

CASE PROCESSING IN NOVA SCOTIA YOUTH COURT

2012–2013 to 2016–2017



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Section 1: Introduction

July 2017: Update

In 2017, the Department of Justice adopted a new case definition for analyzing criminal court case volumes and processing times. This new definition was adopted based on consultation with justice system stakeholders, who indicated that it better reflects the progression of cases through the system and is therefore a more appropriate method for measuring case processing times.

While the definition of a case has changed, as in previous years, case processing time is measured from the first hearing in the “case” to the hearing at which a final disposition was reached.

Nova Scotia excludes cases involving restorative justice and bench warrants when calculating case processing times and reporting on the corresponding case volumes. Cases involving restorative justice are excluded because, on average, these cases take over 200 days to complete which artificially inflates overall processing times. Those involving bench warrants are excluded because, once issued by the Court, the Court cannot control how long it takes to have that warrant executed.

As with reports from previous years, the current analysis is limited to federal statute offences.

Defining a case

Previous reports on youth case processing times by the Nova Scotia Department of Justice utilized Statistics Canada’s definition of a case whereby a case includes one or more charges against an accused person, which were processed by the courts at the same time (i.e., same date of offence, date of initiation, date of first appearance, or date of decision), and received a final decision.

Under the new definition, a case is one or more charges filed against the same person on the same Information or Summary Offence Ticket (SOT).

As a result of this change in methodology, data appearing in this report are not comparable to those in previous reports on case processing times, nor are they comparable with Statistics Canada’s reporting.

Reducing Case Processing Times

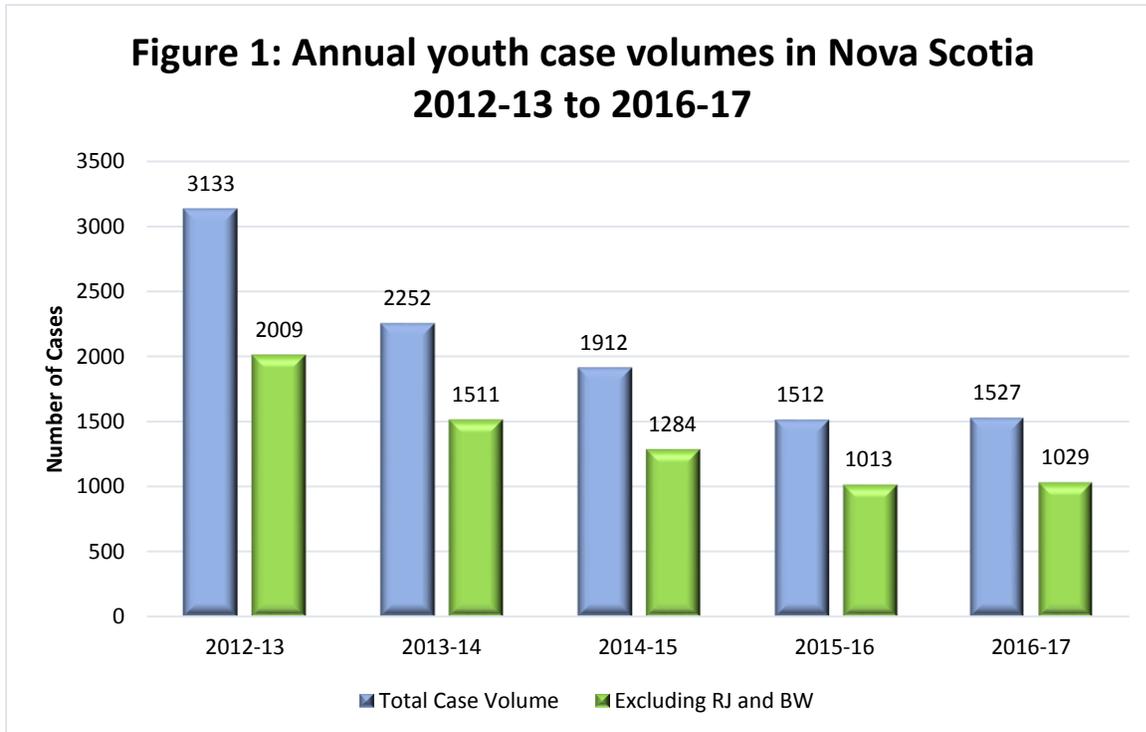
The Department of Justice recognizes that improving case processing times requires the combined efforts of the Police, Public Prosecution Services, Legal Aid, the Judiciary, Courts and Corrections. The Department continues to work with its justice partners to reduce case processing times.

The Supreme Court of Canada decision *R v. Jordan* has placed further emphasis on the need to reduce delay in the criminal court system. The Department is working with stakeholders and the judiciary to support innovative approaches to address delay. This includes leveraging technology such as video conferencing, electronic disclosure of records from police to Crown, and e-tracking of case progression. Innovative approaches to business practices are also being undertaken, such as triaging cases. As part of this approach, an early resolution pilot project is taking place in Halifax and Dartmouth, which includes the preparation of an initial sentencing position by the Crown Attorney to be shared with defence council.

