

# THE NUNAVUT COURT OF JUSTICE



## **Sivumuaqpallianiq The Way Forward:**

A Statistical and Comparative Review of Court Operations  
in Nunavut 2014

6/26/2015

## **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's 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.

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## INTRODUCTION

This report is the Court's third Annual Report 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 second Nunavut Court of Justice Annual Report (2013). 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.

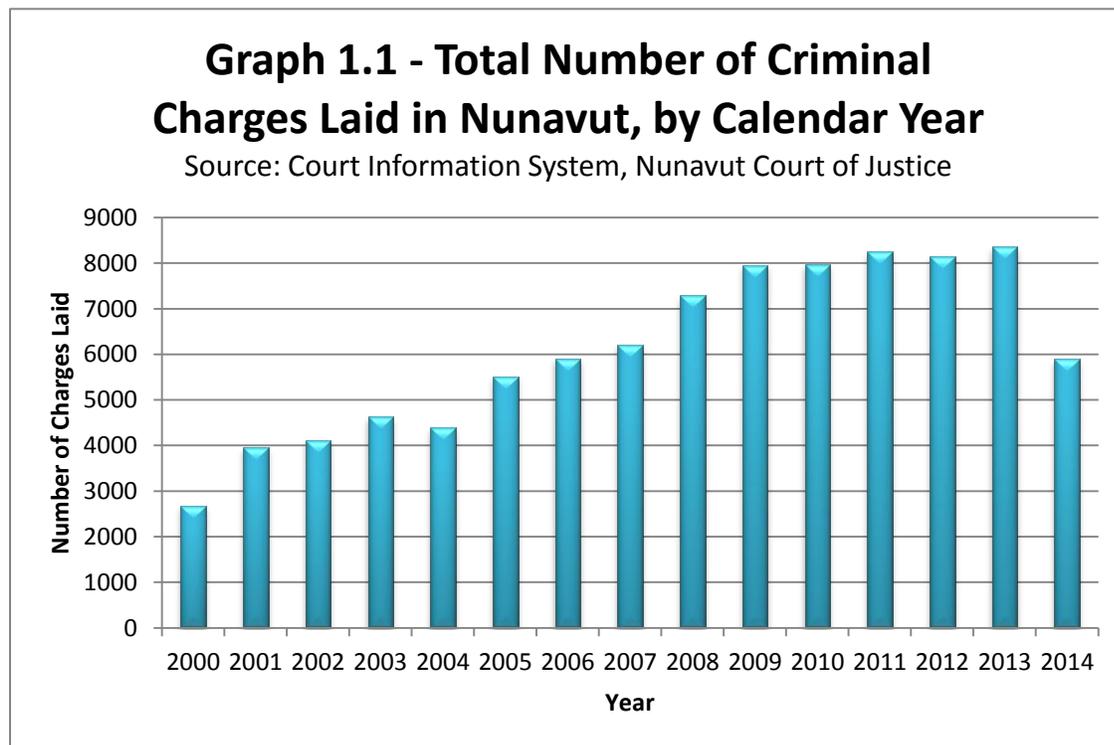
This report is available in electronic form on the NCJ website at <http://www.nunavutcourts.ca> . For a more in-depth historical review of crime and the court's operations in Nunavut see: Nunavut Court of Justice, *Ingirranivut Our Journey: A statistical comparative review of crime and court operations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

## **PART 1**

### **1. Criminal Charge Volumes in Nunavut, 2000-2014**

The following four graphs represent charge volumes in Nunavut in the years specified (within both the Nunavut Court of Justice and the 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 2000-2014**



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 2014 a total of 5,896 charges were laid in Nunavut (Graph 1.1). However, the Court closed a total of 6,383 criminal cases (Graphs 2.1 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. In 2014, there were 4 homicides<sup>1</sup> resulting in 3 charges laid in Nunavut. This is down from the 5 homicide charges laid in 2012<sup>2</sup>; however, Nunavut remains the leader nationally in homicide rates per capita at 11.24 – almost ten times the national average.<sup>3</sup> In January 2013, the Court had 14 homicide charges before it in various states of completion. Eleven homicide files were completed in the 2012 and 2013 calendar years.<sup>4</sup> In 2014, there were 3 new homicide files in Iqaluit, Rankin Inlet, and Kimmirut.

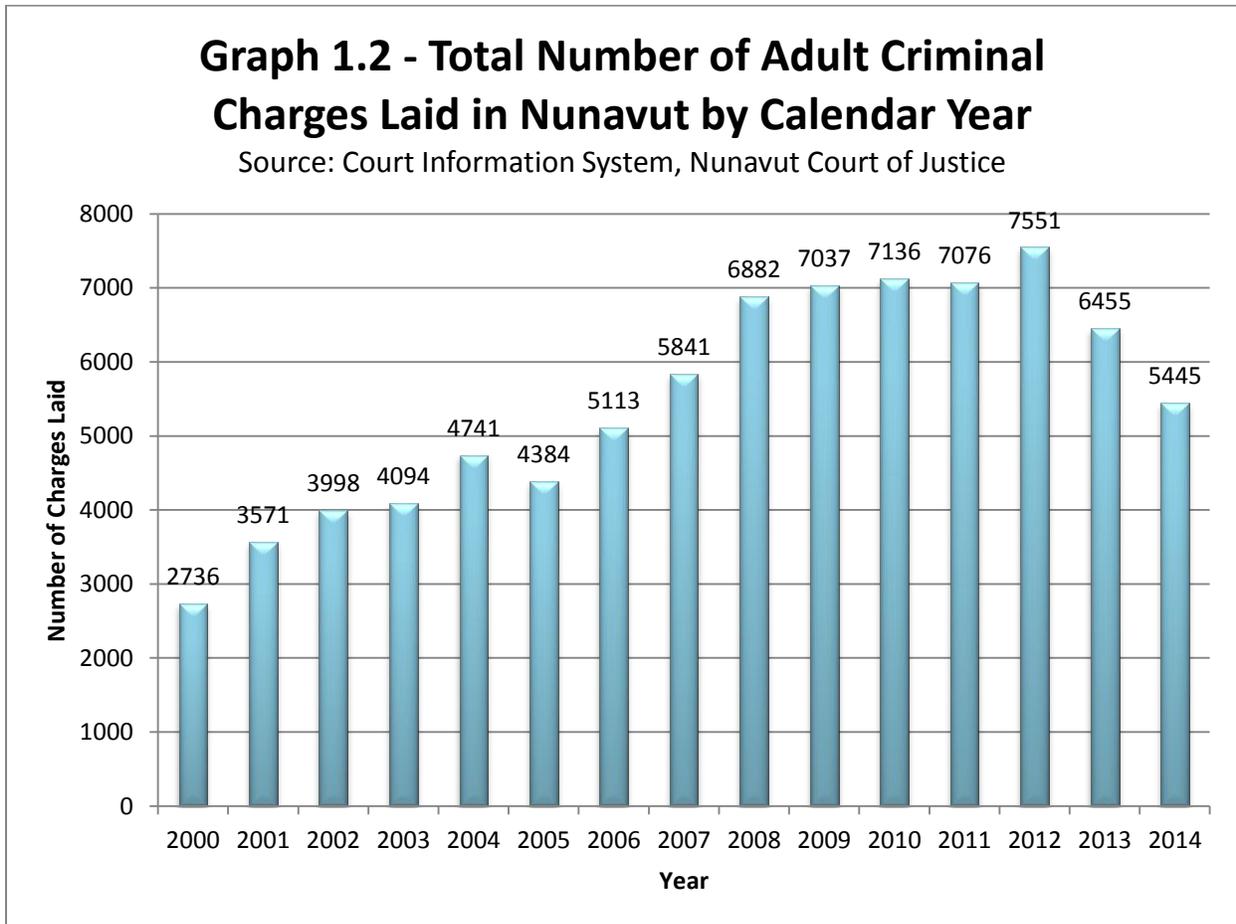
<sup>1</sup> Data available at: <http://www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/legal12a-eng.htm>

<sup>2</sup> Data available at: <http://www.statcan.gc.ca/daily-quotidien/131219/t131219b001-eng.htm>

<sup>3</sup> Data available at: <http://www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/legal12b-eng.htm>

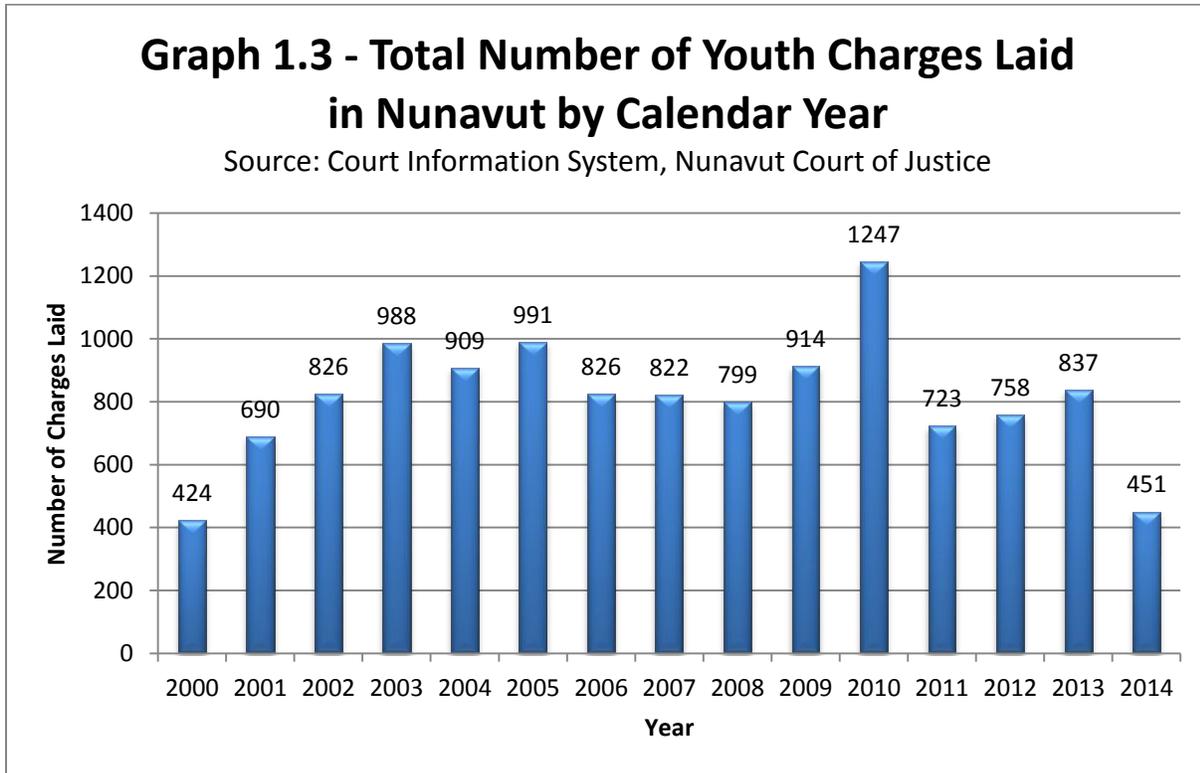
<sup>4</sup> Court Information, Criminal Registry, Nunavut Court of Justice

**Graph 1.2 – Total Adult Charges Laid in Nunavut, by Calendar Years 2000-2014**



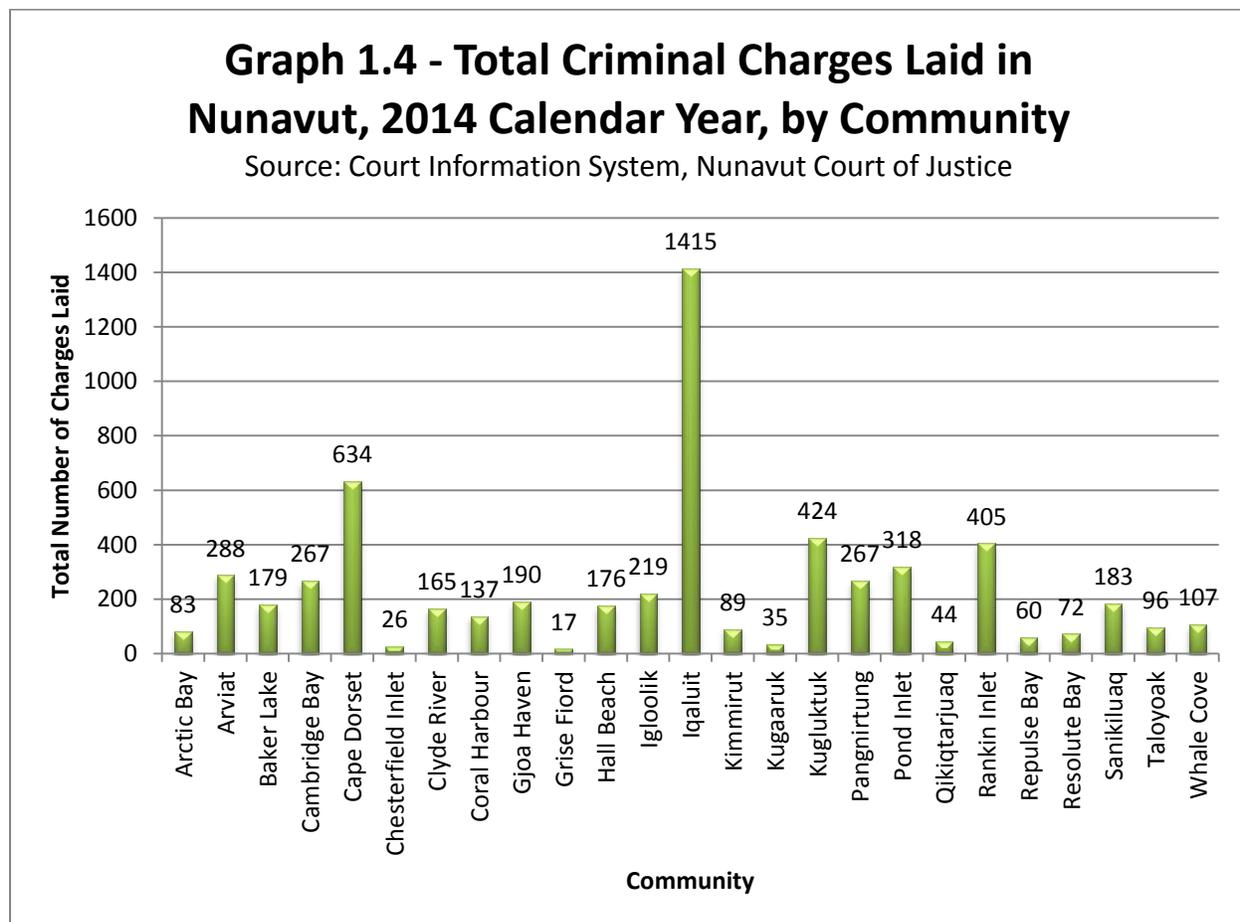
Graph 1.2 illustrates that the total number of adult charges laid in Nunavut have steadily increased since 2000. These numbers peaked in 2012 and have declined incrementally since then. 2014 has seen the greatest decrease in number of charges laid in the territory.

**Graph 1.3 – Total Youth Charges Laid in Nunavut, by Calendar Years 2000-2014**



Similar to the 2013 to 2014 trend in adult charges laid, the number of youth charges laid in Nunavut also dropped. The charge volume for youth in 2014 is now approaching the volume of charges laid in the year 2000.

**Graph 1.4 – Total Charges Laid, by Community, 2014**



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 24% of all criminal charges laid in Nunavut. Iqaluit accounts for 21% of Nunavut’s population.<sup>5</sup>

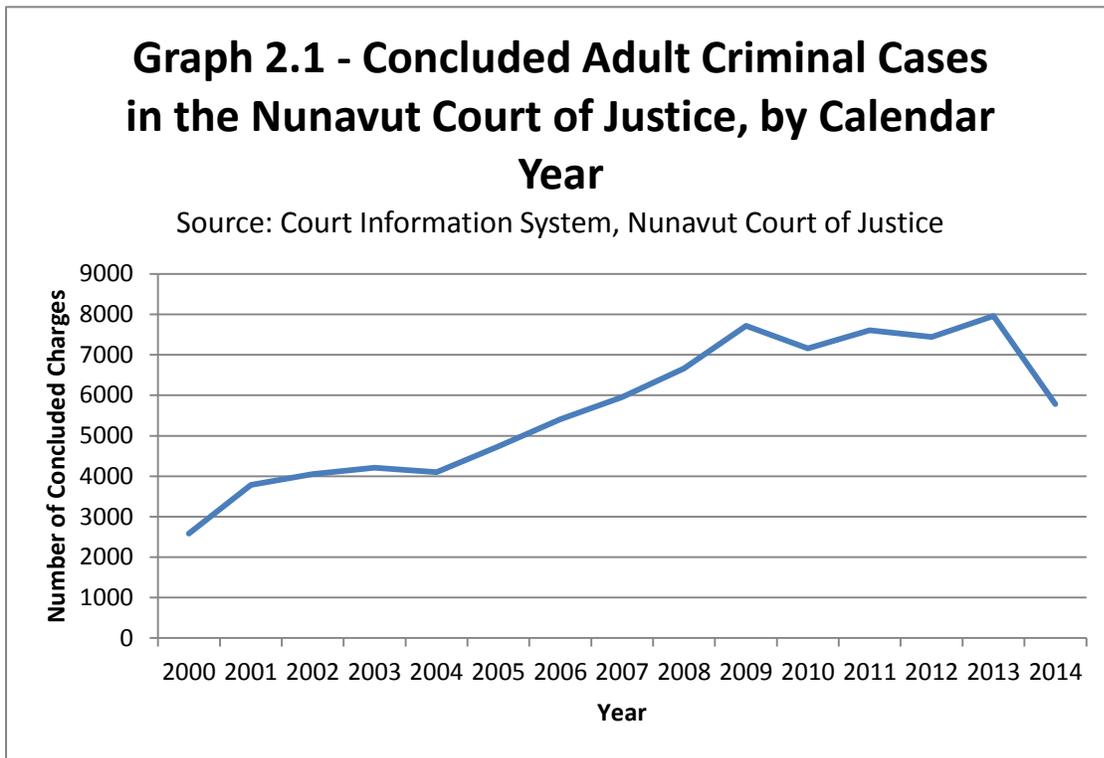
<sup>5</sup> Nunavut Bureau of Statistics, “Nunavut Population Estimates by Inuit and Non-Inuit, Region and Community, 2006 to 2014 (3 tables).xlsx”, online: <http://www.stats.gov.nu.ca/en/Population%20estimate.aspx> at *Population Estimates*, and Nunavut Bureau of Statistics, *Nunavut Quick Facts*, online: < <http://www.stats.gov.nu.ca/en/home.aspx> >.

