

THE NUNAVUT COURT OF JUSTICE



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Our Journey Continues

A Statistical and Comparative Review of Court Operations
in Nunavut 2017

12/31/2018

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DISCLAIMER

The Judiciary makes every effort to ensure that the data published in its Annual Report is accurate. However, in preparing this report, the Judiciary must rely on data summaries that are created by a contractor external to Court Services. The Judiciary in Nunavut has no direct data management capability and is unable to directly access the statistical data tables buried in the Court Information System. Problems arise when lay (non-legal) data technicians attempt to interpret the Judiciary's requests for specific types of legal information.

The Judiciary in Nunavut is working with Court Services to develop a modern Court Information System. Such a system will include in-house data management capability. Performance measurement tools are needed to better assist the Chief Justice and the Director of Court Services to allocate limited financial and human resources and so improve service delivery to all Nunavummiut.

INTRODUCTION

This report is the Court's Annual Report for 2017 and provides an overview of the Nunavut Court of Justice's (NCJ) operating environment and court operations. The report expands on the information provided in the Nunavut Court of Justice Annual Report (2016). Detailed information is presented in relation to in-custody files, remand time, child protection files, and guardianship applications. The statistical volume of adult and youth criminal charges is sorted by region and by community for better comparison.

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 and 3 deal with the Court's case-processing time and use of remand and custodial sentences. Part 4 examines the type and volume of family files that come before the Court. Parts 5 through 7 outline the Court's operational activity in the face of the current demands upon the Court's resources, such as the number of scheduled sittings, the number of Judges serving the Territory, and other measures the Court has taken to improve access to justice and case processing time for Nunavummiut. The report concludes with a summary of the Court's outreach projects and updates.

This report, and the archive of Annual Reports, are available in electronic form on the NCJ website at <http://www.nunavutcourts.ca/annualreports>. For a more in-depth historical review of crime and the Court's operations in Nunavut see: Nunavut Court of Justice, *Ingirranivut Our Journey: A statistical comparative review of crime and court operations in Nunavut 2000-2012* (Iqaluit: Nunavut Court of Justice, 2013).

PART 1

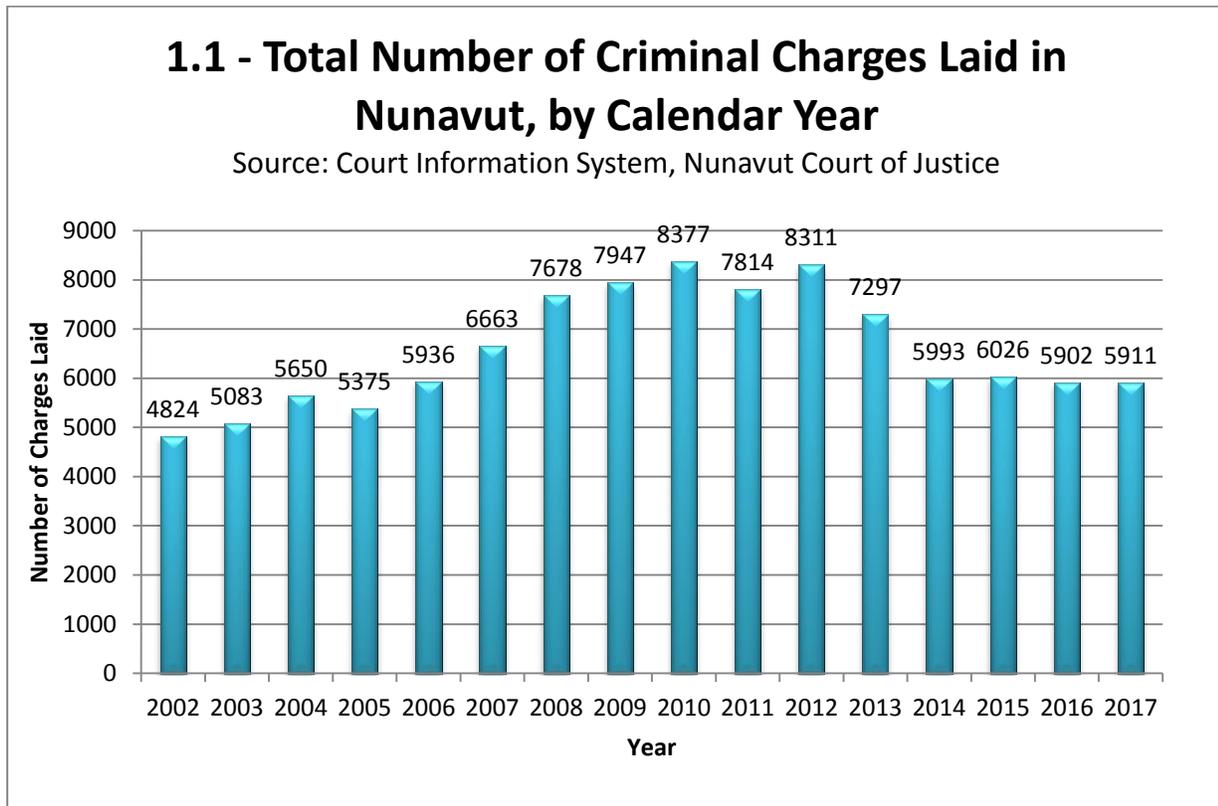
1. Criminal Charge Volumes in Nunavut, 2002-2017

The following four graphs represent charge volumes in Nunavut in the years specified (within both the NCJ and the Nunavut Justice of the Peace Court). These statistics only capture charges laid under the *Criminal Code*, RSC 1985, c C-46 [*Criminal Code*], *Youth Criminal Justice Act*, SC 2002, c 1 [YCJA], and the *Controlled Drugs and Substances Act*, SC 1996, c 19 [CDSA]. They do not capture all matters dealt with by the Court.

For graphs concerning criminal charge volumes from 2001, please refer to the NCJ's archive of Annual Reports, available in electronic form on the website:

<http://www.nunavutcourts.ca/annualreports>.

Graph 1.1 – Total Criminal Charges Laid in Nunavut, by Calendar Year, 2002-2017



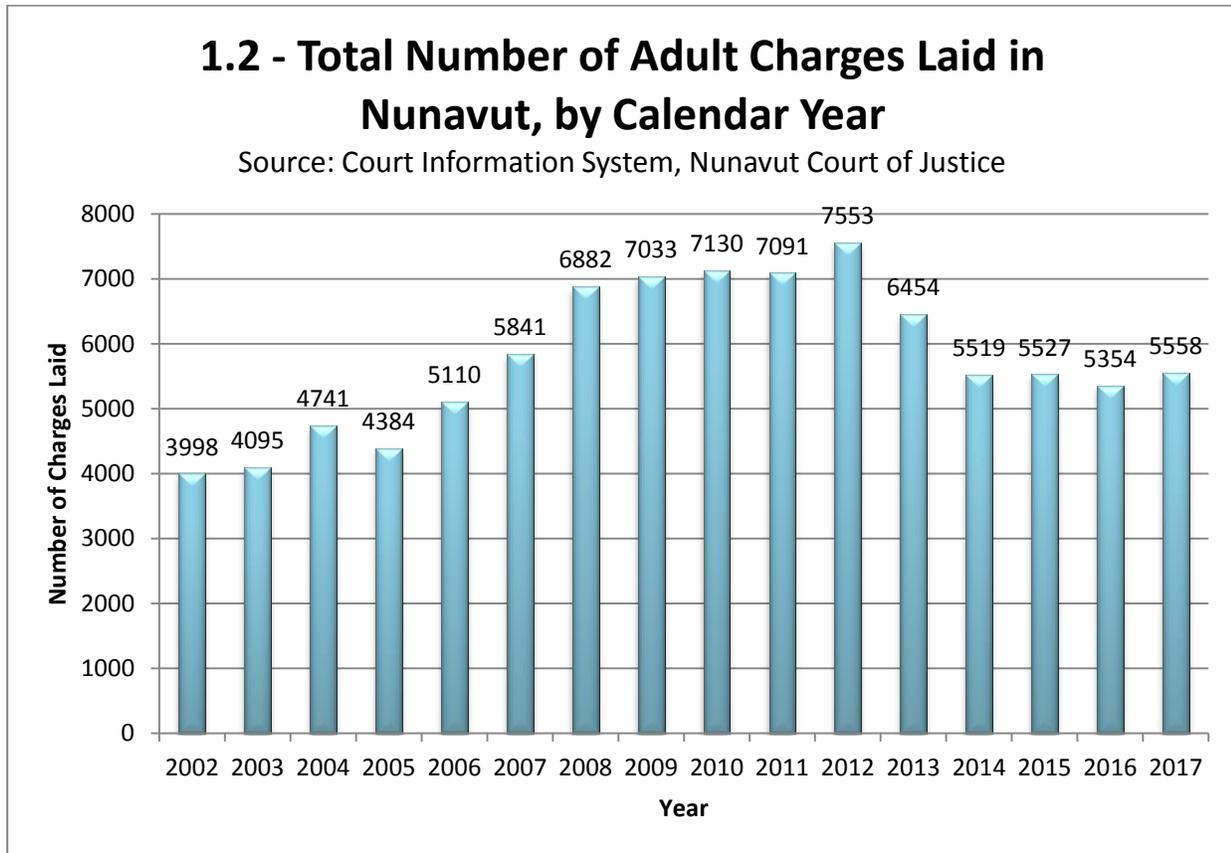
There has been a slight increase of 0.15% in charges laid in 2017. However, the numbers have generally remained consistent since 2014.

The number of charges laid in a given year is generally lower than the number of reported incidents of crimes in the same year, as reporting of crime does not always lead to charges being laid.

Furthermore, the number of new 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. For instance, in 2017, a total of 5,911 charges were laid in Nunavut (Graph 1.1). However, 5,077 criminal charges were concluded by the Court (Graphs 2.1 and 2.2).

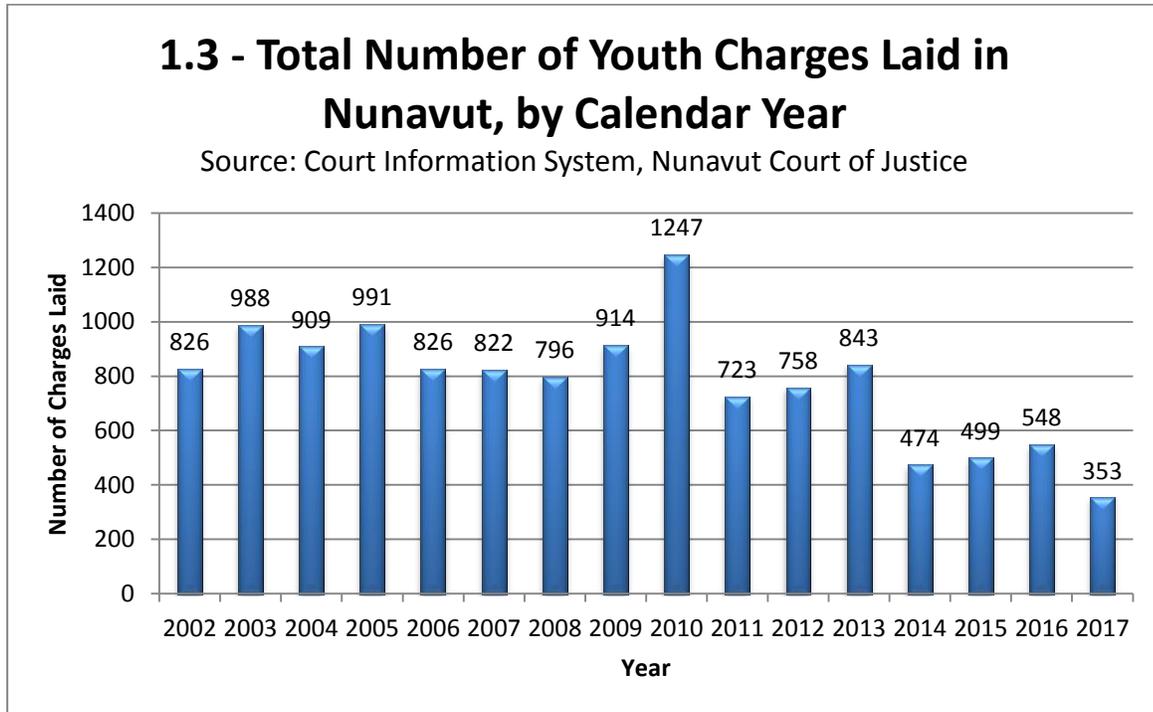
One reason for this is that many serious charges, such as homicide, can be expected to take several years to work their way through the Court.

Graph 1.2 – Total Adult Charges Laid in Nunavut, by Calendar Year, 2002-2017



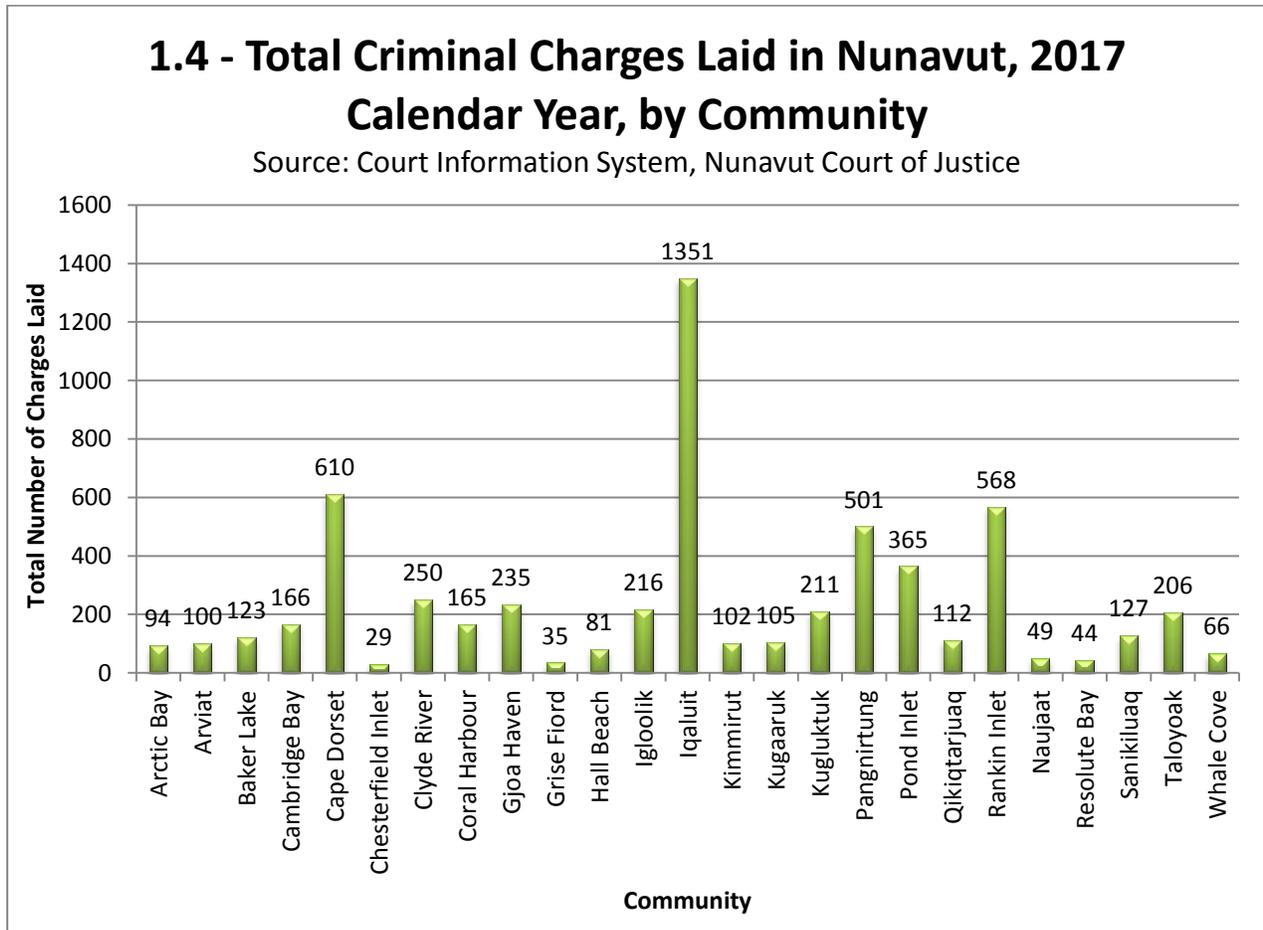
Graph 1.2 illustrates that the total number of adult charges laid in Nunavut steadily increased between 2002 and 2012. The numbers have since declined and remained fairly consistent for the last four years. A 3.81% increase in charges occurred in 2017.

Graph 1.3 – Total Youth Charges Laid in Nunavut, by Calendar Year, 2002-2017



There has been a decrease in the number of youth charges before the Court last year. In 2017, the number of charges decreased by nearly 35.5% over 2016. However, despite the change, the numbers have generally been fairly consistent for the last four years.

Graph 1.4 – Total Charges Laid, by Community, 2017



In 2017, there were 5,911 criminal charges laid in Nunavut – 9 charges more than was laid the preceding year (also see Graph 1.1). Not surprisingly, the total number of criminal charges laid is fairly proportionate to the population levels throughout Nunavut. Larger communities such as Iqaluit, Cape Dorset, and Rankin Inlet continue to have the most charges laid. Iqaluit accounts for 22.86% of all criminal charges laid in Nunavut and 21.09% of the Territory’s population.¹

Compared to 2016,² 13 communities saw an increase in charges in 2017. The largest rate of increase – 176.3% (from 38 to 105 charges) – was seen in Kugaaruk. The largest numerical increase – an increase by 217 charges (76.4%) – was seen in Pangnirtung. Eleven communities saw a decrease in charges in 2017. The largest decrease, both numerically and by percentage, was seen in Kugluktuk, where charges decreased by 48.3% (from 408 to 211) over 2016. The number of charges in Iqaluit decreased by 31 (2.2%) in 2017.

¹ Nunavut Bureau of Statistics, *Nunavut Total Population Estimates by Sex, Age Group, Region and Community, 2017*, 15 March 2018, online: www.stats.gov.nu.ca/en/Population%20estimate.aspx.

² Data compared with 2016 NCJ Annual Report, online: www.nunavutcourts.ca/annualreports.

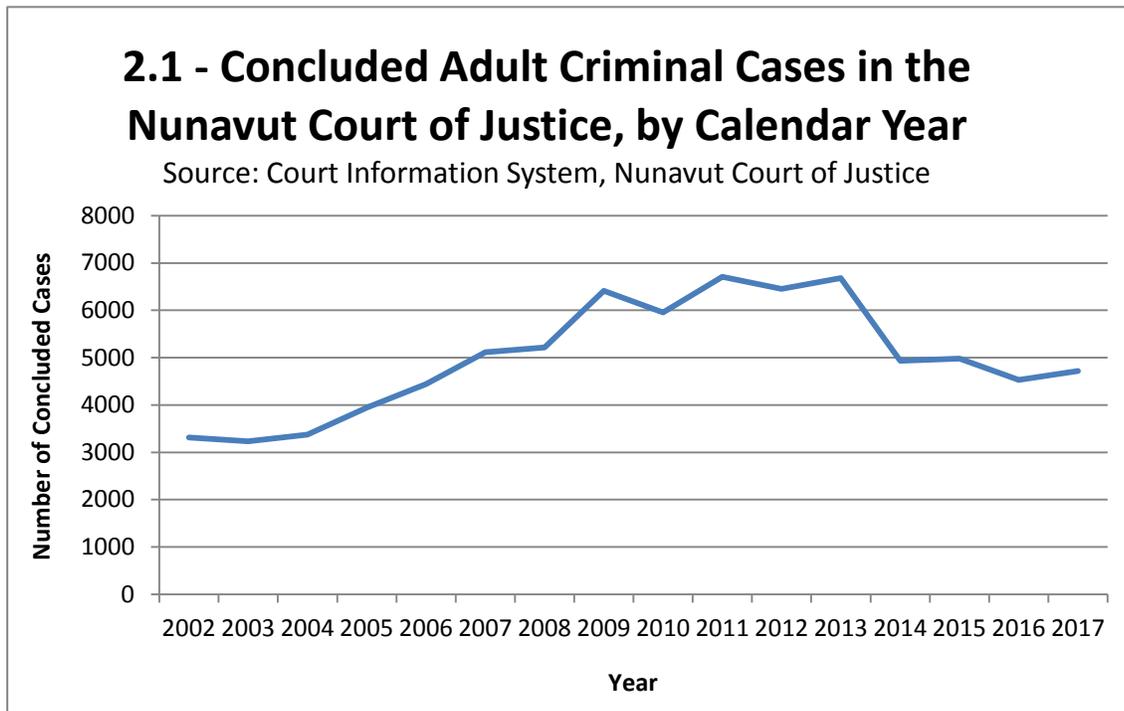
PART 2

2. Processing of Criminal Cases in Nunavut, by Calendar Year, 2002-2017

This section details the annual volumes of adult and youth criminal cases that the Court concluded (Graphs 2.1 and 2.2) and fluctuations in the length of time required to complete adult and youth criminal cases. Graphs 2.11 and 2.12 provide a comparison of the median and mean time required to conclude criminal cases in the Territory. Graph 2.13 compares median case processing times nationally. Part 2 Graphs include data from both the NCJ and the Nunavut Justice of the Peace Court.

