

THE NUNAVUT COURT OF JUSTICE



# Ingirranivut Our Journey:

A Statistical and Comparative Review of Crime  
and Court Operations in Nunavut 2000-2012

1/18/2013

## Contents

Introduction .....	3
PART 1 .....	3
1. Comparative Analysis – An Introduction to Comparative Statistics .....	3
2. Comparative Violent Crime Rates, 2011 .....	4
2.1 - Level 1 Assault Rates in 2011, by Province and Territory .....	4
2.2 - Level 2 Assault Rates in 2011, by Province and Territory .....	5
2.3 - Level 3 Assault Rates in 2011, by Province and Territory .....	5
2.4 - Level 1 Sexual Assault Rates in 2011, by Province and Territory .....	6
2.5 - Homicide Rates in 2011, by Province and Territory .....	7
3. Comparative Rates of Victimization, 2010 .....	7
3.1 - Rate of Victims of Police Reported Violent Crime by Intimate Partners and Non-intimate Partners in 2010, by Province and Territory .....	8
3.2 - Rate of Child and Youth Victims (Age 0-17) of Police Reported Violent Crime by Family and Non-family Members in 2010, by Province and Territory .....	8
3.3 - Rate of Senior Victims (Age 65-89) of Police Reported Family Violence in 2010, by Sex of Victim and by Province and Territory .....	9
4. Comparative Crime Severity Indices, 2011 .....	9
4.1 - Severity Indices for Crime and Violent Crime in 2011, by Province and Territory .....	11
5. Historic Charge Volumes in Nunavut, 2000-2012 .....	11
5.1 - Total Number of Criminal Charges Laid in Nunavut, by Fiscal Year .....	12
5.2 - Total Adult and Youth Charges Laid in Nunavut, by Fiscal Year .....	12
5.3 - Total Charge Volumes in Nunavut for Previous Three Fiscal Years, by Community .....	13
6. Family Files Opened in 2010, 2011 and 2012 .....	13
6.1 - Family Litigation Files Initiated in Nunavut, by Calendar Year .....	14
6.2 - Child Protection Files Initiated in Nunavut, by Calendar Year .....	14
6.3 - <i>Family Abuse Intervention Act</i> Applications Initiated in Nunavut, by Calendar Year .....	15
PART 2 .....	15
7. Historic Processing of Adult Criminal Cases in Nunavut, 2002-2012 .....	15
7.1 - Concluded Adult Criminal Cases in the Nunavut Court of Justice, by Fiscal Year .....	16
7.2 - Elapsed Time (in days) from First to Last Court Appearance in Adult Criminal Cases, by Fiscal Year .....	16

7.3 - Median Length of Completed Adult Criminal Cases in 2010/2011, by Province and Territory..	17
8. Historic Use of Custodial Remand in Nunavut, 2002-2012.....	17
8.1 - Adult Remand Admissions in Nunavut, by Fiscal Year.....	18
8.2 - Average Time Spent by Adults in Remand, by Fiscal Year.....	18
9. Recent Use of Custody on Sentence, 2010/2011.....	18
9.1 - Guilty Cases in Adult Criminal Court Sentenced to Custody, by Province and Territory, 2010/2011.....	19
9.2 - Median Length of Custody for Guilty Cases in Adult Criminal Court, by Province and Territory, 2010/2011.....	19
10. Frequency of Court Sittings in Nunavut, 2001-2012.....	20
10.1 - Regularly Scheduled Non-Jury Sitting Weeks in Iqaluit, by Calendar Year.....	20
10.2 - Regularly Scheduled Non-jury Sitting Weeks in the Communities, by Calendar Year.....	21
10.3 - Number of Scheduled Circuit Weeks in 2012, by Community.....	22
10.4 - Completed Special Sitting Weeks in 2012, by Community.....	23
11. Judges of the Nunavut Court of Justice.....	24
11.1 - Number of Resident Judges of the Nunavut Court of Justice, by Year.....	24
11.2 - Number of Deputy Judges of the Nunavut Court of Justice, by Year.....	25
11.3 - Historic Use of Deputy Judges, by Calendar Year.....	25
12. Outreach.....	26

## **Introduction**

This report provides an overview of the Nunavut Court of Justice's operating environment and court operations over the past 10 years. Part 1 examines the nature and extent of violent crime in Nunavut. A substantial proportion of the Court's time and resources is consumed by the criminal, as opposed to the civil or family docket. Part 2 deals with the Court's operational activity in the face of the increased demand on the Court's resources, such as the number of judges and scheduled sittings, the Court's case processing time and use of remand and custodial sentences.

# **PART 1**

## **1. Comparative Analysis – An Introduction to Comparative Statistics**

The graphs in the following section (Graphs 2.1 through 2.5) depict two measurements about crimes in 2011 for each of the provinces and territories:

1. The number of crimes that were reported to police for every 100,000 people in the jurisdiction (Report Rates); and
2. The number of people who were charged with reported crimes for every 100,000 people who are over the age of 12 in that jurisdiction (Charge Rates).

Crimes are measured in relation to a standard number of people (100,000 people) in a province or territory to allow for a more meaningful comparison between jurisdictions.

Report Rates are calculated by dividing the number of reported violations in a jurisdiction by the number of people in that jurisdiction. However, since this calculation will generally yield a very small fraction, the fraction is then multiplied by 100,000 to produce a more workable number. The resulting number indicates how many crimes would occur in each jurisdiction if every jurisdiction had 100,000 people.

Similarly, Charge Rates are calculated by dividing the number of people criminally charged in a jurisdiction by the number of people in that jurisdiction who could possibly be charged (those over 12 years old), and then multiplying by 100,000.

Charge Rates are ordinarily lower than their corresponding Report Rates because the police do not lay criminal charges every time they receive a report about a crime. This is because in some cases, they may not have enough evidence to identify a suspect, or if they have a suspect, they may not have enough evidence against that person. In some instances, a crime may be so minor that the police decide to deal with it by simply giving the offender a warning.

The statistics used for these comparative studies are published nationally by Statistics Canada. Data related to Nunavut is submitted annually to Statistics Canada by the territorial Department of Justice. The comparative analyses that follow are only current to 2011. The 2012 data has yet to be analyzed by Statistics Canada.

## 2. Comparative Violent Crime Rates, 2011

The following five graphs portray the Report Rates and Charge Rates of Level 1, 2 and 3 assaults, Level 1 sexual assaults and homicides in each of the provinces and territories in 2011.

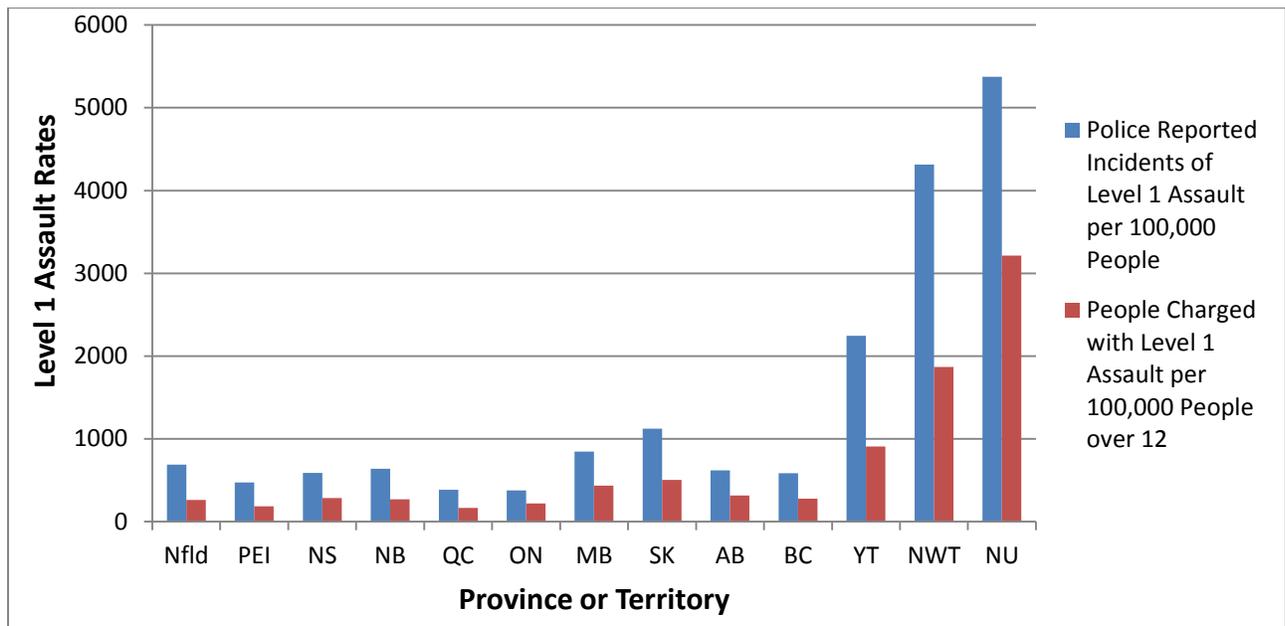
A Level 1 assault or “common” assault is where force is applied, attempted to be applied, or threatened to be applied by someone having an immediate ability to carry out the threat (no bodily harm being caused to the victim). Level 2 assaults are assaults that involve weapons and/or cause bodily harm to the victim. Level 3 assaults or “aggravated” assaults are assaults that wound, maim or disfigure the victim.

Level 1 sexual assaults involve unwanted sexual touching, but exclude incidents involving weapons, bodily harm or aggravated bodily harm.

Homicides includes first and second degree murder, manslaughter and infanticide.

### 2.1 - Level 1 Assault Rates in 2011, by Province and Territory

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based crime statistics by detailed violations<sup>1</sup>

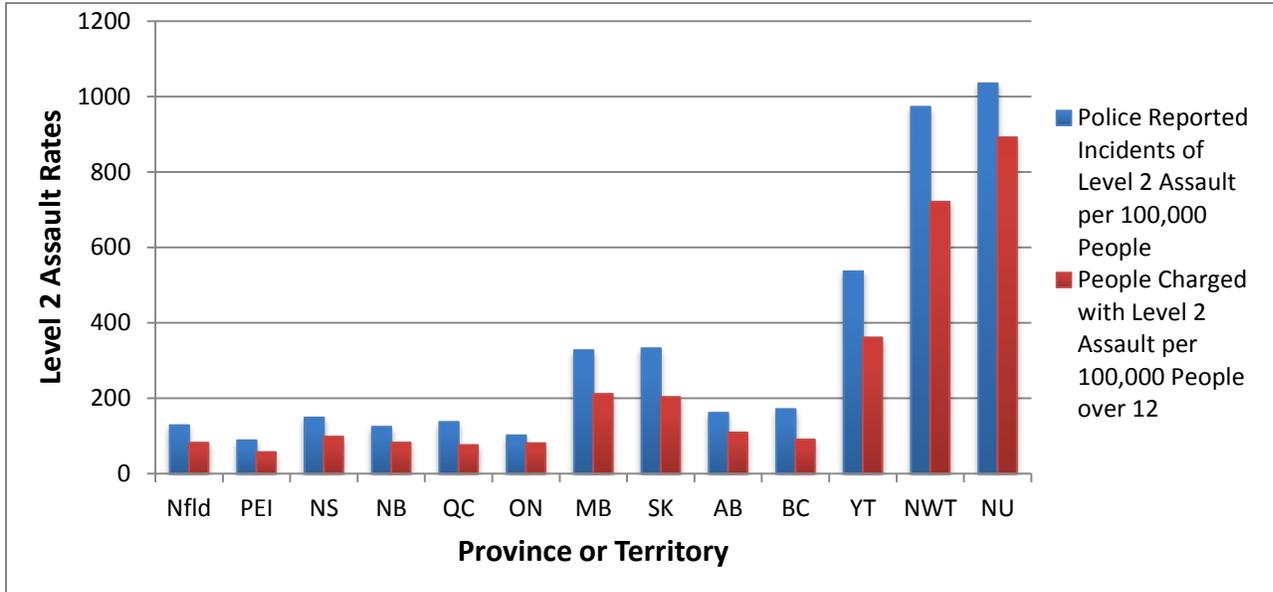


<sup>1</sup> Data available at

<http://www5.statcan.gc.ca/cansim/a26?lang=eng&retrLang=eng&id=2520051&tabMode=dataTable&srchLan=-1&p1=-1&p2=9>.