Section 2: Youth Case Processing Volumes

Annual Youth Case Volumes

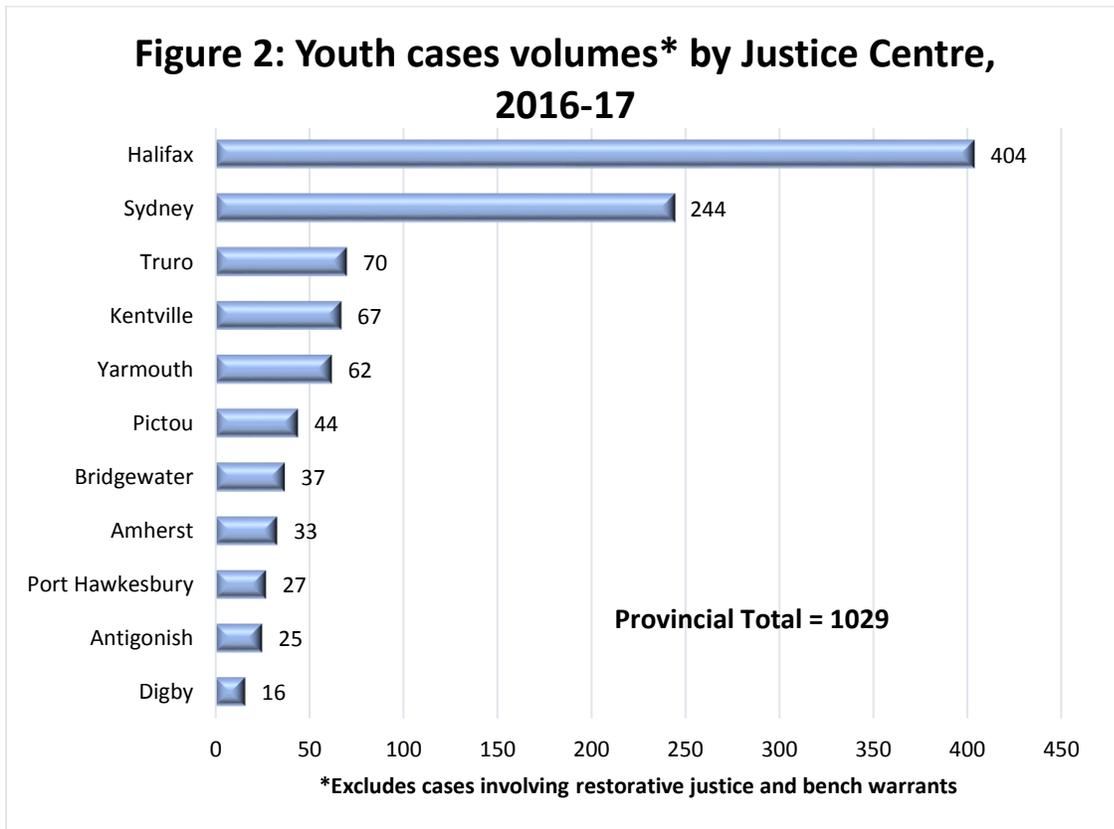
Youth court case volumes have been trending down in Nova Scotia for a number of years. In 2016-17, there were 1,527 cases completed in youth court which is similar to the previous year, but a decrease of 51% (or 1,606 cases) compared to 2012-13. Of the 1,527 cases, 33% involved restorative justice and/or a bench warrant, and were excluded from the analysis. This is the same proportion of cases excluded for the prior year (33%). For the purposes of this report, 1,029 cases were included in the analysis (Figure 1).



Source: Justice Enterprise Information Network (JEIN), Nova Scotia Department of Justice.

Youth Case Volumes by Justice Centre, 2016-17

In 2016-17, youth case volumes ranged from a low of 16 cases in the Digby Justice Centre, to a high of 404 cases in the Halifax Justice Centre. Together, the Halifax and Sydney Justice Centres accounted for nearly two-thirds (63%) of the total volume of youth cases for the province (Figure 2). Between 2015-16 and 2016-17, youth case volumes declined in most Justice Centres in the province, with the exception of increases in Sydney (up 77 cases), Antigonish (up 16 cases) and Port Hawkesbury (up 15 cases).