This section also compares number of charges laid and number of charges resulting in convictions in individual communities as well as the Territory's regions. The Territory of Nunavut is divided into three regions: the Qikiqtaaluk (Baffin Region), the Kitikmeot (western Nunavut), and the Kivalliq (central Nunavut).

Graph 2.1 – Concluded Adult Criminal Cases in the Nunavut Court of Justice, by Calendar Year, 2002-2017

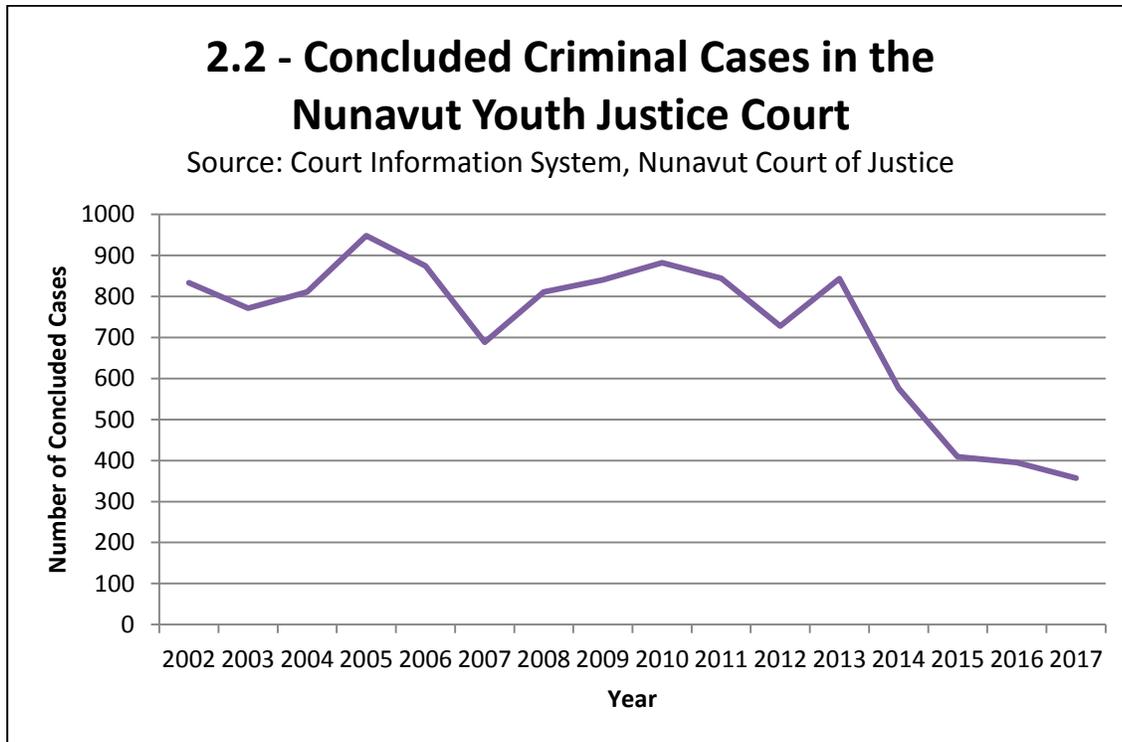


Graphs 2.1 only reflects the number of adult criminal cases that concluded in the year specified, not the total caseload of the NCJ for the year.

The Court concluded more adult criminal cases in the 2011 calendar year than any previous or subsequent calendar year (Graph 2.1). The number of concluded cases decreased significantly in 2014 and has remained fairly consistent since that time. In 2017, the number of concluded cases increased by 189 (4%) to 4,720.

This decline in concluded cases corresponds with a reduction in overall charge volume that occurred in 2014. This trend also correlates with the judicial complement issues that arose in 2015 (Graph 6.1 & Graph 6.2).

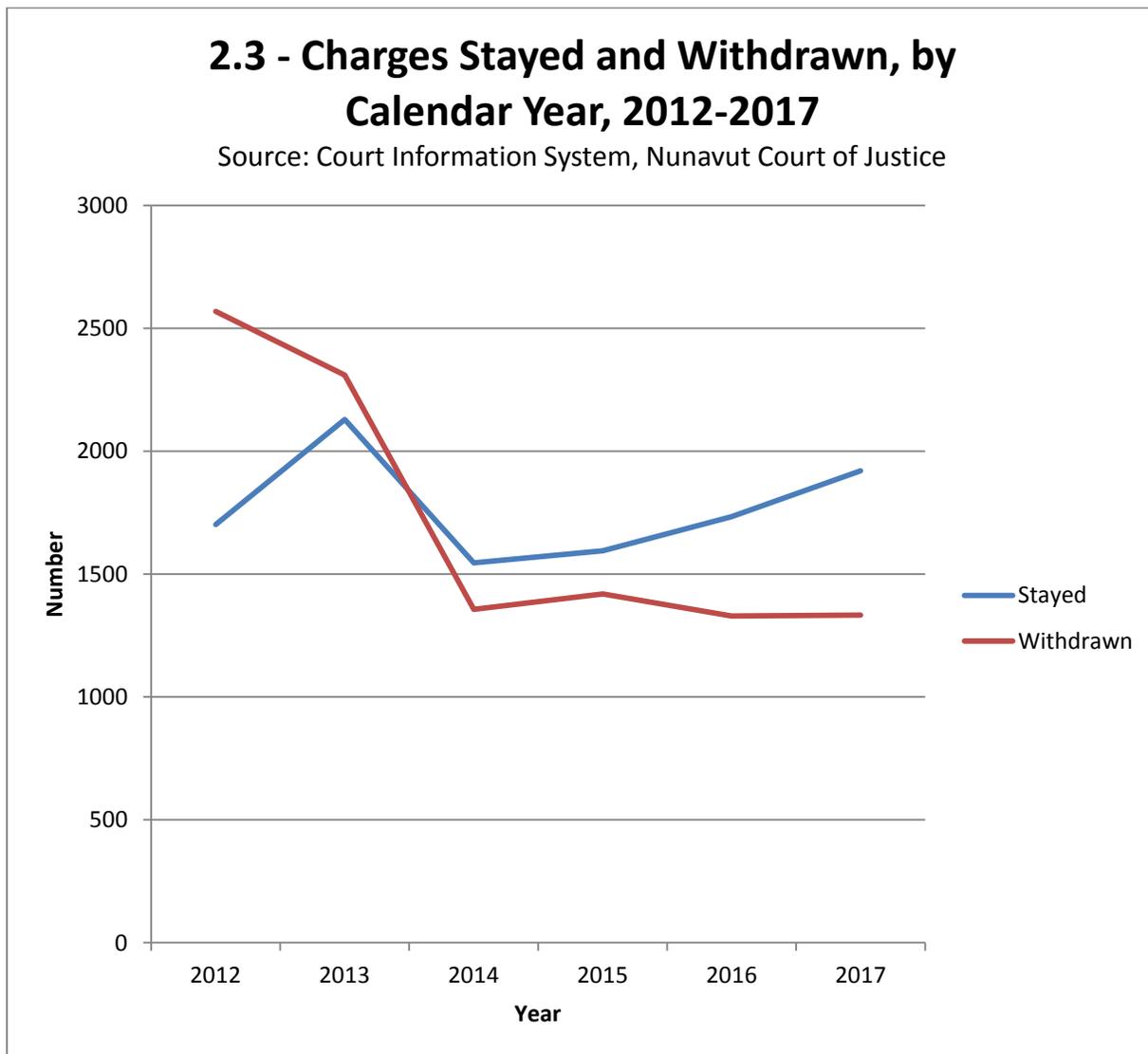
Graph 2.2 – Concluded Criminal Cases in the Nunavut Youth Justice Court, by Calendar Year, 2002-2017



Similarly, Graph 2.2 displays the number of youth criminal cases concluded in the year specified and not the total caseload of the Youth Justice Court of Nunavut for that year.

The number of concluded cases decreased by 38 (10%) to 357 in 2017. This corresponds with a noticeable decrease in the overall volume of youth charges in Nunavut in 2017 (Graph 1.3). This trend also corresponds with an overall increase in mean and median case processing times in 2017 (Graph 2.12).

Graph 2.3 – Charges Stayed and Withdrawn, by Calendar Year, 2012-2017

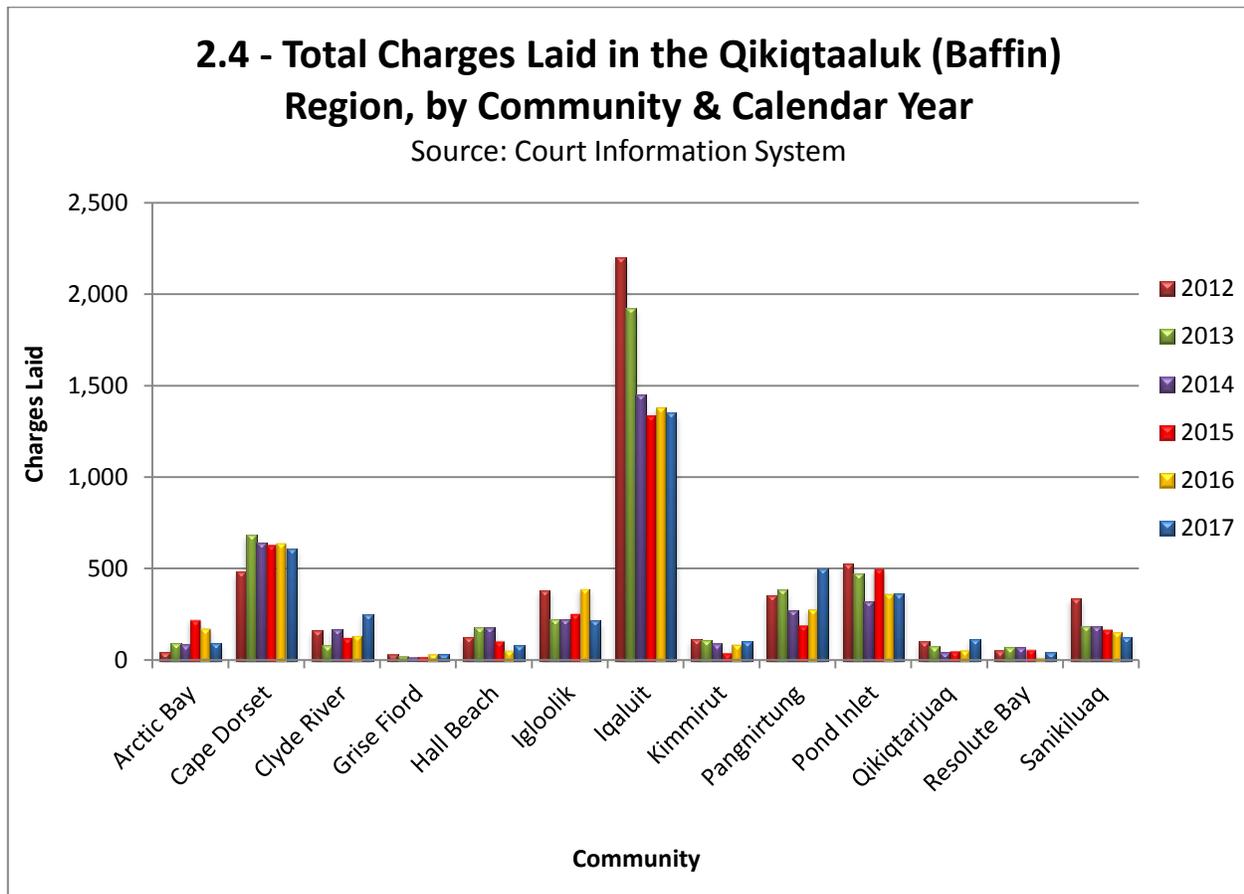


The Court compiled information on the number of charges stayed or withdrawn since 2012. Charges are stayed or withdrawn by application of the Crown or at the direction of the Court. These numbers reflect all charges withdrawn or stayed and are not broken down by the source of the request.

Similarly to the concluded case numbers, the number of charges stayed or withdrawn in a year correlates to the number of cases before the Court annually and not the number of charges laid in one year. Cases may continue into following years as the case is processed.

In 2017, a total of 1,920 charges were stayed (a 10.8% increase from 2016) and 1,333 charges were withdrawn (a 0.3% increase from 2016).

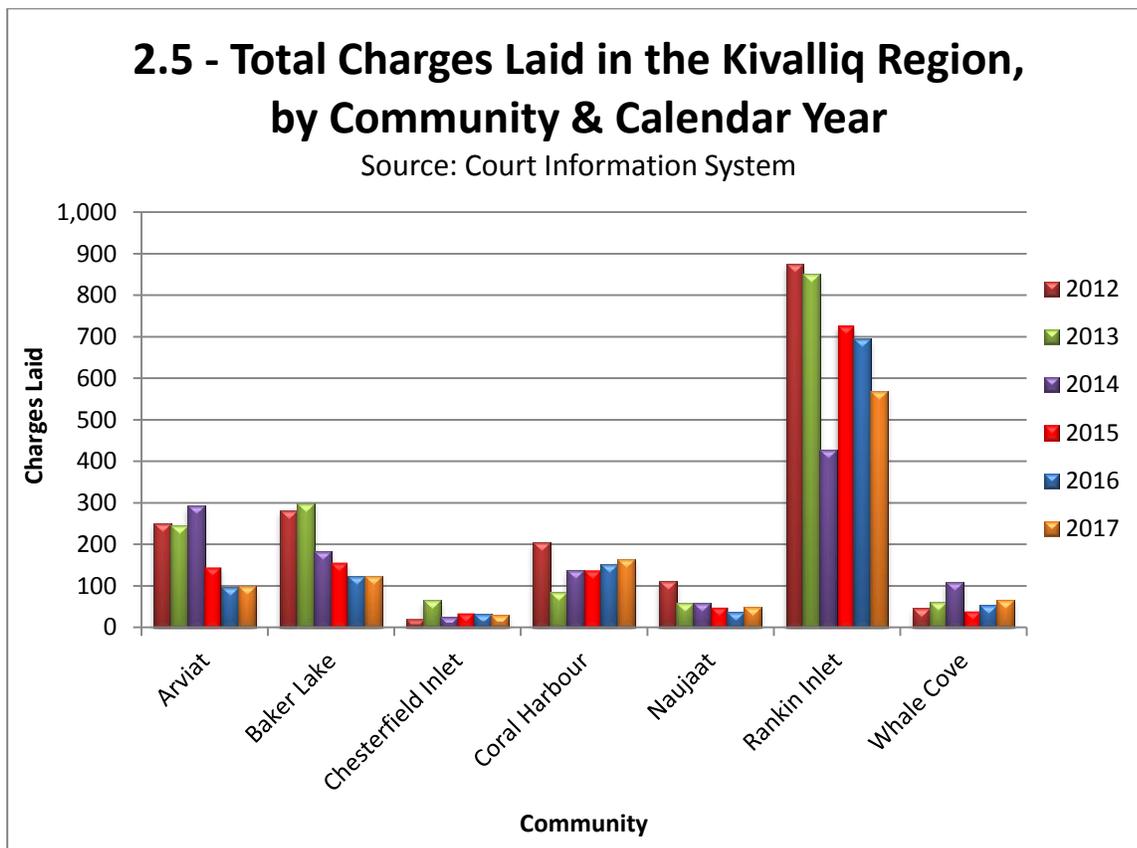
Graph 2.4 – Total Charges Laid in the Qikiqtaaluk Region, by Community, by Calendar Year, 2012-2017



The total number of criminal charges laid in Nunavut is fairly proportionate to the population levels throughout Nunavut. Larger communities such as Iqaluit, Cape Dorset, and Pond Inlet have the most charges laid in the Qikiqtaaluk region.

In 2017, Pangnirtung saw the largest numeric charge increase in the region (217 charges/76.4%), while Resolute Bay saw the largest rate of increase (131.6%/25 charges). Igloolik saw the largest numeric charge decrease (180 charges/45.5%) the same year, while Arctic Bay saw the largest rate of decrease (47.2%/84 charges).

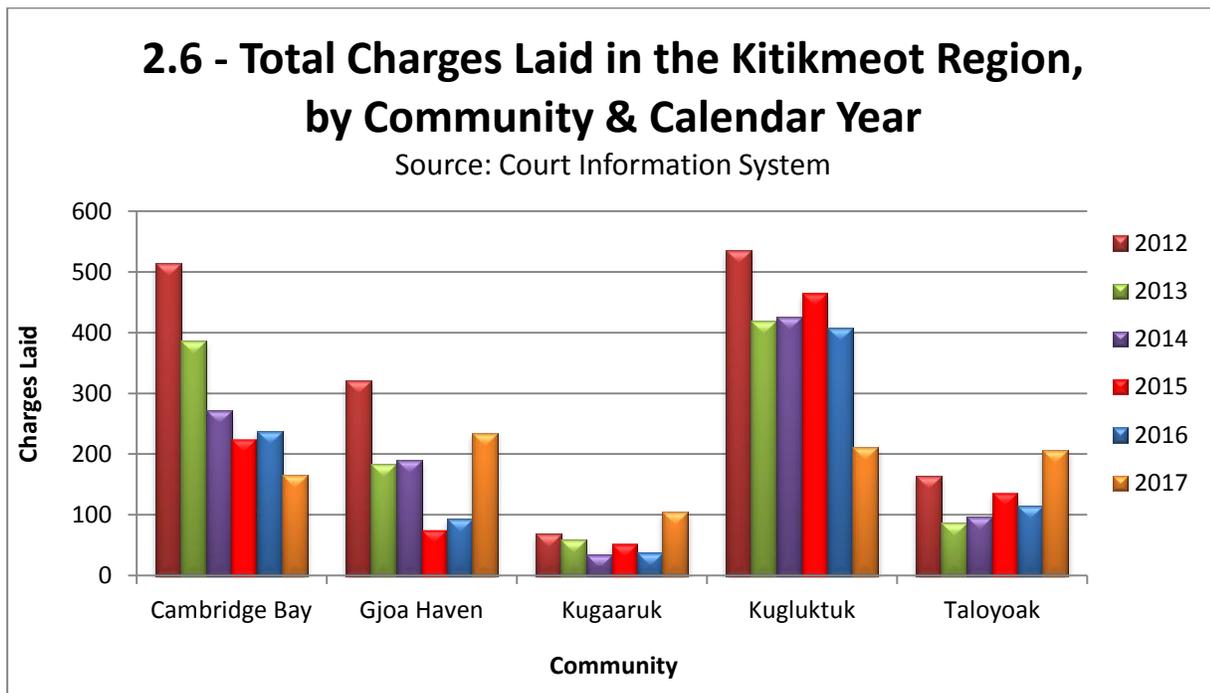
Graph 2.5 – Total Charges Laid in the Kivalliq Region, by Community, by Calendar Year, 2012-2017



Overall, the total number of charges laid in the Kivalliq region has decreased in two of seven communities: Rankin Inlet (128 charges/18.4%) and Chesterfield Inlet (4 charges/12.1%).