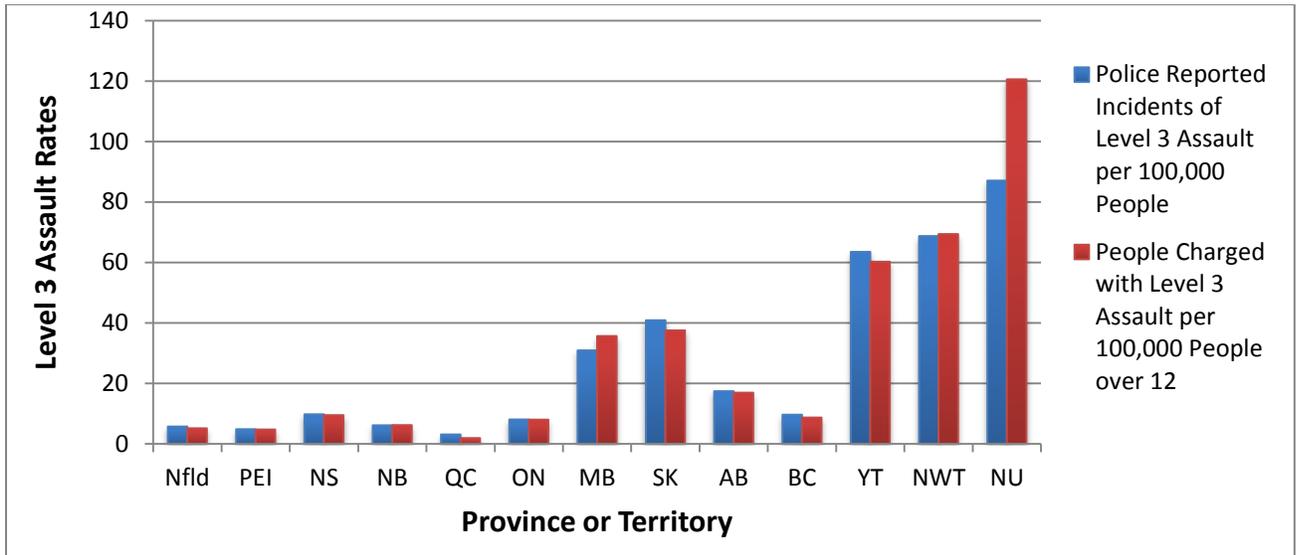
## 2.2 - Level 2 Assault Rates in 2011, by Province and Territory

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based crime statistics by detailed violations<sup>2</sup>



## 2.3 - Level 3 Assault Rates in 2011, by Province and Territory

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based crime statistics by detailed violations<sup>3</sup>



<sup>2</sup> Data available at

<http://www5.statcan.gc.ca/cansim/a26?lang=eng&retrLang=eng&id=2520051&tabMode=dataTable&srchLan=-1&p1=-1&p2=9>.

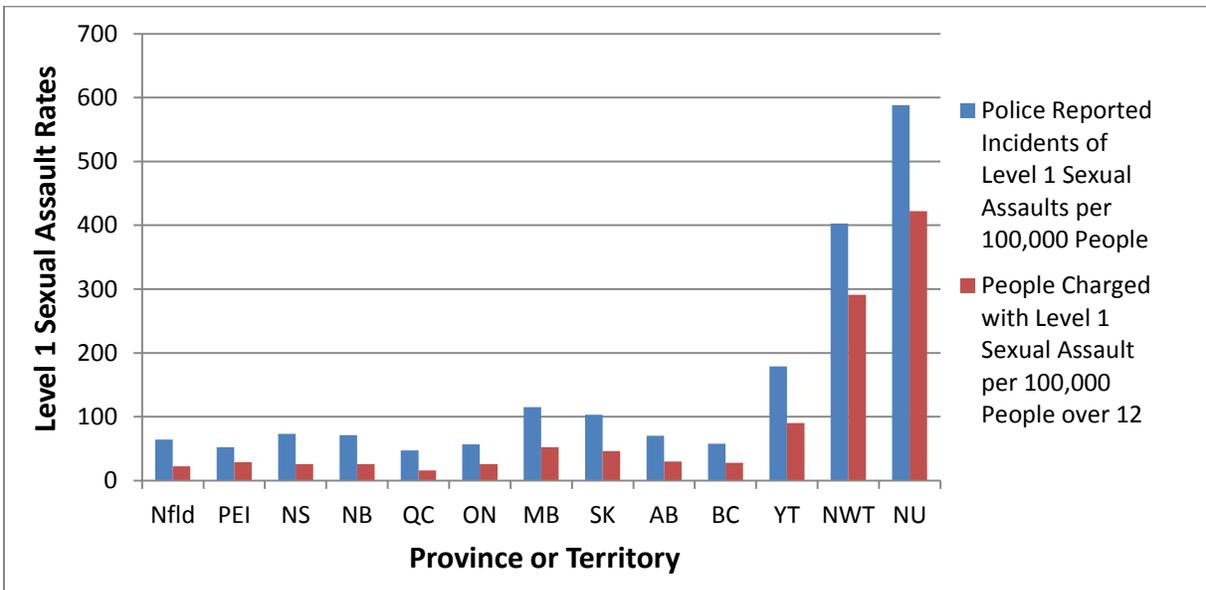
<sup>3</sup> Data available at

<http://www5.statcan.gc.ca/cansim/a26?lang=eng&retrLang=eng&id=2520051&tabMode=dataTable&srchLan=-1&p1=-1&p2=9>.

As the previous graph illustrates, some jurisdictions reported a Charge Rate that exceeded the rate of police reported Level 3 assaults in 2011. This anomaly is likely due to the fact that charge rates are calculated using only a subset of each jurisdiction’s population (people over the age of 12), while Report Rates are calculated in relation to the whole population. In Nunavut, the proportion of the population under 12 is larger than in other jurisdictions (approximately 26% in 2011), so the amount by which the Charge Rate exceeds the Report Rate is more pronounced. The Level 3 assault Charge Rate may also be higher than the Report Rate due to incidents where multiple citizens were charged for their participation in a “group attack” which would only constitute a single police report.

## 2.4 - Level 1 Sexual Assault Rates in 2011, by Province and Territory

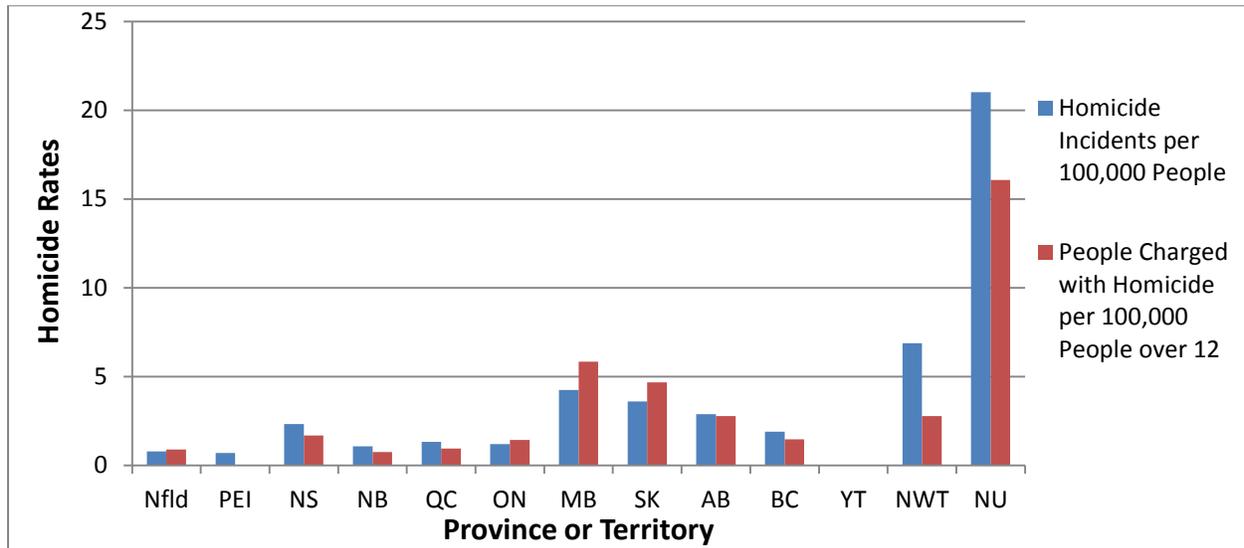
Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based crime statistics by detailed violations<sup>4</sup>



<sup>4</sup> Data available at <http://www5.statcan.gc.ca/cansim/a26?lang=eng&retrLang=eng&id=2520051&tabMode=dataTable&srchLan=-1&p1=-1&p2=9>.

## 2.5 - Homicide Rates in 2011, by Province and Territory

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey, 2011<sup>5</sup>



Nunavut recorded seven homicides in 2011, one more than in 2010. The rate of 21.0 homicides per 100,000 population is the highest per capita rate of homicide in the country by a wide margin.

Since 2001, Nunavut has had the highest annual per capita homicide rate, at 13.6. Close to one-third (32%) of all homicides in Nunavut since 2001 were committed by a spouse, and close to one-quarter (23%) were committed by another family member.<sup>6</sup>

Nunavut continues to experience the highest per capita rate of spousal homicide in the country.<sup>7</sup>

## 3. Comparative Rates of Victimization, 2010

As in Graphs 2.1 through 2.5 above, the following three graphs show rates of a particular type of violence. However, rather than representing rates of reported crimes, or charges laid for crimes, the following graphs measure rates of *victims* (per 100,000 people) of violent crimes committed by the victims' intimate partners or family members. Statistics Canada defines intimate partners as legally married, separated, divorced, common-law partners, current and previous dating partners and other intimate partners.<sup>8</sup> For the purposes of analysing more general family violence, Statistics Canada defines family relationships as those created through blood (biological parents, children, siblings and extended family), marriage, co-habitation (common law spouses), foster care, and adoption.<sup>9</sup>

For the sake of comparison, Graphs 3.1 and 3.2 also illustrate rates of victimization by non-family members and non-intimate partners.

<sup>5</sup> Data available at <http://www.statcan.gc.ca/pub/85-002-x/2012001/article/11738/tbl/tbl01b-eng.htm>.

<sup>6</sup> Samuel Perreault, "Homicide in Canada, 2011" *Juristat* article (December 12, 2012), online: Statistics Canada <<http://www.statcan.gc.ca/pub/85-002-x/2012001/article/11738-eng.pdf>>.

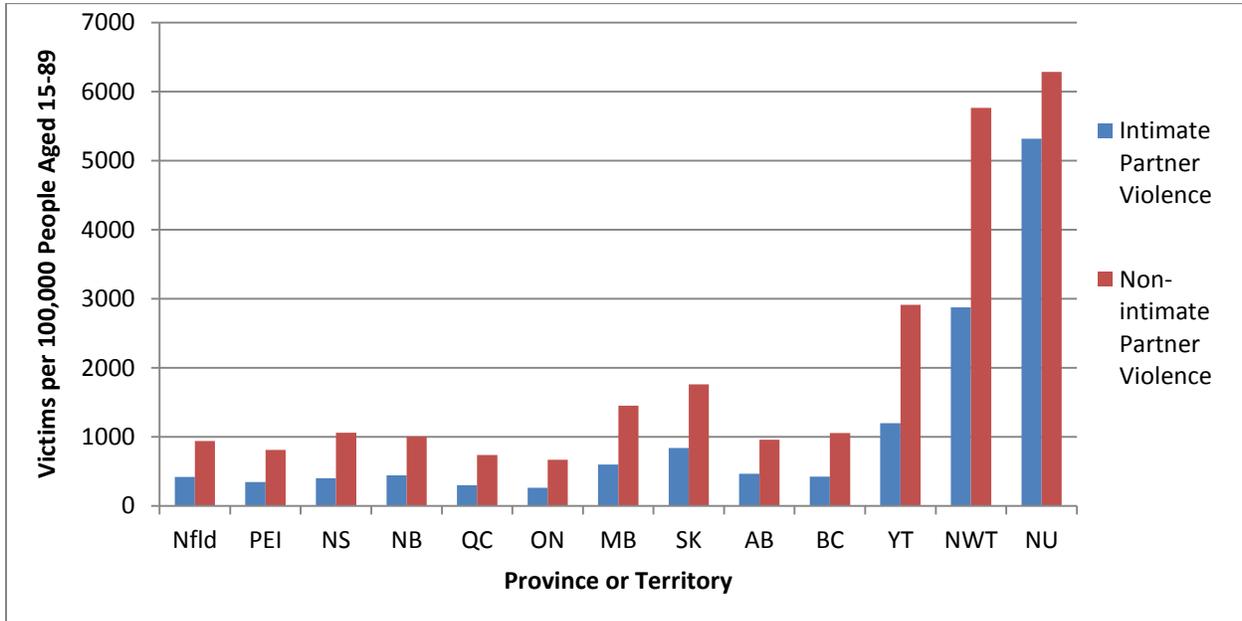
<sup>7</sup> *Ibid.*

<sup>8</sup> Maire Sinha, "Family violence in Canada: A statistical profile, 2010" *Juristat* article (May 22, 2012), online: Statistics Canada <<http://www.statcan.gc.ca/pub/85-002-x/2012001/article/11643-eng.pdf>>.

