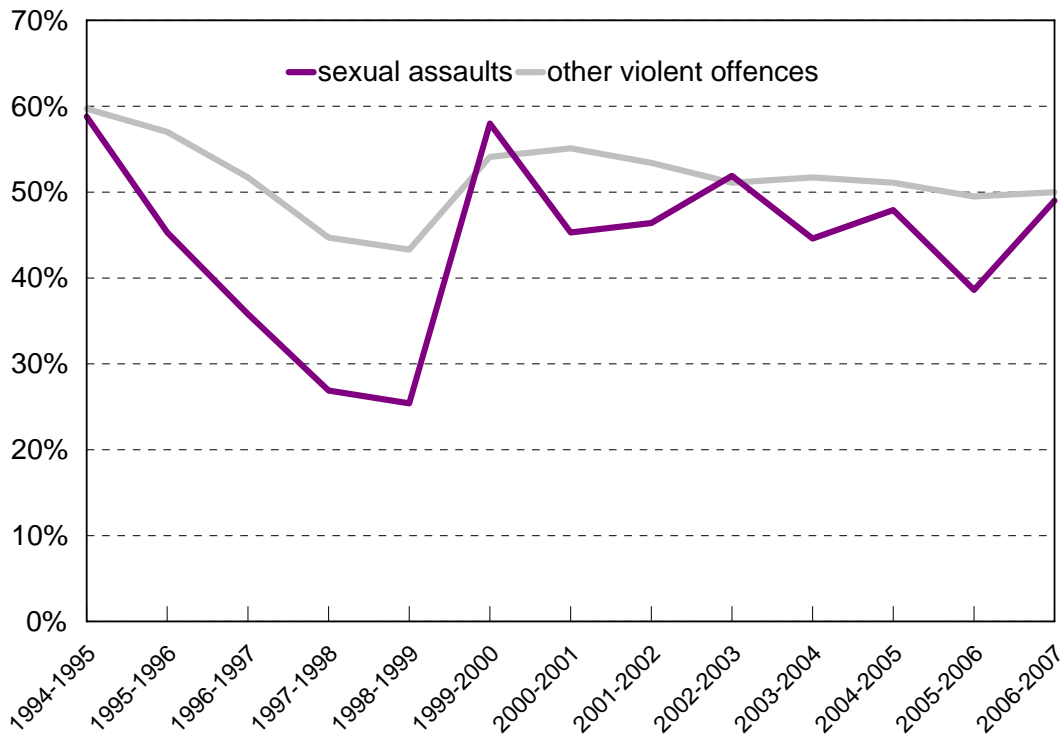
**Figure 16**

Clearance rates for sexual assault are also lower than clearance rates for other violent offences. Overall, 53 per cent of sexual assault cases and 77 per cent of other violent offence cases were cleared in Nova Scotia in 2007.

In 2007, HRM had the lowest clearance rates for reported sexual assaults in the province at 40 per cent, while the South-West region had the highest at 85 per cent. Cape Breton and the Valley regions had the largest gap in clearance rates for cases of sexual assault compared to cases of other violent offences.

## Sexual Assault and the Courts<sup>8</sup> – Adult Court Decisions

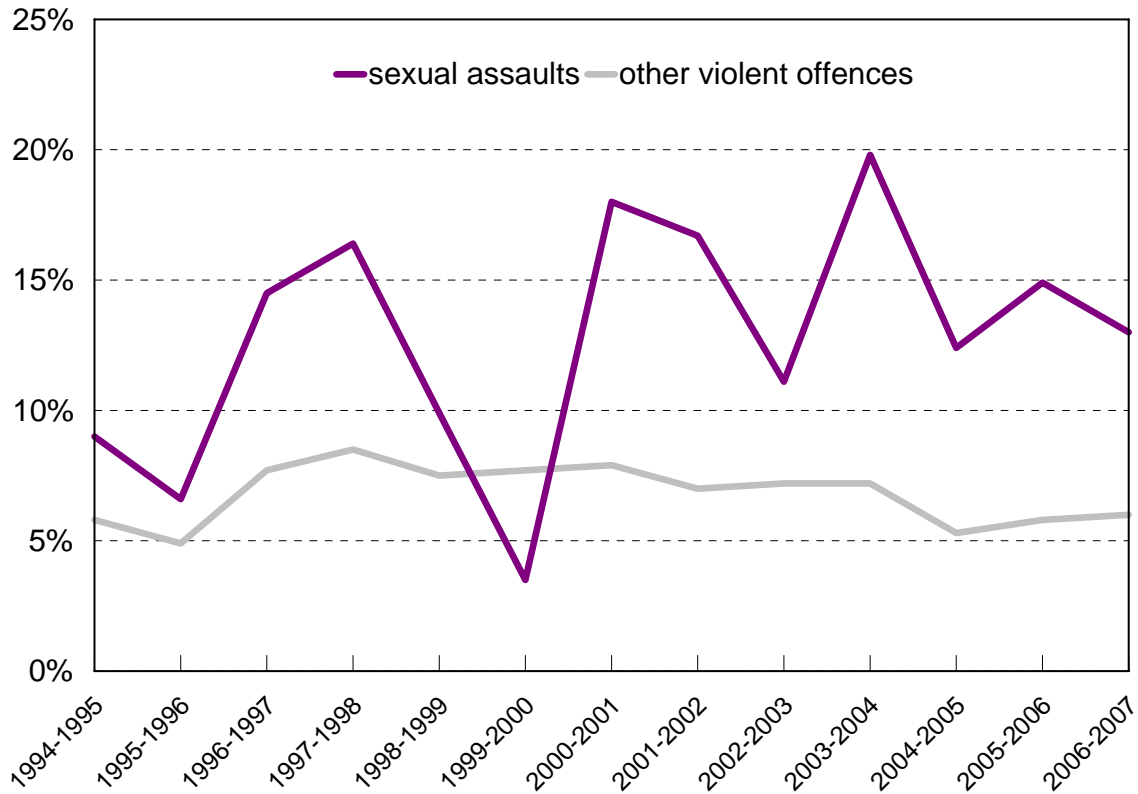
### Conviction Rates for Sexual Assaults and Other Violent Offences Nova Scotia – Adult Court, 1994/95 to 2006/07



**Figure 17**

Conviction rates<sup>9</sup> for all violent offences committed by adults in Nova Scotia showed significant declines from the mid to late 1990s followed by an increase at the end of the decade. Rates have leveled off since, albeit with greater year-to-year variation in the case of sexual assaults. Since 1999/2000, the gap between conviction rates for sexual assaults and for other violent offences has narrowed, although conviction rates for sexual assaults have been lower than conviction rates for other violent offences in 9 of the past 13 years. In 2006/07, the conviction rate for sexual assaults in Nova Scotia was almost identical (49 versus 50 per cent) to the conviction rates for other violent offences.<sup>10</sup>

