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April 1, 2021

**Via Electronic Mail**

The Honourable Keith Irving  
Chair of the Standing Committee on Community Services  
C/O Legislative Committees Office  
1700 Granville Street, 2nd Floor  
One Government Place  
Halifax, NS B3J 1X5

Received LCO  
April 6, 2021

Dear Minister Irving:

**Re: Standing Committee on Community Services - Meeting Held March 2, 2021**

Thank you for the opportunity to speak with the members of the Standing Committee on Community Services and community stakeholders on March 2, 2021 on the subject of overrepresentation of Black and Indigenous People in the justice system.

We have reviewed the Committee's letter dated March 4, 2021 requesting further information. Our responses are provided in Attachment A to this letter.

During our review of the Hansard we noted a further request for information by MLA Lisa Roberts regarding updated indicators for Correctional Services. Although not requested in the Committee's letter, we thought it would be helpful to also provide this information to the Committee. The March 2021 Corrections in Nova Scotia: Key Indicator Report is provided as Attachment B.

Sincerely,

Candace L. Thomas, Q.C.  
Deputy Minister and  
Deputy Attorney General

Attachments:

- A: Responses to the Standing Committee on Community Services
- B: Corrections in Nova Scotia: Key Indicators, March 2021

**Attachment A**

**Responses for the Standing Committee on Community Services**

**1. A full list of members of the Wortley Report Research Committee.**

<b>NAME</b>	<b>TITLE</b>	<b>ASSOCIATION</b>
<b>GOVERNMENT</b>		
Ryan Brothers	Director, Legislation and Federal/Provincial/Territorial (FPT) Relations	Department of Justice – Policy and Information Management (PIM) Division
Margaret Ann Bruhier	Senior Policy Analyst	Department of Justice – PIM Division *support to Committee
*New representative TBD	TBD	African Nova Scotian Affairs (ANSA)
Kymberly Franklin <b>Co-Chair</b>	Solicitor	Nova Scotia Human Rights Commission
<b>POLICE</b>		
Julia Cecchetto	President	Nova Scotia Chiefs of Police Association
Don MacLean <b>Co-Chair</b>	Deputy Chief	Halifax Regional Police
Erin Pepper	Inspector	RCMP
Wayne Talbot	Past Chair/Current Executive Member	Nova Scotia Association of Police Governance (NSAPG)
<b>COMMUNITY (HRM)</b>		
Vanessa Fells	Program Coordinator	African Nova Scotian Decade for People of African Descent (ANSDPAD) Coalition
Trayvone Clayton	Youth member	GameChangers902
J.J. Wilson	ABSW member	Association of Black Social Workers (ABSW)
TBD	HAAC member	Health Association of African Canadians (HAAC)
<b>COMMUNITY (Northern Region)</b>		
Tammy Gero	Community Representative	N/A
<b>COMMUNITY (Cape Breton Region)</b>		
Joe Parris	Community Representative	N/A
<b>COMMUNITY (Southwest Region)</b>		
Don Berry	Community Representative	N/A
<b>COMMUNITY – YOUTH (Rural Region)</b>		
Darnell Kirton	Community Representative	N/A
<b>ACADEMIC RESEARCHER</b>		
Dr. Timothy Bryan	Research Consultant to the WRRRC and Assistant Professor, Dalhousie University	N/A

**2. What do you see is the biggest challenge in the Restorative Justice Program and what strides and improvements have been made? Where do you see it going in the coming months?**

*What is the biggest challenge in the Restorative Justice Program?*

The biggest challenge currently facing the Nova Scotia Restorative Justice Program (NSRJP) relates to capacity. Growing interest and support for the NSRJP has resulted in an increase in case referrals to the program in recent years.

- The NSRJP was originally established in partnership with community-based agencies over 20 years ago, with an initial focus on youth. In 2016, the NSRJP was expanded across the province to include adult referrals. Community Corrections became a program delivery partner as part of this expansion.
- In 2020, the COVID-19 global pandemic, and resulting necessary public health requirements, including physical distancing, created backlogs in court cases across Nova Scotia. The NSRJP was identified as one suitable option to address these challenges through diversion of cases from the traditional court system.
- The increase in referrals to the NSRJP has been welcomed by Restorative Justice (RJ) agency staff. However, this has come with some capacity and caseload management challenges.

*What strides and improvements have been made?*

The Restorative Initiatives Unit of the Department of Justice (DOJ) has taken key steps to support capacity building for staff delivering the NSRJP.

- Throughout 2018-20, the Restorative Initiatives Unit and partners delivered a series of education and skills-building sessions for RJ staff. In total, over 100 hours of professional development training were delivered.
- In 2020, Restorative Initiatives Unit staff developed a guide for RJ staff to support a transition to virtual case conferencing when in-person meetings had to be suspended due to COVID-19. This work was done to ensure that the NSRJP could continue safely, adhering to public health guidelines.
- In 2020, Restorative Initiatives Unit staff upgraded the Restorative Justice Information System to improve program efficiency.
- In 2021, the DOJ allocated \$300,000 to RJ agencies through federal COVID-19 relief funding made available to the province.

Where do you see it going in the coming months?

Throughout 2021-22, the Restorative Initiatives Unit will continue to provide support to RJ staff through professional development, mentoring, modelling and collaborative problem solving to deepen practice.

The Restorative Initiatives Unit, in partnership with RJ staff, will also be focusing on stakeholder education, understanding and support.

- The goal of this work will be to analyse available data on referrals to the NSRJP to determine and address whether any disparities exist for Black and Indigenous people.
- Part of the education process will include engaging with referral sources to ensure they are capturing demographic data in the referrals to the NSRJP.

**3. Are programs offered by the 7th Step Society in Nova Scotia or the Community Justice Society or similar programs still in existence to help those who are adjusting to prison life and the transition back into society?**

Programs are important in contributing to successful reintegration. The following programs and services focus on transition support:

- Correctional Services worked with 7<sup>th</sup> Step throughout 2019-2020 to develop a peer-led reintegration program called 'Planning for Successful Re-integration (*A Crossing the Threshold Program*)'. The initial 12 session program was in progress at the Central Nova Scotia Correctional Facility (CNSCF) when the pandemic halted all programming activities.
  - Topics covered throughout the program included: stress management, relapse prevention, self-management, relationships, future goals, employment/education, planning for release, community supports, housing, food security and budgeting.
  - It is anticipated that this program will be re-introduced at CNSCF when it is safe to do so. Revisions will be made to curriculum as needed and work will be done to expand program offering to other correctional facilities in the province.
- The 'Limitless Program' affords individuals serving a jail sentence the opportunity to learn a skilled trade through a partnership between DOJ (Correctional Services) and the Nova Scotia Community College. Poverty Reduction funds were received to augment the 'Limitless Program', allowing for peer mentoring and navigator support until March 31, 2021. 7<sup>th</sup> Step was contracted to do this work and to assist in the development of a peer mentor training program.
- The John Howard Society and Elizabeth Fry Society provide transitional support to promote successful reintegration.

Correctional Services' case management team members play a crucial role in assisting with community reintegration and engaging community partners to create a continuum of support from custody to community. Correctional Services' African Nova Scotian and Indigenous Cultural Liaison Officers foster relationships with community service providers to promote availability and access of culturally responsive programs/services and assist case management staff with culturally responsive case planning and release planning. They connect with African Nova Scotian and Indigenous clients to promote engagement and motivation to change behavior, so the likelihood of successful reintegration is heightened.

**4. As the scope of restorative justice has increased, has there been increased funding or training supports put in place to ensure the success of an expanded program?**

- The Restorative Initiatives Unit has directly delivered or coordinated over 100 hours of professional development education to RJ staff to support ongoing skills development and deepening of practice.
- In 2018, RJ staff received wage increases via increased funding from the province.
- In 2021, the DOJ allocated \$300,000 to RJ agencies through federal COVID-19 relief funding.

