

# THE NUNAVUT COURT OF JUSTICE



## **Tumivut: Our Footprints**

A Statistical and Comparative Review of Court Operations  
in Nunavut 2015

4/25/2016

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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 Senior Judge 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 2015 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 (2014). Detailed information is presented on in-custody statistics, youth 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 Information Technology projects.

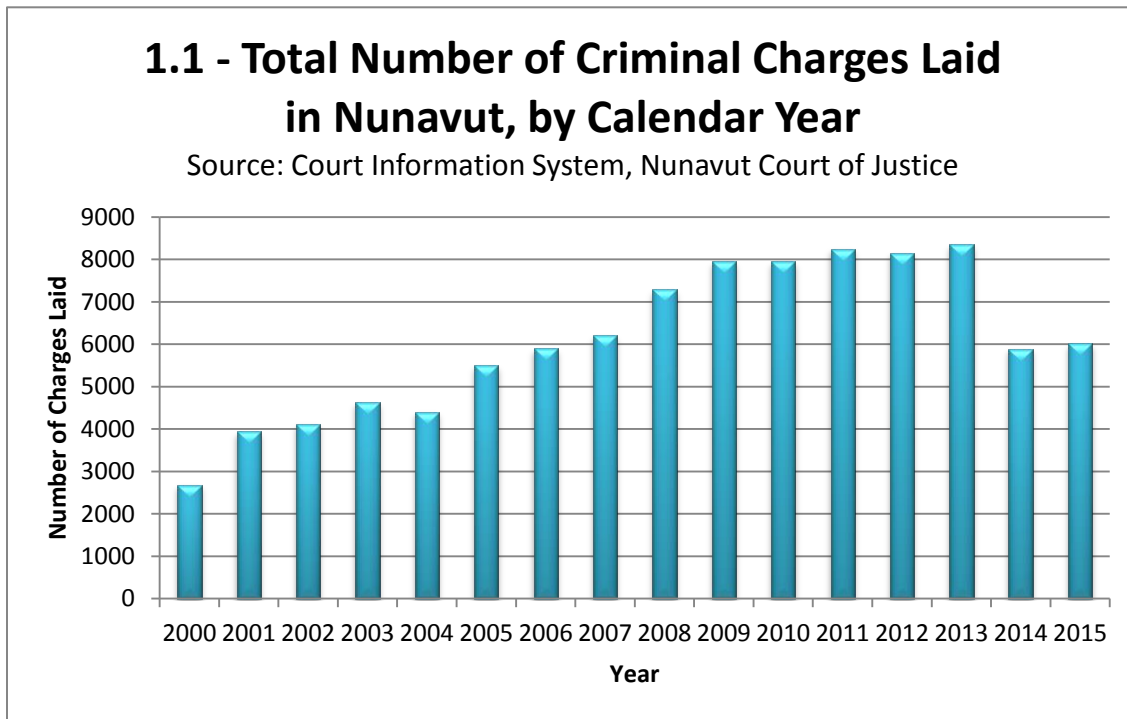
This report, and the archive of Annual Reports, are available in electronic form on the NCJ website at <http://www.nunavutcourts.ca/annualreports>. For a more in-depth historical review of crime and the court's operations in Nunavut see: Nunavut Court of Justice, *Ingirranivut Our Journey: A statistical 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, 2000-2015**

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

**Graph 1.1 – Total Number of Criminal Charges Laid in Nunavut, by Calendar Years 2000-2015**



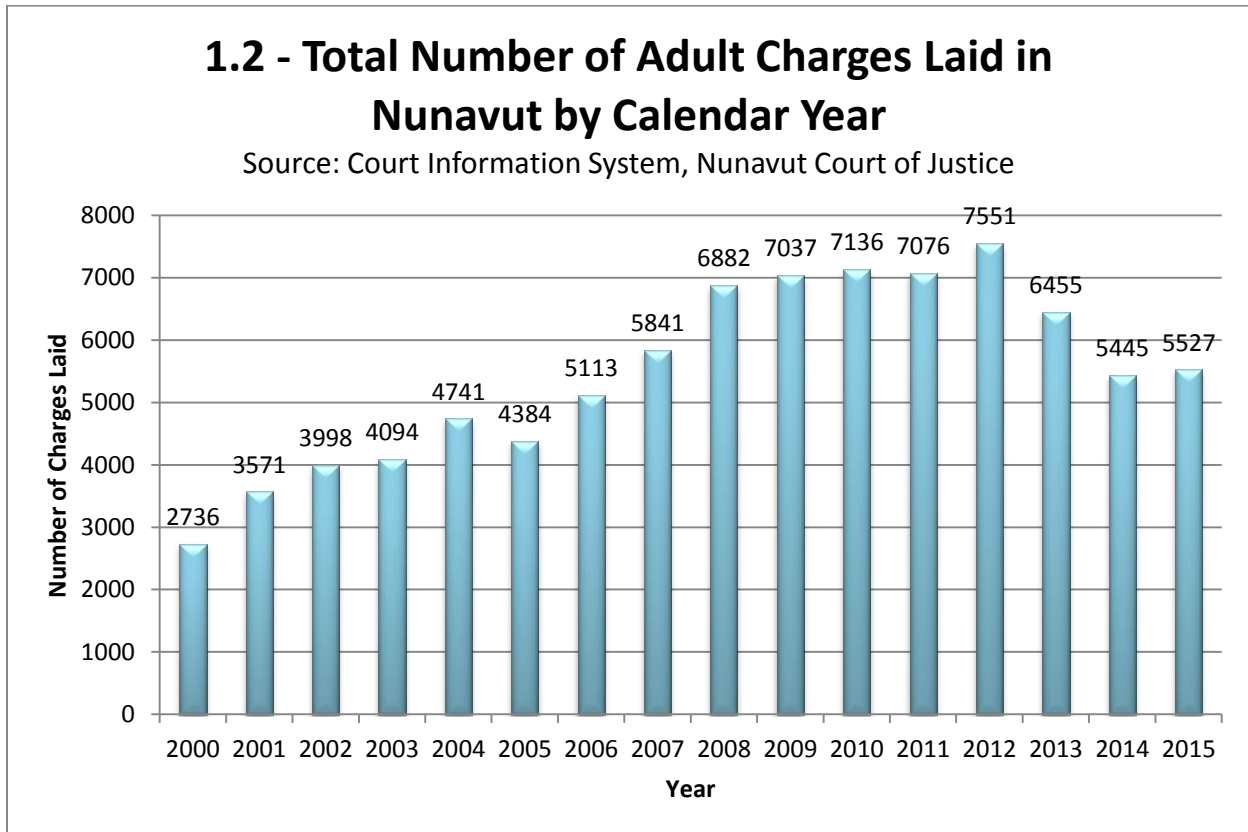
The number of charges laid in a given year is generally lower than the number of reported incidents of crimes in the same year, as reporting of crime does not always lead to charges being laid.

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 2015 a total of 6,026 charges were laid in Nunavut (Graph 1.1). However, there were a total of 6,152 criminal charges concluded by the Court (Graphs 2.1, 2.2 and 2.3).

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.

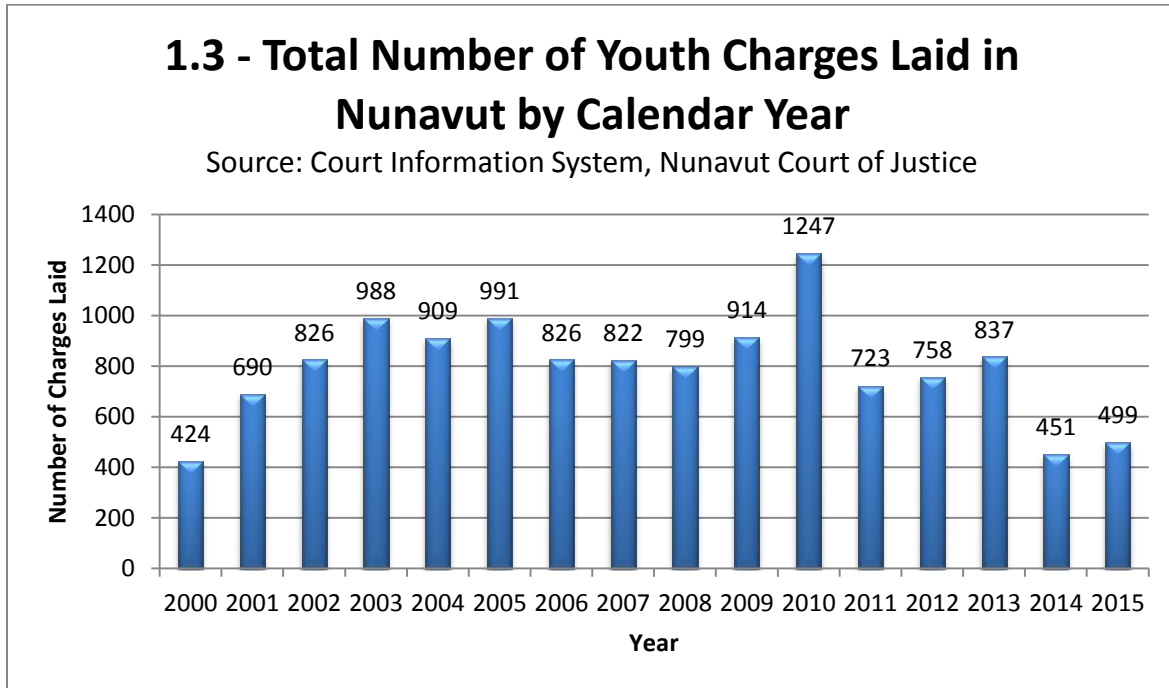


**Graph 1.2 – Total Adult Charges Laid in Nunavut, by Calendar Years 2000-2015**



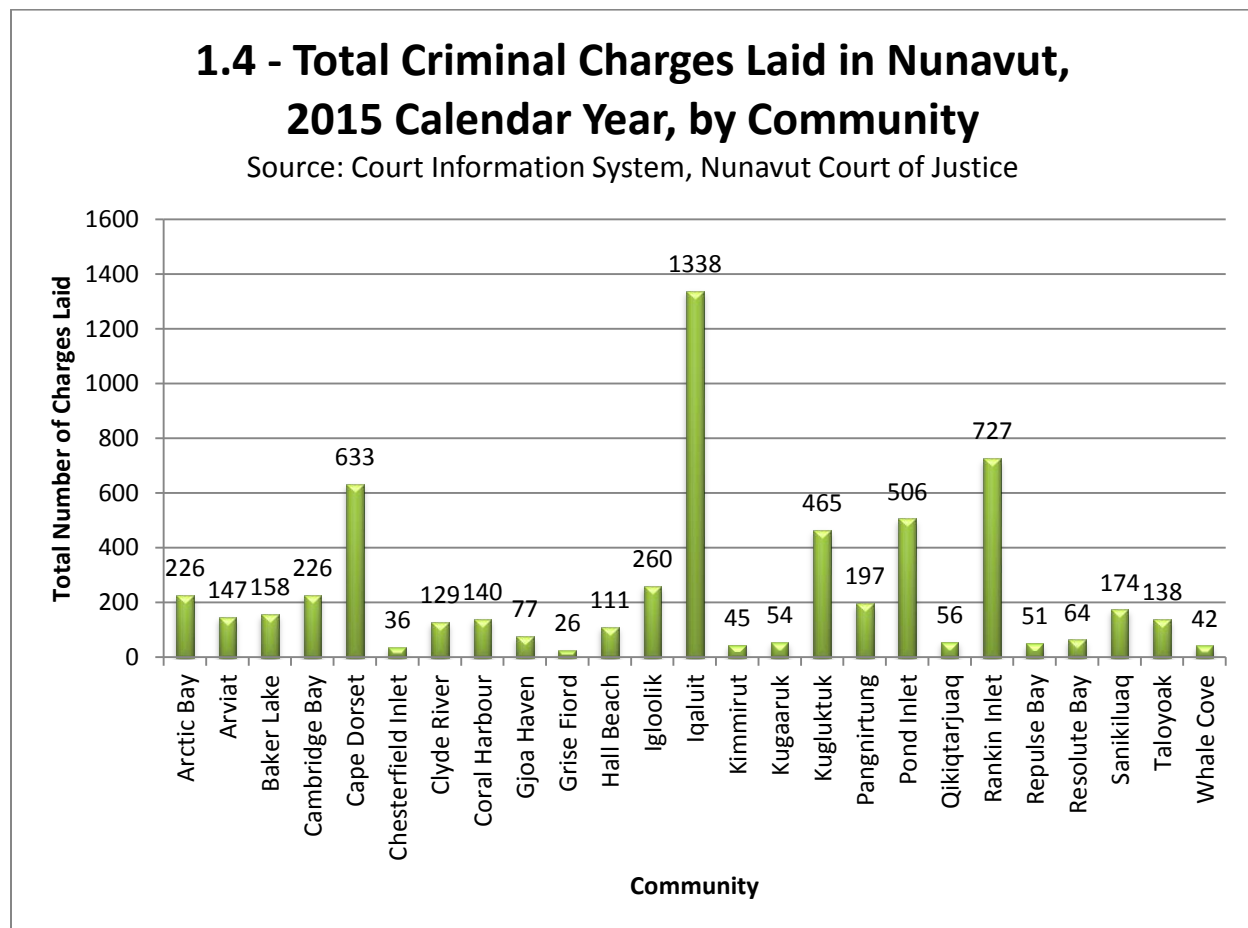
Graph 1.2 illustrates that the total number of adult charges laid in Nunavut have steadily increased since 2000. These numbers peaked in 2012 and have declined incrementally since then. 2014 saw the greatest decrease in number of charges laid in the territory. 2015 saw a 1.5% increase in charges from 2014.

**Graph 1.3 – Total Youth Charges Laid in Nunavut, by Calendar Years 2000-2015**



2015 saw a small increase in the number of youth charges before the Court. The number of charges increased by nearly 10% over the previous year. However, the change still represents a significant decrease over 2001-2013.

**Graph 1.4 – Total Charges Laid, by Community, 2015**



Not surprisingly, the total amount of criminal charges laid in Nunavut 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% of all criminal charges laid in Nunavut. Iqaluit accounts for 20% of Nunavut’s population.<sup>1</sup>

Compared to 2014,<sup>2</sup> 13 communities saw a decrease in charges in 2015. The largest decrease was seen in the community of Arviat which saw a nearly 50% decrease in charges from the previous year. Twelve communities saw an increase in charges in 2015. The largest increase was seen in Rankin Inlet where charges increased by nearly 80% over 2014.

<sup>1</sup> Nunavut Bureau of Statistics, “Nunavut Population Estimates by Sex, Age Group, Region and Community, 2015 (3 tables).xls”, online: [Nunavut Population Estimates by Sex, Age Group, Region and Community, 2015 \(3 tables\).xls](#) at *Total Population Estimates*, and Nunavut Bureau of Statistics, *Nunavut Quick Facts*, online: < <http://www.stats.gov.nu.ca/en/home.aspx> >.

<sup>2</sup> Data compared with 2014 NCJ Annual Report [retrievable from [www.nunavutcourts.ca/annualreports](http://www.nunavutcourts.ca/annualreports)]

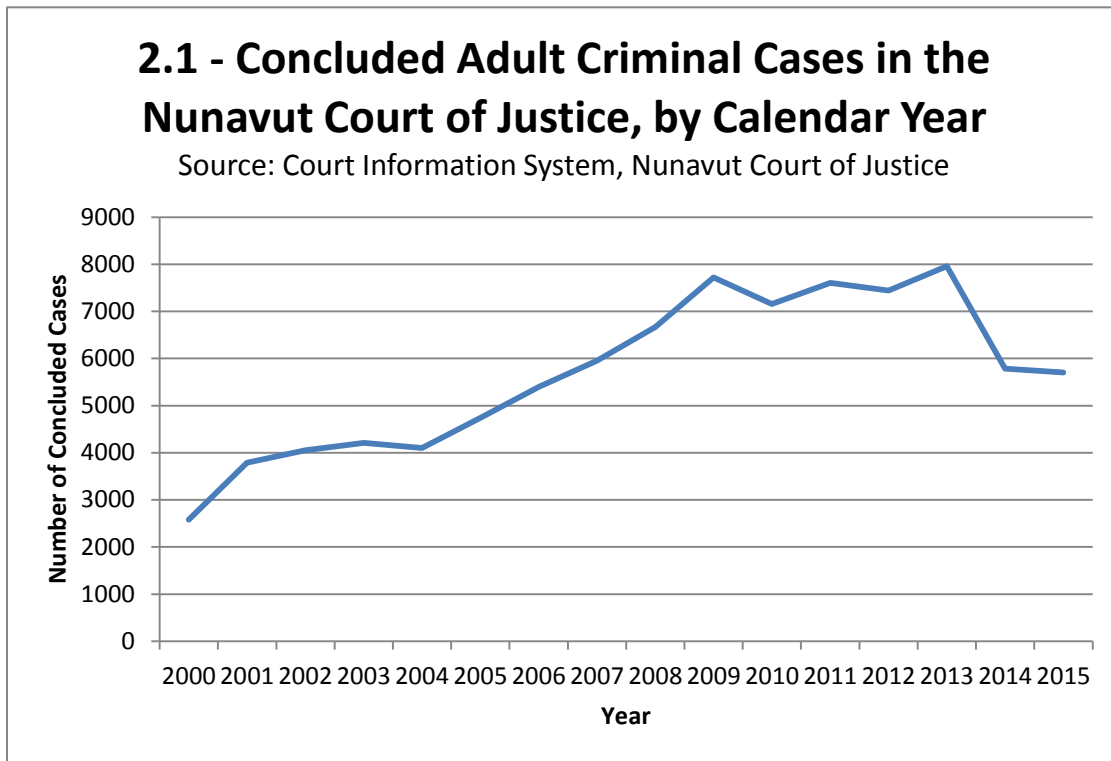
## **PART 2**

### **2. Processing of Criminal Cases in Nunavut, by Calendar Years 2000-2015**

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 time nationally. Part 2 Graphs include data from both the Nunavut Court of Justice and the Nunavut Justice of the Peace Court.