**Acquittal Rates for Sexual Assaults and Other Violent Offences  
Nova Scotia – Adult Court, 1994/95 to 2006/07**

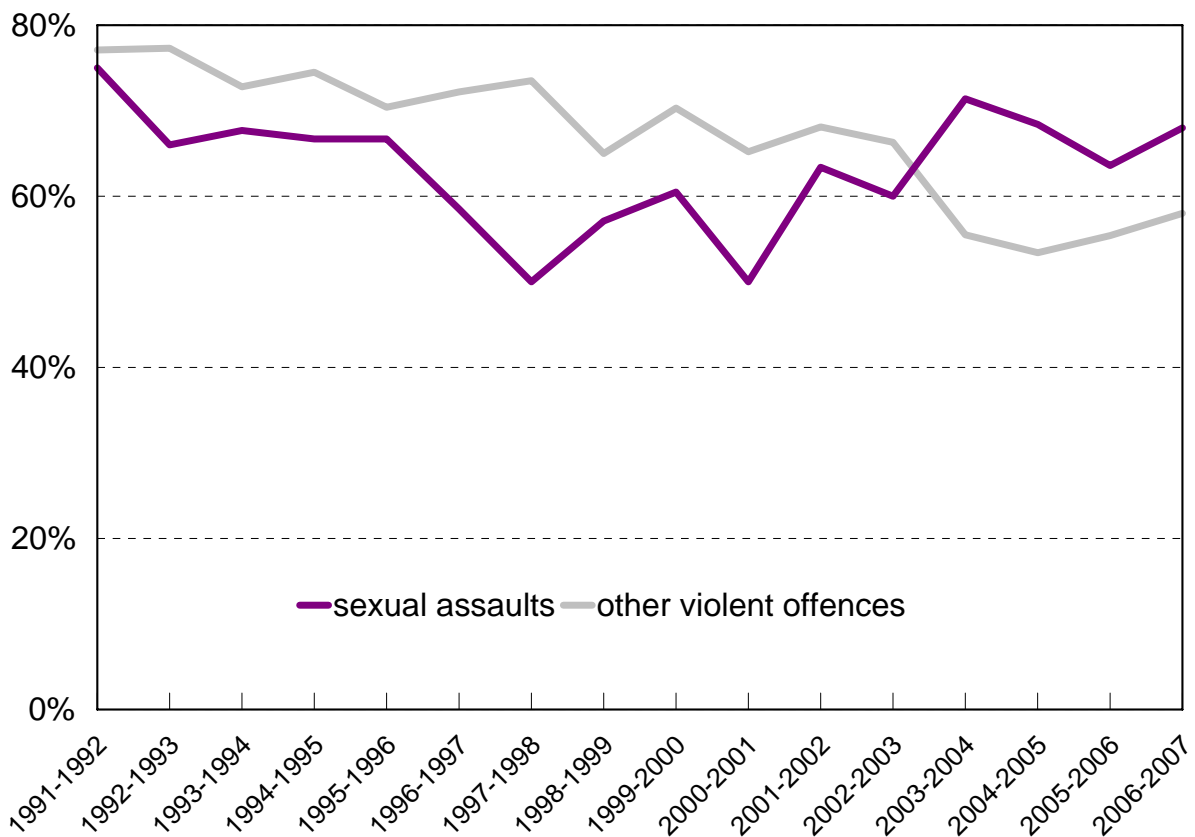


**Figure 18**

Acquittal rates for sexual assaults have shown considerable variation over the past 13 years. Over that time period, acquittal rates for sexual assaults have been consistently higher (with the exception of one year) than acquittal rates for other violent offences which have remained relatively stable. In 2006/07, the acquittal rate for reported sexual assaults in Nova Scotia was 13 per cent. In comparison, the acquittal rate for other violent offences was 6 per cent.

## Sexual Assault and the Courts – Youth Court Decisions<sup>11</sup>

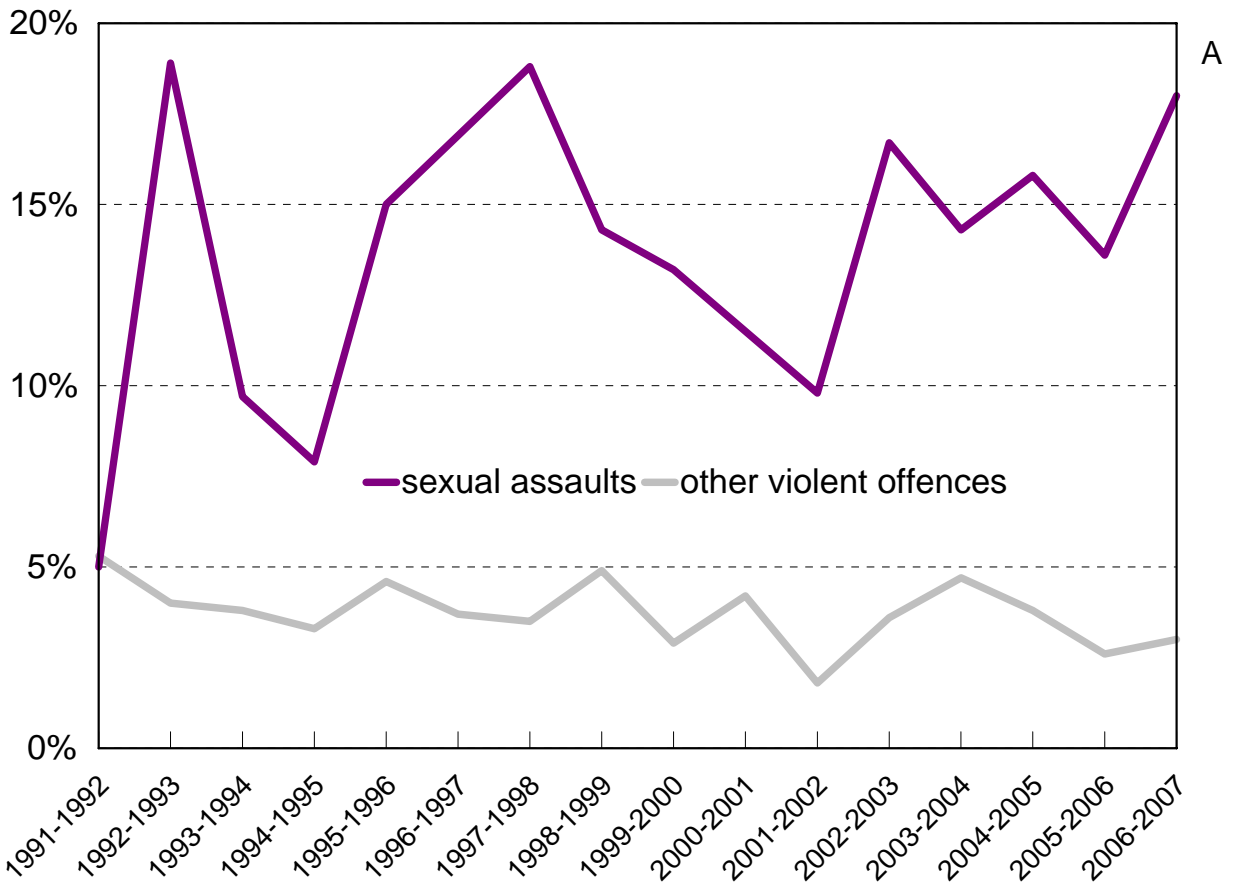
### Conviction Rates for Sexual Assaults and Other Violent Offences Nova Scotia – Youth Court, 1991/92 to 2006/07



**Figure 19**

Conviction rates for violent offences committed by young offenders showed a noticeable declining trend during the 1990s. During that time, conviction rates for sexual assaults committed by young offenders were consistently lower than they were for other violent offences. While the declining trend in conviction rates has continued for other violent offences, sexual assault conviction rates have actually increased since 2000/2001 and have been higher than conviction rates for other violent offences for the past four years. In 2006/07, the conviction rate for sexual assaults in Nova Scotia was 68 per cent while for other violent offences it was 58 per cent.