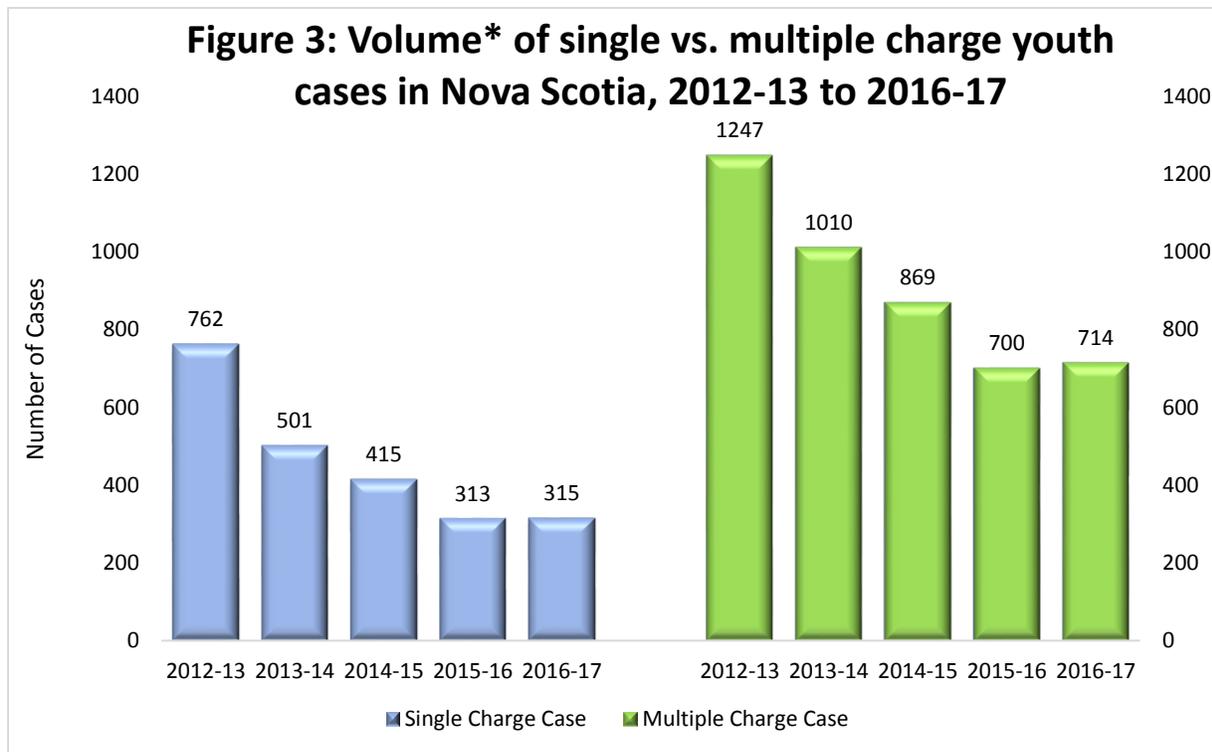
Note: There were no youth cases in the Dartmouth Justice Centre in 2016-17.

Source: Justice Enterprise Information Network (JEIN), Nova Scotia Department of Justice.

Single vs. Multiple Charge Youth Cases

Since 2012-13, the volume of both single charge cases and multiple charge cases have been trending downwards, with the exception of the most recent year, when volumes leveled off. Overall, single charge cases decreased by 59% (or 447 cases) and multiple charge cases decreased by 43% (or 533 cases) since 2012-13 (Figure 3).

In 2016-17, multiple charge cases represented more than two-thirds (69%) of all youth cases. Multiple charge cases had an average of 4 charges.



*Excludes cases involving restorative justice and bench warrants

Source: Justice Enterprise Information Network (JEIN), Nova Scotia Department of Justice.

Type of Offence

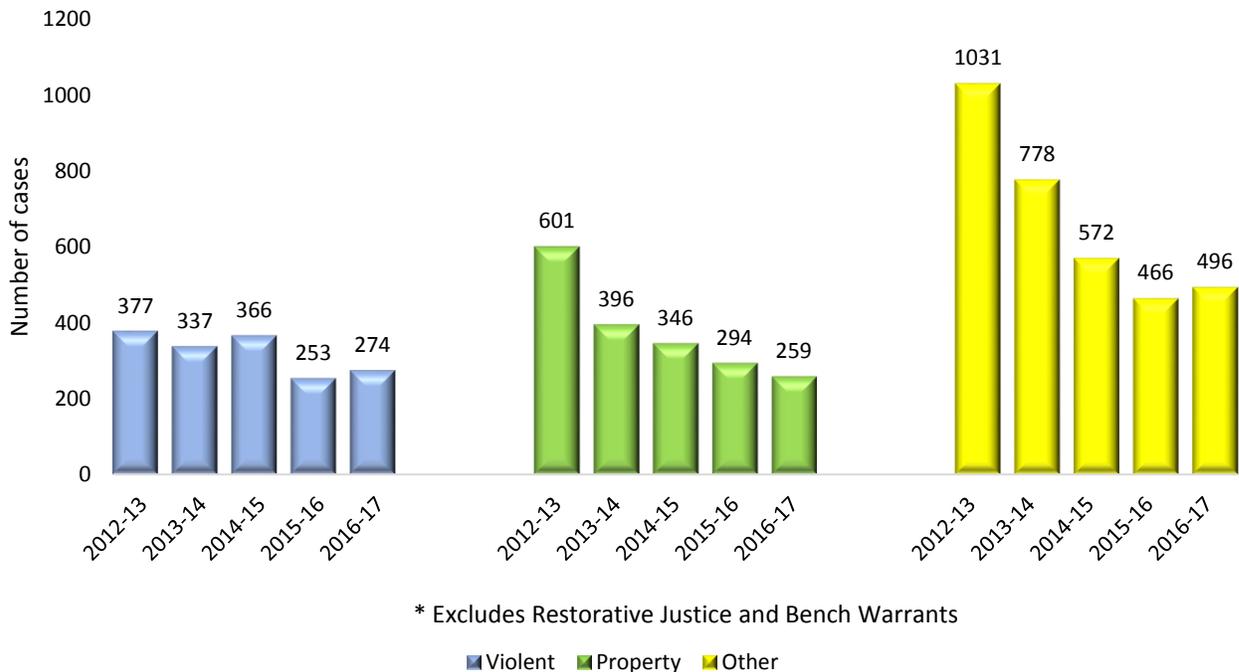
Among the 1,029 youth cases completed in 2016-17, one quarter (or 259 cases) involved property offences, and a similar number involved violent offences (27% or 274 cases) (Figure 4). The remaining 48% involved other (non-violent and non-property) offences, such as administration of justice offences, *Criminal Code* traffic violations, and drug offences.