<sup>9</sup> *Ibid.*

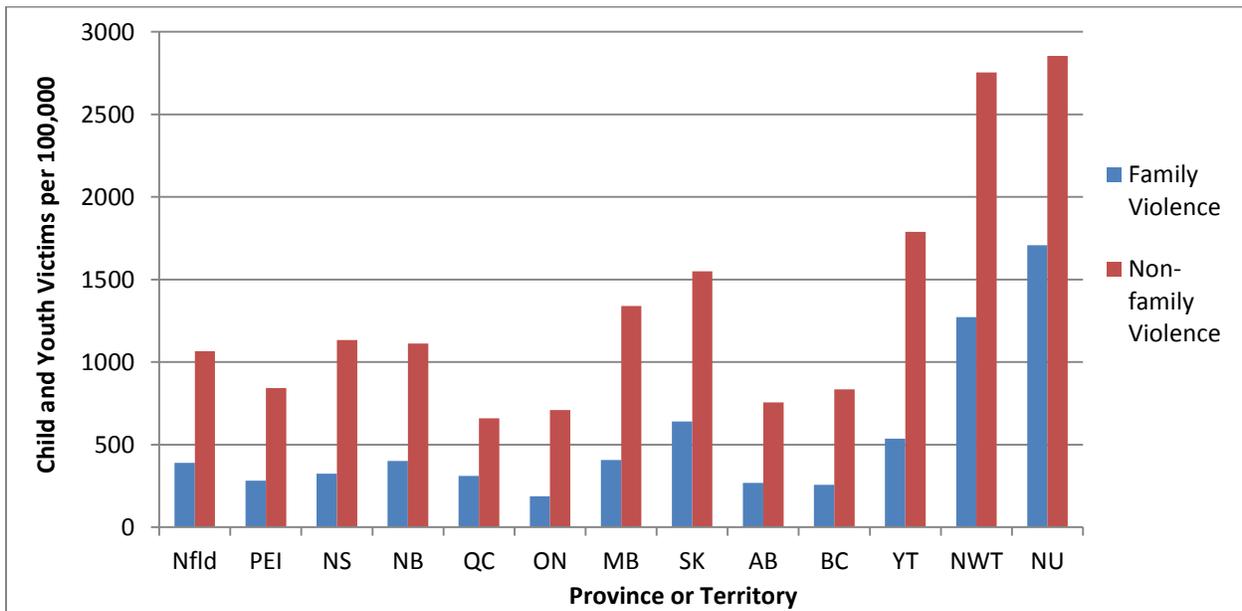
### 3.1 - Rate of Victims of Police Reported Violent Crime by Intimate Partners and Non-intimate Partners in 2010, by Province and Territory

Source: Statistics Canada, Family violence in Canada: A statistical profile, 2010<sup>10</sup>



### 3.2 - Rate of Child and Youth Victims (Age 0-17) of Police Reported Violent Crime by Family and Non-family Members in 2010, by Province and Territory

Source: Statistics Canada, Family violence in Canada: A statistical profile, 2010<sup>11</sup>

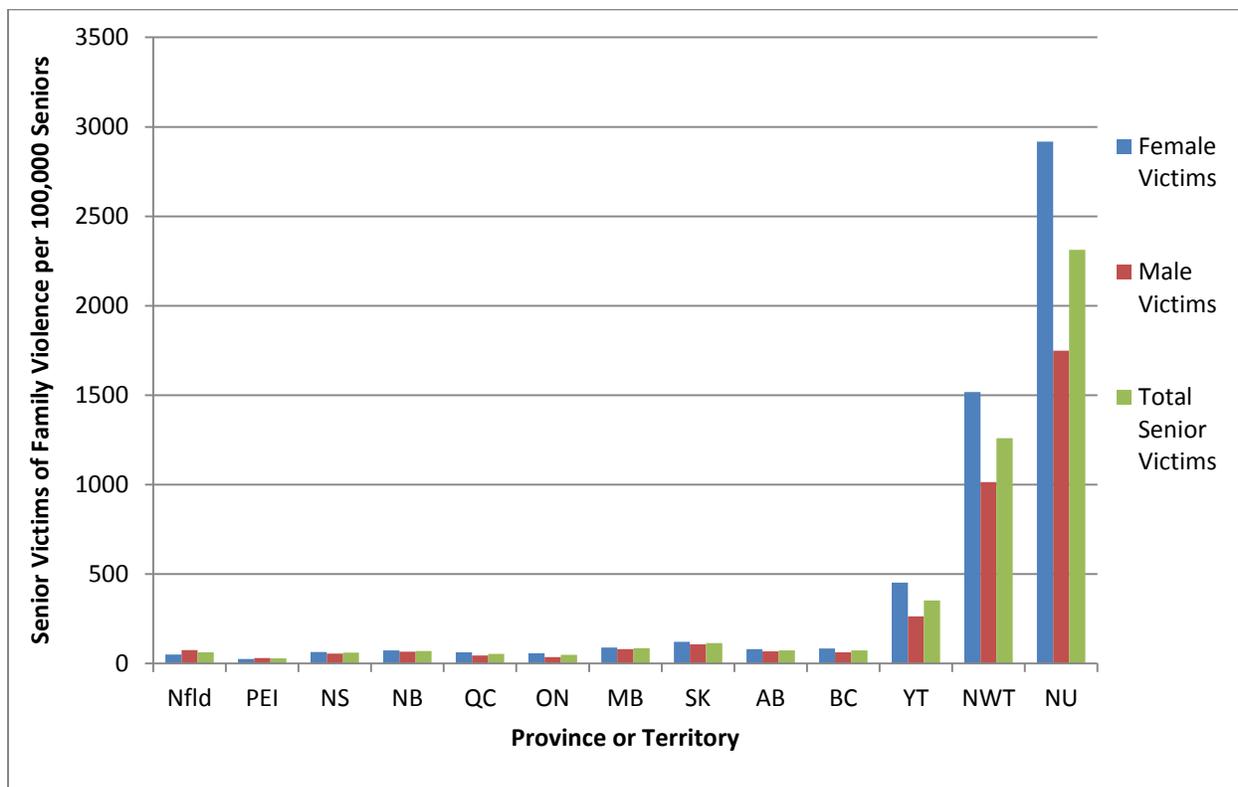


<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

### 3.3 - Rate of Senior Victims (Age 65-89) of Police Reported Family Violence in 2010, by Sex of Victim and by Province and Territory

Source: Statistics Canada, Family violence in Canada: A statistical profile, 2010<sup>12</sup>



## 4. Comparative Crime Severity Indices, 2011

A high crime rate does not necessarily equate to a high frequency of *serious* crimes because most reported crimes are less serious offences such as minor thefts, mischief and common assaults. Therefore, statisticians use another measure of police reported crime, called the Crime Severity Index (CSI), which not only takes into account the volume of crime but also the seriousness of crime, as described below:

*In the calculation of the CSI, each offence is assigned a weight, derived from sentences handed down by criminal courts. The more serious the average sentence, the higher the weight for that offence. As a result, more serious offences have a greater impact on the Index.*

*All offences, including traffic and drug offences, are included in the CSI. The calculation for the CSI involves summing the weighted offences and dividing by the population. The CSI is then standardized to a base year (2006) of "100". CSI values are available back to 1998. In addition to the overall CSI, both a violent CSI and a non-violent CSI have been created.<sup>13</sup>*

<sup>12</sup> *Ibid.*

<sup>13</sup> Shannon Brennan, "Police-reported crime statistics in Canada, 2011" *Juristat* article (July 24, 2012), online: Statistics Canada <<http://www.statcan.gc.ca/pub/85-002-x/2012001/article/11692-eng.htm?fpv=269303>>.

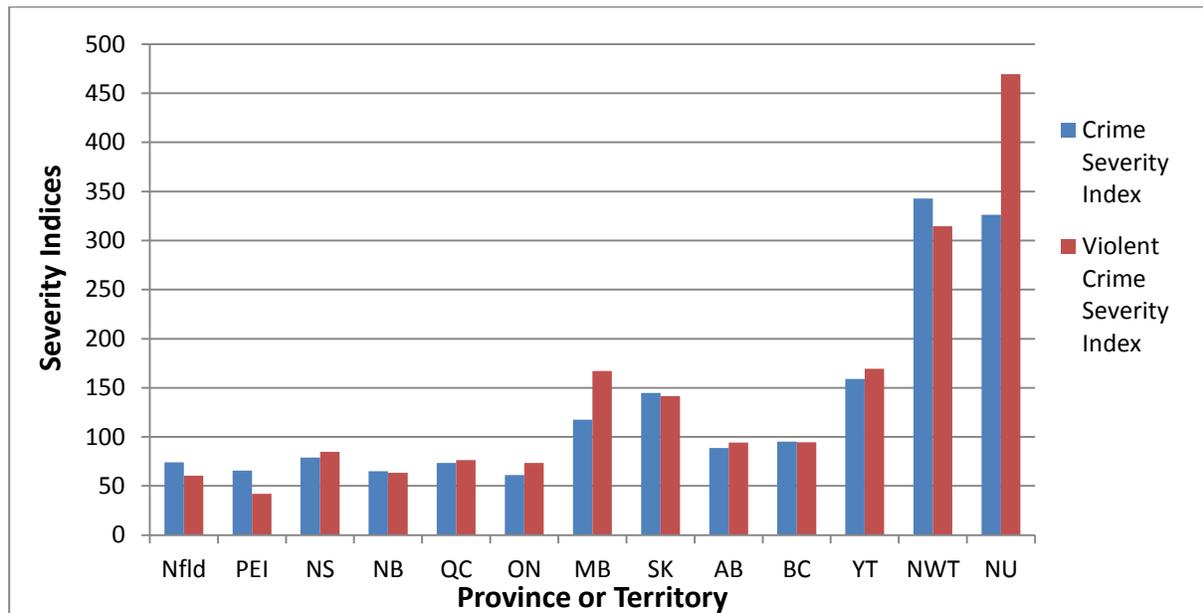
The following crimes are considered violent crimes for the purposes of the Violent Crime Severity Index:

- Murder - 1<sup>st</sup> and 2<sup>nd</sup> degree
- Manslaughter
- Infanticide
- Criminal negligence causing death
- Other related violations causing death
- Attempted murder
- Conspire to commit murder
- All sexual assaults
- Sexual interference
- Invitation to sexual touching
- Sexual exploitation
- Incest
- Anal intercourse
- Bestiality - commit or compel or incite
- Corrupting morals of a child
- Luring a person under 18 via computer
- Voyeurism
- All assaults
- Unlawfully causing bodily harm
- Trap, likely to or causing bodily harm
- Discharge firearm with intent
- Using firearm or imitation in commission of offence
- Pointing a firearm
- Assault against peace or public officer
- Criminal negligence causing bodily harm
- Forcible confinement or kidnapping
- Hostage-taking
- Trafficking in persons
- Abduction under 14, not parent or guardian
- Abduction under 16
- Removal of children from Canada
- Abduction under 14, contravening custody order
- Abduction under 14, by parent or guardian
- Robbery
- Robbery of firearms
- Extortion
- All intimidation offences (to justice system participant, journalist or other)
- Criminal harassment
- Harassing phone calls
- Uttering threat to person

The following graph illustrates the severity indices for both crime and violent crime in each of the provinces and territories in 2011.

## 4.1 - Severity Indices for Crime and Violent Crime in 2011, by Province and Territory

Source: Statistics Canada, Canadian Centre for Justice Statistics<sup>14</sup>



## 5. Historic Charge Volumes in Nunavut, 2000-2012

The following three graphs represent charge volumes in Nunavut in the years specified. The number of charges laid in a given year is generally lower than the number of reported incidents of crimes in the same year for the reasons outlined in section 1.

Furthermore, the number of charges laid in a given year does not reflect the total volume of charges that are being processed by the Court in the same year. Many serious charges, such as homicide, can be expected to take several years to work their way through the Court.