**5. With regard to the \$100,000 in funding that is supporting training further to the Wortley report and recommendations to enhance cultural competency and support bias-free training for front-line officers and police leadership, how many front-line officers will complete that training and what per cent of the total number of officers that represents. Who is delivering that training and to what extent it is being evaluated for efficacy.**

Following the release of the Wortley Report, the DOJ provided the Nova Scotia Chiefs of Police, through the Chief's Association, with \$100,000 to support cultural and ethics training for law enforcement. These funds have been used for the following training modules:

- The province collaborated with the RCMP to facilitate delivery of the RCMP's African Canadian Experiences (ACE) training to municipal police.
  - The course was delivered in January 2021 to 24 municipal officers and five DOJ staff (2 Victim Services, 2 Sheriff Services, 1 Public Safety and Security).
- The DOJ Public Safety and Security Division facilitated the Racial Bias Policing course, delivered online. It has been completed by approximately 1025 police officers.
- The DOJ Public Safety and Security Division facilitated an Ethics and Accountability in Policing course, delivered online. It has been completed by 1025 police officers.

The DOJ also provided funding for police leadership criminal justice stakeholders, and frontline police officers from across Nova Scotia to attend training in the fall of 2019 on the neuroscience of decision-making with internationally recognized expert Kimberly Papillion. Nineteen senior members of the Nova Scotia Public Prosecution Service, Legal Aid, and others attended a session on September 25, 2019. Thirty-one members of police leadership (including RCMP) and leaders from Correctional Services, Court Services, and Sheriff Services, attended a session on September 26, 2019. Police rank and file attended half-day sessions November 14-15, 2019.

**6. What, if any, steps were taken to address concerns that police may have been targeting racialized communities in their enforcement of the Public Health order, aside from keeping track of locations in which tickets were issued?**

Upon hearing of concerns that police may have been targeting racialized communities, the DOJ analyzed data received from policing agencies regarding the locations of where Summary Offence Tickets were issued and did not find any evidence of police targeting racialized communities in the enforcement of the Public Health order.



# Corrections in Nova Scotia: Key Indicators

March 2021

Correctional Services is one of the core business areas of the Nova Scotia Department of Justice. The division's head office is part of the Department of Justice headquarters in Halifax. Legislation governing the operation of the Correctional Services Division is the *Correctional Services Act*.

Correctional Services is responsible for the administration and operation of community and custody-based programs and services for adult and young persons. Within the Correctional Services core business area there are two programs: Community Corrections and Correctional Facilities.<sup>1</sup> Each of these program areas is broken down into closely related activities that have a specific impact on the program's target group.

This document contains information on a number of key indicators relating to Correctional Services in Nova Scotia. Generally, data is provided for the most current five fiscal years<sup>2</sup> so that the reader can examine changes over time. Sources for the statistics include the Nova Scotia Department of Justice and Statistics Canada.

## Community Corrections

Correctional Services operates 22 community corrections offices across the province. Supervision of both adult and young persons serving community-based sentences of the Court are provided by probation officers. The sentences include probation, conditional sentence, custody and supervision, conditional supervision, and intensive rehabilitative custody and supervision (IRCS). Probation officers also supervise persons released from custody on conditional releases (also known as temporary absences and reintegration leaves) and they prepare pre-sentence investigations to assist the courts in the sentencing process.

## Correctional Facilities

Correctional Services operates 4 adult and one youth correctional facility across the province, located in Dartmouth, Priestville, Gardiner Mines, Yarmouth and Waterville (youth). Correctional Facilities provide for safe and secure custody, care and control of persons incarcerated in provincial correctional facilities and to provide comprehensive, collaborative, and culturally responsive programming and services by assessing risk, needs, and strengths; intervening using programs/services and supervision to reduce recidivism; and promoting the successful reintegration of persons from custody to community.

## Cost of Corrections

The cost of Correctional Services is an indicator of the resources required to administer custodial and community-based sentences in the province. Fluctuations in the cost of corrections may be driven by several factors, including but not limited to: the level of crime, legislative and policy responses to crime, sentencing practices, and administrative changes relating to organizational structure and the delivery of services, as well as changes in salaries and benefits for staff.

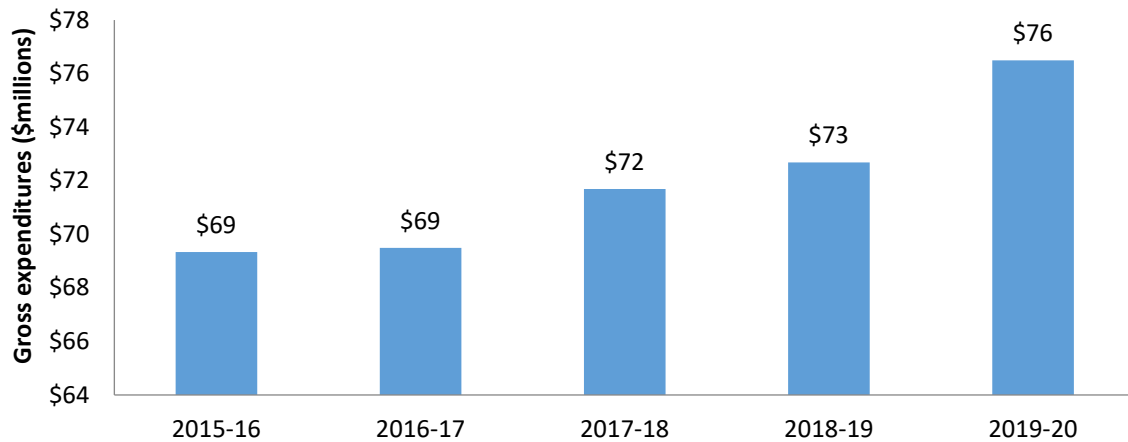
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<sup>1</sup> A map illustrating the location of community corrections offices and correctional facilities in Nova Scotia can be found at: [http://novascotia.ca/just/Corrections/docs/Provincial\\_Map.pdf](http://novascotia.ca/just/Corrections/docs/Provincial_Map.pdf)

<sup>2</sup> Each fiscal year runs from April 1 to March 31<sup>st</sup> of the following calendar year. For example, fiscal year 2019-20 runs from April 1, 2019 to March 31, 2020.

Figure 1 provides the gross operational expenditures for Correctional Services for the period 2015-16 to 2019-20. In 2019-20, gross expenditures increased by 5% from the prior year; part of a general increasing trend over time.<sup>3</sup> Over the five-year period, gross expenditures increased by approximately \$7.2 million or 10%. These expenditures have not been adjusted for inflation.

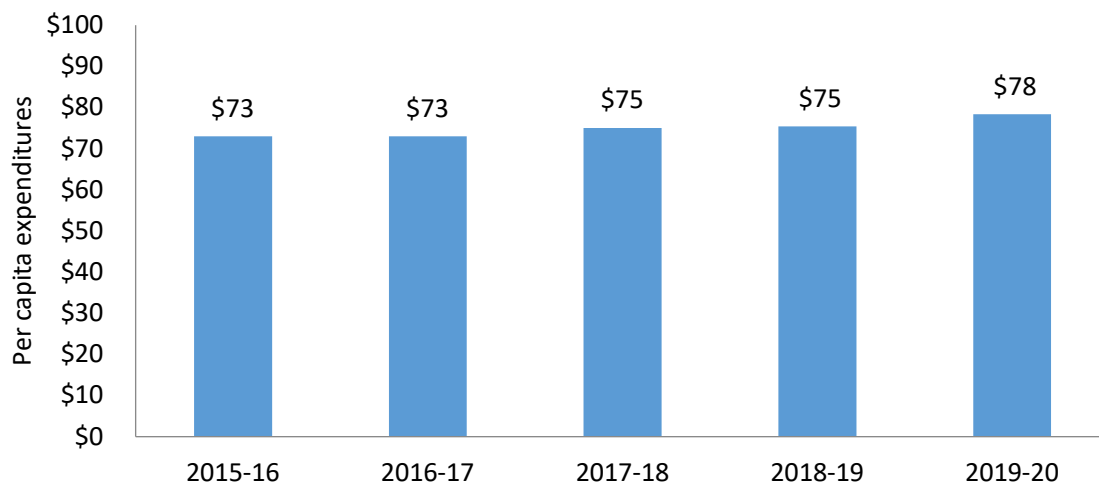
**Figure 1 - Gross expenditures on NS Corrections  
2015-16 to 2019-20**



Source: Nova Scotia Department of Justice, Financial Services.

The per capita expenditures for Correctional Services was \$78 in 2019-20 which was 4% higher than the prior year (Figure 2).<sup>4</sup> Over the period 2015-16 to 2019-20, per capita expenditures increased by \$5 (or 7%).

