



Remand in Nova Scotia 2005-2016
Nova Scotia Department of Justice
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Executive Summary

A recent publication by Statistics Canada reported that the average number of adults being held in remand on any given day increased considerably across Canada between 2004-05 and 2014-15.¹ The report identified Nova Scotia as having the highest increase during this period.

This study reviews data from Statistics Canada, and from the Nova Scotia Justice Enterprise Information Network (JEIN) database in an attempt to more fully understand the increase in the number of adults being held in remand in the past decade.

Average remand counts in the province have been trending upward over the past decade with the exception of 2010-11 and 2015-16. It is too early to determine if the decrease noted in 2015-16 will be sustained and further investigation will be required. There were two notable years of increase; in 2007-08 and 2011-12. Both increases resulted in a period of sustained elevated daily remand counts.

From the analysis, the increase in the number of adults in remand can be attributed to four factors:

1. There was a 28% increase in adults charged (all violations) in Nova Scotia between 2005 and 2008. Increases in remand admissions for certain crime types resulting from an increase in the number of people charged and increases in the proportion of accused being admitted into remand.
2. The largest contributor to the overall increase was administration of justice offences. This would appear to be in part due to the initiation of Operation Breach in HRM and similar initiatives by other policing agencies throughout the province in the last 4 to 6 years. However, the largest increase in administration of justice remand admissions occurred between 2006-07 and 2007-08, prior to the implementation of Operation Breach, so this initiative alone does not account for the increase in remand for administration of justice offences.
3. Increases in remand have been driven by the four largest courts - the JP Centre, Dartmouth, Halifax and Sydney are responsible for 86% of the increase in remand admissions.
4. Increase in length of time served in remand in 2008-09 and 2009-10 likely contributed to the elevated counts following the 2007-08 increase.

Remand admissions increased for administration of justice offences, other federal offences, property crimes and violent crimes over the 11 years (2005-06 to 2015-16). The increase in remand admissions for administration of justice offences coincides with an increase in the number of adults being charged for these crimes over the same 11-year period. In contrast, the number of adults being charged with violent crimes and property crimes has decreased over the same time period suggesting that in these two cases, a higher proportion of those charged are being admitted into remand.

¹ Statistics Canada (2017). Trends in the use of remand in Canada, 2004/2005 to 2014/2015. Retrieved from: <http://www.statcan.gc.ca/pub/85-002-x/2017001/article/14691-eng.pdf>

Increases in admissions for violent crimes accounted for 23% of the overall increase in remand admissions. Within the violent crimes category, common assault and major assaults have trend lines that most closely mirror the trend of average daily counts over the past decade. Major assaults and common assaults accounted for 34% and 44% of the increases within the violent crime category, respectively.

Property crimes account for 17% of the overall increase in remand admissions. The number of remand admissions for theft has generally trended upward over time and has increased consistently. Theft accounts for 71% of the increase in remand admissions for property offences, followed distantly by mischief (9%).

The largest contributor to the overall increase was administration of justice offences, accounting for 43% of the total increase in remand admissions from 2005-06 to 2015-16. Failure to comply with a court order is the most common type of administration of justice offence that results in remand and accounts for 77% of the increase in the administration of justice remand admissions from 2005-06 to 2015-16. This was followed by breach of probation, accounting for 14% of the increase.

Overall, the increase in remand has been driven by the JP Centre, which represents 46% of the increase over the past decade. Dartmouth, Sydney, and Halifax Provincial Courts represent an additional 40%. Together, these four courts represent 87% of the remand admissions and are responsible for 86% of the increase in remand.

Analysis showed that over the 11 year time period examined, of the remands that started at the JP Centre:

- 54% continued in a provincial facility, while 2% were remanded to a federal or mental institute;
- 4% moved to sentenced custody in either in a provincial or a federal institution; and the remaining 41% were released².

Increases in length of time served in remand likely contributed to elevated remand counts over the 11 year period. Longer remand periods coincided with increases in the number of people in remand in both 2008-09 (+7%) and 2011-12 (+28%). However, it is clear that there is not a one-to-one relationship between length of time in remand and remand counts. The largest increase in remand counts over the 11 year period took place in 2007-08 and the median time in remand was unchanged that year compared to the prior year.

Analysis of the demographic characteristics of accused admitted to remand showed that while admissions for both males and females increased, the increase for females was greater. In 2005-06, 10% of remand admissions involved females and this proportion increased to 15% in 2015-16. Overall, females accounted for 23% of the increase in remand admissions over the 11 years.

² This analysis is based on the most serious offence for which accused were remanded. It is important to note that not all accused were released following that charge being dismissed or withdrawn, as many had multiple charges. Outcomes for the accused included: remand continuing, being sentenced to custody, being sentenced to community, being released with conditions, or being released with all charges dismissed or withdrawn.

Caucasians, Aboriginal and African Nova Scotian adults have all experienced a notable increase in remand admissions over the last decade. The number of admissions involving Aboriginal accused increased by 82%, Caucasian admissions increased by 65% and African Nova Scotian admissions increased by 52%. Increases were even greater for remand admissions involving administration of justice offences at 288% for Aboriginal accused, 140% for Caucasians and 114% for African Nova Scotians. While Aboriginal accused experienced the greatest increase in remand admissions overall and for administration of justice offences, their numbers are relatively small and ethnicity was not found to be a major contributor to the overall increase in remand.

While there has been some variation over the 11-year time period in the proportion of admissions involving Aboriginal and African Nova Scotian accused, overall the proportions in 2015-16 was similar to 2005-06. Aboriginal accused represented 10% of remand admissions in 2015-16 as compared to 9% in 2005-06. African Nova Scotian accused represented 12% of admissions in 2015-16 and 13% of admissions in 2005-06.

During the interviews and small group discussions, stakeholders suggested a number of contributing factors to the increase in remand. This included increased complexity of cases; the impact of highly publicized cases leading to less tolerance for risk; the implementation of ODARA resulting in more domestic violence offenders in remand; Operation Breach; and, the implementation of the long gun registry, whereby those with unregistered guns were being charged with firearm offences.

Stakeholders also suggested that the increase in remand counts over the past decade may be due in part to a combination of accused taking advantage of enhanced credit for time served and the pressure to resolve cases prior to trial. Very few cases actually go to trial (4%) and, in the opinion of stakeholders, this number must remain low to not further overburden the courts. Stakeholders believe the court system is overwhelmed with cases and the backlog has resulted in the Crown requesting additional time to review cases before a show cause/bail hearing is held. They suggested that this has also resulted in extended delays before trial, putting more pressure on the Crown and the defence to come to a plea agreement. Stakeholders also believe repeat offenders consent to remand in order to, in effect, start serving their sentences immediately, with the intention to plead guilty when/if they obtain a deal that allows them to be released on time served. Stakeholders believe a combination of socio-economic programs and an overhaul of the justice system are required to create an enduring decrease in remand rates.

As a result of enhanced time and pressure to resolve cases, it was suggested by stakeholders that more accused are being released on time served. However, the analysis suggests that there has not been an increase in accused being released from remand on time served over the past decade. While the analysis could not disaggregate those released on time served from those released on community sentences, overall the number released back into the community following sentencing has remained consistent at between 6% and 8% of the total releases from remand.

A further analysis of waiting times for trial dates and a possible increase in plea agreements after longer remand stays is required to validate some of the stakeholders' views. Also, identifying the changes to the *Criminal Code*, Supreme Court rulings, and relevant local policing operations, and initiatives launched by the criminal justice system on the same timeline as the increase in remand counts would help identify how proactive law enforcement has been, and how system changes may have impacted pre-sentence custody rates.

Study Highlights

The following are the conclusions from this review of the increase in remand numbers in Nova Scotia over the past decade:

- **Average remand counts have been trending upward with the exception of 2010-11 and 2015-16.** There were two notable years of increase, specifically in 2007-08 and 2011-12. Both increases resulted in a period of sustained elevated daily remand counts.

Data indicating offenders in daily remand outnumbering those in sentence custody may not give the complete picture due to credit for time served. The total number of offenders in sentenced custody has decreased since 2005-06 while the numbers on remand has increased. Qualitative interviews with Crown and Legal Aid attorneys indicate convicted offenders are more often being released after trial or guilty plea because the credit for time served in remand is sufficient to cover the penalty for their crime. However, the analysis suggests that there has not been an increase in accused being released from remand on time served over the past decade. This may warrant further investigation.

- **Increases in remand is due in part to an increase in people charged.** There was a general increase in the number of people charged with offences in the province from 2005 to 2008 which coincided with increases in remand. In addition, charges for administration of justice offences continued to increase over the 11 year period, and this was consistent with an increase in remands for this offence over that time period.
- **Increases in remand admissions were noted for administration of justice offences, “other” federal offences, violent crime and property crime.** There are interesting trends in the various Most Serious Offences (MSOs) for which adults were remanded over the past decade. The number of remand admissions for administration of justice charges accounted for 43% of the overall increase in remand admissions between 2005-06 and 2015-16. Some of this increase may be due in part to police initiatives to identify condition breaches. Specifically, Operation Breach in HRM as well as similar initiatives throughout the province may have had an impact on the increase in remand rates seen from 2011-12 to 2012-13, as it directed police officers to proactively identify breaches. However, this would not account for the largest increase in administration of justice remand rates, which occurred between 2006-07 to 2007-08 (93%).
- **The Justice of the Peace Centre (JP Centre), and the Provincial Courts in Dartmouth, Halifax, and Sydney drive the pattern of remand admissions in Nova Scotia.** Both the Dartmouth Provincial Court and the JP Centre saw a marked increase in the number of remands, which together represent 62% of the increase in remand admissions over the past decade. Halifax and Sydney Provincial Courts also had an increase in the number of remands, which represent an additional 24%. Together, these four courtrooms are responsible for 86% of the increase in remand.

- **Longer remand stays may have contributed to increased remand counts.** Increases in length of time served in remand likely contributed to elevated remand counts at times over the 11 year period. Longer remand periods coincided with more people in remand in both 2008-09 (+7%) and 2011-12 (+28%). However, the largest increase in remand counts over the 11 year period took place in 2007-08 and the median time in remand was unchanged that year compared to the prior year. Therefore, while longer remand stays may be a contributing factor to increases in remand counts, there is not a one-to-one relationship between the two.
- **The observed increase in remand is largely unrelated to personal characteristics of accused.** Remanded offenders continue to be primarily Caucasian, male and in their late 20's or early 30's. However, there was a disproportionate increase in female admissions to remand over the 11 year period. As a result, females comprised a greater proportion of remand admissions in 2015-16 (15%) than they did in 2005-06 (10%). Ethnicity did not contribute to the overall increase in remand **numbers**.
- **Stakeholders feel that longer wait times for trial dates has contributed to longer remand stays and higher use of time served as a penalty.** According to stakeholders, remand has inadvertently become the practical sentence for those accused of an offence. Stakeholders suggest that full court schedules result in offenders waiting several months for a two-hour trial. Stakeholders view this backlog as a major challenge for the justice system in Nova Scotia. They suggest that by the time the accused has their trial, they have already served a considerable amount of time in custody often resulting in a release after a guilty verdict on time served. However, as noted above, the analysis suggests that there has not been an increase in accused released from remand on time served over the past decade. Also, while longer times in remand, may have contributed to higher remand counts, the analysis showed that there is not a simple one-to-one relationship between them.
- **No one cause for increase in remand rates.** Numerous factors have contributed to the increase in average daily remand counts. Besides the four contributing factors identified through this analysis, stakeholders point to a Supreme Court decision to reinstate enhanced time during remand having an indirect impact on duration of remand stays as many accused adults view remand as a way to decrease jail time if they were found or pled guilty, due to receiving additional credit for time served on remand. Stakeholders also feel the added complexity of cases and an increase in drug and firearm arrests contribute to the increase in remand.

Overview

Remand plays an important role in the justice system. When offenders are apprehended, they can be brought before a judge or a justice of the peace to determine if they will be remanded or released while their case is awaiting court hearing. A remand order can also be issued or extended by the judge during pre-trial hearings.

Remand may be used for a number of reasons, including:

- the protection and safety of the public (including any victims of or witnesses of the offence);
- to ensure the accused attends court; and
- to maintain public confidence in the justice system.³

A recent report by Statistics Canada identified an increase in remand admissions across Canada.² In the report, Nova Scotia was identified as having the highest increase in remand rates amongst all provinces and territories between 2004-05 and 2014-15. Nova Scotia remand admissions increased 192% over that time period, and the proportion of those in the custodial population being held in remand increased from 38% to 68%, which was also the largest increase in the country. It is also notable that in 2006-07, the number of offenders in remand was roughly equal to the number of offenders in sentenced custody in Nova Scotia (48% in remand, and 52% in sentenced custody), but the gap has grown since then, reaching a high of 68% in remand in 2014-15. Since then, the gap has closed slightly, but remains considerably larger than the benchmark year of 2005-06 for this study.

The size of the remand population in Canada has financial implications on the justice system as those remanded in custody are typically housed in maximum security facilities with higher levels of security and more intensive supervision.² Aside from the financial costs to the justice system (approximately \$245/day in Nova Scotia⁴), the personal costs for the accused may include: a loss of income/employment, loss of housing, a need for emergency child care, missed medication, a lack of access to recreational or educational programs, etc.³

The Nova Scotia Department of Justice (NSDOJ) commissioned MQO Research to further explore the increase in remand within the province. This report brings together both quantitative and qualitative analyses in an effort to better understand the reasons for the increase in remand between 2005-06 and 2015-16. Trend data from JEIN and Statistics Canada, as well as a sample of court recordings of the accused's initial and subsequent appearances (if the accused was first remanded at a JP Centre) was tabulated and reviewed, along with qualitative interviews with stakeholders who work closely on criminal cases.

Representatives working on the front lines of the justice system in Nova Scotia participated in a series of one-on-one interviews and group discussions. Representatives from the Judiciary, Federal Public Prosecution Service, Provincial Public Prosecution Service, Legal Aid, RCMP and Halifax Regional Police (HRP) all provided information and insight into how and when remand is utilized during criminal cases from their respective points of view. This report will refer to these contributors as "Stakeholders" and will not uniquely identify the group from which the information was obtained to ensure their anonymity.

³ Statistics Canada, Correctional Services Program Canadian Centre for Justice Statistics (2017). Trends in the use of remand in Canada, 2004/2005 to 2014/2015. Retrieved from <http://www.statcan.gc.ca/pub/85-002-x/2017001/article/14691-eng.pdf>

⁴ Canadian Civil Liberties Association (2014). At a Glance: The Human and Financial Cost of Pre-trial Detention. Retrieved from <https://ccla.org/cclanewsites/wp-content/uploads/2015/02/2014-07-23-Cost-of-Pre-Trial-Detention1.pdf>

Objectives

The overriding objective of this research project was to inform the NSDOJ of all pertinent factors that are contributing to the increase in remand numbers observed over the past decade.