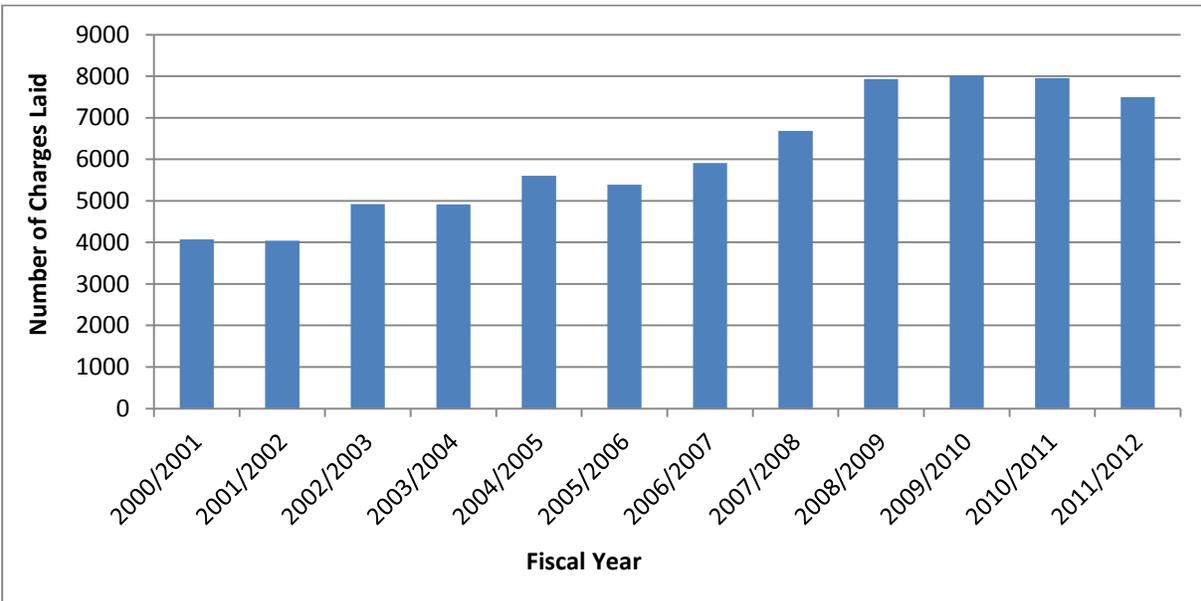
At the start of 2011, there were 14 homicide charges still before the Court at various states of completion from the previous three years. In the previous three years, the RCMP had laid a total of 15 homicide charges.<sup>15</sup> The four new charges of homicide laid in 2011 were in addition to those charges already being processed by the Court. At one point in late 2011, the Court was carrying 16 open homicide files.

<sup>14</sup> Data available at <http://www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/legal51a-eng.htm>.

<sup>15</sup> Data available at <http://www5.statcan.gc.ca/cansim/a26?lang=eng&retrLang=eng&id=2520051&tabMode=dataTable&srchLan=-1&p1=-1&p2=9>.

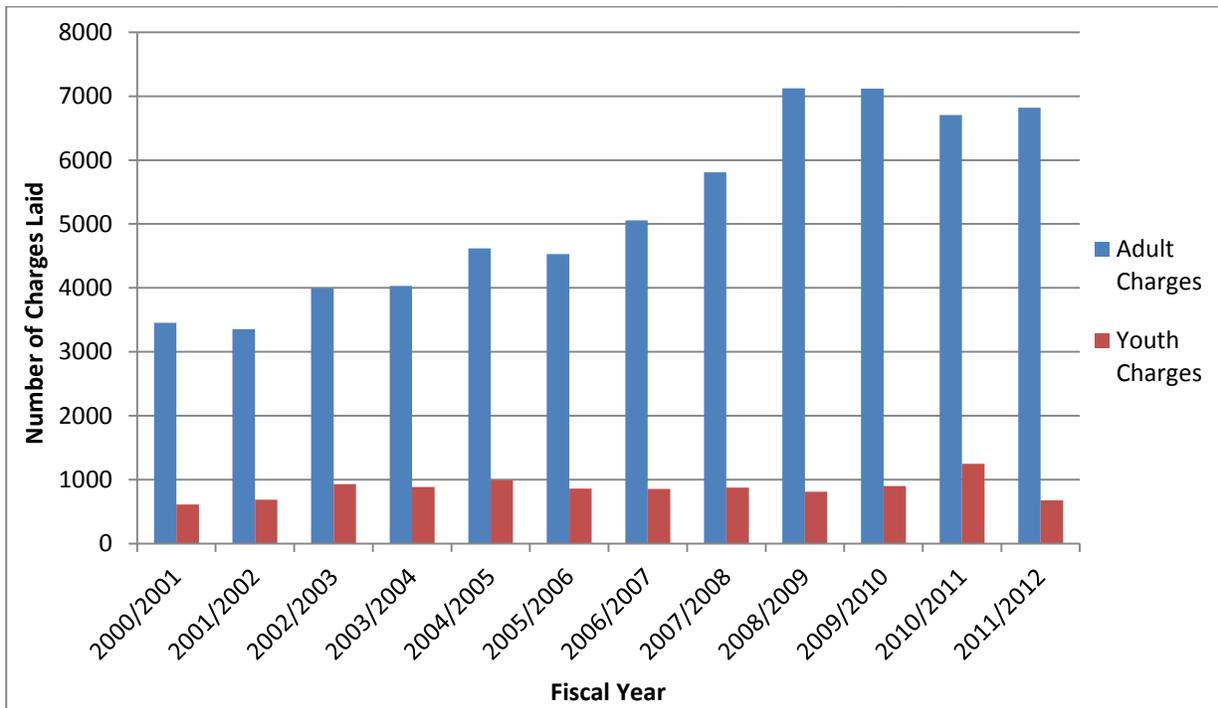
## 5.1 - Total Number of Criminal Charges Laid in Nunavut, by Fiscal Year

Source: Nunavut Court of Justice, Court Information System



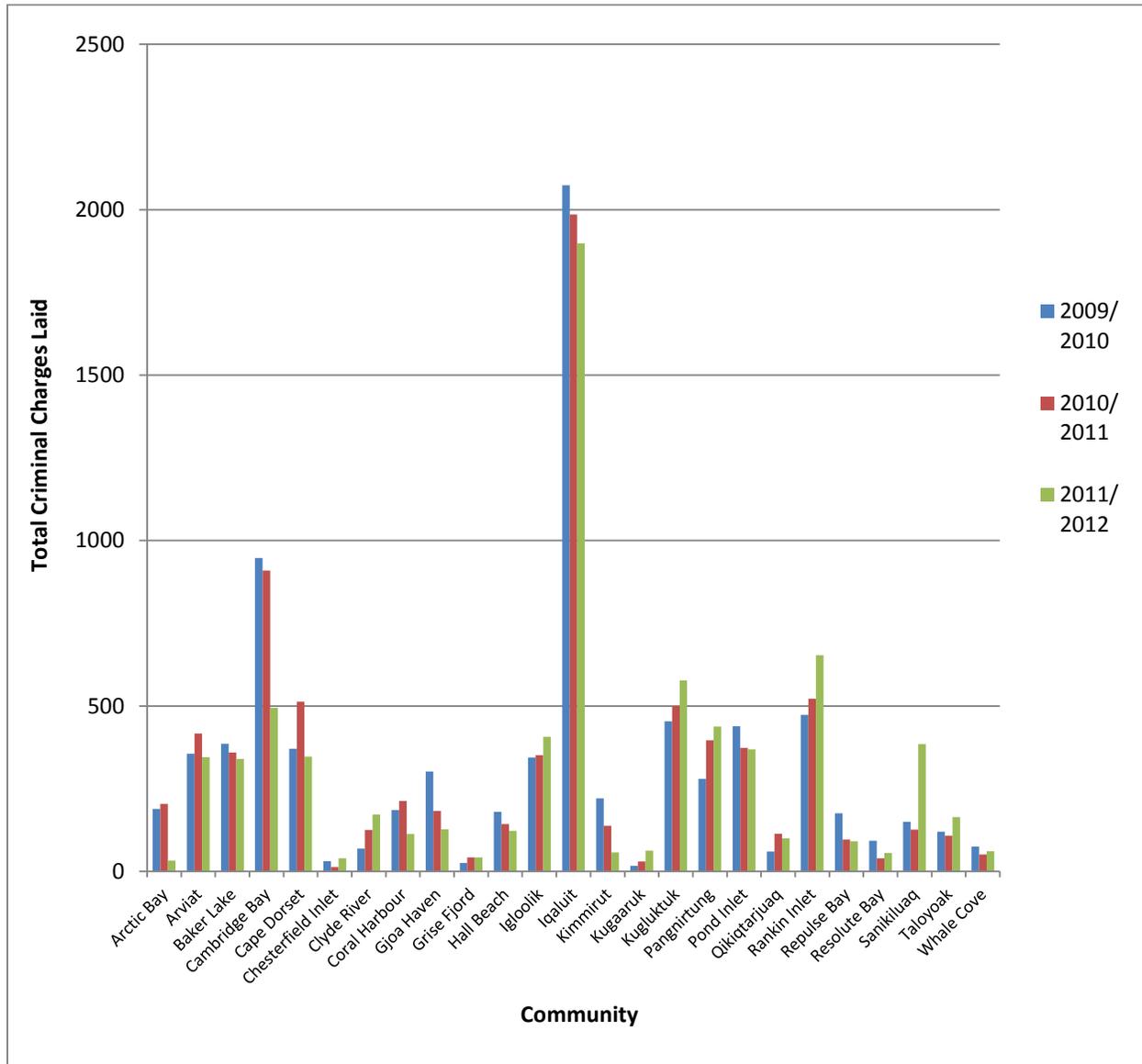
## 5.2 - Total Adult and Youth Charges Laid in Nunavut, by Fiscal Year

Source: Nunavut Court of Justice, Court Information System



### 5.3 - Total Charge Volumes in Nunavut for Previous Three Fiscal Years, by Community

Source: Nunavut Court of Justice Court Information System

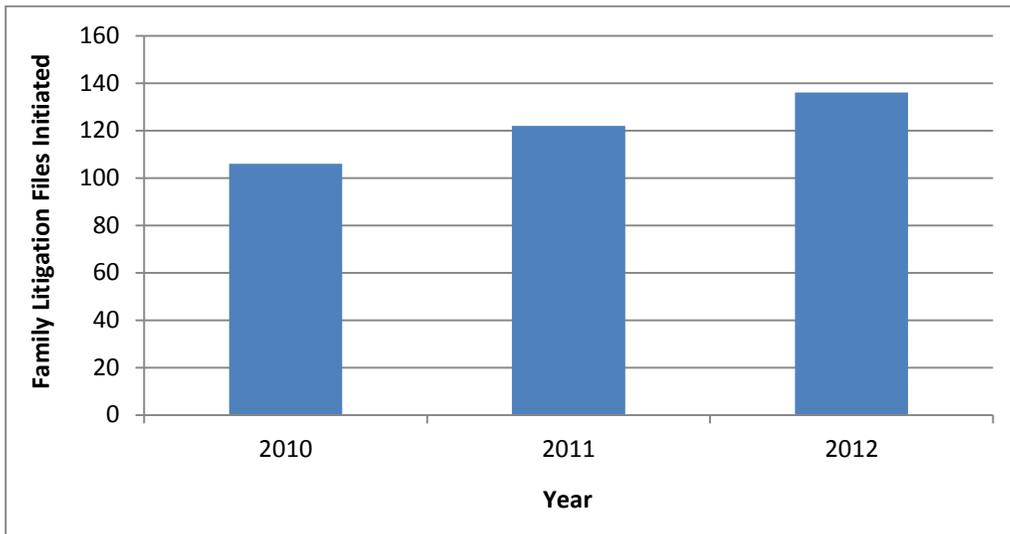


### 6. Family Files Opened in 2010, 2011 and 2012

The following three graphs represent the volumes of different categories of family court files that were opened in each of 2010, 2011 and 2012. The first graph concerns general family litigation files, which includes proceedings regarding child custody, child and/or spousal support, division of matrimonial property, guardianship, inter-jurisdictional support and maintenance enforcement. The second graph concerns child protection files, which involve proceedings under the *Child and Family Services Act*. The last graph deals with proceedings that were initiated under the *Family Abuse Intervention Act*.