**Figure 2 - Per capita expenditures on NS Corrections  
2015-16 to 2019-20**



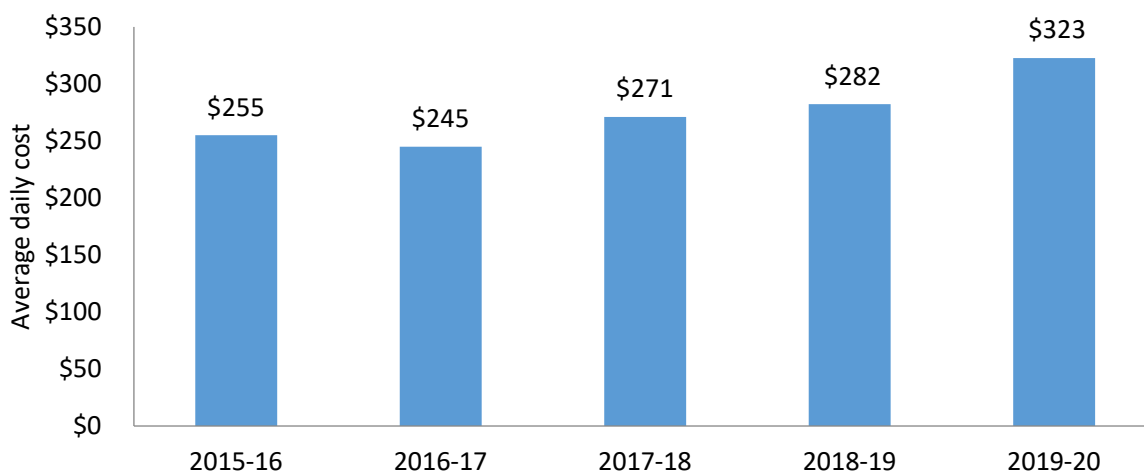
Source(s): Nova Scotia Department of Justice, Financial Services.  
Statistics Canada. 17-10-0009-01 Population estimates, quarterly.

<sup>3</sup> Note that expenditure data can be subject to revision over time including changes in what types of expense data is reported (i.e., gross vs. net) as well as issues such as structural changes in the Correctional Services Division. Gross expenditures refer to total expenditures before any adjustments are made for revenues/recoveries.

<sup>4</sup> The per capita figures presented in Figure 2 were calculated by dividing the gross expenditures on Correctional Services by the total NS population.

Figure 3 provides the average daily cost per adult in custody, based on actual expenditures by correctional services for adults in custody during the period 2015-16 to 2019-20. The average daily cost per adult in custody was \$323 in 2019-20, which was \$40 or 14% higher than 2018-19 and \$68 (or 27%) higher than 2015-16. Costs have not been adjusted for inflation.

**Figure 3 - Average daily cost in custody in NS (Adults)  
2015-16 to 2019-20**



*Source: Research, Planning and Information Management, Nova Scotia Department of Justice.*

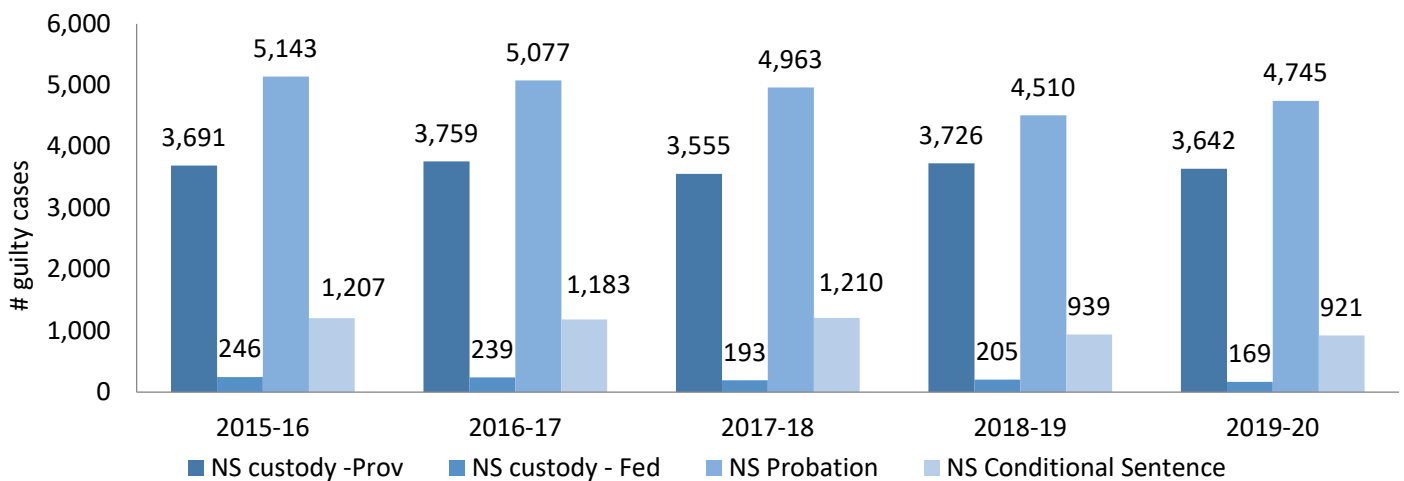
## Court sentences – Adults

Figure 4 provides the number of guilty cases<sup>5</sup> in adult criminal court in Nova Scotia which had a custody sentence<sup>6</sup> (federal and provincial), probation, or a conditional sentence ordered by the court.<sup>7</sup> These statistics provide an indicator of the types of sentences involving adults which subsequently led to involvement with the adult correctional system. It should be noted that a case may have more than one type of penalty (e.g., the person may be given a period of custody as well as a period of probation).

In 2019-20, cases that were sentenced to provincial custody decreased by 2% compared to 2018-2019 while cases sentenced to federal custody decreased by 18%. Cases with a sentence of probation increased by 5% while conditional sentences decreased by 2%.

Generally, there was a declining trend in the number of cases sentenced to conditional sentences, federal custody, and probation over the 5-year period (2015-16 to 2019-20) while the number of cases with provincial custody sentences has fluctuated. Overall, adult criminal court case volumes decreased by 8% over this time period.

**Figure 4 - Guilty cases in NS Adult Criminal Court, by Sentence Type, 2015-16 to 2019-20**



*Source: Research, Planning and Information Management, Nova Scotia Department of Justice.*

<sup>5</sup> In 2017, the Department of Justice adopted a new case definition for analyzing criminal court case volumes and processing times. Under the new definition, a case is one or more charges filed against the same person on the same Information or Summary Offence Ticket (SOT). As a result of this change in methodology, the data appearing in Figure 4 are not comparable to those in previous reports nor are they comparable with Statistics Canada reporting.

<sup>6</sup> Total cases with a custody sentence can be calculated by adding together the number of cases where provincial custody was ordered, and the number of cases where federal custody was ordered.

<sup>7</sup> Excluded are cases with a fine, restitution, or some 'other' sentence.

## New arrivals at adult correctional facilities

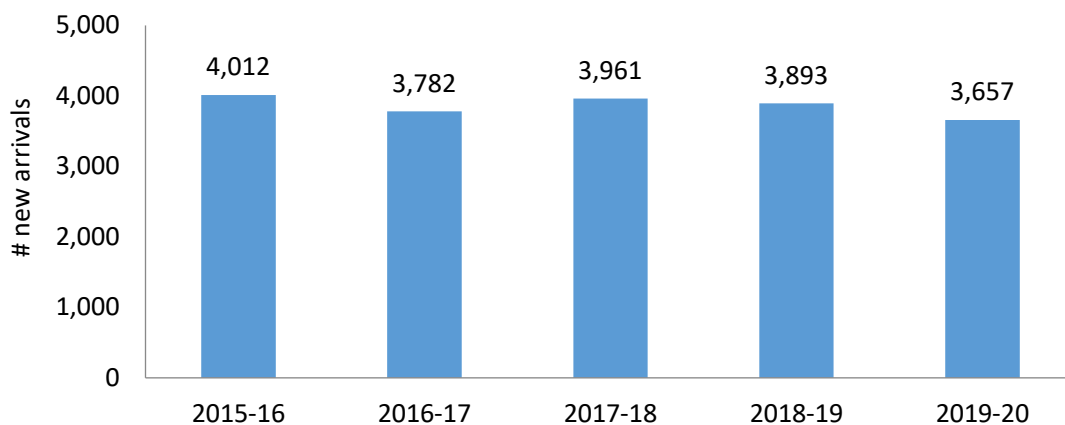
Figure 5 provides data on the number of new arrivals in adult correctional facilities for the years 2015-16 to 2019-20. New arrivals in adult correctional facilities are counted as intakes only (e.g., from non-custody status to custody; transfer from another jurisdiction; or conditional sentence to custody). An individual could have more than one new arrival at a correctional facility during a fiscal year. New arrivals do not include the transfer of individuals between correctional facilities within the province.