## **PART 2**

### **2. Processing of Criminal Cases in Nunavut, by Calendar Years 2000-2014**

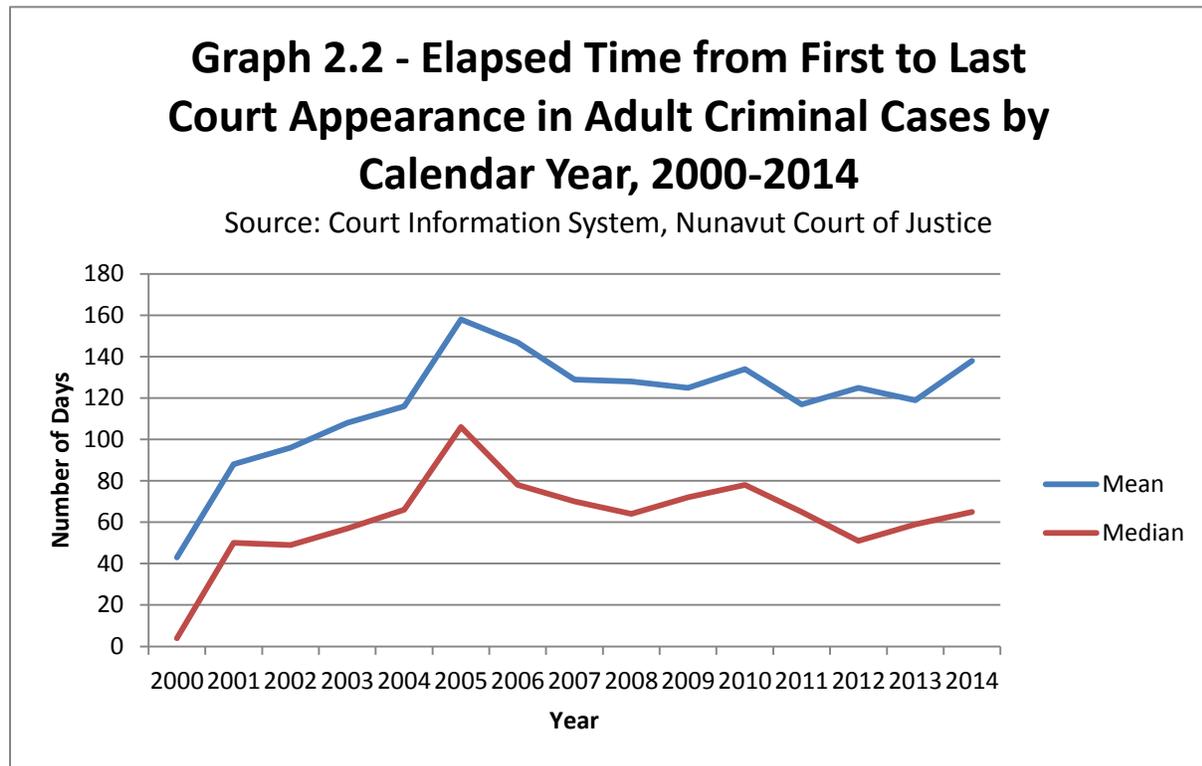
This section details the annual volumes of adult and youth criminal cases that the Court concluded (Graphs 2.1 and 2.3) and fluctuations in the length of time required to complete adult and youth criminal cases (Graphs 2.2 and 2.4). Graphs 2.2 and 2.4 provide a comparison of the median and mean time required to conclude criminal cases in the Territory. Part 2 Graphs include data from both the Nunavut Court of Justice and the Justice of the Peace Court.

**Graph 2.1 - Concluded Adult Criminal Cases in the Nunavut Court of Justice, 2000-2014**



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 is to be expected given the corresponding reduction in overall charge volume for the year.

**Graph 2.2 – Elapsed Time from First to Last Court Appearance in Adult Criminal Cases, 2000-2014**

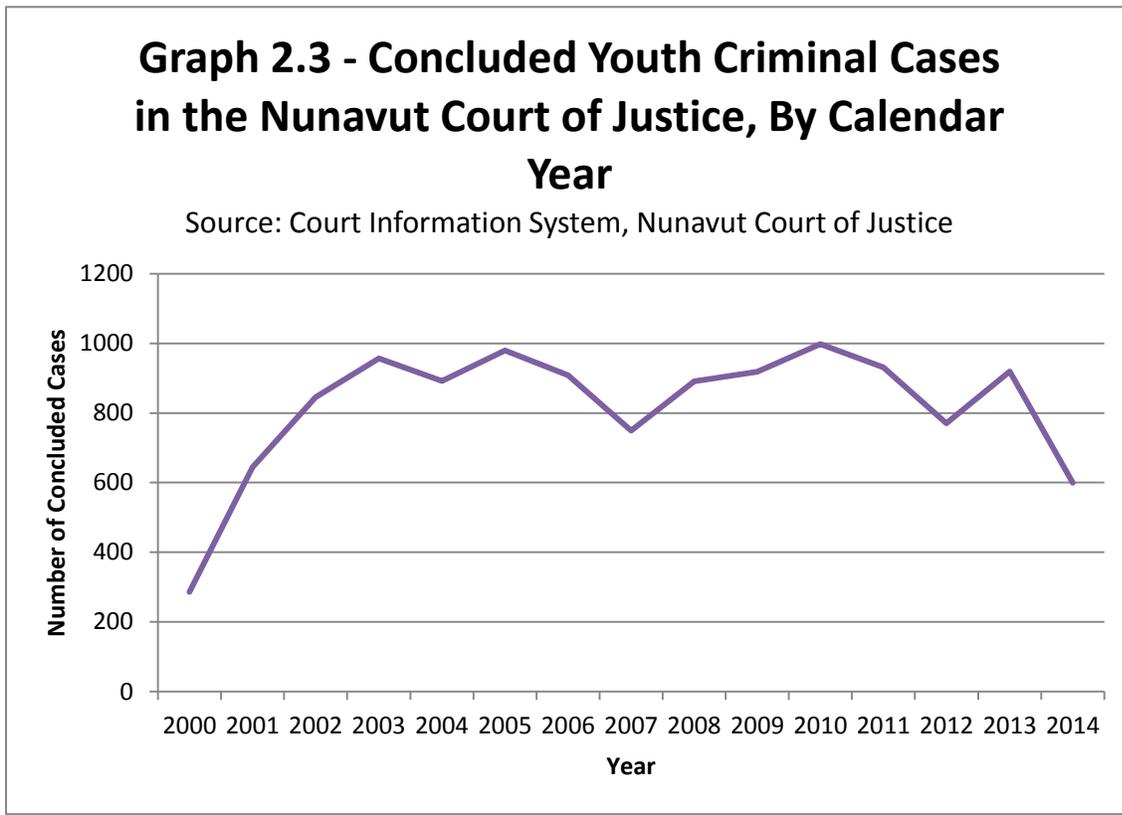


For the purposes of Graphs 2.2 and 2.4, the mean elapsed time is the average number of days from first to last court appearance, while the median elapsed time is the mid-point of the number of days between the first and the last court appearance. Where a case was opened and closed on the same day, this 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).

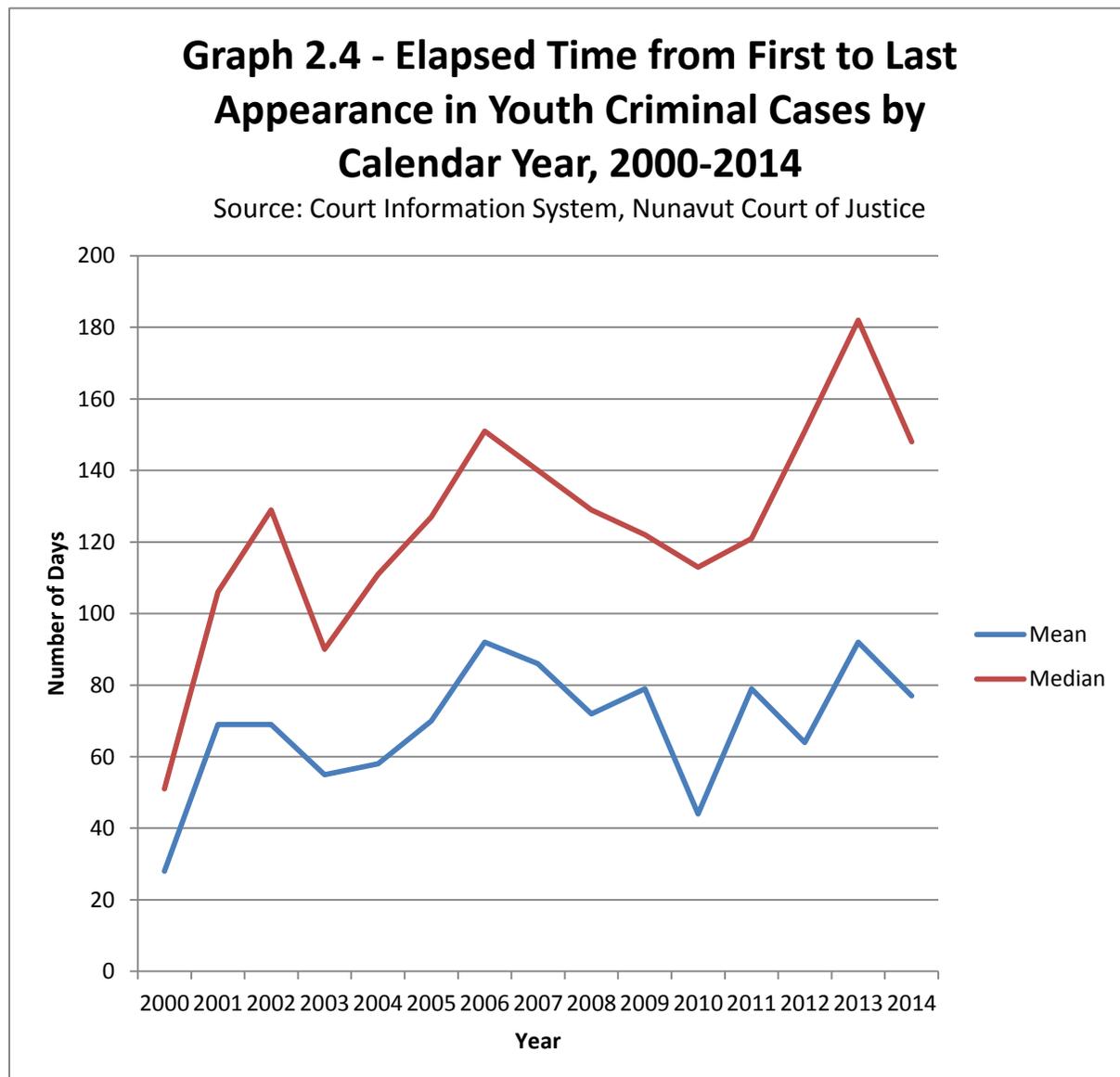
**Graph 2.3 – Concluded Youth Criminal Cases in the Nunavut Youth Justice Court, 2000-2014**



Similarly, Graph 2.3 displays the number of youth criminal cases concluded in the year specified and not the total caseload of the Nunavut Youth Justice Court for that year.

There was a fairly sharp decrease (919 to 599) in the amount of concluded youth criminal cases in the Nunavut Court of Justice from 2013 to 2014. This decline in the number of concluded cases is a reflection of the significant decrease in the overall volume of youth charges in Nunavut.

**Graph 2.4 – Elapsed Time from First to Last Court Appearance in Youth Criminal Cases, 2000-2014**



From 2013 to 2014, there was a sharp decrease in both the mean and median elapsed time from first to last appearance in youth criminal cases in the Nunavut Youth Justice Court. Graph 2.4 illustrates that the median value dropped from 92 days to 77 days. The mean time from first to last appearance for youth dropped from 182 to 148 days. This decrease is likely attributable to the Court doubling the frequency of youth court sittings in Iqaluit in 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. In late 2013, the judiciary implemented a rigorous case management system for all cases, both criminal and civil, requiring an estimated full day of court time. Case management enhances trial certainty and facilitates more effective control of the Court's sitting schedule. Case management under Practice Directive 41 is initiated well in advance of a trial, preliminary inquiry, *voir dire*, or *Charter* application. Complex matters originating in the communities that require a preliminary inquiry, *voir dire*, or *Charter* application may have these hearings scheduled for Iqaluit in advance of a trial date in the community of origin.

Practice Directive #39 was also implemented in 2013 to better manage the growing number and complexity of applications made under the *Canadian Charter of Rights and Freedoms*, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11. These applications continue to consume a significant amount of the Court's sitting time and add significantly to the complexity of criminal litigation in Nunavut. The increased number of these applications contributes to longer case processing times.

In 2013, the Judiciary introduced Practice Directive 44 to govern the Court's involvement in alternative judicial dispute resolution processes and case management for civil and family files.

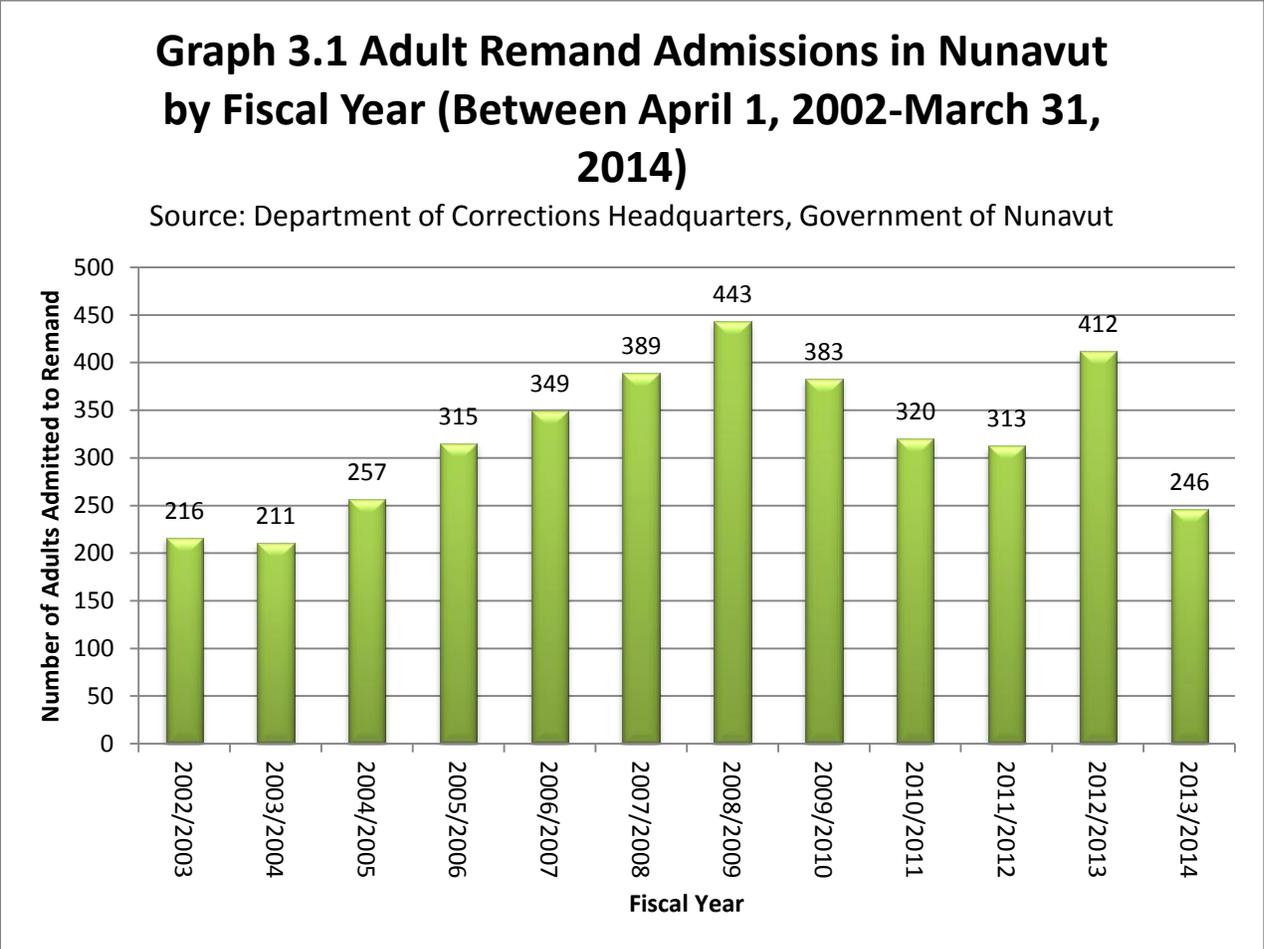
## **PART 3**

### **3. Use of Custodial Remand, Community Diversion, 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.

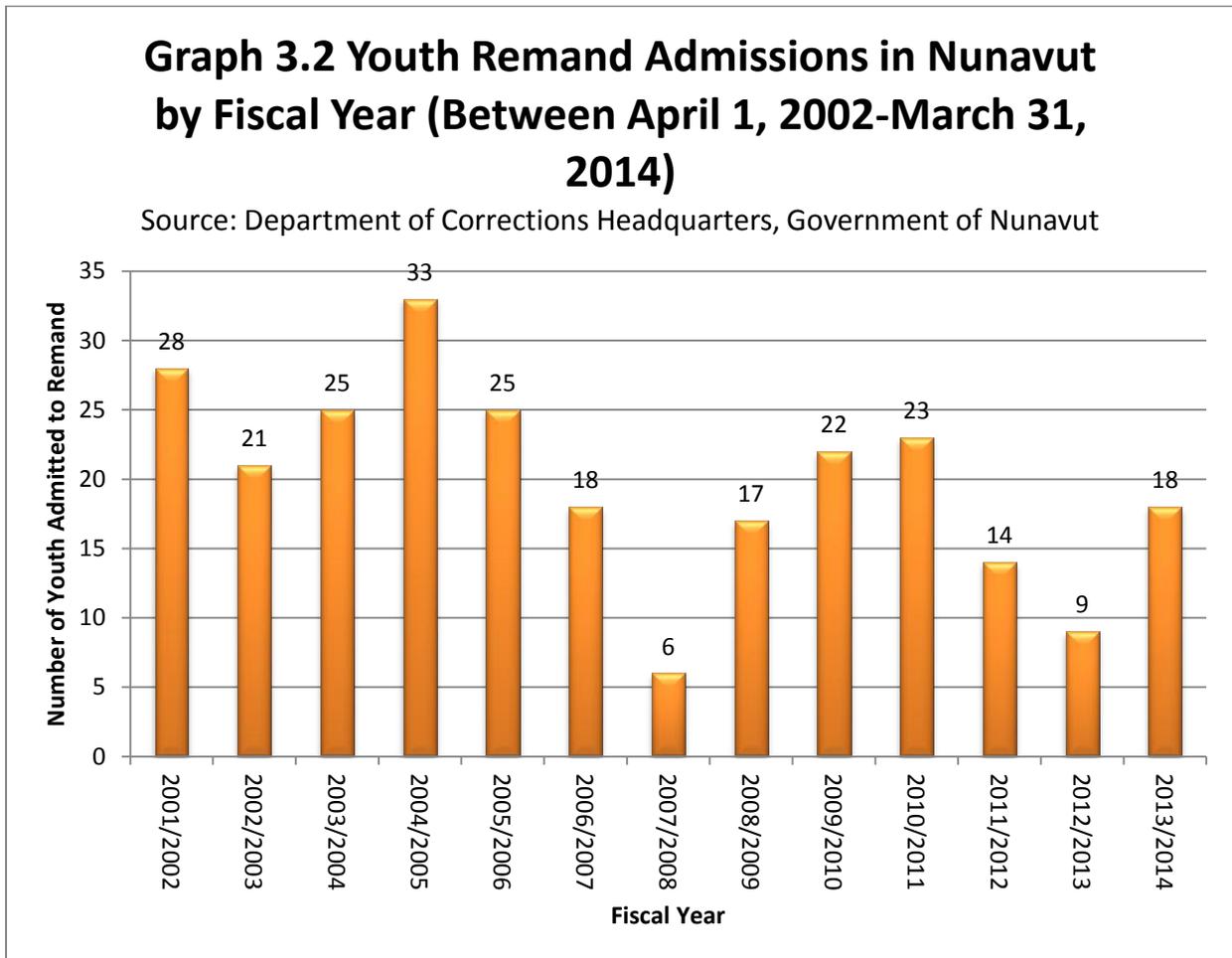
In 2014, the average length of time adults spent in remand increased slightly in the 2013/2014 fiscal year (Graph 3.3). Adult remand admissions in 2014 are down significantly (see graph 3.1), while youth remand admissions have doubled (graph 3.2).