Quantitative Objectives

Listed below are the specific objectives that, at a minimum, were addressed through data analysis of remand between 2005-06 to 2015-16:

- Determine the impact of the number of remand admissions versus length of remand on the overall increase in remand days
- Compare Nova Scotia's remand admissions to other Canadian jurisdictions
- Compare remand admissions across Nova Scotia, identifying regions with above and below average remand admissions for the province
- Track the nature of offences that led to the accused being remanded into custody over time
- Track demographic characteristics of remanded adults over recent years, including but not limited to age, gender and ethnicity, and determine whether there are differences in remand trends based on gender and ethnicity.
- Examine how the conditions placed on adults released from remand have changed over time
- Examine any differences over time in the accused persons' status upon release from remand (i.e., released pending court disposition versus court case concluded)

Qualitative Objectives

The qualitative component of this project will bolster our ability to understand the quantitative data by including the opinions on rising remand admissions from those on the front lines. The research objectives for the interviews with representatives from the Judiciary, Federal Public Prosecution Service, Provincial Public Prosecution Service, Legal Aid, RCMP and Halifax Regional Police Officers are:

- To determine if the increase in remand admissions is apparent to those working in the system
- To explore reasons for this increase, if perceived, from their perspective
- To identify the factors they believe most impact the decision to place the accused in remand
- To identify the most common reasons for the accused being released from remand
- Explore the concerns and recommendations for addressing remand issues from these stakeholders

Detailed Analysis

Average Daily Counts of Adults in Remand by Province and Year

Table 1 summarizes the average counts of adults in remand by province and year.⁵

Table 1. Average counts of adults in remand, by province and year, 2004-05 to 2015-16

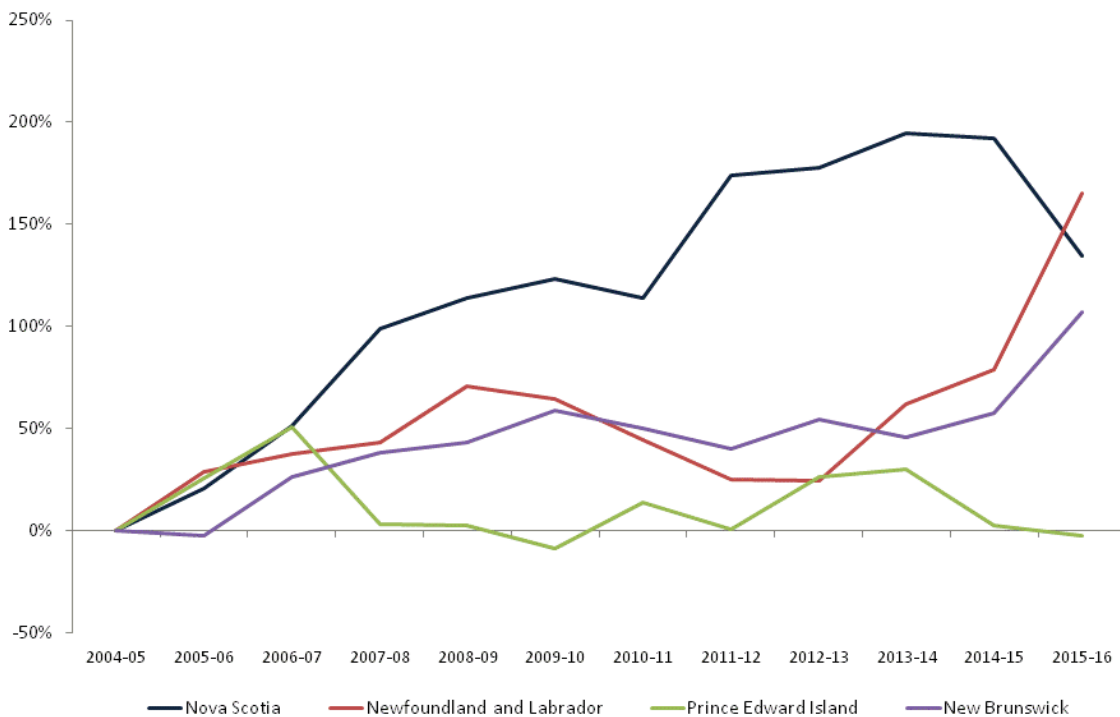
	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016
Newfoundland and Labrador	56	72	77	80	96	92	81	70	70	91	100	149
Prince Edward Island	16	..	24	17	17	15	18	16	20	21	17	16
Nova Scotia	113	136	171	224	240	252	241	308	313	331	329	264
New Brunswick	93	91	118	129	133	148	140	131	144	136	147	193
Quebec	1,645	1,719	1,968	2,040	2,021	2,166	2,062	2,173	2,336	2,365	2,353	2,373
Ontario	4,670	5,125	5,415	5,616	5,809	5,718	5,341	5,305	5,309	5,006	4,862	5,222
Manitoba	659	863	986	1,067	1,133	1,289	1,298	1,435	1,601	1,482	1,542	1,598
Saskatchewan	377	410	478	553	573	561	516	536	599	610	664	769
Alberta	1,003	1,312	1,479	1,666	1,796	1,790	1,733	1,788	1,850	..	2,101	2,484
British Columbia	1,054	1,198	1,317	1,418	1,546	1,506	1,454	1,396	1,291	1,253	1,361	1,611
Yukon	33	31	30	43	48	47	39	60	61	48	45	59
Northwest Territories	32	51	65	79	92	108	109	96	84	94	75	96
Nunavut	36	33	41	42	46	48	53	54	61	58	55	67

⁵ Source: Statistics Canada. *Table 251-0005 - Adult correctional services, average counts of adults in provincial and territorial programs, annual*, CANSIM (database).

Atlantic Provinces: Over the last decade, the numbers of adults in remand increased in all Atlantic Provinces except Prince Edward Island, but the steady upward trend is most pronounced in Nova Scotia. Figure 1, illustrates that the average counts of adults in remand rose steadily in Nova Scotia between 2004-05 and 2015-16 with the exception of a slight dip in 2010-11 and again in 2015-16.⁶ Overall, the average counts of adults in remand in Nova Scotia has increased by 134% over the base year of 2004-05.

While Nova Scotia saw average remand counts drop in 2015-16, Newfoundland and Labrador and New Brunswick experienced a sharp spike in the average number of adults in remand in that year leading to overall increases of 165% and 107%, respectively in these two provinces.

Figure 1. Average Daily Remand Counts for Atlantic Canada – Percent Change by Province from the base year of 2004-05⁷



⁶ Due to large population differences across regions, average daily remand counts are presented in Figure 1 as a percent change from the benchmark year (2004-05) for each respective province or territory to allow for comparisons among them.

⁷ Source: Statistics Canada. *Table 251-0005 - Adult correctional services, average counts of adults in provincial and territorial programs, annual*, CANSIM (database).

Nova Scotia vs. Other Provinces: Figure 2 shows that average daily remand counts in Ontario have remained relatively stable over the past decade, where Ontario’s average remand counts only increased by 12% between 2004-05 and 2015-16. Quebec’s average remand counts have increased by 44%, since 2004-05. Neither of these larger provinces has seen the marked increase evident in Nova Scotia.

The Prairie Provinces (Figure 3) show a similar, if attenuated, increase in daily remand counts compared to Nova Scotia. In fact, both Manitoba and Alberta have experienced higher increases of 142% and 148% respectively. Unlike Nova Scotia, all three Prairie Provinces experienced an increase in 2015-16. With the exception of 2015-16, British Columbia (Figure 4) has not seen increases of more than 50 percent of 2004-05 counts. As shown in Figure 5, all three territories saw increases in their average remand counts, but Northwest Territories saw the most extreme increases peaking at an increase of 241% in 2010-11 compared to 2004-05. It should be noted that the Territories have smaller overall remand numbers, which may be influencing the magnitude of the percentage change.

Figure 2. Nova Scotia and Central Canada Average Daily Remand Counts - Percent Change by Province from the base year of 2004-05⁸

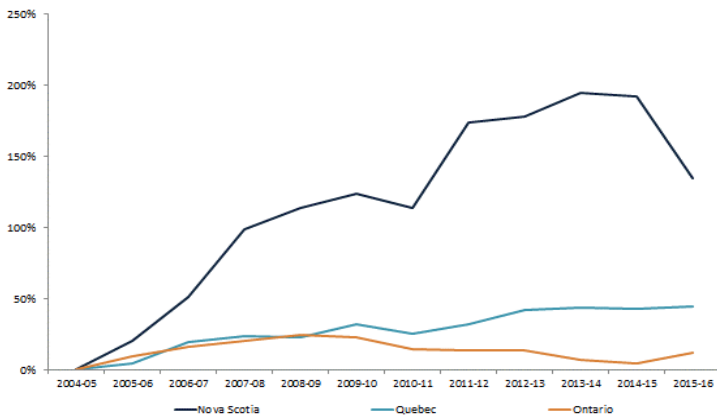


Figure 3. Nova Scotia and Prairie Provinces Average Daily Remand Counts - Percent Change by Province from the base year of 2004-05⁷

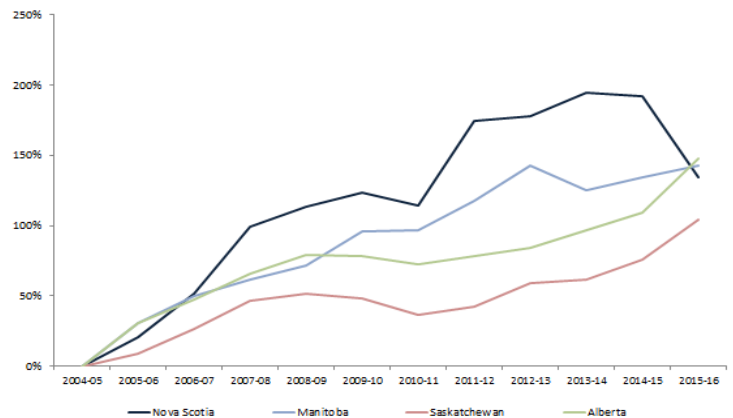


Figure 4. Nova Scotia and British Columbia Average Daily Remand Counts - Percent Change by Province from the base year of 2004-05⁷

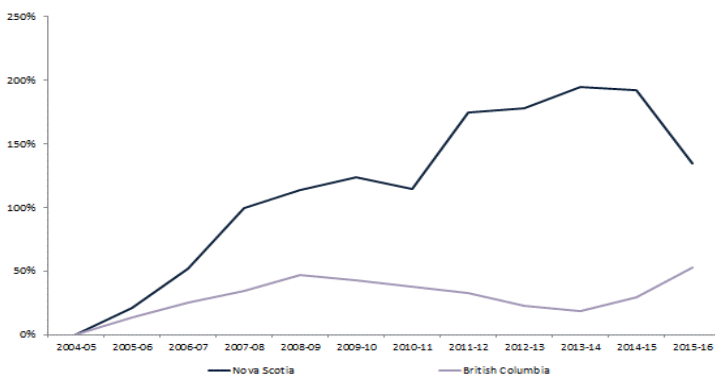
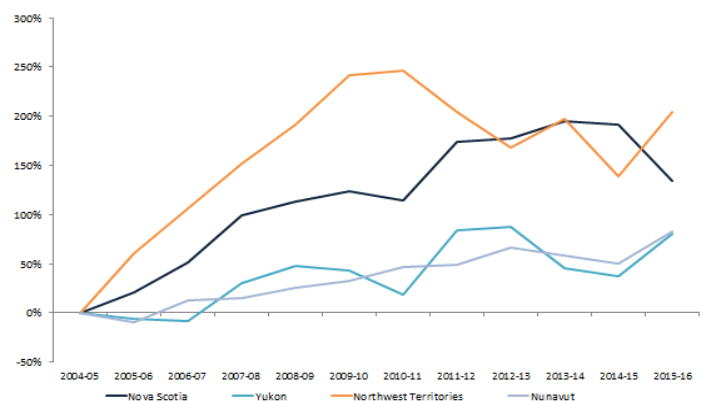


Figure 5. Nova Scotia and Northern Territories Average Daily Remand Counts - Percent Change by Province from the base year of 2004-05⁷

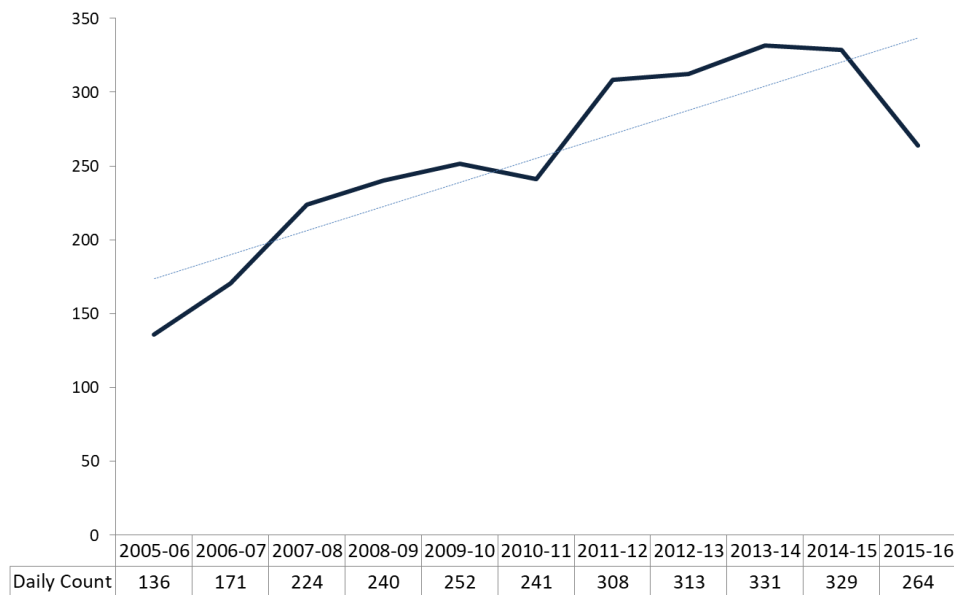


A Focus on Nova Scotia, 2005-06 to 2015-16

The remainder of this report will focus on Nova Scotia for the fiscal years of 2005-06 to 2015-16. At the time of this analysis, data for the final month of 2016-17 was not available.

Figure 6 presents the trend of average daily remand counts in Nova Scotia from 2005-06 to 2015-16. As shown here, average remand counts have been trending upward with the exception of a slight dip in 2010-11, and a decrease in 2015-16.

Figure 6. Nova Scotia Average Daily Remand Counts⁹



Demographic, regional and offence trends over the same time period were compared to this trend line in order to identify drivers of the increase in average daily counts. In addition, two factors may also be contributing to the increase in remand in Nova Scotia:

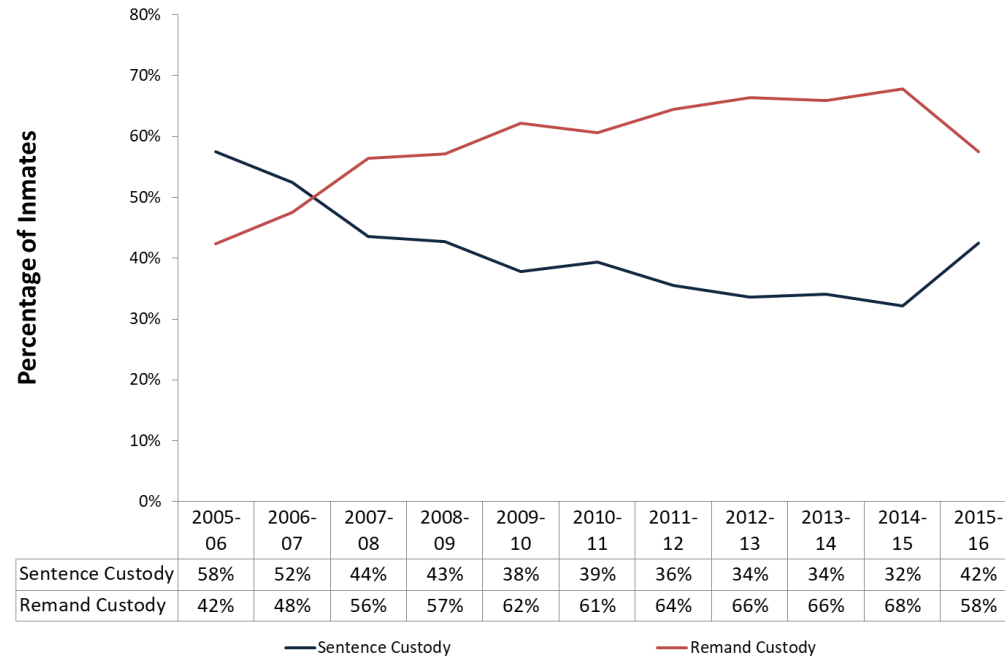
1. There was a 28% increase in adults charged (all violations) in the province between 2005 and 2008, this may help to explain the growth in remand over that same time period and;
2. Halifax Regional Police initiated Operation Breach in the Spring of 2011. This coincided with an increase of 28% in 2011-12 in the average remand counts compared to the prior year, and an increase of 127% compared to 2005-06, according to daily counts reported from Statistics Canada.⁸ Similar policing programs have been in operation throughout the province for the past 4 to 6 years, and this may help to explain the sustained growth of average remand counts since 2011-12. More details on some of these initiatives are available in Appendix A.