A person may be admitted to a correctional facility as follows: sentenced to provincial custody; remanded to provincial custody; or, other reason (e.g., parole suspension; federal inmate in custody at provincial institution in advance of court hearing; breach of a court order, etc.).

There were four (4) adult correctional facilities in Nova Scotia operating during the five-year period between 2015-16 to 2019-20. Of the adult facilities, the Central Nova Scotia Correctional Facility is the largest and accounted for the greatest number of new arrivals.

In 2019-20, there were 3,657 new arrivals at adult correctional facilities in the province which was 6% lower than 2018-19, and 9% lower than 2015-16.

**Figure 5 - New arrivals at adult correctional facilities  
2015-16 to 2019-20**



*Source: Justice Enterprise Information Network (JEIN), Correctional Services Division, Nova Scotia Department of Justice.*

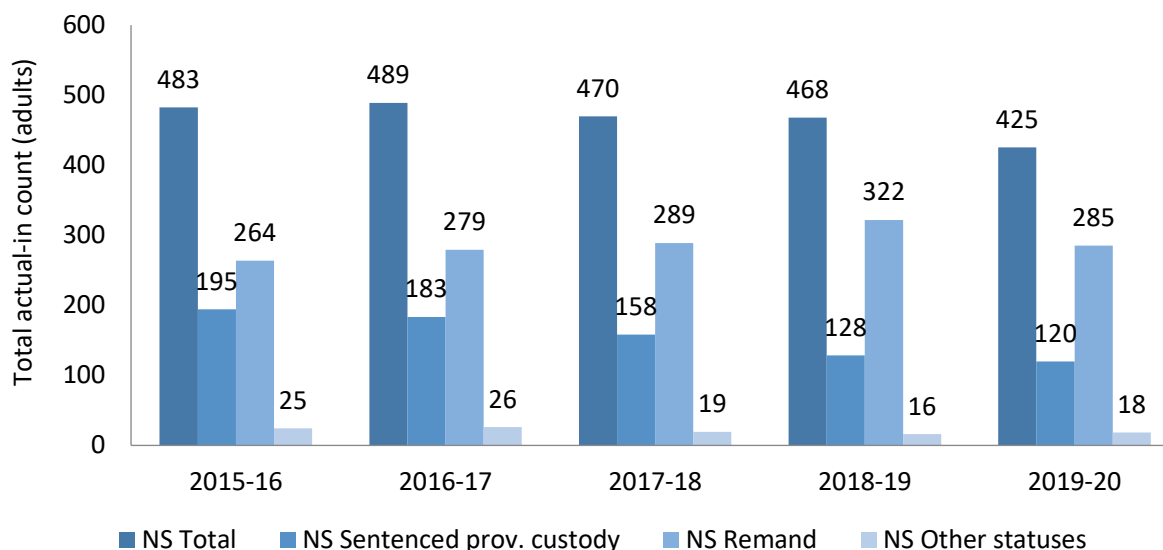
## Average daily count – Adults

The average daily count of adults in custody reflects the number of adults physically in a provincial correctional facility at the time of the daily count. Daily counts are useful for describing the make-up of the custodial population in terms of custody status: sentenced custody (i.e., person in a correctional facility as a result of a court-ordered sentence), remand (i.e., temporary detention in a facility pending trial or sentencing), and other forms of detention (e.g., immigration holds, federal inmates, etc.). These statistics are helpful in looking at

specific policy issues relating to custodial populations as well as operational issues relating to correctional facility capacity.<sup>8</sup>

In 2019-20, there was an average of 425 adults in custody on any given day, which was a 9% (43 inmates) decrease compared to the prior year (Figure 6). There was an average of 120 adults in provincial sentenced custody which was a 6% (9 inmates) decrease compared to the prior year. For remand, there was an average of 285 adults on an average day, a 11% (36 inmates) increase compared to the previous year.<sup>9</sup>

**Figure 6 - Average daily count in custody (Adults)  
2015-16 to 2019-20**



Over the five-year period, the average number of people being held in the province’s correctional facilities decreased by 12%. The number in provincial sentenced custody decreased by 38% while those in remand increased by 8%.

The majority of those in custody are being held in remand, and this proportion has increased over time. In 2019-20, about two-thirds of the population of correctional facilities were in remand, as compared to 55% in 2015-16 (Table 1).

Table 1. Proportion of average daily counts in Nova Scotia, by custody type (Adult)	2015-16	2016-17	2017-18	2018-19	2019-20
% Sentenced provincial custody <sup>10</sup>	40%	38%	34%	27%	28%
% Remand	55%	57%	62%	69%	67%
% Other statuses	5%	5%	4%	3%	4%

<sup>8</sup> Adult correctional facilities vary in size, with the Central Nova Scotia Correctional Facility having the largest capacity (300 inmates) and Southwest Nova Scotia Correctional Facility having the smallest (38 inmates).

<sup>9</sup> While the average daily count figures reported above are rounded to the nearest whole number for simplicity of presentation, calculations use the average daily count figure rounded to one decimal place which can slightly affect the percentages reported.

<sup>10</sup> Due to rounding, some percentages may not total to 100%.

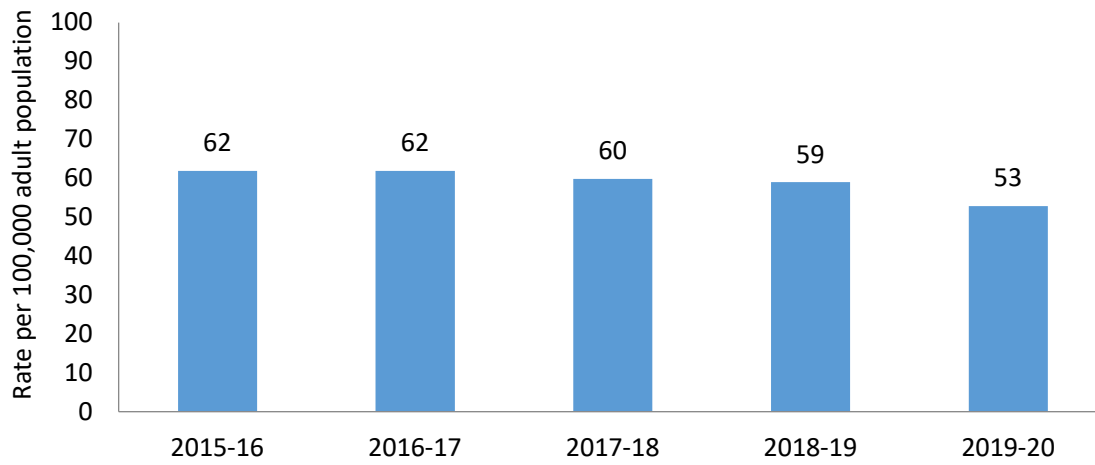
*Source(s): Research, Planning and Information Management, Nova Scotia Department of Justice.  
Statistics Canada. Table 35-10-0154-01 - Average counts of individuals in provincial and territorial programs.*

## Incarceration rate – Adults

In 2019-20, the adult incarceration rate in Nova Scotia was 10% lower than in 2018-19 and 15% lower than in 2015-16 (Figure 7).<sup>11</sup> Generally, over the 5-year period, there was a decreasing trend in the rate.<sup>12</sup>

In 2018-19, the most current year for which national level statistics are available, Nova Scotia had the 2nd lowest adult incarceration rates in Canada. Nova Scotia's rate has been either the lowest or among the lowest in the country, over the past 10 years.