**Graph 3.1 – Adult Remand Admissions in Nunavut, by Fiscal Year, 2002-2014**



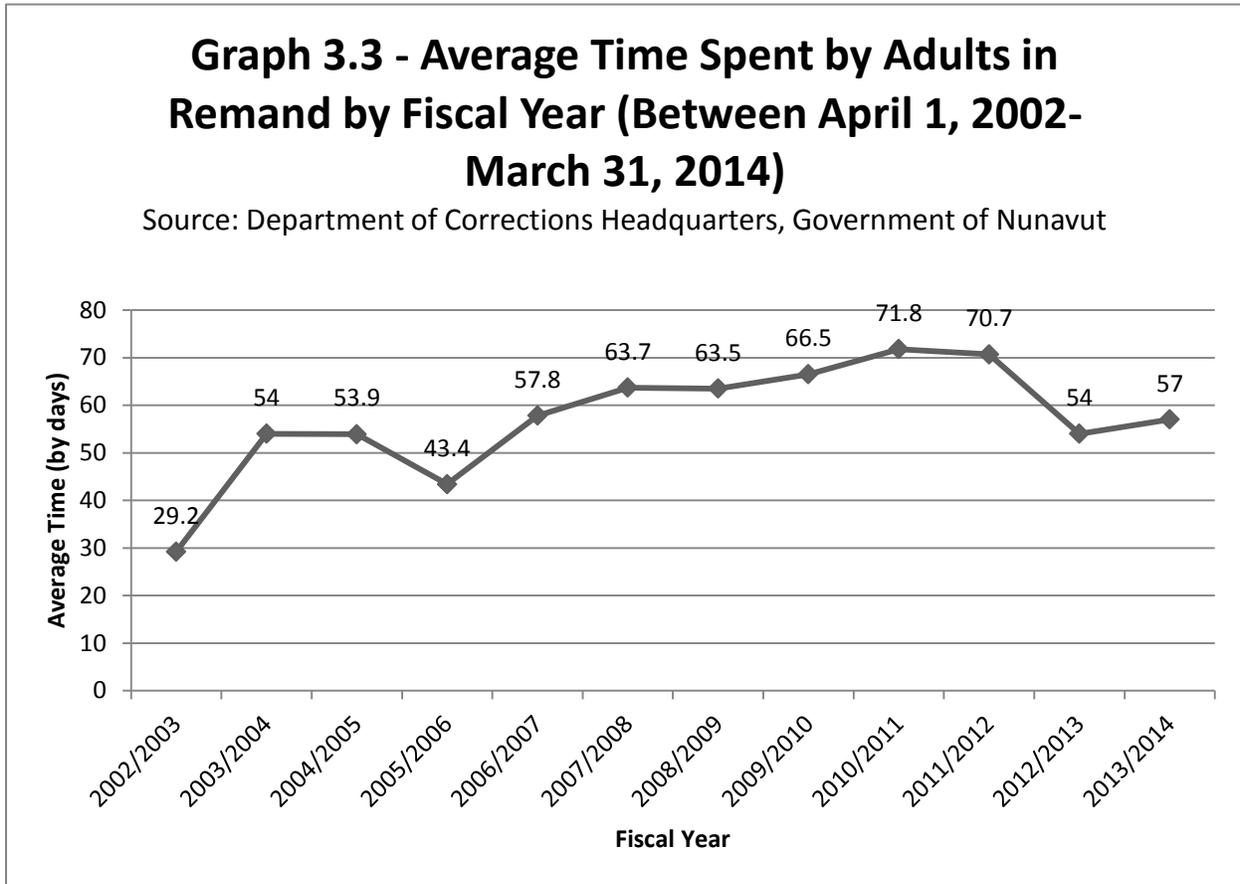
The amount of adult remand admissions has varied since the 2002/2003 fiscal year, peaking in 2008/2009 and declining thereafter, with a spike increase of 412 in 2012/2013.

**Graph 3.2 – Youth Remand Admissions in Nunavut by Fiscal Year (Between April 1, 2013-March 31, 2014)**



The amount of youth remand admissions has varied frequently over the years. In the last fiscal year, 2013/2014, remand admissions doubled to 18 from 9 in the previous fiscal year.

**Graph 3.3 – Average Time Spent by Adults in Remand, by Fiscal Year, 2002-2014**

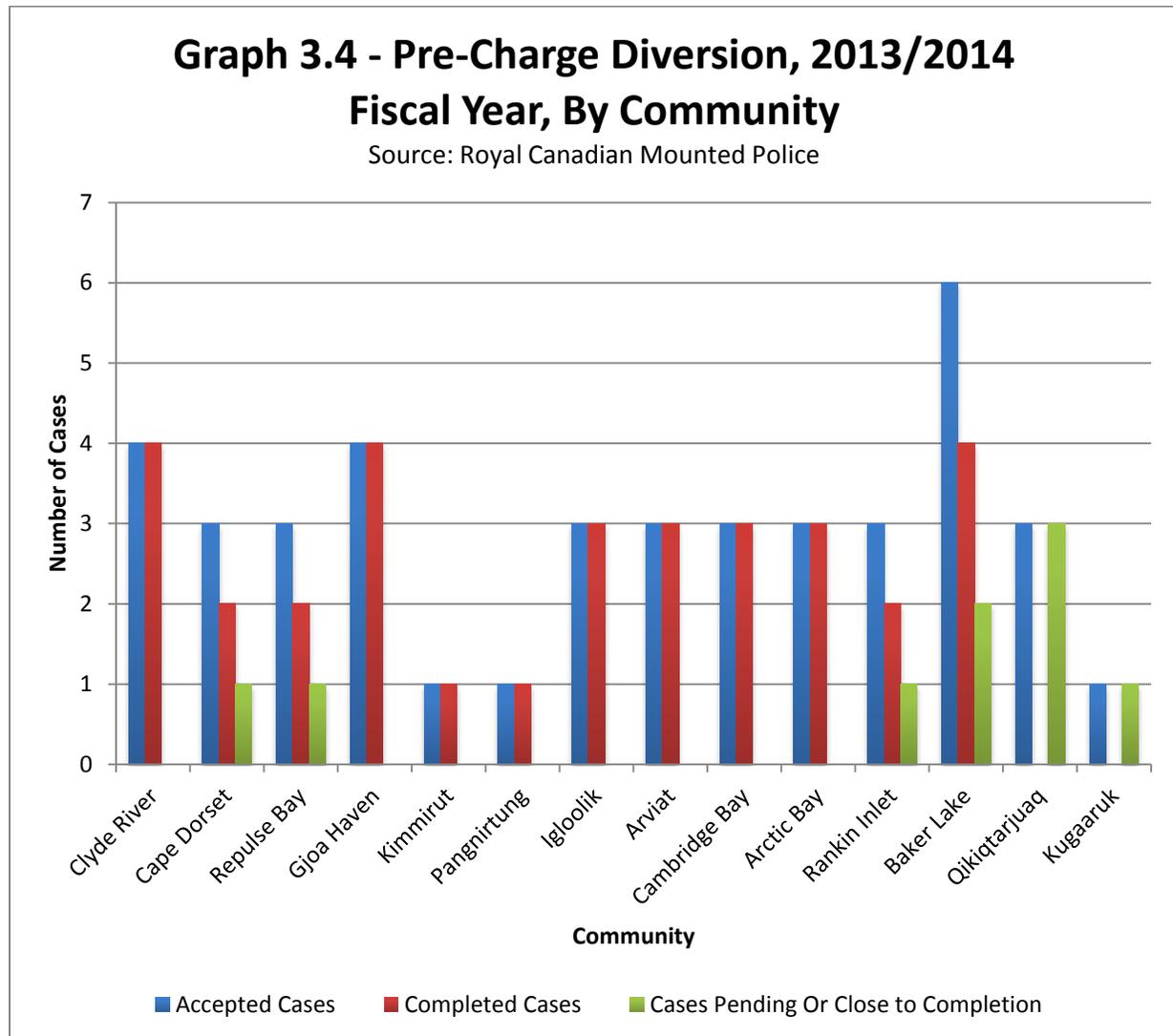


The average time that adults are spending in remand custody has had a steady increase from the fiscal year 2002/2003 up to 2010/2011. This general trend changed to a decrease from 2010/2011 to 2013/2014.

## Community Justice Diversion in Nunavut

*Community Justice Diversion* is a program designed to divert and resolve cases by focusing on reconciliation between the accused, victims of the crime committed, and the community in which the crime occurred. Generally low-level violence cases and low-level crimes like property offences will be diverted, and the law obliges the prosecutor to divert youth cases whenever possible.

**Graph 3.4 – Pre-Charge Diversion in Nunavut, by Community, 2013/2014 Fiscal Year**



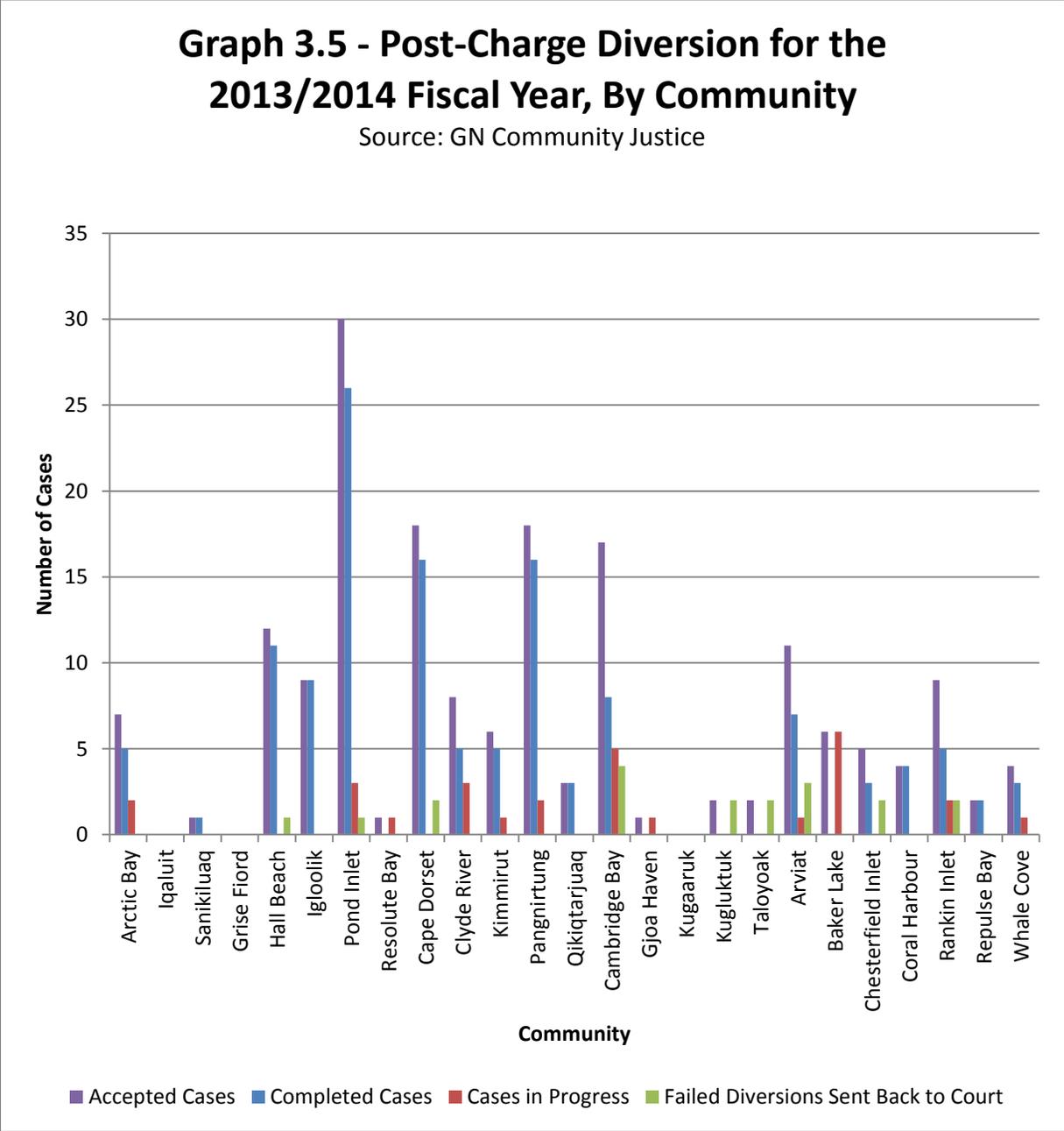
Citizens can be referred to the Community Justice Diversion program by the police before a charge is laid. Instead of going to Court, these persons are referred to Justice Committees (stand-alone committees appointed by the Minister of Justice). This is referred to as “Pre-charge Diversion” and is illustrated in Graph 3.4.

There were no failed pre-charge diversions in Nunavut that resulted in charges being referred to the Court.

Iqaluit did not have a functioning Justice Committee in 2014. While there were no pre-charge diversions available for youth in Nunavut's capital, a small number of post-charge diversions were processed as a result of agreements being worked out between the Crown and Defence. Courtesy supervision of the terms of these agreements was provided by community corrections officers.

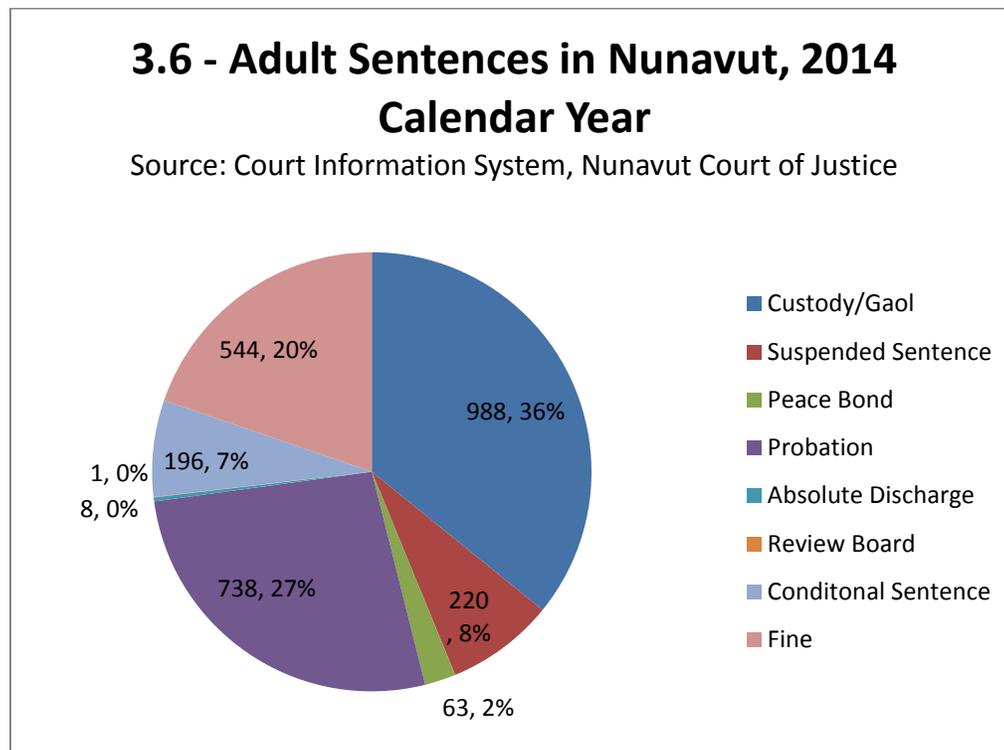
Graphs 3.4 and 3.5 do not list all of Nunavut's communities. Those communities excluded from these graphs did not have a pre-charge or post-charge diversion program.

Graph 3.5 – Post-Charge Diversion in Nunavut, by Community, 2013/2014 Fiscal Year



The prosecution can refer an accused to the program after a charge is laid and the accused has appeared in Court. This is referred to as “Post-Charge Diversion” and is illustrated in (Graph 3.5). This is where the RCMP has laid a charge and the charge has been sent to the *Public Prosecution Service of Canada* (Crown) office. The Crown may then decide whether or not to refer the case to diversion. A Judge or a Justice of the Peace may also refer a case to the diversion program. Graph 3.5 illustrates that the larger more urban communities that have more resources also have more cases that are referred to the diversion process.