**Acquittal Rates for Sexual Assaults and Other Violent Offences  
Nova Scotia – Youth Court, 1991/92 to 2006/07**



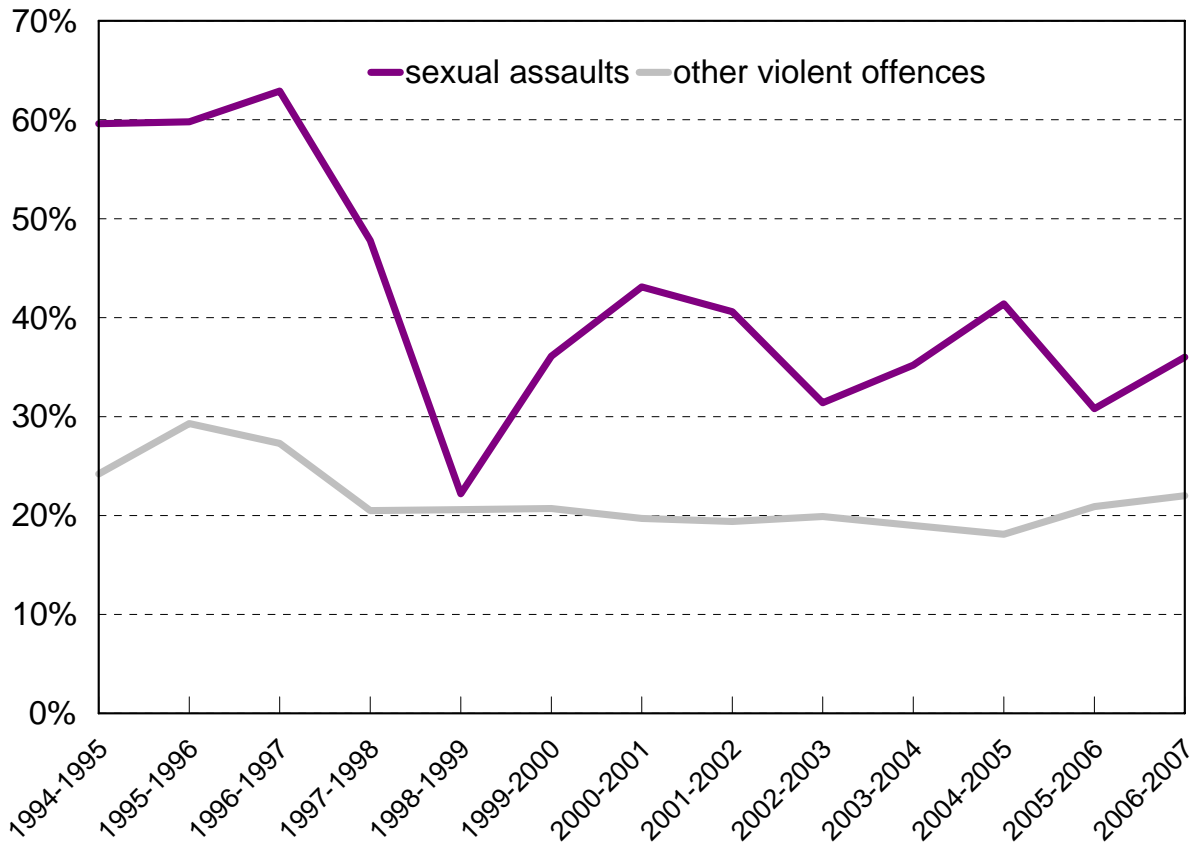
**Figure 20**

s was the case for adult courts, Youth Court acquittal rates for sexual assault have also shown an upward trend over the past decade and a half. Although there is considerable year-to-year variation, acquittal rates for sexual assaults have consistently been higher than acquittal rates for other violent offences, which have remained relatively stable during the same period. In 2006/07, the acquittal rate (i.e., of young offenders) for sexual assaults in Nova Scotia was 18 per cent while for other violent offences it was only three per cent.



## Sentencing of Sexual Assault – Adult Court

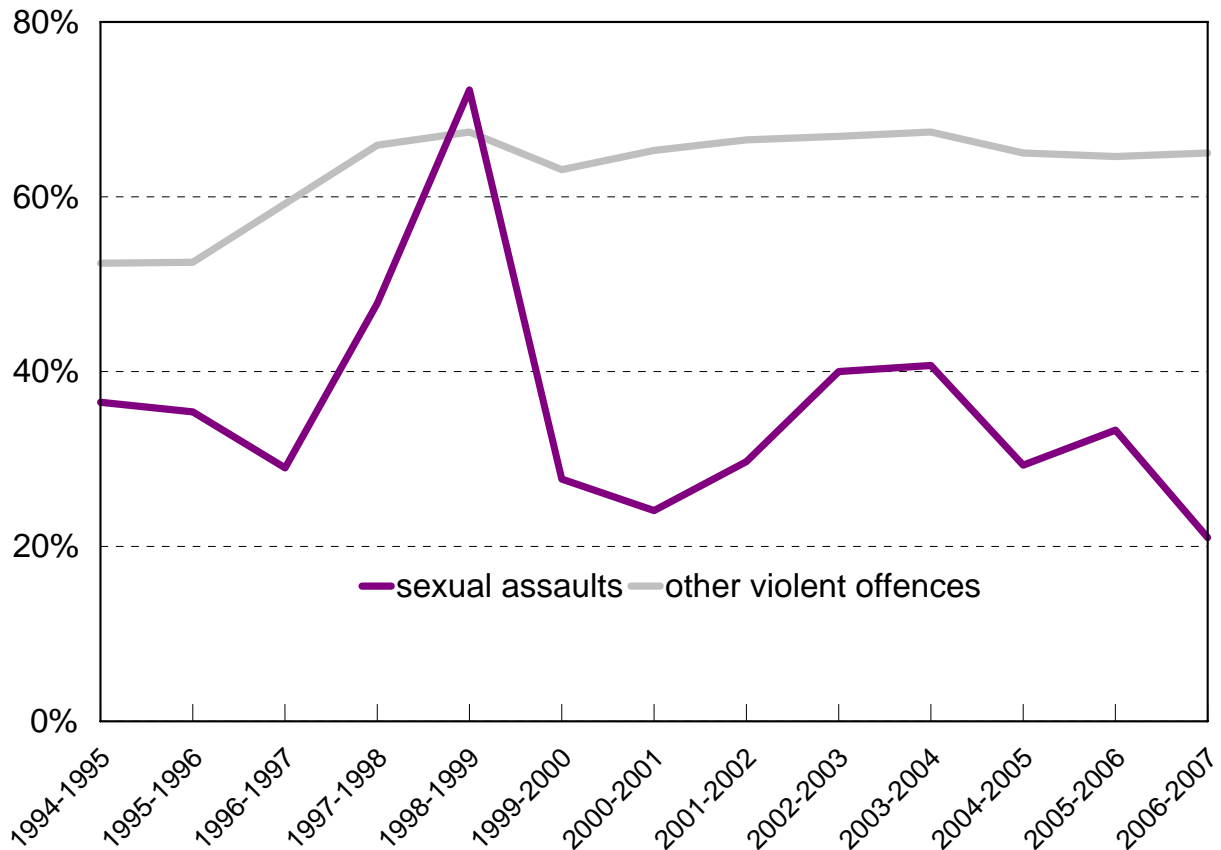
### Sentencing for Sexual Assaults and Other Violent Offences Nova Scotia – Adult Court, 1994/95 to 2006/07 Custody



**Figure 21**

There has been a significant decline in the proportion of prison sentences given to adult offenders convicted of sexual assault over the past 13 years. Between 1994/95 and 2006/07, the proportion of prison sentences given for sexual assaults declined from 60 per cent to 36 per cent. In comparison, the proportion of prison sentences given to those convicted of other violent offences has remained quite stable, showing a small decline (from 29 to 20 per cent), in the mid 1990s and then leveling off since then. Despite the decline noted above, prison sentences are still more likely to be given in cases of sexual assault than they are for other violent offences.