⁹ Source: Statistics Canada. *Table 251-0005 - Adult correctional services, average counts of adults in provincial and territorial programs, annual*, CANSIM (database).

Sentence versus Remand Custody

As shown in Figure 7, the percentage of adults in remand has outnumbered those in sentenced custody in Nova Scotia since 2007-08.¹⁰ The gap between sentenced and remanded adults continued to widen further until 2015-16 when it narrowed for the first time since 2008-09.

Figure 7. Percentage of Inmates in Sentence Custody versus Remand in Nova Scotia¹¹



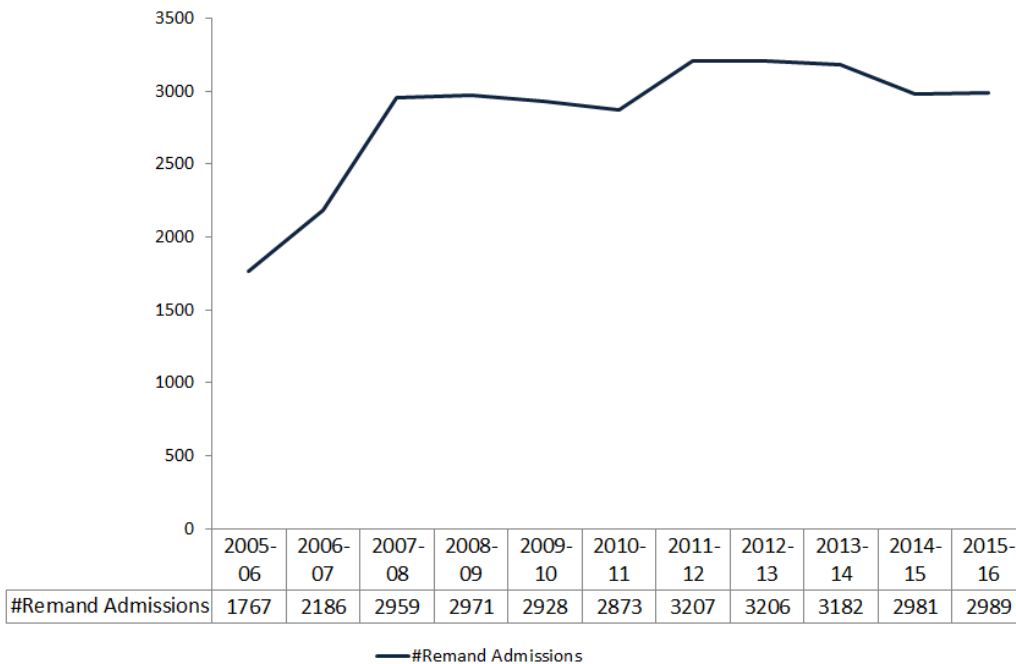
¹⁰ The percentage calculations are based only on the remand + sentenced counts (i.e., excluding other statuses).

¹¹ Statistics Canada. *Table 251-0005 - Adult correctional services, average counts of adults in provincial and territorial programs, annual*, CANSIM (database).

Admissions to Remand

Figure 8 shows the total number of remand admissions between 2005-06 and 2015-16. The largest increases in remand admissions occurred in 2006-07 and 2007-08, and to a lesser extent in 2011-12. These years correspond with spikes observed in the average daily counts of offenders in remand. This suggests that the increase in daily counts noted is related to increased admissions to remand. It is also worth noting that these increases in admissions are not short-lived peaks. Instead, any marked increase in remand admissions in one fiscal year is sustained for the following three to four years, an indication of a paradigm shift in the drivers of remand counts rather than a simple outlier.

Figure 8. Number of Total Remand Admissions in Nova Scotia, 2005-06 to 2015-16¹²

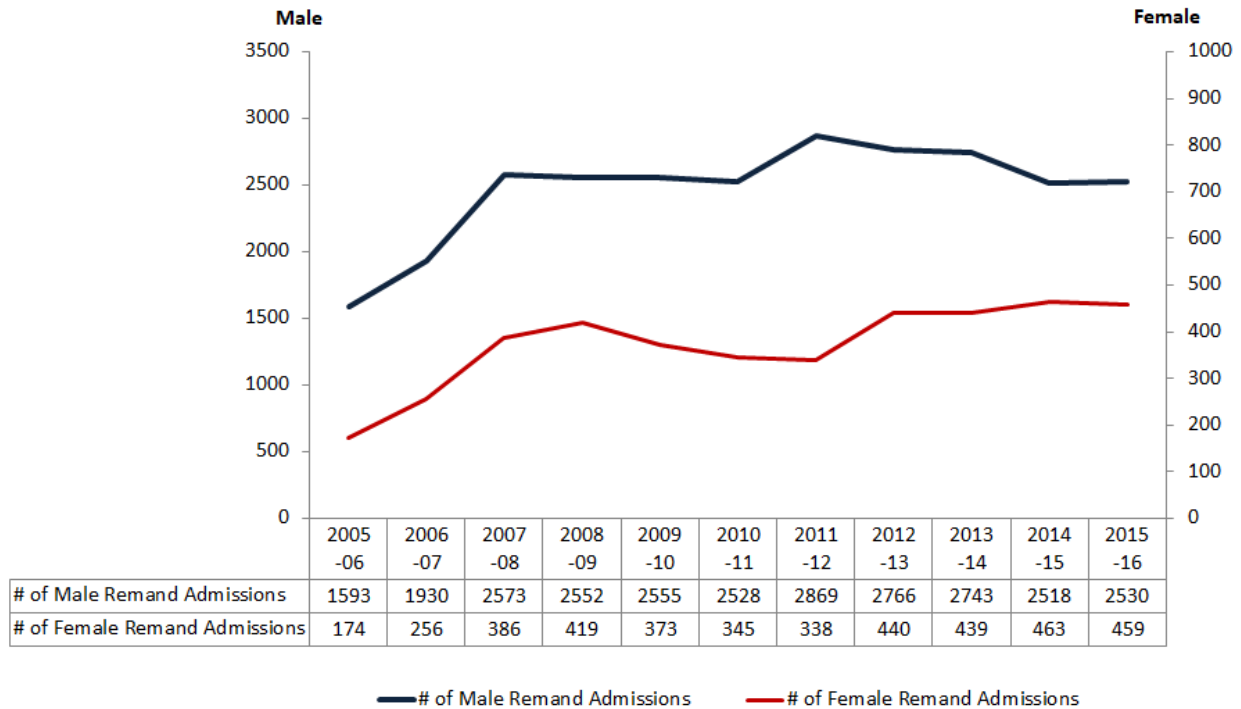


¹² Statistics Canada. *Table 251-0005 - Adult correctional services, average counts of adults in provincial and territorial programs, annual*, CANSIM (database).

Demographic Characteristics of Remanded Adults¹³

Gender: Between 2005-06 and 2015-16, 13% of adults admitted into remand in Nova Scotia have been female.¹⁴ The percentage of remanded adults who are female ranged from 10% in 2005-06 up to a high of 16% in 2014-15. With 87% of the remand population being male between 2005-06 and 2015-16, it is not surprising that the overall pattern of remanded adults mirrors that of male offenders alone.

Figure 9. Number of Total Remand Admissions in Nova Scotia by Gender¹⁵



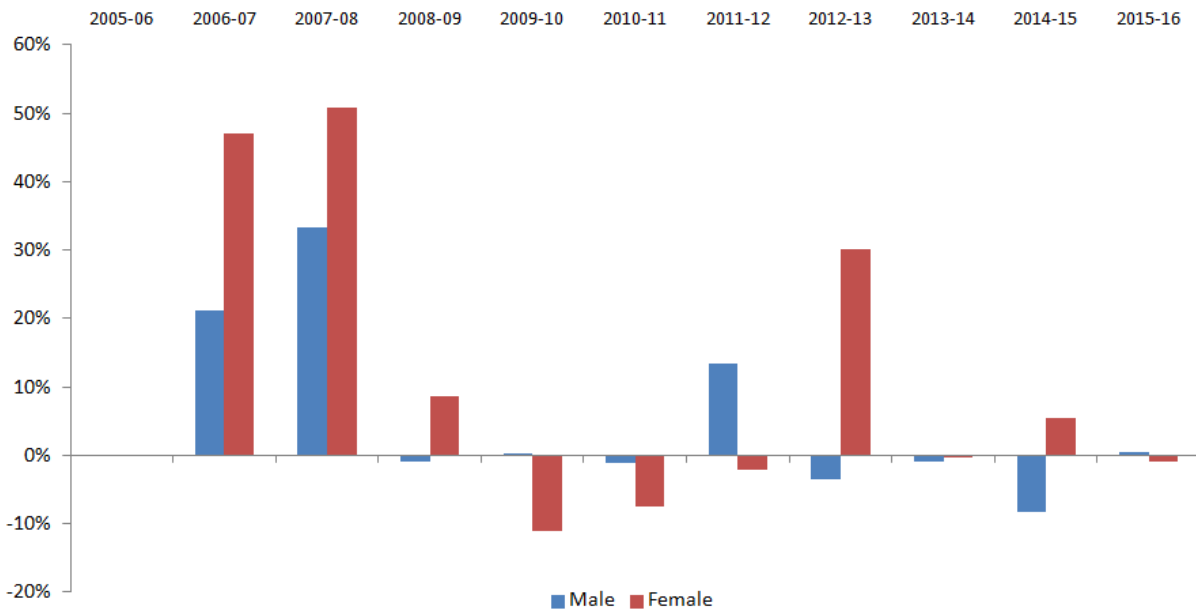
¹³ Note that the average daily count of offenders in remand (Figure 6) from Statistics Canada, is not the same count as the number of adults admitted into remand by gender (Figure 9) which is derived from the Nova Scotia Department of Justice. (2017).

¹⁴ Note that the remand admission counts may include the same person more than once, if the accused was remanded multiple times. As well, these figures exclude remand admissions where the sex of the accused are unknown.

¹⁵ Nova Scotia Department of Justice. (2017) *Justice Enterprise Information Network data extract [Data set]*. Retrieved June 07, 2017.

While admissions for both males and females increased, the increase for females was greater. Between 2005/06 and 2015/16, females saw a greater increase in remand admissions at 164% compared to their male counterparts at 59%. During 2006-07 and 2007-08, remands of adult females increased year-over-year by 47% and 51%, respectively (see Figure 10). There was also a third notable spike in remand admissions of female adults in 2012-13 (30% compared to a 4% decline among males). In 2005-06, 10% of remand admissions involved females and this proportion increased to 15% in 2015-16. Overall, females accounted for 23% of the increase in remand admissions over the 11 years.

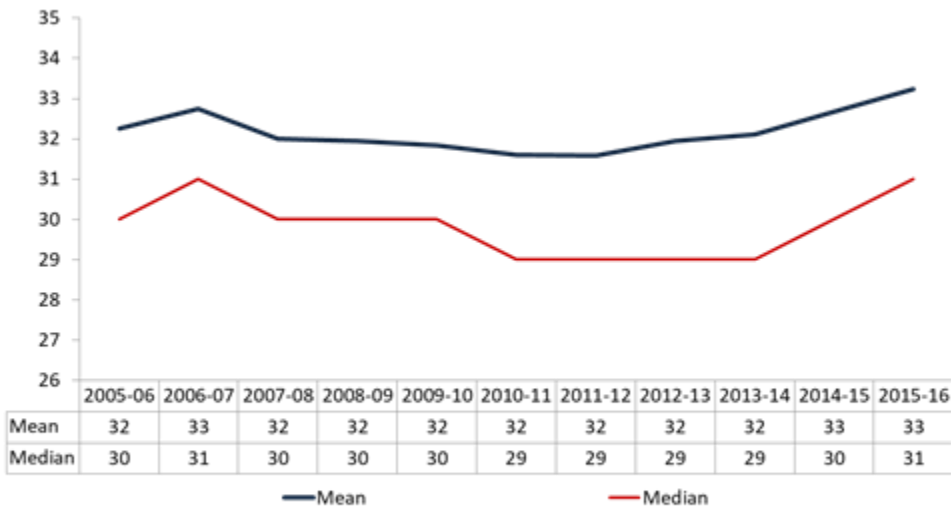
Figure 10. Number of Total Remand Admissions in Nova Scotia by Gender – Year over Year Change¹⁶



¹⁶ Nova Scotia Department of Justice. (2017) Justice Enterprise Information Network data extract [Data set]. Retrieved June 07, 2017.

Age: The age of offenders at the time of remand in Nova Scotia has been consistent over the past decade. The median age of individuals admitted for remand ranges from 29 to 31 and the mean age held at 32 to 34 (Figure 11).

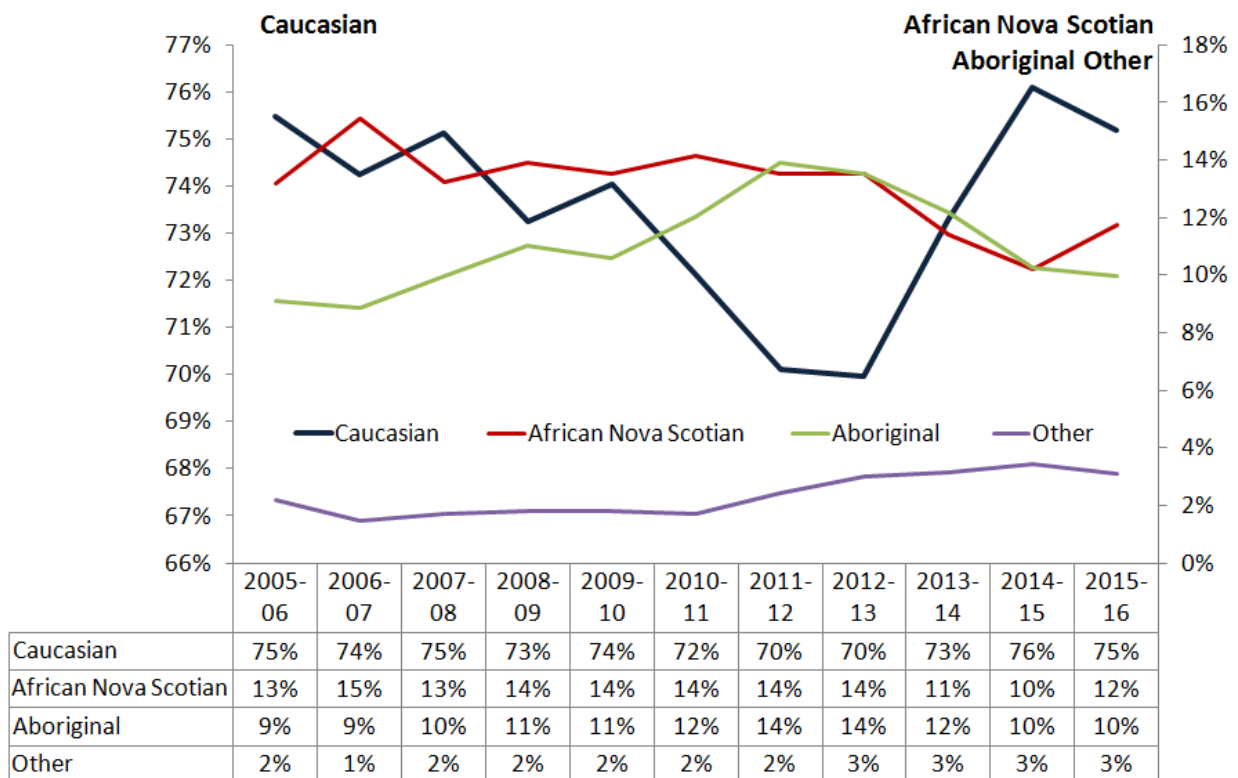
Figure 11. Age at Time of Remand¹⁵



Ethnicity: Between 2005/06 and 2015/16, the majority of remanded adults were Caucasians (73%), followed by African Nova Scotians (13%), and Aboriginals (11%). During this period, Caucasians made up 70% to 76% of adults in remand peaking in 2014/15; African Nova Scotians ranged from 10% to 15% peaking in 2006/07; and Aboriginals ranged from 9% to 14% peaking in 2011/12 and 2012/13.