**Figure 7 - NS incarceration rate (Adult)  
2015-16 to 2019-20**



*Source(s): Research, Planning and Information Management, Nova Scotia Department of Justice. Statistics Canada. Table 35-10-0154-01 - Average counts of offenders in provincial and territorial programs. Statistics Canada. 17-10-0009-01 Population estimates, quarterly.*

## Length of stay in provincial sentenced custody - Adults

Statistics on length of stay in custody provide information on the amount of time individuals spend in a facility prior to release. This information is useful for administrative planning in specific areas such as programming. It should be noted that the length of time spent in a facility may not equal the length of time ordered by the court due to earned remission (i.e., reduced time in custody due to good behaviour).

Figure 8 provides the average and median length of stay in provincial sentenced custody in adult correctional facilities in Nova Scotia for the period of 2015-16 to 2019-20.<sup>13</sup>

<sup>11</sup> The incarceration rate for adults is calculated as the total average daily count figure divided by the size of the adult population and standardized per 100,000 population. The provincial incarceration rate is an indicator of the proportion of Nova Scotia residents, in a given year, who are in custody (sentenced custody, remand, "other status") in provincial institutions. It excludes federal institutions but includes federally sentenced offenders in provincial institutions.

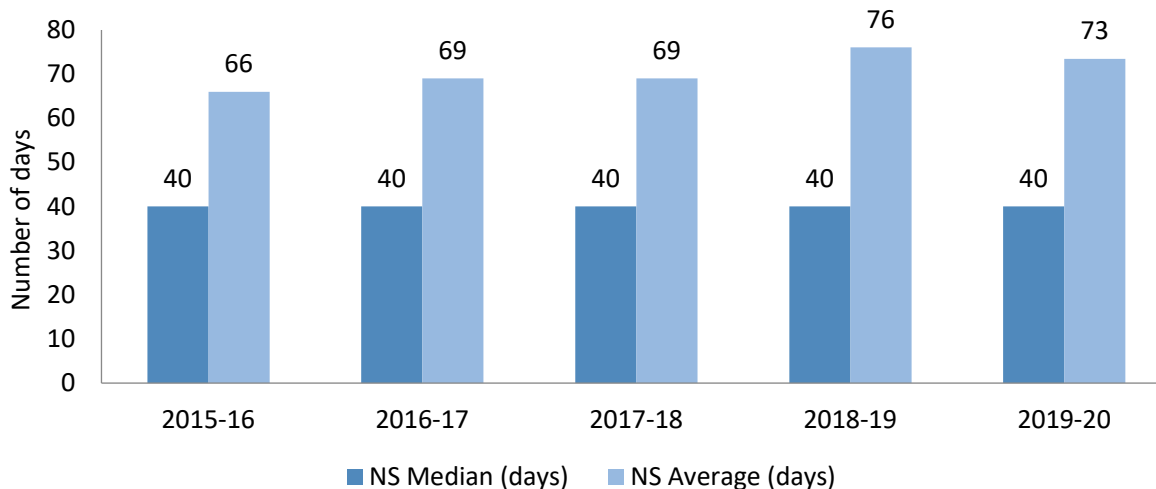
<sup>12</sup> While the incarceration rate figures reported above are rounded to the nearest whole number, the calculations used the incarceration rate figure rounded to one decimal place which can slightly affect the percentages reported.

<sup>13</sup> The average (mean) and median length of stay in provincial sentenced custody is an estimate calculated based on two-thirds of the aggregate sentence length (days). This assumes that inmates have earned one-third remission for their sentences.



The median length of sentenced custody in 2019-20 was 40 days and was unchanged over the five-year time period.<sup>14</sup> The average time spent in sentenced custody for 2019-20 was 73 days, which was down 3 days from the previous year but was seven days higher compared to 2015-16. The average length of stay in sentenced custody varied from a high of 76 days to a low of 66 days.

**Figure 8 - Length of stay in provincial sentenced custody, 2015-16 to 2019-20 (adults)**



Source: Research, Planning and Information Management, Nova Scotia Department of Justice.

## Sentence length for probation - Adults

Statistics on sentence length for probation provide information on the amount of time that adults are subject to probation conditions imposed by the courts on a probation order.

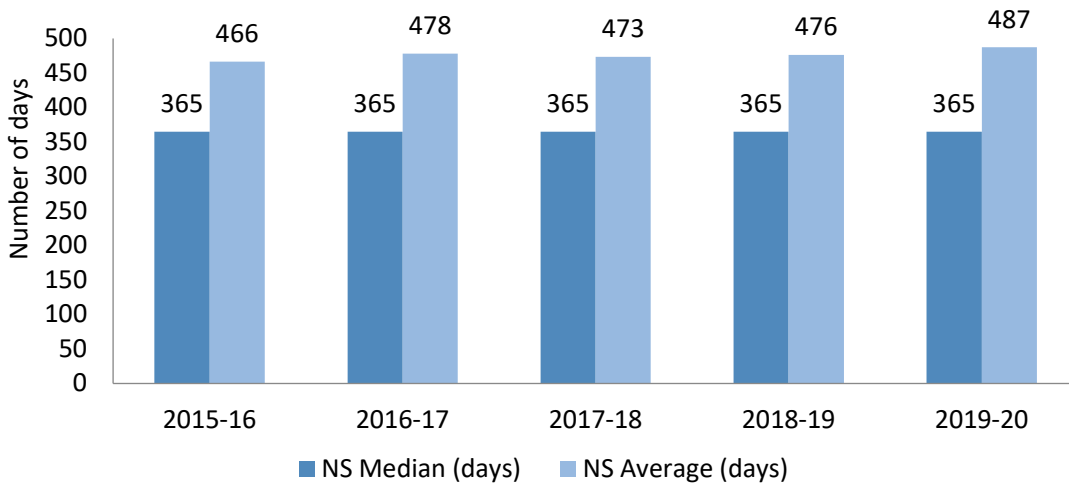
Figure 9 provides the average and median length of probation ordered by adult criminal courts in Nova Scotia for the period of 2015-16 to 2019-20.

The median length of probation ordered in 2019-20 was 365 days, which has been constant in the past five years. The average length of probation ordered, on the other hand, increased from 466 days in 2015-16 to 487 days in 2019-20.<sup>15</sup>

<sup>14</sup> The median length of stay is the midpoint of the sorted data for length of custody (days), where exactly half the data are above and half below the midpoint. While average case processing times can be affected by a small number of unusually long or short cases (i.e., outliers), the median case processing time is not affected by such cases.

<sup>15</sup> In 2017, the Department of Justice adopted a new case definition for analyzing criminal court case volumes and processing times. Under the new definition, a case is one or more charges filed against the same person on the same Information or Summary Offence Ticket (SOT). As a result of this change in methodology, the data appearing in Figure 9 are not comparable to those in reports prior to 2017 nor are they comparable with Statistics Canada reporting.

**Figure 9 - Length of probation ordered (Adults), 2013-14 to 2019-20**



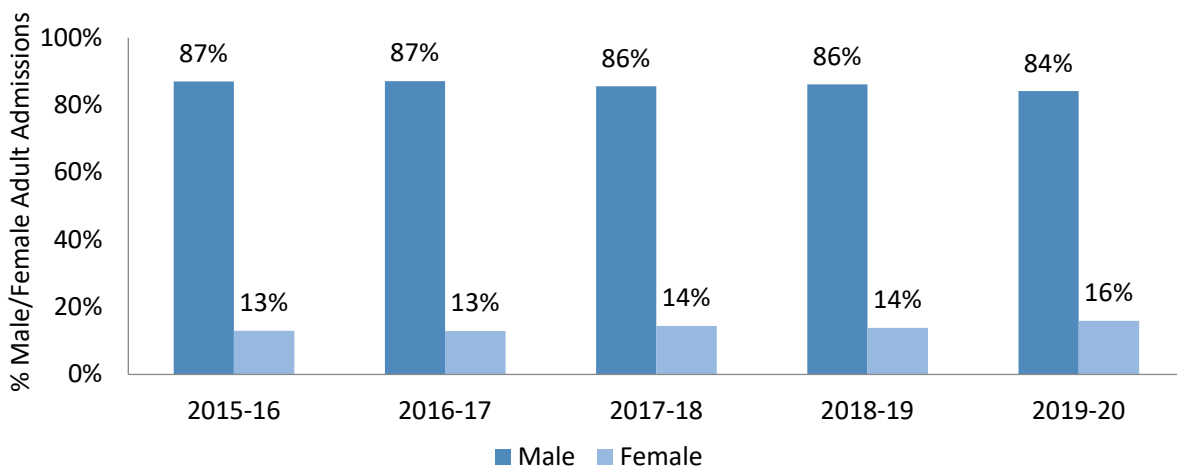
Source: Research, Planning and Information Management, Nova Scotia Department of Justice.