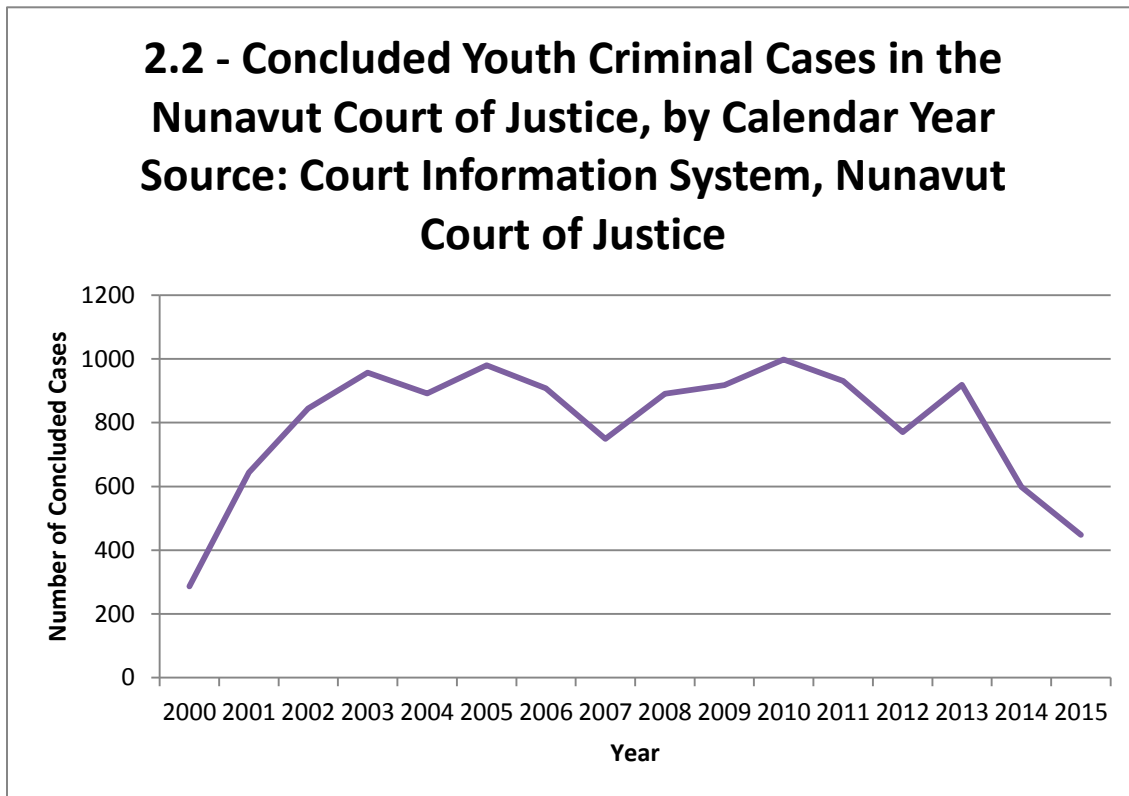
This section also compares number of charges laid and number of charges resulting in convictions. The Territory of Nunavut is divided into three regions the Qikiqtaaluk (Baffin Region), the Kitikmeot (western Nunavut), and the Kivalliq (central Nunavut)

**Graph 2.1 - Concluded Adult Criminal Cases in the Nunavut Court of Justice, 2000-2015**



Graphs 2.1 only reflects the number of adult criminal cases that concluded in the year specified, not the total caseload of the Nunavut Court of Justice for the year. The Court concluded more adult criminal cases in the 2013 calendar year than any previous calendar year (Graph 2.1). This number drops significantly in 2014. This decline in concluded cases was to be expected given the corresponding reduction in overall charge volume for the year. The number of concluded cases reduced slightly in 2015 which is to be expected given the reduction of cases the previous year and the continued lower charge volume.

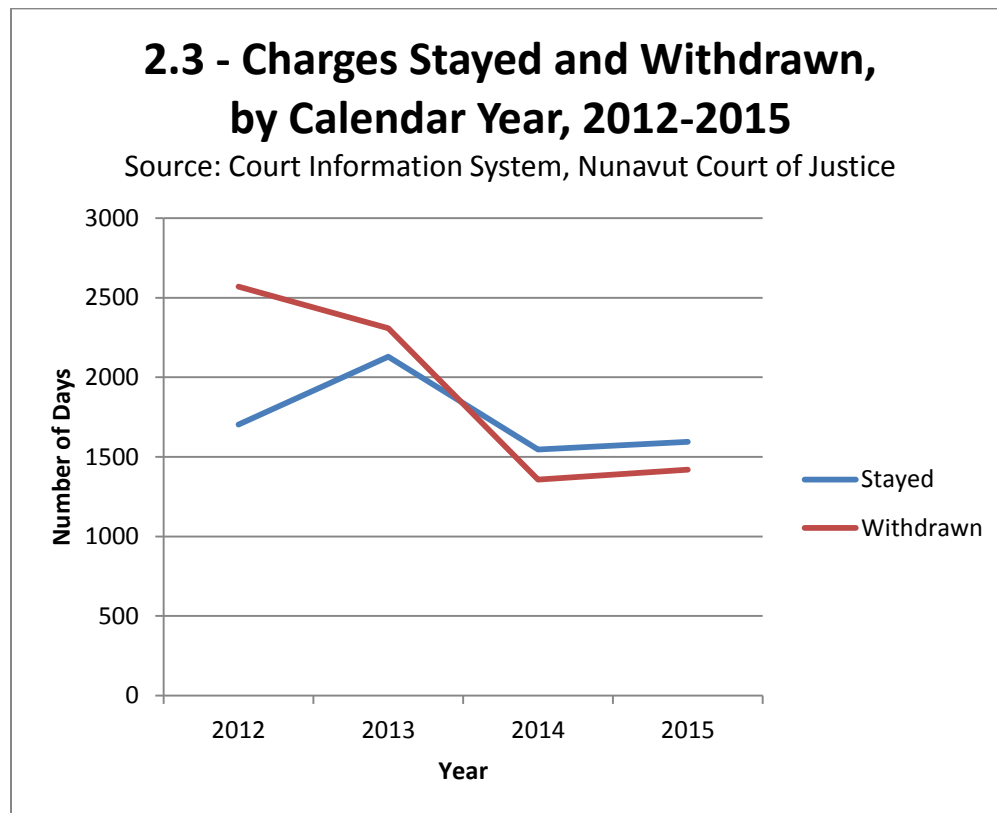
**Graph 2.2 – Concluded Youth Criminal Cases in the Nunavut Youth Justice Court, 2000-2015**



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.

There was a fairly sharp decrease (919 to 448) in the amount of concluded youth criminal cases in the Nunavut Court of Justice from 2013 to 2015. This decline in the number of concluded cases is a reflection of the significant decrease in the overall volume of youth charges in Nunavut compared to previous years.

**Graph 2.3 – Charges Stayed and Withdrawn, by Calendar Year, 2012-2015**

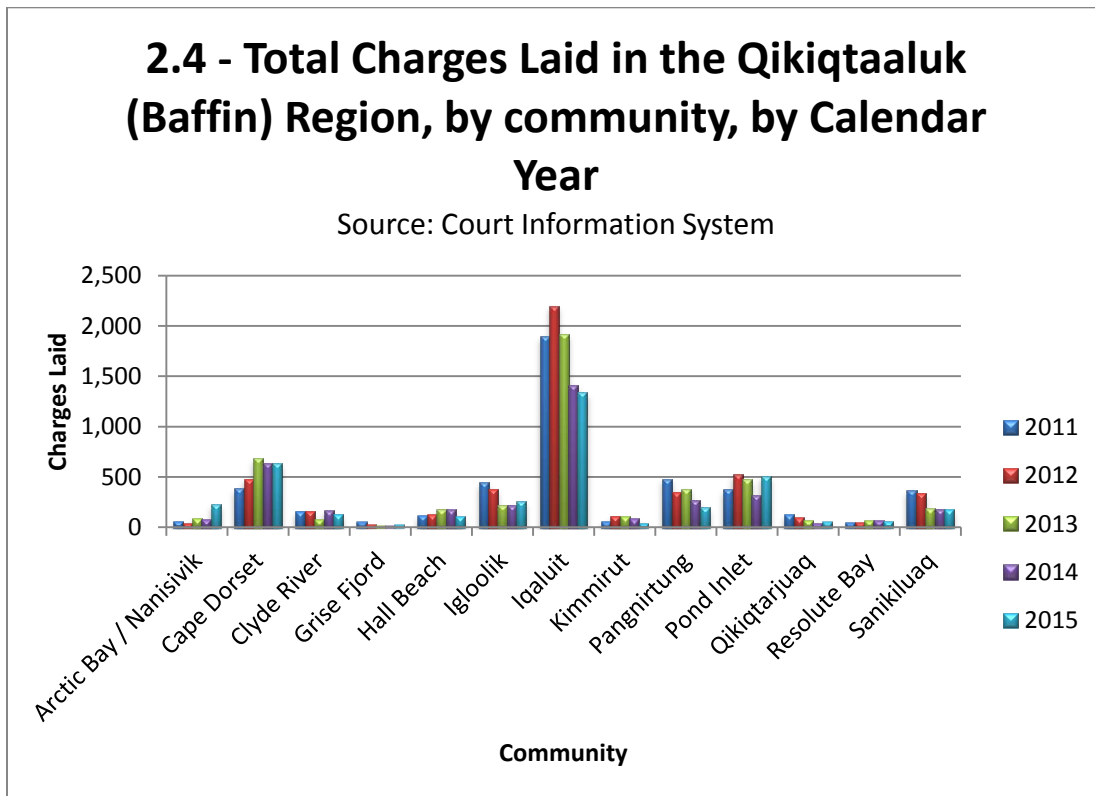


The Court compiled information on the number of charges stayed or withdrawn over the past four years. Charges are stayed or withdrawn by application of the Crown or at the direction of the Court. These numbers reflect all charges withdrawn or stayed and are not broken down by the source of the request.

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 as cases may continue into following years as the case is processed.

The numbers are fairly proportionate to the number of cases concluded by the Court when the annual numbers are compared to charts 2.1 and 2.2.

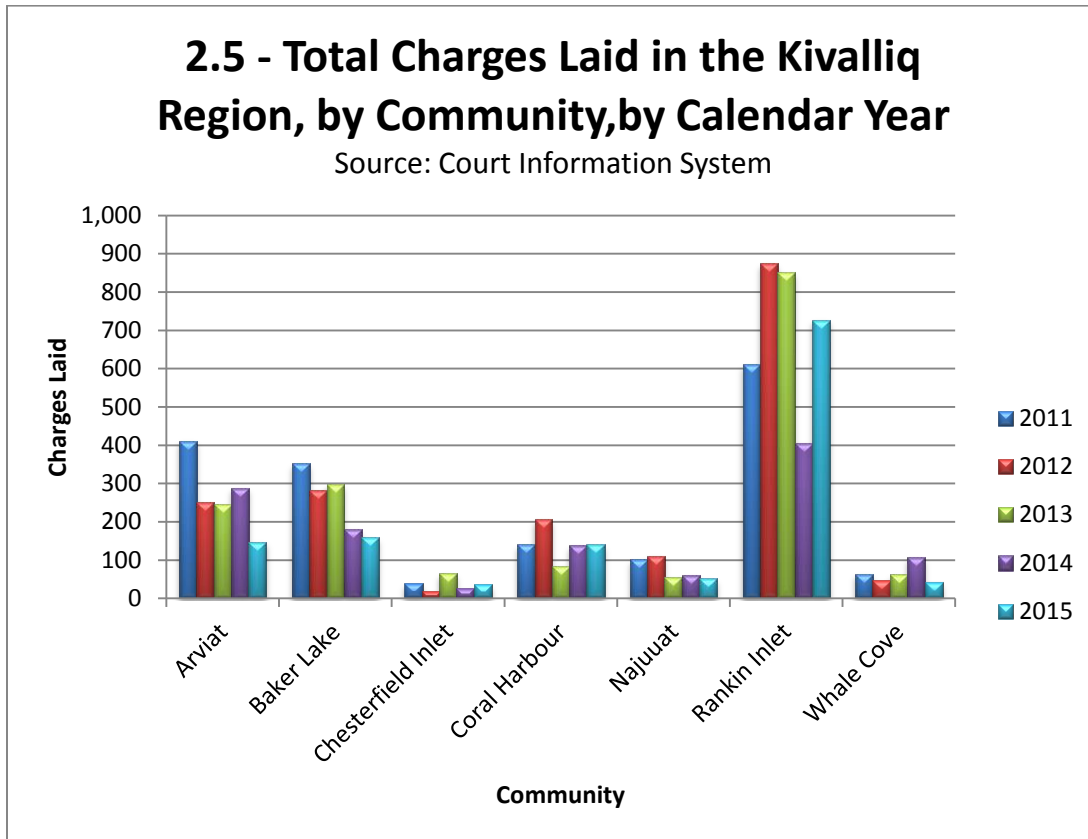
**Graph 2.4 – Total Charges Laid in the Qikiqtaaluk Region, by Community, by Calendar Year**



The total amount 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. Arctic Bay and Pond Inlet saw the largest increase in charges in 2015.

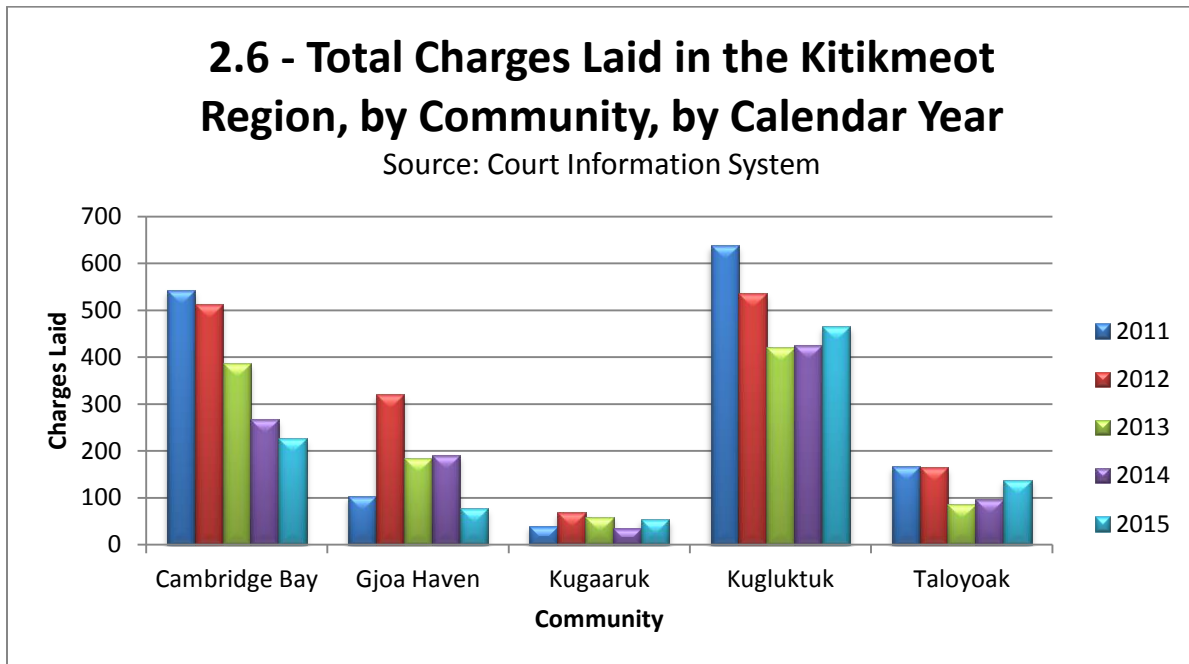


**Graph 2.5 – Total Charges Laid in the Kivalliq Region, by Community, by Calendar Year**



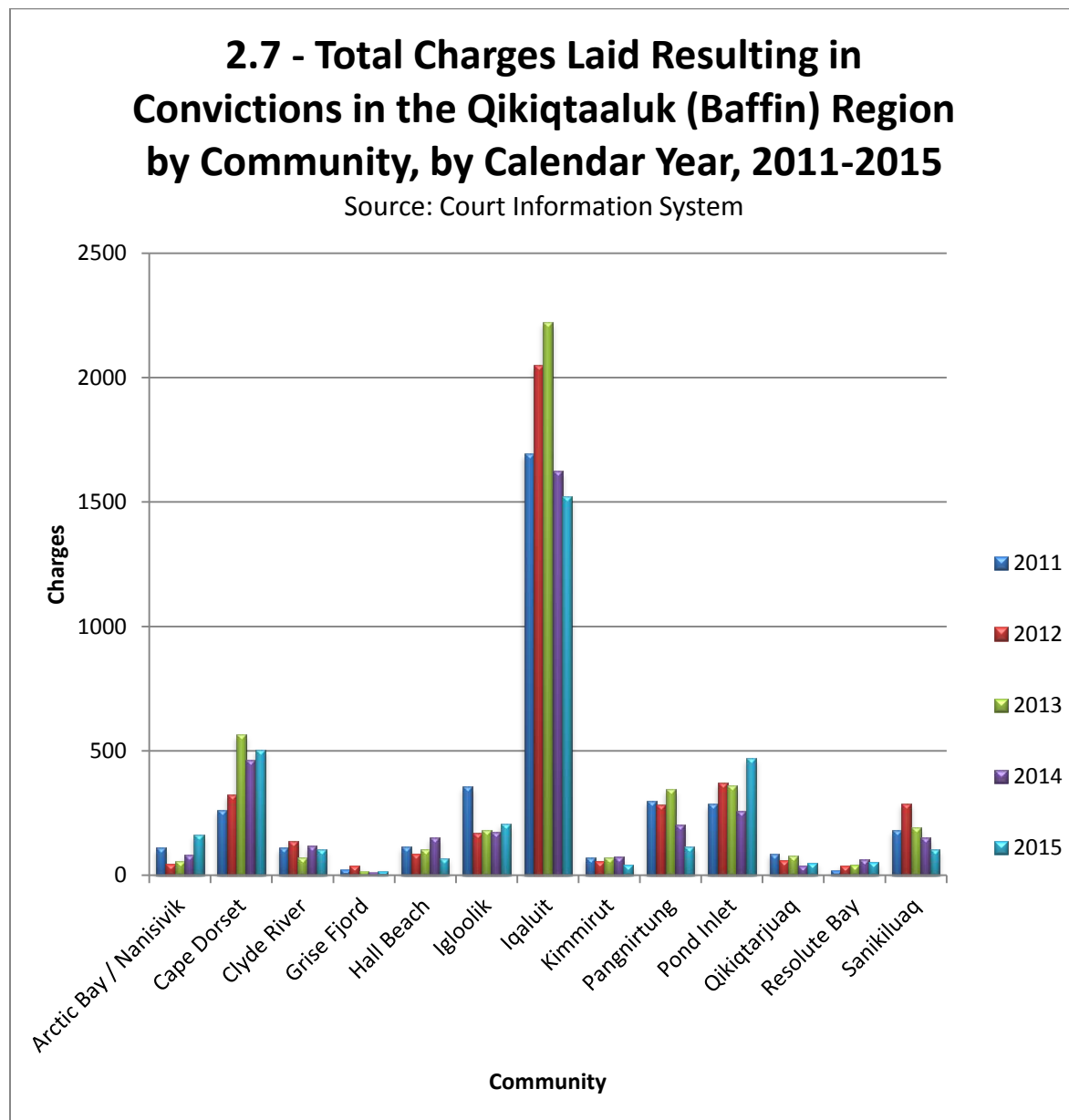
The total number of charges laid in the Kivalliq region varies from community to community with higher numbers in the more populated Rankin Inlet. Notably, following a significant decrease in 2014, Rankin Inlet saw a significant increase in number of charges laid in 2015, although the numbers have not increased to 2012 levels.