**Graph 3.6 - Adult Sentencing Statistics in Nunavut 2014 Calendar Year**



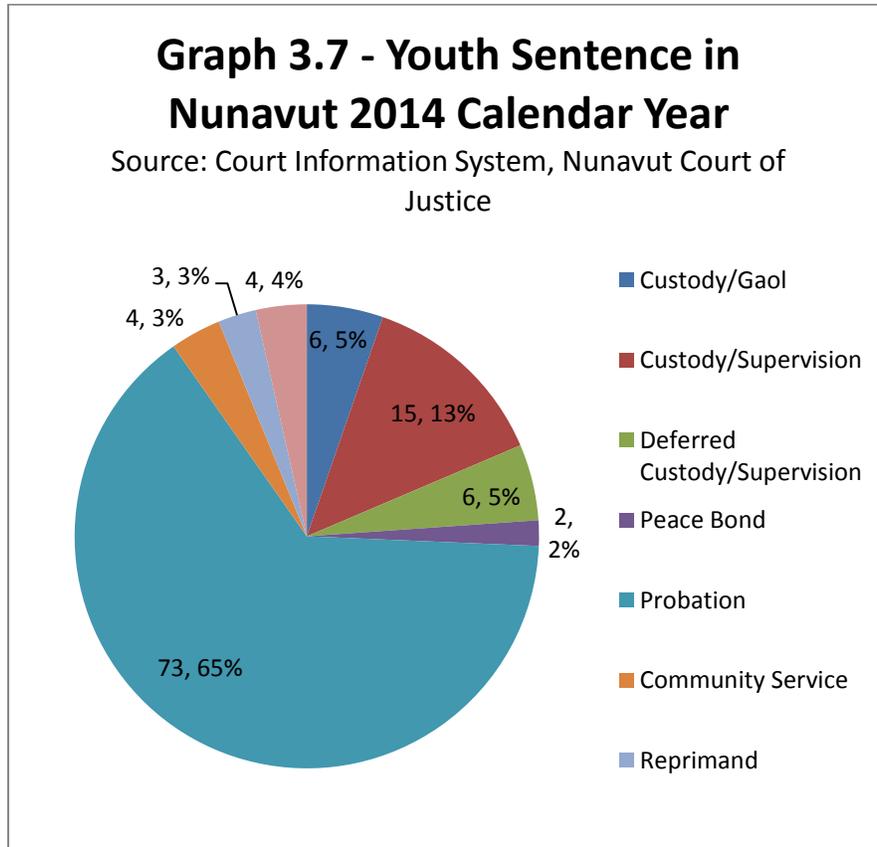
**Note:** for Graphs 3.6 and 3.7, there may be changes in the data from 2013 to 2014 due to possible data corrections.

In 2014, all communities have an Appointed Justice Committee with the exception of Igloolik, Hall Beach, Kimmirut, Qikiqtarjuaq, Resolute Bay, and Repulse Bay.<sup>6</sup> There are Community Justice Outreach Workers in all communities except Chesterfield Inlet, Rankin Inlet, Kugaaruk, Kugluktuk, and Iqaluit.

In the 2013 and 2014 calendar years, probation was the most frequently imposed sentence on adults (Graph 3.6).

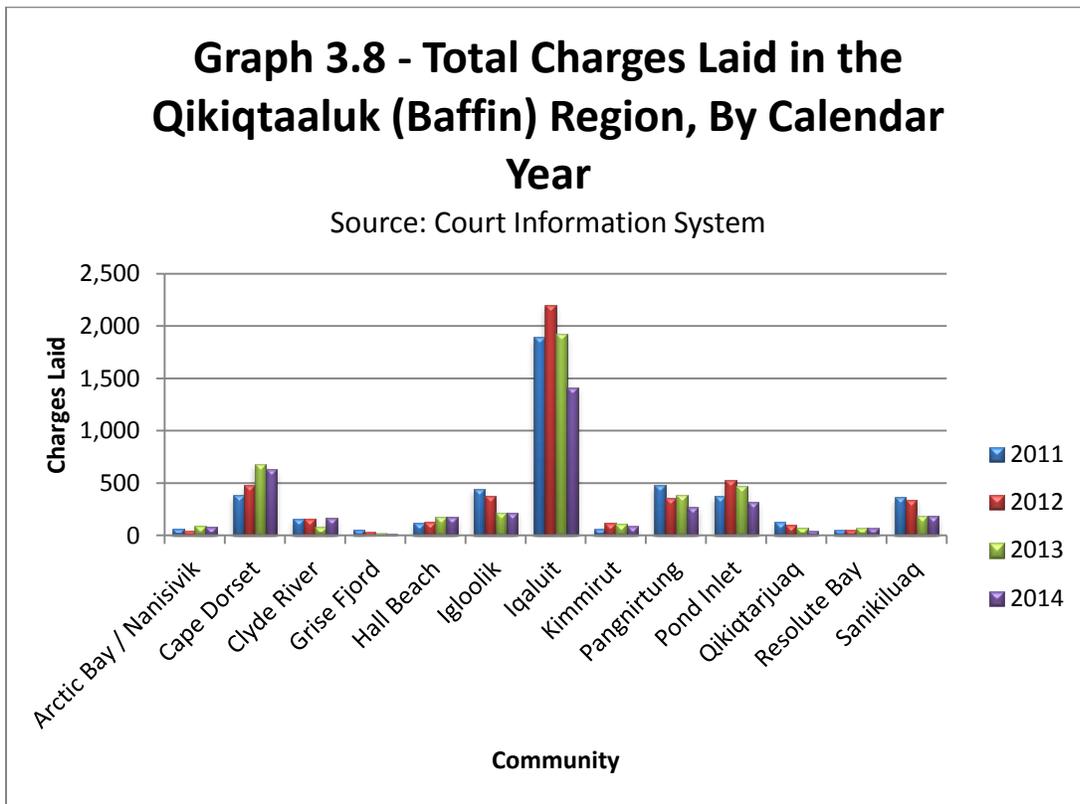
<sup>6</sup> Personal communication, Jenna Rintoul, Community Justice, Government of Nunavut, 2015.

**Graph 3.7 - Youth Sentencing Statistics in Nunavut 2014 Calendar Year**



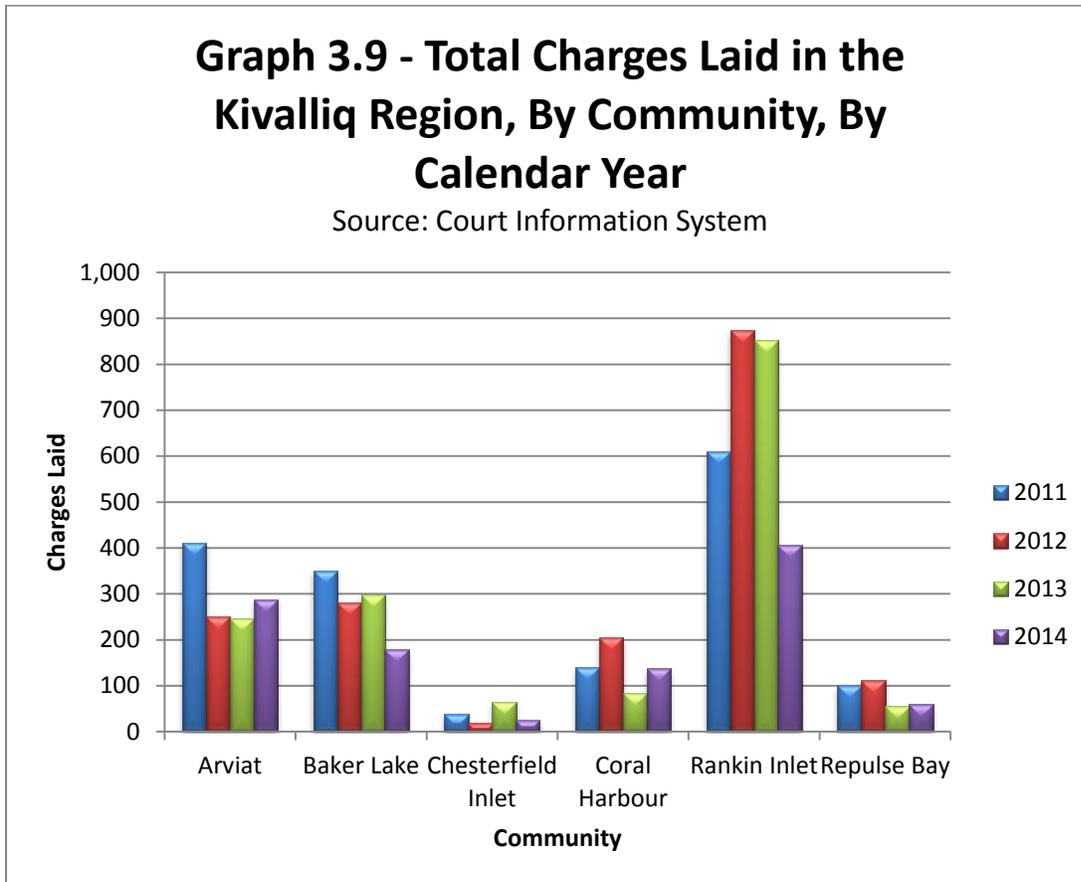
Similar to the adult sentences, in the 2013 and 2014 calendar years probation was the most frequently imposed sentence on youth (Graph 3.7).

**Graph 3.8 – Total Charges Laid in the Qikiqtaaluk Region, By Community, By Calendar Year**



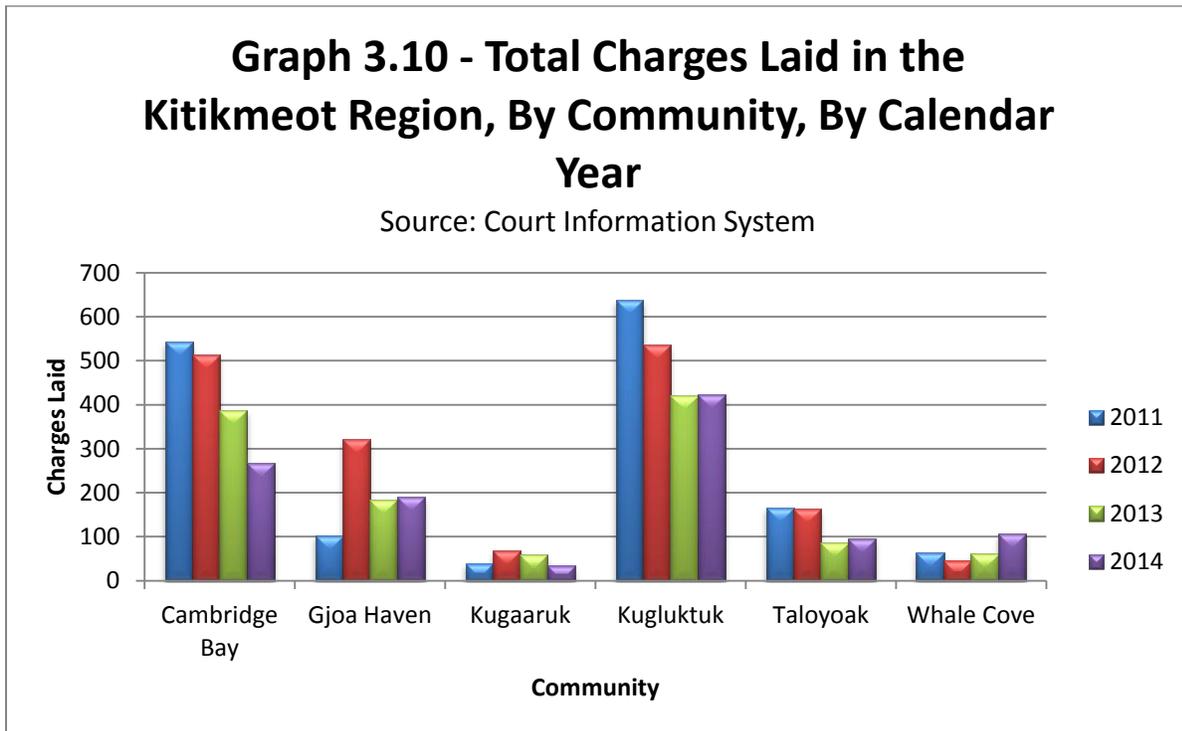
Similar to Graph 1.4, the total amount of criminal charges laid in Nunavut is fairly proportionate to the population levels throughout Nunavut. Larger communities such as Iqaluit, Cape Dorset, and Pond Inlet have the most charges laid in the Qikiqtaaluk region.

Graph 3.9 – Total Charges Laid in the Kivalliq Region, By Community, By Calendar Year



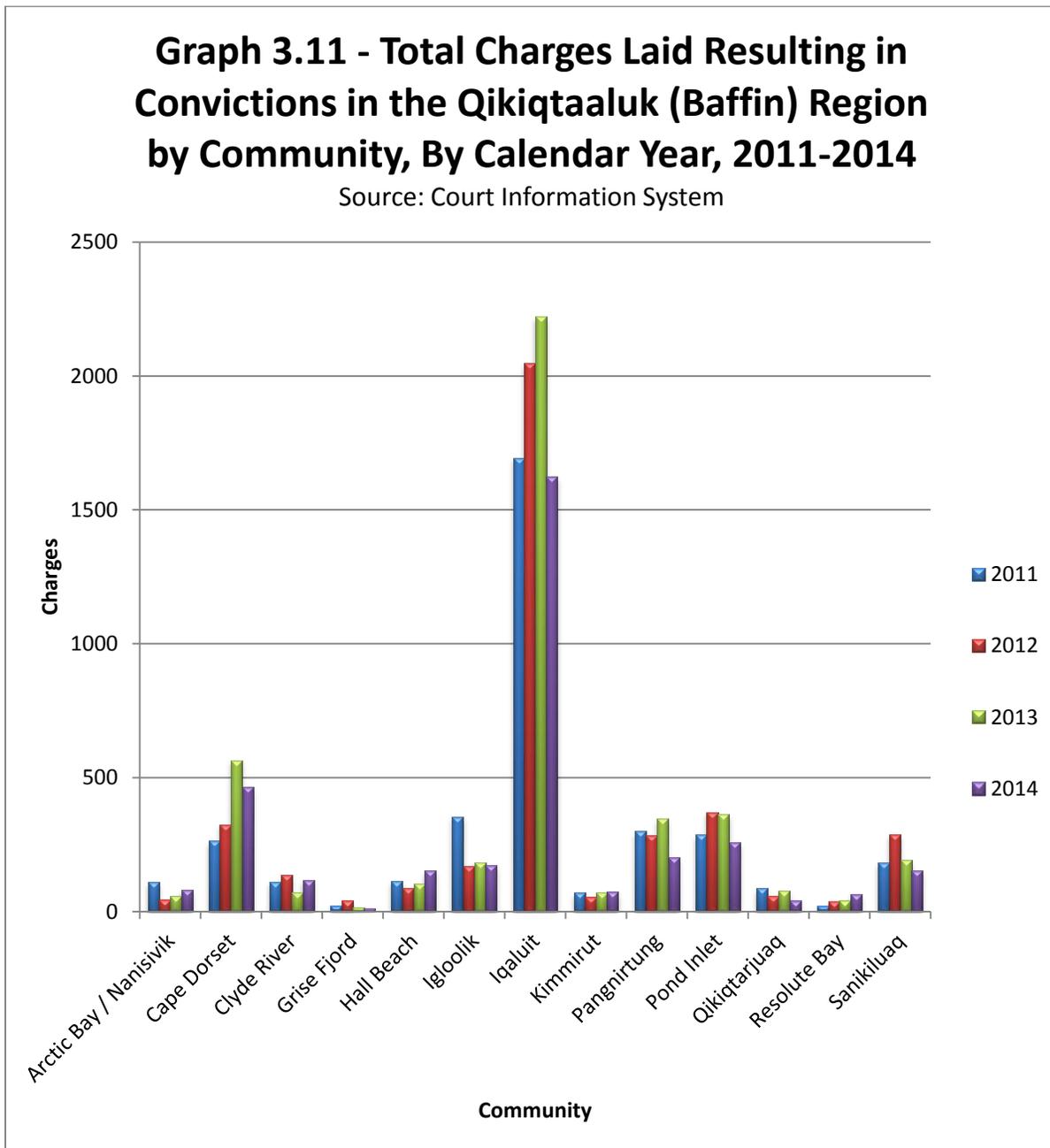
The total number of charges laid in the Kivalliq region (Graph 3.9) vary from community to community with higher numbers in the more populated Rankin Inlet. Notably, however, there was a significant decrease from 2013 to 2014.

**Graph 3.10 – Total Charges Laid in the Kitikmeot Region, By Community, By Calendar Year**



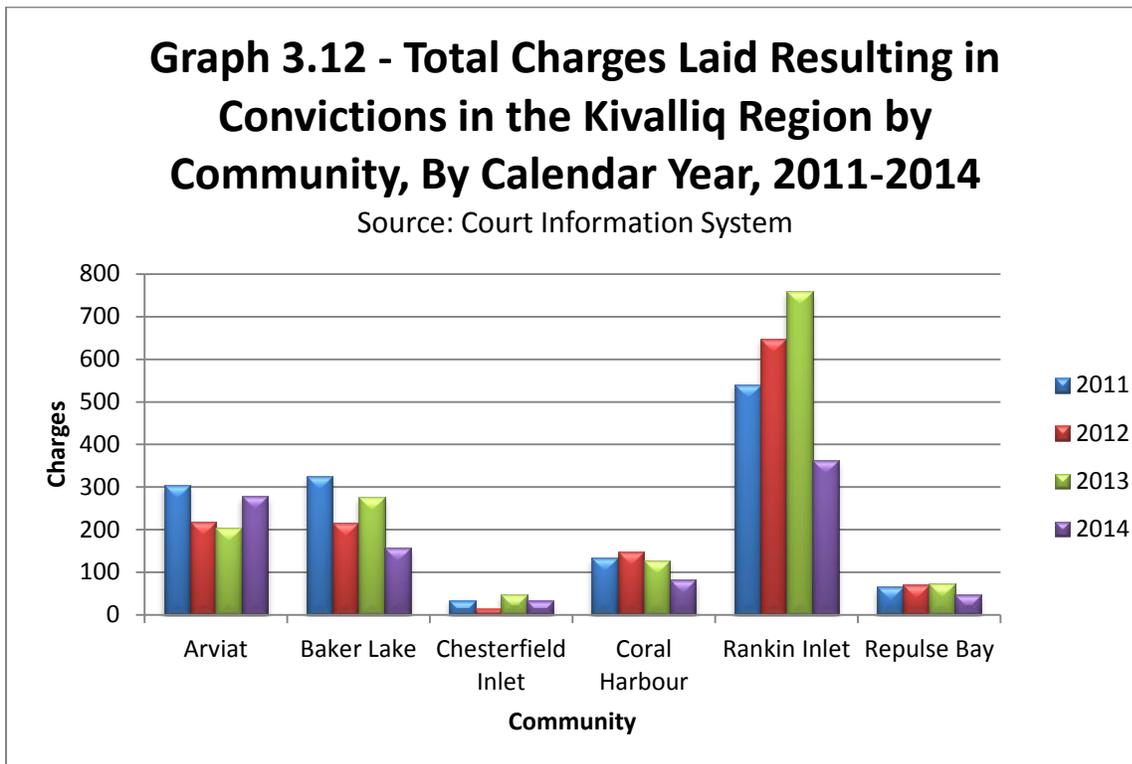
Graph 3.10 illustrates an overall trend of decreasing charges laid in the Kitikmeot region. The most substantial decreases overall are seen in the largest Kitikmeot communities of Cambridge Bay and Kugluktuk.