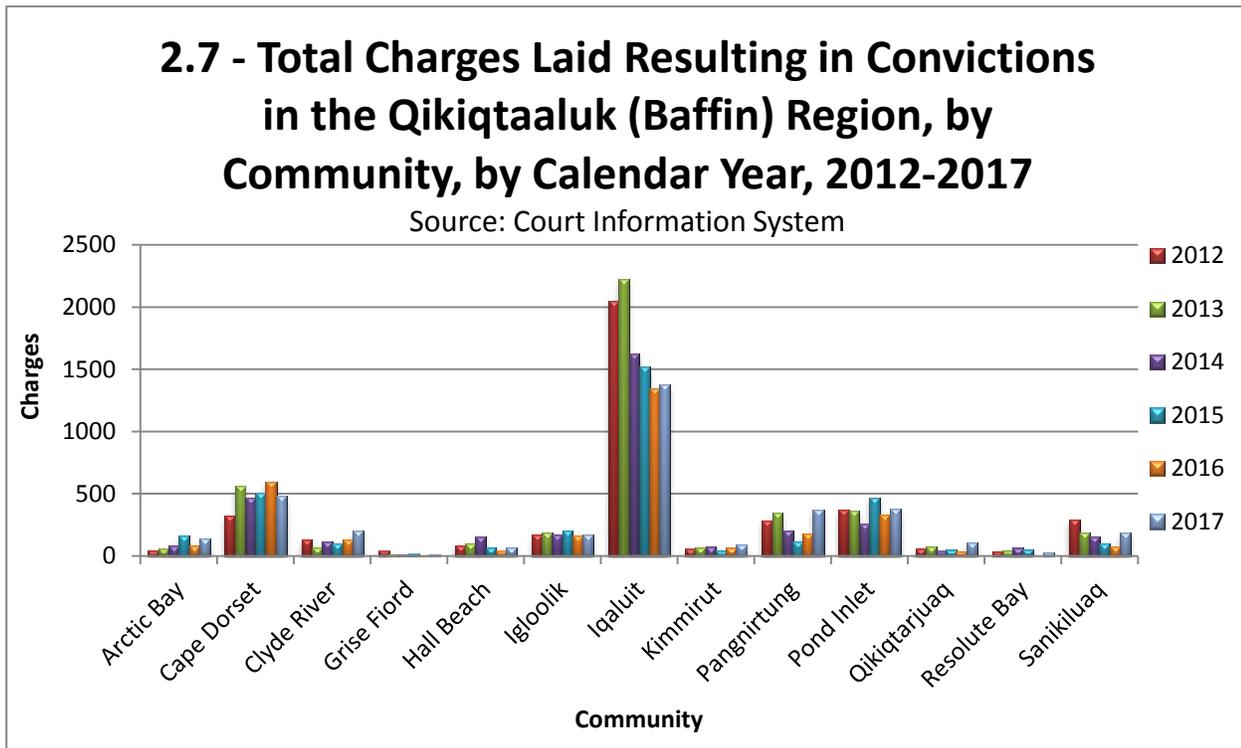
The largest numeric increases in charges occurred in Coral Harbour (13 charges/8.6%) and Whale Cove (13 charges/24.5%). A 12-charge increase in Naujaat, however, constituted a 32.4% increase, the largest rate of increase over the previous year. The largest rate of decrease and the largest numeric decrease in charges over the previous year occurred in Rankin Inlet.

Graph 2.6 – Total Charges Laid in the Kitikmeot Region, by Community, by Calendar Year, 2012-2017



Overall, the total number of charges laid in the Kitikmeot region has increased in Gjoa Haven (by 142 charges/152.7%), Kugaaruk (by 67 charges/176.3%) and Taloyoak (by 91 charges/79.1%). In Kugluktuk, the total number of charges decreased by 197 (48.3%) and in Cambridge Bay the charges decreased by 72 (30.3%) during the same period.

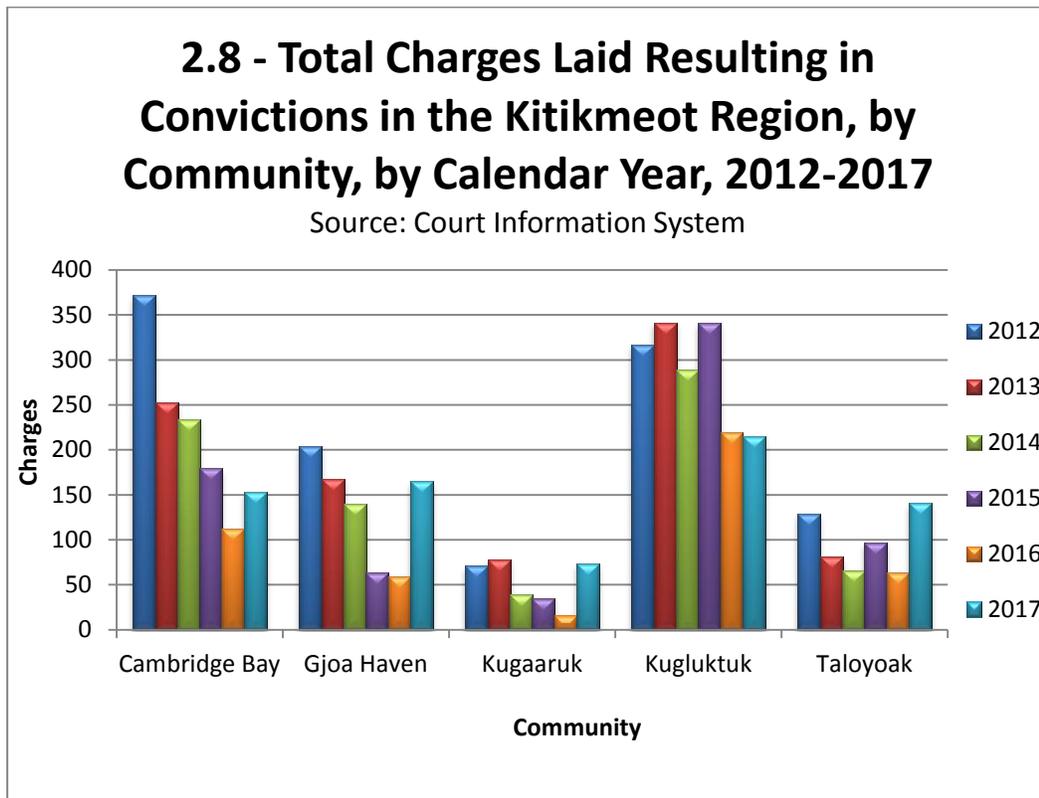
Graph 2.7 – Total Charges Laid Resulting in Convictions in the Qikiqtaaluk (Baffin) Region by Community, by Calendar Year, 2012-2017



Graph 2.7 illustrates an overall trend of increasing charges resulting in convictions in the Qikiqtaaluk region. In 2017, Cape Dorset was the only community that, after a spike in 2016, saw a decrease (112 charges/18.8%) over the previous year. The largest rate of increase from 2016 to 2017 occurred in Resolute Bay (520%/26 charges) and Qikiqtarjuaq (198.5%/72 charges).

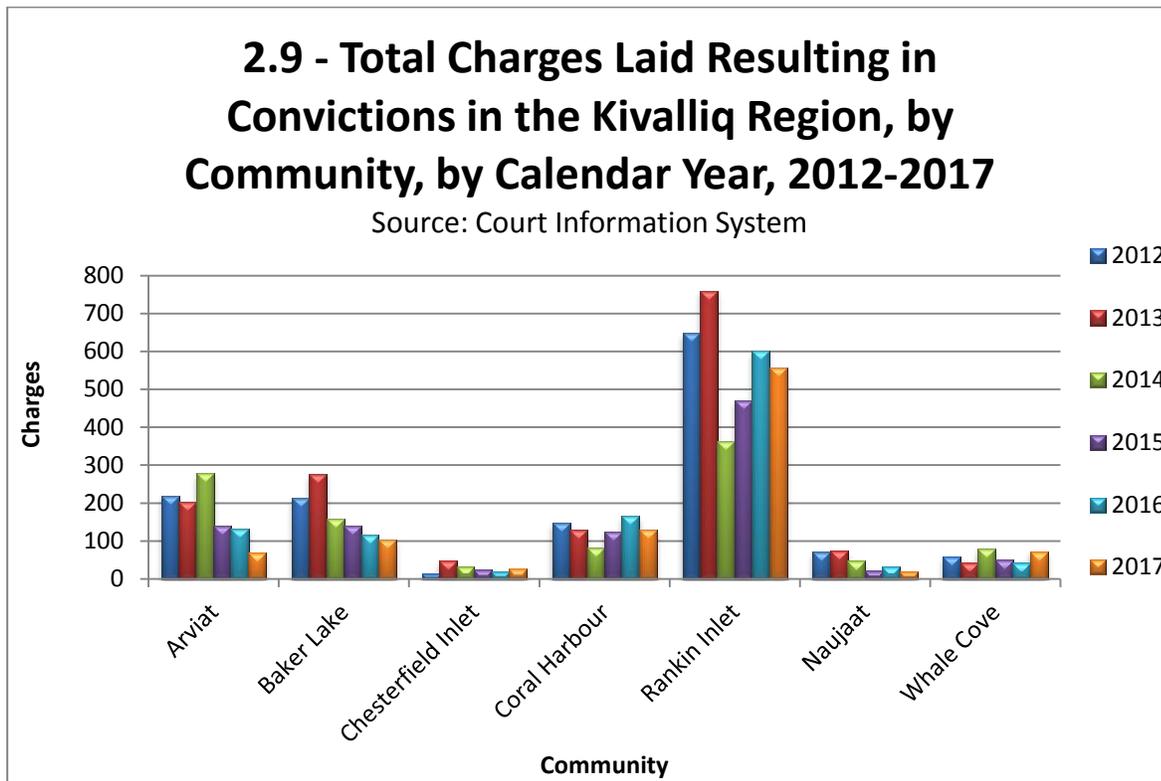
Again, the highest number of charges resulting in convictions was laid in Iqaluit, in line with the city’s population. While the city saw a 33 charge (2.4%) increase in 2017, it was the slowest rate of growth over the previous year, in comparison to other Qikiqtaaluk region communities that experienced an increase in charges resulting in convictions in 2017.

Graph 2.8 – Total Charges Laid Resulting in Convictions in the Kitikmeot Region by Community, by Calendar Year, 2012-2017



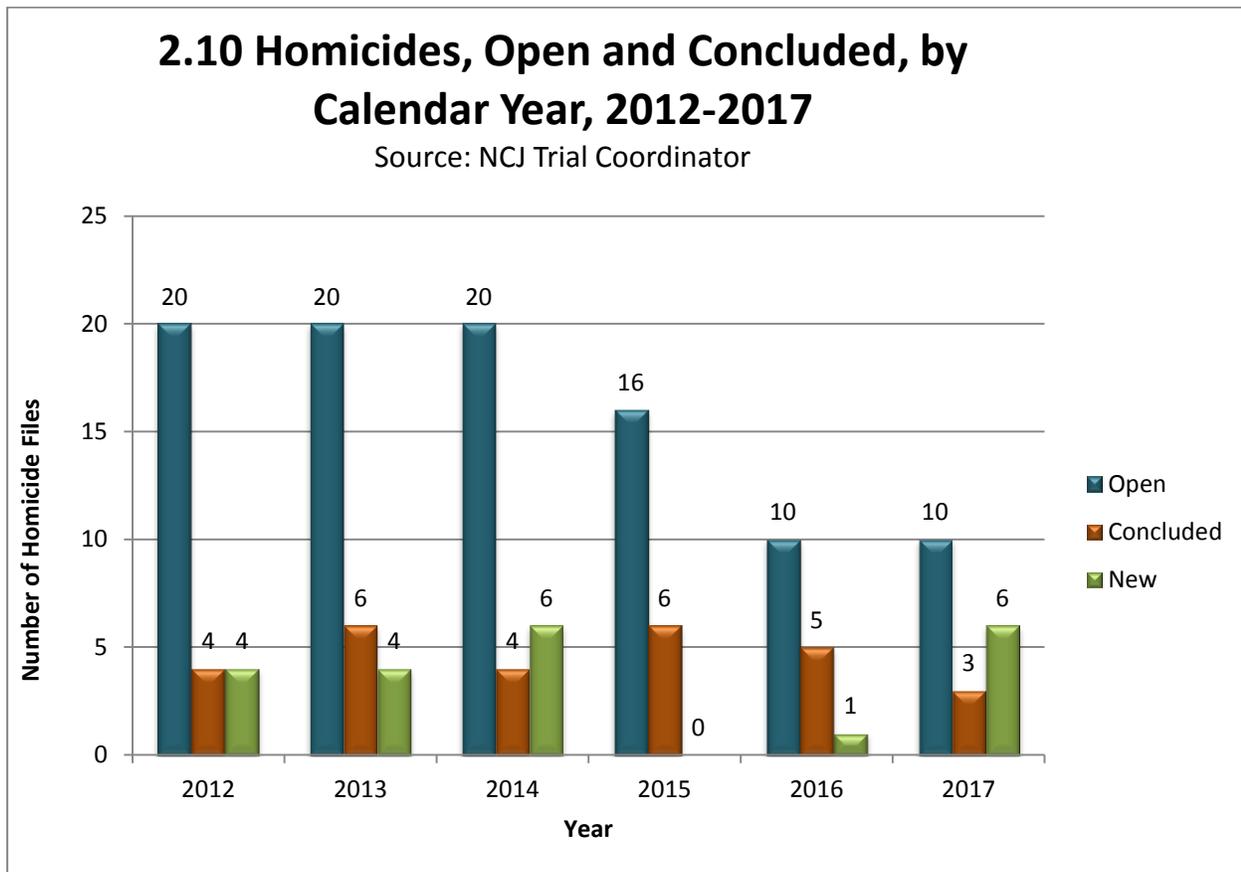
Graph 2.8 illustrates an overall trend of increasing charges laid resulting in convictions in the Kitikmeot region. Kugluktuk is the only community in the region to record a decreased by 1.8% (4 charges), even though the community also had the region’s highest total number of charges resulting in convictions (215 charges). Over the previous year, the largest numeric increase (by 106 charges/179.7%) occurred in Gjoa Haven, while the largest rate of increase (by 356.3%/57 charges) occurred in Kugaaruk.

Graph 2.9 – Total Charges Laid Resulting in Convictions in the Kivalliq Region, by Community, by Calendar Year, 2012-2017



Graph 2.9 illustrates a decrease in charges resulting in convictions in five of seven communities in the Kivalliq region. Between 2016 and 2017, the largest numeric and percentage decrease (by 68 charges/48.5%) occurred in Arviat while Whale Cove saw the largest increase (by 30 charges/71.4%).

Graph 2.10 – Homicide Files Before the Court, 2012-2017



The “open” files refer to the maximum number of homicide cases open before the Court in the indicated year. The “concluded” files indicate the number of homicide files closed by the Court in the indicated year. The “new” files indicate the number of new informations charging homicide offences sworn in the indicated year or matters referred back for trial by the Nunavut Court of Appeal.

The number of “new” files may not correspond to data relating to homicides in a particular year as charges may be sworn in one year for an offence alleged to have occurred in prior years. Further, a “new” file may also be a result of a conviction being overturned by the Nunavut Court of Appeal and remanded back to NCJ for a new trial.

In addition, the number of “open” files is based on files that are open over the course of the full year and includes any new file sworn in the year. As files open and close at different times over the year, the maximum number of files opened may appear to be larger than the number of concluded and new files would suggest because of the timing of file carriage.

The graph above does not reflect the number of attempted murder charges before the Court. Three additional attempted murder charges were pending and two attempted murder files were concluded in 2017.

In 2017, Nunavut saw seven homicide cases,³ resulting in five murder charges and one impaired operation of a motor vehicle causing death charge laid that year.⁴ Investigation into one homicide case continued into 2018. Nationally, there were 660 homicide victims and 529 persons accused of homicide in Canada in 2017.⁵ According to Statistics Canada, Nunavut had the second highest homicide rate (per 100,000 people) in Canada for the year.⁶

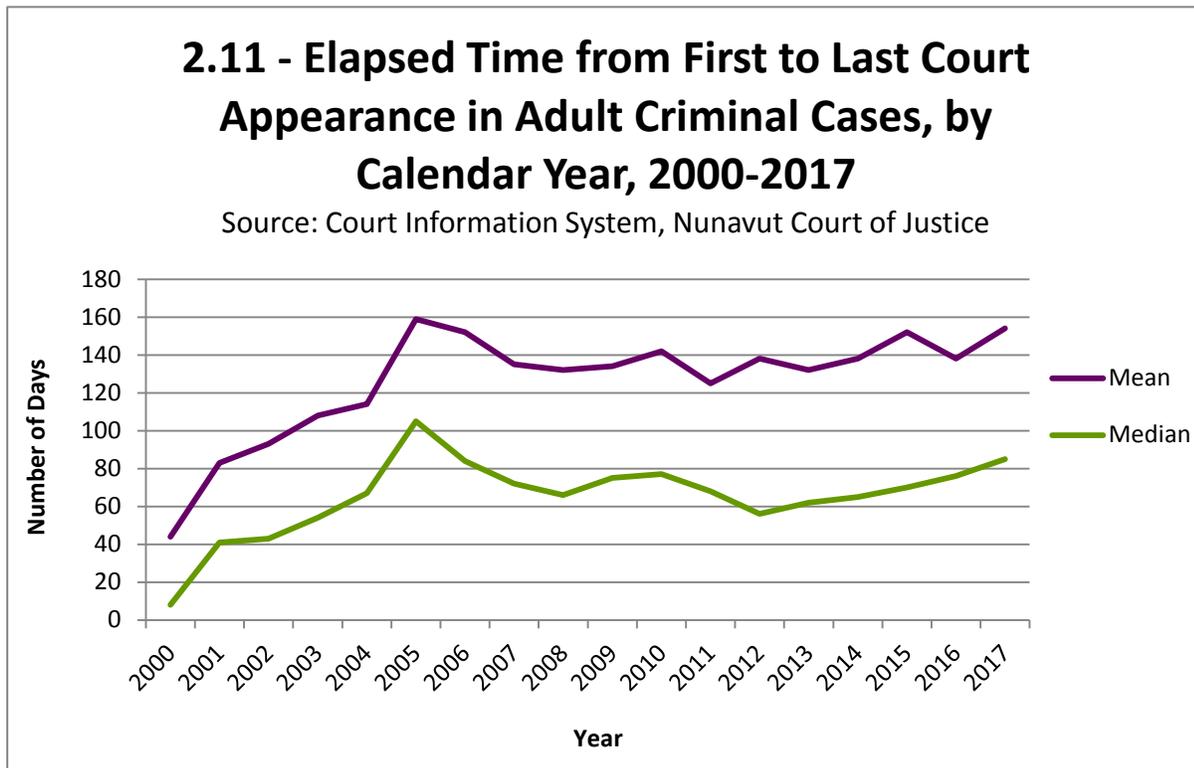
³ Data from the Nunavut Coroner Service.

⁴ Data from the Nunavut Coroner Service and RCMP Major Crimes Unit.

⁵ Statistics Canada. Table 35-10-0070-01 Homicide victims and persons accused of homicide by age group and sex. online: <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510007001>

⁶ Statistics Canada. Table 35-10-0068-01 Homicide victims, number and rates (per 100,00 population). online: <https://www150.statcan.gc.ca/t1/tbl1/en/cv.action?pid=3510006801>

Graph 2.11 – Elapsed Time from First to Last Court Appearance in Adult Criminal Cases, 2000-2017



For the purposes of Graphs 2.11 and 2.12, the “mean” elapsed time is the average number of days from first to last court appearance, while the “median” is the number of days between first and last court appearance at which exactly half of the cases before the Court took longer to finish and half the cases took less time to finish. Where a case was opened and closed on the same day, this has been counted as a single day.

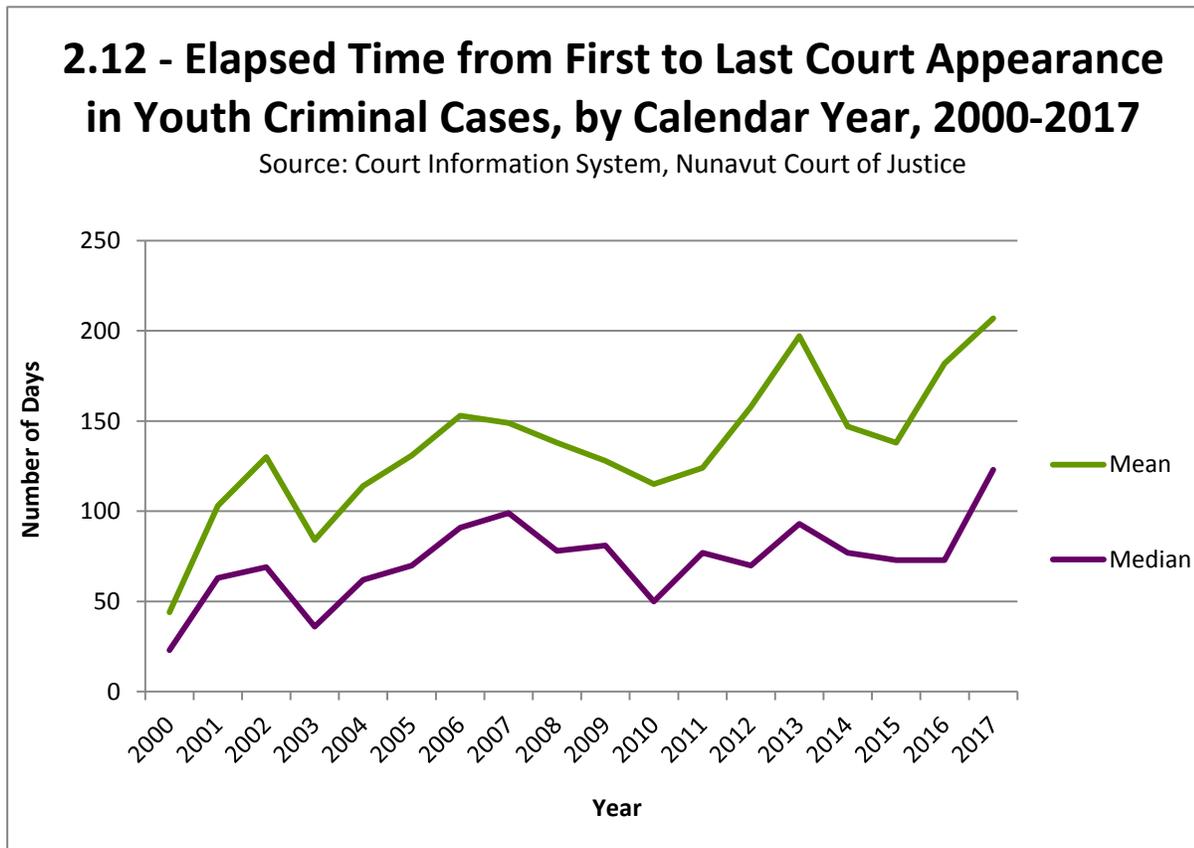
Note that averages are sensitive to outliers. One case that takes an exceptionally long time to complete can strongly influence the mean. In contrast, the median is not sensitive to outliers and may be more reflective of the experience of most accused persons interacting with the Court in a given year.