**Graph 2.6 – Total Charges Laid in the Kitikmeot Region, by Community, by Calendar Year**



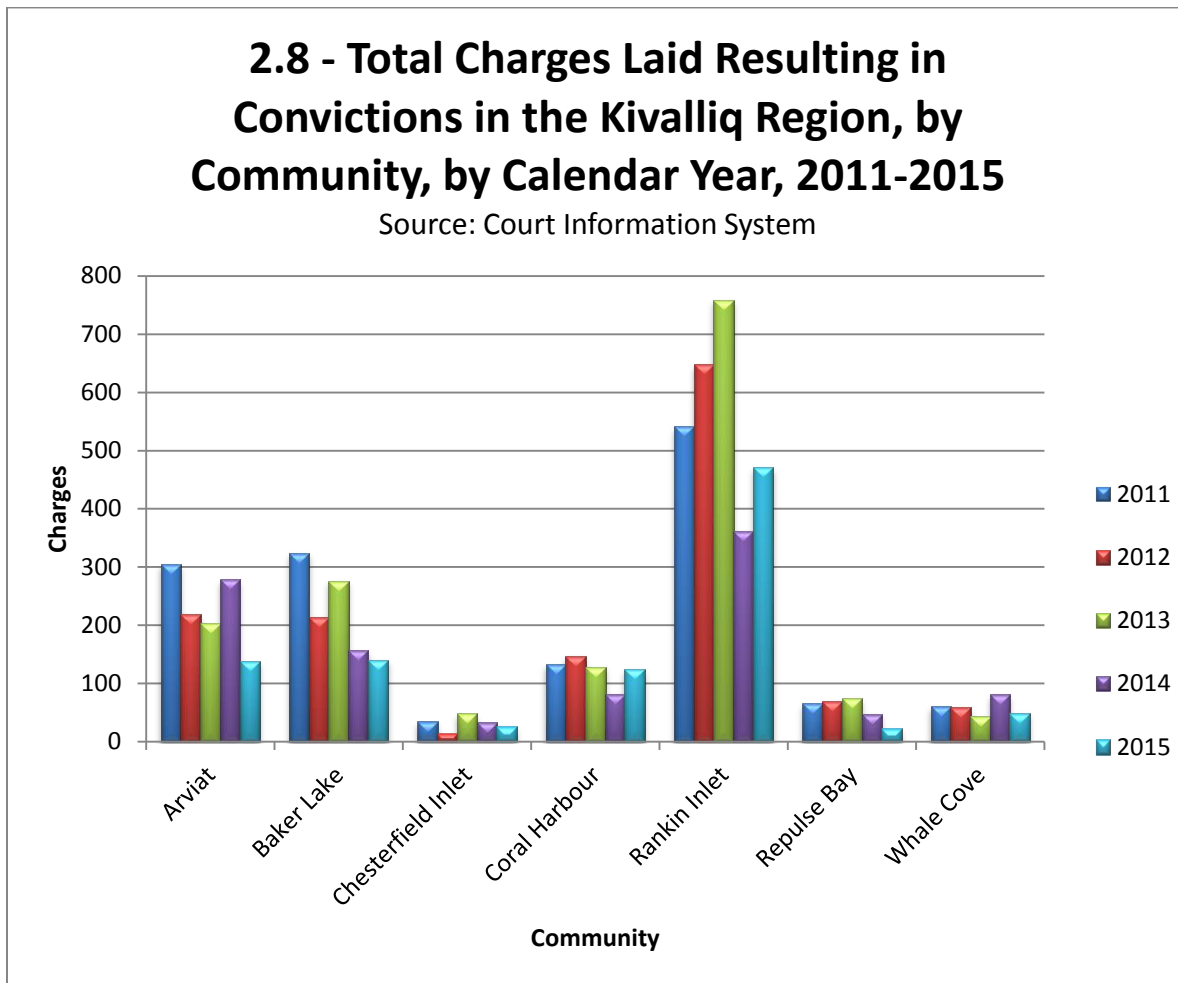
Graph 2.6 illustrates an overall trend of decreasing charges laid in the Kitikmeot region. The most substantial decreases overall are seen in the largest Kitikmeot community of Cambridge Bay and Gjoa Haven. Minor increases in the communities of Kugluktuk, Kugaaruk and Taloyoak were seen in 2015.

**Graph 2.7 - Total Charges Laid Resulting in Convictions in the Qikiqtaaluk (Baffin) Region by Community, by Calendar Year, 2011-2015**



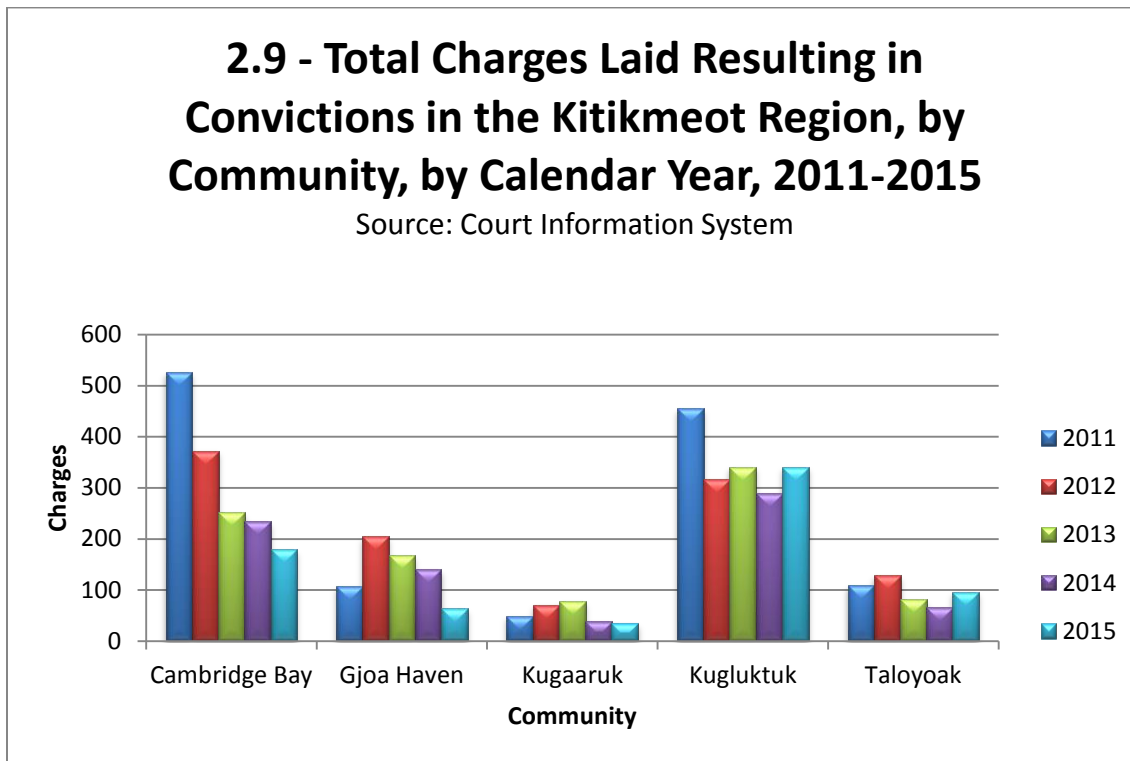
Graph 2.7 illustrates an overall trend of decreasing charges laid, which resulted in convictions, in the Qikiqtaaluk region. Again, the highest number were laid in Iqaluit as proportional to population, but the trend of a decrease in charges resulting in convictions from continued into 2015 from 2013. Pond Inlet and Arctic Bay saw the largest increase.

**Graph 2.8 - Total Charges Laid Resulting in Convictions in the Kivalliq Region by Community, by Calendar Year, 2011-2015**



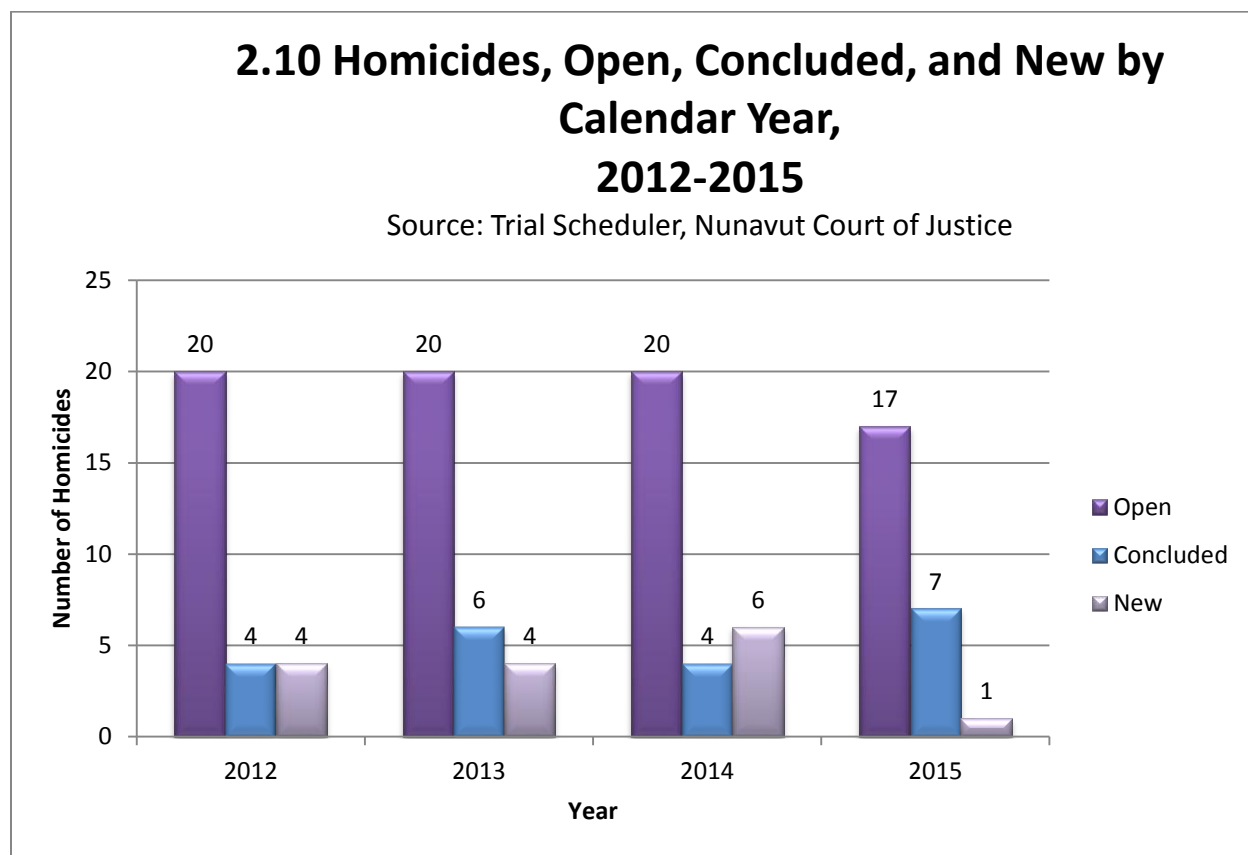
Graph 2.8 illustrates an overall trend of decreasing charges laid resulting in convictions in the Kivalliq region. Again, the highest numbers were in Rankin Inlet (proportional to population) which saw an increase in charges resulting in conviction in 2015, nearly returning to 2011 levels.

**Graph 2.9 - Total Charges Laid Resulting in Convictions in the Kitikmeot Region, By Community, By Calendar Year, 2011-2015**



Graph 2.9 illustrates an overall trend of decreasing charges laid resulting in convictions in the Kitikmeot region. The most decreases overall continue to be seen in Cambridge Bay, Gjoa Haven and Kugaaruk. Both Kugluktuk and Taloyoak saw increases in convictions, but have not returned to 2011 levels.

**Graph 2.10 – Homicide files before the Court, 2012 – 2015**



The above chart is based on data collected by the NCJ Trial Coordinator. 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, “new” files may also be as a result of a conviction being overturned by the Nunavut Court of Appeal and being remanded back to NCJ for a new trial.

In addition, “open” file numbers are 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.

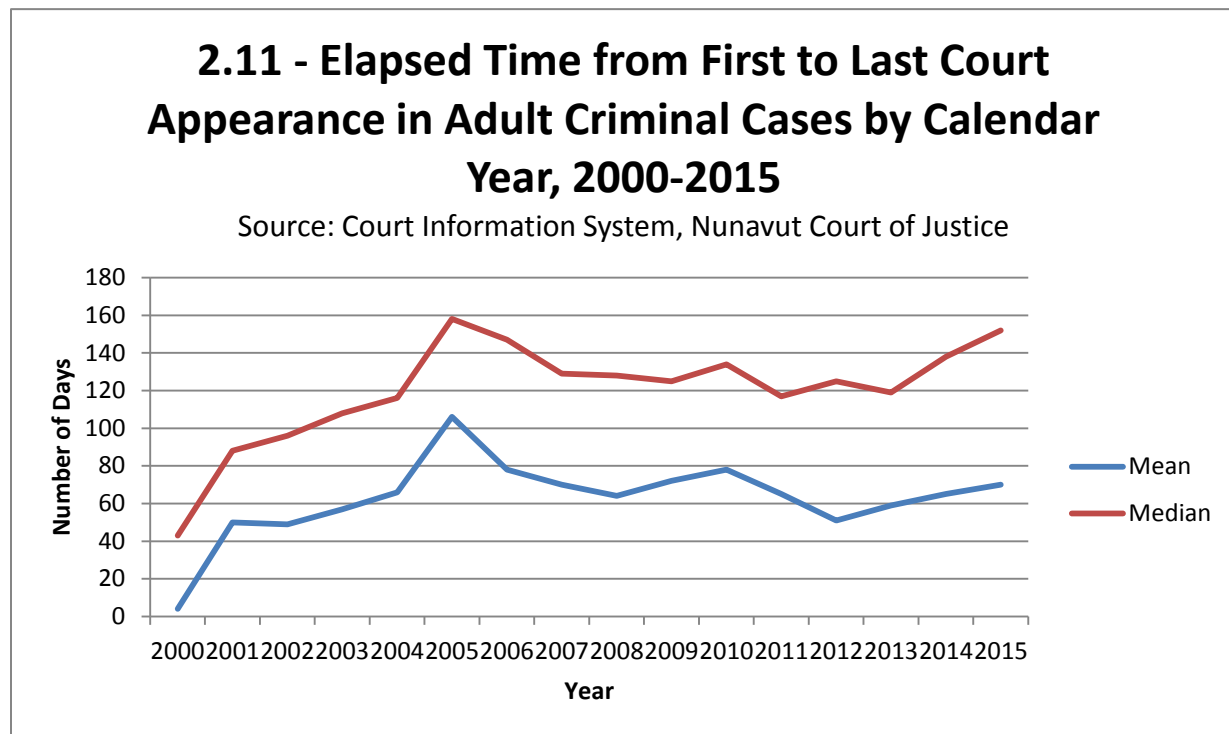
In 2015, there were two (2) homicides<sup>3</sup> resulting in one (1) charge laid in Nunavut. This is down from the 3 homicide charges laid in 2014.<sup>4</sup> The continued reduction in homicides in Nunavut continues the recent trend of a reduction in the homicide rate in the territory. As of the date of publication of this Annual Report, national statistics for 2015 homicides rate were unavailable so what impact this will have on Nunavut's position nationally in terms of homicide rate is unknown.

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<sup>3</sup> Data source from RCMP Major Crimes Unit – Statistics Canada data unavailable for 2015 at time of printing.

<sup>4</sup> Data available at: <http://www.statcan.gc.ca/daily-quotidien/131219/t131219b001-eng.htm>

**Graph 2.11 – Elapsed Time from First to Last Court Appearance in Adult Criminal Cases, 2000-2015**



For the purposes of Graphs 2.2 and 2.4, 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. Where a case was opened and closed on the same day, this has been counted as a single day.

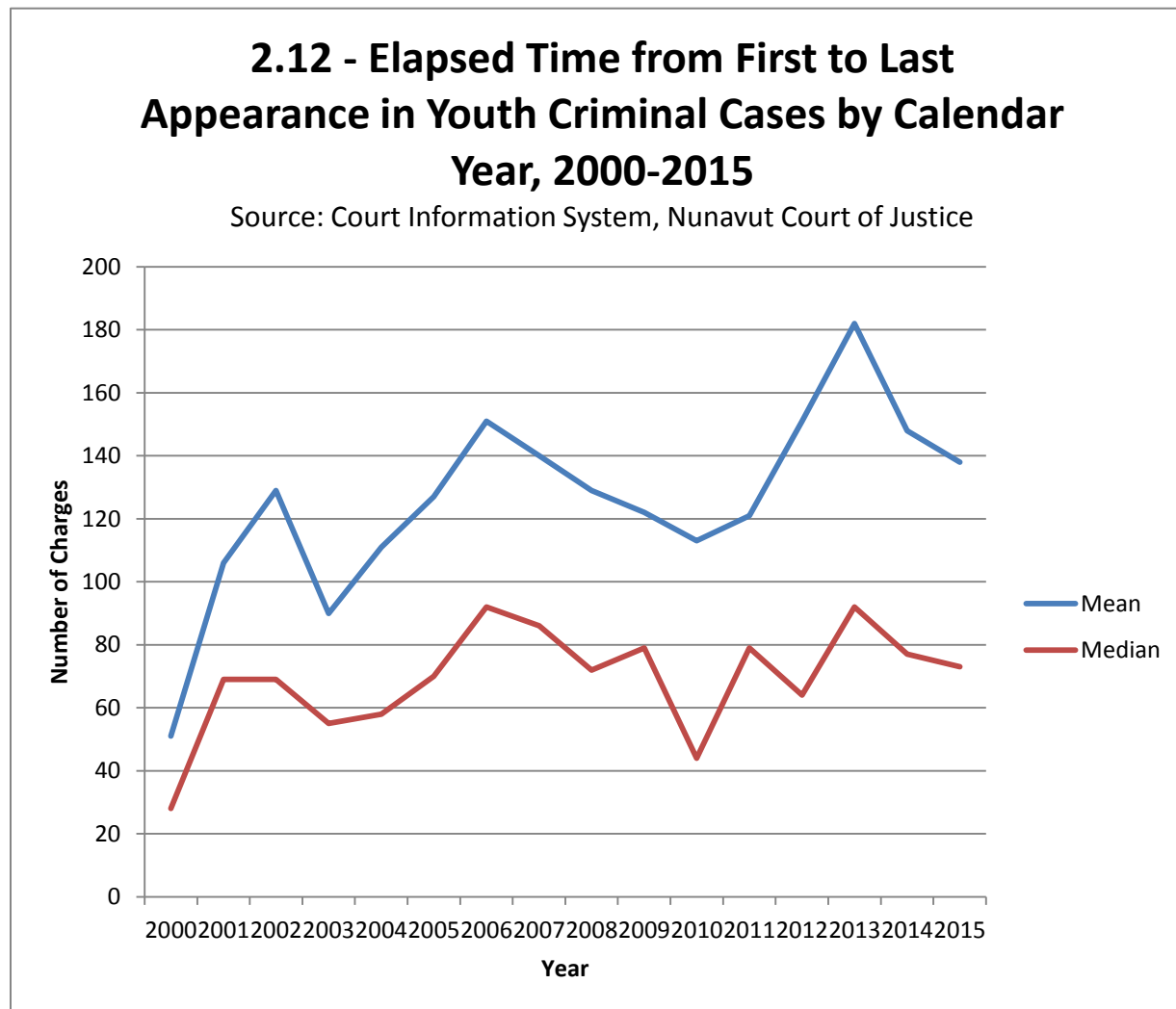
The median value is a better indicator of the overall tendency because the data in Graphs 2.2 and 2.4 have a large variance. This means some cases take much longer than normal from start to finish than the majority of the cases in the data set. Slower case-processing results in a higher mean and median elapsed times.

In 2014, both the mean and median elapsed time from first to last court appearance in adult criminal cases increased. This means that in 2014 it took longer, on average, for adult cases to conclude (Graph 2.2).

Nationally, Nunavut is generally within the top three jurisdictions in terms of case processing time medians.



