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DISCLAIMER

The Judiciary makes every effort to ensure that the data published in its Annual Report is accurate. However, in preparing this report, the Judiciary must rely on data summaries that are created by a contractor external to Court Services. The Judiciary in Nunavut has no direct data management capability and is unable to directly access the statistical data tables buried in the Court Information System. Problems arise when lay (non-legal) data technicians attempt to interpret the Judiciary's requests for specific types of legal information.

The Judiciary in Nunavut is working with Court Services to develop a modern Court Information System. Such a system will include in-house data management capability. Performance measurement tools are needed to better assist the Senior Judge and the Director of Court Services to allocate limited financial and human resources and so improve service delivery to all Nunavummiut.

INTRODUCTION

This report is the Court's Annual Report for 2016 and provides an overview of the Nunavut Court of Justice's (NCJ) operating environment and court operations. The report expands on the information provided in the Nunavut Court of Justice Annual Report (2015). Detailed information is presented in relation to in-custody files, remand time, child protection files, and guardianship applications. The statistical volume of adult and youth criminal charges is sorted by region and by community for better comparison.

Part 1 examines the nature and extent of violent crime in Nunavut. A substantial proportion of the Court's time and resources is consumed by the criminal, as opposed to the civil or family docket. Part 2 and 3 deal with the Court's case-processing time and use of remand and custodial sentences. Part 4 examines the type and volume of family files that come before the Court. Parts 5 through 7 outline the Court's operational activity in the face of the current demands upon the Court's resources, such as the number of scheduled sittings, the number of Judges serving the Territory, and other measures the Court has taken to improve access to justice and case processing time for Nunavummiut. The report concludes with a summary of the Court's outreach projects and updates.

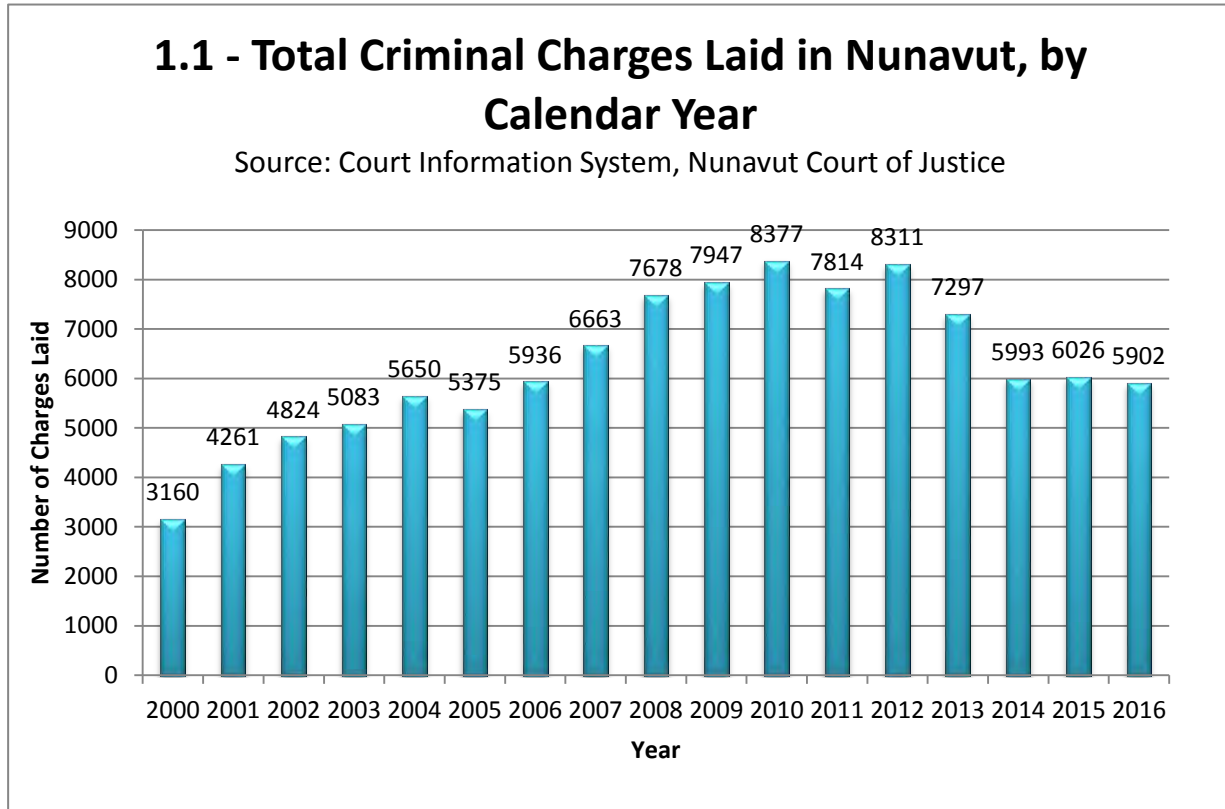
This report, and the archive of Annual Reports, are available in electronic form on the NCJ website at <http://www.nunavutcourts.ca/annualreports>. For a more in-depth historical review of crime and the Court's operations in Nunavut see: Nunavut Court of Justice, *Ingirranivut Our Journey: A statistical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