Graph 2.11 illustrates an overall trend of increase in elapsed time from first to last court appearance in adult criminal cases. In 2017, the mean processing time increased by 16 days to 154 while the median processing time increased by 9 days to 85. These are the Court’s second highest mean and median adult criminal case processing times in 17 years. In 2005, when the numbers were highest, the mean elapsed time was 159 days and the median elapsed time was 105 days. Upon further investigation, a single outlying case with an elapsed time of 12 years and 3 months was recorded as being stayed in 2017. It is believed this was recorded incorrectly and is solely attributed responsibility for the 2017 increase.

Nationally, however, Nunavut has the second fastest median case processing times for adults (See Graph 2.13 from 2016 data, to be updated in 2018).

The increase in case processing times – in the absence of a noticeable increase in the number of adult criminal charges being laid (Graph 1.1) – may be attributable to ongoing judicial complement issues (Graph 6.1) and a possible increase in the number of more complex cases (such as homicides) before the Court (Graph 2.10).

Graph 2.12 – Elapsed Time from First to Last Court Appearance in Youth Criminal Cases, 2000-2017

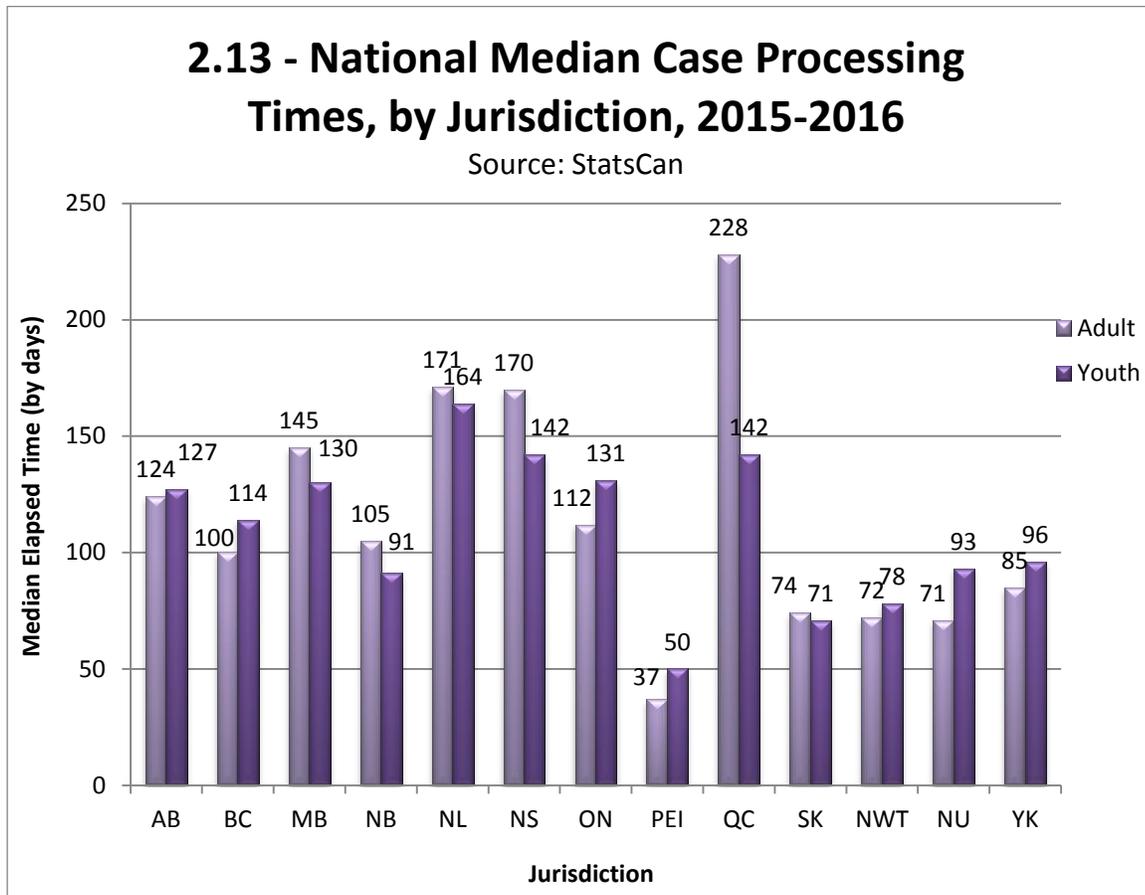


From 2013 to 2015, there was a decrease in both the mean and median elapsed time from first to last appearance in youth criminal cases in the Youth Justice Court of Nunavut. However, in 2016 the average (mean) case processing time increased by 44 days while the median number remained the same. In 2017, the mean case processing time increased by 25 days while the median increased by 50 days.

The increase in elapsed time may also be attributable to the fact that the number of concluded youth cases decreased by 38 (10%) (Graph 2.2) while the number of youth charges in the preceding, 2016 year, increased by nearly 10% (Graph 1.3). In an effort to shorten the case processing time for youth accused of crimes, in 2017 the Court maintained the greater frequency of Youth Court sittings in Iqaluit that were implemented in 2014. Since 2016, the Youth Court has held a dedicated bi-weekly youth court docket day to expedite the files.

The *Pre-Sentence Reports* required before a custodial sentence can be imposed take the territorial Community Corrections division a minimum of six weeks to prepare. Community Corrections lacks sufficient capacity to fast-track these reports for youth in custody. This delay adds significantly to the case processing time for the more serious criminal cases involving youth who are detained in custody pending sentence.

Graph 2.13 – National Median Case Processing Times, by Province/Territory, 2015-2016



As a comparator, the NCJ’s median case processing time for adult criminal matters is one of the lowest in the country. The Statistics Canada data⁷ is presented for the years 2015-2016 rather than by calendar year as presented in Graphs 2.11 and 2.12.

Comparing Nunavut’s processing time nationally, Nunavut has the second fastest median processing time in Canada for adult matters. For youth matters, Nunavut ranks fifth.

The only jurisdiction with lower adult case processing time than Nunavut is Prince Edward Island. However, it is important to note that the court in Nunavut is a traveling circuit court that goes into communities on a set schedule, making comparisons to Prince Edward Island courts — which operate on a regular schedule — challenging. For example, some communities in Nunavut have two to four court sittings a year whereas Prince Edward Island has court weekly.

⁷ Statistics Canada, Adult criminal courts, cases by median elapsed time in days, annual (Number), 1994/1995 to 2015/2016 and Youth courts, cases by median elapsed time in days, annual (Number), 1991/1992 to 2015/2016, online: <http://www5.statcan.gc.ca/cansim/a33?RT=TABLE&themeID=2695&spMode=tables&lang=en>.

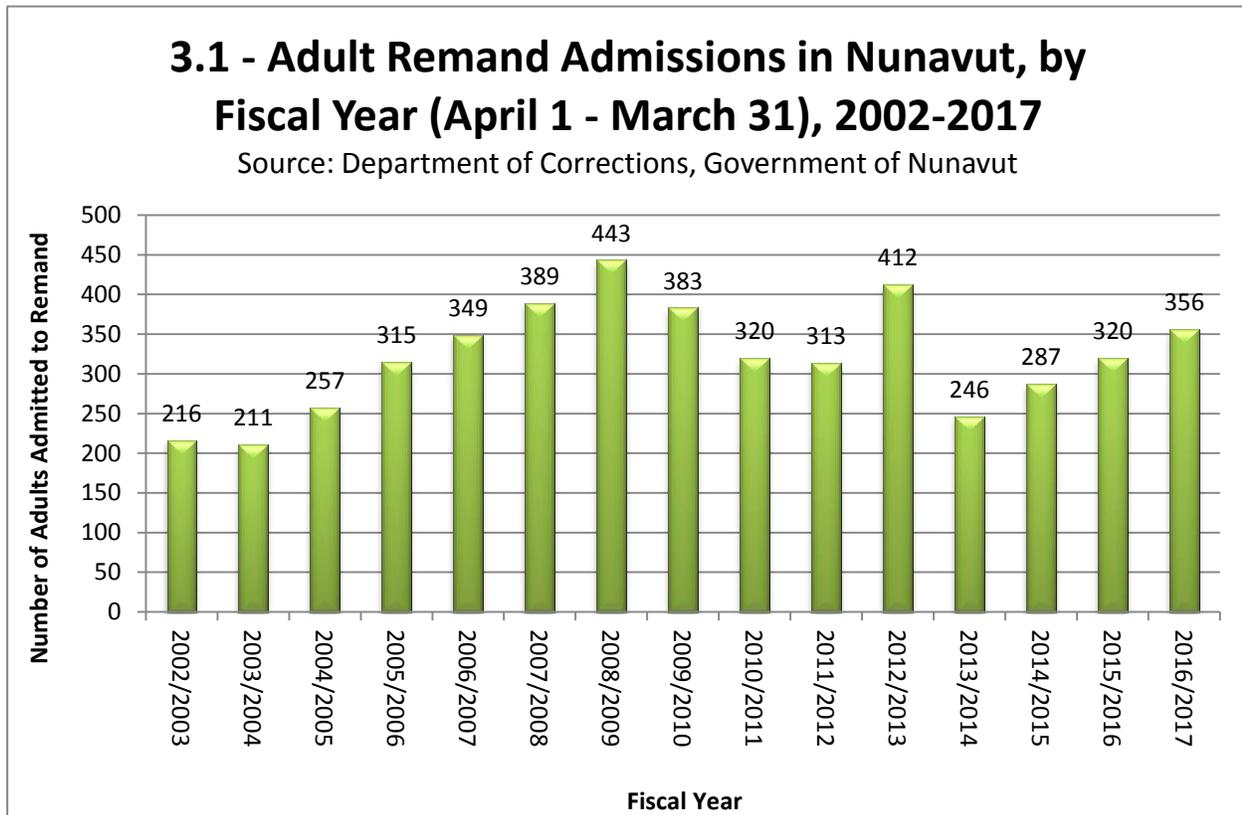
PART 3

3. Use of Custodial Remand and Sentencing in Nunavut

Remand is the temporary detention of a person while they are awaiting trial or a sentencing hearing. Remanded persons are usually charged with either more serious or a greater volume of offences, which generally take longer to resolve. The accused's choice of mode of trial has a bearing on the time it takes to clear charges. An accused's request for a preliminary inquiry and/or a trial by jury may extend the length of time required to address the charges by two or three times, compared to a Judge-alone trial without a preliminary inquiry.

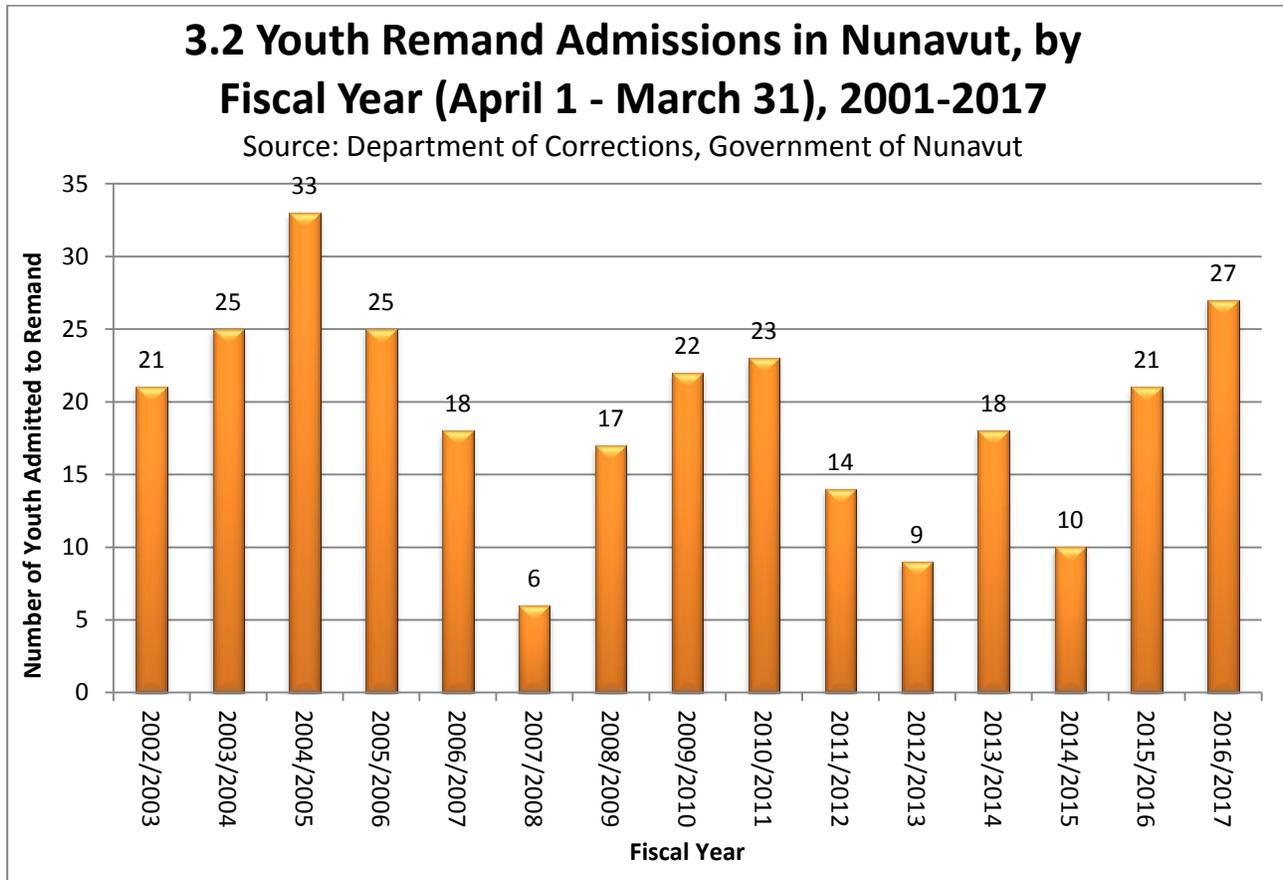
The graphs illustrate that the number of adult and youth remand admissions (Graphs 3.1 and 3.2) continued to increase during the 2016/2017 fiscal year.

Graph 3.1 – Adult Remand Admissions in Nunavut, by Fiscal Year, 2002-2017



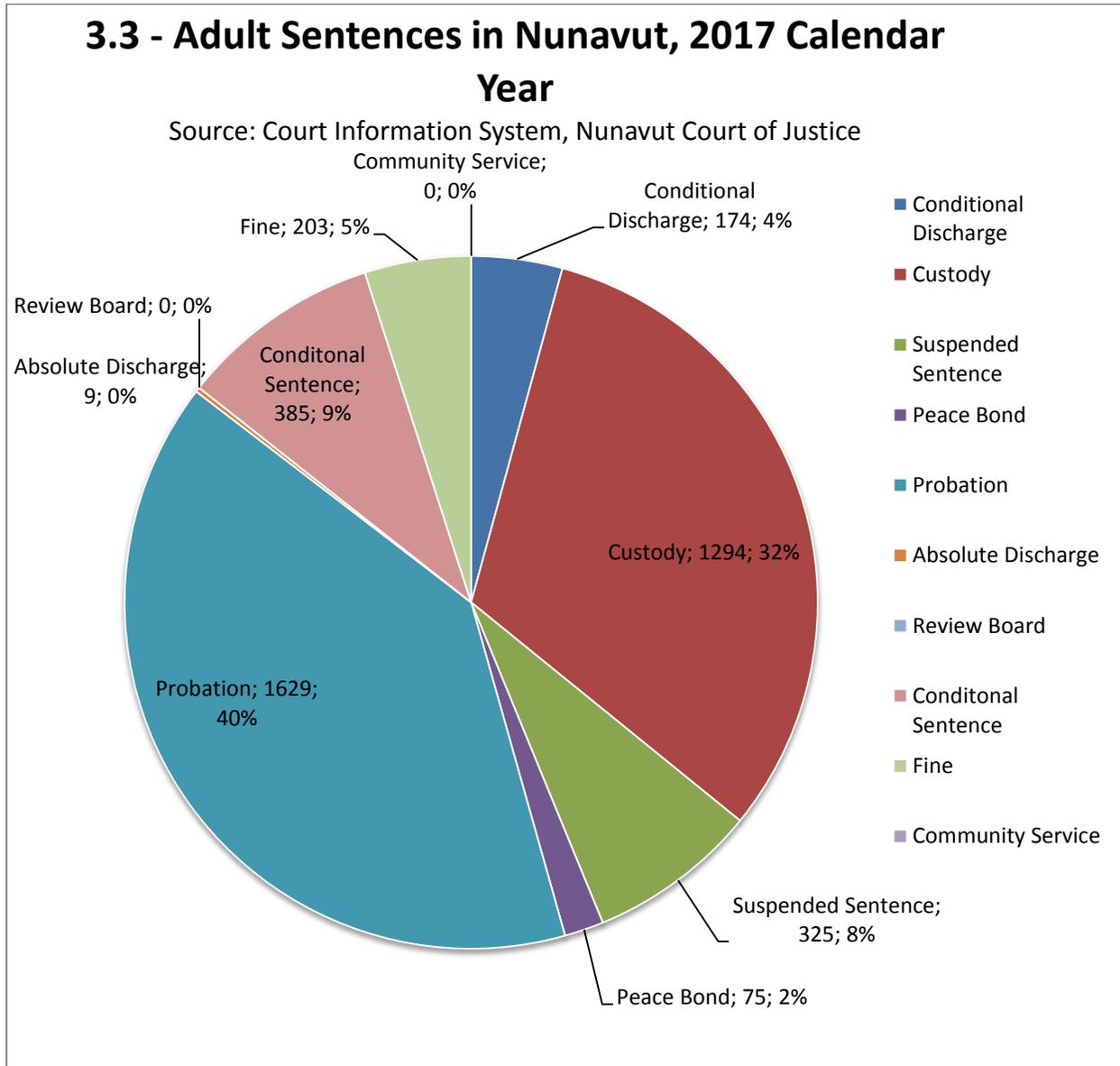
The number of adult remand admissions has varied since the 2002/2003 fiscal year, peaking in 2008/2009. The number of admissions has been increasing slowly over the last four years. In the 2015/2016 fiscal year, the total increased over the previous year by 11.5%. In the 2016/2017 fiscal year, the rate of increase over the previous year is almost identical: 11.25%.

Graph 3.2 – Youth Remand Admissions in Nunavut, by Fiscal Year, 2001-2017



The number of youth remand admissions has varied frequently over the years. In the last three years, the number has been steadily increasing. In the 2016/2017 fiscal year, the total increased over the previous year by 28.6%. The number of youth remand admissions in the 2016/2017 fiscal year is the third highest since 2001/2002.