**Graph 2.12 – Elapsed Time from First to Last Court Appearance in Youth Criminal Cases, 2000-2015**

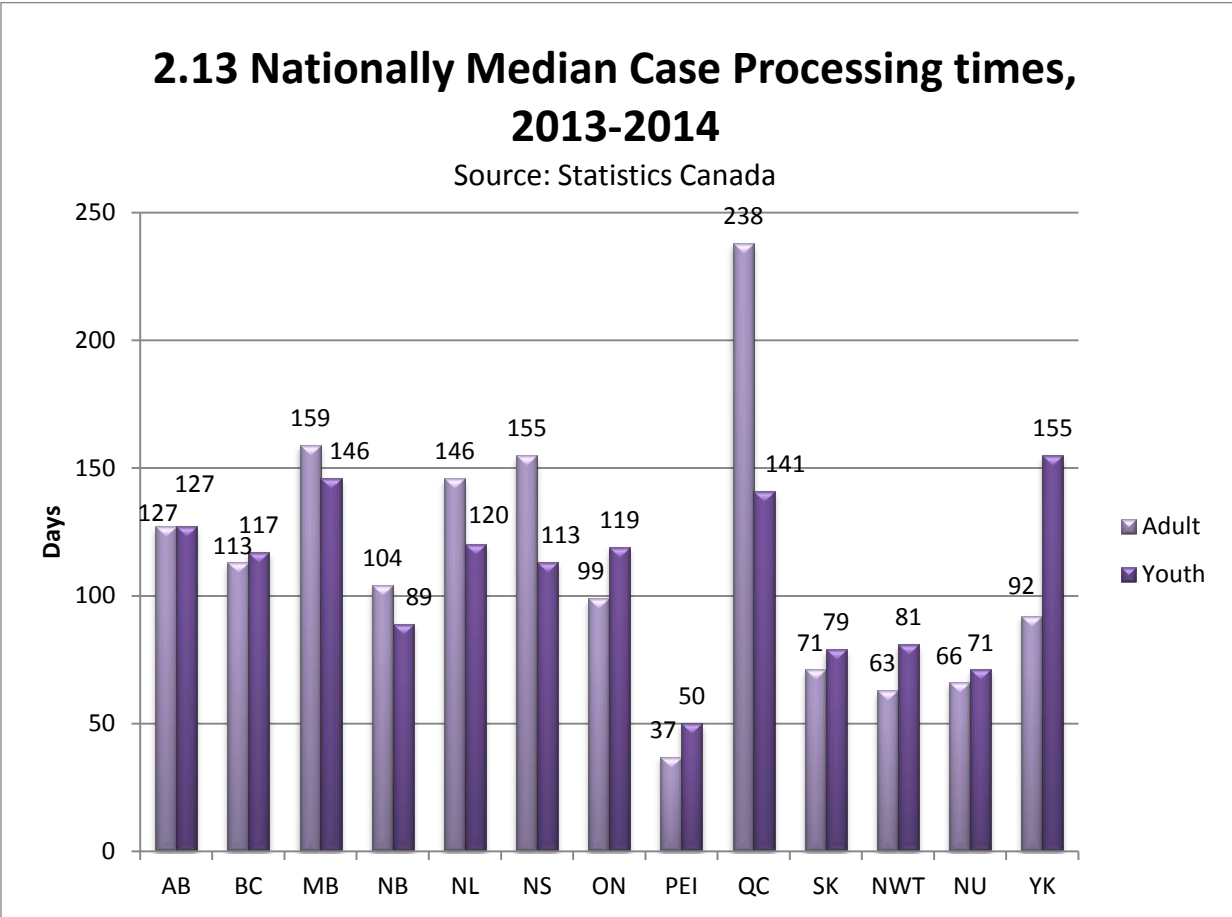


From 2013 to 2015, there was a sharp decrease in both the mean and median elapsed time from first to last appearance in youth criminal cases in the Youth Justice Court of Nunavut. Graph 2.4 illustrates that the median value dropped a further ten days from 2014 to 138 days. The median time from first to last appearance for youth dropped from 77 days to 73 days continuing the trend of a decrease in processing time. This further decrease is likely attributable to the lower volume of youth court matters due to both a decrease in charge volume and the number of matters concluded in previous years. The Court has also maintained the frequency of youth court sittings in Iqaluit in since 2014 in an effort to shorten the case processing time for youth citizens accused of crimes.

The *Pre-Sentence Reports* required before a custodial sentence can be imposed takes the territorial *Community Corrections* division a minimum of six weeks to prepare. Territorial youth 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, 2013-2014**



As a comparator, the Nunavut Court of Justice case processing time for both Youth and Adult matters is one of the lowest in the Country. At the time of the release of the 2015 report, the numbers including 2015 were not available from *Statistics Canada*. The Statistic Canada data is presented in 2013-2014 form rather than by calendar year as presented in 2.4 and 2.5.

Comparing Nunavut’s processing time nationally<sup>5</sup>, Nunavut is tied for the second fastest processing time in Canada for both Adult and Youth matters. Nunavut is on par with the North West Territories for processing time.

The only jurisdiction with a lower case processing time than Nunavut and NWT is Prince Edward Island. However, it is important to note that the courts in Nunavut and

<sup>5</sup> Compiled from the CANSIM tables for Youth courts, cases by median elapsed time in days, annual and Adult courts, cases by median elapsed time in days, annual; retrieved from: <http://www5.statcan.gc.ca/cansim/a33?RT=TABLE&themeID=2695&spMode=tables&lang=eng>

NWT are traveling circuit courts that go into communities on a set schedule which impacts processing time in a way that is different than the regular court sittings in Prince Edward Island. For example, some communities in Nunavut have two to four court sittings a year whereas Prince Edward Island has court weekly.

## **PART 3**

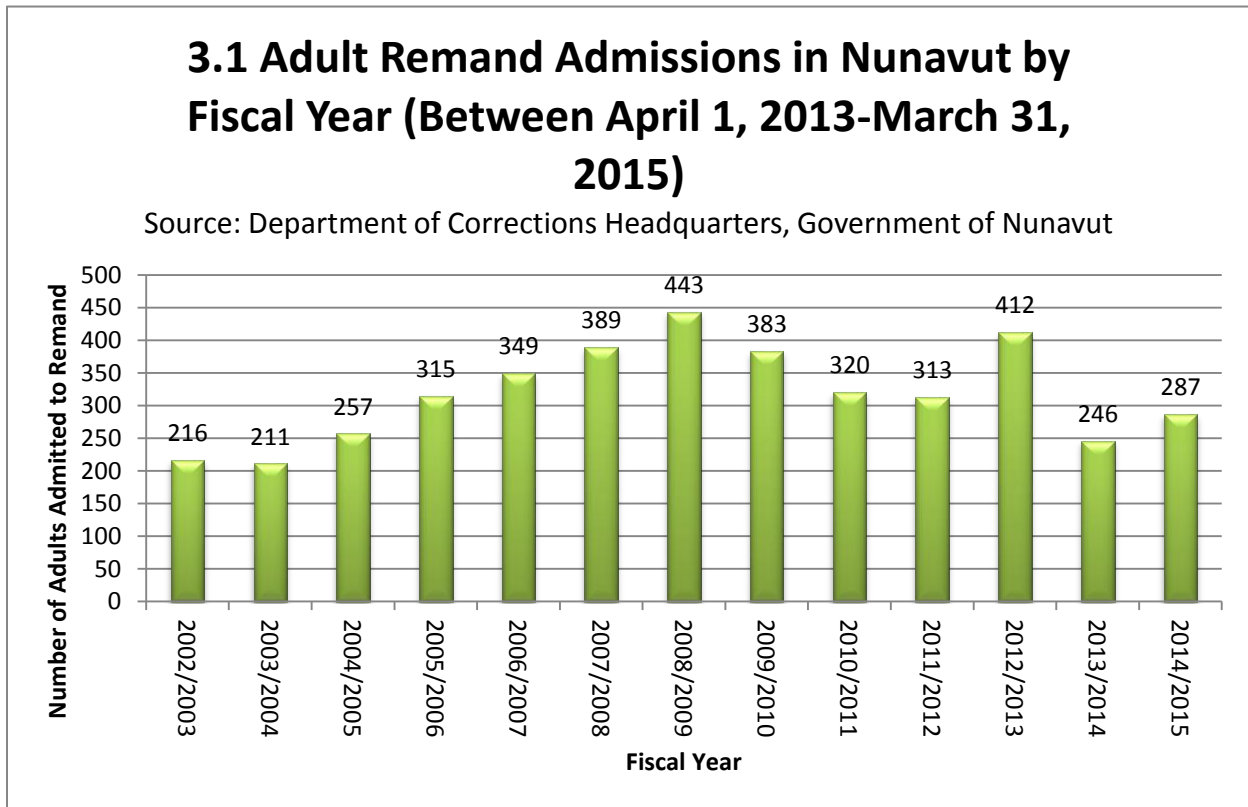
### **3. Use of Custodial Remand and Sentencing in Nunavut**

Remand is the temporary detention of a person while they are awaiting trial or a sentencing hearing. Remanded citizens 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 time to process charges by two to three times the length of time required to process a trial by a judge alone without a preliminary inquiry.

In 2014\2015, while the average length of time adults spent in remand decreased significantly in the 2013/2014 fiscal year (Graph 3.3), adult remand admissions in 2015 increased (see graph 3.1). Youth remand admissions returned to levels near 2012/2013 levels in 2014/2015 after doubling in 2013/2014 (see graph 3.2).

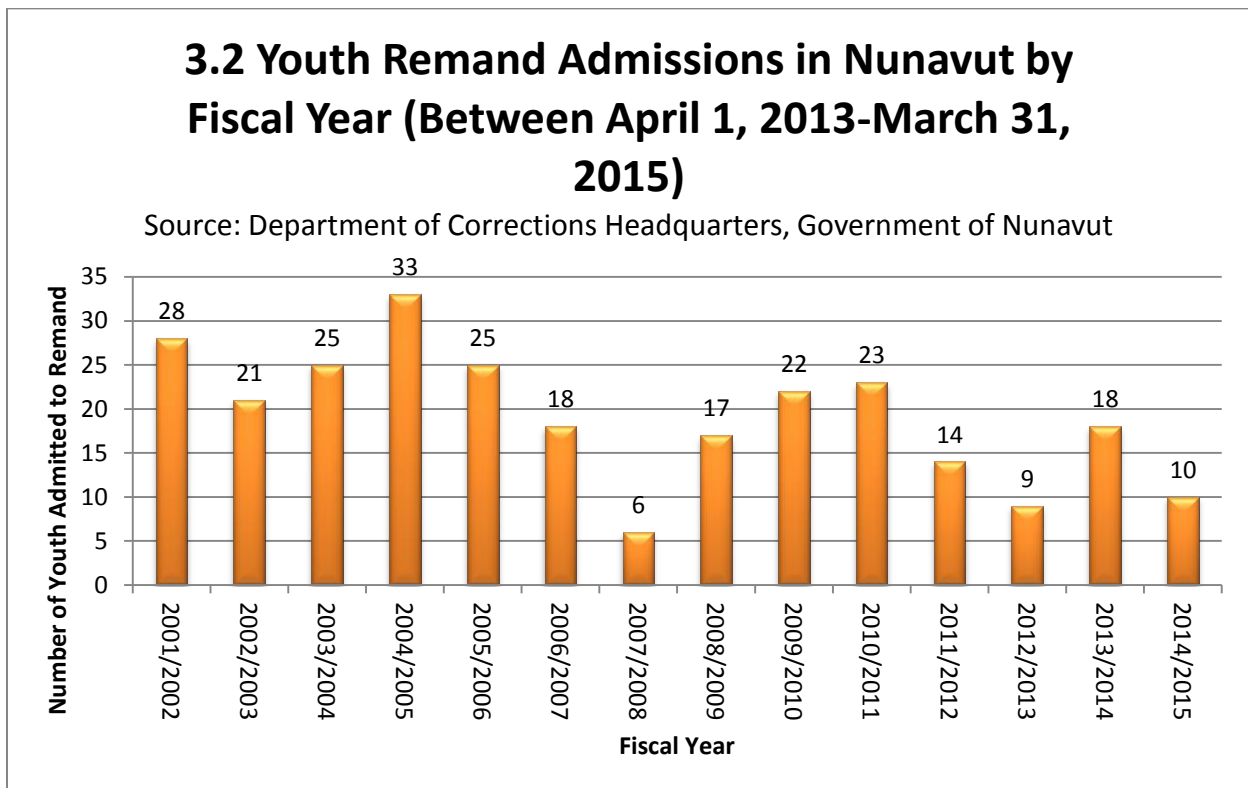
The use of available sentences is also examined by this section for both adult and youth offenders. The term "gaol," used throughout the Report, refers to a sentence of jail.

**Graph 3.1 – Adult Remand Admissions in Nunavut, by Fiscal Year, 2002-2015**



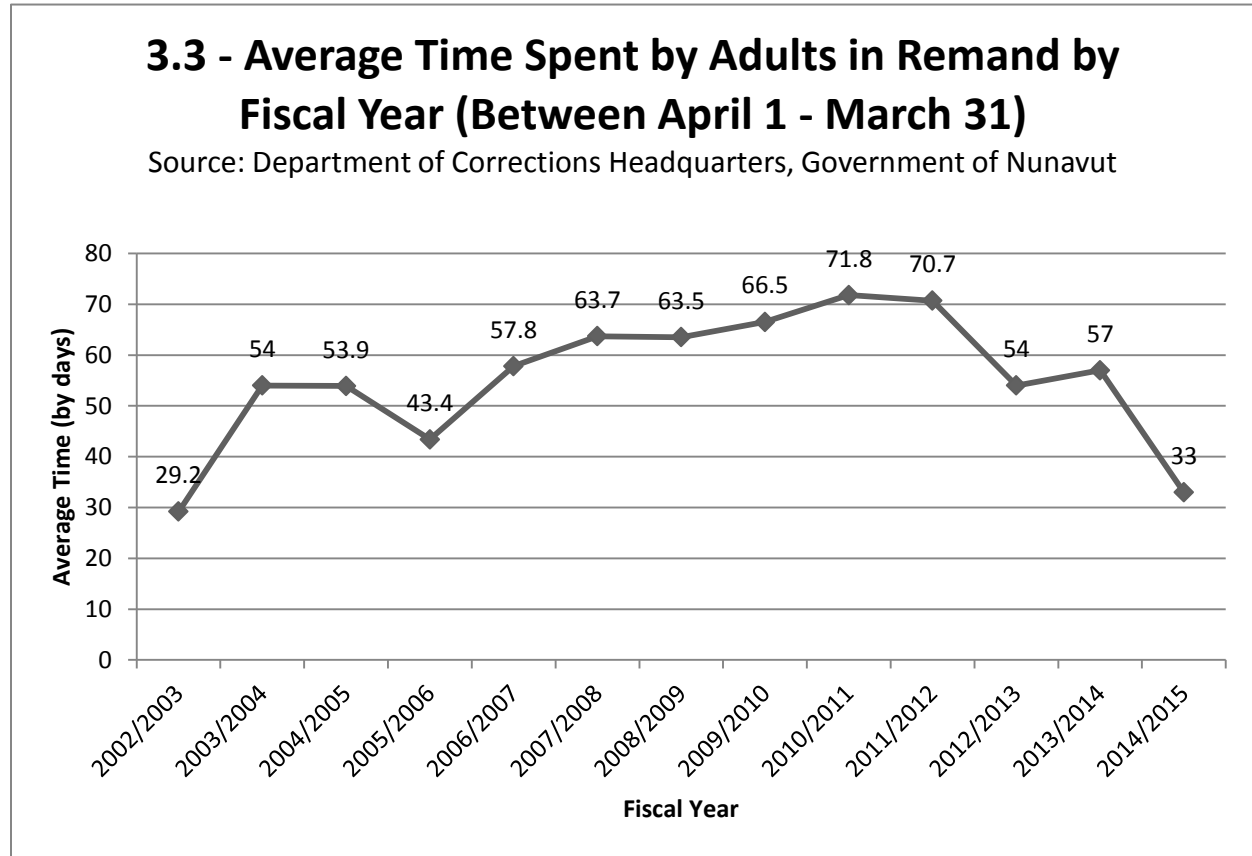
The amount of adult remand admissions has varied since the 2002/2003 fiscal year, peaking in 2008/2009 and declining thereafter, with a spike increase of 412 in 2012/2013. The number of admissions in the 2014/2015 fiscal year increased over the previous year by 41 admissions.

**Graph 3.2 – Youth Remand Admissions in Nunavut by Fiscal Year (Between April 1, 2013-March 31, 2015)**



The amount of youth remand admissions has varied frequently over the years. In the 2013/2014 fiscal year, youth remand admissions doubled to 18 from 9 in the previous fiscal year. However, the number of admissions dropped by just over 40% in the 2014/2015 fiscal year.

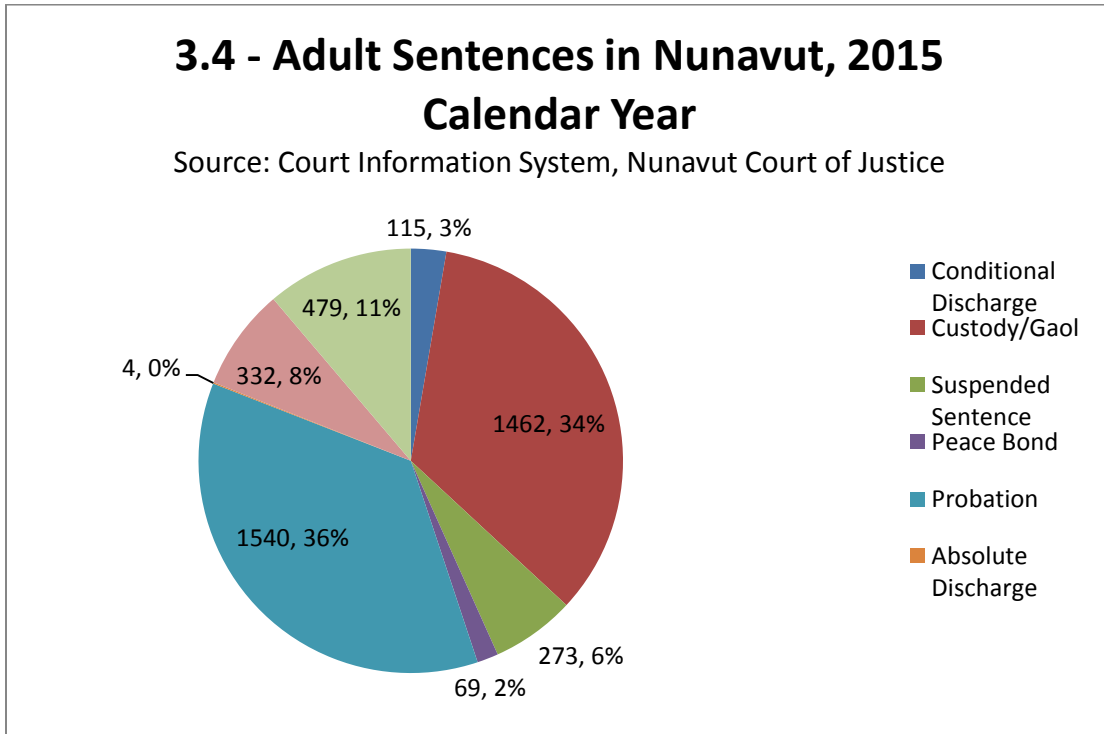
**Graph 3.3 – Average Time Spent by Adults in Remand, by Fiscal Year, 2002-2015**



The average time that adults are spending in remand custody increased steadily between the fiscal year 2002/2003 to 2010/2011. This general trend changed to a decrease from 2010/2011 to 2014/2015. Compared to average time spent in remand in 2011/2012, 2014/2015 has seen a reduction of over 50%.

