

Summary of the “*Women and the Criminal Justice System*” Juristat Article

A Juristat Article: “*Women and the Criminal Justice System*” was released on April 1, 2011 by Statistics Canada. The report examines trends in the involvement of women and girls in the criminal justice system as crime victims and as perpetrators.

The data sources used to inform this article are the Uniform Crime Reporting (UCR) Survey, which provides information on the incidence and nature of police-reported offences in Canada and the General Social Survey (GSS), which provides victim-reported survey data that may not come to the attention of the police.

Highlights:

- In 2009, approximately 233,000 females (adult and youth) were accused by police of having committed a *Criminal Code* offence in Canada. The most common offences that females were accused of were theft under \$5,000, assault level 1, and administration of justice violations.
- Female youth crime rates were, on average, triple those of adult women.
- Females were most likely to be victimized by spouses (current or former) and other intimate partners.
- Females were the most common victims of sexual assault and “other sexual violations” representing (87% and 80% of incidents, respectively).
- From 2005 to 2009, the proportion of female constables has remained relatively stable (21%), the proportion of female senior officers increased from 5.5% to 8.3%, and those employed as non-commissioned officers increased from 10% to 14%.

Overview of Findings:

Self-reported criminal victimization

- According to the 2009 General Social Survey (GSS), approximately 7.4 million people living in the ten provinces, or just over one quarter of the population aged 15 years and older, reported being a victim of the eight crime types measured by the GSS. While most of these incidents were property related crimes, approximately 1.6 million violent crimes involved a female victim.
- Female reported rates of physical and sexual assault remain stable over the past decade. Females reported similar rates of physical assault and sexual assault in 2009 as reported in 1999. Rates of sexual assault were approximately half of those of physical assault, at 33 and 34 incidents per 1,000 population in 1999 and 2009 respectively.

Source: Statistics Canada, Canadian Centre for Justice Statistics, ‘Women and the Criminal Justice System, 2009’.

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Police-reported violent crimes

- **Assault level 1¹ was the most common offence perpetrated against females, accounting for 46% of all incidents reported to police.** Other offences perpetrated against females included uttering threats (13%), assault with a weapon or causing bodily harm (9%), sexual assault (9%), and criminal harassment (7%).
- **Offences perpetrated against males were similar, with assault level 1 (42%) and assault with a weapon causing bodily harm (17%) accounting for the majority of incidents.**
- **Females were the most common victims of sexual assault and “other sexual violations”² (representing 87% and 80% of incidents, respectively).** Other offences reported to police that are primarily committed against females, include; forcible confinement and related offences (76%); criminal harassment (76%); as well as threatening and harassing phone calls (68%).
- **Females were most likely to be victimized by someone they knew.** Spouses (current or former) and other intimate partners committed more than 41% of violent incidents involving female victims. Other family members and acquaintances account for another 42% of violent incidents.
- **Sexual assaults against females were less likely to be reported to the police if it was committed by spouse or other intimate partner.** Sexual assaults that were reported to the police were more likely to be committed by an acquaintance (46%), a family member (24%), or a stranger (18%) than either a spouse or intimate partner (5% and 8%, respectively).

Self-reported spousal violence

- **Overall rates of self-reported spousal violence have decreased over the past decade from 7.4% in 1999 to 6.2% in 2009.** While the percentage of women assaulted by a current spouse has remained stable from 1999 to 2009, the number of women reporting spousal violence by a former spouse has declined. In 2009, 20% of women in contact with a previous spouse or common-law partner reported some form of physical or sexual violence, down from 28% in 1999³.

¹ Assault level 1, or common assault, is the least serious form of assault and includes pushing, slapping, punching and face-to-face verbal threats. Assault level 2 involves carrying, using or threatening to use a weapon against someone or causing someone bodily harm. Assault level 3 (aggravated assault) involves wounding, disfiguring or endangering the life of someone.

² Other sexual violations primarily include sexual offences against children such as sexual interference, invitation to sexual touching, sexual exploitation, incest, corrupting children, luring a child via the computer, as well as other sexual offences, involving adults.

³ Responses “Don’t Know” and “Not Stated” are not listed, therefore, the sum of percentages may not add up to 100%. Excludes data from Northwest Territories, Yukon and Nunavut.

Source: Statistics Canada, Canadian Centre for Justice Statistics, 'Police-reported Crime Statistics in Canada'.

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- **Although the rates of spousal violence experienced by men and women were similar, the scope and severity was more significant for women.** Women were more likely than men to report a physical injury (42% versus 18%), or fearing for their lives as a result of the spousal violence (33% versus 5%^E), and were more likely to report chronic violence, which is defined as 11 or more incidents of violence (20% of women, compared to 7%^E of men).⁴
- **The proportion of Aboriginal women living in the ten provinces who reported spousal violence was double that of non-Aboriginal women.** Approximately 15%⁵ of Aboriginal women reported spousal violence by a current or former marital or common-law partner in the past five years, compared to 6% of non-Aboriginal women.