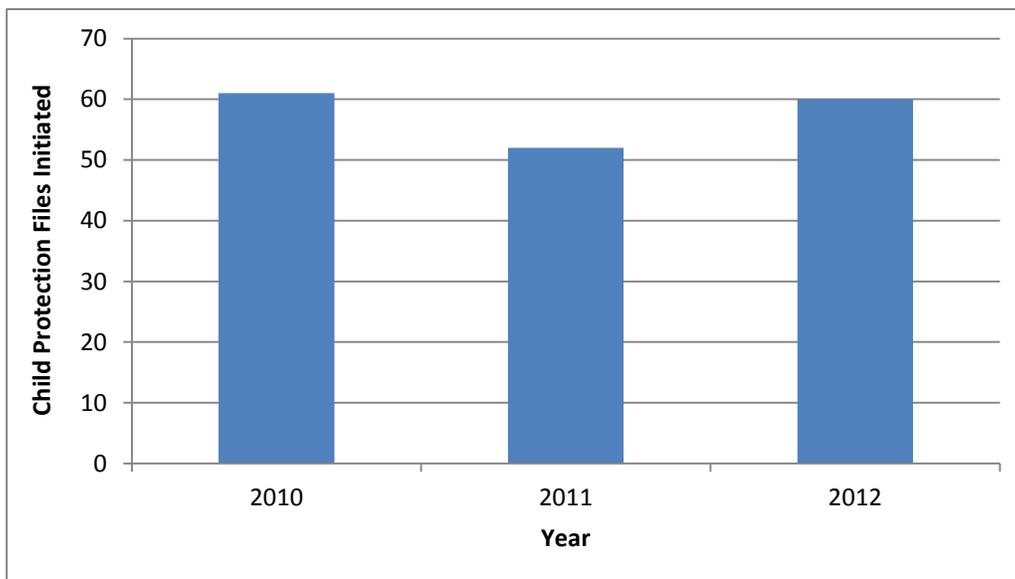
## 6.1 - Family Litigation Files Initiated in Nunavut, by Calendar Year

Source: Nunavut Court of Justice, Court Information System



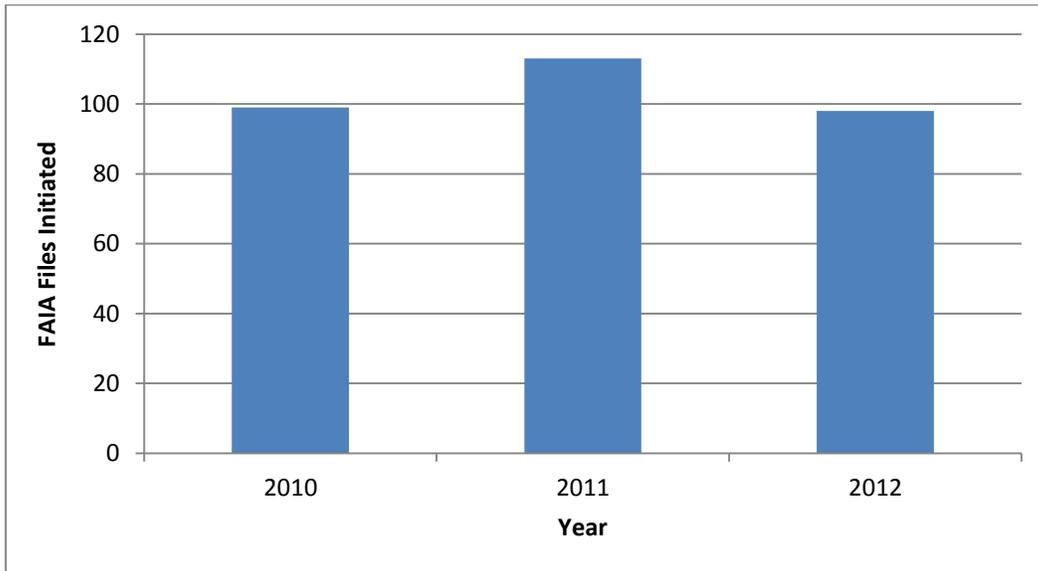
## 6.2 - Child Protection Files Initiated in Nunavut, by Calendar Year

Source: Nunavut Court of Justice, Court Information System



### 6.3 - Family Abuse Intervention Act Applications Initiated in Nunavut, by Calendar Year

Source: Nunavut Court of Justice, Court Information System



## PART 2

### 7. Historic Processing of Adult Criminal Cases in Nunavut, 2002-2012

Section 7 details historic annual volumes of adult criminal cases that the Court concluded (Graph 7.1), and fluctuations in the length of time required to conclude adult criminal cases (Graph 7.2). It also provides a comparison of the median time required to conclude adult criminal cases in each of the provinces and territories in 2010/2011 (Graph 7.3).

Graph 7.1 only reflects the number of adult criminal cases that concluded in the years specified, not the total caseload of the Nunavut Court of Justice for those years.

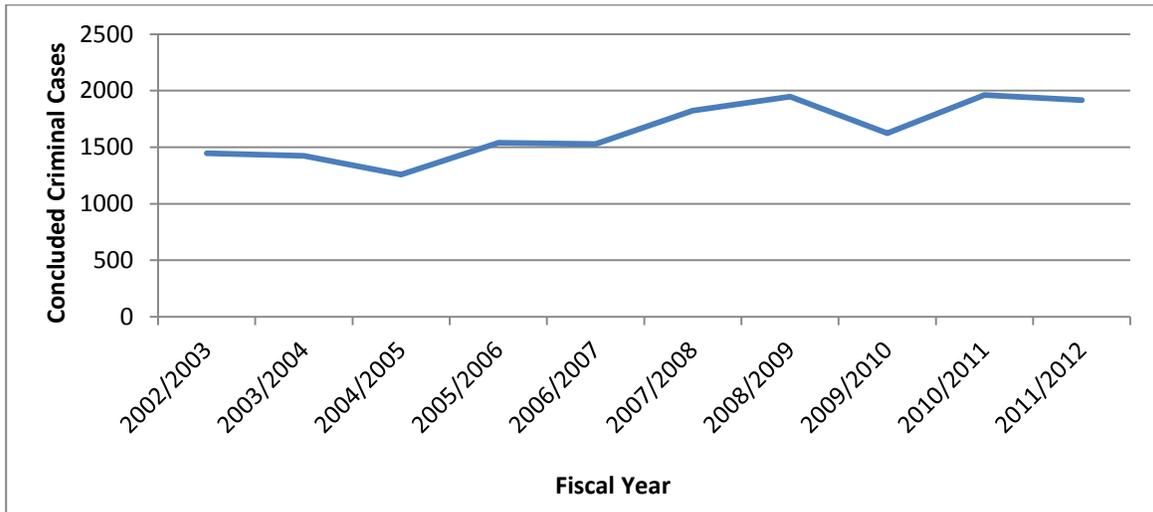
For the purposes of Graph 7.2, the mean elapsed time is the average number of days from first to last court appearance, while the median elapsed time is the mid-point of the number of days between the first and the last court appearance. Faster case-processing will result in lower mean and median elapsed times.

Faster case-processing in 2011/2012 can be attributed to the appointment of additional judges, which has allowed an increase in the number of sittings, and a judicial case management initiative that the Court implemented in 2011.

Any criminal or civil case requiring an estimated full day of court time is now the subject of rigorous case management by the judiciary.

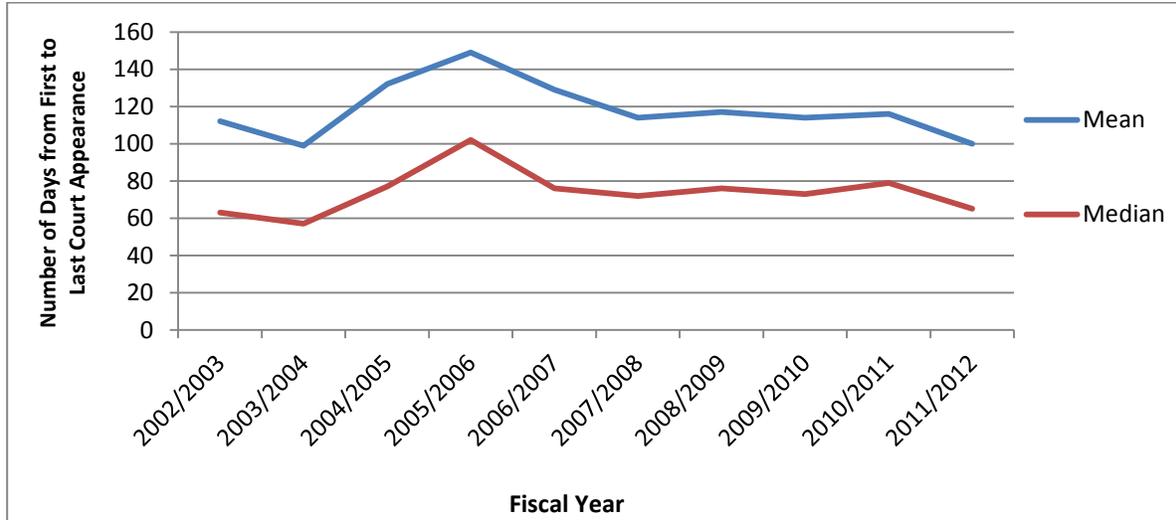
## 7.1 - Concluded Adult Criminal Cases in the Nunavut Court of Justice, by Fiscal Year

Source: Statistics Canada, Canadian Center for Justice Statistics, Integrated Criminal Court Survey



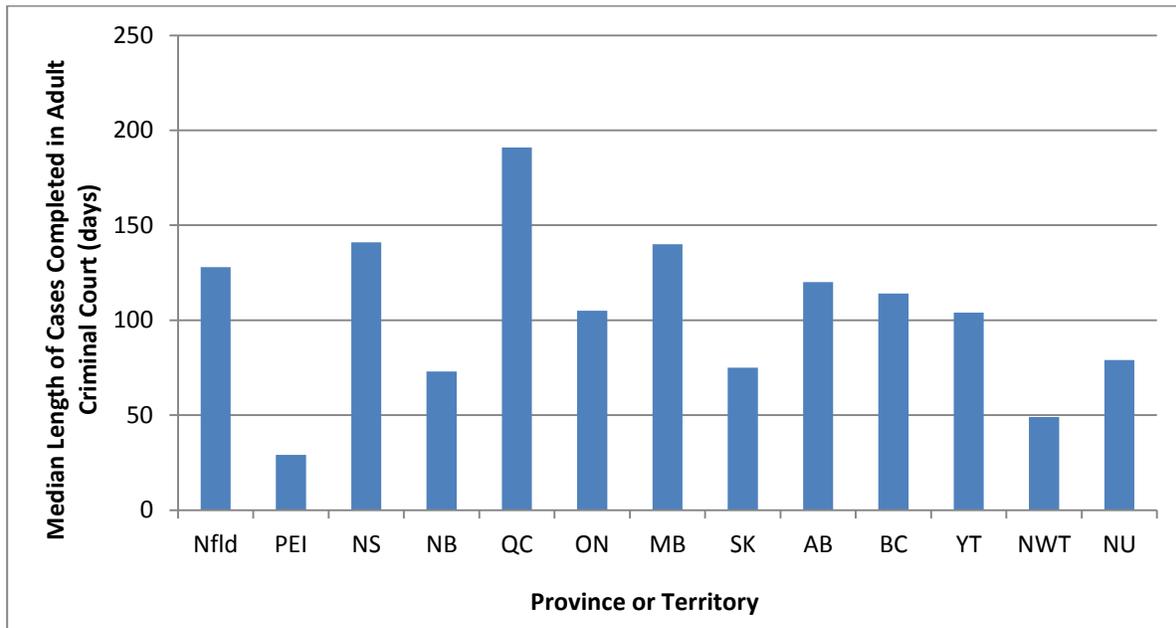
## 7.2 - Elapsed Time (in days) from First to Last Court Appearance in Adult Criminal Cases, by Fiscal Year

Source: Statistics Canada, Canadian Center for Justice Statistics, Integrated Criminal Court Survey



### 7.3 - Median Length of Completed Adult Criminal Cases in 2010/2011, by Province and Territory

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey<sup>16</sup>



### 8. Historic Use of Custodial Remand in Nunavut, 2002-2012

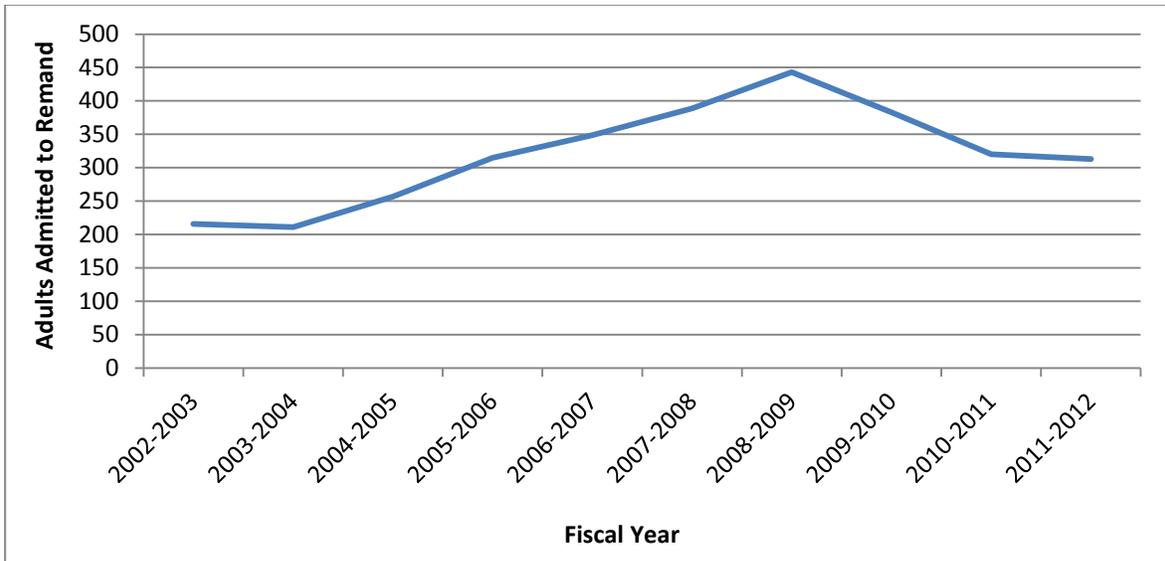
Remand is the temporary detention of a person while they are awaiting trial or a sentencing hearing. While the average time taken to process cases continues to fall (see Graph 7.2), the average length of time on remand remains near its highest level since 2002 (Graph 8.2).