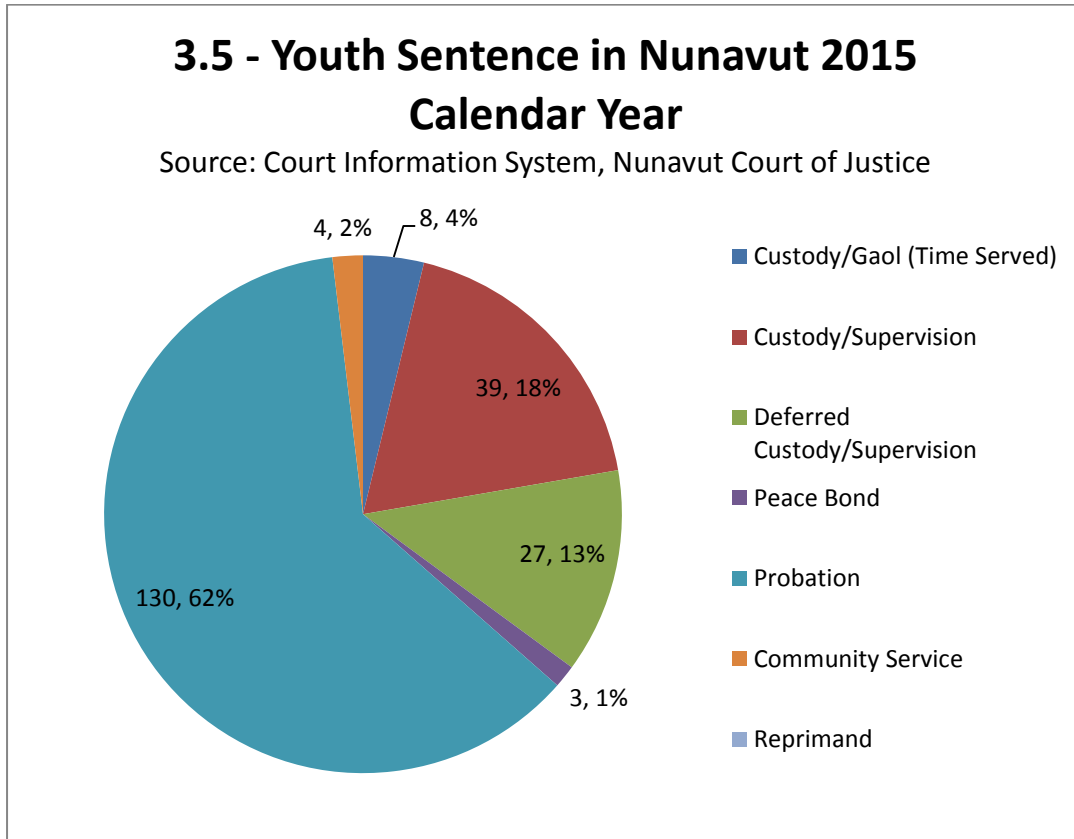


**Graph 3.4 - Adult Sentencing Statistics in Nunavut 2015 Calendar Year**



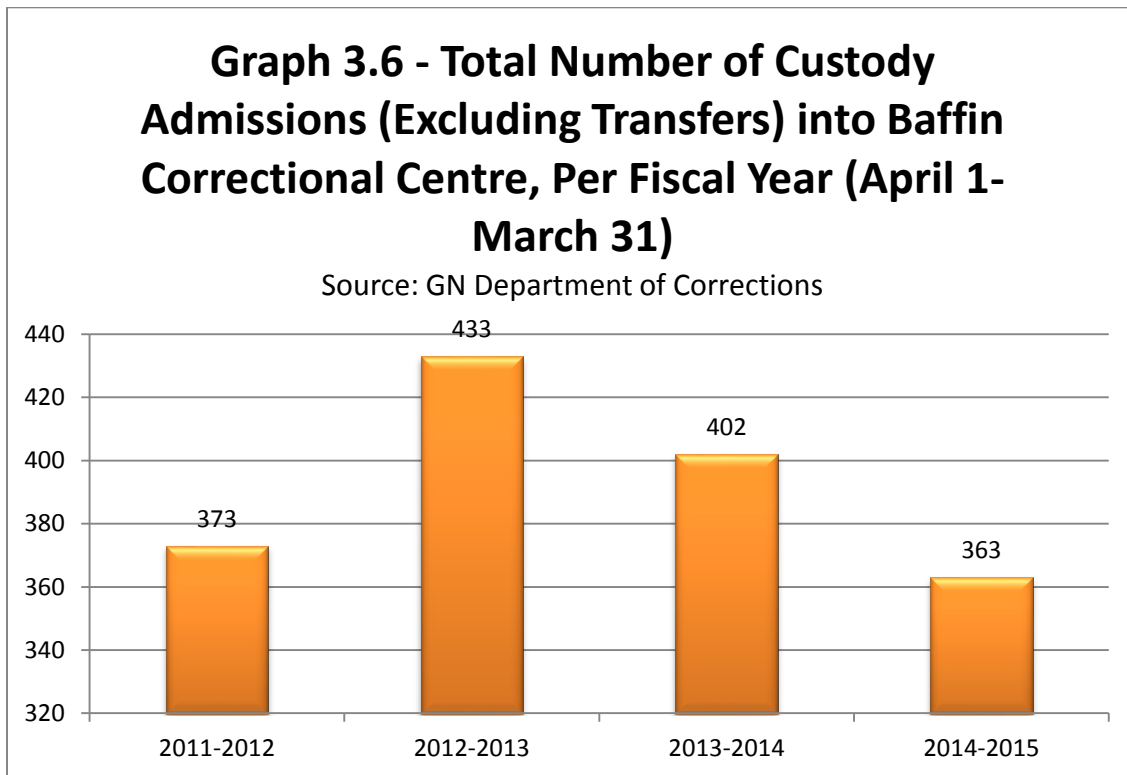
The above chart reflects the number of times each sentence was entered in 2015. Some sentences, such as probation and custody, may be imposed concurrently. In 2015, probation was the most frequently imposed sentence on adults.

**Graph 3.5 - Youth Sentencing Statistics in Nunavut 2015 Calendar Year**



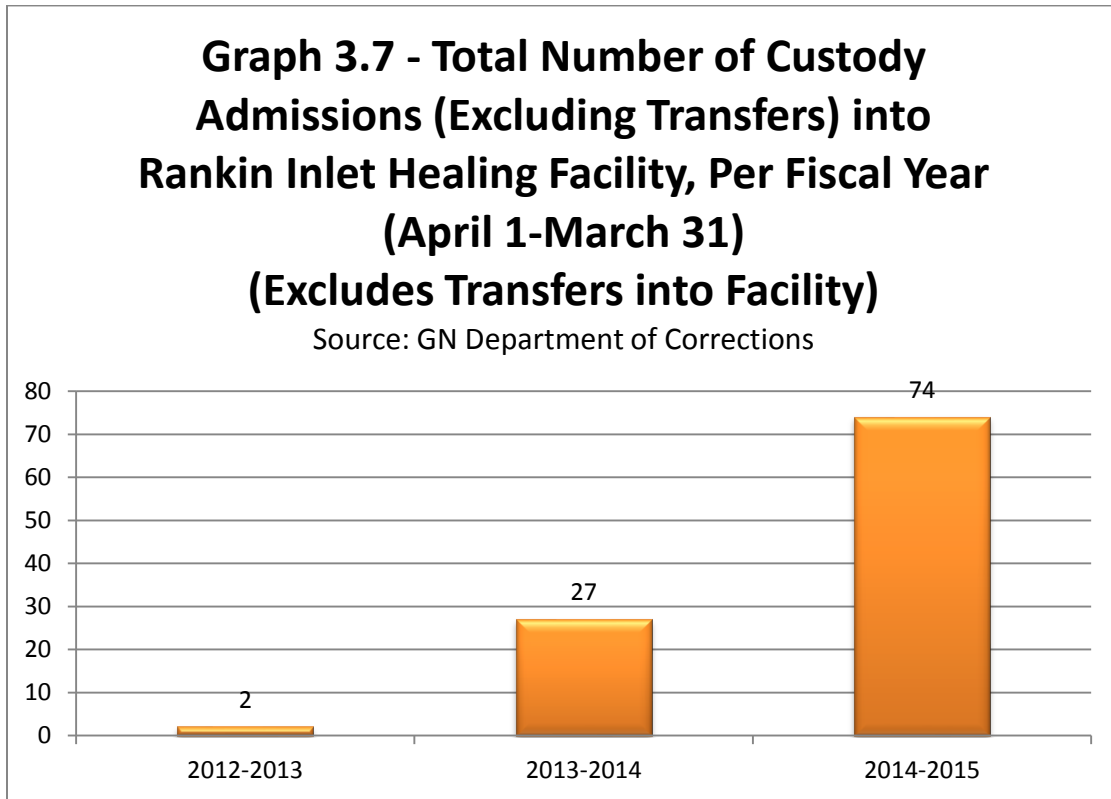
As with adult sentences, this graph reflects the number of times each sentence was entered. Certain sentences can be imposed concurrently, for example custody/goal and probation. Similar to the adult sentences, in 2015, probation was the most frequently imposed sentence on youth.

**Graph 3.6 – Total Number of Custody Admissions (Excluding Transfers) into Baffin Correctional Centre, Per Fiscal Year (April 1-March 31)**



Graph 3.6 illustrates that there was a decrease in the number of admissions into the Baffin Correctional Centre in 2014-2015. Admissions in this year actually represent the lowest number of admissions in the past four fiscal years.

**Graph 3.7 – Total Number of Custody Admissions (Excluding Transfers) into Rankin Inlet Healing Facility, Per Fiscal Year (April 1-March 31) (Excludes Transfers into Facility)**



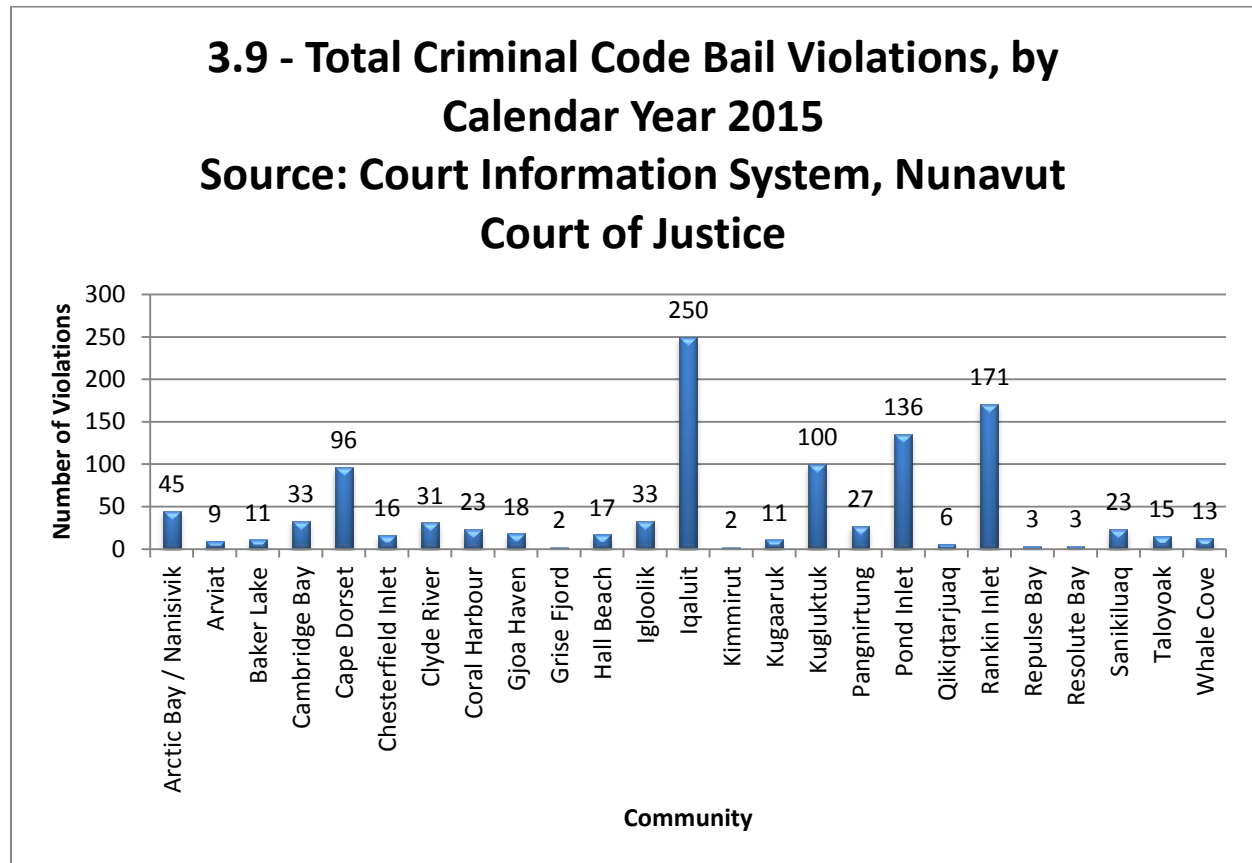
The Rankin Inlet Healing facility, which has opened recently (2012-2013), saw a significant increase in admissions in the 2014-2015 year as a result of reaching operational capacity. Trends relating to admissions at this facility will be more discernible over time since it currently remains a relatively new facility.

**Graph 3.8 – Total Number of Custody Admissions (Excluding Transfers) into North Slave Correctional Facility, Per Fiscal Year (April 1-March 31)**



Graph 3.8 illustrates, similar to graph 3.6 (Baffin Correctional Institution admissions), that the number of admissions was lowest in the 2011-2012 year. 2014-2015 saw the highest number of admissions in the past four years.

Graph 3.9 - Total *Criminal Code* Bail Violations, by Calendar Year 2015



Graph 3.9 represents the total *Criminal Code* Bail Violations, by Calendar Year 2014. These include the following *Criminal Code* sections: s. 145(3) (Breach of condition(s) of a Justice or a Peace or Judge), s. 145(5) (Failure to appear), and s. 145(5.1) Breach of condition(s) (of a Peace Officer).

Graph 3.9 illustrates that overall, across all of the communities, the amount of bail violations is proportional to the larger populations of Iqaluit, Cape Dorset, Kugluktuk, Rankin Inlet, Pond Inlet, and Pangnirtung.

## **PART 4**

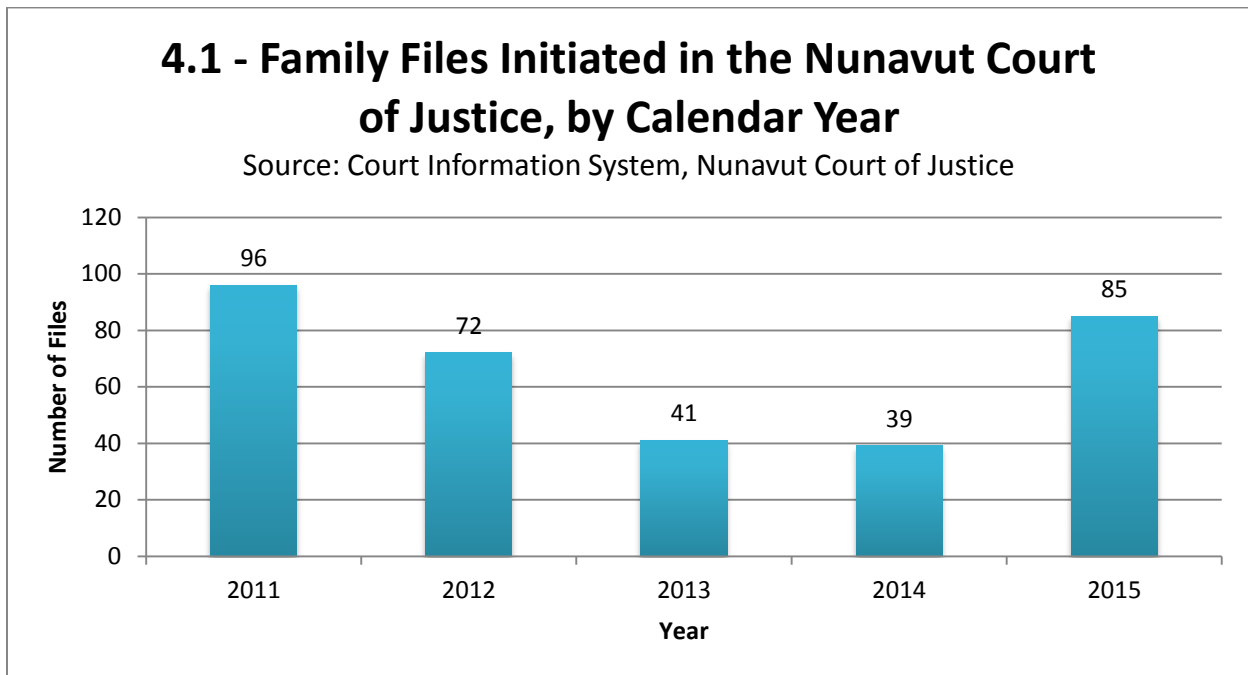
### **4. Civil Files**

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 family court files that were opened in each of the last five calendar years (2011-2015). Note that none of the graphs in this section depict 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 are the number of general civil litigation matters and small claims initiated in the last five calendar years. As with the family files, none of the graphs in this decision 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.

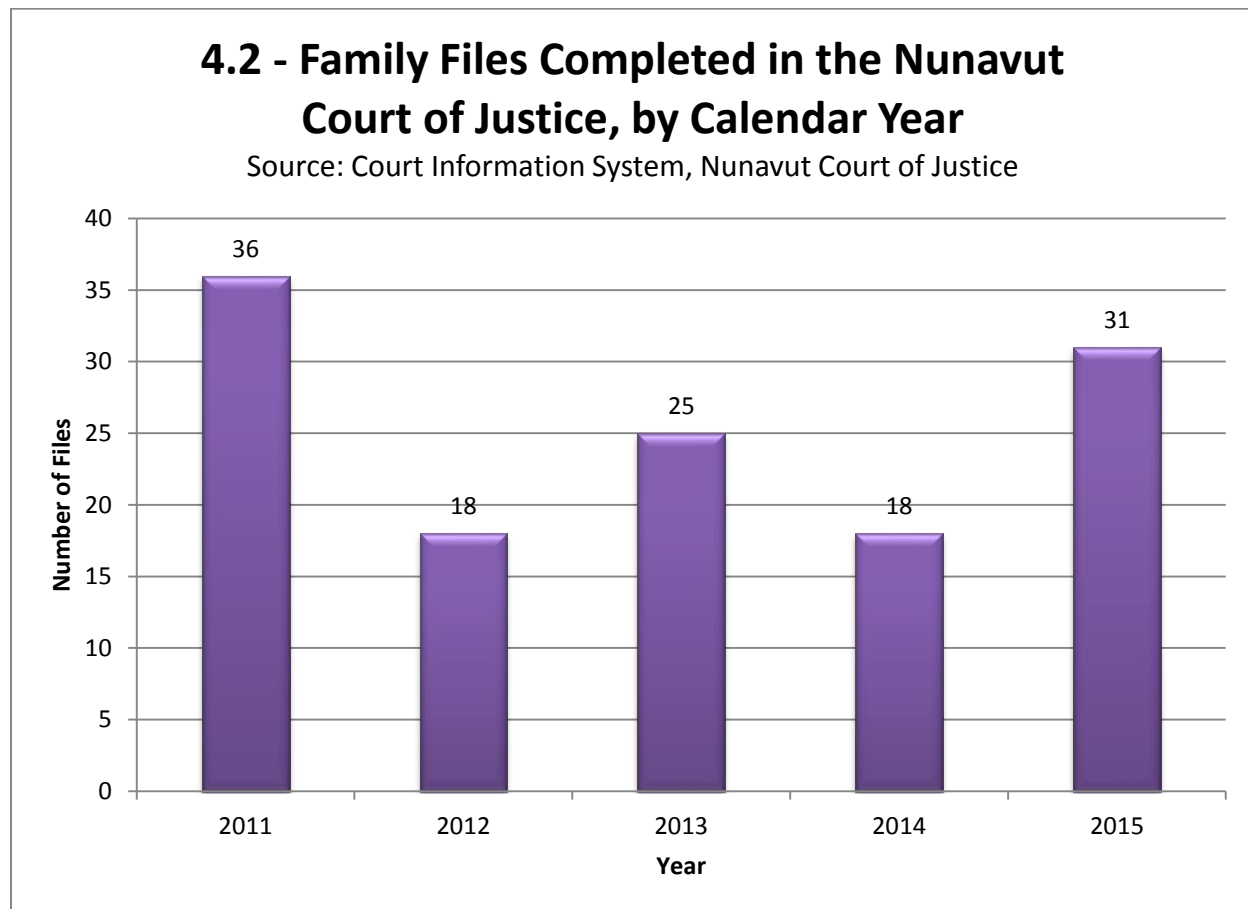
**Graph 4.1 – Family Files Initiated in the Nunavut Court of Justice, by Calendar Year, 2011-2015**



Graph 4.1 concerns family litigation files. This category includes all the files opened in the Nunavut Court of Justice in each year regarding: child custody and access, child and/or spousal support, division of matrimonial property, inter-jurisdictional support, and maintenance enforcement. One can see from the graph that there was a steady decrease in the amount of family files initiated in the Nunavut Court of Justice. In 2015, the amount of files initiated has increased significantly to nearly 2011 levels.