Analysis of the trends in case volumes by type of offence shows that the volume of cases involving violent offences has been variable in the past five years, but generally declined by 27% or 103 cases between 2012-13 and 2016-17.

The volume of cases involving property offences steadily declined over the same five-year period. In 2016-17, the volume of property offences cases was 57% lower than in 2012-13 (down 342 cases).

There has also been a general decline in other (non-violent and non-property) offences since 2012-13. The volume of these youth cases declined by 52% (or 535 cases) between 2012-13 and 2016-17.

Figure 3: Volume* of youth cases by type of offence in Nova Scotia, 2012-13 to 2016-17



Source: Justice Enterprise Information Network (JEIN), Nova Scotia Department of Justice.

Section 3: Youth Case Processing Time

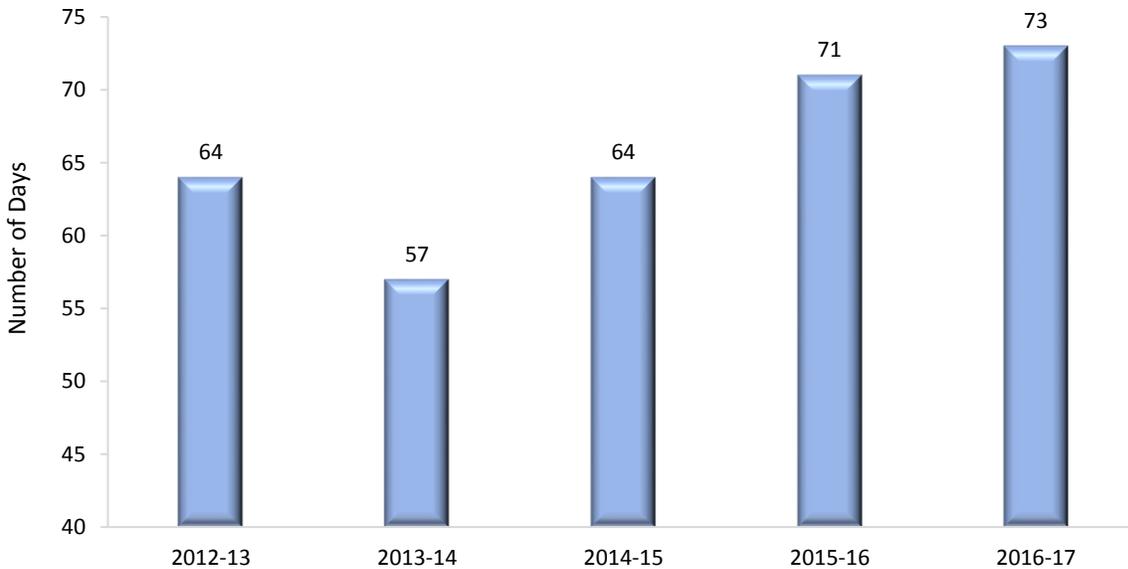
Annual Median Youth Case Processing Time

The median represents the midpoint at which half of the cases fall below and half fall above. While average case processing times can be impacted by a small number of unusually long or short cases, the median case processing time is not affected by such cases. For this reason, the median has been adopted as the standard measure of criminal court case processing time by Statistics Canada.

The median case processing time has been trending up since 2013-14 (Figure 5). In 2016-17, the median case processing time was 73 days, which is well below the 98-day youth case processing target; however, it is 2 days higher than the prior year and 16 days higher than in 2013-14. Since 2013-14, increases have occurred for violent (up 1 day), property (up 18 days) and other (up 10 days) offences. In addition, median case processing times have increased for both single charge (up 25 days) and multiple charge (up 14 days) cases since 2013-14.

In 2016-17, the median case processing time for multiple charge cases was 72 days, six days less than single charge cases (78 days). The median case processing time was longer for violent offences (101 days) than property offences (83 days) or other offences (53 days) that same year.

Figure 5: Annual median youth case processing time* in Nova Scotia, 2012-13 to 2016-17