PART 1

1. Criminal Charge Volumes in Nunavut, 2000-2016

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

Graph 1.1 – Total Criminal Charges Laid in Nunavut, by Calendar Year, 2000-2016



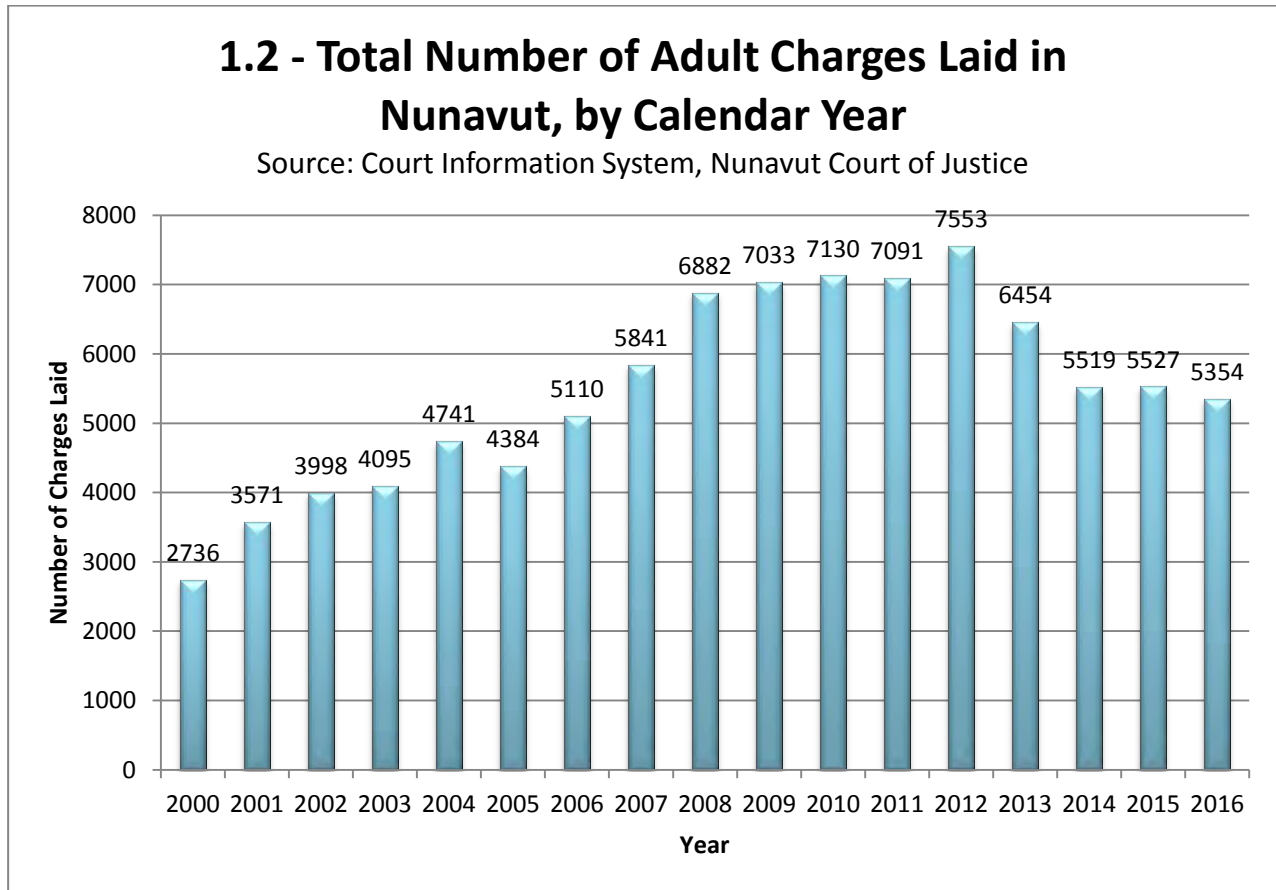
There has been a slight decrease of 2.06% in charges laid in 2016. However, the numbers have generally remained consistent since 2014.