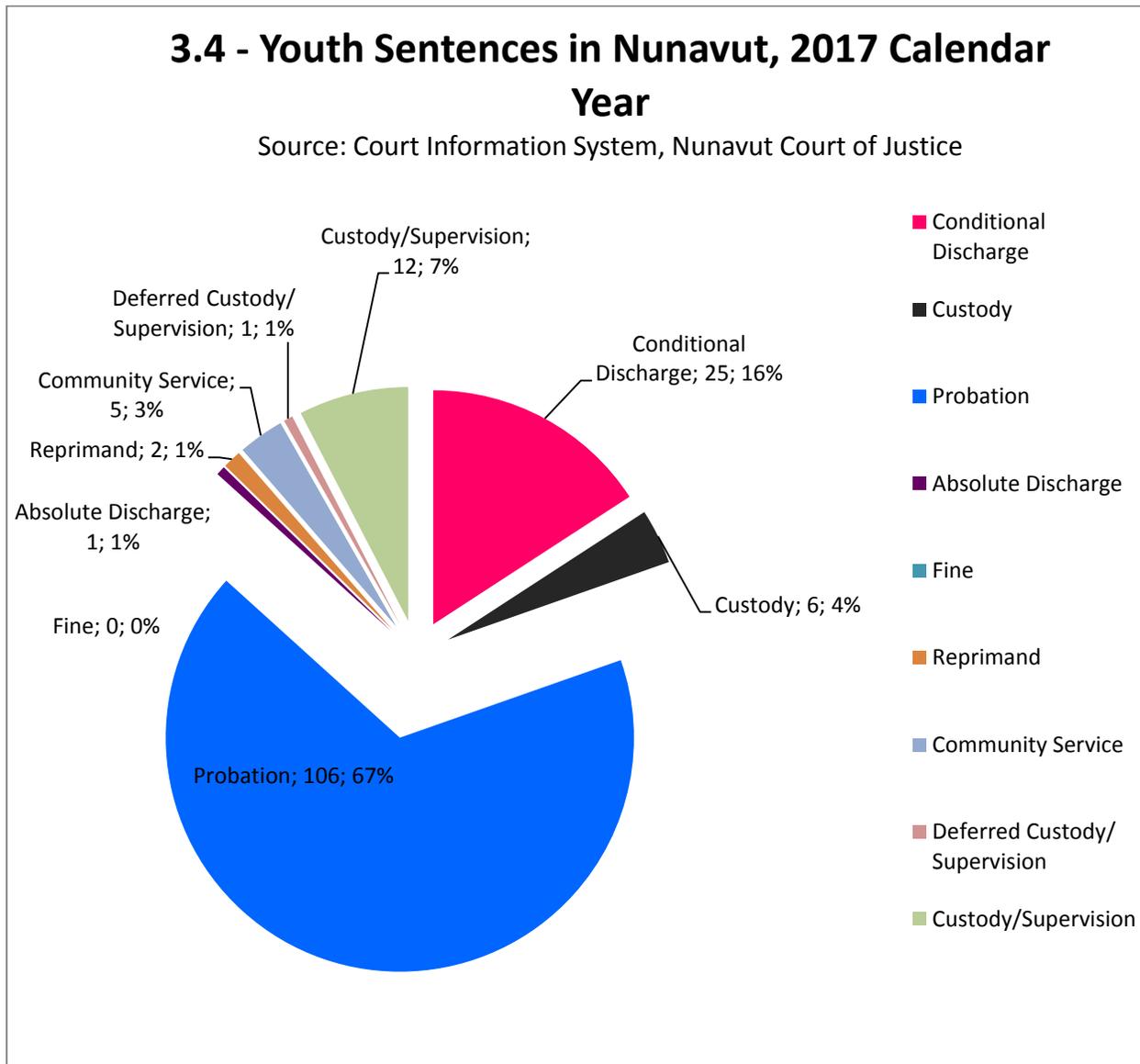
Graph 3.3 – Adult Sentencing Statistics in Nunavut, 2017 Calendar Year



The above graph reflects the number of times each sentence was entered in 2017. Some sentences, such as probation and custody, may be imposed concurrently. In 2017, probation continued to be the sentence most frequently imposed on adults.

This graph does not include sentences categorized as “other” by the Court Information System. A total of 2,985 “other” sentences were entered for adults in 2017. The sentences categorized as “other” include: a DNA order, restitution, a firearm prohibition and more.

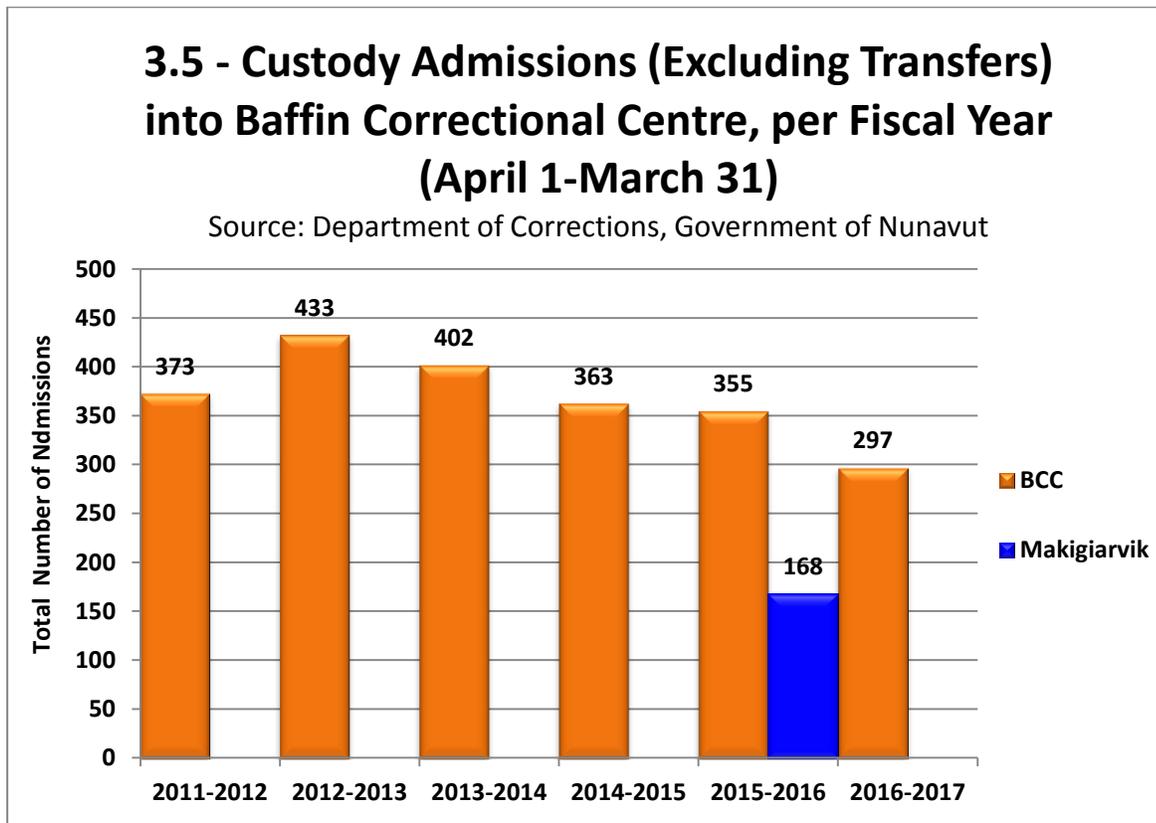
Graph 3.4 – Youth Sentencing Statistics in Nunavut, 2017 Calendar Year



As with adult sentences, this graph reflects the number of times each sentence was entered. Certain sentences can be imposed concurrently, for example custody/gaol and probation. Similar to the adult sentences, probation continued to be the most frequently imposed sentence for youth in 2017.

As with Graph 3.3, “other” sentences were not included in this graph, but comprised 48 recorded youth sentences for 2017.

Graph 3.5 – Total Number of Custody Admissions (Excluding Transfers) into Baffin Correctional Centre, per Fiscal Year (April 1-March 31)

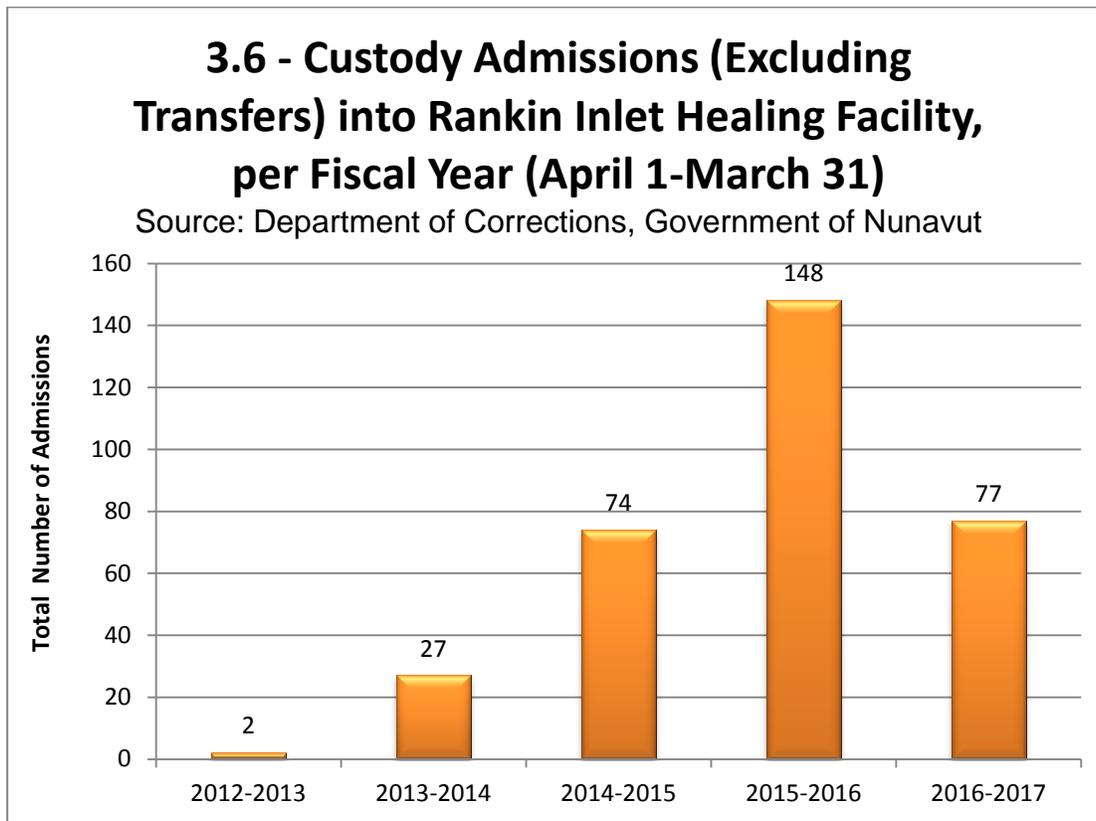


Graph 3.5 illustrates that there was a slight decrease in the number of admissions into the Baffin Correctional Centre in 2016-2017.

In 2015, the Department of Corrections also opened the new Makigiarvik Correctional Centre in Iqaluit. The facility has decreased the Department’s extraterritorial transfers. There were 168 custody admissions, excluding transfers, into the Makigiarvik Correctional Centre during the 2015-2016 fiscal year.

Note that individuals may be transferred between facilities throughout their incarceration. Inmate counts reflect individuals just once per facility (unless the individual is readmitted on new charges); however, that same inmate might have entered multiple facilities.

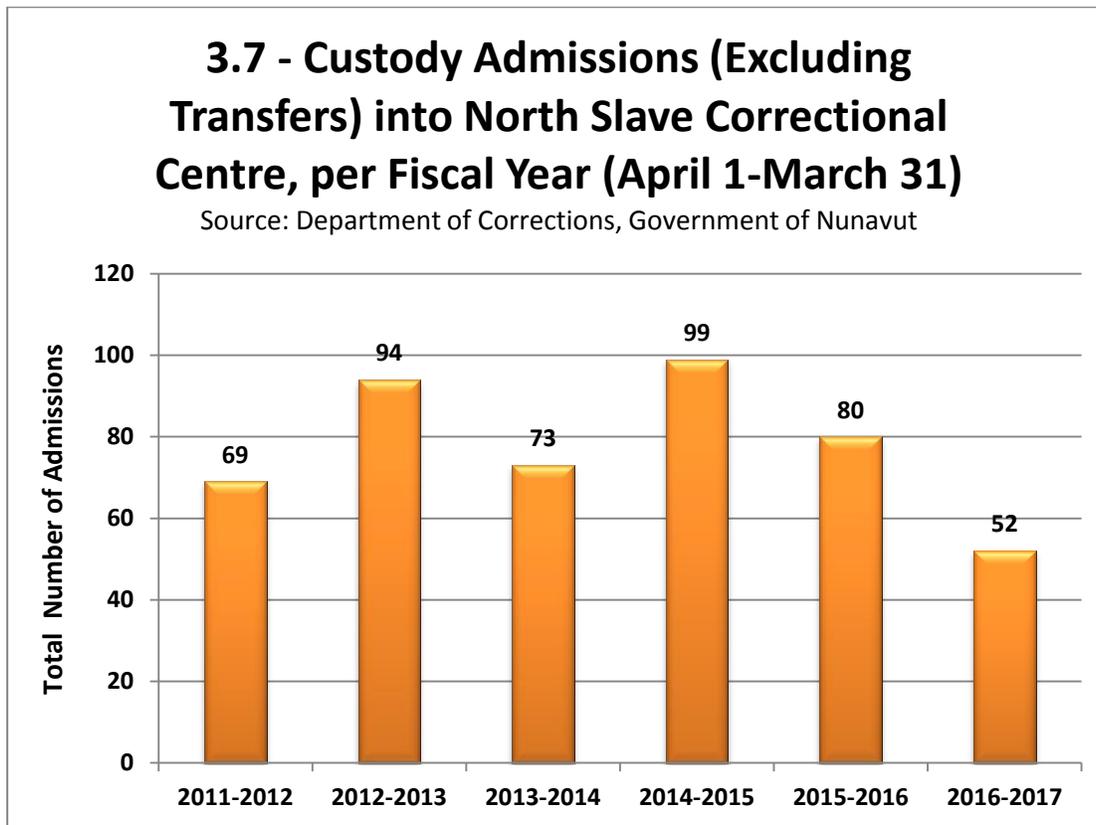
Graph 3.6 – Total Number of Custody Admissions (Excluding Transfers) into Rankin Inlet Healing Facility, per Fiscal Year (April 1-March 31)



The Rankin Inlet Healing Facility opened in 2012-2013 and reached its full operational capacity in 2015-2016. Trends relating to admissions at this facility will be more discernible over time since it currently remains relatively new.

Note that individuals may be transferred between facilities throughout their incarceration. Inmate counts reflect individuals just once per facility (unless the individual is readmitted on new charges); however, that same inmate might have entered multiple facilities.

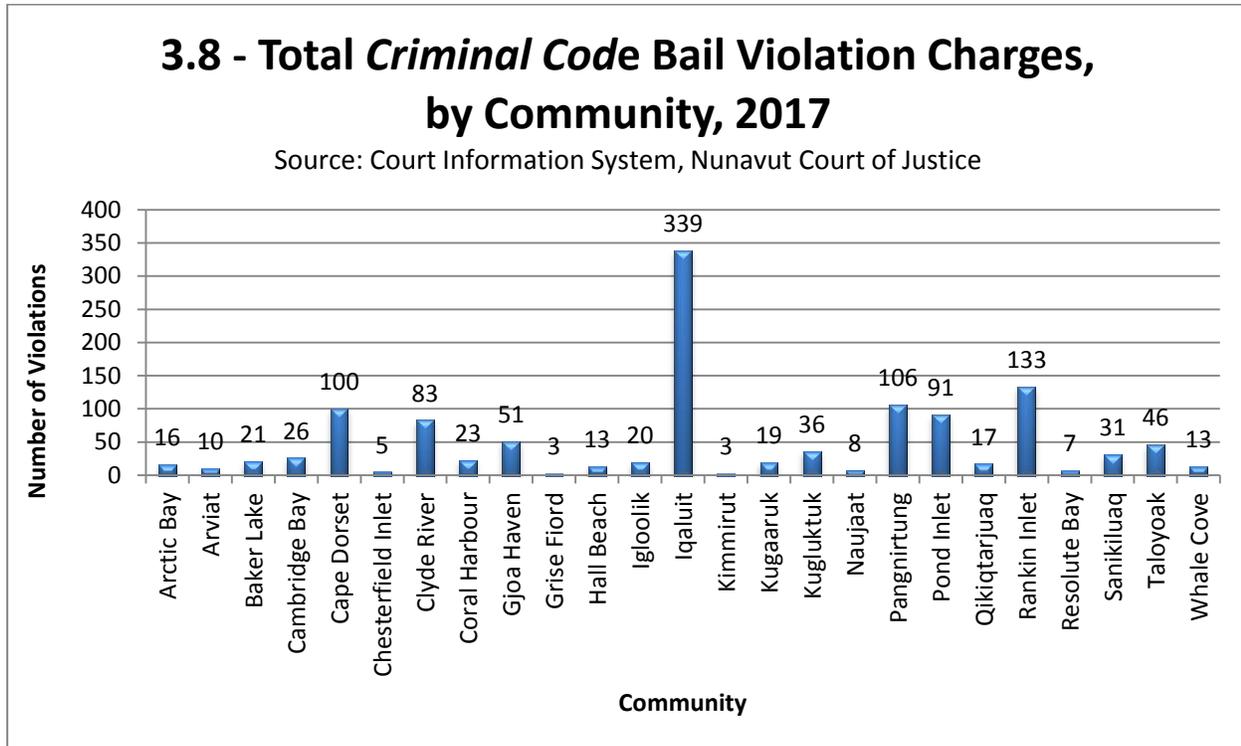
Graph 3.7 – Total Number of Custody Admissions (Excluding Transfers) into North Slave Correctional Facility, per Fiscal Year (April 1-March 31)



Graph 3.7 illustrates that the number of admissions into Yellowknife’s North Slave Correctional Centre was lowest in the 2016-2017 fiscal year. Admissions decreased by nearly 35% in 2016-2017 in comparison to 2015-2016 and by almost 48% since 2014-2015.

Note that individuals may be transferred between facilities throughout their incarceration. Inmate counts reflect individuals just once per facility (unless the individual is readmitted on new charges); however, that same inmate might have entered multiple facilities.

Graph 3.8 – Total *Criminal Code* Bail Violation Charges, by Community, 2017



Graph 3.8 represents the number of *Criminal Code* bail violations resulting in charges during the 2017 calendar year. The charges concerned violations of the following *Criminal Code* sections: s. 145(3) (breach of condition(s) of a Justice of the Peace or Judge), s. 145(5) (failure to appear), and s. 145(5.1) (breach of condition(s) of a Peace Officer). The graph does not reflect the number of bail violations resulting in convictions.

Graph 3.8 illustrates that across all of the communities, the amount of bail violation charges is proportional to the larger populations of Iqaluit, Cape Dorset, Rankin Inlet and Pangnirtung. Overall, 1,220 bail violations — almost 75% of which were s. 145(3) breaches — occurred in 2017.

The 2017 total is a 4.8% (56 violations) increase from the preceding year and an 11.5% (126 violations) increase since 2015. In Iqaluit, specifically, the number of violations increased by 4 (1.2%), while the remainder of the Territory saw an increase by 52 charges (6.3 %).⁸

⁸ Data compared with 2016 NCJ Annual Report, online: www.nunavutcourts.ca/annualreports.

PART 4

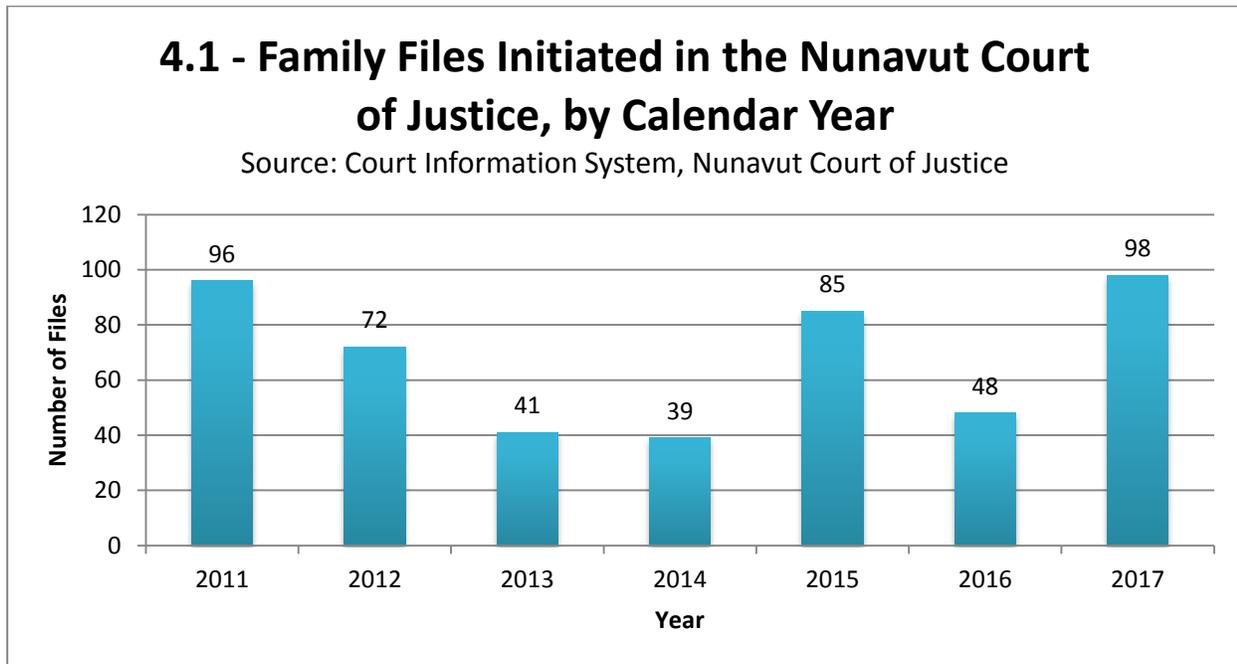
4. Civil Files

The graphs in this section represent different categories of files opened by the Court to deal with matters of civil law.