Remanded citizens are usually charged with either more serious, or a greater volume of offences, which generally take longer to resolve. The defence choice of mode of trial has a bearing on the time it takes to clear charges. A defence request for a preliminary inquiry and/or a trial by jury may extend the time to process charges by two to three times the time needed to process a trial by a judge alone without a preliminary inquiry or a jury. Many of those citizens facing serious charges are electing to have a preliminary hearing. Some are electing to have a trial by jury. This directly impacts on the length of time they spend in remand awaiting trial.

<sup>16</sup> Available online at <http://www.statcan.gc.ca/pub/85-002-x/2012001/article/11646-eng.htm#a8>.

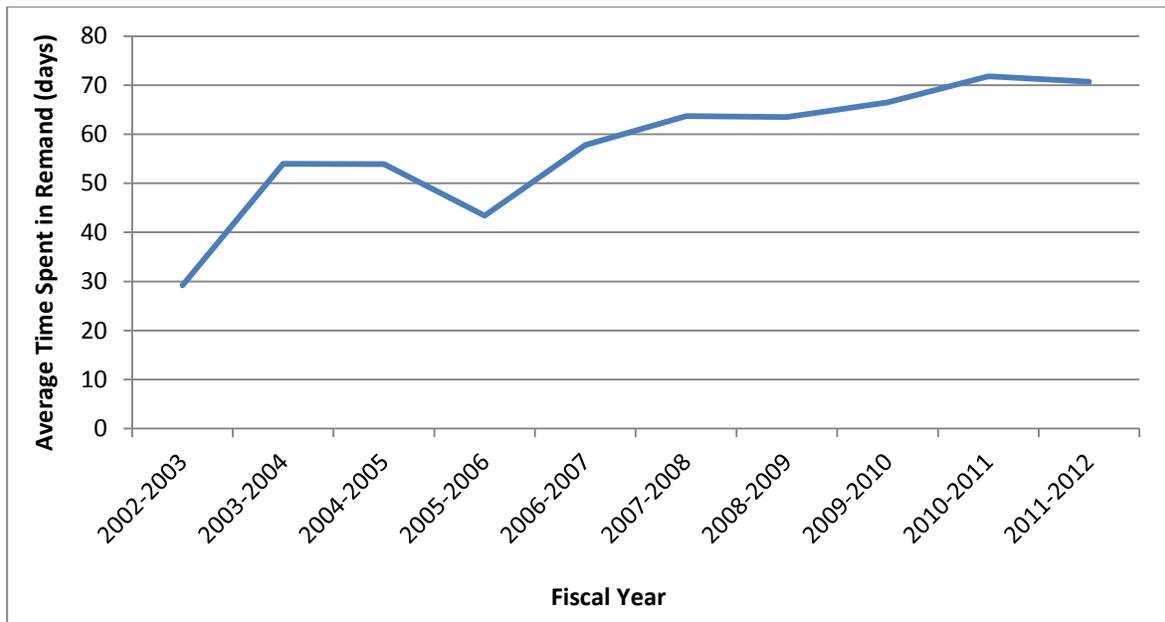
### 8.1 - Adult Remand Admissions in Nunavut, by Fiscal Year

Source: Corrections Headquarters, Division of Corrections, Department of Justice



### 8.2 - Average Time Spent by Adults in Remand, by Fiscal Year

Source: Corrections Headquarters, Division of Corrections, Department of Justice



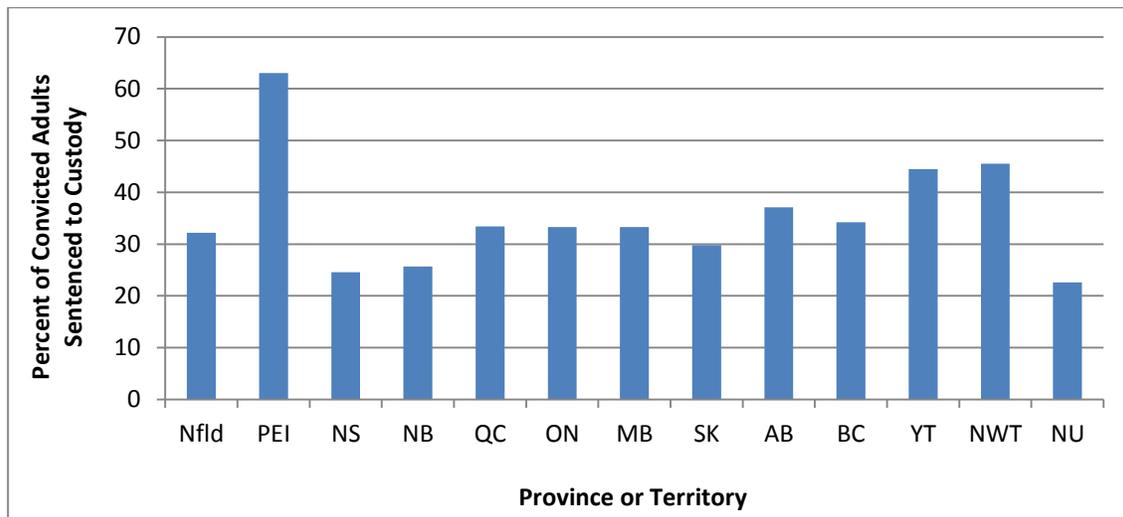
## 9. Recent Use of Custody on Sentence, 2010/2011

As the following two graphs depict, in 2010/2011 the Nunavut Court of Justice imposed custodial sentences in adult court with less frequency than any other jurisdiction. However, when a term of custody was imposed, the median length of sentence was the third highest among the other provinces and territories.

For the purposes of the following graphs, a “case” is one or more charges against a person that were processed by the courts at the same time and received a final disposition.<sup>17</sup> The data used to create these graphs represent approximately 95% of the national adult criminal court caseload, as information from superior courts in Prince Edward Island, Quebec, Ontario, Manitoba and Saskatchewan and municipal courts in Quebec was unavailable.<sup>18</sup>

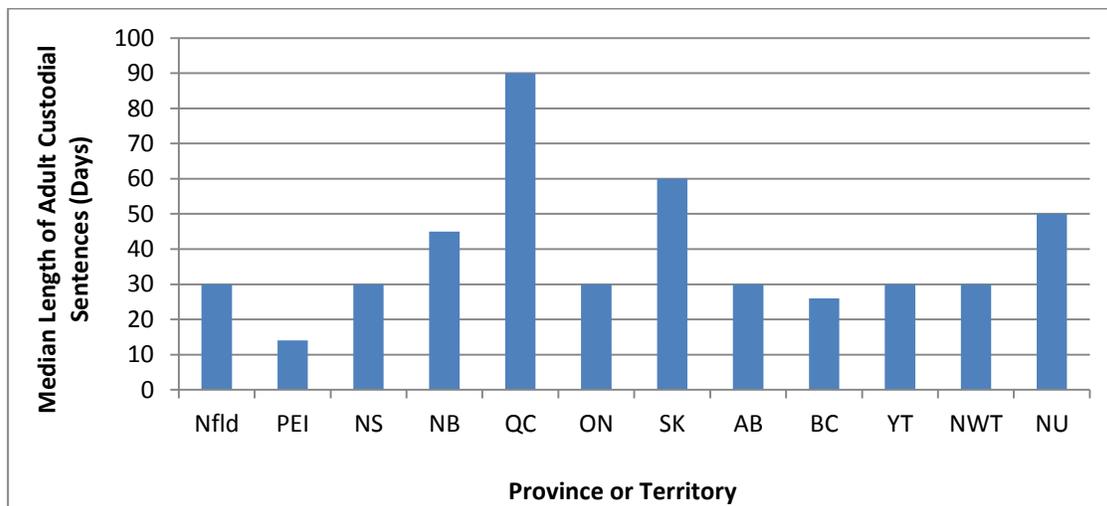
### 9.1 - Guilty Cases in Adult Criminal Court Sentenced to Custody, by Province and Territory, 2010/2011

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey<sup>19</sup>



### 9.2 - Median Length of Custody for Guilty Cases in Adult Criminal Court, by Province and Territory, 2010/2011

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Criminal Court Survey<sup>20</sup>



<sup>17</sup> Mia Dauvergne, “Adult Criminal Court Statistics in Canada, 2010/2011” *Juristat* article, (May 28, 2012), online: Statistics Canada < <http://www.statcan.gc.ca/pub/85-002-x/2012001/article/11646-eng.pdf>>.

<sup>18</sup> *Ibid.*

<sup>19</sup> Available online at <http://www.statcan.gc.ca/pub/85-002-x/2012001/article/11646-eng.htm>.

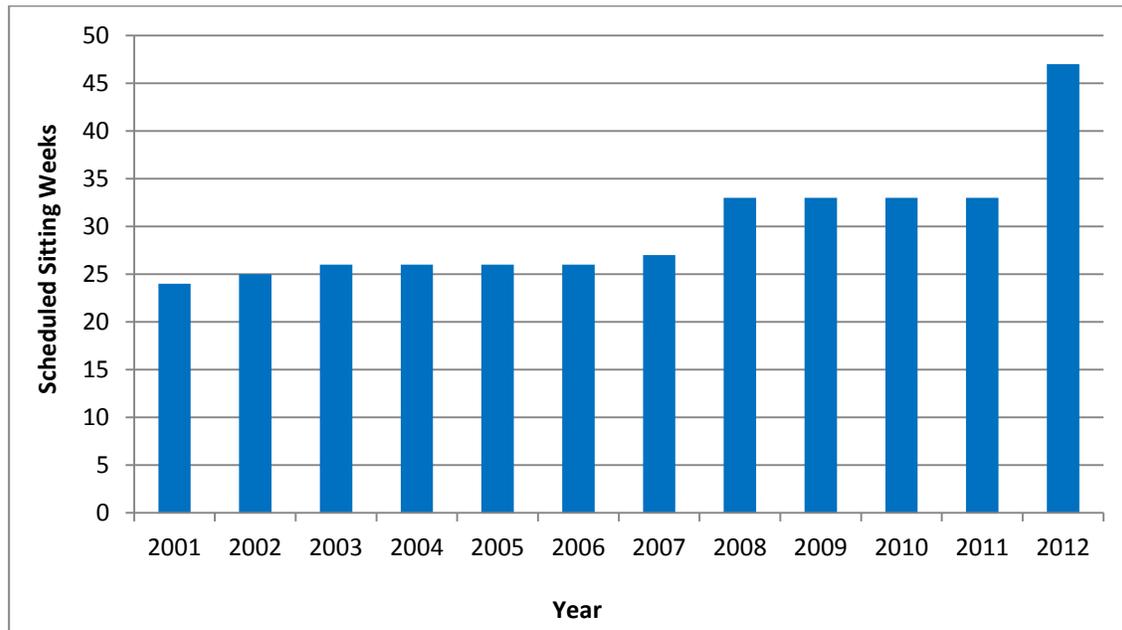
<sup>20</sup> *Ibid.*

## 10. Frequency of Court Sittings in Nunavut, 2001-2012

The following four graphs depict the number of weeks in the years specified for which the Court held various types of sittings.