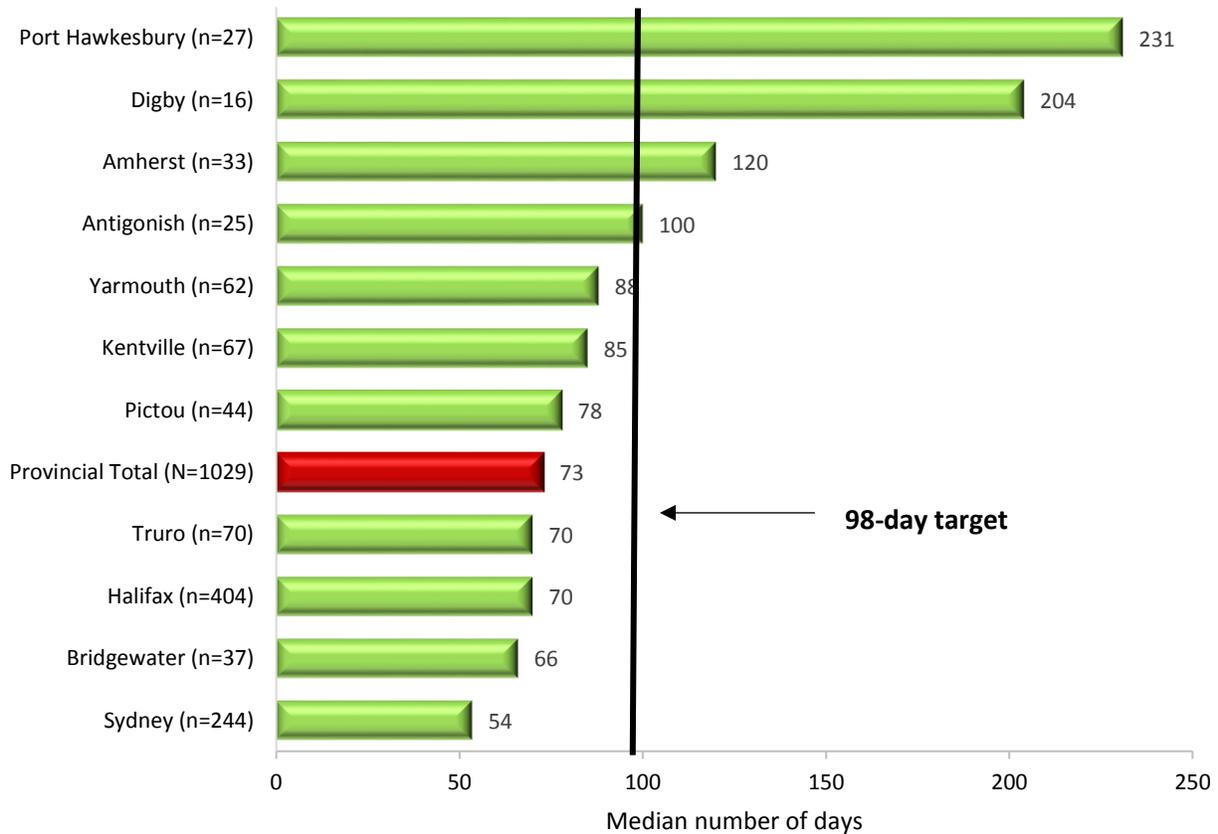
*Excludes cases involving restorative justice and bench warrants

Source: Justice Enterprise Information Network (JEIN), Nova Scotia Department of Justice.

Median Youth Case Processing Time by Justice Centre, 2016-17

There was a variation across the province in the median case processing times in 2016-17. Median case processing times were above the 98-day target in Port Hawkesbury, Digby, Amherst and Antigonish. Yarmouth, Kentville, Pictou, Truro, Halifax, Bridgewater, and Sydney were below the 98-day youth case processing target (Figure 6).

Figure 6: Median youth case processing time* by Justice Centre, 2016-17



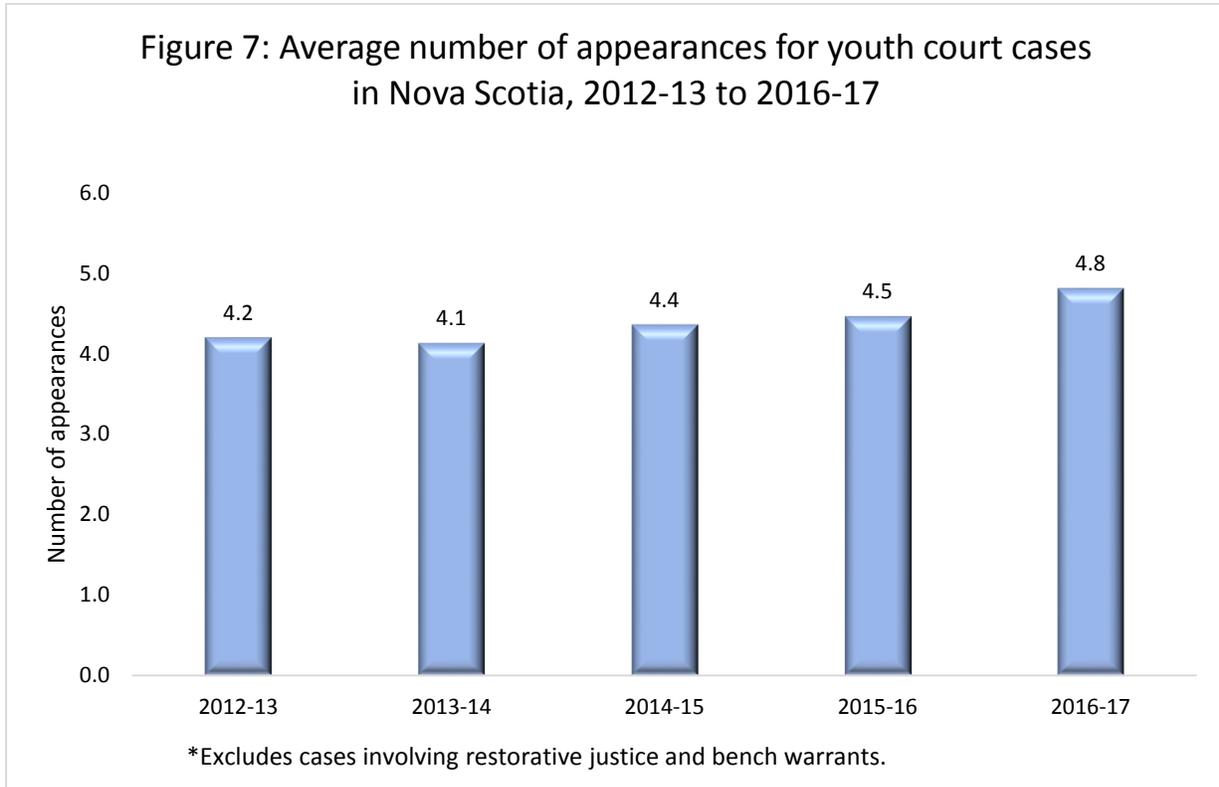
* Excludes cases involving restorative justice and bench warrants.