The information quantifies the number of family court files opened in each of the last six calendar years (2011-2017). Note that none of the graphs in this section depicts the total volume of family matters being processed by the Court in a given year. While the goal is always to resolve family files quickly, particularly where children are involved, it is not always possible to conclude matters within the same year as the file is opened.

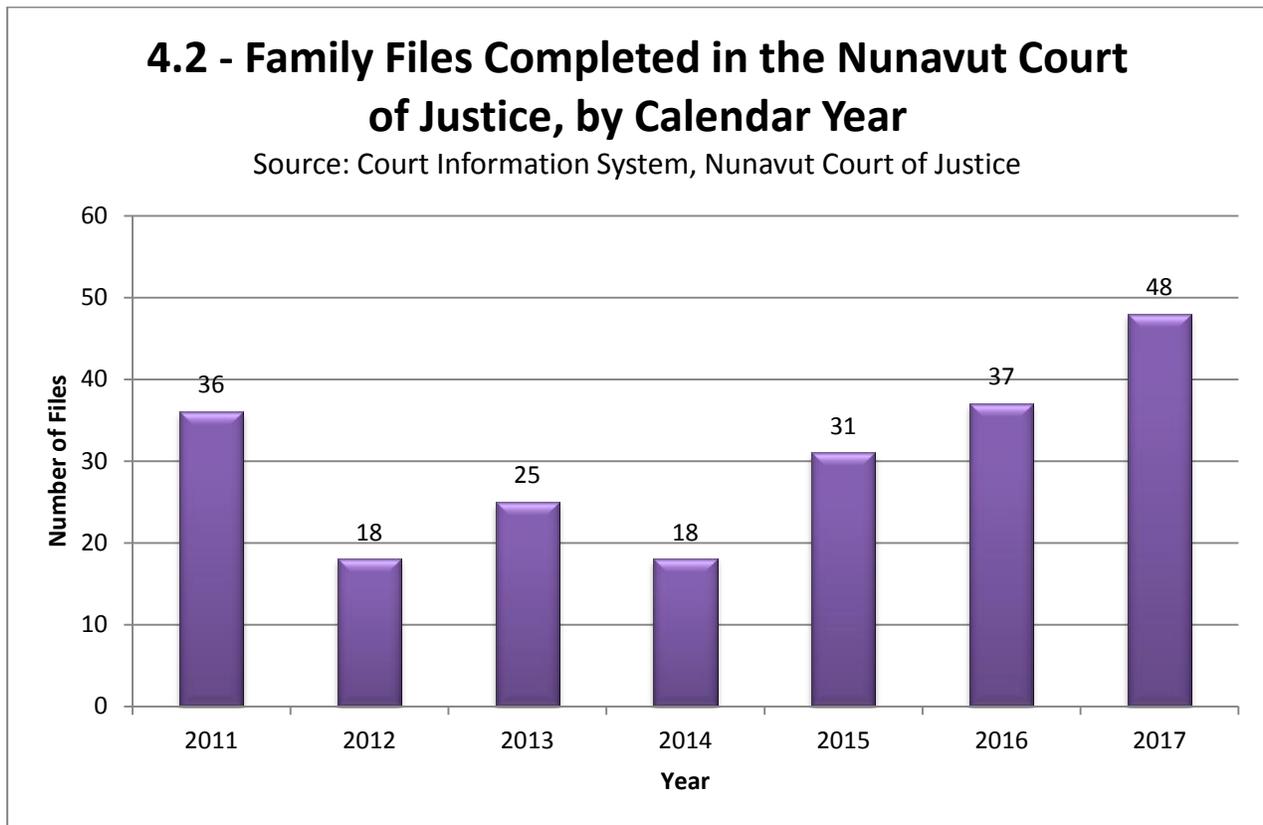
Also indicated in this section is the number of civil litigation matters initiated in the last six calendar years. As with the family files, none of the graphs in this part depict the total volume of civil matters being processed by the Court in a given year as files may continue over a period of several years.

Graph 4.1 – Family Files Initiated in the Nunavut Court of Justice, by Calendar Year, 2011-2017



Graph 4.1 concerns family litigation files. This category includes all the files opened in the NCJ in each year regarding child custody and access, child and/or spousal support, division of matrimonial property, inter-jurisdictional support, and maintenance enforcement. Due to the fluctuation in the number of initiated files, there is no discernable trend at this point.

Graph 4.2 – Family Files Completed in the Nunavut Court of Justice, by Calendar Year, 2011-2017



Graph 4.2 concerns family litigation files that were completed in each calendar year. This category includes all the files regarding child custody and access, child and/or spousal support, division of matrimonial property, inter-jurisdictional support, and maintenance enforcement.

The number of completed files decreased slightly between 2012 and 2014. One reason for the decrease may be the introduction of the new *Family Support Orders Enforcement Act*, SNU 2012, c 16 (Nunavut)⁹ in 2013. The act created tools for collection of maintenance support without the need to initiate default proceedings.

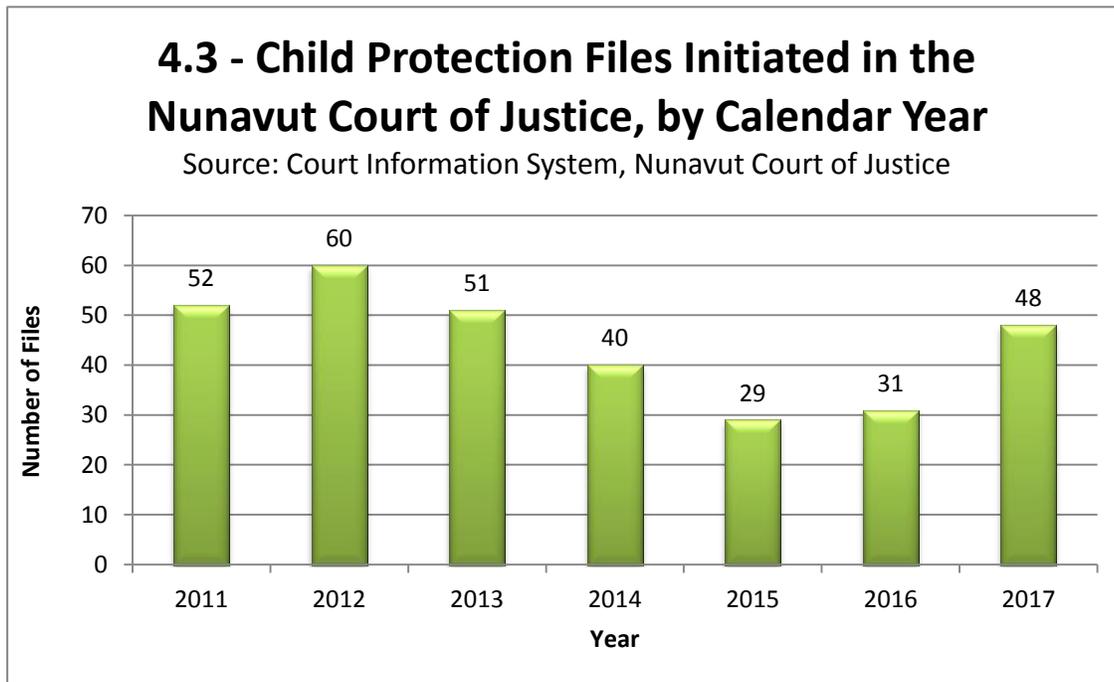
More recently, there has been a steady increase in the number of completed family files. This may be the result of the increased use by the Court of Judicial Dispute Resolution methods, which assist with the timely resolution of matters. Judicial Dispute Resolution offers parties an opportunity to appear before a Judge who attempts to mediate a solution.

In 2017, the number of completed files increased by 11 (29.7%) over the previous year. This is in line with an increase in the number of family files initiated the same year.

⁹ Available at:

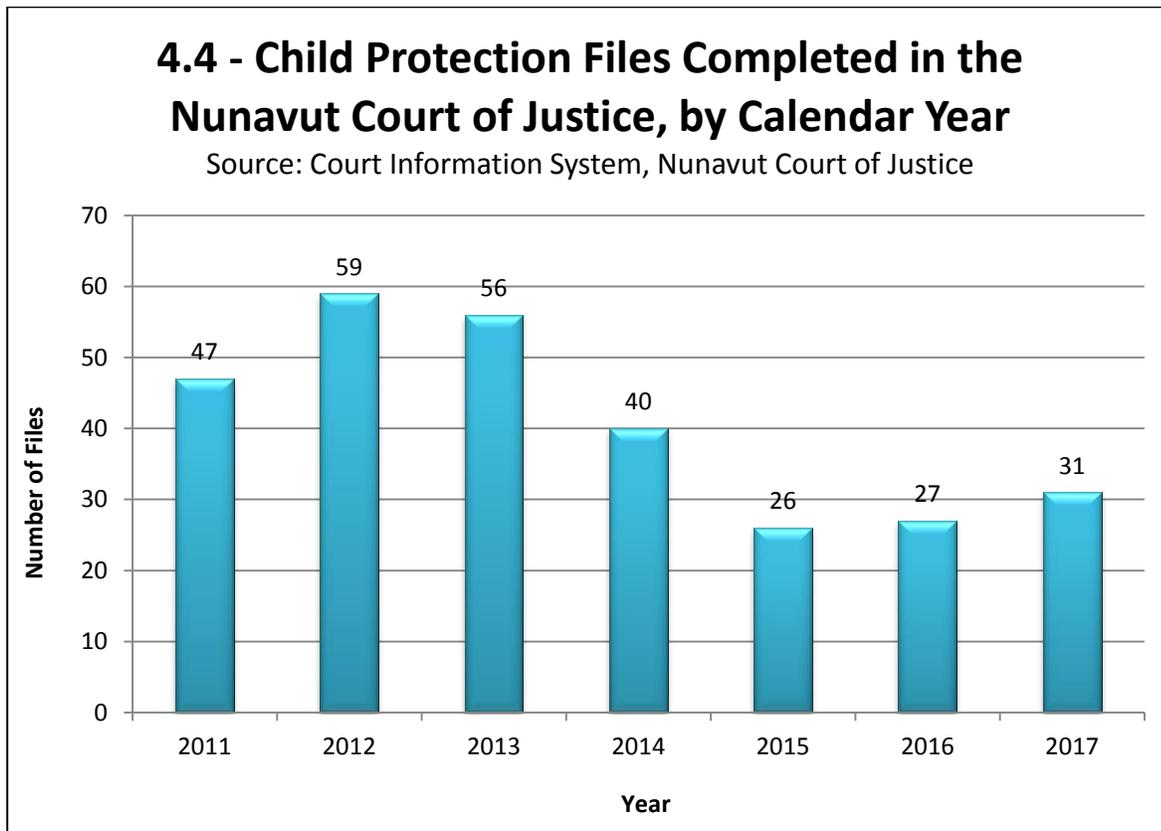
<http://www.justice.gov.nu.ca/apps/fetch/download.aspx?file=Consolidated+Law%2fCurrent%2f635023959133827292-1742931109-consSNU2012c16.pdf>

Graph 4.3 – Child Protection Files Initiated in the Nunavut Court of Justice, by Calendar Year, 2011-2017



Graph 4.3 sets out the number of child welfare cases initiated in the NCJ under the *Child and Family Services Act*, SNWT 1997, c 13 (Nunavut), by calendar year. Note that many of these files are ongoing. In comparison to 2016, the number of initiated child protection files increased by 58.4% in 2017.

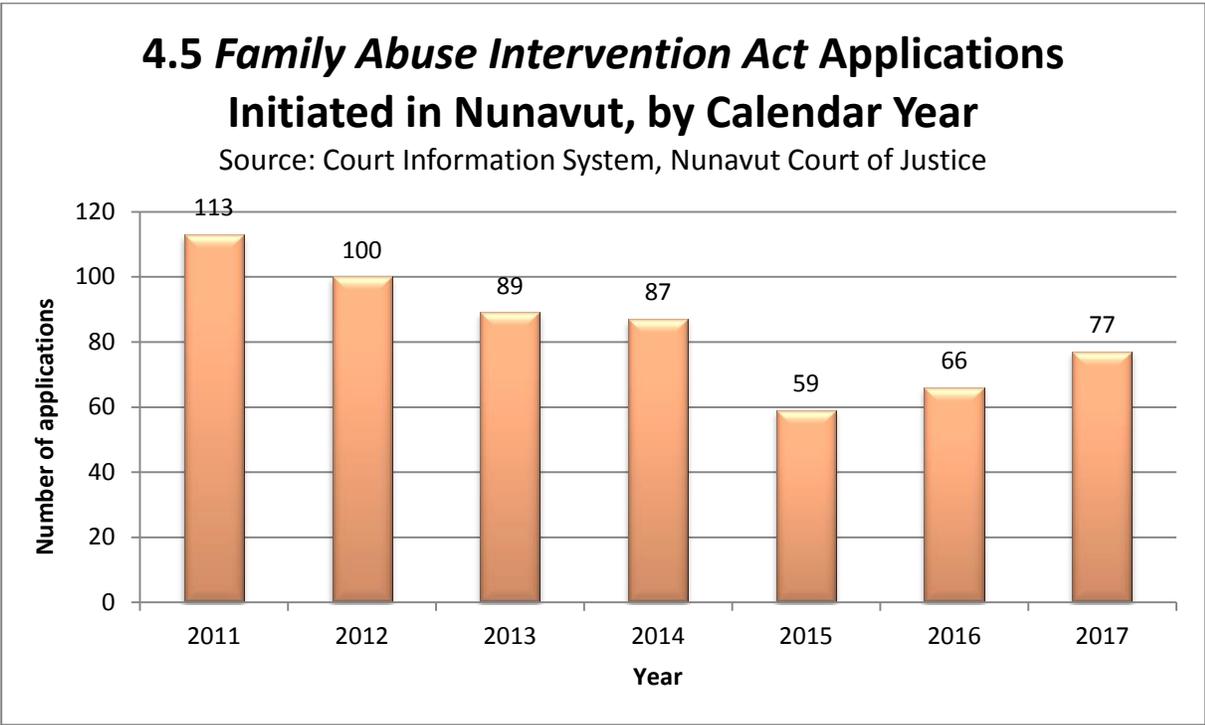
Graph 4.4 – Child Protection Files Completed in the Nunavut Court of Justice, by Calendar Year, 2011-2017



Graph 4.4 sets out the number of child welfare cases completed in the NCJ under the *Child and Family Services Act*, SNWT 1997, c 13 (Nunavut).

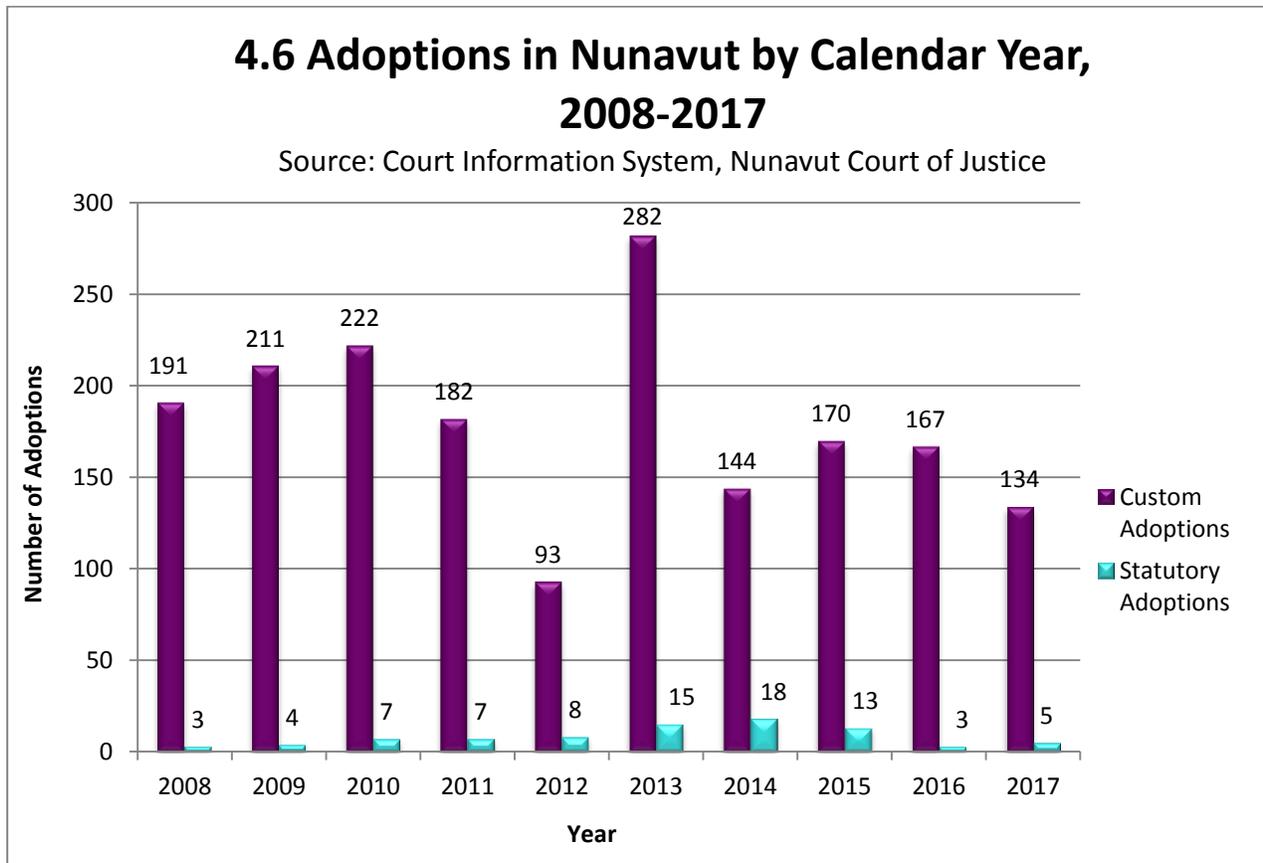
In 2014, the Civil Registry started to continue existing files instead of creating new files for each child apprehension case. This may explain the general decrease seen in the number of completed files in the last three years.

Graph 4.5 – Family Abuse Intervention Act Applications Initiated in the Nunavut Court, by Calendar Year, 2011-2017



Graph 4.5 deals with applications related to Emergency Protection Orders made in the NCJ under the *Family Abuse Intervention Act*, SNu 2006, c 18 [FAIA]. These include the total number of FAIA files confirmed by a Judge as well as those that were not. The Civil Registry has not received a Community Intervention Order for filing in the past seven years.

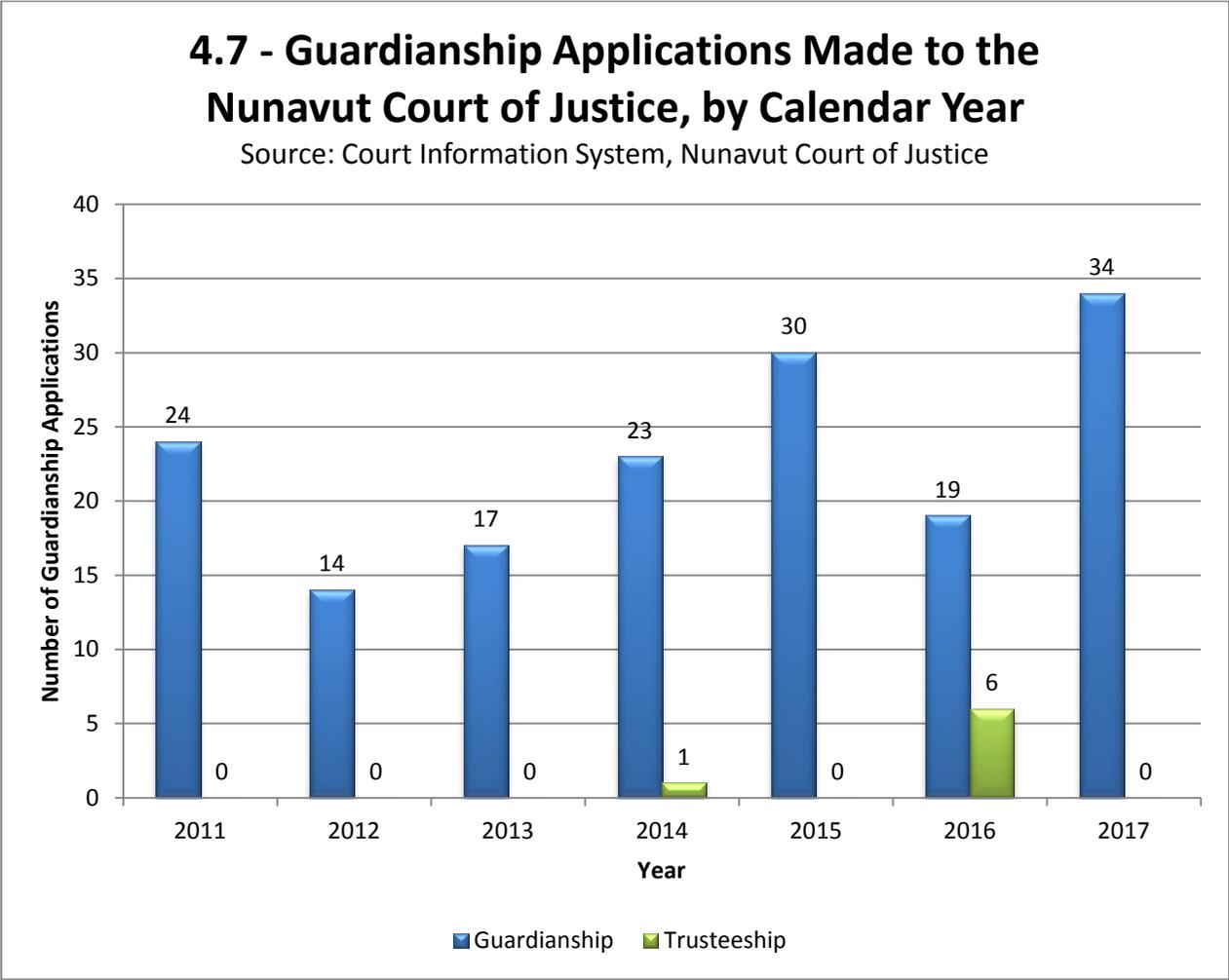
Graph 4.6 – Adoptions in Nunavut, by Calendar Year, 2008-2017



Graph 4.6 compares the number of custom adoptions to the number of other types of statutory adoptions for each given year. These totals include the number of new adoption files that were opened.