### 10.1 - Regularly Scheduled Non-Jury Sitting Weeks in Iqaluit, by Calendar Year

Source: Nunavut Court of Justice, Court Information System

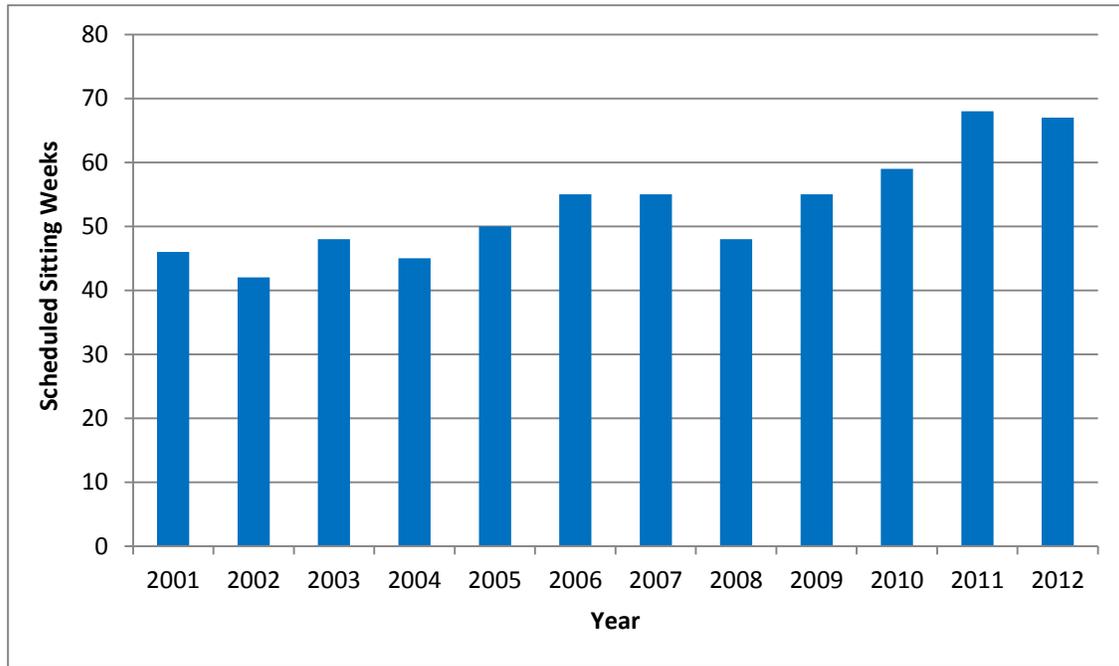


In July 2012, the frequency of trial weeks allotted to Iqaluit was doubled. This was done in an effort to reduce the growing backlog of serious cases involving citizens in custody from this community. Iqaluit is generating the highest per capita volume of charges in Nunavut (see Graph 5.3). A single dedicated trial week per month was inadequate to address this volume of charges.

The presence of the Baffin Correctional Center in Iqaluit also results in many cases from the Kivalliq region involving citizens in custody being processed by the Court in Iqaluit. This has placed additional demands upon the Court's sitting time in Iqaluit.

## 10.2 - Regularly Scheduled Non-jury Sitting Weeks in the Communities, by Calendar Year

Source: Nunavut Court of Justice Court Information System

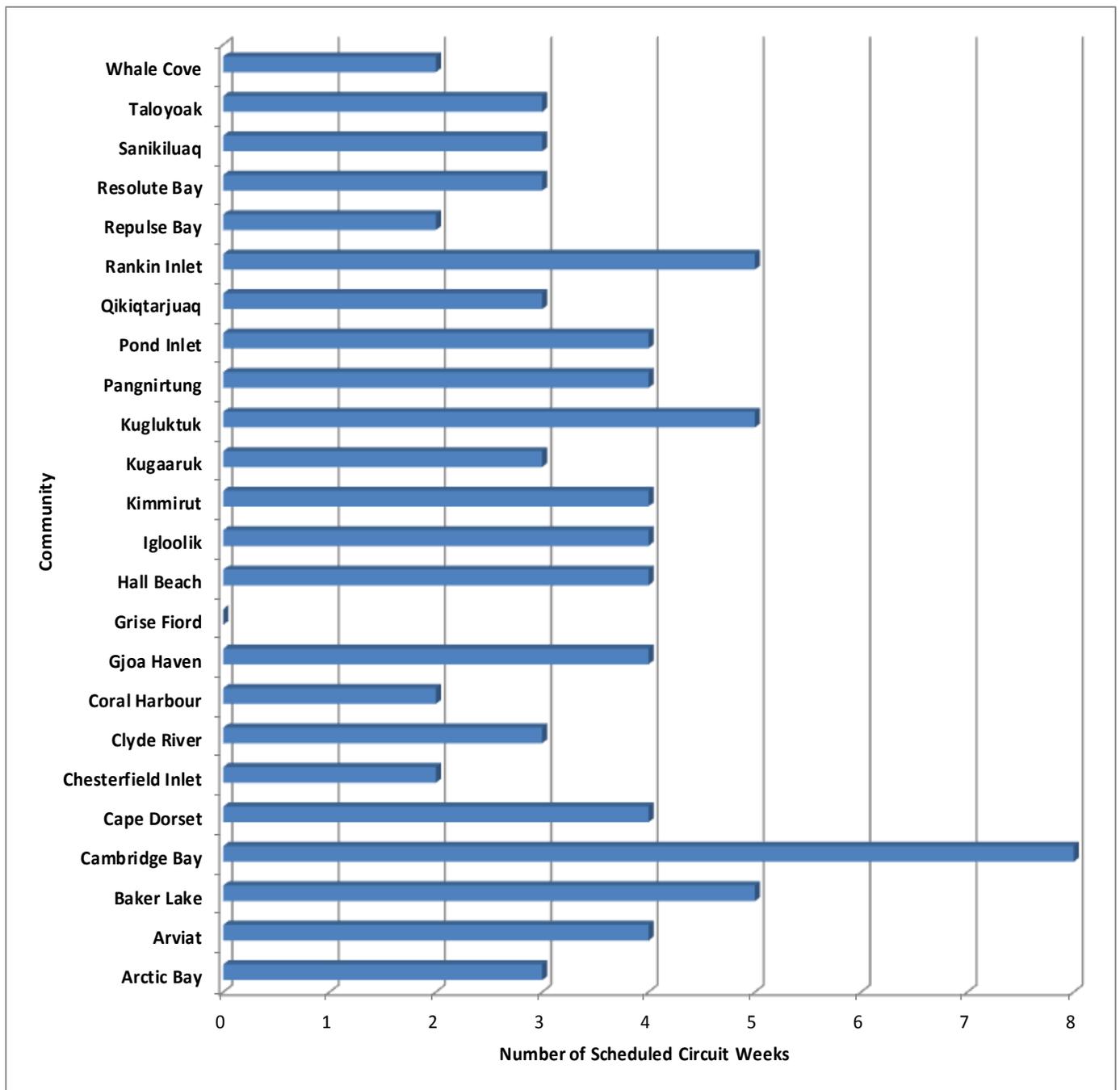


Graph 10.2 depicts the annual number of regular circuits into the communities of Nunavut that went ahead as scheduled over the past 10 years.

The Court cancelled a scheduled circuit into Igloolik on September 25, 2012 as a result of a suicide of an in-custody accused in police cells the night before the circuit was scheduled to start. Fog pre-empted air travel into Cape Dorset for the circuit scheduled to commence on August 24, 2012. This circuit was rebooked for the week of September 4, 2012.

### 10.3 - Number of Scheduled Circuit Weeks in 2012, by Community

Source: Administrator Judicial Support Services – Nunavut Court of Justice



The Court adjusts the frequency of its circuits into the communities annually to address the needs of individual communities. The frequency of circuits is increased or decreased to reflect changes in charge volume and/or severity. The dates for scheduled circuits are finalized a year in advance to assist other stakeholders in planning for the year ahead. The Director of Court Services and other justice stakeholders are consulted, and have input, into this planning process.

In an effort to reduce unnecessary trips back to the communities for the purpose of entering a defence election and/or plea, the Court introduced a dedicated monthly video remand court in Iqaluit in 2012

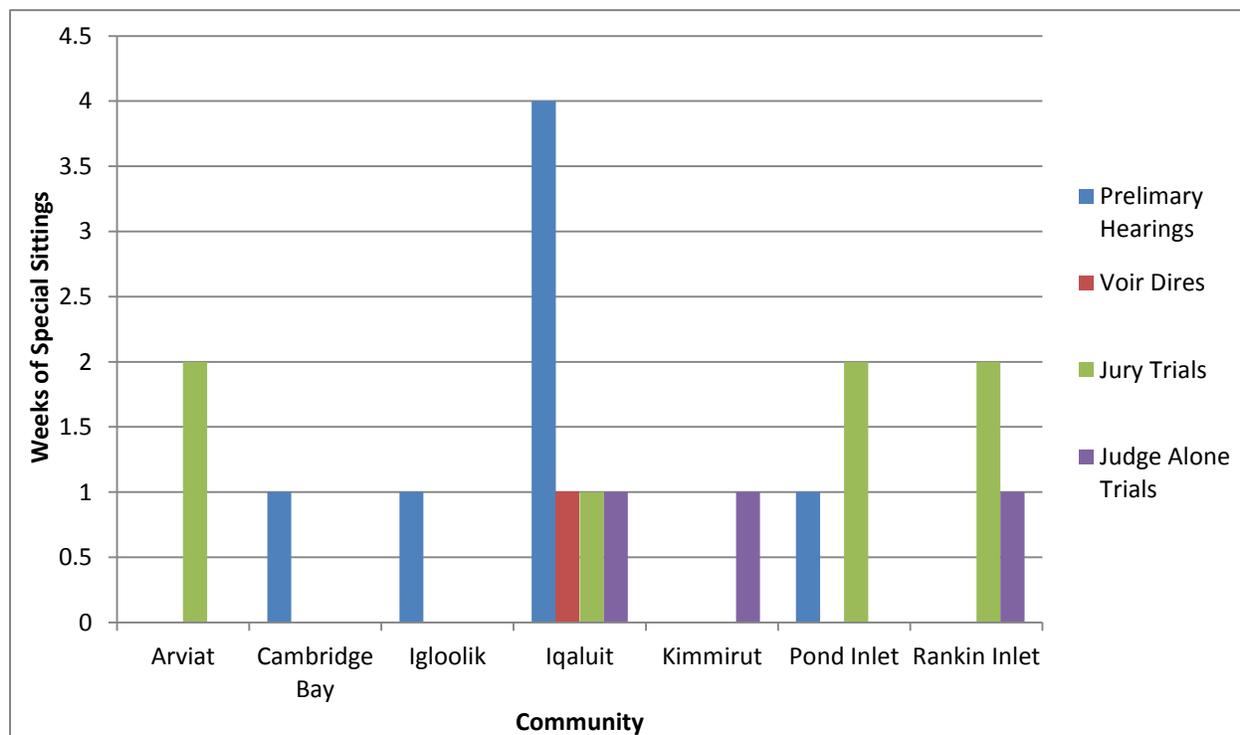
for the Kitikmeot prisoners lodged in the North Slave facility in the Northwest Territories. Citizens in custody can now enter their elections and pleas without having to return to their communities for what was typically a brief five minute appearance in court.

The new video remand court promises to not only substantially reduce the time necessary to process charges from this region, but also significantly reduces public expense in unnecessary transport back to the community for a procedural appearance. Where not guilty pleas are entered, the trial is usually booked for the Court’s next appearance in the community. By eliminating the need for procedural appearances in the communities, many months of remand time can be saved.

Sentencing hearings for Kitikmeot prisoners are also conducted by videoconference out of Iqaluit in cases where Crown and defence anticipate additional custody being imposed as a consequence of sentence. This eliminates hearing time that would otherwise have to be expended in the circuit court sittings of the Court and reduces time spent in remand awaiting the next circuit to the community of origin. Where there is a public interest in a sentencing proceeding in the community of origin, the Court retains the option of remanding the citizen to his/her home community for sentence.