African Nova Scotians and Aboriginal individuals are overrepresented in remand admissions compared to their overall population numbers. African Nova Scotians comprise about 2% of the provincial population and those who identify as Aboriginal comprise about 4% compared to the 13% and 11% of the remand admissions, respectively, over the last decade.^{17,18}

Figure 12. Remand Admissions by Ethnicity – Percentage of Total¹⁹



In the past decade, remand counts increased by 1,144; 75% of the increase can be attributed to Caucasian adults, 11% to Aboriginals, 10% to African Nova Scotians, and the remaining 4% to other ethnicities.²⁰

¹⁷ Statistics Canada. 2010. Visual census. 2006 Census. Ottawa. Released December 7, 2010. http://www12.statcan.gc.ca/census-recensement/2006/dp-pd/fs-fi/index.cfm?Lang=ENG&TOPIC_ID=11&PRCODE=12 (accessed September 15, 2017).

¹⁸ Office of Aboriginal Affairs (2015). Aboriginal People Demographics Fact Sheet. Retrieved from <https://novascotia.ca/abor/aboriginal-people/demographics/>

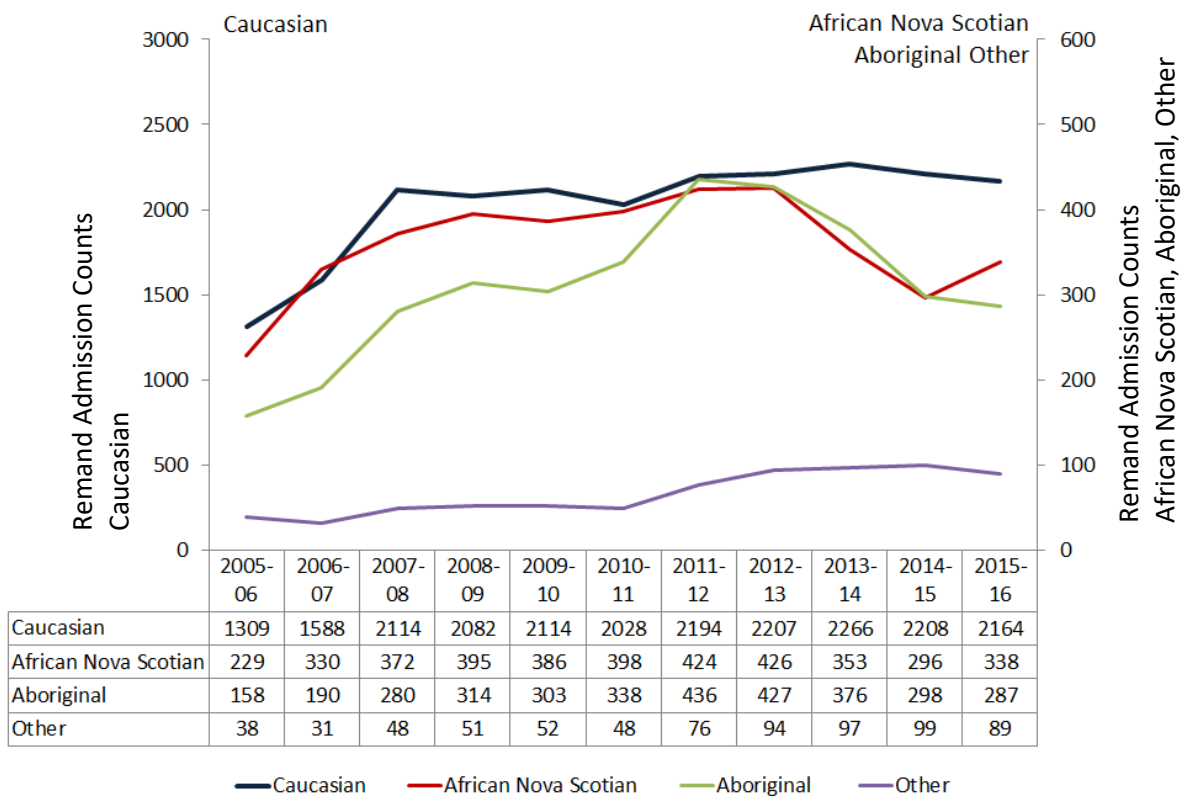
¹⁹ Nova Scotia Department of Justice. (2017) Justice Enterprise Information Network data extract [Data set]. Retrieved June 07, 2017.

²⁰ These calculations are based on cases where ethnicity was known.

All groups identified in Figure 12 have experienced a notable increase in the number of remand admissions over the last decade. The number of Caucasians admitted into remand has increased by 65% while the number of admissions involving African Nova Scotians has increased by 48%. Aboriginals experienced an increase of 82% over the decade. “Other” ethnic groups saw the largest increase with an increase of 134%, however, because their numbers are relatively small, the greater increase for other ethnic groups only contributed 4% to the overall increase in remand admissions.²¹

While there has been some variation over the 11-year time period in the proportion of admissions involving Aboriginal and African Nova Scotian accused, overall the proportions in 2015-16 was similar to 2005-06. Aboriginal accused represented 10% of remand admissions in 2015-16 as compared to 9% in 2005-06. African Nova Scotian accused represented 12% of admissions in 2015-16 and 13% of admissions in 2005-06 (Figure 12).

Figure 13. Remand Admissions by Ethnicity - Counts²²



²¹ The category of other is comprised of individuals who identify as 'Other', 'Asian' and 'Arab' ethnicities.

²² Nova Scotia Department of Justice. (2017) Justice Enterprise Information Network data extract [Data set]. Retrieved June 07, 2017.

Remand Admissions by Court²³

As shown in Table 2, the largest share of remand admissions (41%) between 2005-06 and 2015-16 arise from the Justice of the Peace Centres (JP Centre). This is expected as the JP Centre is responsible for weekend, holiday and overnight arraignment hearings. Halifax, Sydney and Dartmouth provincial courts together make up about another half of the volume of total admissions (46%). This pattern has been consistent over the past decade.

Table 2. Remand Admissions by Court – Percentage of Nova Scotia Remand Admissions²²

	2005/2006	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	Trend
JP Centre	39%	40%	42%	38%	40%	42%	40%	40%	41%	42%	42%	
Halifax	19%	21%	18%	16%	13%	14%	17%	16%	14%	13%	15%	
Dartmouth	11%	13%	13%	17%	15%	15%	15%	16%	15%	12%	13%	
Sydney	13%	11%	13%	18%	19%	17%	16%	16%	18%	18%	14%	
Kentville	5%	3%	3%	3%	4%	3%	3%	3%	3%	3%	2%	
Bridgewater	1%	1%	1%	1%	1%	1%	2%	1%	2%	2%	3%	
Truro	3%	2%	3%	2%	2%	1%	2%	2%	2%	2%	2%	
Antigonish	1%	1%	1%	1%	1%	1%	1%	1%	0%	1%	1%	
Yarmouth	1%	2%	1%	1%	1%	1%	1%	1%	1%	1%	2%	
Digby	1%	1%	1%	1%	1%	1%	1%	1%	0%	1%	1%	
Amherst	1%	1%	1%	1%	0%	1%	1%	1%	1%	2%	2%	
Pictou	3%	3%	2%	2%	2%	2%	1%	2%	2%	2%	2%	
Port Hawkesbury	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	

Overall, the increase in remand has been driven by the JP Centre, which represents 46% of the increase over the past decade. Dartmouth, Sydney, and Halifax Provincial Courts represent an additional 40%. Together, these four courts represent 87% of the remand admissions and are responsible for 86% of the increase in remand. Other smaller courts (Bridgewater, Truro, Yarmouth and Digby) have also experienced an increase in remand admissions over the last decade; however, the number of admissions is small relative to the four larger courts (Table 3).²⁴

²³ Supreme court remand admission is not included in this analysis.

²⁴ Nova Scotia Department of Justice. (2017) Justice Enterprise Information Network data extract [Data set]. Retrieved June 07, 2017.

Table 3. Remand Admissions by Court – Counts²³

	2005/2006	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	Trend
JOP	690	864	1228	1110	1158	1208	1276	1288	1306	1244	1261	
Halifax	335	467	536	477	379	397	537	525	443	401	449	
Dartmouth	195	281	391	493	444	438	473	495	461	368	389	
Sydney	235	248	394	540	568	479	518	500	565	531	416	
Kentville	82	73	90	75	104	84	85	85	92	88	74	
Bridgewater	20	18	21	24	29	35	53	42	63	58	76	
Truro	53	35	81	60	56	35	60	62	58	68	74	
Antigonish	24	16	27	17	28	15	18	22	9	16	17	
Yarmouth	17	36	34	23	41	38	47	38	38	31	59	
Digby	11	26	23	23	27	16	16	22	15	29	23	
Amherst	16	25	27	30	7	31	36	29	44	66	55	
Pictou	57	59	68	46	45	50	47	57	48	49	56	
Port Hawkesbury	22	25	26	35	29	23	25	27	23	23	26	

In 2015-16, 42% or 1,261 remands began at the JP Centre. This proportion has been relatively consistent over the past decade, ranging from 37% to 42%. Further analysis showed that over the 11 year time period examined, of the remands that started at the JP Centre:

- 54% continued in a provincial facility, while 2% were remanded to a federal or mental institute;
- 4% moved to sentenced custody in either in a provincial or a federal institution; and the remaining 41% were released.²⁵

²⁵ This analysis is based on the most serious offence for which accused were remanded. It is important to note that not all accused were released following that charge being dismissed or withdrawn, as many had multiple charges. Outcomes for the accused included: remand continuing, being sentenced to custody, being sentenced to community, being released with conditions, or being released with all charges dismissed or withdrawn.

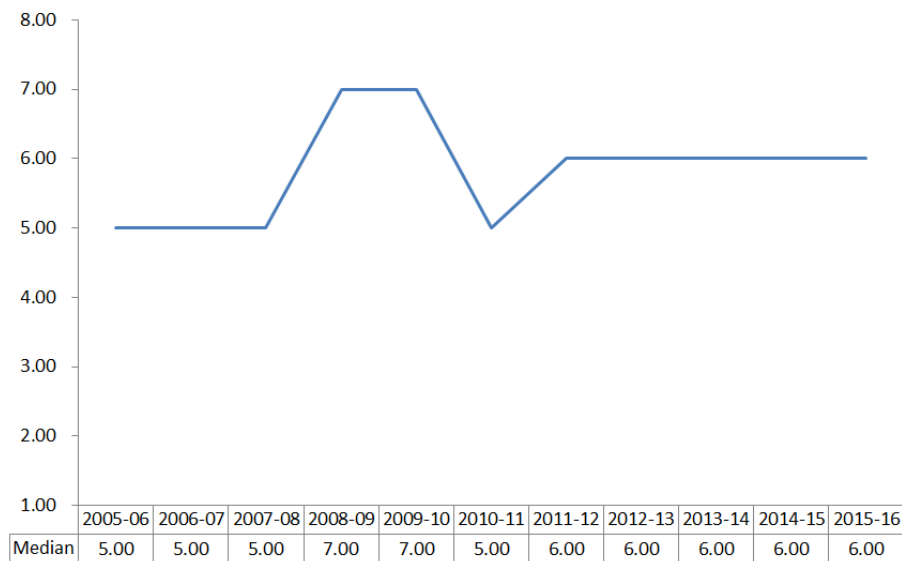
Length of Remand

As shown in Figure 14, the median number of days in remand saw a rise from five in 2005-06 to seven in 2008-09. This was followed by a decrease to five days again in 2010-11 before increasing and holding steady at six days since 2011-12.

Increases in length of time served in remand likely contributed to elevated remand counts over the 11 year period. Longer remand periods coincided with increases in the number of people in remand in both 2008-09 (+7%) and 2011-12 (+28%). In addition, the decrease in length of time in remand in 2010-11 coincided with the decrease in counts that year – further evidence that length of time has influenced remand counts.

However, it is clear that there is not a one-to-one relationship between length of time in remand and remand counts. The largest increase in remand counts over the 11 year period took place in 2007-08 and the median time in remand was unchanged that year compared to the prior year.

Figure 14. Median Days in Remand²⁶



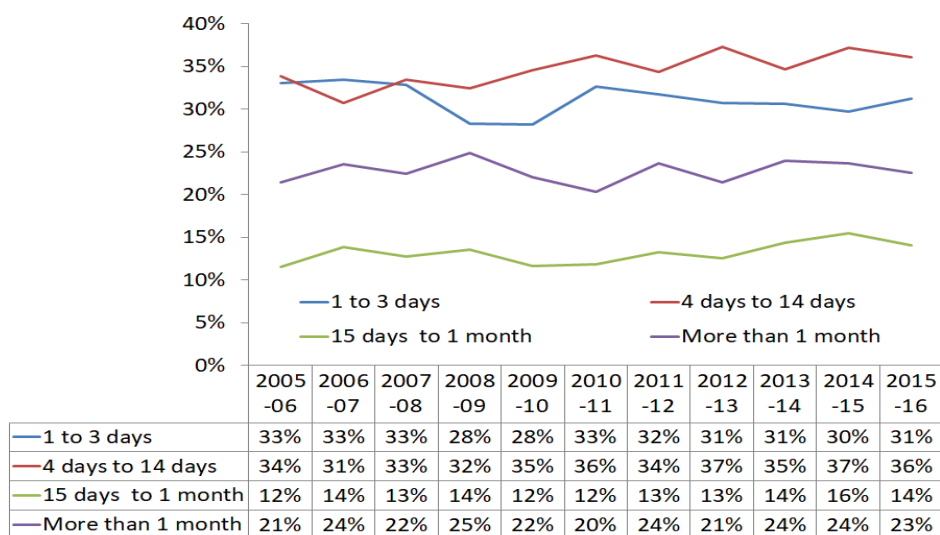
²⁶ Nova Scotia Department of Justice. (2017) Justice Enterprise Information Network data extract [Data set]. Retrieved June 07, 2017.