**Graph 3.11 - Total Charges Laid Resulting in Convictions in the Qikiqtaaluk (Baffin) Region by Community, By Calendar Year, 2011-2014**



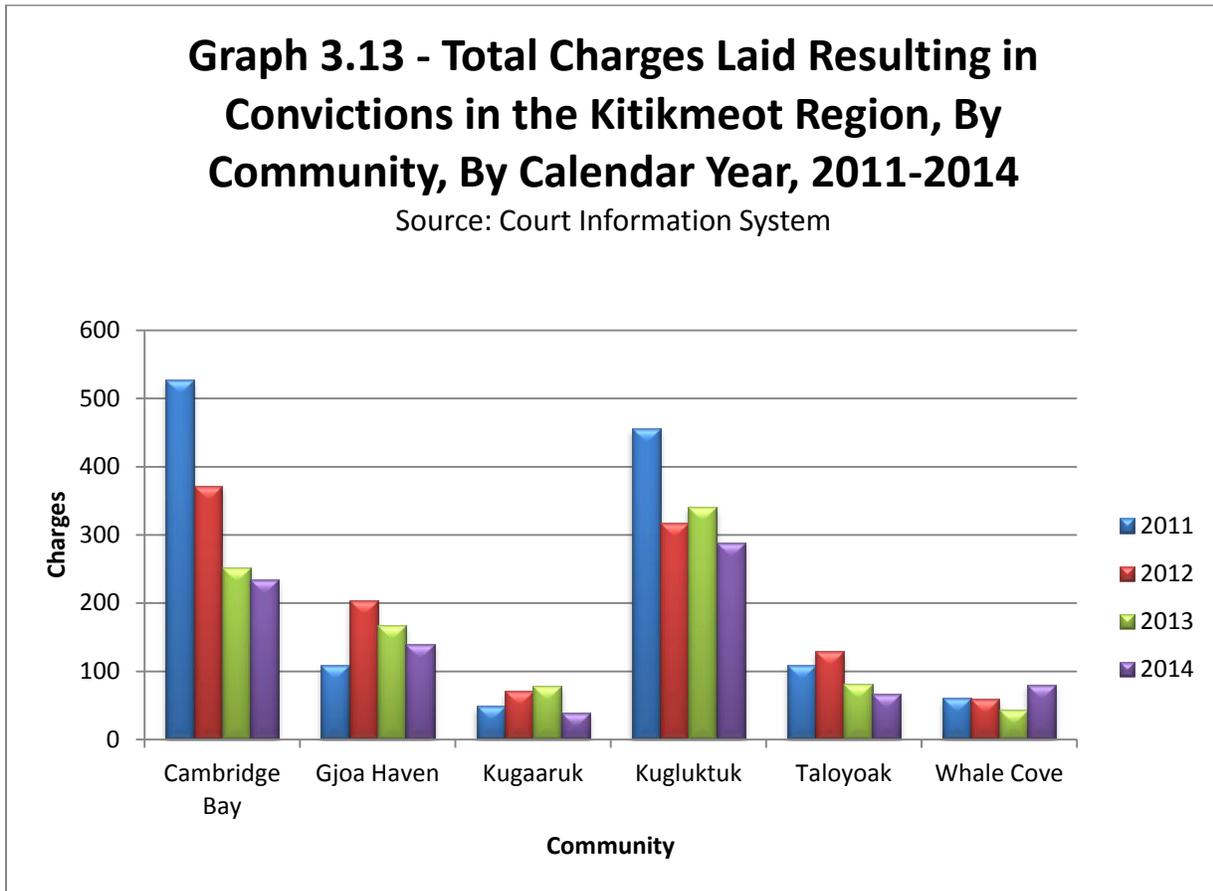
Graph 3.11 illustrates an overall trend of decreasing charges laid, resulting in convictions, in the Qikiqtaaluk region. Again, the highest number were laid in Iqaluit as proportional to population, but note the sharp decrease in charges resulting in convictions from 2013 to 2014.

**Graph 3.12 - Total Charges Laid Resulting in Convictions in the Kivalliq Region by Community, By Calendar Year, 2011-2014**



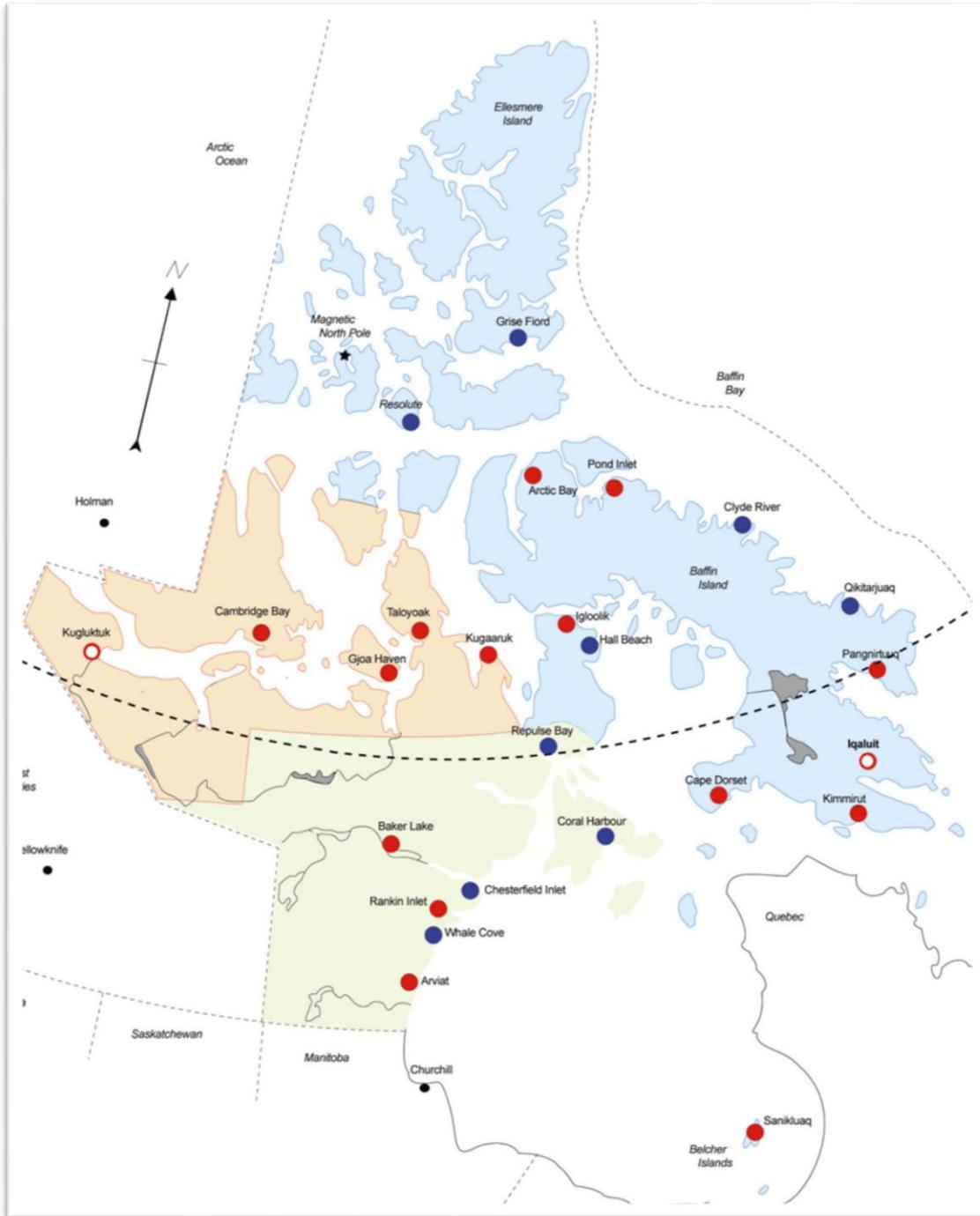
Graph 3.12 illustrates an overall trend of decreasing charges laid resulting in convictions in the Kivalliq region. Again, the highest numbers were in Rankin Inlet (proportional to population), but note the sharp decrease in charges resulting in convictions from 2013 to 2014.

**Graph 3.13 - Total Charges Laid Resulting in Convictions in the Kitikmeot Region, By Community, By Calendar Year, 2011-2014**



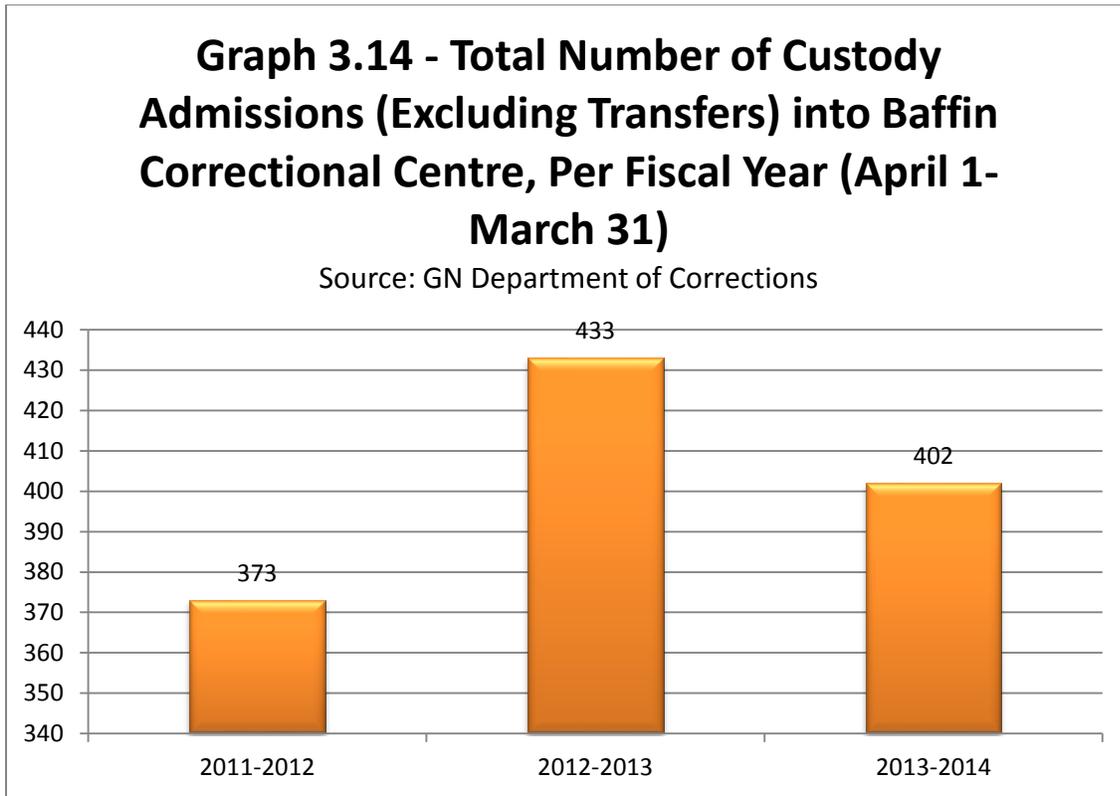
Graph 3.14 illustrates an overall trend of decreasing charges laid resulting in convictions in the Kitikmeot region. The most substantial decreases overall are seen in the largest Kitikmeot communities of Cambridge Bay and Kugluktuk.

Map 1 - Availability of Probation Officer Map



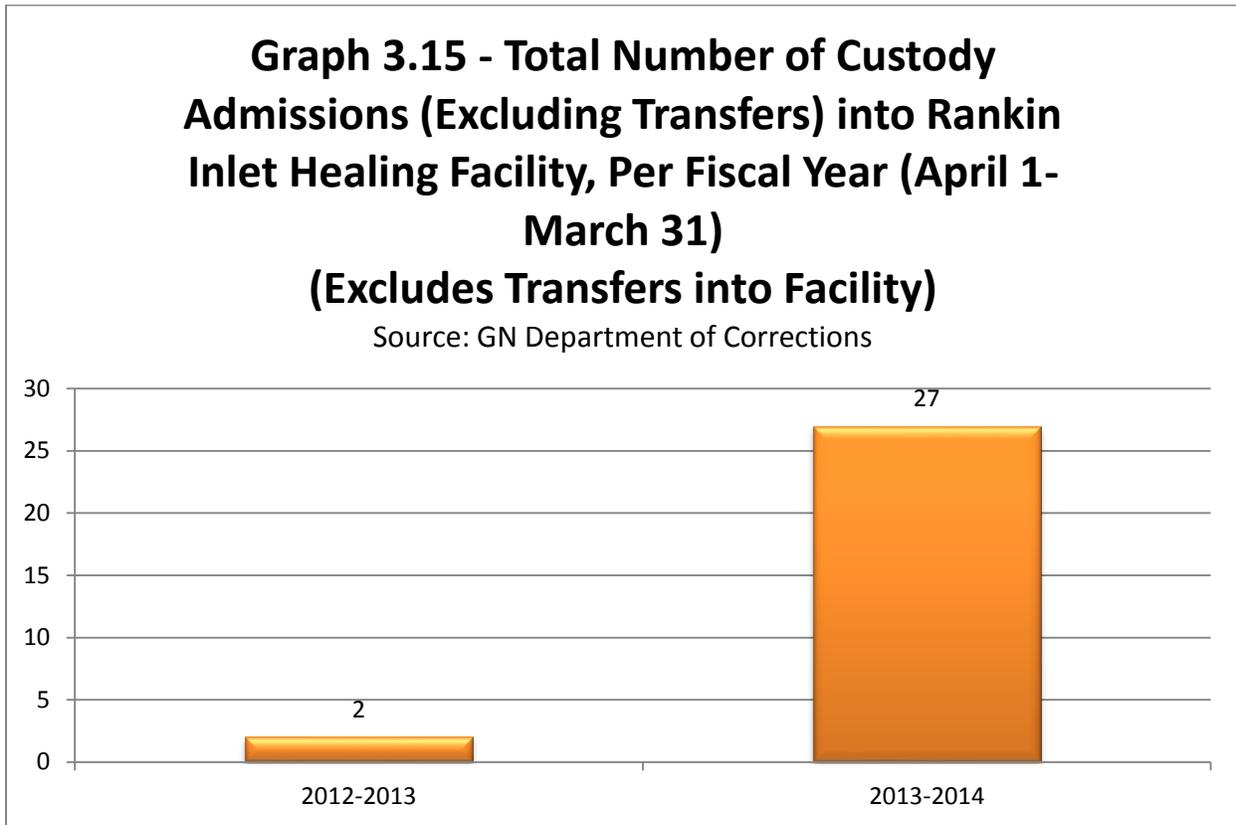
Map 1 depicts the availability of probation officers in the territory as of March 2015. The red dots indicate communities where there are resident probation officers. The blue dots indicate communities where there are no resident probation officers, but receive coverage by probation officers from other communities by phone and/or travel. The red dots with white centres indicate communities where there are vacancies in probation officer positions.

**Graph 3.14 – Total Number of Custody Admissions (Excluding Transfers) into Baffin Correctional Centre, Per Fiscal Year (April 1-March 31)**



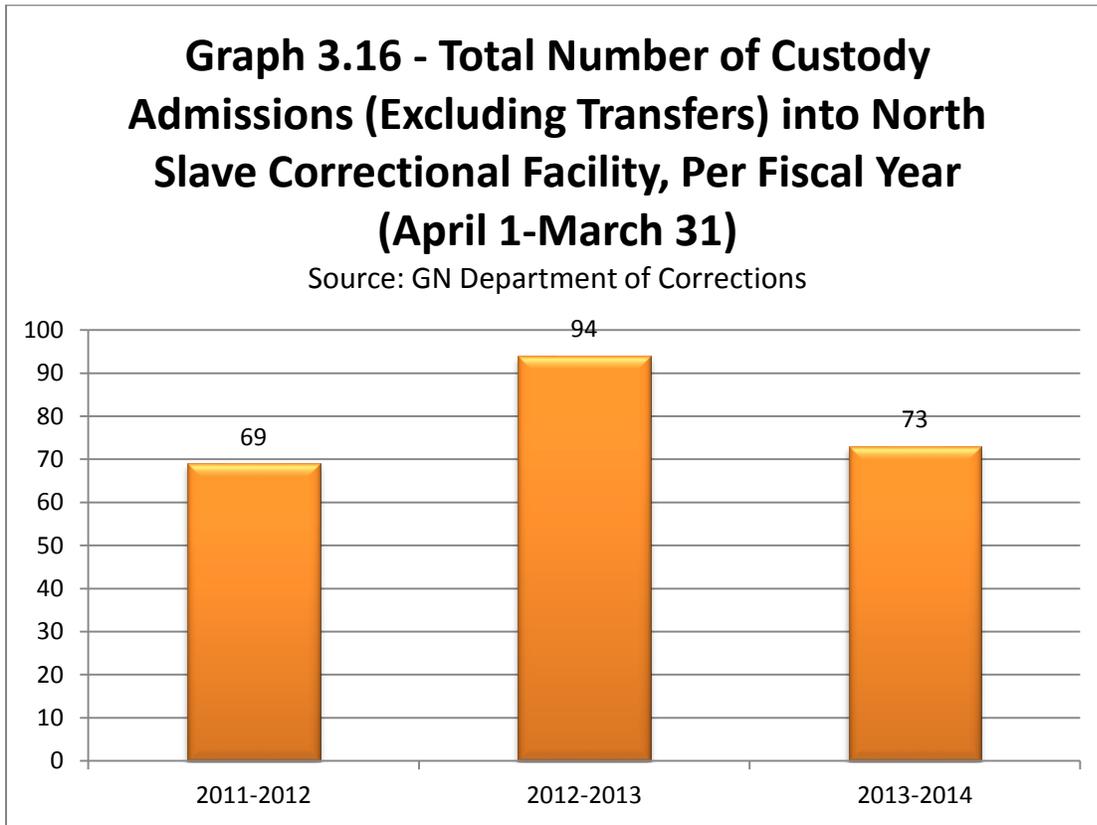
Graph 3.14 illustrates that there was a decrease in the number of admissions into the Baffin Correctional Centre in 2013-2014. While the admissions were lower in 2013-2014 than the previous reporting period, the number still represents an increase over the 2011-2012 period.

**Graph 3.15 – 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 2013-2014 year as a result of the increase in operational capacity. Trends relating to admissions at this facility will be more discernible over time since it currently remains a relatively new facility.