Note: There were no youth cases in the Dartmouth Justice Centre in 2016-17.

Source: Justice Enterprise Information Network (JEIN), Nova Scotia Department of Justice.

Average Number of Youth Court Appearances

In 2016-17, the average number of appearances for a youth case to reach a final disposition was 4.8 appearances. This has increased since 2012-13 when the average number of appearances to final disposition was 4.2 (Figure 7). This indicates that on average, it took about one more appearance for a case to reach a final disposition in 2016-17 than it did in 2012-13.



Source: Justice Enterprise Information Network (JEIN), Nova Scotia Department of Justice.

In 2016-17, the average number of appearances required to reach final disposition was 5.0 for multiple charge cases and 4.4 for single charge cases.

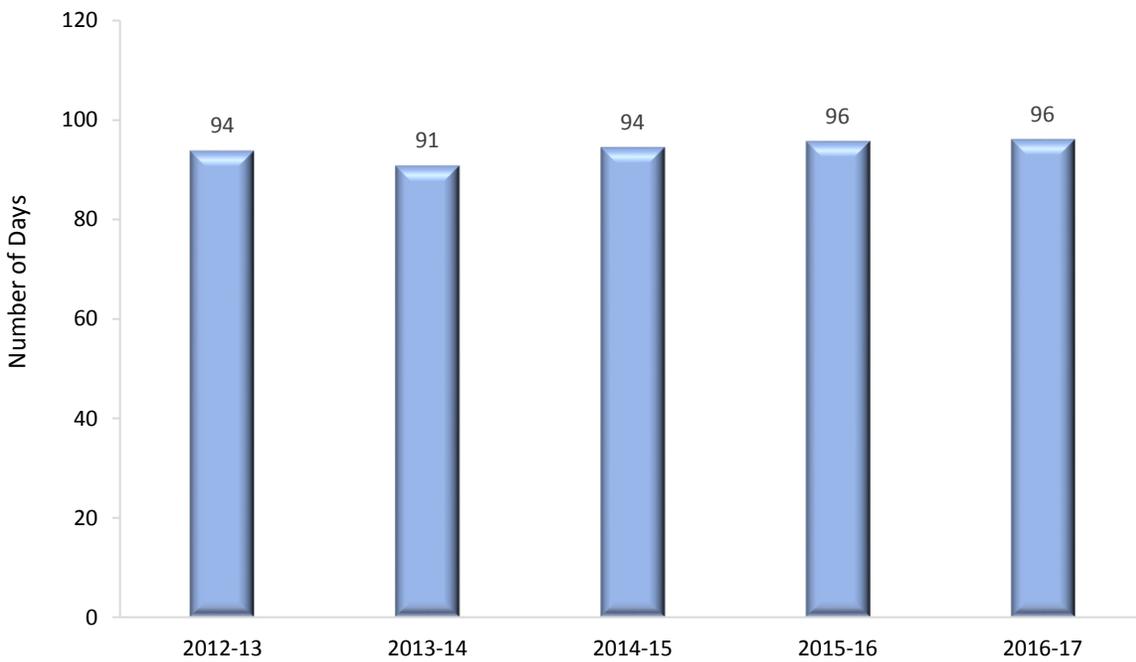
The average number of appearances to dispose of a multiple charge case increased from 4.3 days to 5.0 days between 2012-13 and 2016-17. The average number of appearances in a single charge case increased, from 4.0 days to 4.4 days over that five-year period.

Analysis has shown that the number of appearances are highly correlated with case processing times. The increase in case processing time since 2013-14 would seem to be, at least in part, due to an increase in the number of appearances required for youth cases to reach a final disposition.

Annual Average Youth Case Processing Time

In 2016-17, the average youth case processing time in Nova Scotia was 96 days which is two days below the 98-day target (Figure 8). This is the same as the previous year. Despite the slight increasing trend in youth case processing time since 2013-14, Nova Scotia has been below the 98-day target in each of the past five years.