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

Furthermore, the number of new charges laid in a given year does not reflect the total volume of charges that are being processed by the Court in the same year. For instance, in 2016 a total of 5,902 charges were laid in Nunavut (Graph 1.1). However, there were a total of 4,926 criminal charges concluded by the Court (Graphs 2.1, 2.2 and 2.3).

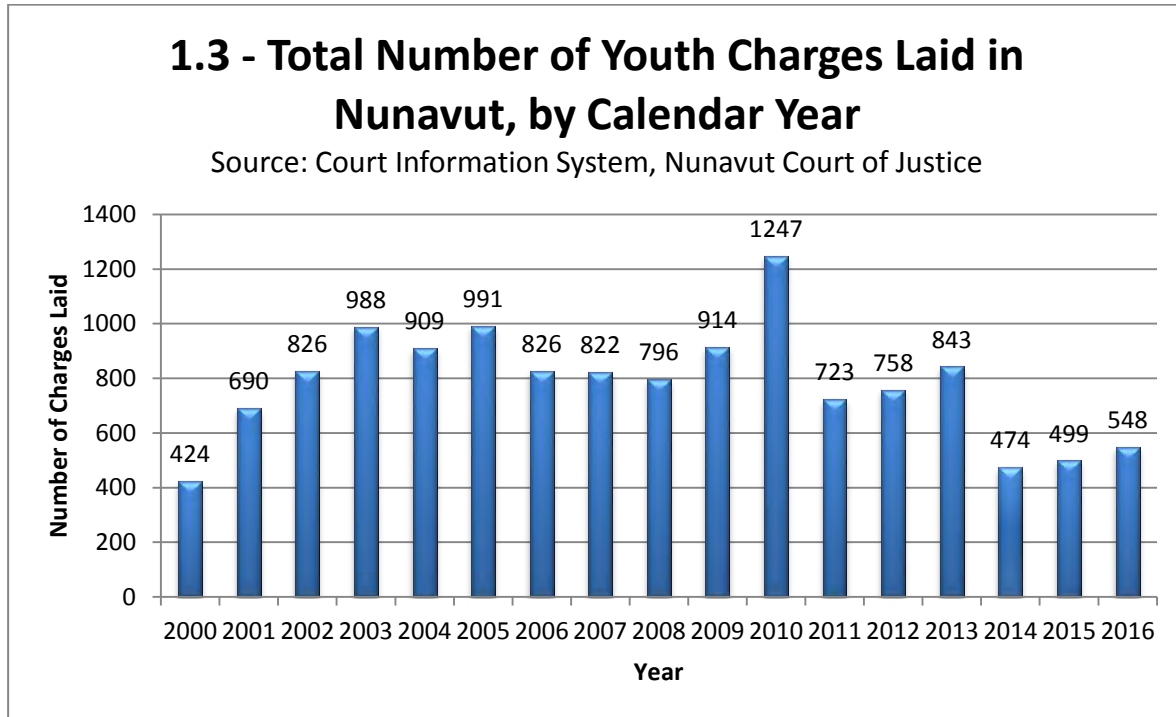
One reason for this is that many serious charges, such as homicide, can be expected to take several years to work their way through the Court.