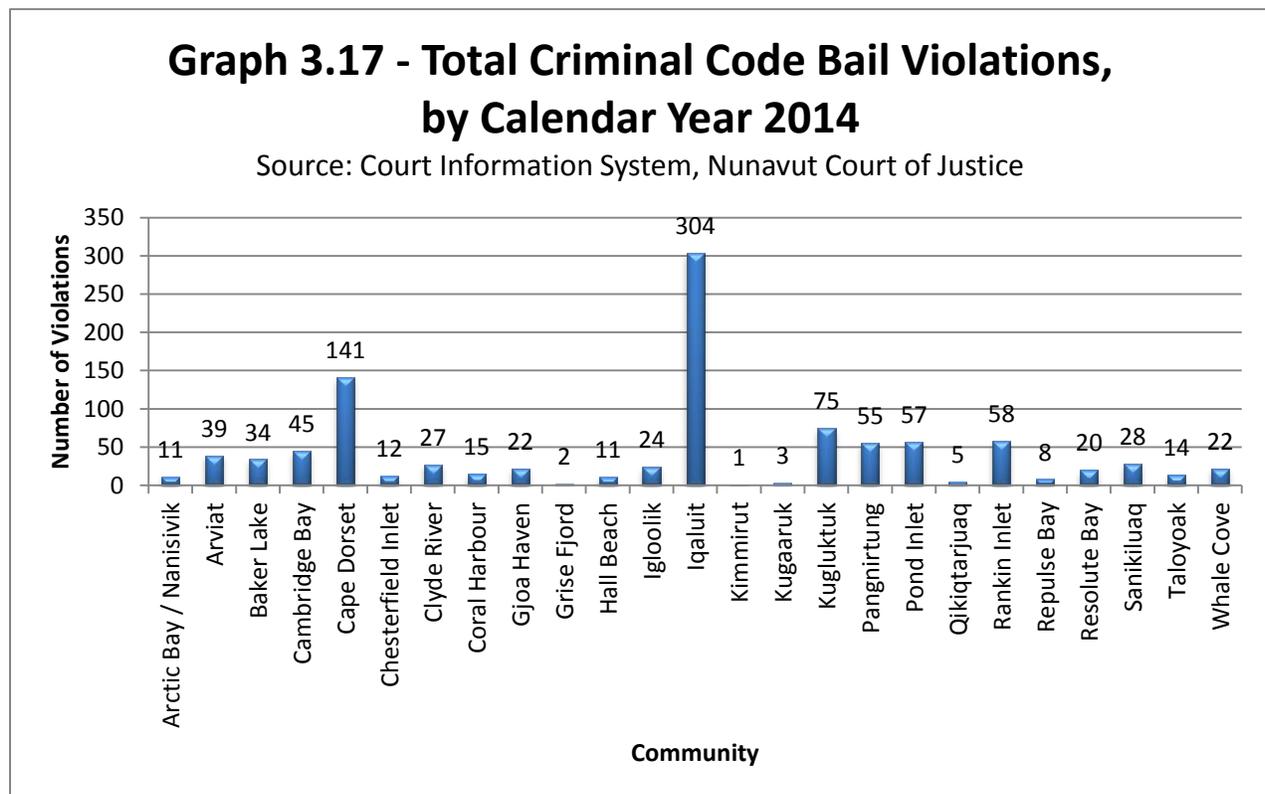
**Graph 3.16 – Total Number of Custody Admissions (Excluding Transfers) into North Slave Correctional Facility, Per Fiscal Year (April 1-March 31)**



Graph 3.16 illustrates, similar to graph 3.14 (Baffin Correctional Institution admissions), that the number of admissions was lowest in the 2011-2012 year and increased to its peak in the 2012-2013 year and then declined in the 2013-2014 year.

## Bail Violations

Graph 3.17 - Total *Criminal Code* Bail Violations, by Calendar Year 2014



Graph 3.17 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).

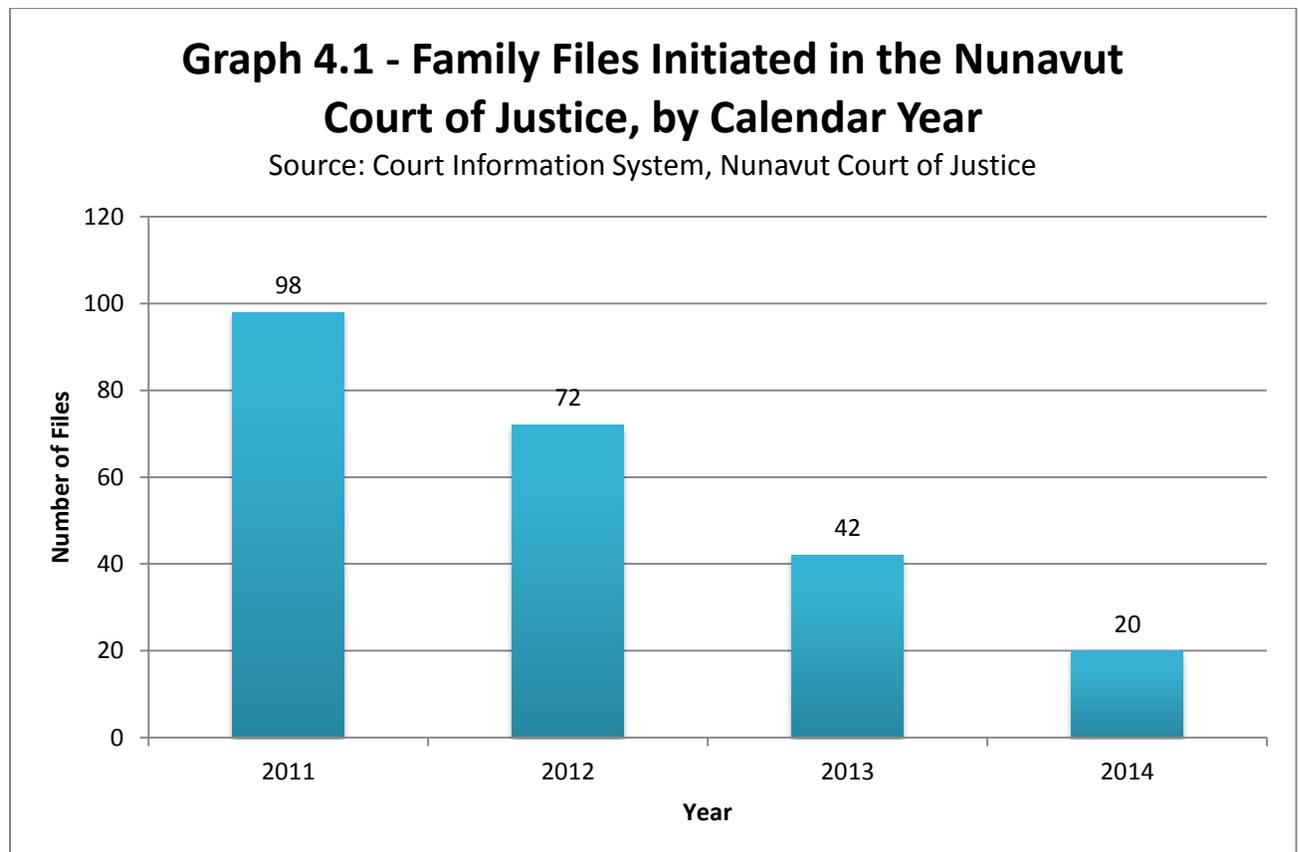
Graph 3.17 illustrates, similar to graph 3.8, that overall, across all of the communities, the amount of bail violations is proportional to the larger populations of Iqaluit, Cape Dorset, Kugluktuk, Rankin Inlet, Pond Inlet, and Pangnirtung having the highest number of bail violations.

## PART 4

### 4. Family Files

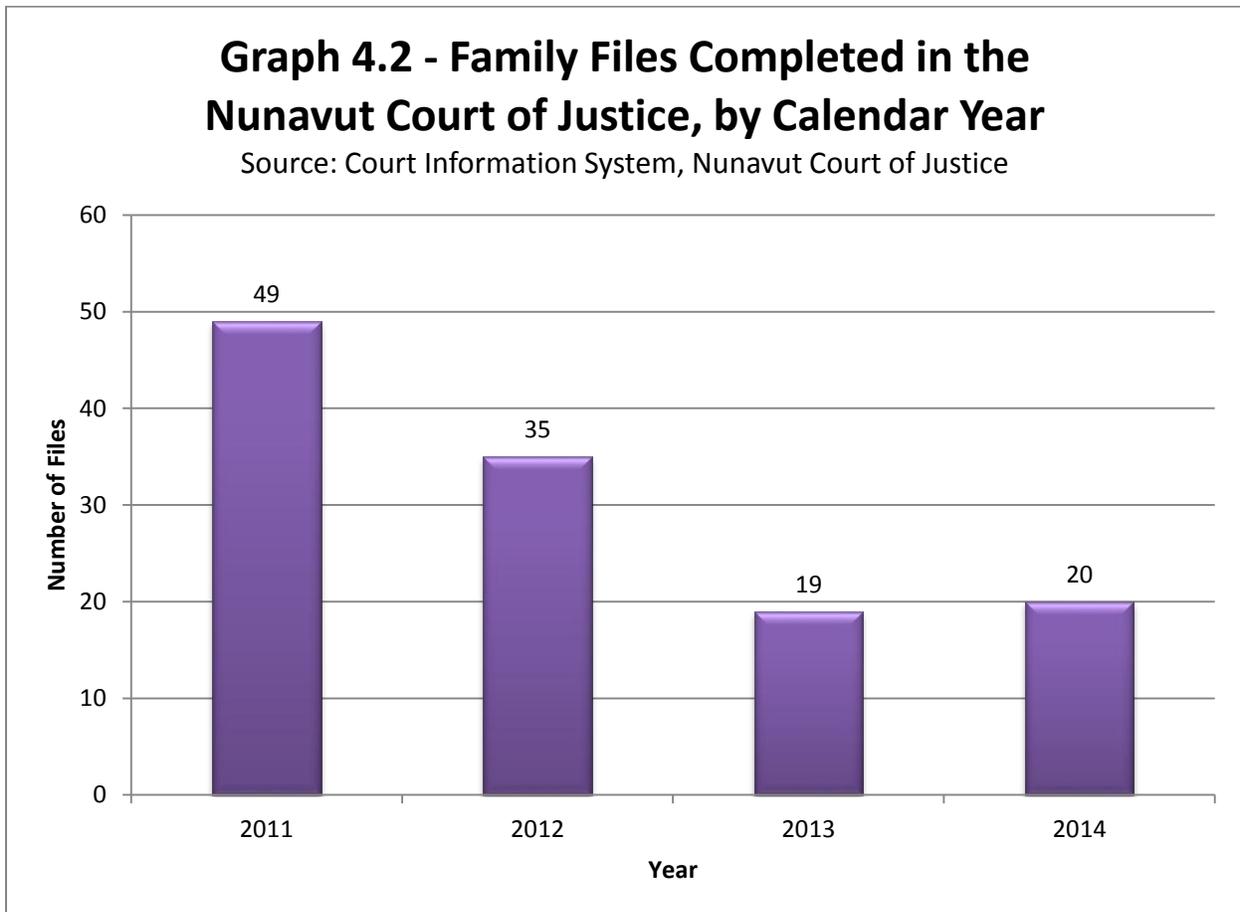
The graphs in this section represent different categories of family court files that were opened in each of the last four calendar years (2011-2014). Note that none of the graphs in this section depict the total volume of family matters being processed by the Court in a given year. While the goal is always to resolve family files quickly, particularly where children are involved, it is not always possible to conclude matters within the same year the file is opened.

**Graph 4.1 – Family Files Initiated in the Nunavut Court of Justice, by Calendar Year, 2011-2014**



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 is a steady decrease in amount of family files initiated in the Nunavut Court of Justice. In 2014, the amount of files initiated has decreased to 1/5 of the amount of files initiated in 2011.

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

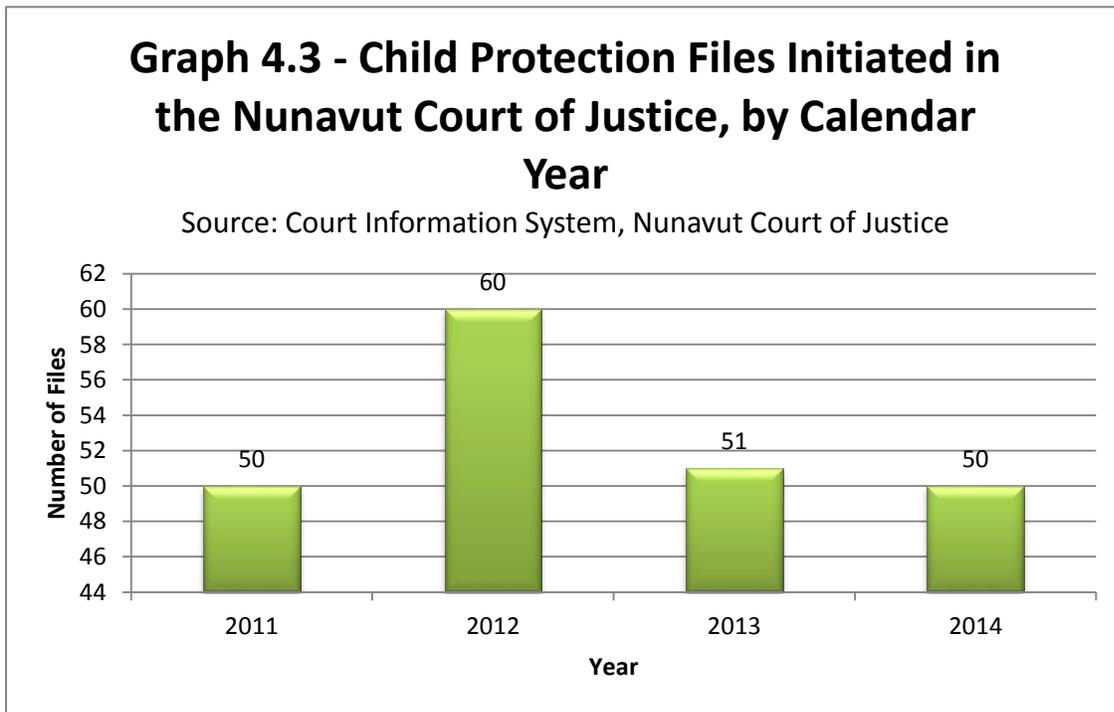


Graph 4.2 concerns family litigation files that were completed. This category includes all the files opened in the Nunavut Court of Justice in each year regarding: child custody and access, child and/or spousal support, division of matrimonial property, inter-jurisdictional support, and maintenance enforcement. 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>7</sup> in 2013 which created tools for collection of maintenance support without having to initiate default proceedings.

<sup>7</sup> Available at:

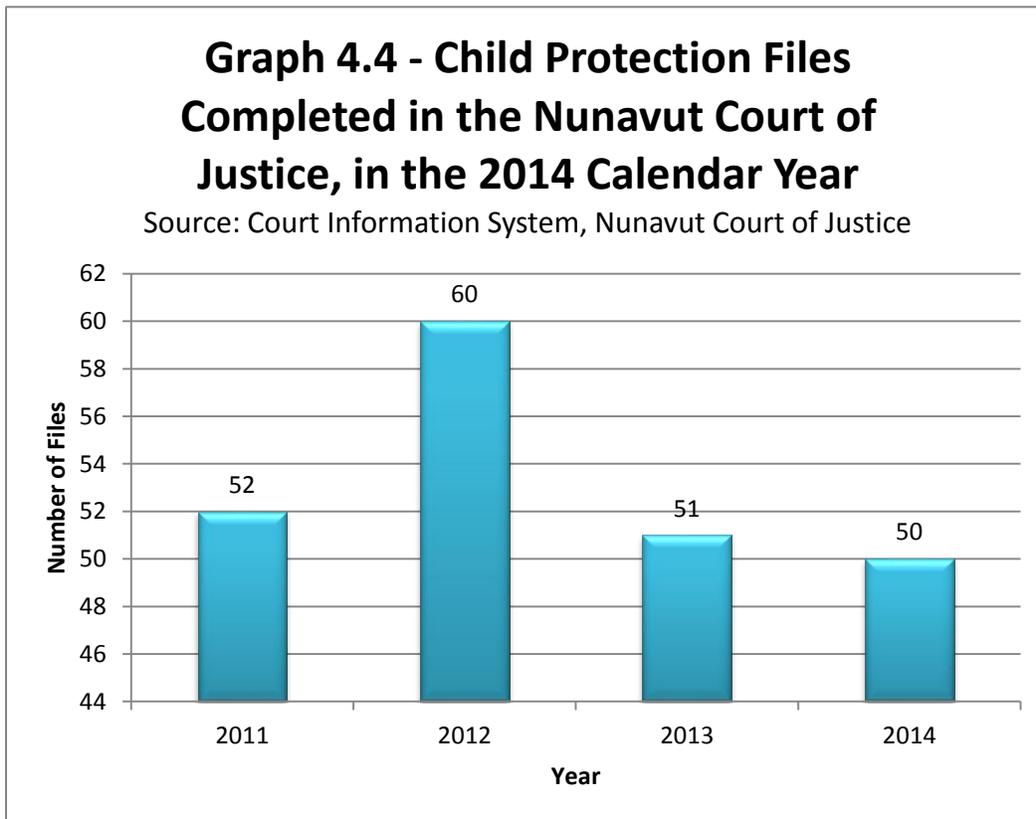
<http://www.justice.gov.nu.ca/apps/fetch/download.aspx?file=Consolidated+Law%2fCurrent%2f635023959133827292-1742931109-consSNu2012c16.pdf>

**Graph 4.3 – Child Protection Files Initiated in the Nunavut Court of Justice, by Calendar Year, 2011-2014**



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.

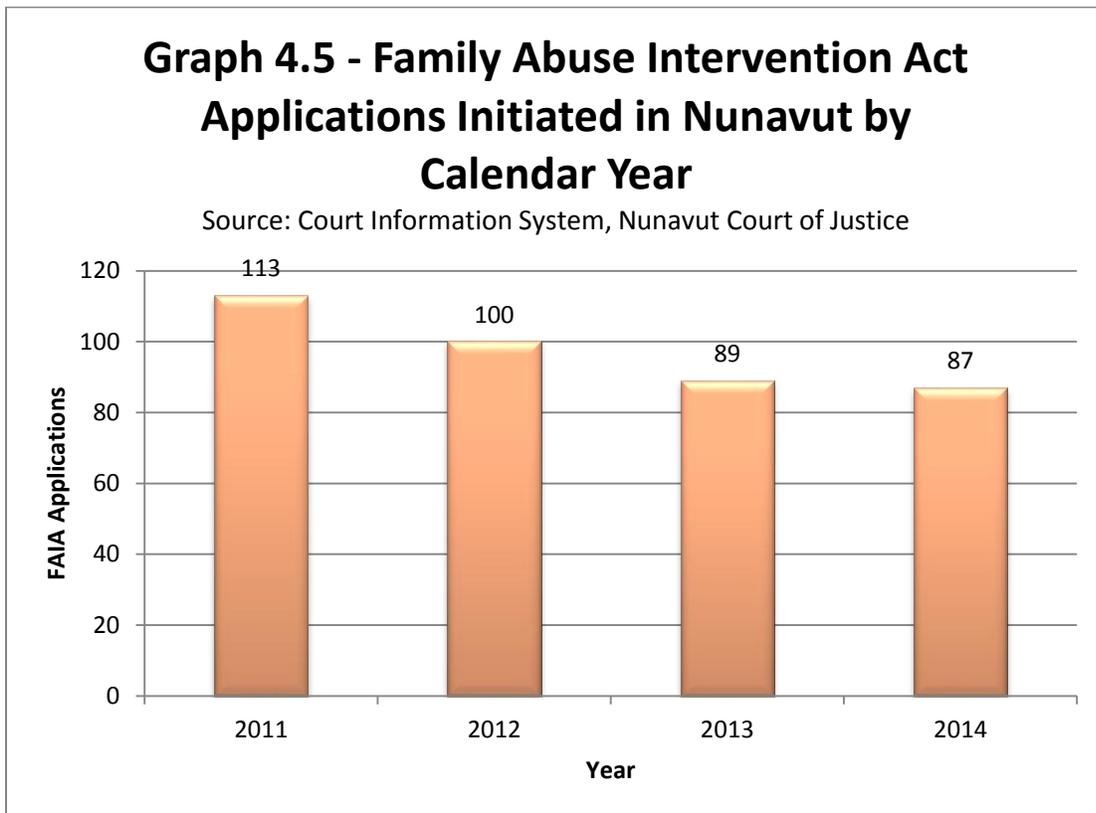
**Graph 4.4 – Child Protection Files Completed in the Nunavut Court of Justice, in the 2014 Calendar Year**



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).