Figure 8: Annual average youth case processing time* in Nova Scotia, 2012-13 to 2016-17



*Excludes cases involving restorative justice and bench warrants

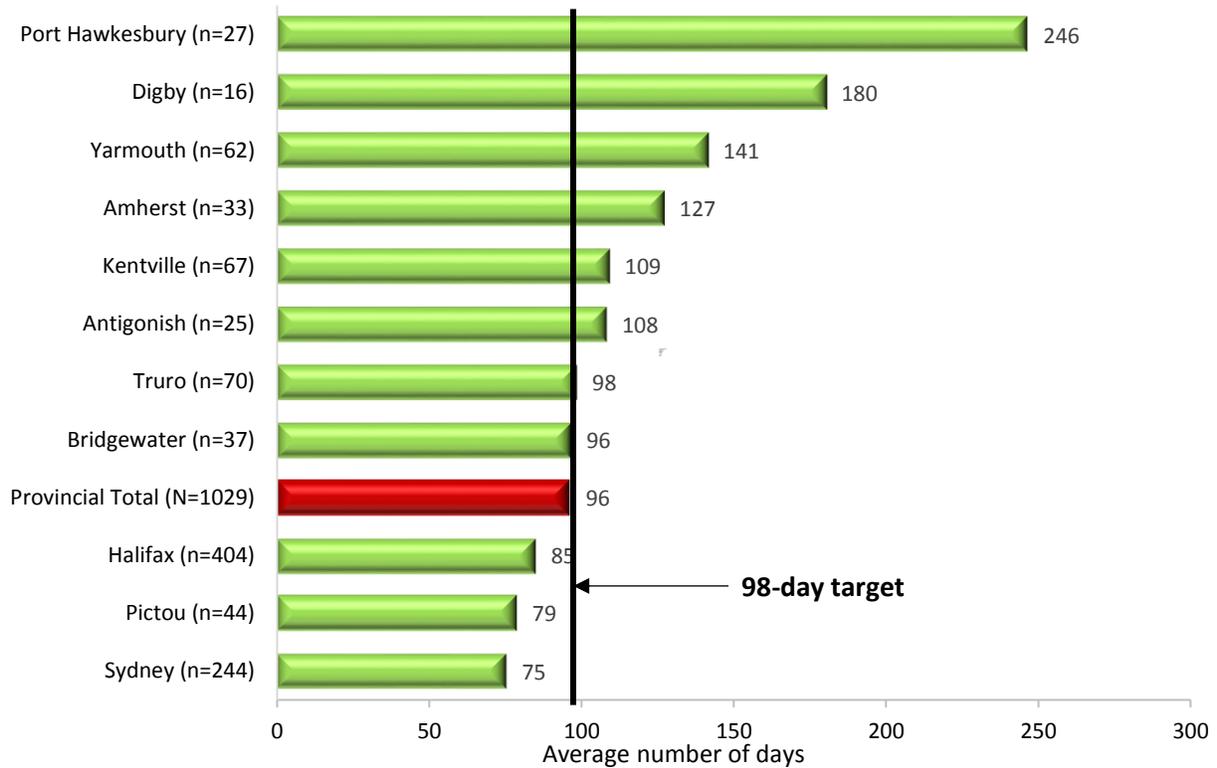
Source: Justice Enterprise Information Network (JEIN), Nova Scotia Department of Justice.

Average Youth Case Processing Time by Justice Centre, 2016-17

There was variation across the province in case processing times in 2016-17. Average case processing times were above the 98-day target in Port Hawkesbury, Digby, Yarmouth, Amherst, Kentville, and Antigonish. Bridgewater, Halifax, Sydney, and Pictou were all below and Truro was at the 98-day target.

Between 2015-16 and 2016-17, the following five Justice Centres showed decreases in average youth case processing times: Bridgewater (-45%), Amherst (-16%), Kentville (-10%), Truro (-9%), and Antigonish (-9%). Increases in average case processing times were observed for the remaining Justice Centres.

Figure 9: Average youth case processing time* by Justice Centre, 2016-17



* Excludes cases involving restorative justice and bench warrants

* Note: There were no youth cases in the Dartmouth Justice Centre in 2016-17.

Source: Justice Enterprise Information Network (JEIN), Nova Scotia Department of Justice.

Section 4: Serious and Pending Charges in Youth Court

Serious Charges¹

Based on the recommendation of Commissioner Nunn, the Nova Scotia Department of Justice has established a target of seven days from the time a youth is charged with a serious offence to the time that the youth appears in court.²

In 2016-17, cases with serious charges took an average of 9 days to appear in youth court in Nova Scotia (excluding the Justice of the Peace Centre) which is two days above the 7-day target but two days less than the previous year (11 days).

For serious charges in 2016-17, only the Justice Centres in Halifax (4 days) and Truro (6 days) were below the 7-day target (Figure 10). The provincial average of 9 days was largely driven by the Halifax Justice Centre which represented 63% of the serious charges involving youth in Nova Scotia, keeping the provincial average closer to the 7-day target.