Graph 1.2 – Total Adult Charges Laid in Nunavut, by Calendar Year, 2000-2016



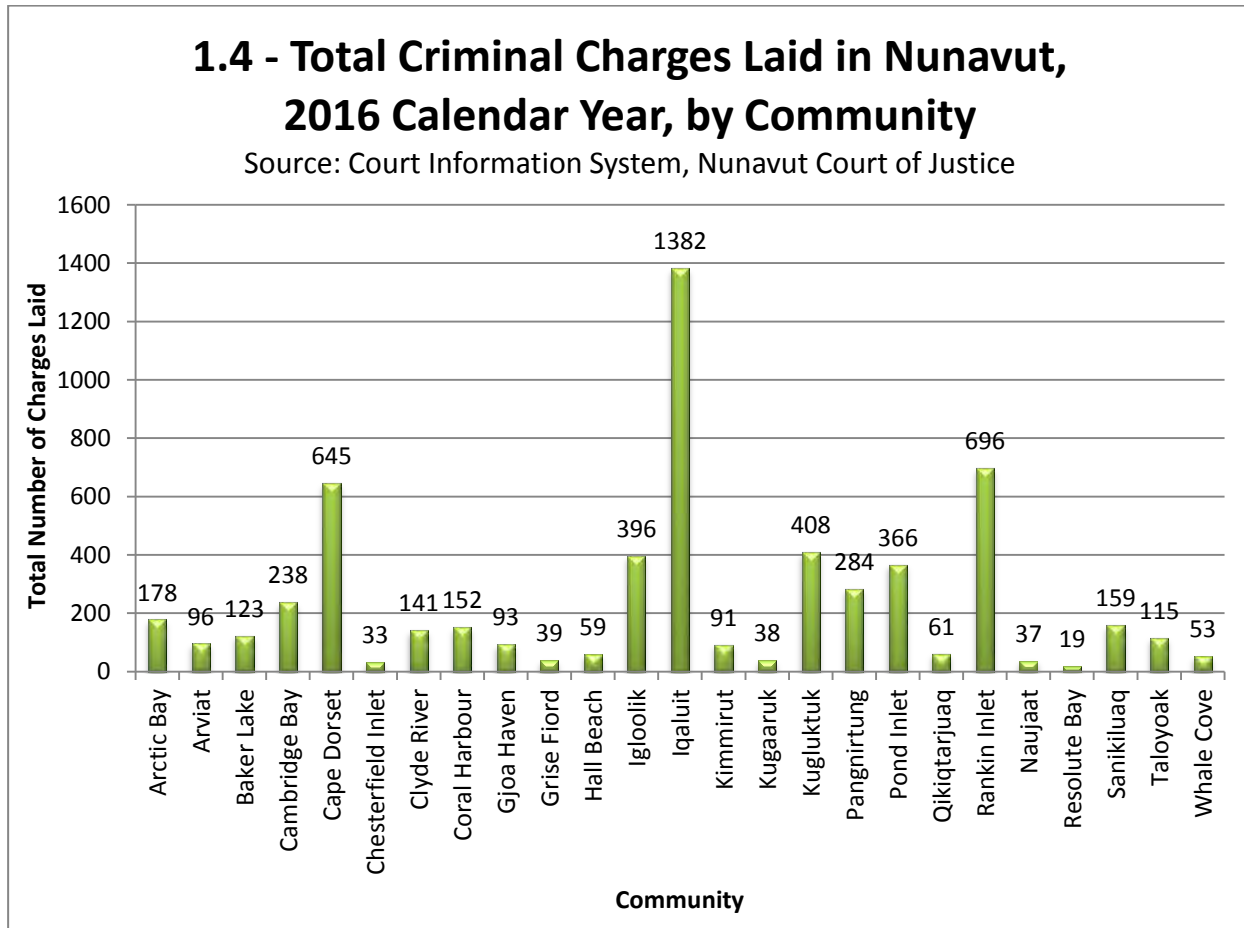
Graph 1.2 illustrates that the total number of adult charges laid in Nunavut steadily increased between 2000 and 2012. The numbers have since declined and remained fairly consistent for the last three years. A 3.13% decrease in charges occurred in 2016.

Graph 1.3 – Total Youth Charges Laid in Nunavut, by Calendar Year, 2000-2016



There has been a small but consistent increase in the number of youth charges before the Court over the last three years. In 2016, the number of charges increased by nearly 10% over 2015. However, the change still represents a significant decrease over 2001-2013.