## Admissions to adult correctional facilities – by gender

Whenever a person enters into custody, they have an opportunity to self-identify various attributes such as their gender, ethnicity, and religious background during in-take admission. Self-identification informs the facilities, and the Department, of particular programming needs specific to a group of persons in custody.

Figure 10 shows the proportion of admissions to an adult correctional facility in Nova Scotia, which identified as male or female. The majority of admissions were male, with the proportion declining slightly from 87% to 84% between 2015-16 and 2019-20.

**Figure 10 - Adult admissions to custody in Nova Scotia, by sex of accused, 2015-16 to 2019-20**



Source: Policy, Planning & Research, NS Department of Justice.

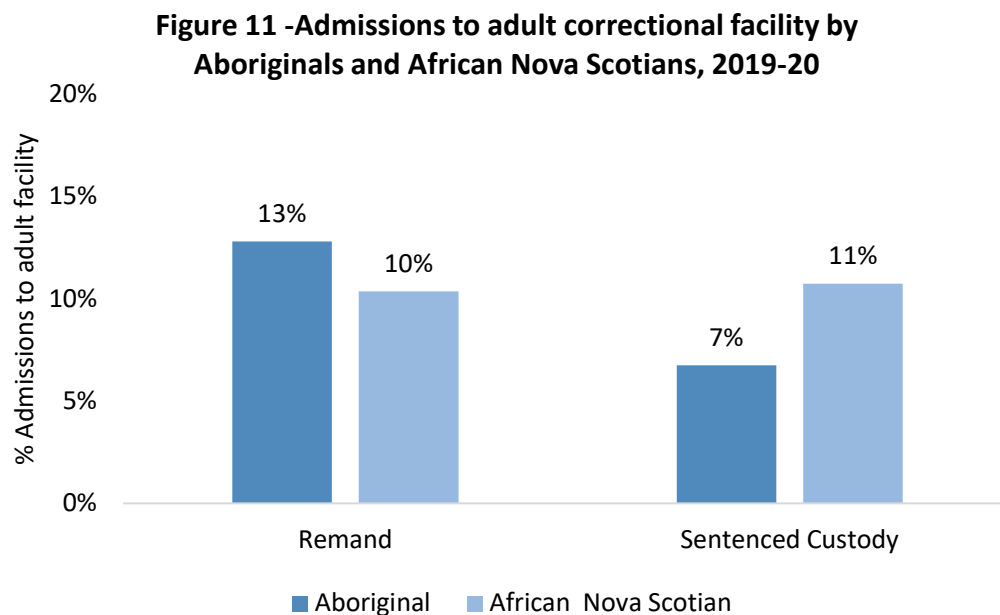
## Admissions to adult correctional facilities – by ethnicity

Indigenous persons and African Nova Scotians make up a greater proportion of people in correctional facilities than in the general population.

Indigenous persons were over-represented in admissions to remand in 2019-20. While they make up 6% of the population of Nova Scotia they accounted for 13% of admissions to remand in the province. Indigenous females are overrepresented in remand admissions to a greater extent than their male counterparts. In 2019-20, Indigenous females represented 23% of female admissions to remand while male Indigenous persons represented 11% of male admissions to remand.

Indigenous persons were only slightly over-represented in admissions to sentenced custody in 2019-20, accounting for 7% of admissions.

African Nova Scotians make up about 2% of the Nova Scotian population, but represented 10% and 11% of admissions to remand and sentenced custody, respectively (Figure 11).<sup>16</sup> African Nova Scotians were over-represented both in admissions to remand and in admissions to sentenced custody in 2019-20.



*Source: Research, Planning and Information Management, Nova Scotia Department of Justice. Statistics Canada, 2016 Census Profile – Nova Scotia [Province] and Canada.*

<sup>16</sup> Percentage calculations reported in Figure 11 exclude admissions where ethnicity was unknown. Due to small numbers, percentages for youth are not reported.

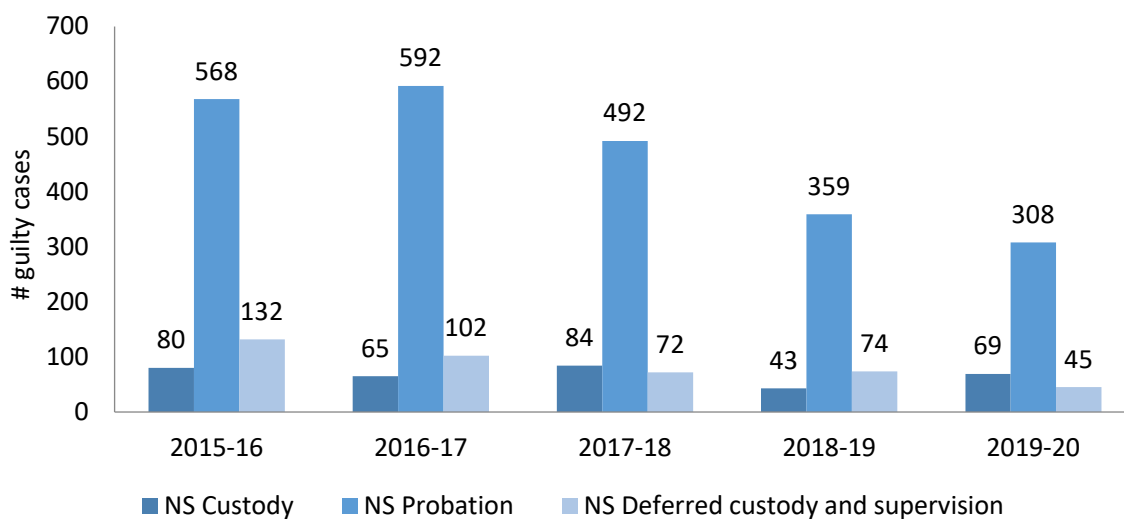
## Court sentences – Youth

Figure 12 provides the number of guilty cases in youth court in Nova Scotia which had sentences of custody, sentenced in the community (i.e., deferred custody and supervisions), and community supervision (probation).<sup>17</sup> These statistics provide an indicator of the types of sentence involving youth which subsequently led to involvement with the youth correctional system. It should be noted that a case may have more than one type of penalty (e.g., the youth may be given a period of custody as well as a period of probation).

In 2019-20, there was an increase in the number of youth cases with custody sentences (60%) but a decrease in probation (-14%) and deferred custody and supervision sentences (-39%), compared to the prior year.

Over the five-year period (2015-16 to 2019-20), cases with a sentence of probation and deferred custody and supervision continued on a declining trend, while the pattern for custody sentences has fluctuated. The number of cases with probation consistently outnumbered the other sentence types over the five-year period.

**Figure 12 - Guilty cases in NS Youth Court, by Sentence Type, 2015-16 to 2019-20**



*Source: Research, Planning and Information Management, Nova Scotia Department of Justice.*

## New arrivals at the youth correctional facility

The statistics presented in Figure 13 indicate the number of new arrivals at the youth correctional facility in Nova Scotia between 2015-16 to 2019-20. New arrivals of youth are counted as intakes only (e.g., from non-custody status to custody, transfer from another jurisdiction, or deferred custody to custody). New arrivals do not include the transfer of individuals between correctional facilities within the province. An individual could have more than one new arrival at a correctional facility during a fiscal year.