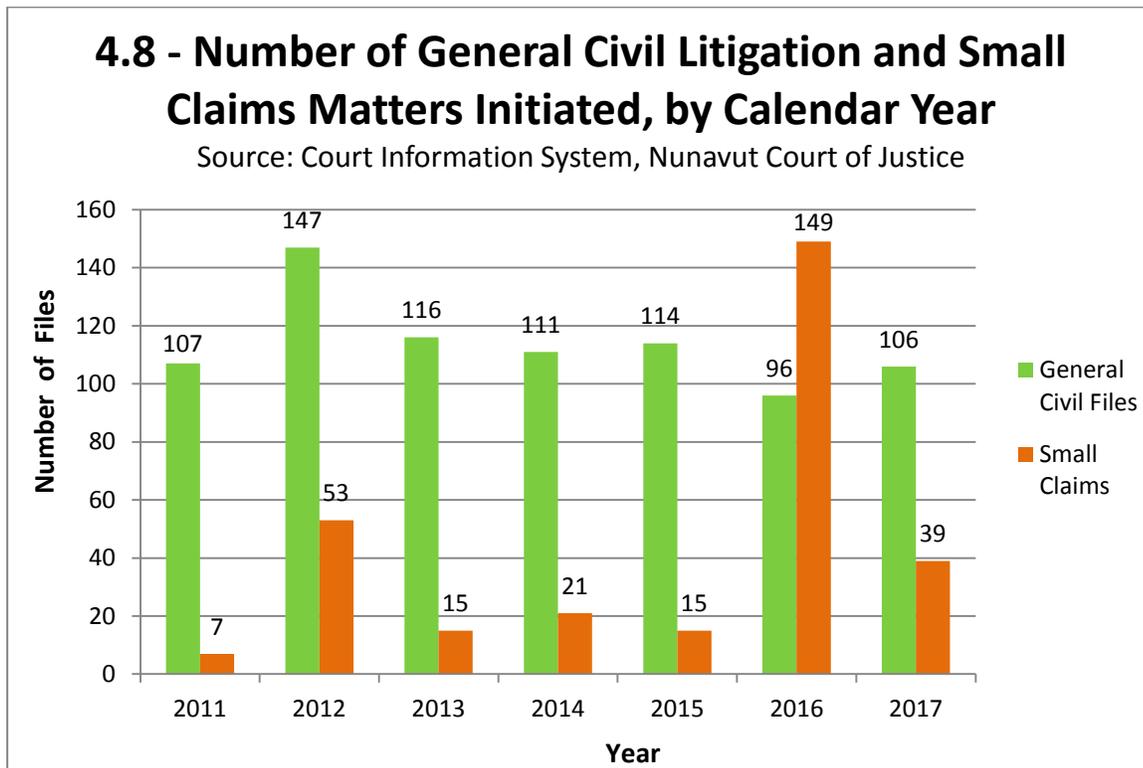
Custom adoptions continue to be received at a much higher rate than statutory adoptions. Note, however, that the number of statutory adoptions steadily rose from 2008 to 2015, before decreasing in 2016 and 2017.

Graph 4.7 – Guardianship and Trusteeship Applications Made to the Nunavut Court of Justice, by Calendar Year, 2011-2017



Graph 4.7 illustrates a general increase in the number of guardianship applications in recent years. In 2017, the number of guardianship applications increased by almost 80% over the previous year.

Graph 4.8 – Number of General Civil Litigation & Small Claims Matters Initiated in the Nunavut Court of Justice, by Calendar Year, 2011-2017



General Civil Litigation matters in this graph reflect files opened in the areas of general civil litigation, bankruptcy, estates, *Bank Act* proceedings, *Elections Act* proceedings, and judicial review. The number of civil matters opened does not reflect the number of cases currently being processed by the Court as civil matters can continue into the following year, if not years. The number of initiated Small Claims matters spiked in 2016, but this trend did not continue into 2017.

PART 5

5. Frequency of Court Sittings in Nunavut, 2001-2017

The four graphs included in Part 5 depict the number of weeks for which the Court held various types of sittings in the year specified.

The judicial centre of Nunavut is located in Iqaluit. Nunavut is divided into three regions, the Qikiqtaaluk (Baffin Region) where Iqaluit is located, the Kitikmeot (western Nunavut), and the Kivalliq (central Nunavut). The Circuit Court travels to 24 communities throughout Nunavut. The Court will generally visit a community anywhere from two to seven times a year, depending on a number of factors, such as charge volumes in the community and size of the community. A maximum of six Court sittings can be scheduled across the Territory in a given week: there are three courtrooms in the Nunavut Justice Centre and when three Courts sit (including JP Court), a maximum of three additional, concurrent Circuit Court sittings can be scheduled in other communities. However, due to operational requirements, the number of sittings that the Court could accommodate was reduced to five. This reduction in sitting availability did not impact the circuit schedule but rather decreased the number of available weeks for special sittings (i.e., jury trials, judge alone trials longer than one day, etc.).

In 2017, the NCJ continued the monthly Remand Court in Iqaluit for persons detained in the Kivalliq and Kitikmeot regions. The NCJ also had capacity to hold video conferencing with 37 other locations in Iqaluit and in other communities in 2017.

Video or telephone appearances are used for persons held at the Rankin Healing Facility in Rankin Inlet. The video court is used for procedural appearances such as appearances for the purpose of entering an election or plea. Where not guilty pleas are entered, the trial is usually booked for the Court's next appearance in the community. This Remand Court is also used for sentencing hearings of Kivalliq and Kitikmeot prisoners where the Crown and Defence anticipate the accused will be sentenced to additional time in custody. Where there is a public interest in a sentencing proceeding in the community of origin, the Court retains the option of remanding the person to his/her home community for sentence.

The NCJ finalized updates of the latest videoconferencing technology to enhance remote access and communication in the court in 2017.

Trial Certainty

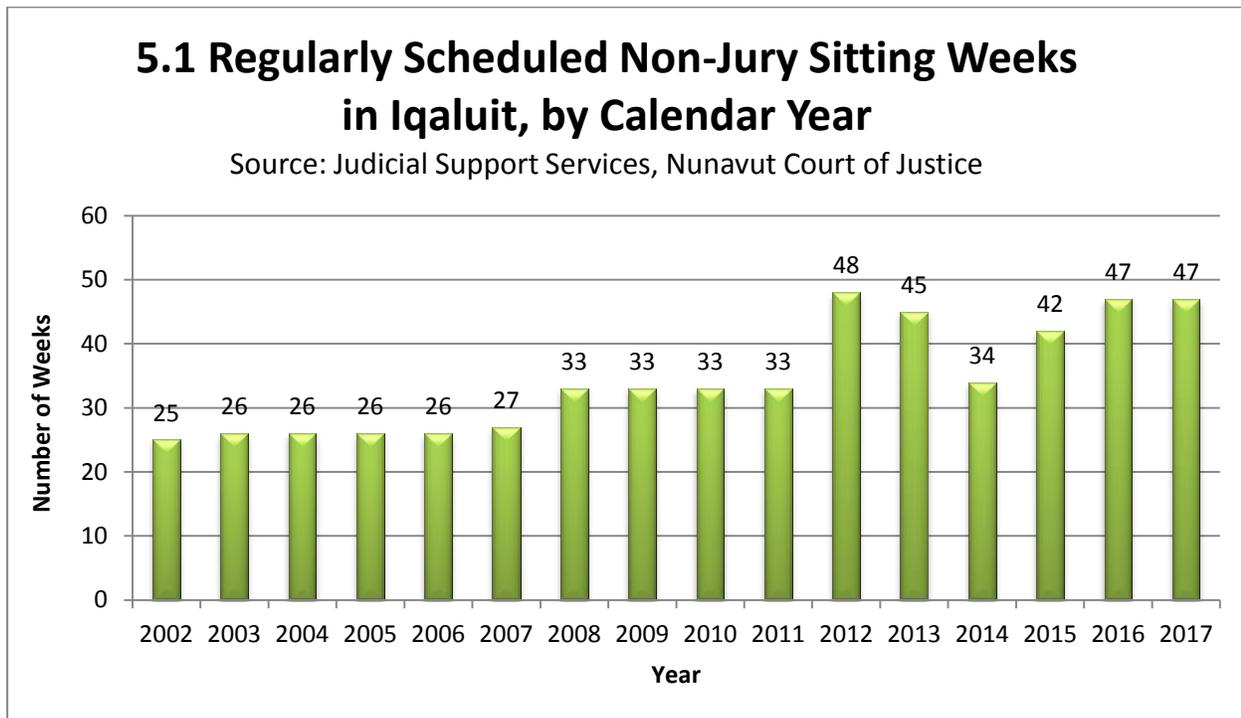
The following statistics were compiled from the tracking sheets created in consultation with the Trial Certainty Committee and maintained by the NCJ Trial Scheduling Coordinator:

- A total of 92 non-jury trials were scheduled in Iqaluit in 2017 and 27 trials proceeded as scheduled;
- 31.2% is the mean (average) percentage of hours for scheduled matters that proceeded in a given Iqaluit non-jury trial week in 2017 [note that 13 hours per day are scheduled to account for collapse rate (matters that do not end up going ahead) and ensure that the Court's time is well used];
- 43 of those scheduled non-jury trials were adjourned, primarily due to either the non-attendance of a witness, by a lawyer request, or by court-ordered dismissal;
- 15 scheduled trials were resolved by way of guilty pleas or findings of guilt;
- 19 scheduled trials did not proceed as the Crown stayed or withdrew the charges;

The Court adjusts the frequency of its circuits 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. While the sittings are scheduled a year in advance, the Court remains flexible in terms of adjusting the Court sittings as necessary depending on operational demands.

After a 2014 reduction, there were six circuits in Cambridge Bay in 2015. Since the docket for Cambridge Bay had become less taxing as well, the Court added Kugaaruk to two of the 2015 circuits. In 2017, the number of Cambridge Bay circuits was further reduced to three. The Court did a total of six circuits in Cape Dorset and nine circuits in Rankin Inlet in 2017.

Graph 5.1 – Regularly Scheduled Non-Jury Sitting Weeks in Iqaluit, by Calendar Year, 2002-2017



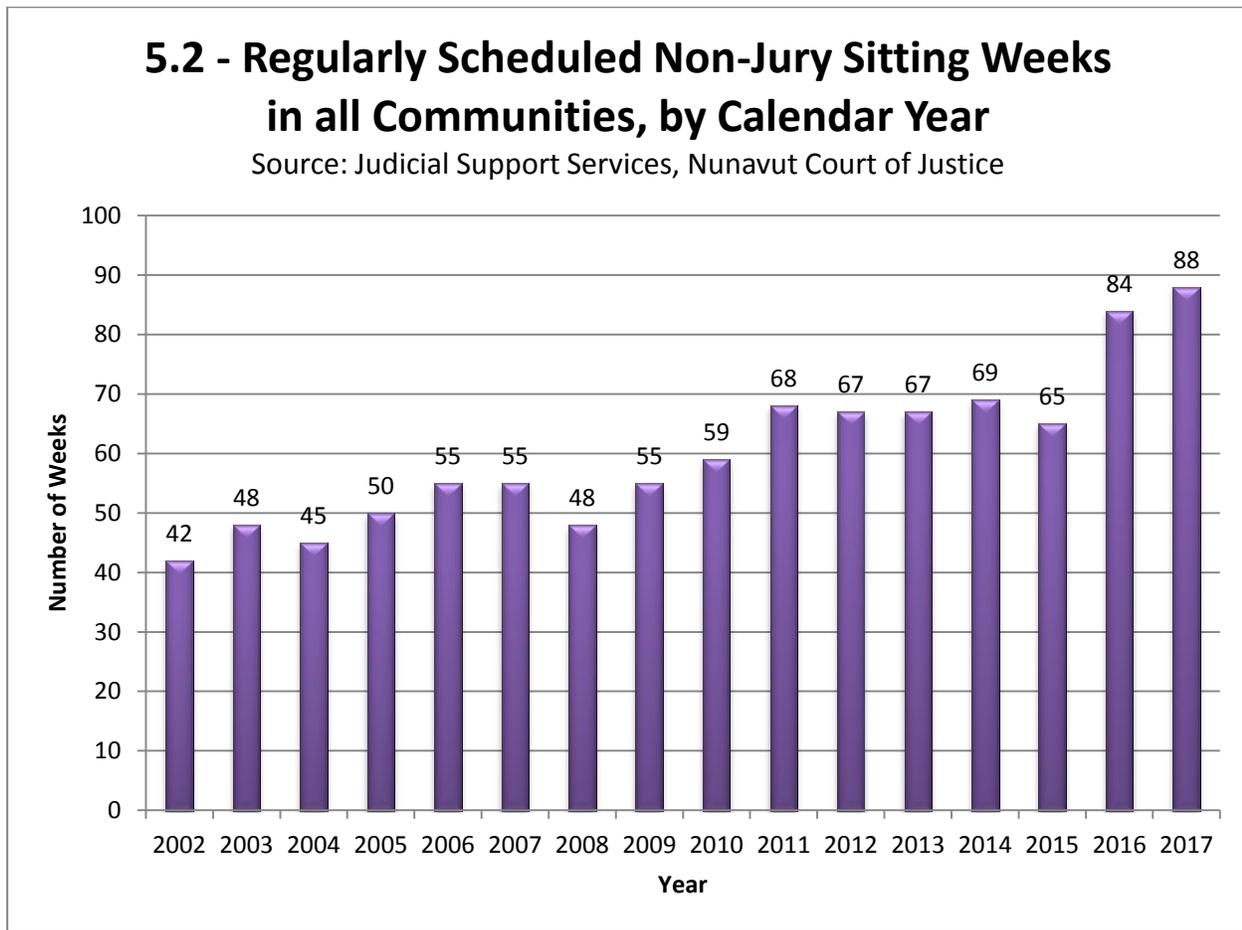
Iqaluit continues to generate the highest per capita volume of charges in Nunavut (Graphs 1.4 and 5.1).

In 2017, three weeks of each month in Iqaluit were dedicated to criminal matters. The scheduling in Iqaluit for docket matters, trials, in-custody matters and sentencings generally remained the same in 2017 based on the system introduced in 2013. The Court also continued scheduling up to two JP Court Trial dates monthly in 2017, continuing the practice introduced in mid-2015.

One week a month continues to be dedicated to civil and family matters in Iqaluit. Where civil and family matters originate in communities outside of Iqaluit, they are heard during the Circuit Court in that community. French trial week/Conflict week is scheduled in Iqaluit three times a year to hear all matters involving French-speaking citizens of Nunavut. These weeks are also used to deal with matters that create conflict for the local bar or judiciary, as a Deputy Judge and a visiting Prosecutor come to Iqaluit for these weeks.

Starting in 2013, Youth Justice Court of Nunavut, Special Criminal Chambers, Assignment Court, the Kivalliq in-custody docket, and Kitikmeot in-custody docket were scheduled to sit once a month in Iqaluit. In 2014, the number of sittings of the Youth Justice Court of Nunavut in Iqaluit was quadrupled. These changes were made in an effort to reduce the growing backlog of cases involving citizens held in remand, and to improve case processing times. These schedules remained the same in 2017.

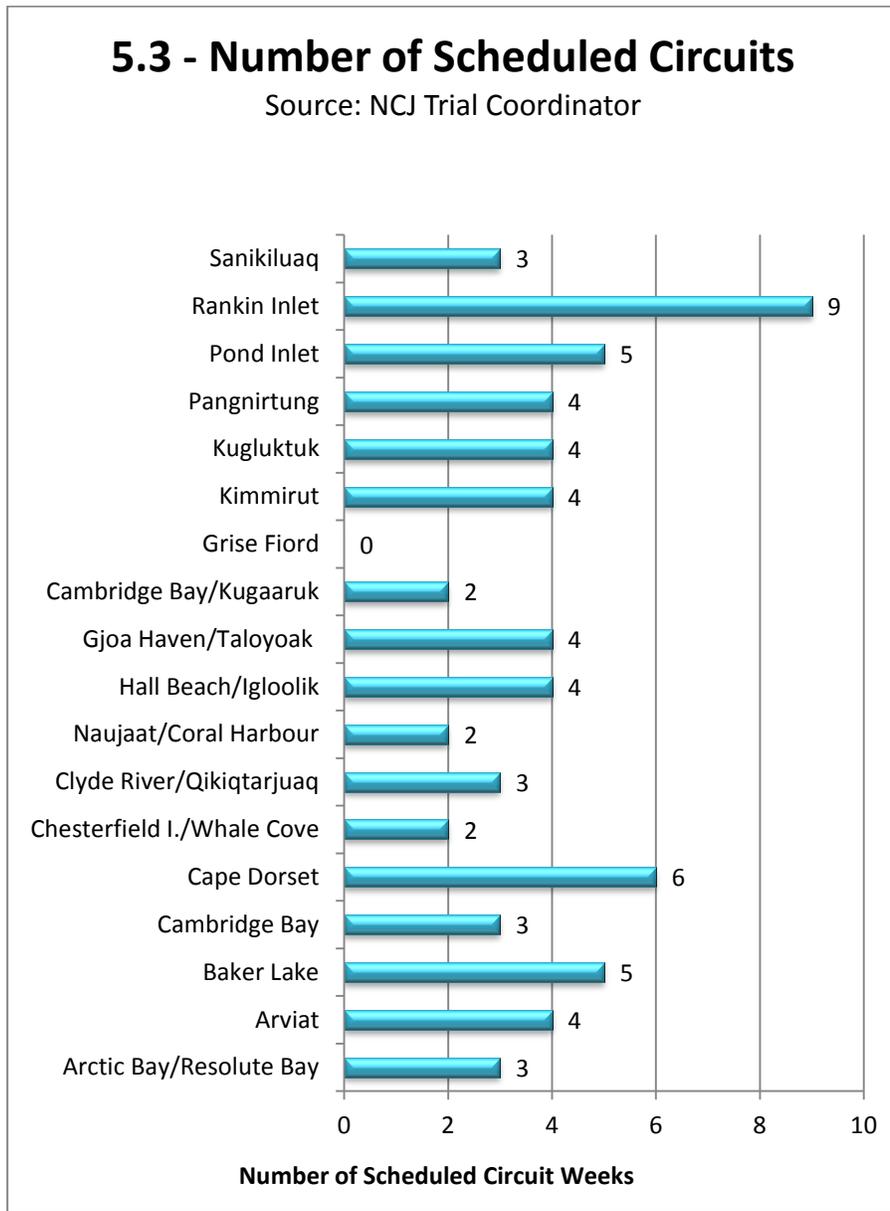
Graph 5.2 – Regularly Scheduled Non-Jury Sitting Weeks in all Communities, by Calendar Year, 2002-2017



Graph 5.2 depicts the annual number of regular circuits into the communities of Nunavut (excluding Iqaluit) over the past 16 calendar years. With the increase of Resident and Deputy Judges over the years (see Part 7 of this report below), the volume of cases that can be handled has increased.

The schedule is created based on community needs and a review of charge volume and docket size. In 2017, the number of circuits continued to increase.