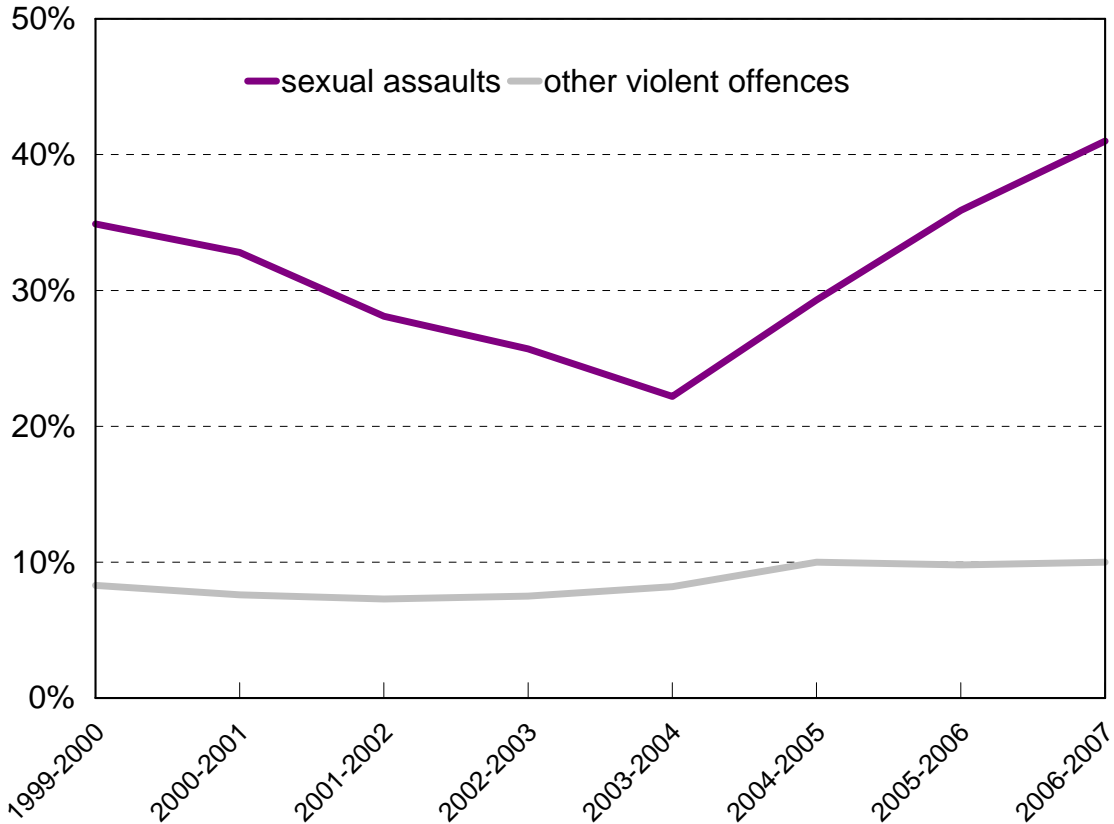
**Sentencing for Sexual Assaults and Other Violent Offences  
Nova Scotia – Adult Court, 1994/95 to 2006/07  
Probation**



**Figure 22**

In Nova Scotia adult courts over the past 13 years, probation has more frequently been given as a sentence for other violent offences than it has been for sexual assaults. There has been a slight increase over time in the proportion of cases given probation for other violent offences while a declining trend is evident for cases of sexual assault. In 2006/07, probation was given as a sentence in 21 per cent of sexual assault convictions and 65 per cent of convictions for other violent offences.

**Sentencing for Sexual Assaults and Other Violent Offences  
Nova Scotia – Adult Court, 1999/2000 to 2006/07  
Conditional Sentence**

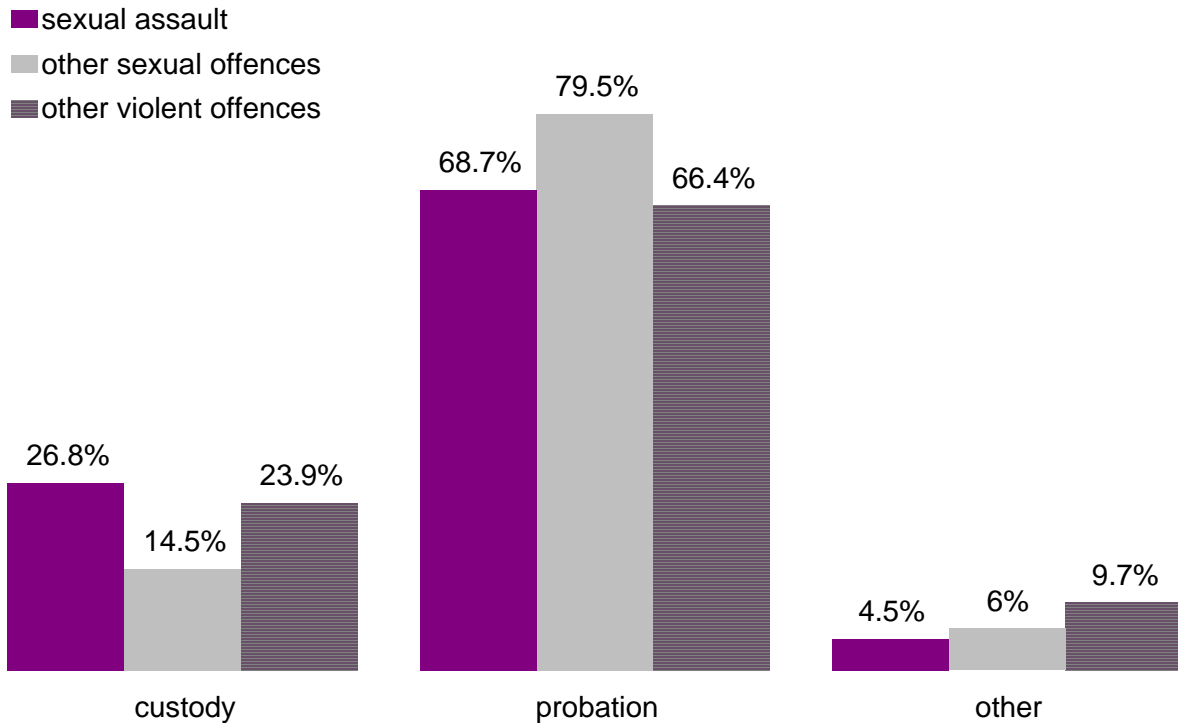


**Figure 23**

Conditional sentences are much more frequently given in cases of sexual assault than they are for other violent offences in Nova Scotian adult courts. In 2006/07, conditional sentences were given to 41 per cent of those convicted of sexual assault compared to only 10 per cent of those convicted of other violent offences in the province.

## Sentencing of Sexual Assault – Youth Court

### Sentencing<sup>12</sup> for Sexual and Other Violent Offences Nova Scotia – Youth Court, 1991/92 to 2006/07



**Figure 24**

Overall, young offenders who are convicted of sexual assault are slightly more likely to be given custodial sentences than are young offenders convicted of other sexual offences or other violent offences. Probation is more frequently given as a sentence in cases of other sexual offences while other types of sentences (such as fines, community service orders, and deferred custody and supervision) are most likely to be given in cases of other violent offences.

## Appendix A

### **Sexual Offences as defined by the *Criminal Code of Canada*<sup>13</sup>**

There are three levels of sexual assault defined by the *Criminal Code of Canada*.