Table 4. Remand Length by Year²⁷

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	Trend
1 to 3 days	33%	33%	33%	28%	28%	33%	32%	31%	31%	30%	31%	
4 to 7 days	24%	22%	25%	23%	23%	27%	25%	26%	26%	27%	26%	
8 to 14 days	10%	8%	9%	10%	11%	9%	9%	11%	9%	10%	10%	
15 to 31 days	12%	12%	11%	14%	15%	11%	10%	11%	11%	9%	10%	
> 1 mth to 6 mth	19%	21%	20%	22%	19%	17%	20%	17%	20%	20%	19%	
> 6 mth to 1 yr	2%	2%	2%	2%	2%	2%	3%	3%	2%	3%	3%	
> 1 yr to 2 yrs	0%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	
> 2 years	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	

Two thirds (66%) of adults held in remand over the past decade were held for two weeks or less with 77% being held one month or less. These numbers have remained relatively stable between 2005-06 and 2015-16, as shown in Figure 15.

Figure 15. Remand Admissions of Over 12 Months by Fiscal Year²⁶



The number of adults held in remand for over one year is small, hovering around 1% of all adults in remand. However, as shown in Table 5, there was an increase in this peripheral group to 1.4% in 2012-13. This group is too small to influence average daily counts each year and therefore is not an identified contributor to the remand increase observed in Nova Scotia overall.

²⁷ Nova Scotia Department of Justice. (2017) Justice Enterprise Information Network data extract [Data set]. Retrieved June 07, 2017

Table 5. Remand Admissions of Over 12 Months by Fiscal Year²⁸

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Count	6	16	23	21	25	28	27	46	35	32	22
% of total in remand custody	0.3%	0.7%	0.8%	0.7%	0.9%	1.0%	0.8%	1.4%	1.1%	1.1%	0.7%

As shown in Table 6, the length of time in remand varies widely by court, and within courts over time. The median length of remand was shortest for remands ordered by the JP Centre.²⁹ This result is expected since the JP Centre is the court that adjudicates on weekends and holidays, often with one or more court officials attending by phone, and the accused are often remanded for shorter periods to await an appearance in their local court when they can be represented by Legal Aid or another legal representation in person in front of a judge.

Over the 11 year time period, remands ordered at Yarmouth Court tended to have the longest duration.

Table 6: Median Length of Remand by Court

	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
JP Centre	4	4	4	4	4	4	4	4	4	4	4
Halifax	8	8	8	10	8	8	7	8	6	7	8
Dartmouth	6	9	15	15	14	8	9	9	12	8	12
Sydney	6	7	7	8	9	7	8	8	12	9	8
Kentville	8	15	7	11	7	7	7	8	6	4	9
Bridgewater	4	22	16	12	20	6	8	9	7	10	9
Truro	7	4	7	5	5	5	6	6	4	6	5
Antigonish	5	12	22	14	7	7	5	8	7	7	5
Yarmouth	23	24	27	36	35	23	16	28	24	9	14
Digby	14	25	15	29	13	9	9	8	13	5	7
Amherst	13	5	5	9	17	10	10	13	7	10	11
Pictou	5	9	9	8	8	7	27	8	8	8	6
Port Hawkesbury	6	8	8	8	11	4	25	13	6	11	5

Short remand stays are common in the following scenarios:

1. The accused requires time to work on a release plan (e.g., arranging bail, surety, or accommodations)
2. The Crown requests time to review the case before determining if any type of release is appropriate. The Judge determines that a “cooling off” period is warranted before considering terms of release.

²⁸Statistics Canada. *Table 251-0005 - Adult correctional services, average counts of adults in provincial and territorial programs, annual*, CANSIM (database).

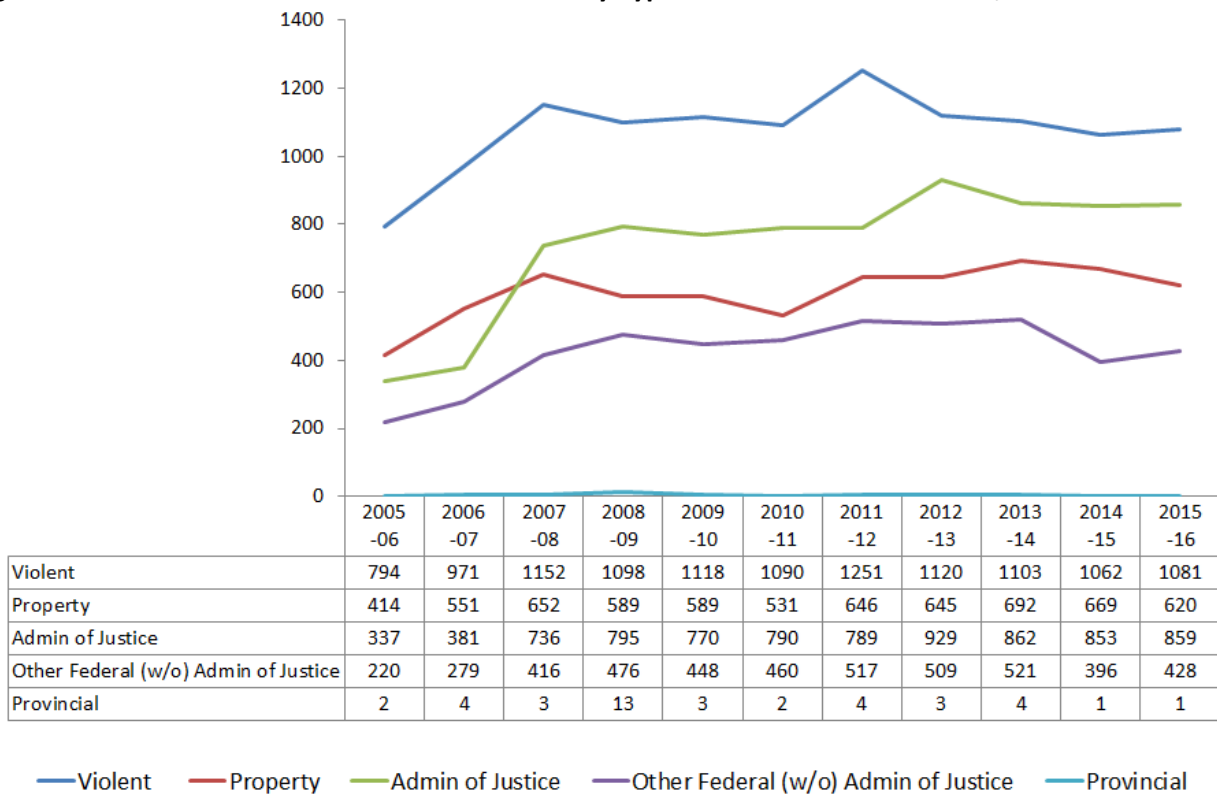
²⁹ The minimum remand length is typically two days as it involves at least one overnight stay.

Remand stays of more than 30 days are indicative of an offender awaiting trial. According to Stakeholder interviews, although the Crown and the defense may be ready to proceed to trial, the court schedule often does not allow for expedient trial dates. Based on feedback from stakeholders, currently the wait time for a 2-hour trial varies widely by court and is often several months.

Remand Admissions by Type of Offence

Administration of Justice offences (+155%), “other” federal offences (+95%), property crimes (+50%), and violent crimes (+36%) have all experienced increases in remand admissions over the last decade. As shown in Figure 16, in recent years the largest share of remand admissions involves violent crime followed by administration of justice offences. Despite an overall increase in the past decade, violent crimes and administration of justice offences both experienced a slight drop in remand admissions after peaking in 2011-12 and 2012-2013 respectively. Violent crimes, 2012-13 saw a 10% drop in remand admissions from the previous year while remand admissions for other federal offences dropped in 2014-2015.

Figure 16. Nova Scotia Remand Admission Counts by Type of Most Serious Offence^{30, 31}



³⁰ Nova Scotia Department of Justice. (2017) *Justice Enterprise Information Network data extract [Data set]*. Retrieved June 07, 2017.

³¹ See Appendix E for additional breakdowns of charges that fall within these categories.

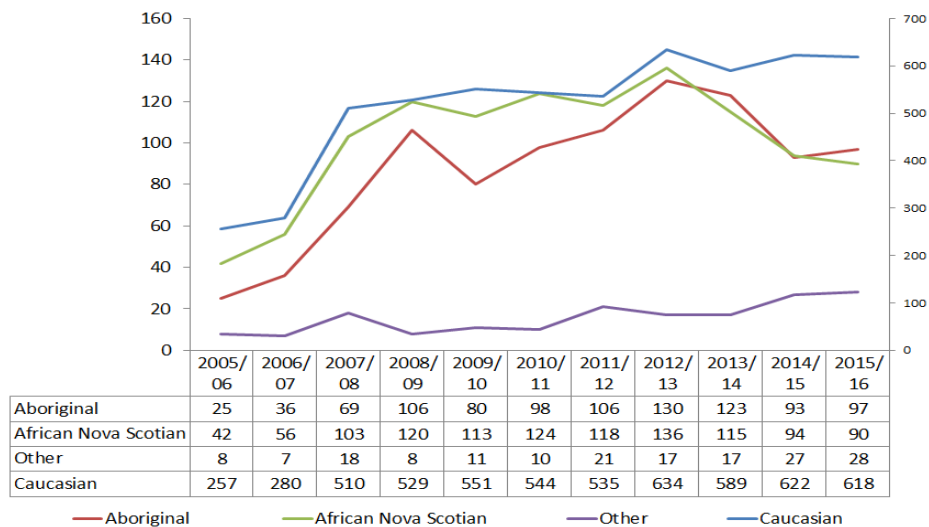
The largest increase in remand admission for administrative justice charges occurred in 2007-08 (+93%) followed by an increase of 18% in 2012/13. Although the first increase occurred prior to the initiation of the Operation Breach initiative in HRM in 2011 the second increase could be related to this and other similar programs initiated throughout the province.

Table 7. Remand Admission for Administration of Justice Year over Year Change

	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Total Admin of Justice MSO's	337	381	736	795	770	790	789	929	862	853	859
Year to Year % Change	-	13%	93%	8%	-3%	3%	0%	18%	-7%	-1%	1%

While remand admissions for administrative justice charges increased across all groups, the most marked increase was among Aboriginal individuals. Remand admissions for administrative justice charges among Aboriginal individuals increased by 288% between 2005-06 and 2015-16 compared to African Nova Scotians (114%) and Caucasians (140%).

Figure 17. Remand Admission for Administration of Justice Offences by ethnicity³²



Overall the median number of days in remand for each of the four crime categories has followed the same pattern as the overall change in median days, with the exception of Property offences which doubled from a median of 6 days in 2005-06 to a median of 12 days in 2008-09, then returned to a median of 6 days by 2015-16. Table 8 shows the median number of days in remand by most serious offence.

³² Nova Scotia Department of Justice. (2017) *Justice Enterprise Information Network data extract [Data set]*. Retrieved June 07, 2017.

Those charged with violent crimes spend the longest period in remand with a median of 7 days in 2015-16 (an average of 42 days in 2015-16).

Table 8. Median Number of Days in Remand ³³

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Violent	6	6	6	8	7	6	7	7	7	7	7
Property	6	7	7	12	10	6	7	8	7	7	6
Admin of Justice	5	4	4	6	6	4	4	4	5	5	5
Other Federal	5	5	5	7	7	6	6	6	6	5	5
All Offenses	5	5	5	7	7	5	6	6	6	6	6

Table 9 summarizes the contribution to the increase in remand admission by most serious offence.

Increases in admissions to remand for violent crimes accounted for 23% of the overall increase in remand admissions over the past decade. Within the violent crimes category, common assault and major assaults have trend lines that most closely mirror the trend of average daily counts over the past decade. Of note, the number of remand admissions involving common assaults decreased sizably in the last two years (see Appendix E). Major assaults and common assaults accounted for 34% and 44% of the increases within the violent crime category.

Property crimes account for 17% of the overall increase in remand admissions. The number of remand admissions for theft has generally trended upward over time and has increased consistently since 2010-11 (see Appendix E). Within this category, theft accounts for 71% of the increase followed distantly by mischief (9%).

Other Federal Offences accounted for 17% of the overall increase in remand admissions. Within this category, drug trafficking accounts for 37% of the increase followed by weapons offenses (22%). Remand admissions for drug trafficking increased sharply between 2005-06 and 2008-09 and has been trending downward from 2009-10 to 2014-15 with a small increase in 2015-16. Remand admissions related to weapons offenses saw two periods of increase in the past decade, between 2005-06 and 2007-08 and again between 2009-10 and 2012-13. Both increases were followed by two years of declining rates of weapon offence related remand admissions (2008-09 to 2009-10 and 2013-14 to 2014-15).

Administration of Justice is the largest contributor to the overall increase in remand admissions accounting for 43% of the total. Failure to comply with a court order is the most common type of administration of justice offence that results in remand. There was a clear increase in failure to comply as the most serious offence in 2007-08 and remand cases for this offence have sustained the increased level for nine years (Appendix E). Failure to comply accounts for 77% of the increase in the Administration of Justice remand admissions followed by Breach of probation (14% of the increase).

³³ Nova Scotia Department of Justice. (2017) *Justice Enterprise Information Network data extract [Data set]*. Retrieved June 07, 2017

Table 9. Largest Contributors to Increase in Remand Admissions by Most Serious Offence³⁴

	Percent of Admissions over Past 11 Years	Percent Contribution to Increase	Largest Contributors to the Increase within the category	
Violent Crime	38%	23%	Common Assaults (34%)	Major Assaults (44%)
Property	21%	17%	Property Theft (71%)	Break and Enter (9%)
Administration of Justice	26%	43%	Failure to Comply (77%)	Breach of Probation (14%)
Other Federal (not including Admin of Justice)	15%	17%	Drug Trafficking (37%)	Weapons Offences (22%)

As Table 10 shows, failure to comply with an order, and breach of probation have consistently been in the top five most frequently occurring offences for adults in Nova Scotia Provincial Courts. Additional information on this table and top offences for adults from 2010-2011 to 2014-2015 can be found in Appendix C.

Table 10. Top Most Frequent Serious Offence Charges for Adults in Nova Scotia Provincial Courts³⁵

	2012-13	2013-14	2014-15
1	Fail to comply with order	Common assault	Common assault
2	Common assault	Fail to comply with order	Fail to comply with order
3	Theft	Residual federal statutes	Theft
4	Breach of probation	Theft	Residual federal statutes
5	Residual federal statutes	Breach of probation	Breach of probation

³⁴ Nova Scotia Department of Justice. (2017) Justice Enterprise Information Network data extract [Data set]. Retrieved June 07, 2017

³⁵ Source: CANSIM: Table 252-0064 Adult courts, number of cases and charges by type of decision. (accessed: July 24, 2017)

Released After Remand

Remand is a limited custody order with a specific expiry date set by the judge. Remand can be extended by the judge if requested by the Crown and granted by the judge. Remand ends when one of the following occurs: the Crown withdraws the charges, the judge dismisses the charge, the offender pleads or is tried and found guilty and is subsequently sentenced, the offender is declared not guilty after a trial, the accused is released either with or without conditions while the case is still ongoing (e.g. on bail), or the offender is remanded to a federal penitentiary or mental institution.

About half of offenders remanded between 2005-06 and 2015-16 were released on conditions, prior to sentencing, and this remained fairly stable over the 11 year time period. Between 6% and 8% were sentenced and released into the community either on community sentences or on time served.

There has been a decrease over the past decade in the number of remands that end with sentencing to further custody. In 2005-06 28% of remand admissions ended in provincial custody sentences (21%) or federal custody sentences (7%). By 2015-16 this percentage had decreased to 18%.