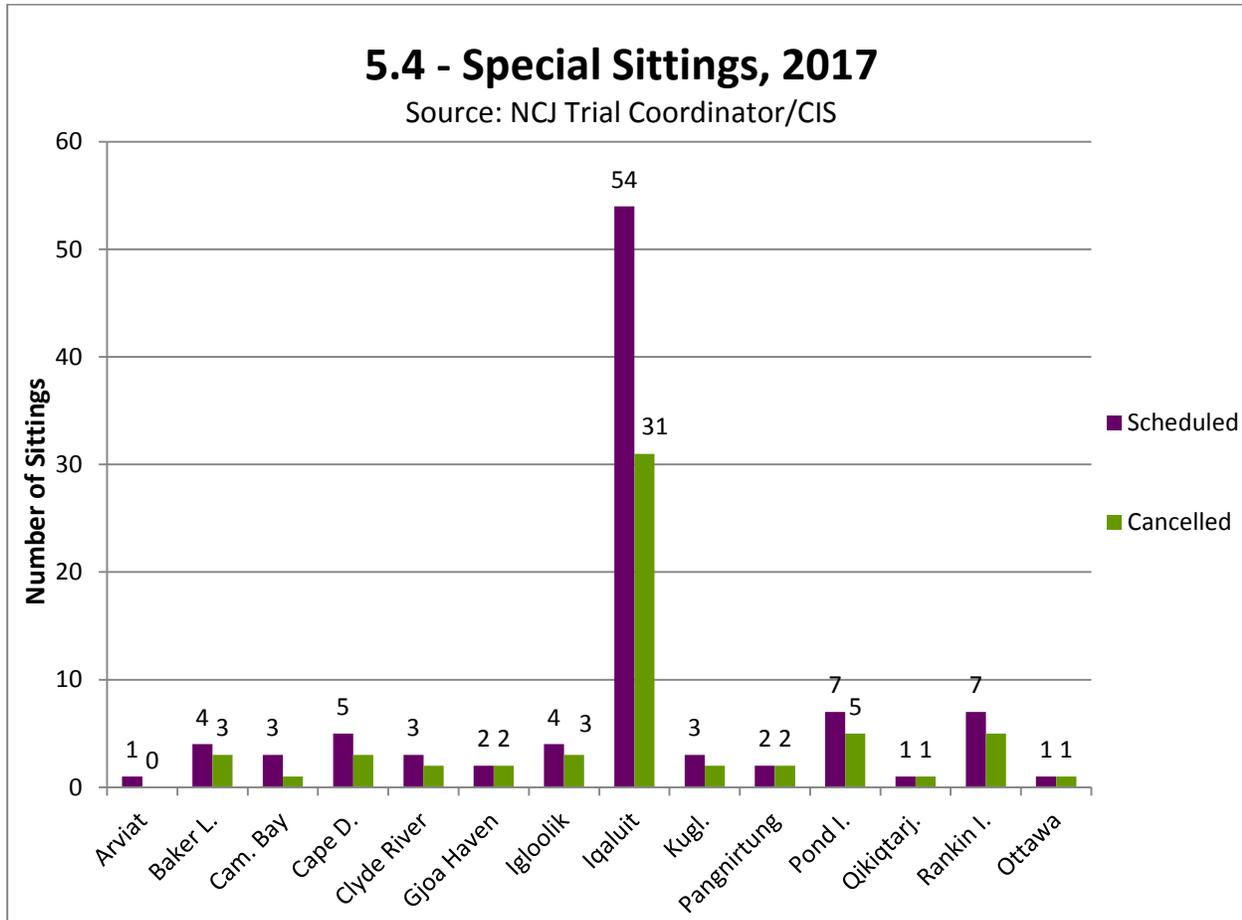
Graph 5.3 – Number of Scheduled Circuits in 2017, by Community



Graph 5.3 shows the total number of circuits (in weeks) scheduled in the communities of Nunavut, outside of Iqaluit, in the 2017 calendar year.

In 2017, the number of scheduled circuits to Rankin Inlet increased from seven to nine. In 2016 and 2017, the Court also held six circuits per year in Cape Dorset—an increase from four annual circuits held in 2014 and 2015.

Graph 5.4 – Completed Special Sitzings in 2017, by Community



Note: the following communities did not schedule any special sittings in 2017: Arctic Bay, Chesterfield Inlet, Coral Harbour, Grise Fiord, Hall Beach, Kimmirut, Kugaaruk, Nauyasat, Resolute Bay, Sanikiluaq, Taloyoak, and Whale Cove.

Graph 5.4 reflects the total number of weeks spent on special sittings in each community in 2017. Special sittings are scheduled separately for the lengthier matters that cannot be accommodated in the regular sittings of the Court for a particular community. Special sittings include lengthier trials and preliminary hearings requiring at least a day of hearing time. Both jury trials and lengthier Judge-alone trials are scheduled as special sittings. Special sittings for longer matters that will be heard in the communities are scheduled by a Judge presiding in Assignment Court, which sits once a month, excluding July, in Iqaluit.

The majority of special sittings in 2017 occurred in Iqaluit, where 6 criminal and 17 civil matters proceeded; 31 additional sitting were scheduled but were subsequently cancelled.

In 2017, 17 special criminal sittings and 19 special civil sittings proceeded. However, a total of 97 criminal and civil sittings were scheduled. The chart below breaks down the scheduling and hearing of special sitting matters throughout the Territory.

Both judge alone trials and preliminary inquiries of shorter length are frequently scheduled to proceed on circuit court sittings in communities. The numbers below relate to matters scheduled for special sittings of the NCJ which are scheduled to take longer than can be accommodated during regularly scheduled court sittings.

This data is collected by the NCJ Trial Scheduler.

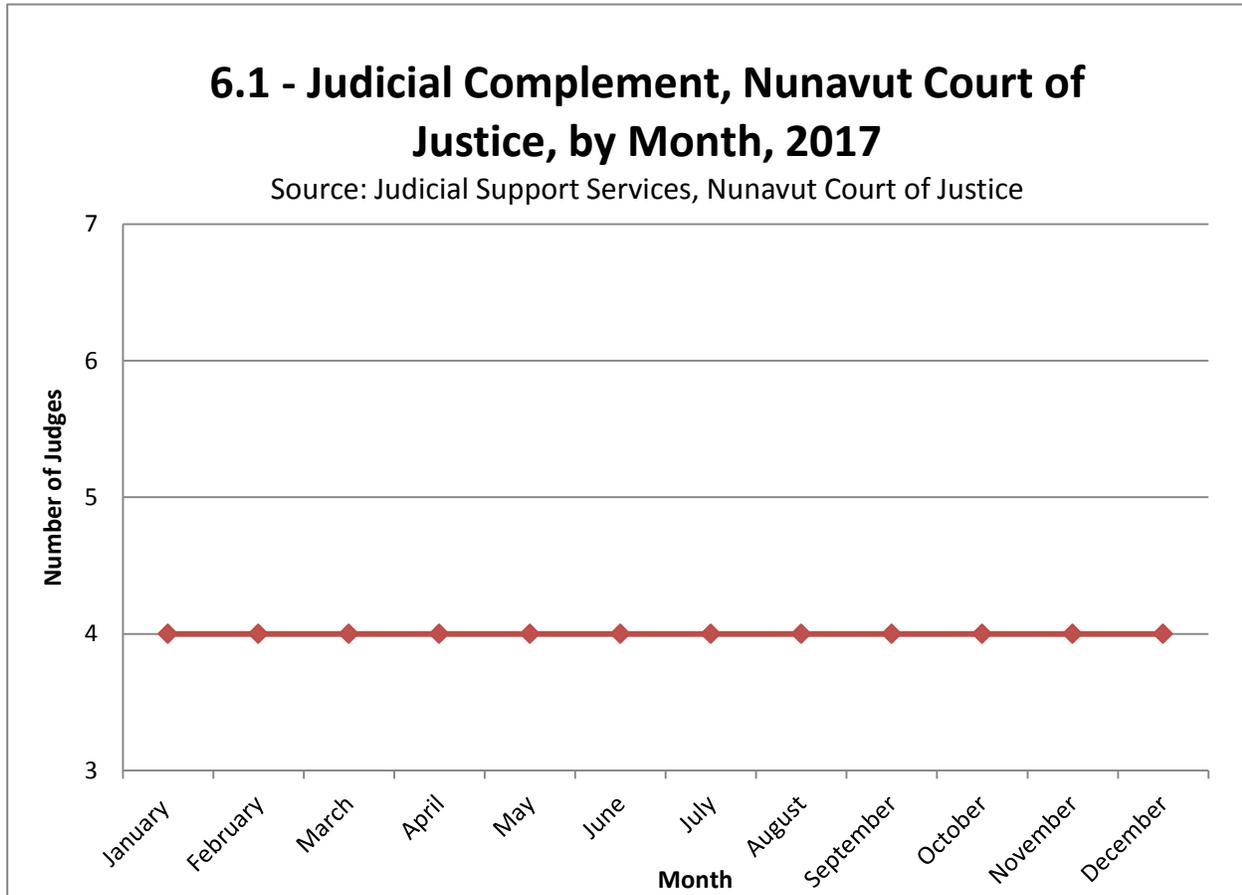
TOTAL, SCHEDULED SPECIAL SITTINGS, 2017	97
TOTAL, CRIMINAL SPECIAL SITTINGS THAT WENT AHEAD, 2017	17
JURY TRIALS SCHEDULED	30
➔ JURY TRIALS THAT PROCEEDED	8
JUDGE ALONE TRIALS SCHEDULED (SPECIAL SITTING)	23
➔ JUDGE ALONE TRIALS THAT PROCEEDED (SPECIAL SITTING)	5
PRELIMINARY INQUIRIES SCHEDULED (SPECIAL SITTING)	2
➔ PRELIMINARY INQUIRIES THAT PROCEEDED (SPECIAL SITTING)	1
SENTENCINGS SCHEDULED (SPECIAL SITTING)	3
➔ SENTENCINGS THAT PROCEEDED (SPECIAL SITTING)	3
RE-ELECTION TO JUDGE ALONE	8
BAD WEATHER ADJOURNMENTS	0
CHANGE OF PLEA, CONSENT COMMITALS, STAYS	8
COURT-REQUESTED ADJOURNMENTS/DISMISSALS	3
ADJOURNMENTS, UNKNOWN	22
TOTAL, CIVIL SPECIAL SITTINGS THAT WENT AHEAD, 2017	19
TOTAL CIVIL SPECIAL SITTINGS SCHEDULED	39
➔ CIVIL MATTERS RESOLVED/CANCELLED	20

PART 6

6. Judges of the Nunavut Court of Justice

When Nunavut was created in 1999, the NCJ was assigned the jurisdictional responsibilities of both a provincial and superior court by the federal *Nunavut Act*, SC 1993, c 28. Nunavut's Court of Justice is the only single-level trial court in the country. The following charts illustrate the number of Resident and Deputy Judges in the NCJ.

Graph 6.1 – Judicial Complement, Nunavut Court of Justice, by Month, 2017

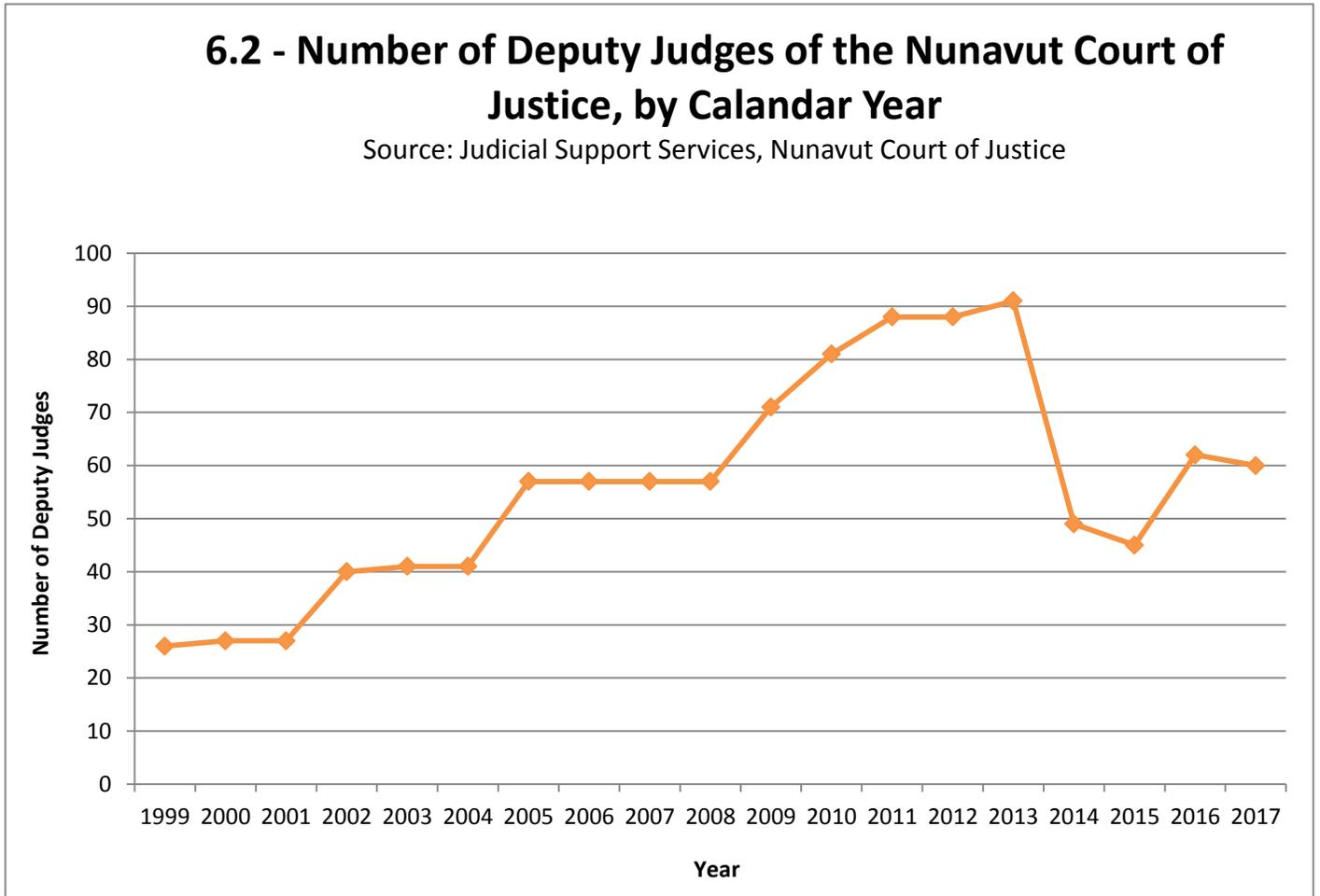


There are currently six positions on the Bench of the NCJ. A vacancy created in 2015 by a retirement of one Judge remained unfilled in 2016 and 2017. The number of Resident Judges further declined as a result of a retirement in September 2016. Due to these two vacancies, there were four Resident Judges at the Nunavut Court of Justice in 2017.

All four Resident Judges travelled with the Circuit Court in 2017.

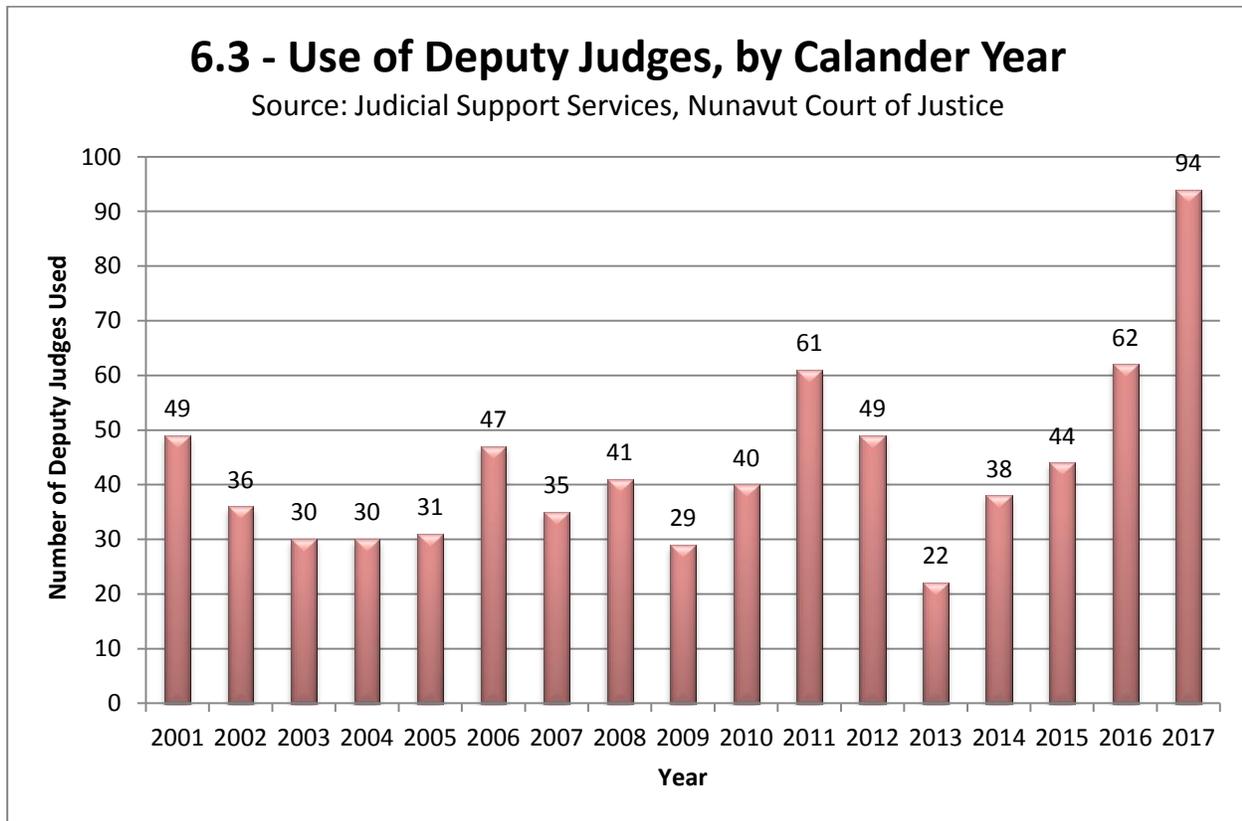
A number of Deputy Judges from southern Superior Courts may be called upon to assist the Court in meeting its core responsibilities (Graph 6.2). The Judges of the Supreme Court of the Northwest Territories and the Supreme Court of Yukon are *ex-officio* Judges of the NCJ.

Graph 6.2 – Number of Deputy Judges, by Calendar Year, 1999-2017



The active complement of Deputy Judges decreased from 62 to 60 during the 2017 calendar year. The number of Deputy Judges available to the NCJ declined due to nine retirements and only seven new appointments. The Chief Justice continues to actively recruit additional Deputy Judges to compensate for attrition due to prior retirements.

Graph 6.3 – Use of Deputy Judges, by Calendar Year, 2001-2017



In 2017, the Court’s use of Deputy Judges (Graph 6.3) rose from 62 sitting weeks in 2016 to 94 sitting weeks. The increased use of Deputy Judges to meet the Court’s core commitments was necessary due to the continued vacancies on the NCJ Bench. Demands on the Resident Judges’ time is high due to the requirement that primarily Resident Judges hear lengthier matters such as homicides and complex civil cases.

The Court’s Resident Judges are also *ex-officio* members of the Courts of Appeal for all three Northern Territories. Between 2013 and 2017, two sitting weeks per year were devoted to appellate work in the Yukon and Northwest Territories.

PART 7

7. Outreach & Updates

The office of the Chief Justice liaises regularly with representatives from Court Services, RCMP, Public Prosecution (Crown), Legal Service Board (Defence), the Law Society of Nunavut, Media, Corrections, Community Justice, and the Departments of Health, Social Services, and Justice to discuss and address justice issues directly involving the Court.

In addition to meeting with stakeholders one-on-one, the Chief Justice has invited representatives from the stakeholder groups to participate on various Court committees.

The following committees met in 2017 to develop the new policies and practices designed to improve the Court's efficiency, honour the open court principle, and enhance principles of fundamental justice through bettering of the Court processes and procedures. Further, there are a number of new initiatives and developments at the NCJ to address growth. In addition, a number of projects were undertaken to improve efficiency and access at the Court. The following are updates on the committees and projects:

Civil Rules Reform Committee

A committee was formed in 2016 to simplify and update the NCJ *Civil Rules* that have not been updated since the creation of Nunavut in 1999. The work of the committee is ongoing.

Court Website Modernization Project

The Court continued to spend a significant amount of time maintaining, expanding, and modernizing the website for the Nunavut Courts and Court Services. The www.nunavutcourts.ca website launched in 2015 continues to be updated.

Public Legal Education Displays

The Court began working with stakeholders in Justice on making public legal education material more accessible. The Nunavut Justice Centre now has three interactive displays that contain legal information about various court resources. The information is accessible across the Territory at www.nupli.ca.

Digital Docket Displays

Digital, standalone, displays have been placed in the justice centre in Iqaluit to provide legal information to clients visiting the court house. In aid of increasing access to justice, the Wi-Fi connected information stands provide links to webpages hosted by justice stakeholders in Nunavut.