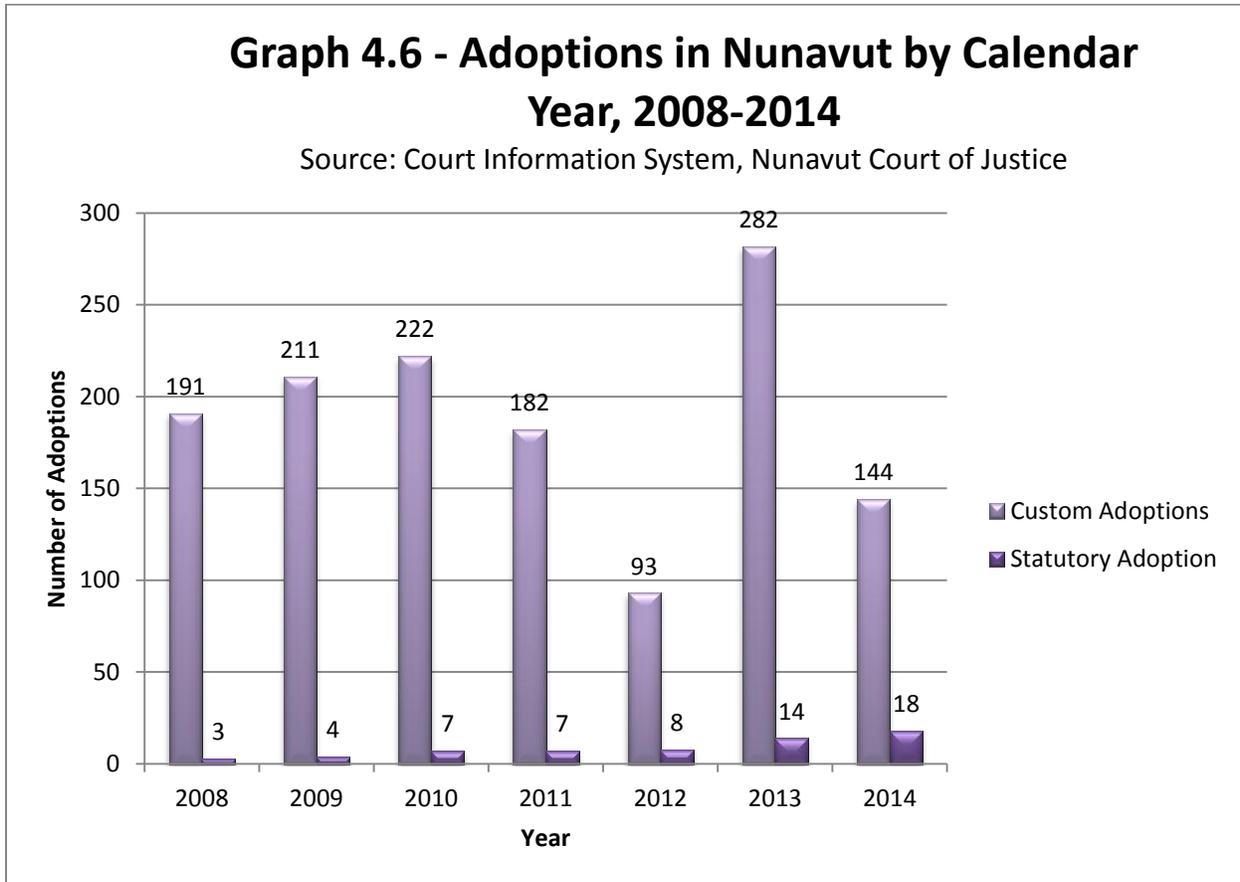
In 2014, the Civil Registry started to continue existing files instead of creating new files for each child apprehension case. So the 2014 number here illustrates how many child apprehension cases there are in the NCJ not just how many files were opened.

**Graph 4.5 – Family Abuse Intervention Act Applications Initiated in the Nunavut Court, 2011-2014**



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 that were not. The Civil Registry has not seen a *Community Intervention Order* in recent memory.

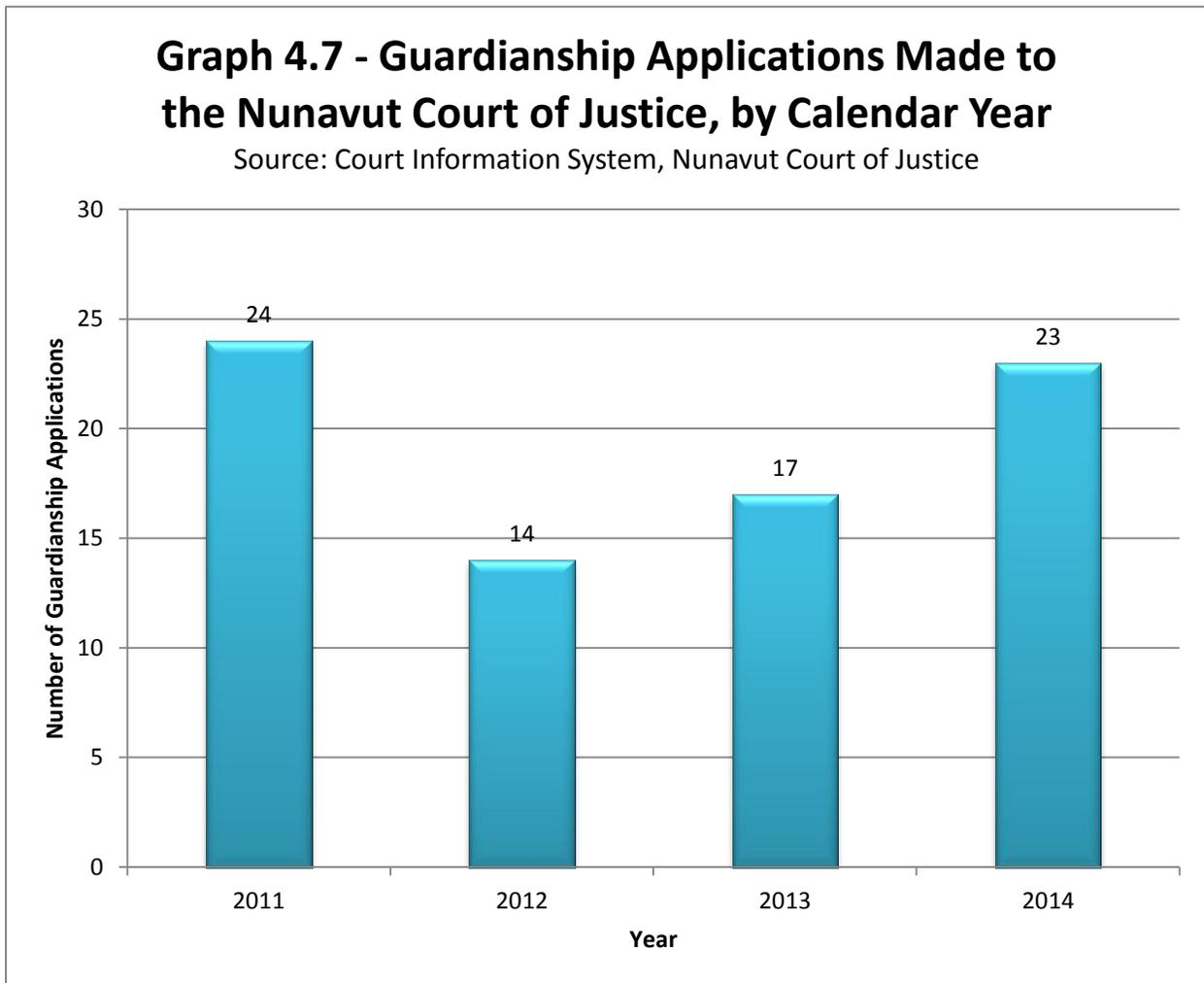
**Graph 4.6 – Adoptions in Nunavut, by Calendar Year, 2008-2014**



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 2008-2014 (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.

## **PART 5**

### **5. Frequency of Court Sittings in Nunavut, 2001-2014**

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.

In 2014, the Nunavut Court of Justice introduced a monthly remand court in Iqaluit for citizens detained in the Kivalliq region. 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 prisoners where the prosecution 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 reduced 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 Court is working toward implementing video court for the Kitikmeot docket (which appears once a month in Iqaluit as well).

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. There have been previous attempts to conduct video conferencing with *North Slave Correctional Centre*, but due to technical issues the system did not work well.

### **Trial Certainty**

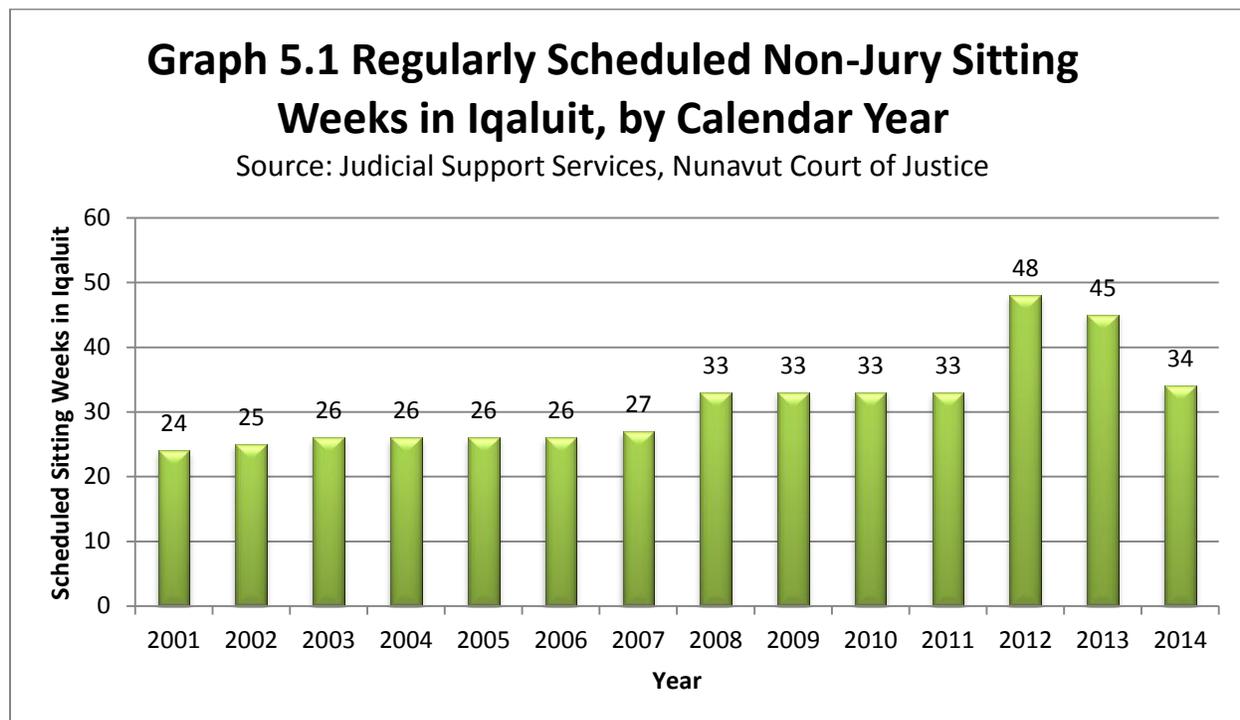
The following statistics were compiled from the tracking sheets created in consultation with the *Trial Certainty Committee* and maintained by the Nunavut Court of Justice Trial Scheduling Coordinator:

- A total of 248 non-jury trials were scheduled in Iqaluit in 2014 and 84 trials proceeded as scheduled.
- 22.09% is the mean (average) percentage of hours for scheduled matters that proceeded in a given Iqaluit non-jury trial week in 2014 [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].
- 78 scheduled matters were adjourned, primarily due to either the non-attendance of a witness or by a lawyer request;
- 18 scheduled trials were resolved by way of guilty pleas;
- 54 scheduled trials did not proceed as the Crown stayed or withdrew the charges; and
- 14 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, 2001-2014**



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

Three weeks of each month in Iqaluit are dedicated to criminal matters. In the past, one of these weeks was dedicated as the docket week. In September 2013, a new criminal court scheduling format was introduced for Iqaluit’s non-jury sitting weeks.

The first two days of each criminal week are now used to go through the court docket in the morning, with any sentencing hearings held over to the afternoon. The last three days of the week are used to schedule trials.

One week a month is 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.

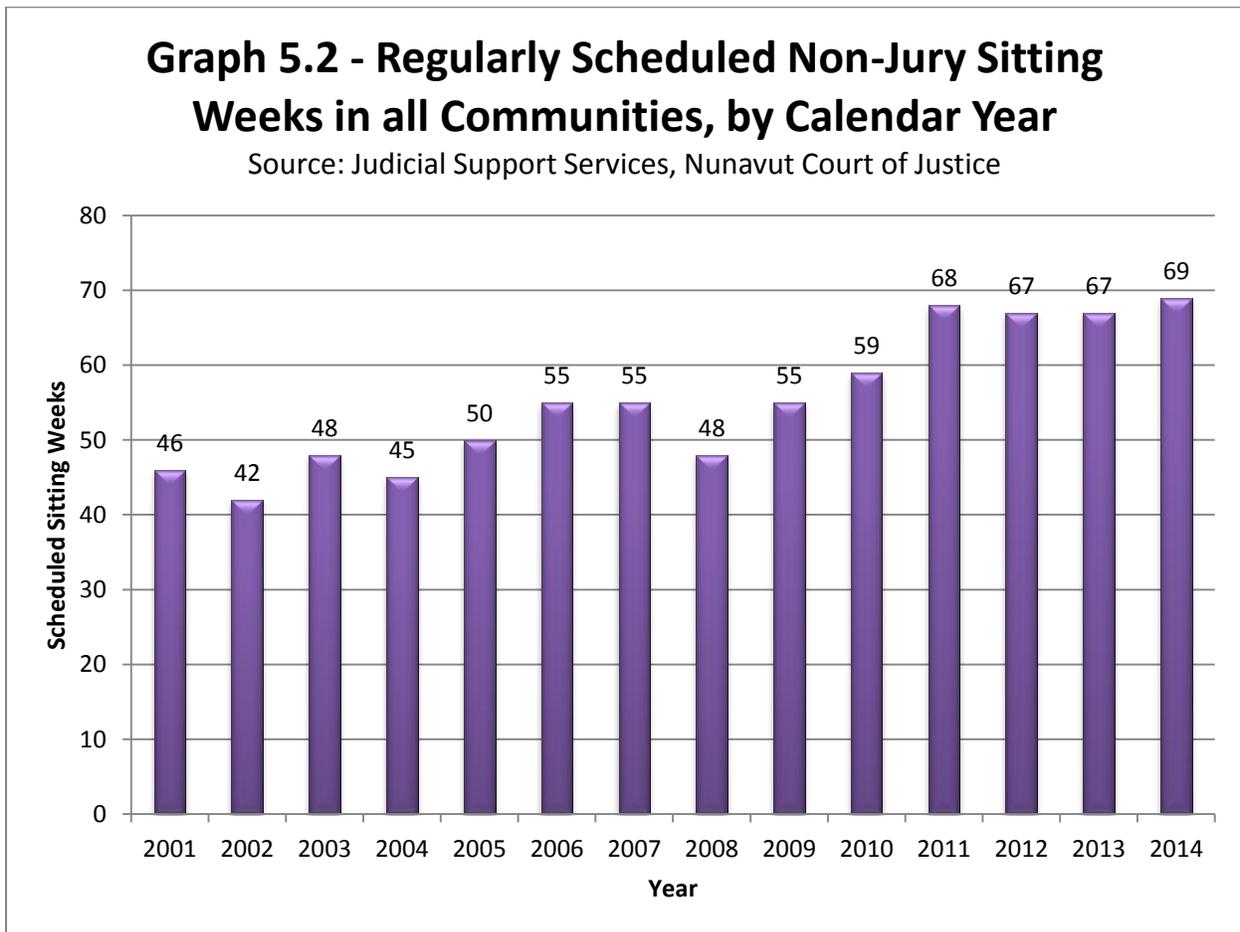
In 2014, the number of regularly scheduled non-jury sitting weeks in Iqaluit was reduced by 3 weeks. The Court reduced the scheduled sittings to accommodate the Crown and Defence training schedules.

Nunavut Youth Justice Court, Special Criminal Chambers, Assignment Court, the Kivalliq docket, and Kitikmeot dockets were scheduled to sit once a month in Iqaluit in 2013. In 2014, the sittings of the Nunavut Youth Justice Court 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.