**Sexual Assault Level 1** (s.271) -- an assault committed in circumstances of a sexual nature such that the sexual integrity of the victim is violated. Level 1 involves minor physical injuries or no injuries to the victim. This is a hybrid offence and may be processed as an indictable offence (with a maximum sentence of 10 years imprisonment) or by way of summary conviction (with a maximum sentence of 18 months imprisonment or \$2,000 fine).<sup>14</sup>

**Sexual Assault Level 2** (s.272) -- sexual assault with a weapon, threats, or causing bodily harm. Level 2 is an indictable offence carrying a maximum sentence of 14 years imprisonment. A mandatory minimum sentence of four years in prison is imposed if a firearm is used.

**Aggravated Sexual Assault (Sexual Assault Level 3)** (s.273) -- sexual assault that results in wounding, maiming, disfiguring or endangering the life of the victim. Level 3 is an indictable offence carrying a maximum sentence of life imprisonment. A mandatory minimum sentence of four years in prison is imposed if a firearm is used.

The term **Other Sexual Offences** includes a group of offences that are meant primarily to address incidents of sexual abuse directed at children. The Criminal Code offences included in this category are:

**Sexual Interference** (s.151) -- the direct or indirect touching (for a sexual purpose) of a person under the age of 14 years using a part of the body or an object. This is a hybrid offence and may be processed as an indictable offence (with a maximum sentence of 10 years imprisonment) or by way of summary conviction.

**Invitation to Sexual Touching** (s.152) -- inviting, counseling or inciting a person under the age of 14 years to touch (for a sexual purpose) the body of any person directly or indirectly with a part of the body or with an object. This is a hybrid offence and may be processed as an indictable offence (with a maximum sentence of 10 years imprisonment) or by way of summary conviction.

**Sexual Exploitation** (s.153) -- a person in a position of trust or authority towards a young person or a person with whom the young person is in a relationship of dependency, commits sexual interference or invitation to sexual touching. "Young person" refers to a person between 14 and 18 years of age. This is a hybrid offence and may be processed as an indictable offence (with a maximum sentence of five years imprisonment) or by way of summary conviction.

**Incest** ( s.155) -- sexual intercourse with a person that has a known defined blood relationship with them. This is an indictable offence carrying a maximum sentence of 14 years imprisonment.

**Anal Intercourse** (s.159) -- with the exception of married couples and other persons over the age of 18 who consent and who engage in these acts in private. This is a hybrid offence and may be processed as an indictable offence (with a maximum sentence of 10 years imprisonment) or by way of summary conviction.

**Bestiality** (s.160) -- anyone who commits or compels another person to commit bestiality is guilty of a hybrid offence which may be processed as an indictable offence (with a maximum sentence of 10 years imprisonment) or by way of summary conviction.

**Appendix B**  
**Detailed Court Data Tables for Nova Scotia**

**Table 1. Decisions in Nova Scotia Adult Criminal Court for cases involving sexual offences and other violent offences, 1994/95 to 2006/07**

		Total		Guilty <sup>14</sup>		Acquitted <sup>15</sup>		Stay/ Withdrawn <sup>16</sup>		Other <sup>17</sup>	
		Number	%	Number	%	Number	%	Number	%	Number	%
Sexual Assault (Levels 1, 2 and 3)	1994/95	177	100	104	59	16	9	52	29	5	3
	1995/96	181	100	82	45	12	7	83	46	4	2
	1996/97	173	100	62	36	25	15	86	50	0	0
	1997/98	171	100	46	27	28	16	94	55	3	2
	1998/99	142	100	36	25	14	10	91	64	1	1
	1999/00	143	100	83	58	5	4	54	38	1	1
	2000/01	128	100	58	45	23	18	46	36	1	1
	2001/02	138	100	64	46	23	17	48	35	3	2
	2002/03	135	100	70	52	15	11	49	36	1	1
	2003/04	121	100	54	45	24	20	40	33	3	3
	2004/05	121	100	58	48	15	12	47	39	1	1
	2005/06	101	100	39	39	15	15	44	44	3	3
2006/07	125	100	61	49	16	13	47	38	1	<1	
Other Sexual Offences	1994/95	80	100	35	44	5	6	39	49	1	1
	1995/96	78	100	27	35	13	17	36	46	2	3
	1996/97	64	100	17	27	11	17	35	55	1	2
	1997/98	68	100	10	15	8	12	49	72	1	2
	1998/99	52	100	9	17	8	15	34	65	1	2
	1999/00	51	100	30	59	5	10	14	28	2	4
	2000/01	43	100	16	37	9	21	16	37	2	5
	2001/02	43	100	21	49	3	7	17	40	2	5
	2002/03	58	100	27	47	9	16	22	38	0	0
	2003/04	75	100	31	41	11	15	28	37	5	7
	2004/05	63	100	32	51	6	10	24	38	1	2
	2005/06	32	100	18	56	3	9	11	34	0	0
2006/07	47	100	19	40	9	19	18	38	1	2	



<b>Table 1, continued...</b>		<b>Total</b>		<b>Guilty<sup>15</sup></b>		<b>Acquitted<sup>16</sup></b>		<b>Stay/ Withdrawn<sup>17</sup></b>		<b>Other<sup>18</sup></b>	
		<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>
Other Violent Offences	1994/95	2280	100	1362	60	132	6	768	34	18	1
	1995/96	2842	100	1620	57	140	5	1047	37	35	1
	1996/97	3206	100	1658	52	247	8	1264	39	37	1
	1997/98	3138	100	1403	45	267	9	1422	45	46	2
	1998/99	2989	100	1294	43	224	8	1432	48	39	1
	1999/00	3064	100	1659	54	236	8	1152	38	17	1
	2000/01	2878	100	1586	55	226	8	1051	37	15	1
	2001/02	2872	100	1534	53	201	7	1107	39	30	1
	2002/03	3170	100	1620	51	228	7	1307	41	15	1
	2003/04	3151	100	1630	52	228	7	1276	41	17	1
	2004/05	3294	100	1684	51	174	5	1410	43	26	1
	2005/06	3205	100	1586	50	185	6	1419	44	15	1
	2006/07	3024	100	1516	50	173	6	1310	43	25	1

Note: Represents most serious offence in the case

**Table 2. Sentences in Nova Scotia Adult Criminal Court for cases involving sexual offences and other violent offences, 1994/95 to 2006/07**

		Total		Prison <sup>19</sup>		Conditional Sentence <sup>20</sup>		Probation <sup>21</sup>		Fine <sup>22</sup>		Other/Unknown <sup>23</sup>	
		Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Sexual Assault (Levels 1, 2 and 3)	1994/95	104	100	62	60	0	0	38	37	3	3	1	1
	1995/96	82	100	49	60	0	0	29	35	3	4	1	1
	1996/97	62	100	39	63	0	0	18	29	3	5	2	3
	1997/98	46	100	22	48	0	0	22	48	0	0	2	4
	1998/99	36	100	8	22	0	0	26	72	1	3	1	3
	1999/00	83	100	30	36	29	35	23	28	0	0	1	1
	2000/01	58	100	25	43	19	33	14	24	0	0	0	0
	2001/02	64	100	26	41	18	28	19	30	0	0	1	2
	2002/03	70	100	22	31	18	26	28	40	0	0	2	3
	2003/04	54	100	19	35	12	22	22	41	0	0	1	2
	2004/05	58	100	24	41	17	29	17	29	0	0	0	0
	2005/06	39	100	12	31	14	36	13	33	0	0	0	0
2006/07	61	100	22	36	25	41	13	21	0	0	1	<2	
Other Sexual Offences	1994/95	35	100	25	71	0	0	10	29	0	0	0	0
	1995/96	27	100	16	59	0	0	11	41	0	0	0	0
	1996/97	17	100	10	59	0	0	6	35	0	0	1	6
	1997/98	10	100	5	50	0	0	5	50	0	0	0	0
	1998/99	9	100	2	22	0	0	7	78	0	0	0	0
	1999/00	30	100	6	20	16	53	8	27	0	0	0	0
	2000/01	16	100	6	38	5	31	5	31	0	0	0	0
	2001/02	21	100	8	38	5	24	8	38	0	0	0	0
	2002/03	27	100	10	37	9	33	8	30	0	0	0	0
	2003/04	31	100	11	36	11	36	9	29	0	0	0	0
	2004/05	32	100	18	56	10	31	4	13	0	0	0	0
	2005/06	18	100	6	33	8	44	4	22	0	0	0	0
2006/07	19	100	13	68	3	16	3	16	0	0	0	0	