### 10.4 - Completed Special Sitting Weeks in 2012, by Community

Source: Nunavut Court of Justice, Court Information System



Special sittings are necessary to accommodate the larger cases that cannot be accommodated in the regular sittings of the Court for a particular community. Lengthy preliminary hearings requiring three or more days of hearing time, such as preliminary hearings for homicides, are therefore scheduled separately. Longer judge alone trials and trials by jury are also booked separately. These longer matters are set into their own dedicated hearing weeks by a judge presiding in Assignment Court. Assignment Court sits once a month in Iqaluit.

Forty two jury trials were set for 2012. Six actually proceeded to trial before a jury. The balance of these matters did not require a jury as a result of a defence re-election to trial by judge alone, a defence decision to enter a guilty plea, a Crown decision to stay proceedings, or a necessary adjournment.

## 11. Judges of the Nunavut Court of Justice

When Nunavut was created in 1999, the Nunavut Court of Justice was assigned the jurisdictional responsibilities of both a provincial and superior court by the federal *Nunavut Act*. Nunavut's Court of Justice is the only single level trial court in the country.

Before the establishment of the Nunavut Court of Justice, the communities of Nunavut were serviced by three Territorial Court judges and three justices of the NWT Supreme Court. For the first three years of Nunavut's existence, the Court was given only two justices to address the Territory's needs. A third appointment followed in 2002, and a fourth in 2009.

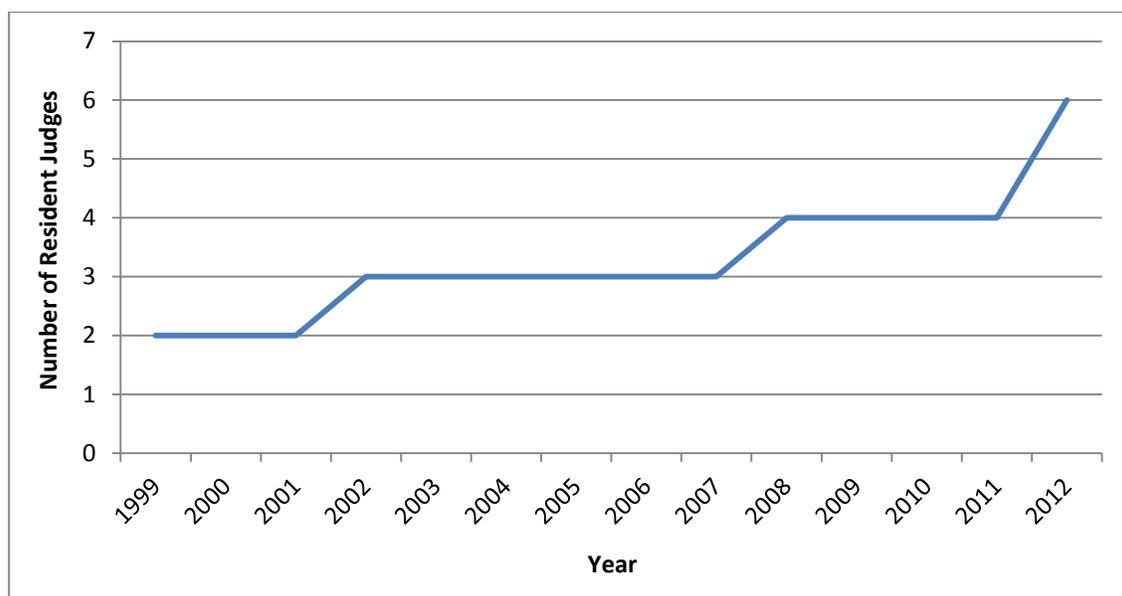
As the volume of serious crime in Nunavut increased, the Court was unable to address the sitting needs of the Court with resident judges alone. Deputy judges from southern superior courts were called upon with increased frequency to assist the Court in meeting its core responsibilities.

Between 2009 and 2011, the Senior Judge recruited an additional 33 deputy judges while pursuing two additional appointments to the resident judiciary with the federal Department of Justice. The additional deputy judges raised the Court's complement of deputy judges to 91.

The appointment of two additional resident justices to the Court in 2012 has brought Nunavut's resident judicial complement up to the level that the communities of Nunavut enjoyed prior to Nunavut's creation in 1999.

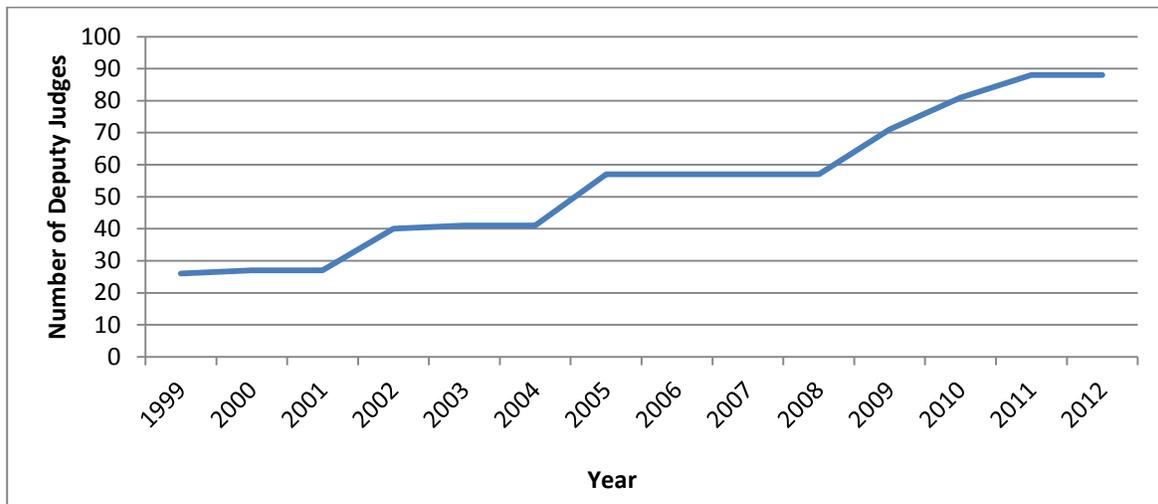
### 11.1 - Number of Resident Judges of the Nunavut Court of Justice, by Year

Source: Administrator Judicial Support Services – Nunavut Court of Justice



## 11.2 - Number of Deputy Judges of the Nunavut Court of Justice, by Year

Source: Administrator Judicial Support Services – Nunavut Court of Justice



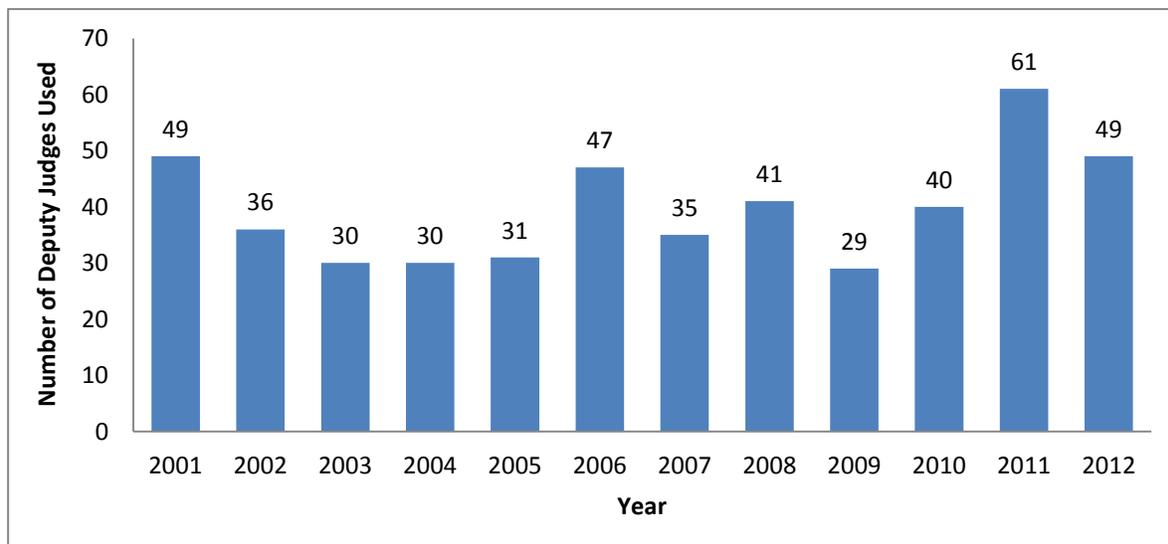
As the following graph depicts, the Court used 49 deputy judges in 2012, down from 61 in 2011. Nunavut's two additional judicial appointments only became available to the Court in April. The new judges required some time to wind up their affairs before taking up their new occupation. They also required some time to attend training courses related to their role as judges. Some judicial coverage continued to be provided by deputy judges until the Nunavut Court of Justice was brought up to full operational strength.

The new judges' orientation and training will be substantially completed in early 2013. It is anticipated that the need for deputy judges will decline significantly thereafter.

Some use of deputy judges will continue in order to cover gaps in the sitting schedule caused by resident judges' annual leave or attendance at training events.

## 11.3 - Historic Use of Deputy Judges, by Calendar Year

Source: Administrator Judicial Support Services – Nunavut Court of Justice



## 12. Outreach

In May 2011 the Senior Judge published an open letter to the citizens of Nunavut on “The Importance of Traditional Justice Values in the 21<sup>st</sup> Century”. This letter was published in all four official languages and sent to every hamlet in Nunavut. A full text of this letter is available for viewing on the Court’s website at [www.nucj.ca](http://www.nucj.ca). Publication of this letter was prompted by the laying of another charge of homicide. Nunavut’s levels of serious violent crime had reached an unprecedented level and showed no sign of slowing down.

This report concludes with the following excerpt from that letter:

### **Contemporary Social Problems in Nunavut**

Contemporary Nunavut now struggles with social dysfunction and crime. Our ancestors’ ancient unwritten law of respect has been replaced by a large number of written laws that regulate every aspect of our life; a life that has become, or is becoming, increasingly complex. Contemporary laws do not readily hold the family unit accountable to others for what is done by its members. Contemporary laws do not seek to restore harmony and balance to damaged relationships and damaged lives. There is very limited victim focus.

For many citizens convicted of crimes in Nunavut, a sense of belonging and identity in a protective and nurturing family environment is either missing, or damaged. Many victims of violent crimes suffer alone and in silence. It seems that many family and community members are too busy with their own lives and their own concerns to help others who are in desperate need of assistance. Some youth do not respect their parents, or their elders. Some elders, it seems, do not understand the youth. Many have lost sight of what it means to be a part of a family or part of a community.

Despite the miracles of modern communications technology, we now drift further and further apart from each other as people. We have lost sight of something in our collective past that is precious, something that makes the many hardships and setbacks of life more bearable, something that makes any life worth living.

The accelerating rate of violent crime, and the rate of young lives taken by suicide in Nunavut, is telling us something about ourselves and our society. There is a message in these dark statistics for all of us, for any who would care to look.

While more government programs and services are certainly needed in Nunavut to address growing crime and social dysfunction, there remains much that we can do as individuals to help our families and communities find harmony and peace.

The elders tell us that many of the citizens in conflict with the law have no self-respect. Many come from chaotic backgrounds. Citizens who lack any sense of belonging, whose self-respect is either missing or damaged, will not likely respect others when this is denied to them as individuals.

Your ancestors and mine did not have an army of professionals to help them work out their troubles. What they did have in abundance was patience, and a great willingness to show that they cared. Before

the coming of the court system, our ancestors had to care. They did this by investing their time and effort into helping others heal.

The hard reality is this; all the judges, social workers, police, alcohol workers and mental health workers are powerless to turn back Nunavut's human tide of misery, unless there are also people who care.

Real crime prevention, and meaningful suicide prevention, begins at home. No amount of social programs can substitute for a caring and committed family. Like Humpty Dumpty, all the King's men cannot put a life shattered by indifference and neglect back together again, without the compassion and commitment of those who are close enough to care.

### **The Importance of Traditional Justice Values in 21<sup>st</sup> Century Nunavut**

Ladies and Gentlemen, the ancient justice principles should be as meaningful to us now, in the 21<sup>st</sup> century, as they were to our ancestors a thousand years ago. Respect and caring for others are justice values that are timeless. These are justice values that are worth preserving.

By working together as individuals, as families, and as communities, we can make a difference. We must show that we care. The burden of the less fortunate must be taken from the backs of the few and carried upon the shoulders of the many. This was the wisdom of our ancestors.

We have nothing to lose, and everything to gain, by working together as people, and as communities, for the common good.

Mr. Justice R. Kilpatrick

Senior Judge

Nunavut Court of Justice