Help seeking behaviour

- **According to the 2009 GSS, only 30% of spousal violence incidents involving female victims were reported to police⁶.**
- **In 2009, 80% of female victims of spousal violence told informal sources about the violence, such as family, a friend or neighbour, a co-worker, a doctor or nurse, or a spiritual advisor.** Approximately 38% of females contacted formal services, such as, a crisis centre or crisis line, a counselor or psychologist, a community of family centre, a women's centre, a victim services program, or a shelter.
- **A one-day snapshot of shelters indicated that the majority (80%) of women and children staying in shelters⁷ were there to escape an abusive situation.** Most abused women (76%) were fleeing the abuse of a current or former spouse or common-law partner.
- **Almost half of women residing in shelters (48%) were admitted with children.** Many of these women reported that the protection of their children from the physical and/or emotional trauma was a factor in deciding to seek refuge.

Female victims of homicide

- **Overall rates of homicide against females were approximately half those of men (11 per million females compared to 21 per million males).** Similar to non-lethal violence, females were most likely to be killed by a spouse or intimate partner. In 2009, females accounted for 71% of victims of homicide perpetrated by a current spouse, 88% by a former spouse, and 78% involving other intimate partners.

^E Use with caution.

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⁴ Values may not add up to totals due to rounding. Excludes data from the Northwest Territories, Yukon and Nunavut which will be published at a later date.

⁵ This estimate has a high coefficient of variation and should be used with caution.

⁶ The proportion of spousal violence victims that stated that the police found out about the incident decreased from 2004 to 2009. This decline occurred primarily among female victims.

⁷ On April 16th 2008

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- **Rates of homicide have declined substantially over the past 30 years, particularly for females⁸.** Much of this decrease can be attributed to a drop in spousal homicides. In 2009, female rates of spousal homicide were one third of those seen in 1979. However, despite these marked improvements, the likelihood of being killed by a spouse remained more than double for females than for males in 2009 (with .46 per million females killed compared to .17 per million males).

Female offenders in Canada

- **In 2009, approximately 233,000 females were accused by police of having committed a *Criminal Code* offence in Canada.** Females accounted for more than one quarter (28%) of youth (under 18 years of age) accused by police and more than one fifth (22%) of adults accused. In the same time period 776, 000 males (youth and adult) were accused.
- **The most common offences for which females were accused were theft under \$5,000, assault level 1, and administration of justice violations (e.g. failure to appear in court, breach of probation, etc.).**
- **Female youth crime rates were, on average, triple those of adult women.**
- **Similar to their victimization, females were most likely to commit acts of violence against their spouses or intimate partners.** In 2009, among those accused of a violent offence, the most common victim was a spouse or partner (46%), followed by an acquaintance (29%), a stranger (14%), and other family members (12%)⁹.

Trends in female perpetrated crime

- **The proportion of women charged with criminal activity has increased over the past three decades. In 2009, women made up just over one-fifth (21%) of all adults charged with a *Criminal Code* offence, up from 15% in 1979.**
- **The rate that women have been charged with violent offences has increased over the past 30 years.** Rates almost tripled between 1979 and 1997, and continued to increase until 2001 after which time they have remained fairly stable.

Female offenders in the courts

- **In 2008/2009, as in previous years, less than one quarter of completed court cases involved a female accused.** Approximately 18% of cases disposed of in adult criminal courts involved a female accused, as did 23% completed in youth courts.

⁸ Beattie, S. and A. Cotter. 2010. "Homicide in Canada, 2009. *Juristat*. Vol. 30, no. 3. Statistics Canada Catalogue no. 85-002-X. Ottawa. <http://www.statcan.gc.ca/pub/85-002-x/2010003/article/11352-eng.htm> (Accessed December 10, 2010).

⁹ One incident may involve multiple violations. Counts are based upon the most serious violation against the victim. Incidents where the relationship of the accused to the victim is unknown were excluded.

Source: Statistics Canada, Canadian Centre for Justice Statistics, 'Police-reported Crime Statistics in Canada'.

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- **The number of completed adult court cases involving a male accused exceeded those involving a female accused across all offence categories.** The highest representation of females was found in cases of prostitution (31%), fraud (31%) and theft (30%).
- **In 2008/2009, adult court cases involving a female accused were less likely to lead to a guilty finding¹⁰, and when there was a finding of guilt, females were less likely to receive a sentence of custody.** For example, in 2008/2009, 59% of all completed cases involving women ended in a guilty finding, compared to 68% for men.
- **Upon conviction, women were less likely than men to receive a prison sentence (26% versus 37%) and when custody was ordered, median sentence lengths were generally shorter for adult females as compared to adult males.**