In contrast, there was an increase in the percentage of remands which ended as a result of the case being dismissed or withdrawn, from 10% in 2005-06 to 22% in 2015-16.³⁶

Table 11: Releases from remand by year and status

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Sentenced and released in community	8%	8%	7%	8%	7%	6%	6%	7%	6%	7%	8%
Released on conditions, not sentenced	47%	46%	50%	47%	47%	48%	48%	46%	46%	48%	50%
Released without conditions, not sentenced	2%	2%	1%	1%	1%	1%	1%	1%	1%	0%	0%
Released after charge dismissed, withdrawn, etc.	10%	14%	13%	15%	17%	20%	23%	22%	23%	23%	22%
Sentenced to provincial custody	21%	19%	19%	22%	21%	18%	16%	18%	17%	16%	15%
Sentenced to federal custody	7%	6%	4%	4%	3%	4%	4%	4%	4%	3%	3%
Remand continued in a federal custody or mental institution	5%	5%	4%	3%	3%	4%	3%	3%	3%	3%	3%

³⁶ This analysis is based on the most serious offence for which accused were remanded. It is important to note that not all accused were released following that charge being dismissed or withdrawn, as many had multiple charges. Outcomes for the accused included: remand continuing, being sentenced to custody, being sentenced to community, being released with conditions, or being released with all charges dismissed or withdrawn.

Released After Remand - Aboriginal Nova Scotians

As with the overall population of remanded accused, Aboriginal accused were more likely to be released from remand on conditions (without sentencing) than to be released on other statuses or move directly to sentenced custody. Aboriginal Nova Scotians released from remand with conditions accounted for almost half (44%) of all releases among Aboriginal Nova Scotians in 2005/06 and (46%) in 2015/16.

Also like the overall population of remanded accused, since 2005/2006, there has been an increase in the proportion of Aboriginal Nova Scotians who are released after their charge has been dismissed or withdrawn, up from 9% of all cases of remands released among Aboriginal Nova Scotians in 2005/06 to nearly one quarter (22%) in 2015/16. During this same time period, there was a decrease in the amount of Aboriginal Nova Scotians released from remands who were sentenced to provincial custody: down from one quarter (25%) in 2005/06 to 15% in 2015/16. Similar trends were observed among African Nova Scotians. For tables illustrating these trends please see Appendix F.

Released After Remand - African Nova Scotians

Trends in release status for African Nova Scotians were similar to trends for the overall population and for Aboriginal accused. Between 2005/06 and 2015/16, African Nova Scotians released from remand with conditions who were not sentenced have consistently accounted for the majority of cases of releases among this group. Releases from remand with conditions, not sentencing, among African Nova Scotians accounted for half (51%) in 2005/06 and peaked in 2015/16, making up a small majority (54%).

Since 2005/2006, there was an increase in the proportion of African American Nova Scotians who are released after their charge has been dismissed or withdrawn from 10% in 2005/06 to one quarter (25%) of cases in 2015/16. There was a decrease in the proportion of African American Nova Scotians released from remands who were sentenced to provincial custody, down from nearly one quarter (21%) in 2005/06 to 10% in 2015/16. For tables illustrating these trends please see Appendix F.

Released After Remand and Remand Length

During remand, offenders earn 1.5 days toward any eventual sentence for that offence. This is called “enhanced-time”. Stakeholders indicate that in a large number of cases, this enhanced time already served is sufficient to cover the sentence handed down by the court, resulting in the offender being released from custody immediately after pleading or being found guilty.

It is thought that this could result in longer remand stays to attempt to reduce sentence lengths and serve time in remand. However, as shown in Table 12, length of stays in remand has decreased or remained stable for most release outcomes with the exception of sentence into custody. It is possible that the increased length of time in remand for those offenders who are likely to be sentenced could be to take advantage of enhanced time.

Table 12. Median length of remand by release outcome³⁷

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Sentenced and released in community	18.00	22.00	28.00	25.00	21.00	11.00	24.00	14.00	14.50	10.50	12.00
Released on conditions without sentenced	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00
Released without conditions without sentenced	9.00	8.00	5.00	18.00	6.00	7.00	9.00	11.00	4.00	4.00	8.00
Released after charge dismissed, withdrawn, etc.	16.00	9.00	14.00	16.00	15.00	6.00	11.00	7.00	10.00	9.00	9.00
Sentenced into provincial custody	14.00	17.00	14.00	15.00	19.00	13.00	14.50	14.00	19.50	23.00	22.00
Sentenced into federal custody	35.00	37.00	43.00	57.00	35.50	61.00	53.00	67.50	73.50	77.00	58.00
Remand continued in a federal or mental institution	4.00	4.00	5.00	4.00	5.00	5.50	6.00	5.50	5.00	6.00	5.00

Stakeholders indicate that very few cases actually go to trial. Trial dates are often not even set because the Crown and the defense believe they will come to an agreement on the resolution of a case well before a trial could be scheduled. These views are supported by statistics indicating that trials are scheduled in only about one-third of cases and take place in only 4% of cases.

Stakeholders indicated that courts could not handle the volume of cases that flow through the system if the majority of cases went to trial. Stakeholders feel there are not enough judges to handle the current case load without long scheduling delays, so the Crown and the defence feel compelled to come to an amicable solution as often as possible and present a joint proposal to the judge for approval. This conclusion is backed up by the findings from the sample of court hearing recordings where individuals were remanded for this study. It was discovered in almost all of the sampled cases that the crown and defense arrived at an arrangement for conditions prior to coming before the judge or JP for a hearing.

Understanding that the offender has accumulated enhanced time while in remand, the defence and Crown often go before the judge with the offender agreeing to plead guilty to some or all of the charges, and the Crown asking for a penalty equal to time served.

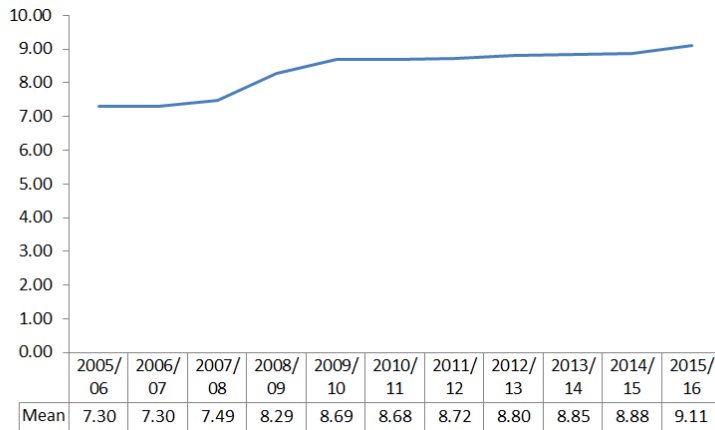
Stakeholders suspect that the majority of those released after remand have agreed to a time-served plea deal with the Crown. However, as noted above, the percentage of releases from remand following sentencing, either with a community sentence or a sentence of time served has been largely unchanged over the past decade. Therefore, it does not seem that the increase in remand numbers is due to a disproportionate increase in the number of people released on time served.

³⁷ Nova Scotia Department of Justice. (2017) *Justice Enterprise Information Network data extract [Data set]*. Retrieved June 07, 2017

Conditions on Release

As well, analysis of the number of conditions associated with releases from remand indicates that the number of conditions placed on offenders have increased over time. The average number of conditions for an offender has risen from 7 in 2005-06 to 9 in 2015-16.

Figure 19. Average number of conditions on release with conditions by year³⁸



³⁸ Nova Scotia Department of Justice. (2017) *Justice Enterprise Information Network data extract [Data set]*. Retrieved June 07, 2017

Qualitative – In Depth Interviews and Group discussions

The following section details stakeholder remarks and are meant to give context to the empirical data. Three group sessions of 5 to 10 participants were conducted with the Nova Scotia Public Prosecution Service, the Halifax Regional Police and RCMP, as well as Legal aid. One on one in depth interviews were also conducted with a federal crown attorney and a representative from the Public Prosecution Service of Canada as well as a chief judge.

In some cases, the opinions of different stakeholder groups were divergent or inconsistent with data presented elsewhere in this report. However, these stakeholders influence remand at ground level and understanding what influences their actions will give direction to the further analysis of remand trends.

Reasons for remand:

Judges: Primary concern, is whether they will re-offend

Crown Prosecutors: The possibility that the defendant will re-offend or be unable to abide by acceptable conditions is the main factor for prosecutors when requesting remand. Concern for public safety is paramount in decision, particularly for violent offenders.

Legal Aid/Defense Attorneys: The defense may advise their client to consent to remand in order to allow time to develop a solid plan for release or to maintain their client's status on the bail ladder (further details below).

Law Enforcement: Police officers refer to the *Criminal Code* in their decision to take an offender into custody or release him/her on a PTA or with conditions. Stakeholders feel this is a clear-cut decision in the majority of cases but if not, law enforcement contacts the Crown Attorney on call to make the final decision. There are two considerations for law enforcement according to the *Criminal Code*³⁹:

- Primary consideration – Will offender comply with conditions if released on undertaking, will offender show up for court date, number of previous convictions
- Secondary consideration – Will offender re-offend if released on undertaking/own recognizance

Minority rates: Stakeholders feel the overrepresentation of aboriginals and African Nova Scotians is a result of the socio-economic realities facing these groups. They do not view these rates as indicative of any bias toward these groups, rather, they see these groups facing greater challenges because of poverty, drugs and the lack of social programs available to them. Due to poverty and/or reservation laws, aboriginal offenders often cannot provide property as surety for release and their entire social circle may have criminal records, making it difficult to find someone to act as surety for them. Stakeholders believe social programs and education on the community and provincial levels are key to improving the future for minorities.

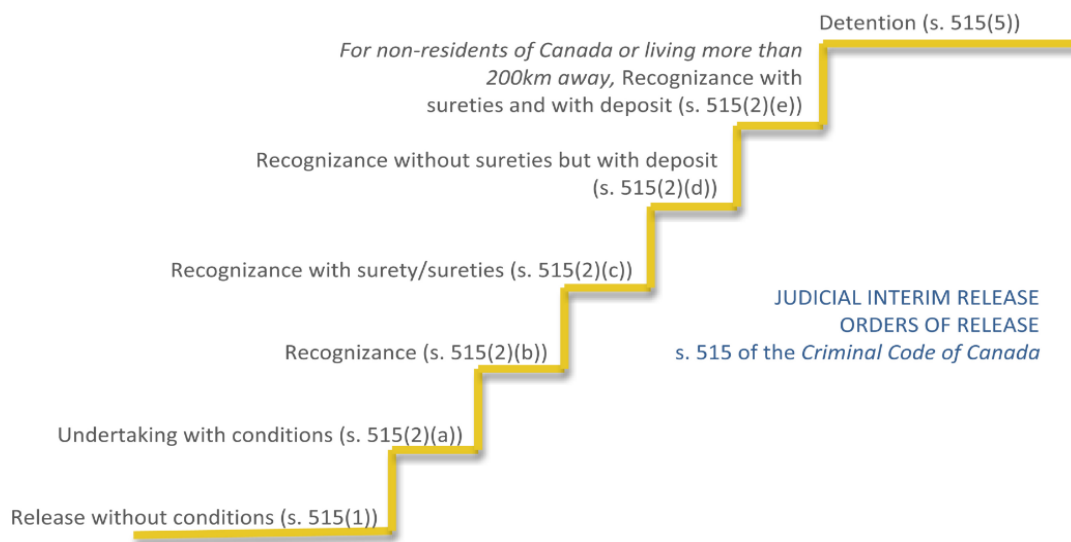
Number of charges: When an offender is first arrested, it is common that there are multiple charges included in that one case. The Crown will determine which charges they wish to pursue and it is common for charges to be dropped before the case is resolved.

Bail system: In Nova Scotia, the courts do not demand large cash bails. Bail surety is in the form of a person (who is responsible for you) or property (vehicles, real estate). Persons who acts as offenders' surety or stake property to guarantee release, may withdraw from the contract at any time. For

³⁹ This has not been independently verified. It is the opinion of stakeholders.

example, if an offender has his mother put up her house as surety for release and the offender leaves the province and does not appear in court, his mother can withdraw her surety and her home would not be at risk. Also, it is extremely rare for a court to pursue property used as surety when the offender breaches conditions or does not appear in court. Surety is a promise without teeth in the opinion of some stakeholders.

Bail ladder: The use of a “bail ladder” system was mentioned by most stakeholder groups. This is the concept that an offender can only go up the bail ladder, not down, so if he or she has been required to provide surety in order to be released from remand, they would not be eligible for a release on undertaking (e.g., release with conditions set by police or judge). It is in the offender’s best interest to not go up a level on the bail ladder unless necessary, so taking time to organize a solid release plan (e.g., accommodations and support from law-abiding family or friends) often requires time, during which the offender would be placed in remand.



Reverse onus: The default position of the court is to release the accused pending trial or resolution of the case. This puts the onus on the Crown to convince the court that the defendant should be held in custody. However, in specific situations, “reverse onus” is applied. This places the burden on the defense to convince the court the defendant should be released pending trial/resolution. Serious charges, such as murder, terrorism, firearm offences and certain drug charges, activate a reverse onus situation where the defence must be prepared to argue why the defendant should not be held in custody until the case is resolved.

Reasons to consent to remand: Consenting to remand is a common occurrence during the first appearance before a judge. Since this appearance occurs within 24 hours of arrest, the offender has had little time to organize a release plan that would satisfy the court. The defense has just one chance to argue for release. If the judge denies the request, it can only be overturned by a superior court. Thus, the defense will advise their clients that consenting to remand during their first appearance is preferable to presenting an inadequate release plan to the judge. The defense may also advise their client to consent to remand if it is unlikely that release will be granted.

⁴⁰ <http://avantlaw.ca/how-does-bail-work-in-canada/>

There are positive aspects to remand from the perspective of the offender. In addition to building up enhanced time, jail is a safe place to sleep with adequate meals. It is not uncommon for offenders to be homeless or living in dangerous/unsanitary conditions. Also, offenders with drug or alcohol addictions can be refused entry in community shelters and find themselves hungry with nowhere warm to sleep. Stakeholders believe a certain group of offenders view remand as a neutral or even positive experience compared with the daily challenges they face living in society.

Impact of remand on stakeholders: Remanding offenders to custody creates more work for stakeholders. The logistics of holding a person in custody and escorting him to and from court appearances, as well as the increased paperwork required, put an extra toll on law enforcement and corrections. The preference is always to release an individual with a Promise to Appear (PTA) or on undertaking (released with conditions).

Impact of remand on public: Concern for public safety and the likelihood that criminal activity would continue are weighed against the rights and liberties guaranteed in the Canadian Charter of Human Rights and Freedoms. In the view of stakeholders, the public wants dangerous offenders off the streets but also do not want liberty to be jeopardized by an overzealous police force. Placing offenders in remand is primarily a mechanism to keep the public safe, and situations where offenders were granted release and subsequently caused bodily harm to a member of the public are highly publicized, placing the remand system under scrutiny.

Impact of high profile cases: Stakeholders are impacted by recent high profile cases where the decision to release offenders contributed to later criminal events. They indicate that there is a “knee-jerk reaction” to err on the side of caution (impose remand) until the scrutiny on remand subsides. In an ideal world, highly publicized cases would not impact the cases of unrelated offenders, but stakeholders feel there can be considerable pressure on the Crown and Justices to be “tougher on crime”.

Court schedules: Stakeholders believe the high volume of cases and limited number of judges contribute to longer remand stays. Crown attorneys and legal aid attorneys have high workloads as well, but it is the inadequate number of judges available to hear cases that is felt to be the greatest obstacle in the system. It is common practice for the Crown and defense to discuss cases outside of court in order to expedite a resolution and not add to court case load. Cases rarely go to trial or even have a trial date set. Stakeholders feel setting a court date for more cases would be superfluous given their confidence that they will reach an agreement satisfactory to both sides before that date arrives.