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



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

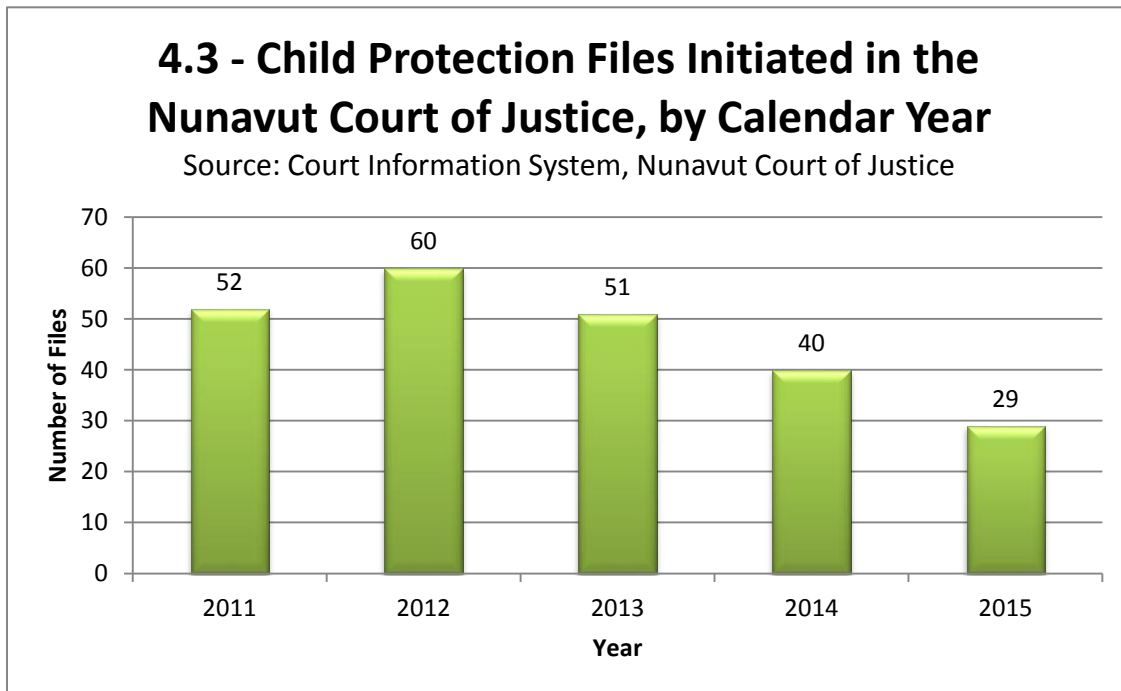
One can see from the graph that there is a steady decrease in the amount of family files completed in the Nunavut Court of Justice. One reason for the decrease may be the introduction of the new *Family Support Orders Enforcement Act*, SNu 2012, c 16<sup>6</sup> in 2013 which created tools for collection of maintenance support without having to initiate default proceedings.

However, 2015 saw the number of family files completed almost double from the previous year. This may be the result of the increased use by the court of Judicial Dispute Resolution assisting with the timely resolution of matters. Judicial Dispute Resolution is where the parties agree to appear before a Judge who attempts to mediate a solution.

<sup>6</sup> Available at:

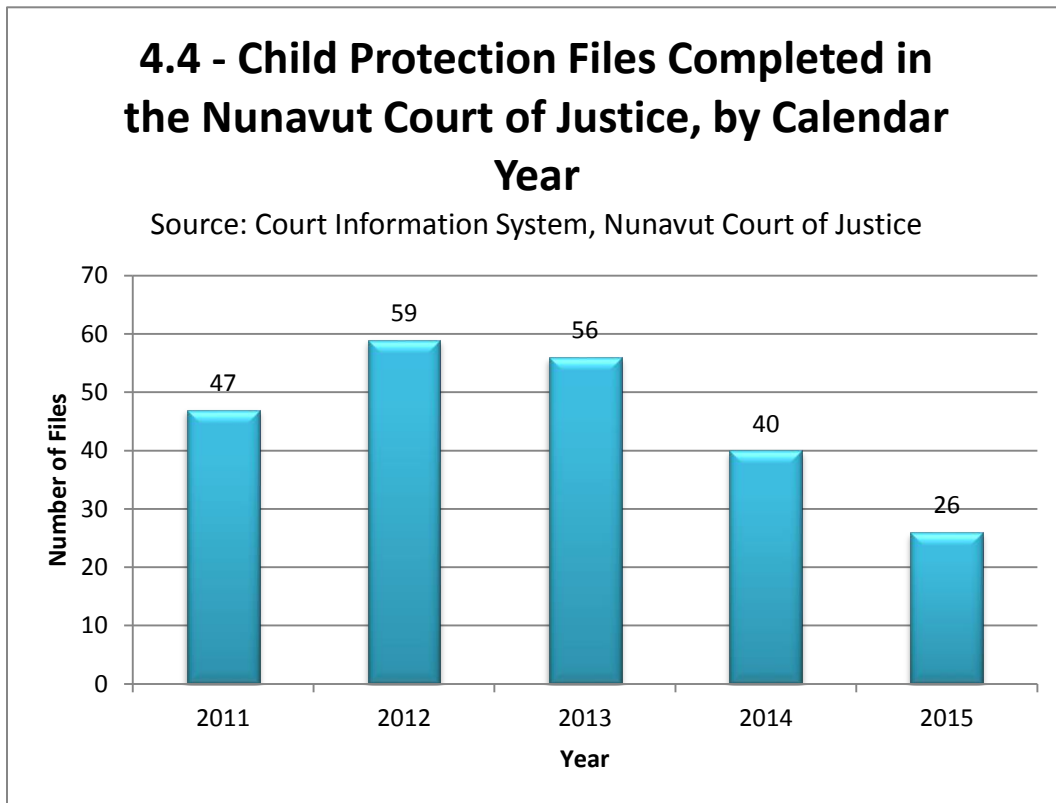
<http://www.justice.gov.nu.ca/apps/fetch/download.aspx?file=Consolidated+Law%2fCurrent%2f635023959133827292-1742931109-consSNu2012c16.pdf>

**Graph 4.3 – Child Protection Files Initiated in the Nunavut Court of Justice, by Calendar Year, 2011-2015**



Graph 4.3 concerns child protection files that have been initiated. It sets out the number of child welfare cases initiated in the Nunavut Court of Justice under the *Child and Family Services Act*. Note that many of these files are ongoing.

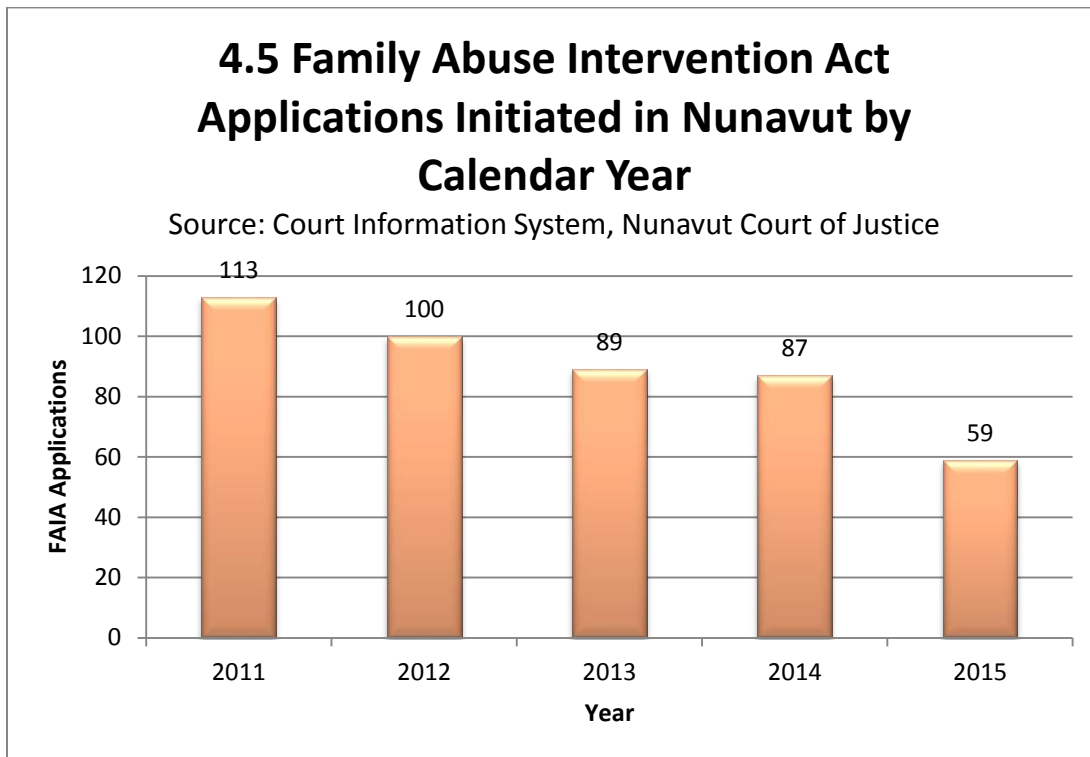
**Graph 4.4 – Child Protection Files Completed in the Nunavut Court of Justice, by Calendar Year**



Graph 4.4 concerns child protection files that have been completed. It sets out the number of child welfare cases completed in the Nunavut Court of Justice under the *Child and Family Services Act*, S.N.W.T. 1997, c 13 (Nunavut).

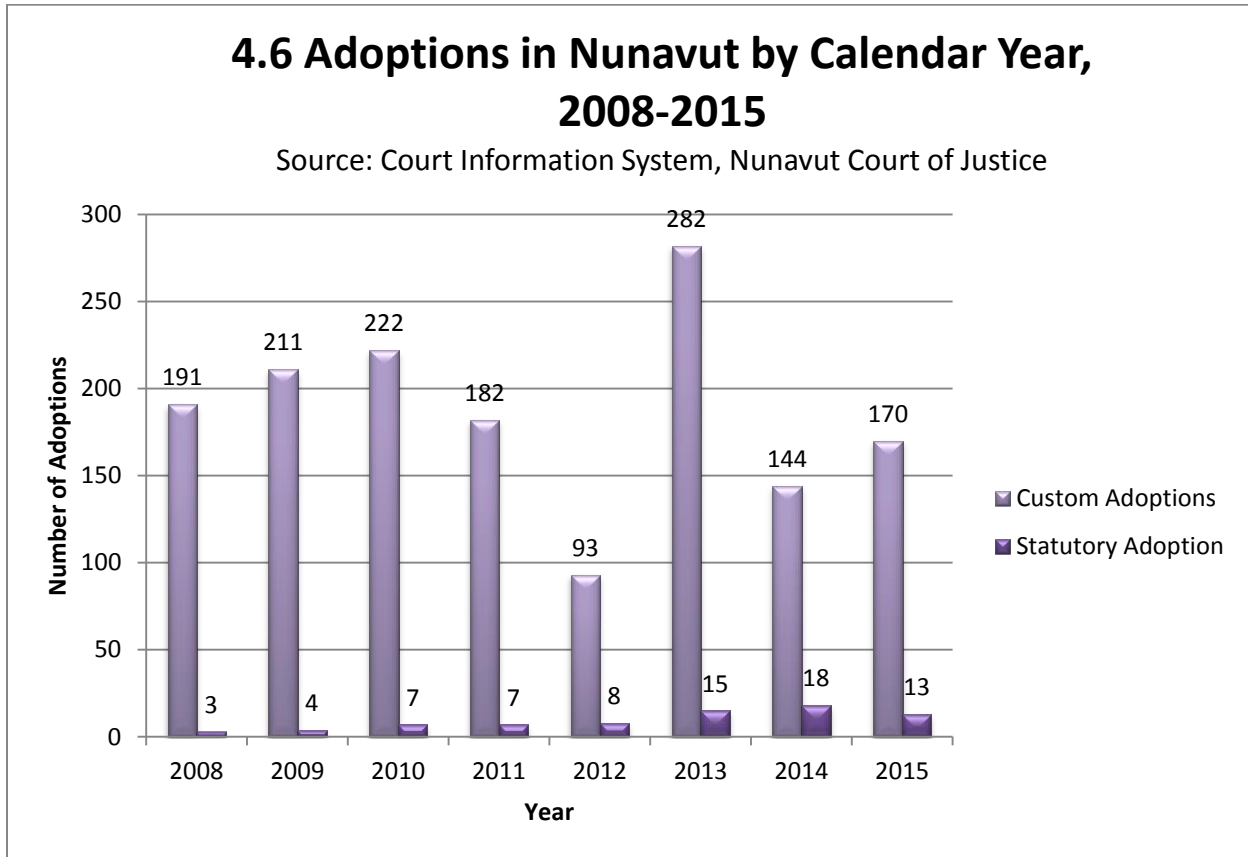
In 2014, the Civil Registry started to continue existing files instead of creating new files for each child apprehension case. So the 2014 numbers here illustrate how many child apprehension cases there are in the NCJ not just how many files were opened. This may explain the decrease seen in the number of files before the Court in 2015.

**Graph 4.5 – Family Abuse Intervention Act Applications Initiated in the Nunavut Court, 2011-2015**



Graph 4.5 deals with applications related to *Emergency Protection Orders* made in the Nunavut Court of Justice under the *Family Abuse Intervention Act*, SNu 2006, c 18 [FAIA]. These include the total FAIA files that were confirmed by a judge as well as those that were not. The Civil Registry has not seen a *Community Intervention Order* in recent memory.

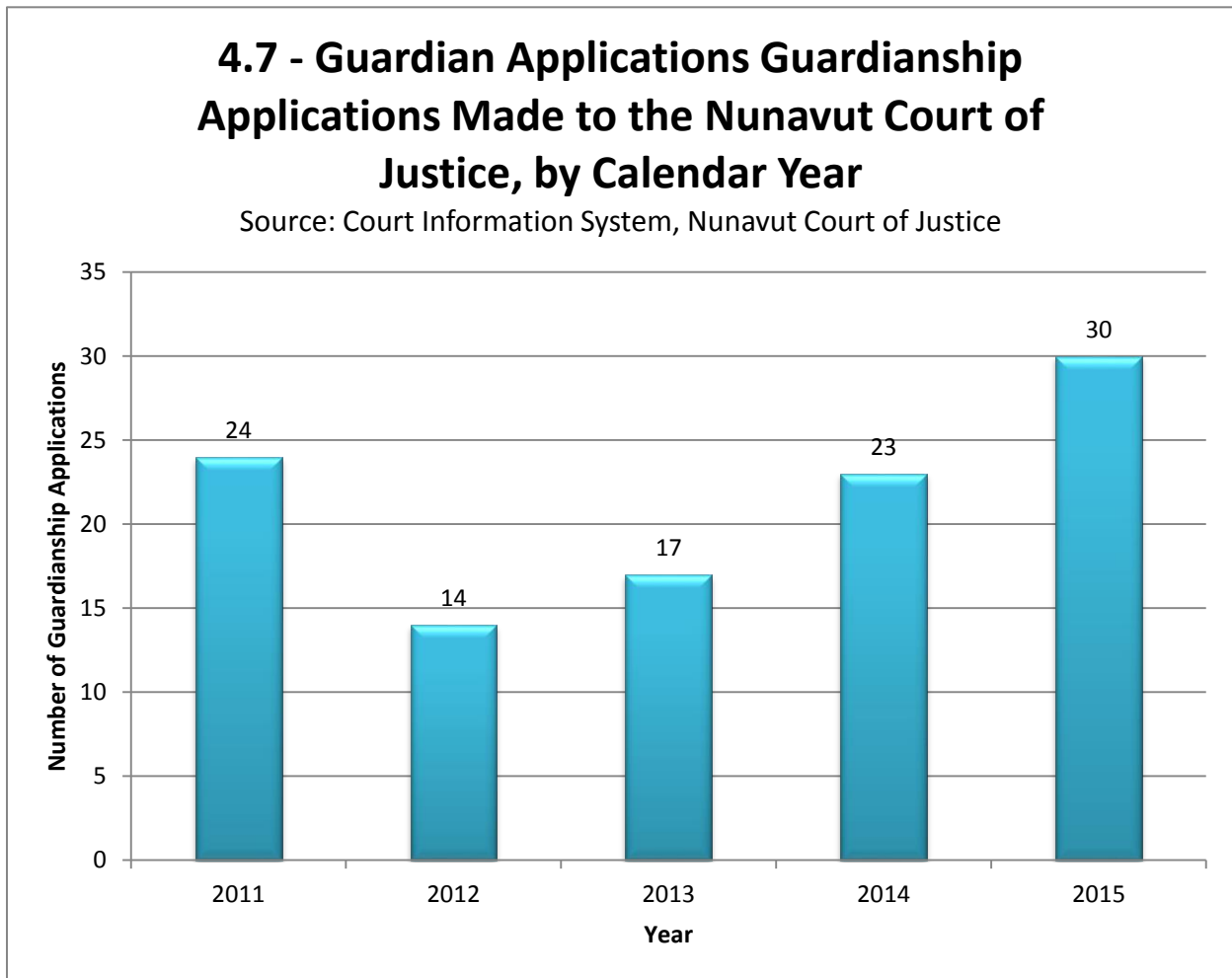
**Graph 4.6 – Adoptions in Nunavut, by Calendar Year, 2008-2015**



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 amount of new adoption files that were opened.