Graph 1.4 – Total Charges Laid, by Community, 2016



In 2016, there were 5,902 criminal charges laid in Nunavut, which is 124 charges less than was laid the preceding year (also see Graph 1.1). Not surprisingly, the total number of criminal charges laid is fairly proportionate to the population levels throughout Nunavut. Larger communities such as Iqaluit, Cape Dorset, and Rankin Inlet continue to have the most charges laid. Iqaluit accounts for 23.4% of all criminal charges laid in Nunavut and 20.5% of the Territory’s population.¹

Compared to 2015,² 14 communities saw a decrease in charges in 2016. The largest decrease was seen in Pond Inlet, which saw a nearly 28% decrease in charges from the previous year. Eleven communities saw an increase in charges in 2016. The largest increase was seen in Igloolik, where charges increased by nearly 53% over 2015. The number of charges in Iqaluit increased by 44 (3.3%) in 2016.

¹ Nunavut Bureau of Statistics, *Population Estimates Report*, July 2016, table 5, online: www.stats.gov.nu.ca/en/Population%20estimate.aspx.

² Data compared with 2015 NCJ Annual Report, online: www.nunavutcourts.ca/annualreports.

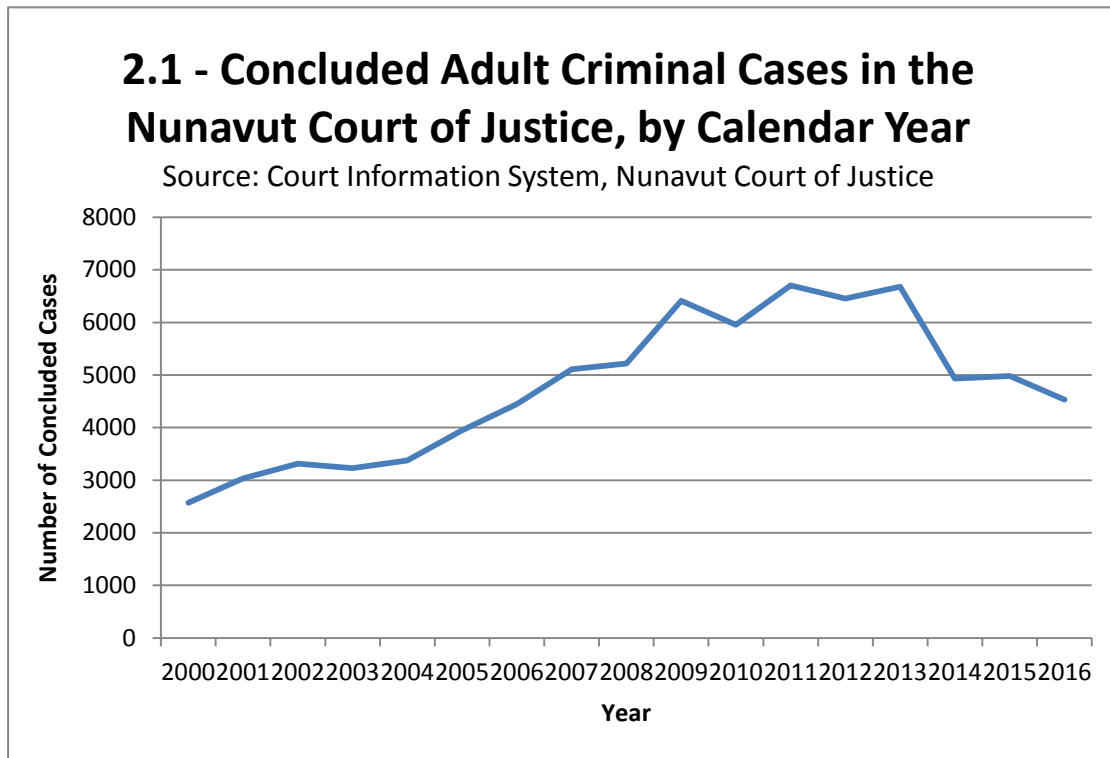
PART 2

2. Processing of Criminal Cases in Nunavut, by Calendar Year, 2000-2016

This section details the annual volumes of adult and youth criminal cases that the Court concluded (Graphs 2.1 and 2.2) and fluctuations in the length of time required to complete adult and youth criminal cases. Graphs 2.11 and 2.12 provide a comparison of the median and mean time required to conclude criminal cases in the Territory. Graph 2.13 compares median case processing times nationally. Part 2 Graphs include data from both the NCJ and the Nunavut Justice of the Peace Court.