<b>Table 2., continued...</b>		<b>Total</b>		<b>Prison<sup>19</sup></b>		<b>Conditional Sentence<sup>20</sup></b>		<b>Probation<sup>21</sup></b>		<b>Fine<sup>22</sup></b>		<b>Other/Unknown<sup>23</sup></b>	
		<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>
Other Violent Offences	1994/95	1362	100	330	24	0	0	714	52	240	18	78	6
	1995/96	1620	100	475	29	0	0	850	53	238	15	57	4
	1996/97	1658	100	452	27	0	0	981	59	158	10	67	4
	1997/98	1403	100	288	21	0	0	925	66	133	10	57	4
	1998/99	1294	100	266	21	0	0	872	67	113	9	43	3
	1999/00	1659	100	343	21	137	8	1047	63	107	6	25	2
	2000/01	1586	100	312	20	121	8	1036	65	85	5	32	2
	2001/02	1534	100	297	19	112	7	1020	67	70	5	35	2
	2002/03	1620	100	322	20	121	8	1083	67	51	3	43	3
	2003/04	1630	100	309	19	134	8	1098	67	35	2	54	3
	2004/05	1684	100	305	18	169	10	1095	65	60	4	55	3
	2005/06	1586	100	332	21	155	10	1025	65	36	2	38	2
	2006/07	1516	100	330	22	147	10	989	65	30	2	20	1

Note: Represents most serious offence in the case and most serious sentence

**Table 3. Decisions in Nova Scotia Youth Court for cases involving sexual offences and other violent offences, 1991/92 to 2006/07**

		Total		Guilty <sup>24</sup>		Acquitted <sup>25</sup>		Stay <sup>26</sup> / Withdrawn <sup>27</sup> /Other <sup>28</sup>	
		Number	%	Number	%	Number	%	Number	%
Sexual Assault (Levels 1, 2 and 3)	1991/92	40	100	30	75	2	5	8	20
	1992/93	53	100	35	66	10	19	8	15
	1993/94	62	100	42	68	6	10	14	22
	1994/95	63	100	42	67	5	8	16	25
	1995/96	60	100	40	67	9	15	11	18
	1996/97	65	100	38	59	11	17	16	26
	1997/98	64	100	32	50	12	19	20	31
	1998/99	35	100	20	57	5	14	10	29
	1999/00	38	100	23	61	5	13	10	26
	2000/01	52	100	26	50	6	12	20	38
	2001/02	41	100	26	63	4	10	11	27
	2002/03	30	100	18	60	5	17	7	23
	2003/04	42	100	30	71	6	14	6	15
	2004/05	19	100	13	68	3	16	3	16
	2005/06	22	100	14	64	3	14	5	22
2006/07	22	100	15	68	4	18	3	14	
Other Sexual Offences	1991/92	18	100	11	61	4	22	3	17
	1992/93	22	100	18	82	0	0	4	18
	1993/94	18	100	13	72	2	11	3	17
	1994/95	16	100	8	50	0	0	8	50
	1995/96	20	100	14	70	1	5	5	25
	1996/97	21	100	8	38	2	10	11	52
	1997/98	16	100	10	63	0	0	6	37
	1998/99	22	100	11	50	1	5	10	45
	1999/00	14	100	6	43	2	14	6	43
	2000/01	11	100	6	55	1	9	4	36
	2001/02	11	100	8	73	2	18	1	9

<b>Table 3, continued...</b>									
	<b>Total</b>		<b>Guilty<sup>24</sup></b>		<b>Acquitted<sup>25</sup></b>		<b>Stay<sup>26</sup>/ Withdrawn<sup>27</sup>/Other<sup>28</sup></b>		
	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>	
2002/03	17	100	12	71	2	12	3	17	
2003/04	15	100	12	80	1	7	2	13	
2004/05	13	100	9	69	2	15	2	16	
2005/06	18	100	11	61	1	6	6	33	
2006/07	15	100	9	60	2	13	4	27	
<b>Other Violent Offences</b>									
1991/92	380	100	293	77	20	5	67	18	
1992/93	423	100	327	77	17	4	79	19	
1993/94	419	100	305	73	16	4	98	23	
1994/95	458	100	341	75	15	3	102	22	
1995/96	504	100	355	70	23	5	126	25	
1996/97	540	100	390	72	20	4	130	24	
1997/98	510	100	375	74	18	4	117	22	
1998/99	515	100	335	65	25	5	155	30	
1999/00	445	100	313	70	13	3	119	27	
2000/01	503	100	328	65	21	4	154	31	
2001/02	445	100	303	68	8	2	134	30	
2002/03	466	100	309	66	17	4	140	30	
2003/04	465	100	258	56	22	5	185	41	
2004/05	442	100	236	53	17	4	189	41	
2005/06	466	100	258	55	12	3	196	42	
2006/07	473	100	274	58	12	3	187	40	

Note: Represents most serious offence in the case

**Table 4. Sentences in Nova Scotia Youth Court for cases involving sexual offences and other violent offences, 1991/92 to 2006/07**

		Total		Custody <sup>29</sup>		Probation <sup>30</sup>		Deferred Custody <sup>31</sup>		Fine <sup>32</sup> /Other <sup>33</sup>	
		Number	%	Number	%	Number	%	Number	%	Number	%
Sexual Assault (Levels 1, 2 and 3)	1991/92	30	100	13	43	16	53	-	-	1	3
	1992/93	35	100	10	29	25	71	-	-	0	0
	1993/94	42	100	19	45	23	55	-	-	0	0
	1994/95	42	100	15	36	25	60	-	-	2	5
	1995/96	40	100	13	33	24	60	-	-	3	8
	1996/97	38	100	15	40	23	61	-	-	0	0
	1997/98	32	100	8	25	23	72	-	-	1	3
	1998/99	20	100	1	5	19	95	-	-	0	0
	1999/00	23	100	7	30	16	70	-	-	0	0
	2000/01	26	100	2	8	23	89	-	-	1	4
	2001/02	26	100	5	19	21	81	-	-	0	0
	2002/03	18	100	4	22	13	72	-	-	1	6
	2003/04	30	100	2	7	25	83	2	7	1	3
	2004/05	13	100	2	15	9	69	2	15	0	0
	2005/06	14	100	1	7	10	71	3	21	0	0
2006/07	15	100	2	13	10	67	2	13	1	7	
Other Sexual Offences	1991/92	11	100	2	18	8	73	-	-	1	9
	1992/93	18	100	4	22	14	78	-	-	0	0
	1993/94	13	100	3	23	10	77	-	-	0	0
	1994/95	8	100	2	25	6	75	-	-	0	0
	1995/96	14	100	2	14	12	86	-	-	0	0
	1996/97	8	100	2	25	6	75	-	-	0	0
	1997/98	10	100	2	20	8	80	-	-	0	0
	1998/99	11	100	2	18	9	82	-	-	0	0
	1999/00	6	100	0	0	6	100	-	-	0	0
	2000/01	6	100	0	0	6	100	-	-	0	0
	2001/02	8	100	1	13	6	75	-	-	1	13
	2002/03	12	100	1	8	11	92	-	-	0	0