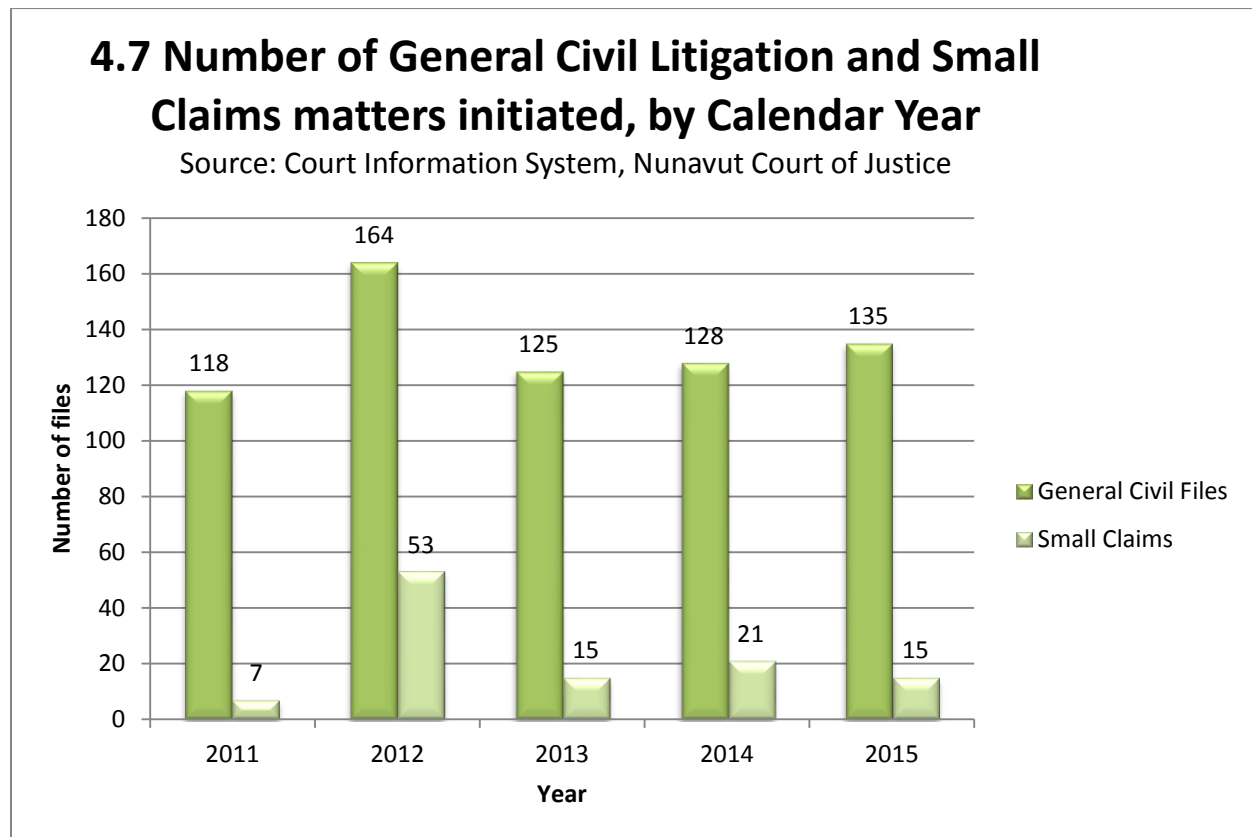
Custom adoptions continue to be received at a much higher rate than statutory adoptions. Note, however, that the amount of statutory adoptions has steadily risen from 2008-2015 (3 to 18).

**Graph 4.7 – Guardianship Applications Made to the Nunavut Court of Justice, by Calendar Year**



Graph 4.7 illustrates an increasing trend in protection orders over the past three years after a significant decline in 2011. This trend continued into 2015 which saw the largest number of applications.

**Graph 4.7 – Number of General Civil Litigation & Small Claims matters initiated in the Nunavut Court of Justice, by Calendar Year**



Civil Litigation matters reflected in this graph reflect files opened in the areas of general civil litigation, bankruptcy, divorce, estates, *Bank Act* proceedings, *Elections Act* proceedings and judicial review files.

The number of civil matters opened does not reflect number of the cases currently being processed by the Court as civil matters can continue into the following year, if not years. The volume of cases opened in each year has remained relatively consistent, with 2012 seeing the largest number of cases opened.

## **PART 5**

### **5. Frequency of Court Sittings in Nunavut, 2001-2015**

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 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 five Court sittings can be scheduled across the Territory in a given week; a maximum of three sittings in Iqaluit (including Justice of the Peace Court) and two sittings in other communities. However, due to current judicial complement issues impacting the Court including a judicial transfer and a retirement, the number of sittings that the Court could accommodate was reduced in late 2015 to four. This reduction in sitting availability did not impact the circuit schedule but rather decreased the number of available weeks for special sittings (ie, jury trials, judge alone trials longer than one day, etc).

In 2015, the Nunavut Court of Justice continued the monthly remand court in Iqaluit for citizens detained in the Kivalliq and Kitikmeot regions. Video or telephone appearances are used for those citizens 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 citizen to his/her home community for sentence.

The remand court has continued to reduce the time necessary to process charges from this region, the time accused citizens are held in remand custody, and the public expense associated with the court circuit and transportation to and from the community for these appearances. The availability of the in-custody docket monthly has likely contributed to the reduction in remand time seen in 2015.

In early 2015, the Nunavut Court of Justice started testing the video conferencing system in the *North Slave Correctional Centre* to assess the feasibility of video conferencing between Yellowknife and Iqaluit. Court Services is currently updating its video conferencing system. The Court will continue to test the new technology to see if the new system is compatible to allow video appearances from North Slave.



## Trial Certainty

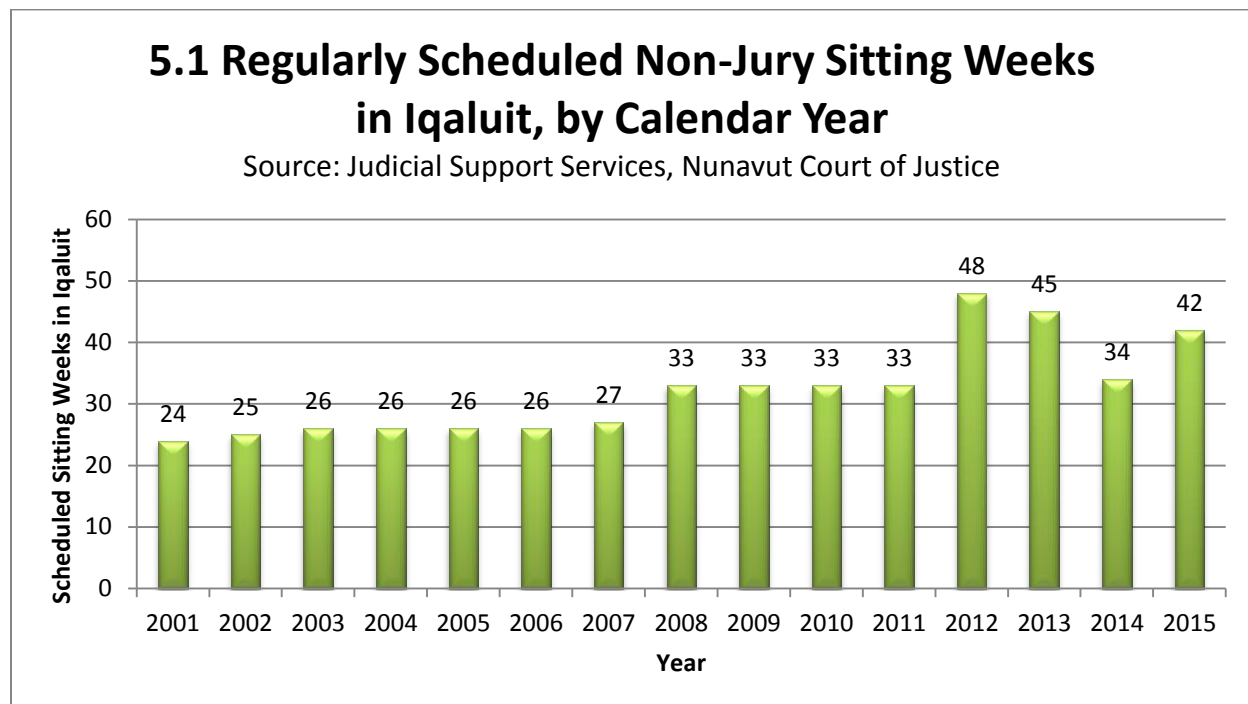
The following statistics were compiled from the tracking sheets created in consultation with the *Trial Certainty Committee* and maintained by the Nunavut Court of Justice Trial Scheduling Coordinator:

- A total of 270 non-jury trials were scheduled in Iqaluit in 2015 and 71 trials proceeded as scheduled.
- 26.30% is the mean (average) percentage of hours for scheduled matters that proceeded in a given Iqaluit non-jury trial week in 2015 (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).
- 110 scheduled matters were adjourned, primarily due to either the non-attendance of a witness, by a lawyer request, or court ordered dismissal;
- 30 scheduled trials were resolved by way of guilty pleas;
- 39 scheduled trials did not proceed as the Crown stayed or withdrew the charges; and
- 20 scheduled matters did not proceed because the accused failed to appear in court.

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 2014, the Court reduced the circuits in Cambridge Bay by 1 circuit. Therefore, there are now 6 Circuits in Cambridge Bay and 7 in Rankin Inlet. In 2015, the docket for Cambridge Bay has become less taxing as well so the Court has added Kugaaruk to two of the six circuits annually.

**Graph 5.1 – Regularly Scheduled Non-Jury Sitting Weeks in Iqaluit, by Calendar Year, 2001-2015**



Iqaluit continues to generate the highest per capita volume of charges in Nunavut (Graphs 1.3 and 5.1).

In 2015, three weeks of each month in Iqaluit were dedicated to criminal matters. The scheduling of court matters in Iqaluit for docket matters, trials, in-custody matters and sentencings remained the same in 2015 based on the system introduced in 2013. The Court also introduced JP Court Trial dates 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.

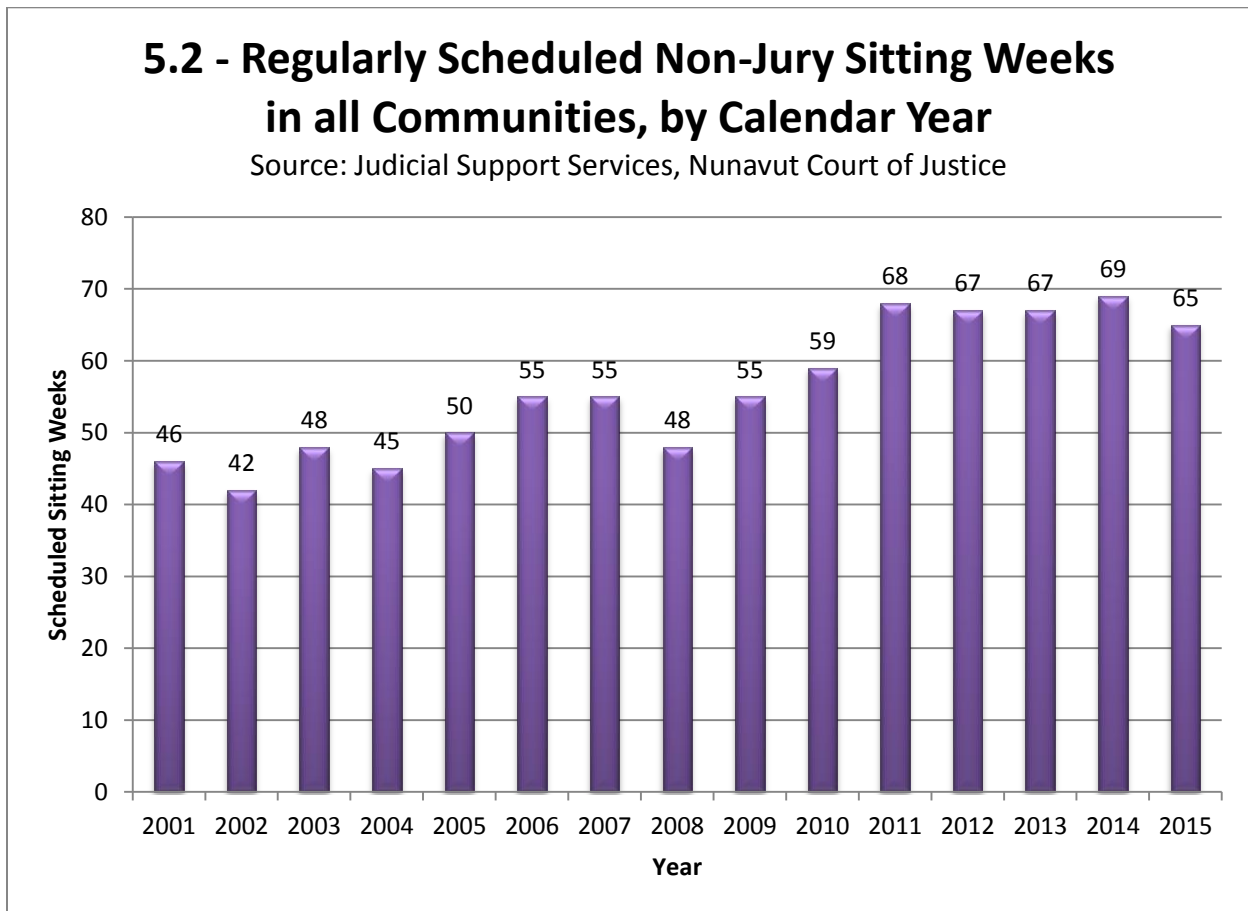
In 2015, the number of regularly scheduled non-jury sitting weeks in Iqaluit increased over 2014.

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 2013. In 2014, the sittings of the Youth Justice Court of Nunavut in Iqaluit was doubled.

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 2015.

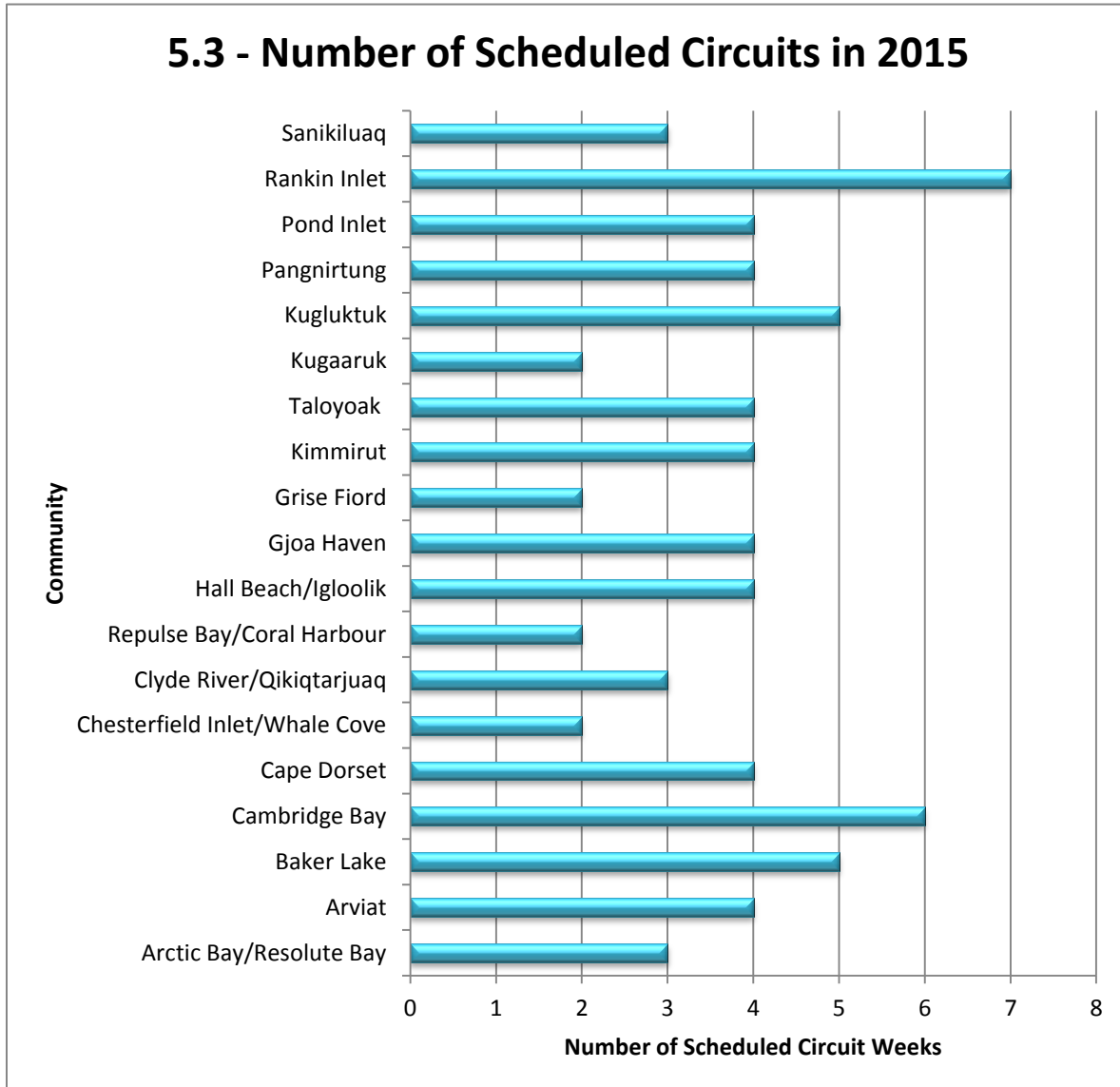
The major change seen in 2015 was an increase in the number of scheduled special sittings – this was mainly due to an increase in the number of scheduled jury trials throughout the territory.