Complexity of cases: Stakeholders believe the increased complexity of cases has also contributed to longer remands. There is considerably more evidence to consider in today’s cases with advances in technology. In addition to more forensics, cases now have considerable social media, cell phone data and electronic messages that provide important evidence in many cases. In criminal cases, there is a requirement that the Crown provide full disclosure of all material amassed during the investigation to the defense. Both the Crown and the defense require additional time to evaluate material, which could be thousands of documents.

Ontario Domestic Assault Risk Assessment (ODARA): ODARA was implemented in Nova Scotia in December 2006 and has resulted the placement of more domestic violence offenders in remand.⁴¹ No

⁴¹Nova Scotia Public Prosecution Service (2006). RISK ASSESSMENTS (ODARA) IN SPOUSAL / PARTNER VIOLENCE CASES. https://novascotia.ca/pps/publications/ca_manual/ProsecutionPolicies/ODARA%20RISK%20ASSESSMENTS%20IN%20SPOUSALPARTNER%20CASES%20ALL.pdf

longer can a police officer use his or her judgement as to whether the offender should be held in custody. The short assessment tool is used to objectively identify the risk level in a domestic assault situation. If the ODARA score is 7 or higher, the offender must be placed in custody.

HRP Operation Breach: Initiated in the Spring of 2011, this operation requires officers to proactively monitor offenders who have been released under conditions (such as house arrest, no contact orders, keeping the peace). This operation has been deemed a success as it identified many offenders who were not following court orders. These offenders were then placed in remand and usually lost their right to be released on conditions in the future (i.e., they would advance on the bail ladder).

Drug Trafficking & Firearm offences: Offenders charged with drug trafficking and/or firearm offences are immediately placed in remand by police officers and are very likely remain in remand after their first appearance in front of the judge. Law enforcement takes these crimes very seriously and it is rare that someone charged with these offences is released even after the show cause hearing.

Long Gun Registry: The implementation and the termination of the Long Gun Registry impacted remand rates directly. Nova Scotians with unregistered guns were being charged with firearm offences and there was much confusion and frustration about the law among gun enthusiasts.

Enhanced Credit: There have been several changes related to enhanced credit for time served on remand over the past ten years. Prior to 2009, the *Criminal Code* allowed for double or even triple enhanced time credit, giving the judge more leeway in determining the appropriate ratio for each offender. However, in 2009, the Federal Government passed the “Truth in Sentencing Act”, which included a reduction in credit given for pre-sentenced time served to 1:1. In 2014, the Supreme Court of Canada ruled that pre-sentenced custody was “hard time” and should qualify for enhanced credit in most cases. Currently, enhanced credit is set to a maximum of 1.5:1. Unless there are reasons to reduce the amount to 1:1 (e.g., violent behaviour while in custody), it is common practice to award 1.5 days for each day spent in pre-sentencing custody.

R vs. Jordan: In 2016, The Supreme Court of Canada ruled that a defendant’s right to a speedy trial requires a defined ceiling. The impact of this ruling has not yet been fully realized, but stakeholders believe it will put much more pressure on the legal system to resolve cases quickly. This ruling will impact offenders held in remand for extended periods if the delays were not initiated or accepted by the defence.

The relevant particulars of this ruling are the following:

1. There is a presumptive ceiling of **18 months** on the length of a criminal case in provincial courts, from the charge to the end of trial.
2. There is a presumptive ceiling of **30 months** on criminal cases in superior courts, or cases tried in provincial courts after a preliminary inquiry.
3. Delay that is attributable to, or waived by, the defence **does not** count toward the presumptive ceiling.
4. Institutional delay that is not the fault of the Crown **does** count toward the presumptive ceiling.⁴²

⁴² <http://www.canadianappeals.com/2016/07/15/r-v-jordan-the-supreme-court-of-canada-dramatically-alters-the-framework-applicable-to-the-right-to-a-criminal-trial-within-a-reasonable-time/>

Court Recordings

To add to the understanding of how arguments to remand or release are made to the court, recordings of court hearings where individuals were remanded were sampled for this study. One hundred court hearings were reviewed.

Although the intention was to discover what arguments might be more commonly used or successful in influencing a decision to admit an accused to remand, it was discovered, based on the sample that agreements between the crown and defense concerning remand are made prior to the hearing. In all of the cases sampled, arrangements were arrived at between the crown and defense prior to coming before the judge or JP. For example, the crown and defense would present a recommendation to the judge or JP and in all cases reviewed that recommendation was accepted by the judge or JP. As the recordings reviewed only captured data after an agreement had been reached between the crown and defence, it was not possible to determine what arguments or rationale might have been put forth to reach that agreement or influence the decision on whether or not to recommend that an accused be remanded.

As stated in the qualitative interviews, due to the high volume of cases flowing through the courts, the crown and the defence feel compelled to come to an amicable solution as often as possible and present a joint proposal to the judge for approval. This conclusion is backed up by the findings from the sample of court hearing recordings where the crown and defense arrived at arrangements for conditions prior to coming before the judge or JP for a hearing.

Given the increase in remand admissions and particularly the administration of justice offences resulting in remand, it may be beneficial to look into an alternative method to examine how agreements are reached where the defense agrees to remand prior to the hearing.

Future Directions

This report highlights a number of areas that could be considered for future study to gain a greater understanding of the factors that impact remand admission rates.

Administration and policy changes:

The results of this study suggest that the impact of operation breach and changes to criminal justice processes and the administration of correctional services may have an impact on remand admission rates. The number of remand admissions for violating a court order has risen considerably (from 255 to 674) in the past decade. This may be due to police initiatives to identify condition breaches. Further investigation into the impact of administration changes and programs such as operation breach and the decision to reinstate enhanced time may shed light on the increasing remand rates and the length of time individuals spend in remand. An examination of programs and policies in place in Halifax, Dartmouth, Sydney and the JOP centres that have seen the largest increased in remand may be especially helpful in understanding the underlying reasons for increases in these locations.

Personal Characteristics

Although this study did not find personal characteristics to be largely correlated with increased remand rates, a deeper analysis of differences in remand patterns and ethnicity may be beneficial in teasing out some of the underlying reasons for interesting trends identified in this report, for example the consistency of African Nova Scotian remand admission rates while Caucasian and Aboriginal Nova Scotian remand admission rates continue to trend upwards. It may also be beneficial to examine more closely differences in personal characteristics between individuals who are remanded multiple times vs. those that are only remanded once and then sentenced or released.

Court proceedings:

Although recordings of court hearings where individuals were remanded were sampled for this study with the intention of understanding how arguments to remand or release are made to the court, it was discovered that the crown and defense often arrived at an arrangement for conditions prior to coming before the judge or JOP for a hearing. Given the increase in remand admissions and particularly the administration of justice offences resulting in remand, it may be beneficial to examine how agreements are reached where the defense agrees to remand prior to the hearing.

Operation Breach and Similar Programs in Nova Scotia

These types of programs were a topic of discussions at the 2010 NS Chief’s Fall Conference. The consensus at the time was there was a gap in ensuring compliance with court ordered curfews. Probation services were initially tasked to do checks on offenders on a Conditional sentence order (CSO); however OHS issues eventually ruled them out, hence the gap. The NS Chiefs agreed to start doing the checks and submit stats to show the gap and the need for a provincial unit to conduct the checks. Some examples of the programs are detailed below.

Table 13. Program Descriptions

Police Agency	Initiative
Halifax Regional Police – HRP	HRP has had Operation Breach since the Spring of 2011. Since that time they have opened more than 600 cases. They are all charged under 145(3) of the Criminal Code along with any other failing to comply or breach charges we lay against someone not on Operation Breach.
Kentville police	This is something that the SCEU do on a regular basis. They get the list of those on conditions and house arrest and we do same for those in our area.
Truro Police	We have been doing nightly Conditional Sentence order (CSO) checks for approximately 4 years. The courts seem to be sentencing more people to house arrest and at least the police are checking these folks to ensure they are complying with their conditions and not victimizing the community. This could be contributing to the remand numbers.
Amherst	Check each person a minimum of twice a month. Each Platoon is assigned specific individuals and is responsible to document when the checks are done and the result. We call it the Stay at Home Checks. We do this for persons sentenced (CSO’S) or charged and released on conditions. We started in either December 2010 or very early in 2011. We receive a list of active CSO’s from Probation services each Friday. We use this info to update our Stay at Home book. We also add persons who we have charged and who have a curfew as part of their release conditions. Believe we also do checks of persons charged by other agencies who are on curfew conditions and live within our jurisdiction.

Appendix B: Top Offences in NS Provincial Court

Table 14. Top Offences in NS Provincial Court, 2010-11 to 2014-15

Adult

	2010-11	2011-12	2012-13	2013-14	2014-15	Total 2010-11 to 2014-15
1	Common assault	Fail to comply with order	Fail to comply with order	Common assault	Common assault	Fail to comply with order
2	Fail to comply with order	Common assault	Common assault	Fail to comply with order	Fail to comply with order	Common assault
3	Theft	Theft	Theft	Residual federal statutes	Theft	Theft
4	Breach of probation	Breach of probation	Breach of probation	Theft	Residual federal statutes	Breach of probation
5	Uttering threats	Uttering threats	Residual federal statutes	Breach of probation	Breach of probation	Residual federal statutes
6	Residual federal statutes (7)	Residual federal statutes	Uttering threats	Uttering threats	Uttering threats	Uttering threats

Source: CANSIM: Table 252-0053 Adult criminal courts, number of cases and charges by type of decision. (accessed: July 24, 2017)

1. Table is based on data from the adult component of the Integrated Criminal Court Survey (ICCS). The ICCS is administered by the Canadian Centre for Justice Statistics (Statistics Canada) in collaboration with provincial and territorial government departments responsible for criminal courts in Canada. The survey collects statistical information on adult and youth court cases involving Criminal Code and other federal statute offences. Data contained in this table represent the adult criminal court portion of the survey, namely, individuals who were 18 years of age or older at the time of the offence. Data are based on a fiscal year (April 1 through March 31).

2. A case is one or more charges against an accused person or company, which were processed by the courts at the same time (date of offence, date of initiation, date of first appearance, or date of decision), and received a final decision. The definition attempts to reflect court processing. All data have been processed using this case definition. The case definition changed for the 2006/2007 release of data. The former definition (used in releases prior to October 2007) combined all charges against the same person disposed of in court on the same day into a case. Consequently, comparisons should not be made with data tables and reports released before that time.

3. Cases are counted according to the fiscal year in which they are completed. Each year, the ICCS database is considered final at the end of March for the production of court statistics pertaining to the preceding fiscal year. However, these counts do not include cases that were pending a final decision at the end of the reference period. If a final decision is reached in the next fiscal year, then these cases are included in the completed case counts for that fiscal year. However, if a one-year period of inactivity elapses, then these cases are deemed complete and the originally published counts for the previous fiscal year are subsequently updated and reported in the next year's release of the data. Historically, updates to a previous year's counts have resulted in an increase of about 2%.

4. A case that has more than one charge is represented by the charge with the "most serious offence" (MSO). The most serious offence is selected using the following rules. First, court decisions are considered and the charge with the "most serious decision" (MSD) is selected. Court decisions for each charge in a case are ranked from most to least serious as follows: (1) guilty, (2) guilty of a lesser offence, (3) acquitted, (4) stay of proceeding, (5) withdrawn, dismissed or discharged, (6) not criminally responsible, (7) other, and (8) transfer of court jurisdiction. Second, in cases where two or more charges result in the same MSD (for example, guilty), Criminal Code sanctions are considered. The charge with the most serious offence type is selected according to an offence seriousness scale, based on actual sentences handed down by courts in Canada (The offence seriousness scale is calculated using data from both the adult and youth components of the Integrated Criminal Court Survey from 2006/2007 to 2010/2011). Each offence type is ranked by looking at (1) the proportion of guilty charges where custody was imposed and (2) the average (mean) length of custody for the specific type of offence. These values are multiplied together to arrive at the final seriousness ranking for each type of offence. If, after looking at the offence seriousness scale, two or more charges remain tied then information about the sentence type and duration of the sentence are considered (for example, custody and length of custody, then probation and length of probation, etcetera).

5. Residual federal statutes refers to offences against Canadian federal statutes other than the *Criminal Code of Canada*, the *Controlled Drugs and Substances Act* and the *Youth Criminal Justice Act* such as the *Customs Act*, the *Employment Insurance Act*, *Firearms Act*, *Food and Drugs Act*, the *Income Tax Act* and the *Narcotic Control Act*.

Appendix C: Release outcome following remand

The following define the categories for possible outcomes following remand:

Sentenced and released in community: An accused is serving their sentence in the community (e.g., probation, fine, etc.) and is released from remand custody. Includes those serving sentences, fines, probations, deferred custody, etc.). Also includes allegations for breaking conditional sentences. May include those released due to time served.

Released with conditions without sentencing: an accused is released from remand into the community without a final disposition (hearing result). This means that the case is still ongoing, and the person is in the community under an order with conditions.

Released after charge, dismissed withdrawn: Released from remand without conditions and without being sentenced. In this situation, an accused is released from remand into the community with a final disposition (hearing result) other than sentenced, meaning that the charge against the individual has been dropped, withdrawn, dismissed, etc.

Sentenced into provincial custody: An accused is released from remand and sentenced and is serving their sentence in custody meaning that the offender remains in a facility, with a status changed from remand custody to sentenced custody.

Sentenced into a federal or mental institution: An accused is released from Provincial remand to continue remand in a Federal Institution.

Remand continued in a federal or mental institution: An accused is released from Provincial remand to continue remand in a Mental Institution.

Appendix D: Remand Scenarios

The following scenarios are based on the experience of three individuals who had remand periods in Nova Scotia between 2004-05 and 2015-16. The scenarios show examples of how individuals move through the court and corrections system from remand to release or sentencing. The scenarios were compiled using data recorded in the JEIN database.⁴³

Scenario 1

An African Nova Scotian male (age 55) was remanded for 3 days at CNSCF on March 28, 2015, and was released on March 30, 2015.

The most serious offence associated with the remand custody was for uttering threats to cause death or bodily harm. This offence was associated with information, which was laid on March 28, 2015 with five offences in total. The man had no prior criminal history with only some charges for provincial statutes.

He first appeared at the Justice of the Peace Centre on March 28, 2015 when he was remanded. His second appearance was in Dartmouth Provincial Court for a show cause hearing on March 30, 2015 where he was represented by NS Legal Aid. He was released that day, and all five offences on information were withdrawn.

However, also on March 30, 2015, six new charges were laid by a different information where he was released on his own recognizance (ROC) with an associated order. This order was effective on March 30, 2015 and had six conditions imposed.

The offender subsequently committed an administration of justice offence where he failed to comply with the recognizance or undertaking. This new information was laid on the same day he was arraigned on July 7, 2015. He was released on his own recognizance (ROC) with a new order with eight conditions. This charge was dismissed on January 26, 2016.

The offender continued to appear in court with the six charges on his second information, and on October 11, 2016, the man pled guilty for the 2 offences, and is given the following three sentences: suspension, probation, and paying a victim surcharge. The four other charges were dismissed.

The person did not serve any further time in custody outside of the three days in remand from the original information.

⁴³ Nova Scotia Department of Justice. (2017) *Justice Enterprise Information Network data extract [Data set]*. Retrieved June 07, 2017.