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

Graph 2.1 – Concluded Adult Criminal Cases in the Nunavut Court of Justice, by Calendar Year, 2000-2016

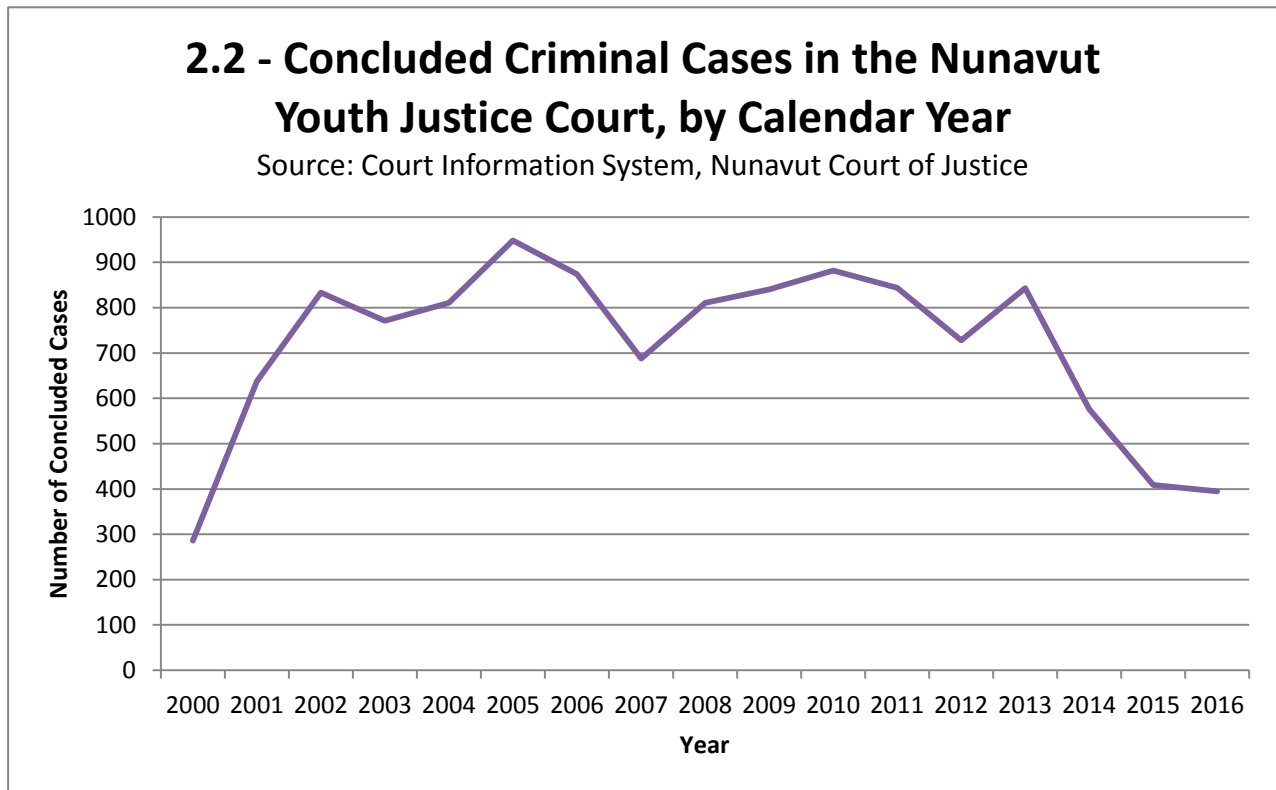


Graphs 2.1 only reflects the number of adult criminal cases that concluded in the year specified, not the total caseload of the NCJ for the year.

The Court concluded more adult criminal cases in the 2013 calendar year than any previous or subsequent calendar year (Graph 2.1). The number of concluded cases has generally been declining since 2013. In 2016, the number of concluded cases declined by 450 (9%) to 4,531.

This decline in concluded cases was to be expected given the corresponding reduction in overall charge volume over the last three years. This trend also correlates with the judicial complement issues that have arisen since 2015 (Graph 6.1 & Graph 6.2).