**Graph 5.2 - Regularly Scheduled Non-Jury Sitting Weeks in all Communities, by Calendar Year, 2001-2015**



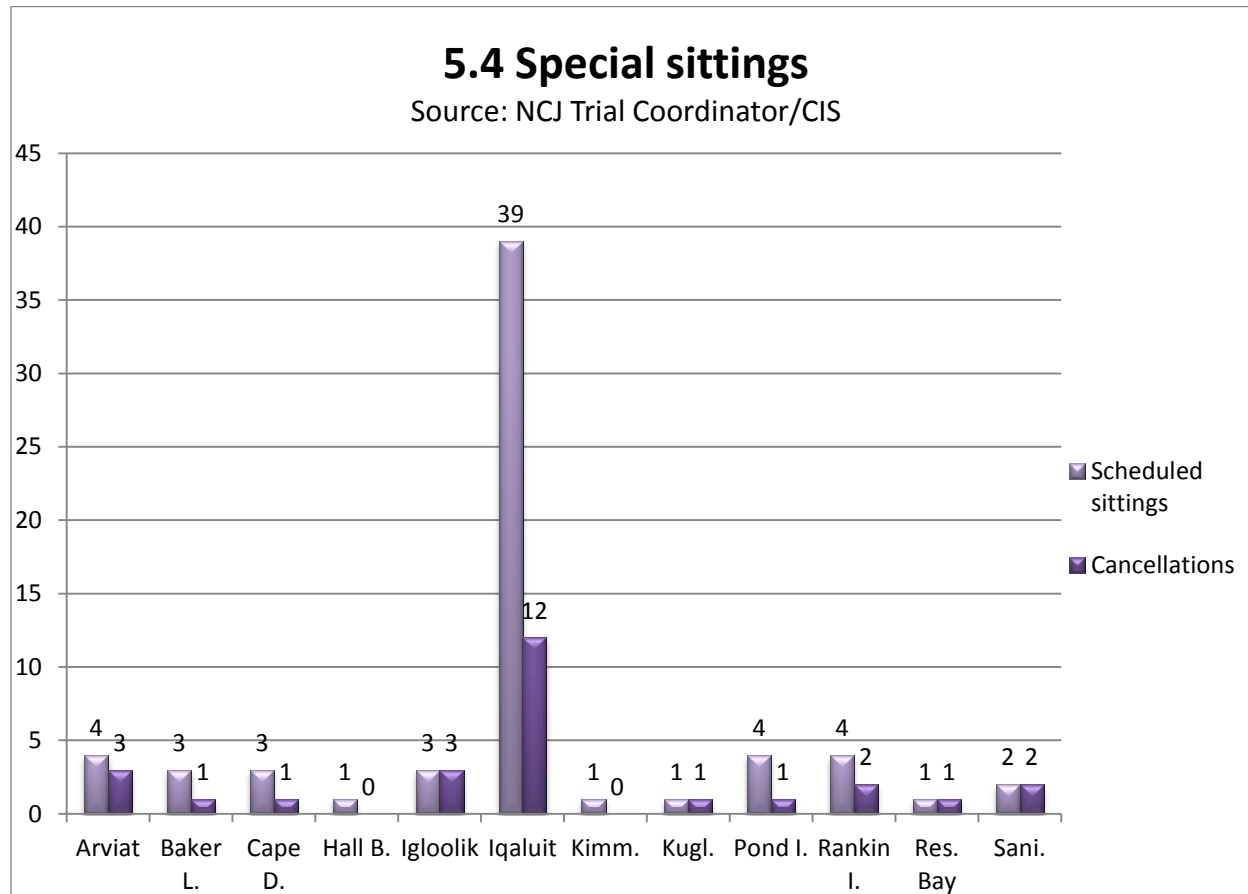
Graph 5.2 depicts the annual number of regular circuits into the communities of Nunavut (excluding Iqaluit) over the past 13 calendar years. With the increase of resident judges (see Part 7 of this report below) the volume of cases that can be handled has increased. The schedule is created based on community needs and review of charge volume and docket size. In 2015, there was a reduction of circuits by four weeks on this basis.

Graph 5.3 – Number of Scheduled Circuits in 2015, by Community



Graph 5.3 shows the total number of scheduled circuits (in weeks) held in each community of Nunavut in the 2015 calendar year.

**Graph 5.4 – Completed Special Sittings in 2015, by Community**



**Note:** the following communities did not have any special sittings in 2015: Pangnirtung, Taloyoak, Kimmirut, Grise Fiord, Coral Harbour, Nauyasuat, Qikiqtarjuak, Chesterfield Inlet, Whale Cove, and Cambridge Bay.

Graph 5.4 reflects the total number of weeks spent on special sittings in each community in 2015. The majority of all types of special sittings, which include preliminary hearings, voir dieres, and jury trials, occurred in Iqaluit.

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 in Iqaluit. 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.

In 2015, there were a total of 66 weeks of special sittings 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 Nunavut Court of Justice which are scheduled to take longer than can be accommodated during regularly scheduled court sittings. This data is collected by the NCJ Trial Scheduler.

<b>TOTAL WEEKS OF SPECIAL SITTINGS</b>	<b>66</b>
JURY TRIALS SCHEDULED	18
JURY TRIALS THAT PROCEEDED	6
JUDGE ALONE TRIALS SCHEDULED (SPECIAL SITTING)	29
JUDGE ALONE TRIALS THAT PROCEEDED (SPECIAL SITTING)	13
PRELIMINARY INQUIRIES (SPECIAL SITTING)	5
PRELIMINARY INQUIRIES THAT PROCEEDED (SPECIAL SITTING)	4
TOTAL SPECIAL SITTINGS THAT WENT AHEAD	39
RE-ELECTION TO JUDGE ALONE	2
BAD WEATHER ADJOURNMENTS	0
CHANGE OF PLEA, CONSENT COMMITALS, STAYS	9
TOTAL CIVIL SPECIAL SITTINGS	30
CIVIL MATTERS RESOLVED/CANCELLED	13

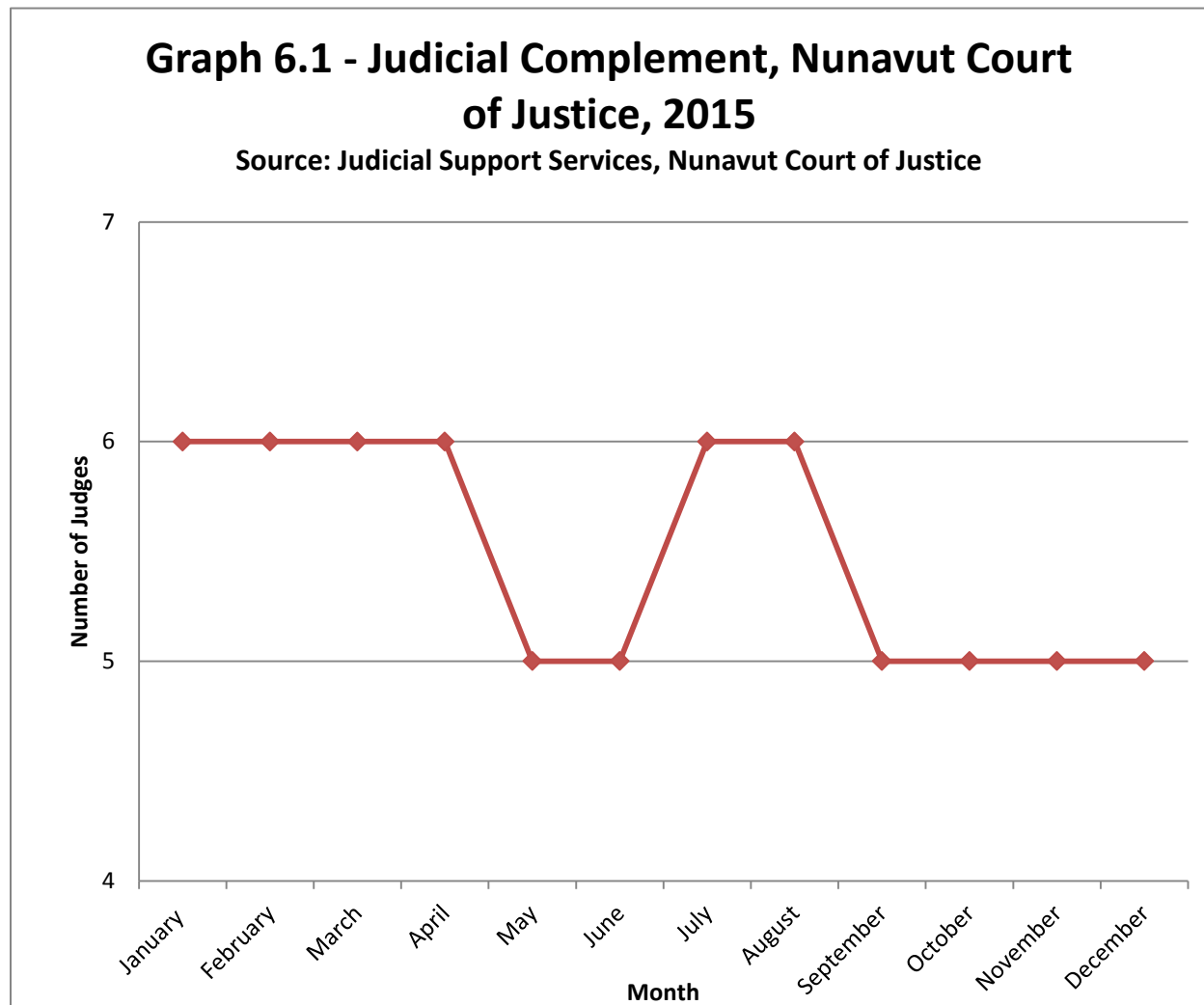
## **PART 6**

### **6. 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*, 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 Nunavut Court of Justice.



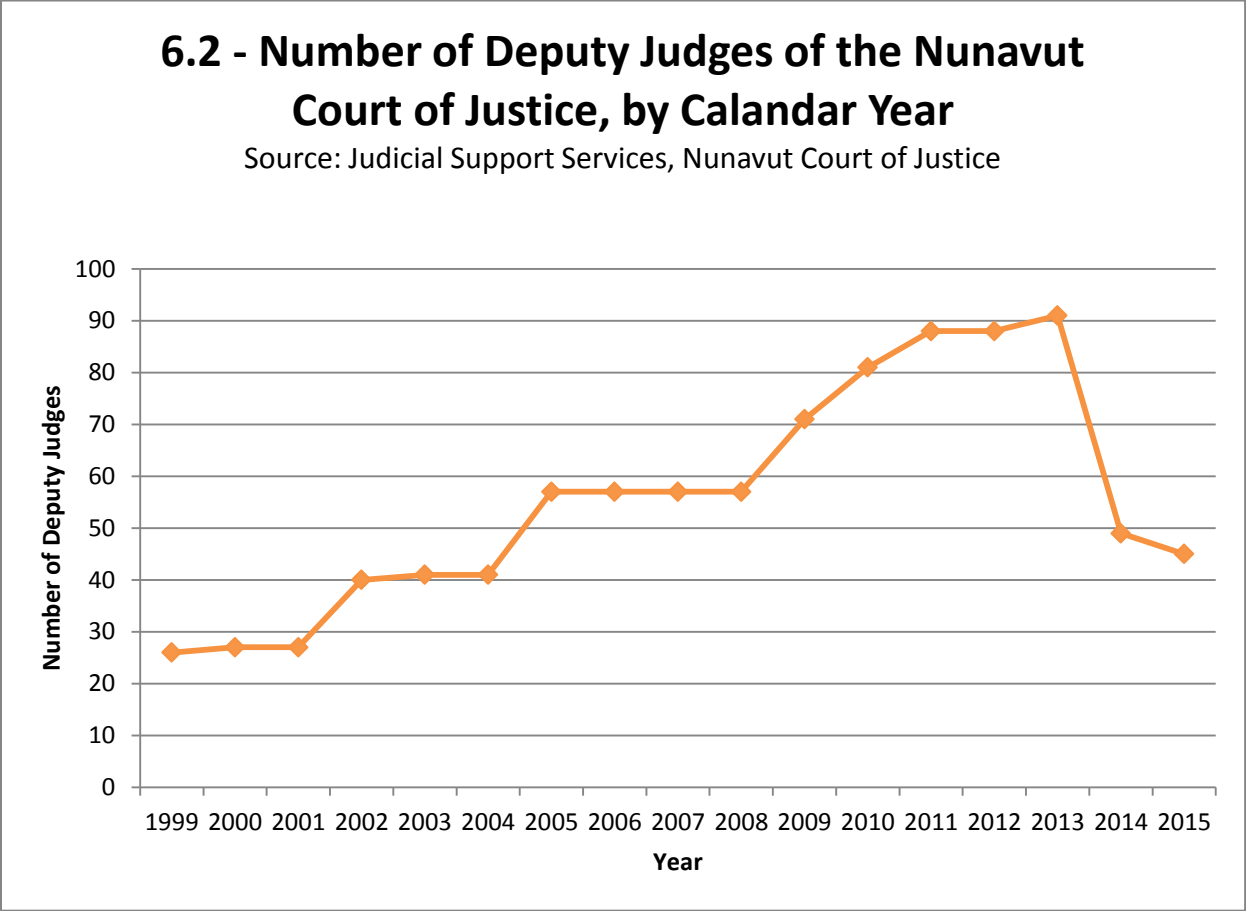
Graph 6.1 – Judicial Complement, Nunavut Court of Justice, 2015



There are currently six positions on the bench of the Nunavut Court of Justice. In 2015, the bench saw two vacancies as a result of a judicial transfer and a retirement. One of those vacancies was filled by an appointment in July of 2015. The vacancy created by the retirement in September 2015 remained vacant as of the end of 2015.

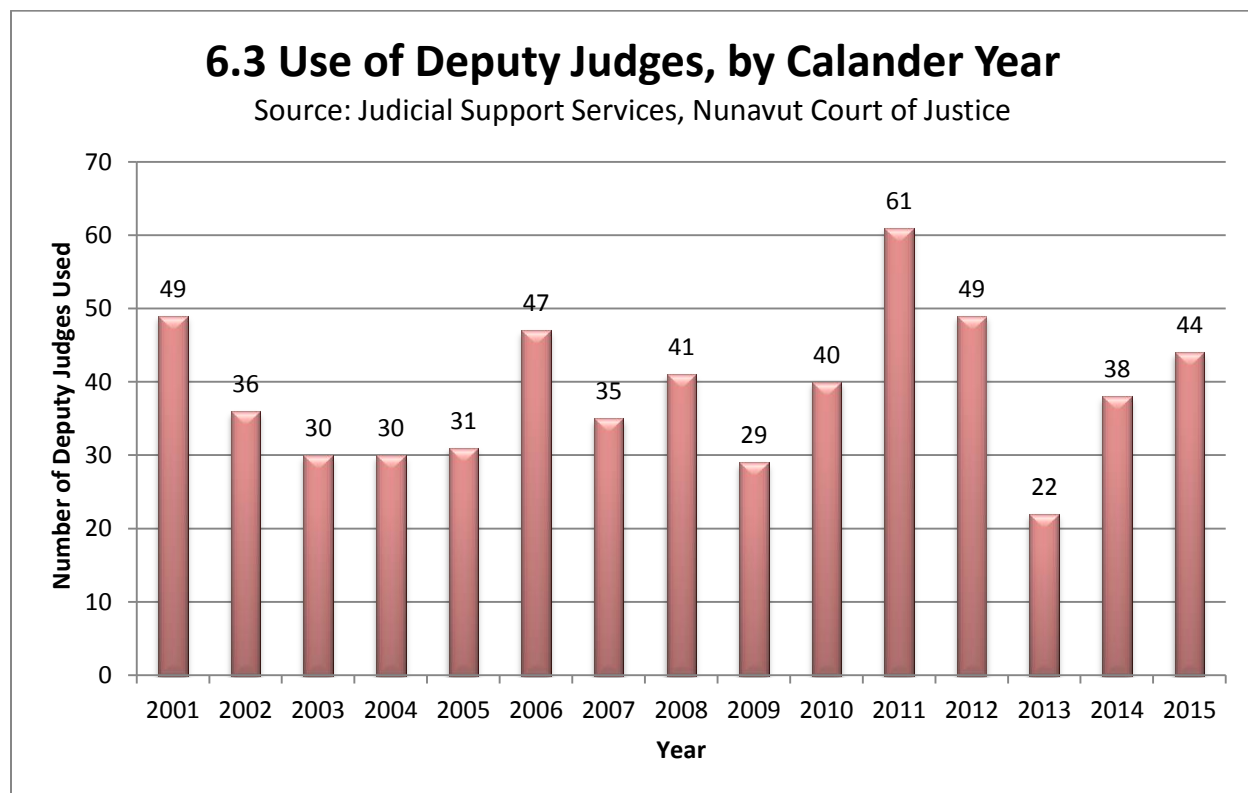
In 2015, five of the resident judges travelled with the Circuit Court. A number of deputy judges from southern Superior Courts may be called upon to assist the Court in meeting its core responsibilities (Graph 6.2). The judges of the Supreme Court of the Northwest Territories Superior Court and the Supreme Court of Yukon are *ex-officio* judges of the Nunavut Court of Justice.

Graph 6.2 – Number of Deputy Judges of the Nunavut Court of Justice, by Calendar Year



In 2015, the number of Deputy Judges available to the NCJ continued to decline because of additional retirements. The active complement of Deputy Judges decreased to 45. The availability of additional judges was further complicated by delays in the appointment of Deputy Judges. At the end of 2015, 9 appointment requests remained outstanding with the Federal Minister. The Senior Judge continues to actively recruit additional Deputy Judges to compensate for this attrition to deal with judicial resource shortages.

**Graph 6.3 – Use of Deputy Judges, by Calendar Year**



In 2015, the Court’s use of Deputy Judges (Graph 6.3) rose from 38 sitting weeks in 2014 to 44 sitting weeks. The increased use of Deputy Judges to meet the Court’s core commitments was necessary as the resident judges became tied up in longer preliminary hearings and trials associated with homicides and other serious cases. In addition, more deputy judges were required to deal with judicial complement issues created by the retirement of a resident Judge in September of 2015.

The Court’s resident Judges are also members of the Courts of Appeal for all three northern territories. In 2013 and 2014, two sitting weeks were devoted to appellate work in the Yukon and Northwest Territories.

## **PART 7**

### **7. Outreach & Updates**

The Senior Judge has organized a number of committees to discuss aspects of the Court's operations with community stakeholders. 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 all participate on the various committees.

The following committees met in 2015 to develop new policies and practices for the Court 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**

Most recently, a committee was formed to simplify and update the Nunavut Court of Justice *Civil Rules* that have not been updated since the creation of Nunavut in 1999. The goal of the committee is complete this project by 2017.

#### **Court Website Modernization Project**

The Court spent a significant amount of time in 2015 working to update and modernize the website for the Nunavut Courts and Court Services. The website was launched in 2015, continues to be updated and evolve. The website can be found at [www.nunavutcourts.ca](http://www.nunavutcourts.ca).

#### **The Court Users Committee**

The purpose of this committee is to bring a broad cross-section of Court stakeholders together to exchange information and discuss issues relating to the Court's operations. It provides a forum for networking, where stakeholders discuss concerns and resolve issues arising with the Court's processes and procedures arising in civil, family, youth, and adult criminal matters in both the Nunavut Court of Justice and the Nunavut Justice of the Peace Court.

## **Forms Committee**

The Court has been working with stakeholders, including RCMP, Crown, and Defence to improve the functionality and clarity of the forms used by the Nunavut Court of Justice. Work is currently being done to improve warrants, *Informations* and other court documents.

## **Operational Directive on Court Transcripts**

Research and drafting was undertaken on an operational directive relating to transcript requirements which was implemented in 2015. The aim of the project is to standardize formatting for court transcripts across all levels of court – including the Nunavut Court of Appeal, the Nunavut Court of Justice, and the Nunavut Justice of the Peace Court.

## **Executive Legal Officer**

In 2014, the Nunavut Court of Justice hired a full time Executive Legal Officer [ELO]. This position is responsible for a number of areas, including acting as the Access to Records and Privacy Officer for the Court. The ELO provides legal support to the Judiciary and works out of the Office of the Senior Judge.

As a result of operational needs identified by the Court, an additional Executive Legal Officer, Court Administration position was created in 2015 to provide legal support and oversight to the Registry and Court Administration.

## **Scanning Project**

The Court began working on a project to digitally archive court records. The pilot project, which was launched in 2015, is working to determine best methods and standards for creating a complete digital archive of the Nunavut Court of Justice court records dating back to 1999. The project is currently seeking to create an archive of records from 2010.

## **Joint Operational Directive – Electronic Filing**

In 2015, the Court issued the first joint operational directive (JOD) with the Justice of the Peace Court of Nunavut. JOD #1 sets out the operational process to permit the filing of *informations* and sworn process with the Court. Given the large geographical area of Nunavut and the difficulty with the timing of mail, in order to ensure the timely filing of court process with the Registry located in Iqaluit, information and processes are permitted to be filed with the Court via email, subject to compliance with the JOD. This JOD was an effort to improve efficiency and process previously governed by a former practice directive which was rescinded.