<b>Table 4, continued...</b>											
	<b>Total</b>		<b>Custody<sup>29</sup></b>		<b>Probation<sup>30</sup></b>		<b>Deferred Custody<sup>31</sup></b>		<b>Fine<sup>32</sup>/Other<sup>33</sup></b>		
	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>	
2003/04	12	100	0	0	8	67	2	17	2	17	
2004/05	9	100	2	22	6	67	0	0	1	11	
2005/06	11	100	1	9	10	91	0	0	0	0	
2006/07	9	100	0	0	6	67	2	22	1	11	
<b>Other Violent Offences</b>											
1991/92	293	100	48	16	204	70	-	-	41	14	
1992/93	327	100	70	21	204	62	-	-	53	16	
1993/94	305	100	67	22	209	69	-	-	29	10	
1994/95	341	100	83	24	222	65	-	-	36	11	
1995/96	355	100	97	27	239	67	-	-	19	5	
1996/97	390	100	88	23	271	70	-	-	31	8	
1997/98	375	100	90	24	258	69	-	-	27	7	
1998/99	335	100	92	28	226	68	-	-	17	5	
1999/00	313	100	100	32	203	65	-	-	10	3	
2000/01	328	100	96	29	225	69	-	-	7	2	
2001/02	303	100	96	32	195	64	-	-	12	4	
2002/03	309	100	117	38	185	60	-	-	7	2	
2003/04	258	100	46	18	180	70	15	6	17	7	
2004/05	236	100	29	12	151	64	40	17	16	7	
2005/06	258	100	36	14	173	67	25	10	24	9	
2006/07	274	100	39	14	176	64	29	11	30	11	

Note: Represents most serious offence in the case and most serious sentence

## Technical Notes

1 Source: Statistics Canada, Canadian Centre for Justice Statistics, Criminal Victimization in Canada, 2004. Catalogue no. 85-002-XPE, Juristat, Vol. 25, no.7.

2 Information pertaining to the statistical significance of provincial differences in rates of sexual assault was obtained through personal communication with Karen Mihorean, Chief, Integration and Analysis, Canadian Centre for Justice Statistics, Statistics Canada, December 12, 2005.

3 Incidents that come to the attention of the police are captured and forwarded to the Canadian Centre for Justice Statistics (CCJS) according to a nationally-approved set of common crime categories and definitions. These crime statistics have been systematically reported by police services and submitted to the CCJS each year since 1962.

It is important to note that many factors may influence police-reported crime statistics: reporting by the public to the police; reporting to CCJS by the police; the impact of new initiatives such as changes in legislation, policies or enforcement practices; and, demographic, social and economic changes.

4 **Other violent offences** include the full range of crimes of violence under the *Criminal Code of Canada* (eg., homicide, attempted murder, assault (three levels), abduction, and robbery). In figures above which compare sexual assault statistics to those for “other violent offences,” the latter do not include either sexual assaults or other sexual offences.

5 **Stranger** is defined by the Incident-Based Uniform Crime Reporting Survey as someone who is not known to the victim in any way but has been observed. Halifax Regional Police sources indicate that they include in this category persons known to the victim for less than 24 hours. \*Note that the boyfriend/girlfriend category includes both current and ex boyfriends and girlfriends.

6 **Cleared otherwise** means that the accused was identified but was not charged for a variety of reasons. These may include cases where the complainant requests that charges not be laid against the accused, the accused has died, the accused has diplomatic immunity, the accused is referred to a diversionary program, police discretion, or for a reason beyond the control of the police.

7 **The clearance rate** refers to the proportion of incidents that are cleared either through the laying of a charge or cleared otherwise (see note 6 above for



definition of “cleared otherwise”).

8 Note that the definition of case used by the Canadian Centre for Justice Statistics changed in 2007. *“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.”*

As a result of this change, the court (decisions and sentences) data summarized in this report now reflect that new case definition and cannot be compared to the data summarized in the version of this report released in 2005.

9 **Conviction rate** refers to the proportion of total cases with a finding of guilt.

10 See Tables 1 to 4 in Appendix B for more detailed information about sexual assault case decisions and sentencing for adult and youth courts in Nova Scotia.

11 The **Youth Court Survey** collects data from Youth Courts on persons aged 12 to 17 (at the time of the offence).

12 Because of relatively small numbers, there is a large amount of variability in sentencing of young offenders in cases of sexual assault and other sexual offences when statistics are examined on a single-year basis. For this reason, sentencing statistics in this section span the entire period from 1991/92 to 2006/07. For detailed statistics on sexual assault sentencing in Youth Courts, see Table 4 in Appendix B.

13 The definitions of sexual offences used above are from the Canadian Centre for Justice Statistics publication, *Juristat* (Vol. 23, no. 6; Sexual Offences in Canada, Statistics Canada, Catalogue no. 85-002-XIE).

14 A **hybrid offence** may be processed as either a summary or indictable offence. Except where otherwise stated by law, the maximum penalty for a summary conviction is a fine not exceeding \$2,000 or imprisonment for six months or both.

15 Found **guilty** includes guilty of the charged offence, of an included offence, of an attempt of the charged offence, or of an attempt of an included offence. This category also includes cases where an individual has been found guilty but was given an absolute or conditional discharge. Source: Statistics Canada, catalogue no. 85-002-XIE, vol. 28, no.5.

- 16 **Acquitted** means that the accused has been found not guilty of the charges presented before the court. In some jurisdictions, the number of acquittals may be over-reported due to administrative practices. Source: Statistics Canada, catalogue no. 85-002-XIE, vol. 28, no.5.
- 17 **Stay or Withdrawn** includes stay of proceedings, withdrawn, dismissed and discharged at preliminary inquiry. These decisions all refer to the court stopping or interrupting criminal proceedings against the accused. Source: Statistics Canada, catalogue no. 85-002-XIE, vol. 28, no.5.
- 18 **Other** decisions include final decisions of found not criminally responsible, waived in province/territory, and waived out of province/territory. This category also includes mistrials, the court's acceptance of a special plea (autrefois acquit), cases which raise Charter arguments, and cases where the accused was found unfit to stand trial following a fitness hearing. Source: Statistics Canada, catalogue no. 85-002-XIE, vol. 28, no.5..
- 19 **Prison:** This involves a term of custody served in a provincial/territorial or federal institution. Sentences of two years or more are served in a federal penitentiary, while terms of less than two years are served in provincial/territorial correctional facilities. Sentences of 90 days or less can be served intermittently, which usually refers to serving the sentence on weekends. There are a number of offences, such as impaired driving, homicide, and offences committed using a firearm, having minimum sentencing provisions, which affect the nature and length of sentences imposed. Source: Statistics Canada, catalogue no. 85-002-XIE, vol. 28, no.5.
- 20 **Conditional Sentence:** The Sentencing Reform Bill C-41 was enacted in 1996 establishing a new, community-based conditional sentencing option as an alternative to imprisonment. With a conditional sentence of imprisonment, the execution of the prison sentence is suspended. In terms of seriousness, it is less serious than prison but more serious than a term of probation. Like probation, conditional sentences are served in the community under supervision and often include a number of conditions restricting the movement and activities of the offender. Unlike probation, however, violation of a condition of a conditional sentence can result in immediate suspension and imprisonment of the offender. Source: Statistics Canada, catalogue no. 85-002-XIE, vol. 28, no.5.
- 21 **Probation:** An offender 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 offenders 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 performing community service, abstaining from the consumption of alcohol and attending treatment. Violating the conditions of a probation order is a criminal

offence subject to possible prosecution that could result in a maximum sentence of imprisonment of two years. Probation is mandatory in cases where the accused is given a conditional discharge or a suspended sentence. Source: Statistics Canada, catalogue no. 85-002-XIE, vol. 28, no.5..