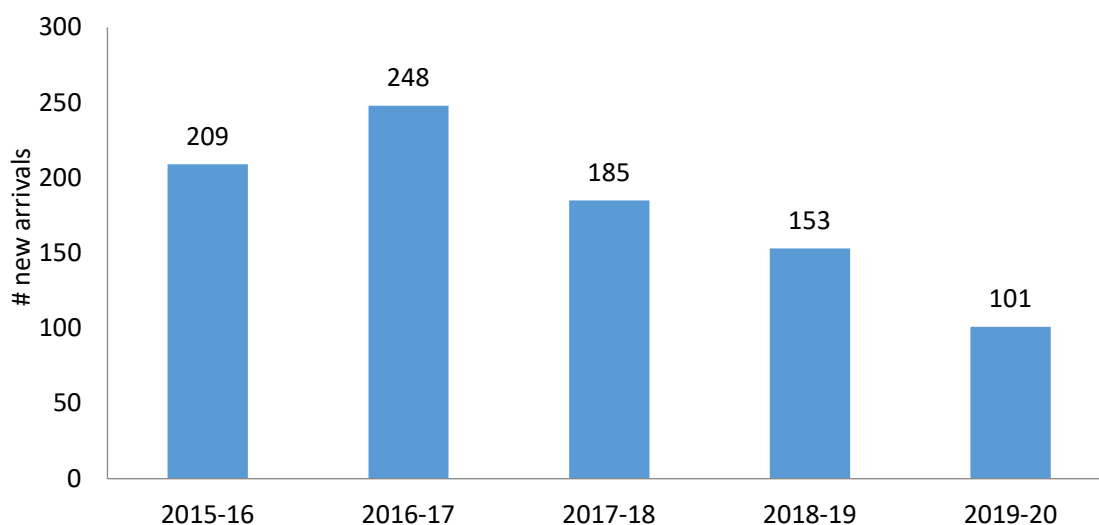
<sup>17</sup> In 2017, the Department of Justice adopted a new case definition for analyzing criminal court case volumes and processing times. Under the new definition, a case is one or more charges filed against the same person on the same Information or Summary Offence Ticket (SOT). As a result of this change in methodology, the data appearing in Figure 12 are not comparable to those in reports prior to 2017 nor are they comparable with Statistics Canada reporting.

Youth may be held in a facility for a number of reasons including: being sentenced to open, open/secure or secure custody; being remanded to custody; or, breach of a court order.

Correctional Services operates the Nova Scotia Youth Centre for sentenced and remanded young persons and the Cape Breton Youth Detention Facility, which is a short-term detention centre. The majority of youth (86%) are admitted directly to the Nova Scotia Youth Centre while the remainder are admitted at the Cape Breton Correction Facility which acts as a temporary detention centre for some youth before being transferred to the Nova Scotia Youth Centre.

In 2019-20, there were 101 new arrivals at youth correctional facilities, which was 34% lower than 2018-19 and 52% lower than 2015-16.

**Figure 13 - New arrivals at youth correctional facilities, 2015-16 to 2019-20**



*Source: Justice Enterprise Information Network (JEIN), Correctional Services, Nova Scotia Department of Justice.*

### **Average daily count – Youth**

The average daily count of youth in custody reflects the number of youth physically located in a correctional facility at the time of the daily count (at midnight of each day). Average daily counts are useful for describing the make-up of the youth custodial population in terms of custody status: sentenced custody, remand (also sometimes referred to as pre-trial detention), and other forms of detention (e.g., Provincial Director remand, etc.).<sup>18</sup> These statistics can be helpful in looking at specific policy issues relating to different types of custodial populations as well as operational issues relating to correctional facility capacity.

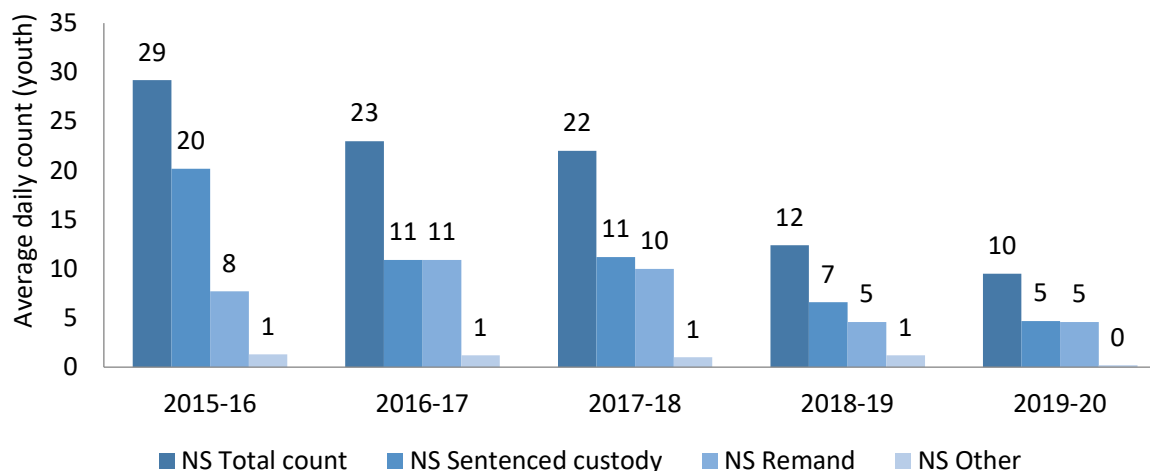
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<sup>18</sup> A Provincial Director remand occurs when there are reasonable grounds to believe that a youth has breached a condition associated with supervision in the community. When this occurs, the designated Provincial Director orders the youth to be held in custody until such time that a review can be conducted.

In 2019-20, there was an average of 10 youth in custody on any given day including 5 in sentenced custody, 5 in remand, and none on 'other' statuses (Figure 14). The total count of youth in custody decreased by 23% from 2018-19 to 2019-20.<sup>19</sup> Over the past 5 years, it has been steadily declining and decreased by 67% in total.

The average daily count for youth in sentenced and remand custody has been variable. As the number of youth in custody has been decreasing, the smaller numbers can result in greater variability for average daily count proportions (Table 2).

**Figure 14 - Average daily count (Youth), 2015-16 to 2019-20**



	2015-16	2014-15	2015-16	2016-17	2019-20
% NS Sentenced custody	69%	47%	50%	53%	49%
% NS Remand	26%	47%	45%	37%	48%
% NS Other	4%	5%	5%	10%	2%

Source(s): Research, Planning and Information Management, Nova Scotia Department of Justice. Statistics Canada. Table 35-10-0003-01 Average counts of young persons in provincial and territorial correctional services.

## Incarceration rate – Youth

In 2019-20, the youth incarceration rate in Nova Scotia was 2 youth per 10,000 youth population (Figure 15), unchanged from the previous year.

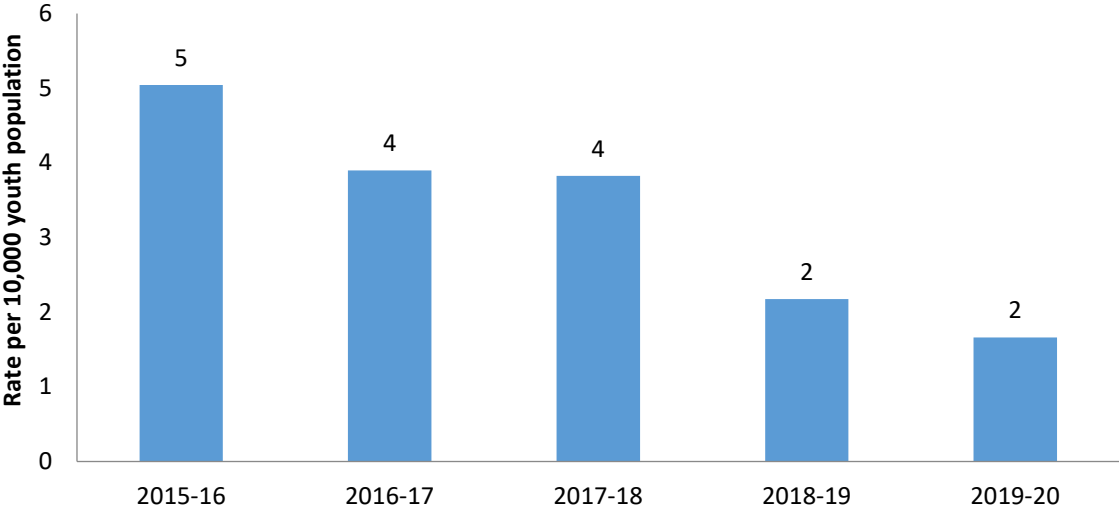
Over the five-year period, the rate declined steadily; in 2019-20 the rate was 67% lower than in 2015-16.<sup>20</sup>

<sup>19</sup> While the average daily count figures reported above are rounded to the nearest whole number, calculations use the average daily count figure rounded to one decimal place which can slightly affect the percentages reported.

<sup>20</sup> The youth incarceration rate is an indicator of the proportion of Nova Scotia youth who are in custody (sentenced custody, remand, "other status") in a provincial youth facility. It is calculated as the total daily count figure divided by the size of the population 12 to 17 years of age and standardized per 10,000 youth population.