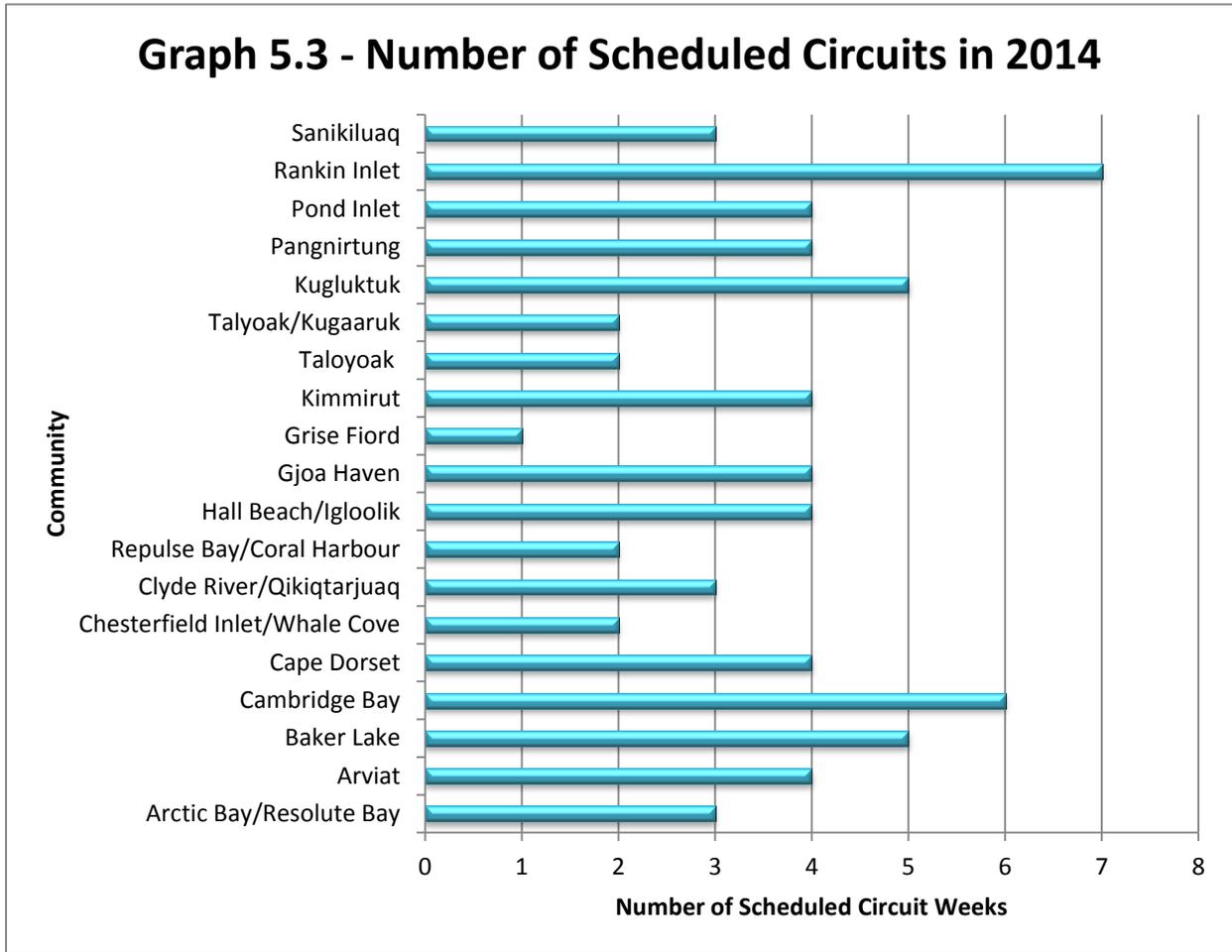
The presence of the *Baffin Correctional Center* (BCC) in Iqaluit results in many cases from the Kivalliq region being processed by the Court in Iqaluit when a citizen is in custody at BCC. This has placed additional demands upon the Court's sitting time in Iqaluit.

**Graph 5.2 - Regularly Scheduled Non-Jury Sitting Weeks in all Communities, by Calendar Year, 2001-2014**



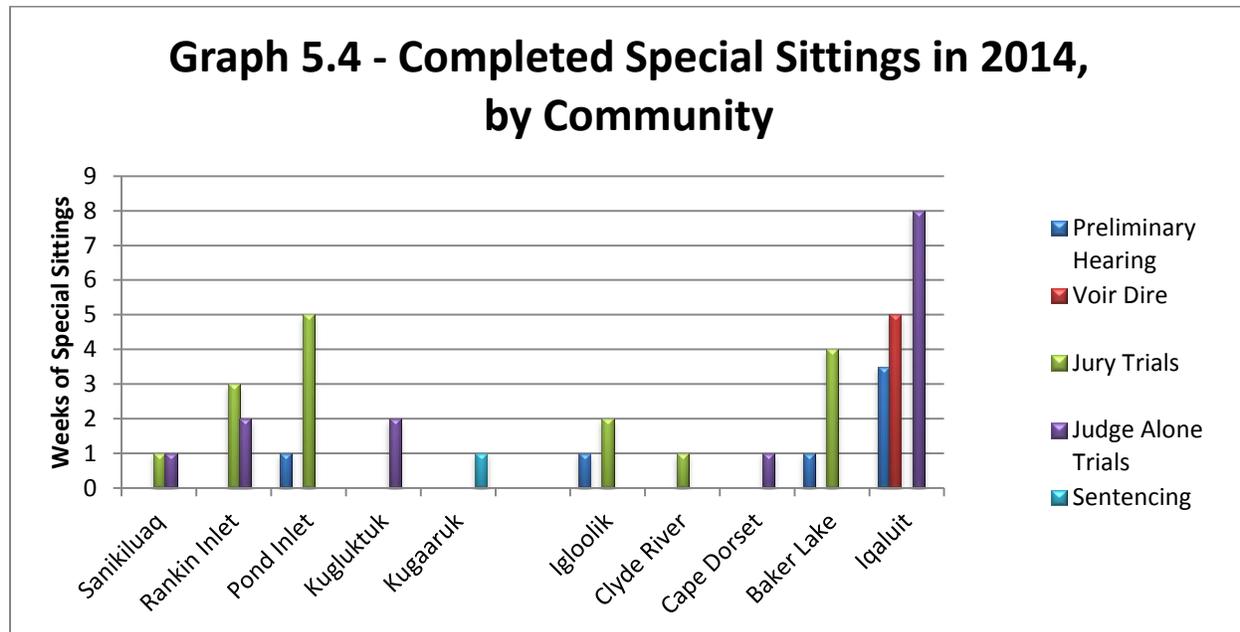
Graph 5.2 depicts the annual number of regular circuits into the communities of Nunavut (excluding Iqaluit) over the past 13 calendar years. With the increase of resident judges (see Part 7 of this report below) the volume of cases that can be handled has increased.

**Graph 5.3 – Number of Scheduled Circuits in 2014, by Community**



Graph 5.3 shows the total number of scheduled circuits (in weeks) held in each community of Nunavut in the 2014 calendar year.

Graph 5.4 – Completed Special Sittings in 2014, by Community



**Note:** the following communities did not have any special sittings in 2014: Pangnirtung, Taloyoak, Kimmirut, Grise Fiord, Coral Harbour, Repulse Bay, Qikiqtarjuak, Chesterfield Inlet, Whale Cove, Cambridge Bay, Arviat, Arctic Bay, and Resolute

Graph 5.4 reflects the total number of weeks spent on special sittings in each community in 2014. The majority of all types of special sittings (including preliminary hearings, voir dires, 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.

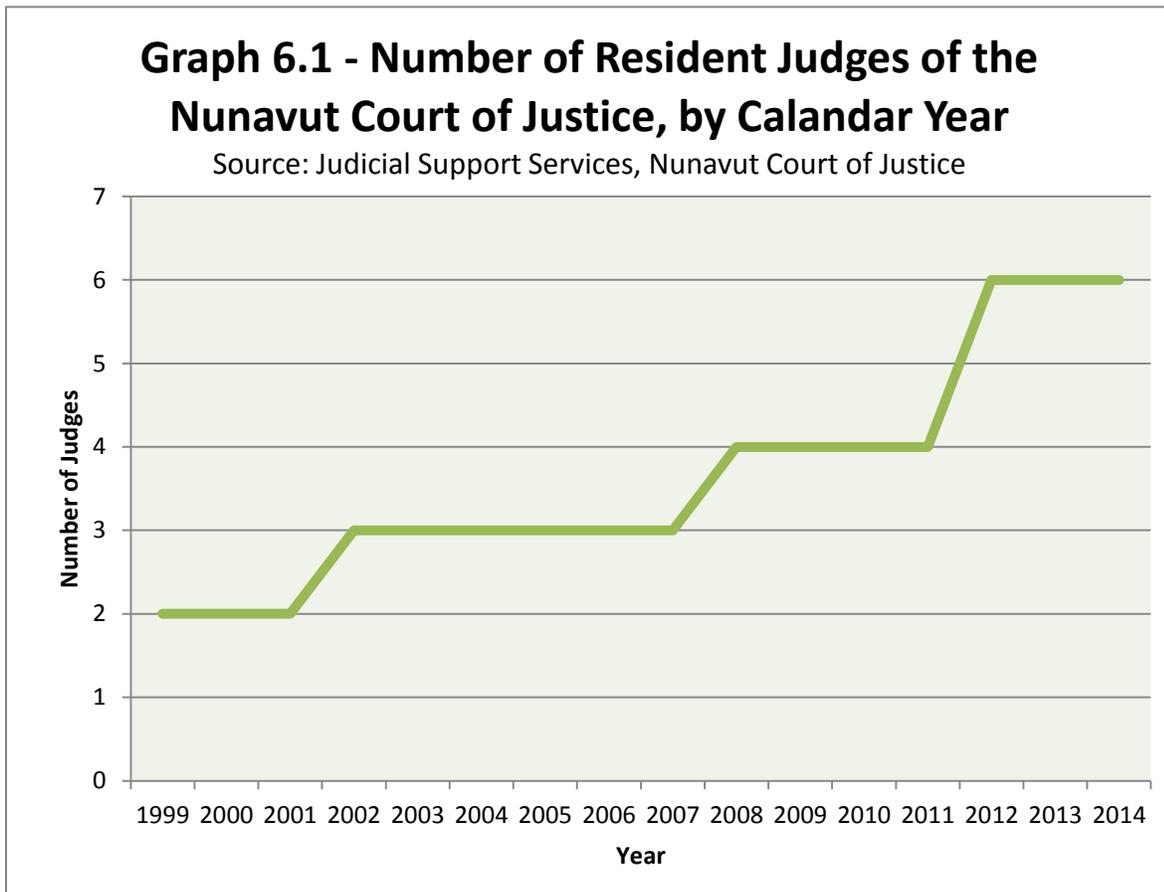
In 2014, 20 jury trials were set, and 5 actually proceeded as scheduled. In 2013, twenty-five jury trials were set and nine actually proceeded to trial before a jury. The balance of these matters did not require a jury as a result of a Defence re-election to trial by judge alone, a Defence decision to enter a guilty plea, a Crown decision to stay proceedings, or a necessary adjournment.

## **PART 6**

### **6. Judges of the Nunavut Court of Justice**

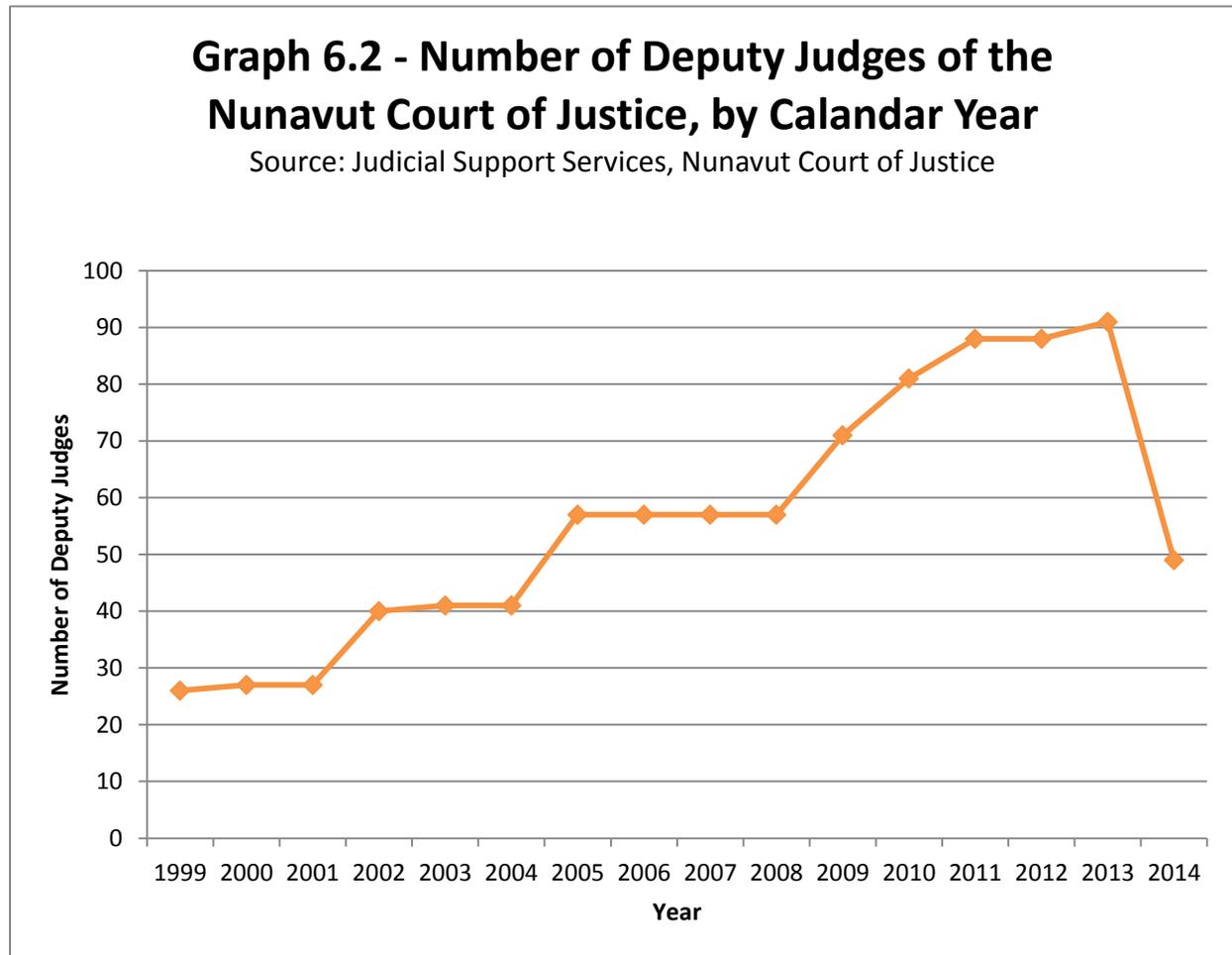
When Nunavut was created in 1999, the Nunavut Court of Justice was assigned the jurisdictional responsibilities of both a provincial and superior court by the federal *Nunavut Act*, SC 1993, c 28. Nunavut's Court of Justice is the only single-level trial court in the country. The following charts illustrate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

**Graph 6.1 – Number of Resident Judges of the Nunavut Court of Justice, by Calendar Year**



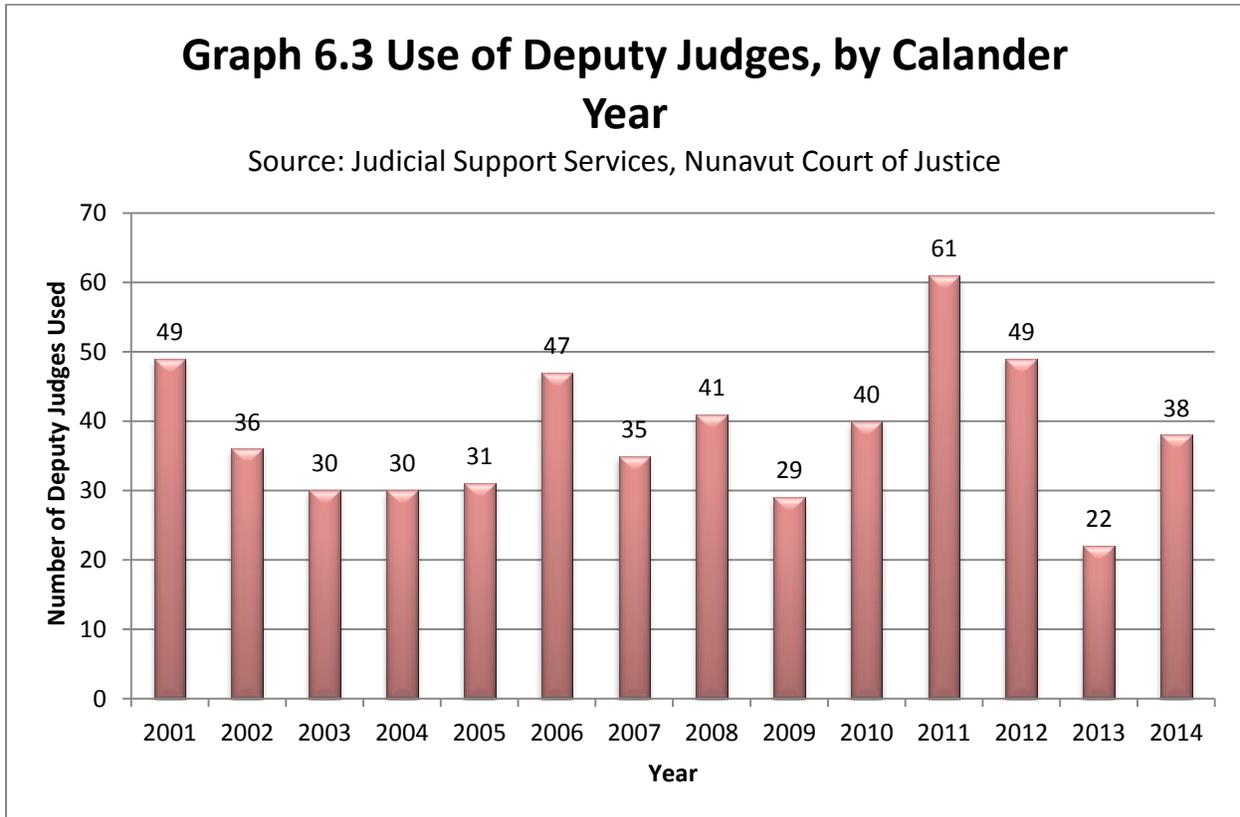
There are currently six resident judges of the Nunavut Court of Justice. Five of the resident judges travel with the Circuit Court. A number of deputy judges from southern Superior Courts may be called upon to assist the Court in meeting its core responsibilities (Graph 6.1). The judges of the Supreme Court of the Northwest Territories Superior Court and 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 2014, the Senior Judge reviewed the existing roster of 91 Deputy Judges available to the Court. It was determined that, as a consequence of retirement and medical complications associated with aging, there was only an effective complement of 49 deputy judges remaining to assist the Court. The Senior Judge is now actively recruiting additional Deputy Judges to compensate for this attrition.

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



In 2014, the Court’s use of Deputy Judges (Graph 6.3) rose from 22 sitting weeks in 2013 to 38 sitting weeks in 2014. 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.

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 2014 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 2016.

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

The Court spent a significant amount of time in 2014 working to update and modernize the website for the Nunavut Court of Justice. Consultation was done throughout Courts to develop a new website, [www.nunavutcourts.ca](http://www.nunavutcourts.ca), which was launched in 2015.

#### **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 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. The aim of the project is to standardize formatting and costs 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.

## **Security Enhancements**

Court Services implemented a full time search gate at the Nunavut Justice Centre in Iqaluit in 2014. The search gate was a result of consultation policy development flowing from amendments to the *Judicature Act*, S.N.W.T. 1998, c 34 s 1 (Nunavut) in 2014. As part of the screening and security initiative, Court staff and stakeholders with access to the Courthouse now have official ID badges issued by the office of the Sheriff.

## **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.

## **Family Abuse Intervention Act Forms Committee**

In 2014, Community Justice, the Government of Nunavut, and the RCMP worked with the judiciary to edit the Emergency Protection Order and Challenge Form information sheets.

## **SharePoint Project**

The Court began working on a project to permit multiple stakeholder access to court documents using the *Microsoft* SharePoint system that could be accessed by the Crown, Legal Aid/Defence counsel, RCMP, and Nunavut Corrections. There are many challenges presented by the geography of Nunavut in terms of the timely communication and transmission of court documents and it is hoped that technology will assist with improving efficiency.