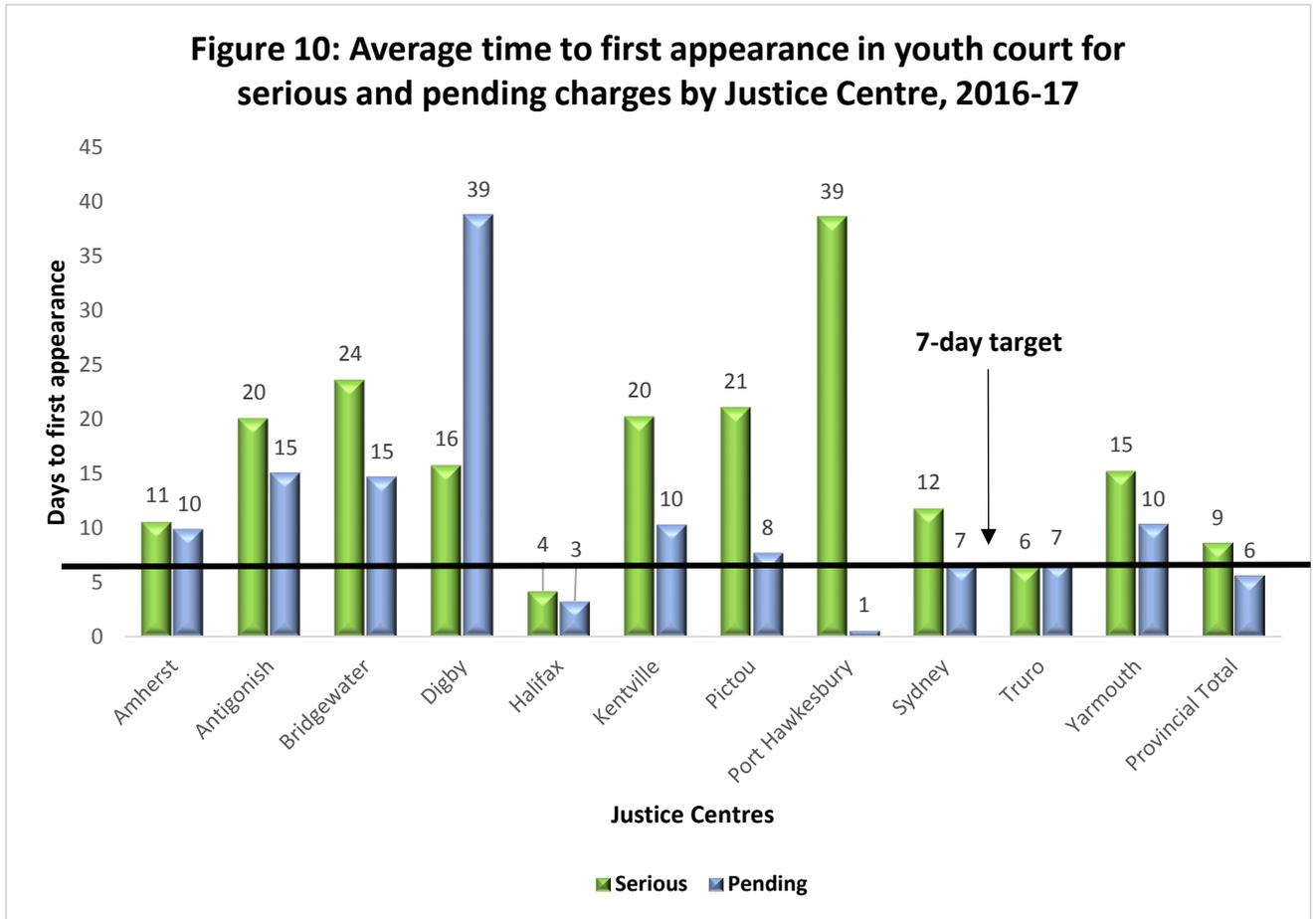
Pending Charges

For young persons charged with a non-serious offence, and who have pending charges (defined as three or more criminal charges within the preceding year) the Department established a target of seven days from the time the young person is charged to the youth's first appearance in youth court.

In 2016-17, youth with pending charges took an average of six days to appear in youth court in Nova Scotia (excluding the Justice of the Peace Centre).² This is one day below the 7-day target, and one day more than the prior year. As with serious charges, the provincial average was largely driven by Halifax which represented 57% of pending charges and, at three days, was four days below target. In addition to Halifax, the average time to first appearance was at or below the 7-day target in Port Hawkesbury (1 day), Sydney (7 days), and Truro (7 days). The remaining seven Justice Centres were above the 7-day target (Figure 10).

¹ A serious charge is defined as one or more of the following offences: murder, manslaughter, infanticide, criminal negligence causing death, other offences causing death, attempted murder, conspiracy to commit murder, aggravated sexual assault, sexual assault with a weapon, other sexual offences (i.e., sexual interference, invitation to sexual touching, etc.), aggravated assault, assault with a weapon or causing bodily harm, criminal negligence causing bodily harm, kidnapping, hostage taking, abduction under 16, child pornography (possession and production), robbery, extortion, use of explosives causing death/bodily harm, arson, *Criminal Code* motor vehicle offences which endanger the public (i.e., dangerous driving, impaired driving, and motor vehicle theft), firearms offences, and home invasions.

² In instances where a youth's first appearance was indicated as the Justice of the Peace Centre, the next scheduled appearance date is used in measuring elapsed time for serious and pending charges. In a small number of these cases a bench warrant was issued or held at the first scheduled appearance. These cases have been excluded from the analysis of serious and pending charges.



*Note: There were no youth cases in the Dartmouth Justice Centre in 2016-17.

Source: Justice Enterprise Information Network (JEIN), Nova Scotia Department of Justice.