In 2018-19, the most current year for which national level statistics are available, Nova Scotia’s youth incarceration rate was lower than the national rate (3 youth per 10,000 youth population) and has also had a general declining trend.

**Figure 15 - Nova Scotia incarceration rate (Youth), 2015-16 to 2019-20**



Source(s): Research, Planning and Information Management, Nova Scotia Department of Justice. Statistics Canada. Table 35-10-0003-01 Average counts of young persons in provincial and territorial correctional services. Statistics Canada. Table 17-10-0009-01 Population estimates, quarterly.

**Length of stay in provincial sentenced custody – Youth**

Statistics on length of stay of youth in custody provide information on the relative amount of time youth spend in a facility. This information is useful for administrative planning in specific areas such as programming. Average length of stay for youth in provincial sentenced custody is an estimate using the custody portion of youth custody and supervisions sentences.

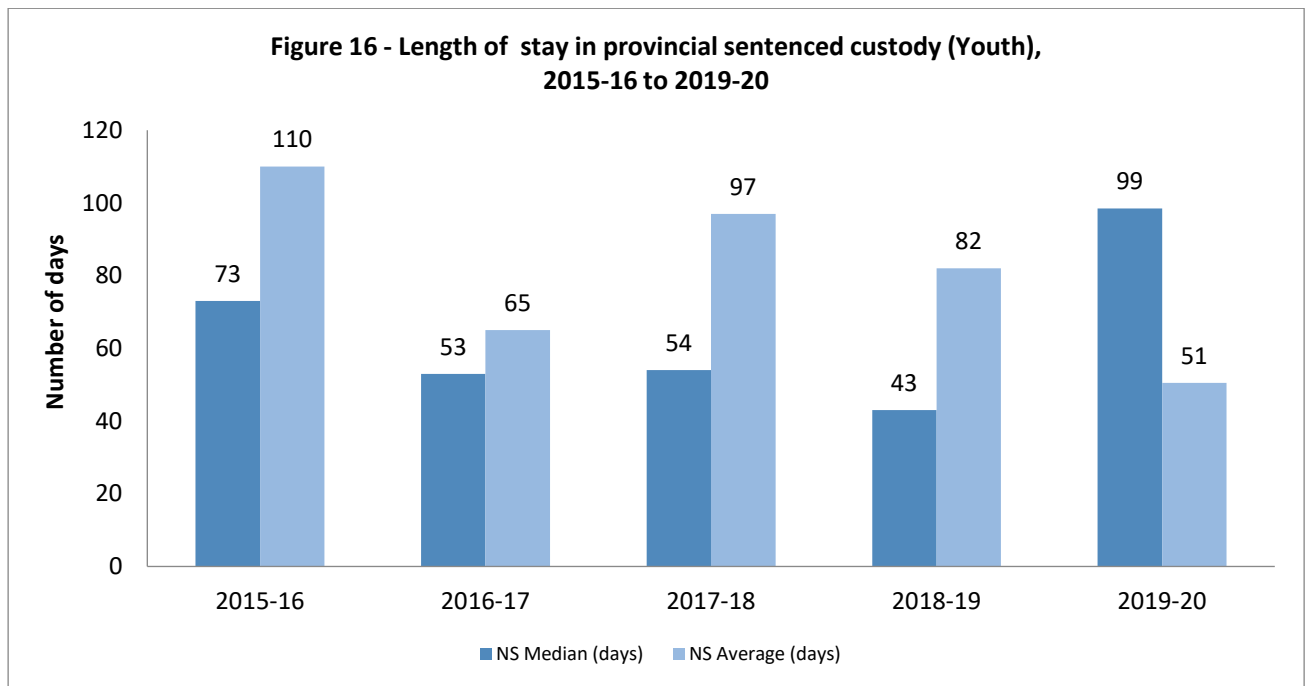
The median length of stay for youth in sentenced custody in 2019-20 was 51 days (Figure 16), an increase of 8 days (or 17%) from 2018-19 and a decrease of 23 days (or 31%) from 2015-16.<sup>21</sup> The average length of stay in sentenced custody for 2019-20 was 99 days, an increase of 17 days (or 20% ) compared to the previous year, and 12 days (or 10%) lower than in 2015-16.

The median length of stay of youth in provincial sentenced custody in Nova Scotia varied over time from a high of 73 days to a low of 43 days. The average stay over this time period varied from a high of 110 days to a low

While the incarceration rate figures reported above are rounded to the nearest whole number, the calculations used the incarceration rate figure rounded to one decimal place which can slightly affect the percentages reported.

<sup>21</sup> The median length of stay is the midpoint of the sorted data for length of custody (days), where exactly half the data are above and half below the midpoint. While average case processing times can be affected by a small number of unusually long or short cases (i.e., outliers), the median case processing time is not affected by such cases.

of 51 days. Note that as the number of youth in provincial sentenced custody has been decreasing and smaller numbers can result in greater variability for length of stay figures.



*Source: Research, Planning and Information Management, Nova Scotia Department of Justice*

## Sentence length for probation – Youth

Statistics on sentence length for youth on probation provide information on the amount of time that young persons are subject to probation conditions imposed by the courts on a probation order while in the community.<sup>22</sup>

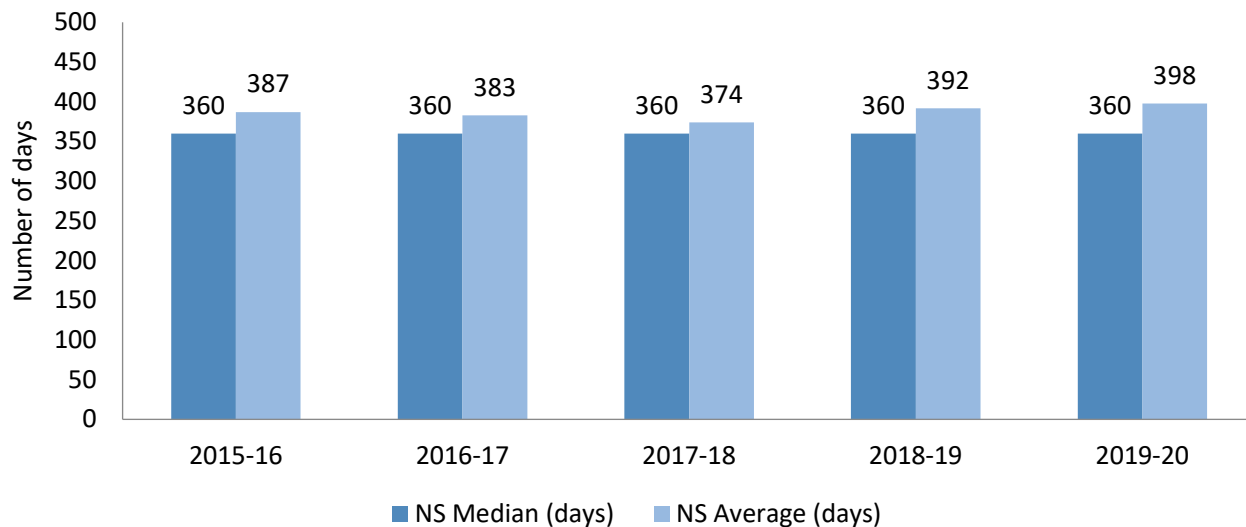
Figure 17 provides information on the length of probation ordered by youth courts in Nova Scotia between 2015-16 to 2019-20. The median length of probation ordered was 360 days in 2019-20 and was stable compared to prior years. The average length of probation ordered for 2019-20 was 398 days, which was 6 days (2%) more than in the year prior.

<sup>22</sup> In 2017, the Department of Justice adopted a new case definition for analyzing criminal court case volumes and processing times. Under the new definition, a case is one or more charges filed against the same person on the same Information or Summary Offence Ticket (SOT). As a result of this change in methodology, the data appearing in Figure 17 are not comparable to those reports prior to 2017 nor are they comparable with Statistics Canada reporting.



The average length of probation ordered by Nova Scotia youth courts has been increasing over the past two years.

**Figure 17 - Length of probation ordered by NS youth courts,  
2013-14 to 2019-20**



*Source: Research, Planning and Information Management, Nova Scotia Department of Justice*

If you have any questions relating to the content of this document, please contact:

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