Scenario 2

A Caucasian male (age 52) had a period of remand of 47 days from March 28, 2015 to May 13, 2015. The period of remand was followed by a period of sentenced custody from May 13, 2015 to November 24, 2015.

The most serious offence associated with the remand custody was for a charge of aggravated assault and was associated with information. This was the only offence with which he was charged.

The man had convictions for several prior offences including a drug offence, operating a motor vehicle while impaired, dangerous operation of a motor vehicle and several offences under the Liquor Control Act. He had one prior period of incarceration in Nova Scotia in 2008.

For this offence, he was first arraigned at the Justice of the Peace Centre on March 28, 2015 when he was remanded. His second appearance was in Antigonish Provincial Court for a show cause hearing on March 30, 2015, where he was represented by a private lawyer. He was returned to the correctional facility with another show cause hearing scheduled on April 8, 2015.

At the show cause hearing on April 8th, a guilty plea was entered and a sentencing hearing was scheduled slightly more than a month later. At the May 13, 2015 sentencing hearing, he was sentenced to custody, probation, firearms prohibition, ordered to provide a DNA sample, and to pay a victim surcharge. May 13th marks the offenders change in custody status from remand custody (RPI) to sentenced custody to a provincial institution (SPI). His period of sentenced custody lasted until November 24, 2015.

Subsequent to his period of incarceration, there has been no further charges in Nova Scotia.

Scenario 3

An Aboriginal female (age 19) was remanded for 4 days on March 28, 2015, and was released on March 31, 2015.

The most serious offence associated with the remand custody was for mischief. This offence was associated with information which was laid on March 28, 2015 with five offences in total. She had prior involvement with the criminal justice system including some charges relating to violent offences.

She first was arraigned at the Justice of the Peace Centre on March 28, 2015 when she was remanded. Her second appearance was at Pictou Provincial Court for a show cause hearing on March 30, 2015 where she was represented by NS Legal Aid. On March 31, 2015, at the final day of the show cause hearing, she was released from remand on an undertaking which had eight conditions.

She was subsequently returned to custody on July 28, 2015 because of a charge of breach of the undertaking. She was released from remand custody on July 29, 2015 on an undertaking with five conditions which are similar to the original order.

After several other hearings, including one where the original plea of not guilty was changed to guilty, she was sentenced on October 19, 2015. A Gladue report was ordered as part of the process. Of the five charges originally laid, she was convicted on 3 while 2 were dismissed. Her sentence for the mischief charge was a fine and probation. She was also sentenced for her administration of justice offence with a fine and probation.

Appendix E: Remand Admissions by Most Serious Offence

Remand Admissions by Most Serious Offence

Figure 20. Nova Scotia Remand Admissions by Type of Most Serious Offence (Violent Crime)

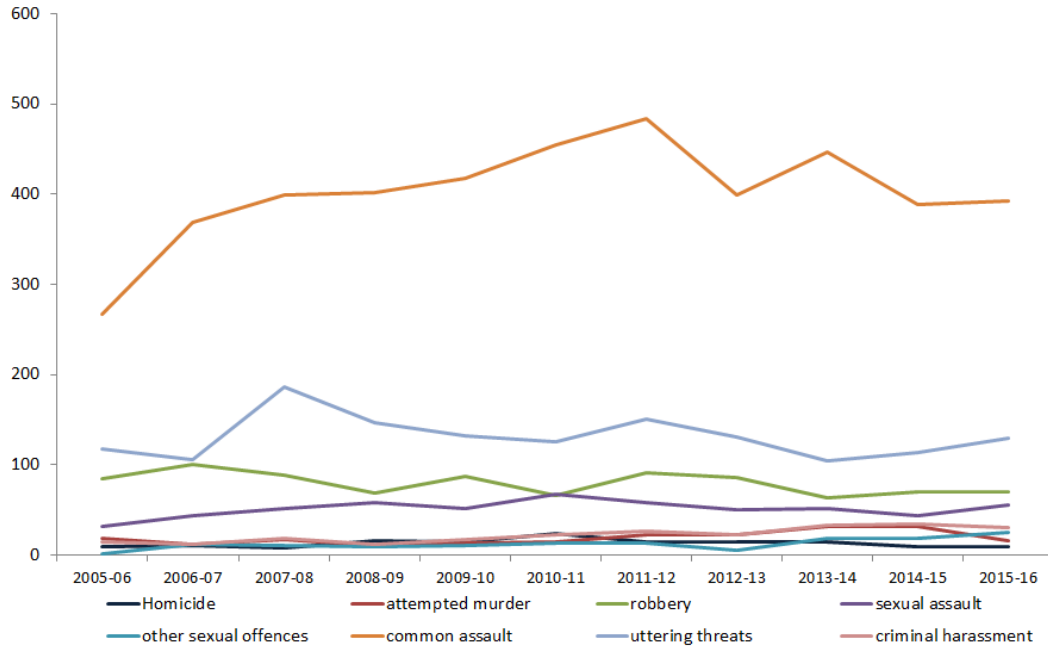


Figure 21. Nova Scotia Remand Admission by Type of Most Serious Offence (Property Crime)

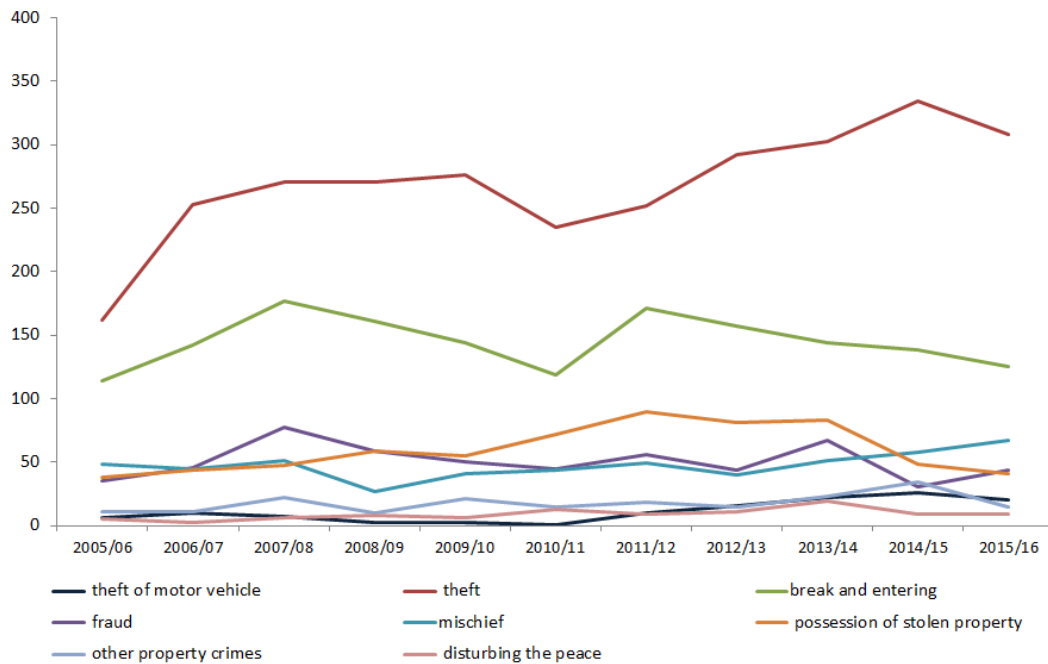


Figure 22. Nova Scotia Remand Admission by Type of Most Serious Offence (Other Federal Offences)

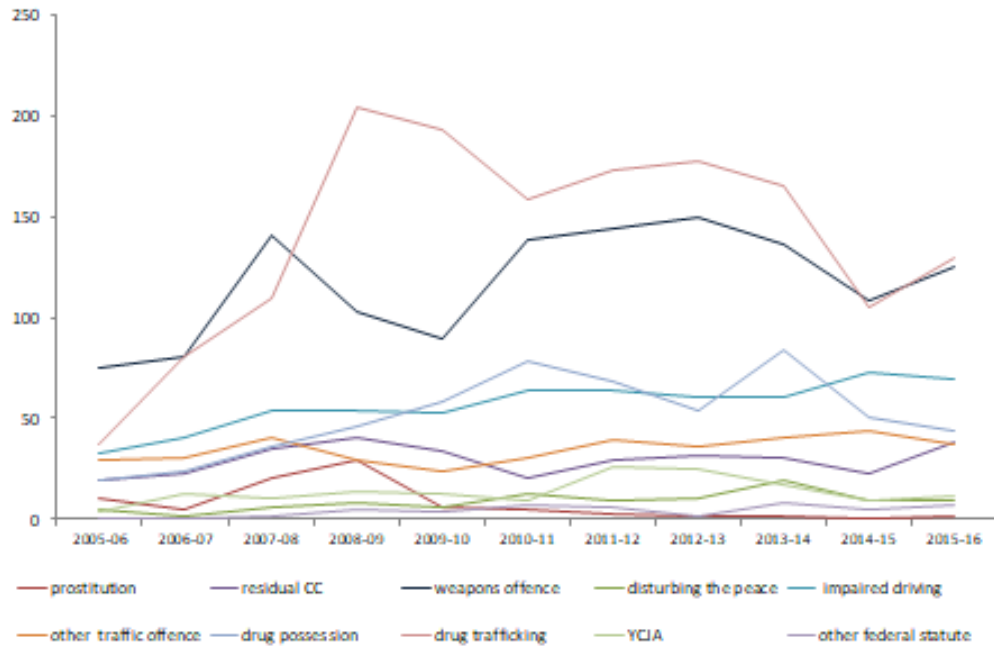
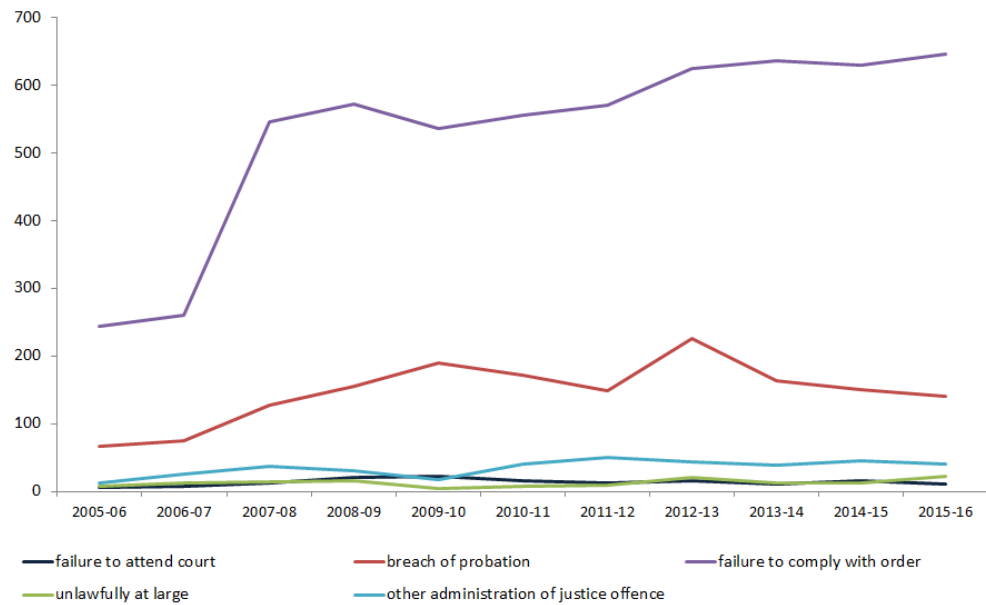


Figure 23. Nova Scotia Remand Admission by Type of Most Serious Offence (Admin of Justice)



Appendix F: Release from Remand by Year, Ethnicity and Status on Release

Release from remand by year and status on release

Table 15. Caucasian Adults Released From Remand	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Sentenced and released in community	9%	8%	7%	8%	8%	6%	6%	7%	6%	7%	8%
Released on conditions, not sentenced	46%	45%	49%	47%	48%	49%	48%	46%	47%	47%	50%
Released without conditions, not sentenced	2%	2%	1%	1%	1%	1%	1%	1%	1%	0%	0%
Charge dismissed, withdrawn, etc. ⁴⁴	10%	13%	13%	15%	16%	19%	22%	22%	22%	22%	21%
Sentenced to provincial custody	20%	19%	21%	22%	21%	18%	15%	18%	17%	17%	16%
Sentenced to federal custody	7%	7%	5%	5%	4%	5%	4%	3%	3%	3%	3%
Remand continued in a federal custody or mental institution	5%	5%	4%	3%	3%	3%	3%	3%	3%	3%	3%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Source: NS Department of Justice, Justice Enterprise Information Network (JEIN).

⁴⁴ This analysis is based on the most serious offence for which accused were remanded. It is important to note that not all accused were released following that charge being dismissed or withdrawn, as many had multiple charges. Outcomes for the accused included: remand continuing, being sentenced to custody, being sentenced to community, being released with conditions, or being released with all charges dismissed or withdrawn.

Table 16. African Nova Scotian Adults Released From Remand	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Sentenced and released in community	5%	5%	5%	5%	7%	4%	4%	8%	3%	7%	6%
Released on conditions, not sentenced	51%	51%	53%	44%	44%	41%	44%	43%	43%	48%	54%
Released without conditions, not sentenced	3%	1%	1%	1%	0%	1%	1%	0%	1%	0%	0%
Released after charge dismissed, withdrawn, etc.	10%	16%	17%	16%	21%	27%	28%	27%	34%	27%	25%
Sentenced to provincial custody	21%	17%	17%	26%	20%	19%	16%	15%	14%	14%	10%
Sentenced to federal custody	9%	7%	3%	5%	4%	3%	3%	3%	4%	2%	3%
Remand continued in a federal custody or mental institution	0%	2%	4%	4%	3%	6%	4%	4%	3%	2%	3%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Source: NS Department of Justice, Justice Enterprise Information Network (JEIN).

Release from remand by year and status on release

Table 17. Other1 Adults Released From Remand	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Sentenced and released in community	5%	0%	8%	6%	10%	6%	4%	7%	7%	4%	9%
Released on conditions, not sentenced	66%	45%	52%	57%	50%	33%	43%	46%	39%	45%	51%
Released without conditions, not sentenced	0%	3%	2%	0%	4%	4%	0%	0%	0%	0%	0%
Released after charge dismissed, withdrawn, etc.	8%	16%	10%	24%	8%	31%	38%	27%	29%	31%	24%
Sentenced to provincial custody	13%	26%	13%	12%	25%	17%	9%	14%	20%	13%	11%
Sentenced to federal custody	5%	6%	10%	0%	2%	4%	3%	3%	1%	3%	3%
Remand continued in a federal custody or mental institution	3%	3%	4%	2%	2%	4%	3%	3%	3%	3%	1%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Source: NS Department of Justice, Justice Enterprise Information Network (JEIN).

Table 18. Aboriginal Released From Remand	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Sentenced and released in community	7%	10%	14%	11%	5%	7%	8%	6%	9%	7%	10%
Released on conditions, not sentenced	44%	43%	49%	45%	45%	55%	47%	50%	43%	44%	46%
Released without conditions, not sentenced	6%	3%	1%	2%	2%	2%	0%	1%	1%	1%	1%
Released after charge dismissed, withdrawn, etc.	9%	14%	12%	14%	18%	15%	18%	15%	18%	23%	22%
Sentenced to provincial custody	25%	25%	20%	24%	22%	18%	20%	20%	23%	20%	15%
Sentenced to federal custody	5%	4%	3%	3%	3%	1%	5%	6%	4%	3%	2%
Remand continued in a federal custody or mental institution	4%	1%	1%	1%	6%	2%	2%	2%	1%	2%	2%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Source: NS Department of Justice, Justice Enterprise Information Network (JEIN).