Female offenders under correctional supervision

- **According to data from the Adult Correctional Services (ACS) Survey, approximately 9,425 adult women were admitted to sentenced custody in 2008/2009, representing 11% of all provincial/territorial admissions and 6% of federal admissions.¹¹** Women also represented 13% of the remand population (a court-ordered detention of a person while waiting for further court appearances).
- **In 2008/2009, young females comprised 17% of youth admitted to sentenced custody.**
- **According to data from the provincial correctional systems¹² in Ontario, British Columbia, New Brunswick, and Newfoundland and Labrador, female youth were more likely to be serving time in custody for “other” Criminal Code and federal offences (54%) than for violent offences (27%) or property offences (20%). Male youth, on the other hand, were almost equally likely to be serving time in custody for a violent crime (36%) as “other” offences (35%).**
- **The number and proportion of adult female admissions to provincial/territorial custody and federal custody increased between 1999/2000 and 2008/2009.** Among the 9 reporting provincial and territorial jurisdictions¹³, females represented 12% of admissions

¹⁰However, these differences do vary by province. The percentage of women found guilty was comparable to those of men in Newfoundland and Labrador as well as Yukon Territory.

¹¹The administration of correctional services in Canada is a shared responsibility of the federal, provincial and territorial governments. Which adult offenders are placed in the federal system and which are placed in the provincial/territorial system depend on decisions taken by the judiciary. Adult offenders sentenced to custody terms of two years or more fall under the federal penitentiary system. Sentences of less than two years and community-based sanctions, such as probation and conditional sentences, are the responsibility of the provinces and territories.

¹²The composition of the provincial correctional system data reported here is taken from the Integrated Correctional Services Survey, and is based primarily on admissions to custody in Ontario (80.2%), followed by British Columbia (13.1%), New Brunswick (5.4%), and Newfoundland and Labrador (1.3%).

¹³The Adult Correctional Services Survey trend data exclude admissions to custody in Prince Edward Island, New Brunswick, Alberta and

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to remand, sentenced custody and other temporary detentions in 2008/2009, up from 10% in 1999/2000. Adult female admissions to federal custody have also increased, with females representing 6% of admissions in 2008/2009, up from 5% in 1999/2000.

Characteristics of women in custody

- **A 2008/2009 snapshot of women in provincial and federal custody suggested that incarcerated women were on average younger, more likely to be single, less likely to have a high school diploma, and more likely to be unemployed than women in the Canadian population.** More than half of women in the reporting provincial institutions (56%), and in federal custody (53%), were between the ages of 18 and 35 compared to 28% in the general population in 2009.
- **Among female inmates in the reporting provincial institutions, 50% did not complete secondary school, whereas 43% had a high school diploma and 12% had completed some post-secondary education.** In contrast, 2006 Census data show that less than 15% of women over the age of 25 did not complete secondary school, 25% had a high school diploma, and 61% reported having completed some post-secondary education.
- **The needs of offenders are evaluated for rehabilitative purposes upon entering custody. Almost all female offenders in provincial custody had multiple needs identified, particularly in the areas of substance abuse (94%), employment (81%) and community functioning (79%).**

Representation of Aboriginal women under correctional supervision¹⁴

- **In 2008/2009, 35% of women and 23% of men admitted to adult sentenced custody identified as an Aboriginal person, while 2006 Census data show that Aboriginal women and men made up only 3% of the adult Canadian population.**
- **Similar to Aboriginal adults, data from the Youth Custody and Community Services Survey (YCCS) show that Aboriginal youth were highly represented in admissions to all types of correctional services in 2008/2009.** Among the nine reporting provinces and territories, Aboriginal females accounted for 44% of admissions to open or secure custody, 34% of admissions to remand, and 31% of admissions or intakes to probation

Nunavut for all years. For this reason, estimates of the relative proportion of females in custody in 2008/2009 will differ from those presented in Table 11.

¹⁴ The definition of Aboriginal identity used in the Industry Classification Coding System was modeled after the definition within the Census. The concept of the Aboriginal population within the Census refers to those persons who reported identifying with at least one Aboriginal group (North American Indian, Métis, or Inuit). Also included are individuals who did not report an Aboriginal identity, but who reported being a Registered or Treaty Indian, and/or those who reported they were members of an Indian Band or First Nation. The Industry Classification Coding System collects Aboriginal identity information at admission to correctional services through self-identification.

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Women in justice-related occupations

- **The number of women working in the criminal justice field has increased over the past two decades.** According to Census data, women accounted for 25% of judges in 2006, almost double the proportion found in 1991 (14%). In addition, a larger share of lawyers and notaries (39%) were women in 2006 relative to 1991 (27%). In 2006, 59% of probation and parole officers and 32% of correctional service officers were women, up from 50% and 22% 15 years earlier. Women have long been prominent in paralegal and related occupations, representing 87% in 2006, up from 76% in 1991.
- **From 2005 to 2009, while the proportion of female constables has remained relatively stable (21%), the proportion of women employed as senior officers increased from 5.5% to 8.3%, and those employed as non-commissioned officers grew from 10% to 14%.**

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