22 **Fine:** When a fine is imposed, the offender is ordered to pay a specific dollar amount to the court. Unless the offender has been found guilty of an offence carrying a minimum term of imprisonment, or a maximum penalty of more than five years, an offender may be fined in lieu of other types of punishment. Source: Statistics Canada, catalogue no. 85-002-XIE, vol. 28, no.5.

23 **Other** types of sanctions: In addition to these principal sentencing options, the courts can choose a variety of other sentencing options, such as restitution, compensation, or an absolute discharge. Source: Statistics Canada, catalogue no. 85-002-XIE, vol. 28, no.5.

24 **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. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 28, no.4.

25 **Acquitted** means that the accused has been found not guilty of the charges presented before the youth court. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 28, no.4.

26 **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. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 28, no.4.

27 **Withdrawn or dismissed** refer to cases where all charges were withdrawn by the Crown (prior to 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. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 28, no.4.

28 **Other** decisions include cases that were transferred to adult court (under the *Young Offenders Act*), transferred to another jurisdiction, the accused was found to be unfit to stand trial, or not criminally responsible due to mental disorder. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 28, no.4.

29 **Custody:** 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 *Youth Criminal Justice Act (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* (subsection 39(1), *YCJA*).

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 (subsection 39(2), *YCJA*).

**Custody and supervision:** All cases sentenced to custody under the *YCJA* have a supervision component. Under the *YOA*, custody and supervision was only used in sentences for first and second-degree murder. 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 *Young Offenders Act (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\* 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.

\*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.

**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 (S.94 of the *YCJA* sets out the circumstances under which an optional review may be granted) 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”. (See Justice Canada website (<http://canada.justice.gc.ca/en/ps/yj/>), *YCJA Explained*).

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. 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 an offence. Amendments to this effect are pending.

Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 28, no.2.

30

**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. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 28, no.4.

31 **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. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 28, no.4.

32 **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. Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 28, no.4.

33 **Other** includes the following:

**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.

**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.

**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. 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 nonresidential program at fixed times and terms. The attendance order is also an 'opt-in' sanction for the provinces and territories.

**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*.

Source: Statistics Canada, catalogue no. 85-002-XPE, vol. 28, no.4.

## Sources for Figures and Tables

### Figure 1

Sexual Assault Rate per 1,000 Population 15+  
Canada and Provinces, 2004

Source: Source: Statistics Canada, Canadian Centre for Justice Statistics, *Criminal Victimization in Canada, 2004*. Catalogue no. 85-002-XPE, Juristat, Vol. 25, no.7.

### Figure 2

Proportion of Violent Crimes Reported to Police  
Canada, 2004

Source: Source: Statistics Canada, Canadian Centre for Justice Statistics, *Criminal Victimization in Canada, 2004*. Catalogue no. 85-002-XPE, Juristat, Vol. 25, no.7.

### Figure 3

Distribution of Violent Offences Reported to Police  
Nova Scotia, 2007

Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, data provided by Nova Scotia Department of Justice.

### Figure 4

Reported Sexual Offences by Type  
Nova Scotia, 2007

Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, data provided by Nova Scotia Department of Justice.

### Figure 5

Rates of Police-Reported Sexual Assaults  
Nova Scotia, 1983 – 2007

Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, data provided by Nova Scotia Department of Justice.

### Figure 6

Rates for Other Reported Violent Offences  
Nova Scotia, 1983 – 2007

Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, data provided by Nova Scotia Department of Justice.

### Figure 7

Rates of Police-Reported Sexual Assaults  
Canada, Provinces and Territories, 2007

Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, data provided by Nova Scotia Department of Justice.



**Figure 8**

Rates for Other Reported Violent Offences  
Canada, Provinces and Territories, 2007

Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, data provided by Nova Scotia Department of Justice.

**Figure 9**

Victim-Suspect Relationship for Sexual Offences  
Reported to the Halifax Regional Police Service, 2007

Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

**Figure 10**

Percentage of Sexual Assaults and Other Violent Offences Where Charge is Laid  
Nova Scotia, 1993 – 2007

Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, data provided by Nova Scotia Department of Justice.

**Figure 11**

Percentage of Sexual Assaults Where Charge is Laid  
Canada, Provinces and Territories, 2007

Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, data provided by Nova Scotia Department of Justice.

**Figure 12**

Clearance Rates for Sexual Assaults and Other Violent Offences  
Nova Scotia, 1993 – 2007

Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, data provided by Nova Scotia Department of Justice.

**Figure 13**

Rates of Police-Reported Sexual Assaults  
Nova Scotia and Regions, 2007

Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, data provided by Nova Scotia Department of Justice.

**Figure 14**

Rates for Other Reported Violent Offences  
Nova Scotia and Regions, 2007

Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, data provided by Nova Scotia Department of Justice.

**Figure 15**

Percentage of Sexual Assaults and Other Reported Violent Offences  
Where Charge is Laid

Nova Scotia and Regions, 2007

Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, data provided by Nova Scotia Department of Justice.

**Figure 16**

Clearance Rates for Sexual Assaults and Other Reported Violent Offences

Nova Scotia and Regions, 2007

Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, data provided by Nova Scotia Department of Justice.

**Figure 17**

Conviction Rates for Sexual Assaults and Other Violent Offences

Nova Scotia – Adult Court, 1994/95 to 2006/07

Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

**Figure 18**

Acquittal Rates for Sexual Assaults and Other Violent Offences

Nova Scotia – Adult Court, 1994/95 to 2006/07

Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

**Figure 19**

Conviction Rates for Sexual Assaults and Other Violent Offences

Nova Scotia – Youth Court, 1991/92 to 2006/07

Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

**Figure 20**

Acquittal Rates for Sexual Assaults and Other Violent Offences

Nova Scotia – Youth Court, 1991/92 to 2006/07

Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

**Figure 21**

Sentencing for Sexual Assaults and Other Violent Offences – Custody

Nova Scotia – Adult Court, 1994/95 to 2006/07

Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

**Figure 22**

Sentencing for Sexual Assaults and Other Violent Offences – Probation  
Nova Scotia – Adult Court, 1994/95 to 2006/07

Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

**Figure 23**

Sentencing for Sexual Assaults and Other Violent Offences – Conditional Sentence  
Nova Scotia – Adult Court, 1999/2000 to 2006/07

Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

**Figure 24**

Sentencing for Sexual and Other Violent Offences  
Nova Scotia – Youth Court, 1991/92 to 2006/07

Source: Statistics Canada, Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics

**Table 1**

Decisions in Nova Scotia Adult Criminal Court for cases involving sexual offences and other violent offences, 1994/95 to 2006/07

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

**Table 2**

Sentences in Nova Scotia Adult Criminal Court for cases involving sexual offences and other violent offences, 1994/95 to 2006/07

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

**Table 3**

Decisions in Nova Scotia Youth Court for cases involving sexual offences and other violent offences, 1991/92 to 2006/07

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

**Table 4**

Sentences in Nova Scotia Youth Court for cases involving sexual offences and other violent offences, 1991/92 to 2006/07

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