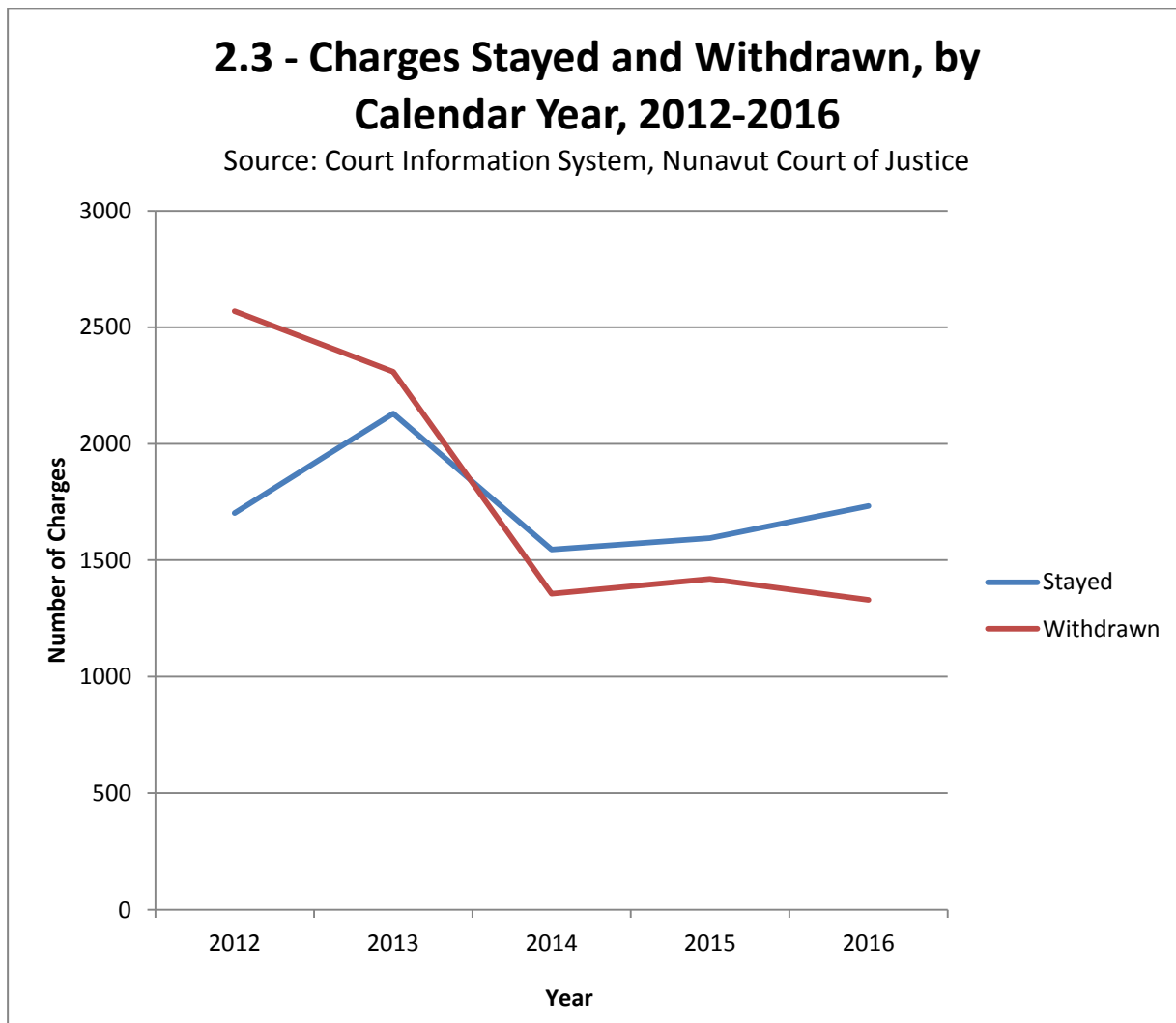
Graph 2.2 – Concluded Criminal Cases in the Nunavut Youth Justice Court, by Calendar Year, 2000-2016



Similarly, Graph 2.2 displays the number of youth criminal cases concluded in the year specified and not the total caseload of the Youth Justice Court of Nunavut for that year.

The number of concluded cases decreased by 14 (3.4%) to 395 in 2016. However, there was a fairly sharp decrease in the amount of concluded youth criminal cases (919 to 448) in the NCJ from 2013 to 2015. This is a reflection of the significant decrease in the overall volume of youth charges in Nunavut compared to previous years.

Graph 2.3 – Charges Stayed and Withdrawn, by Calendar Year, 2012-2016

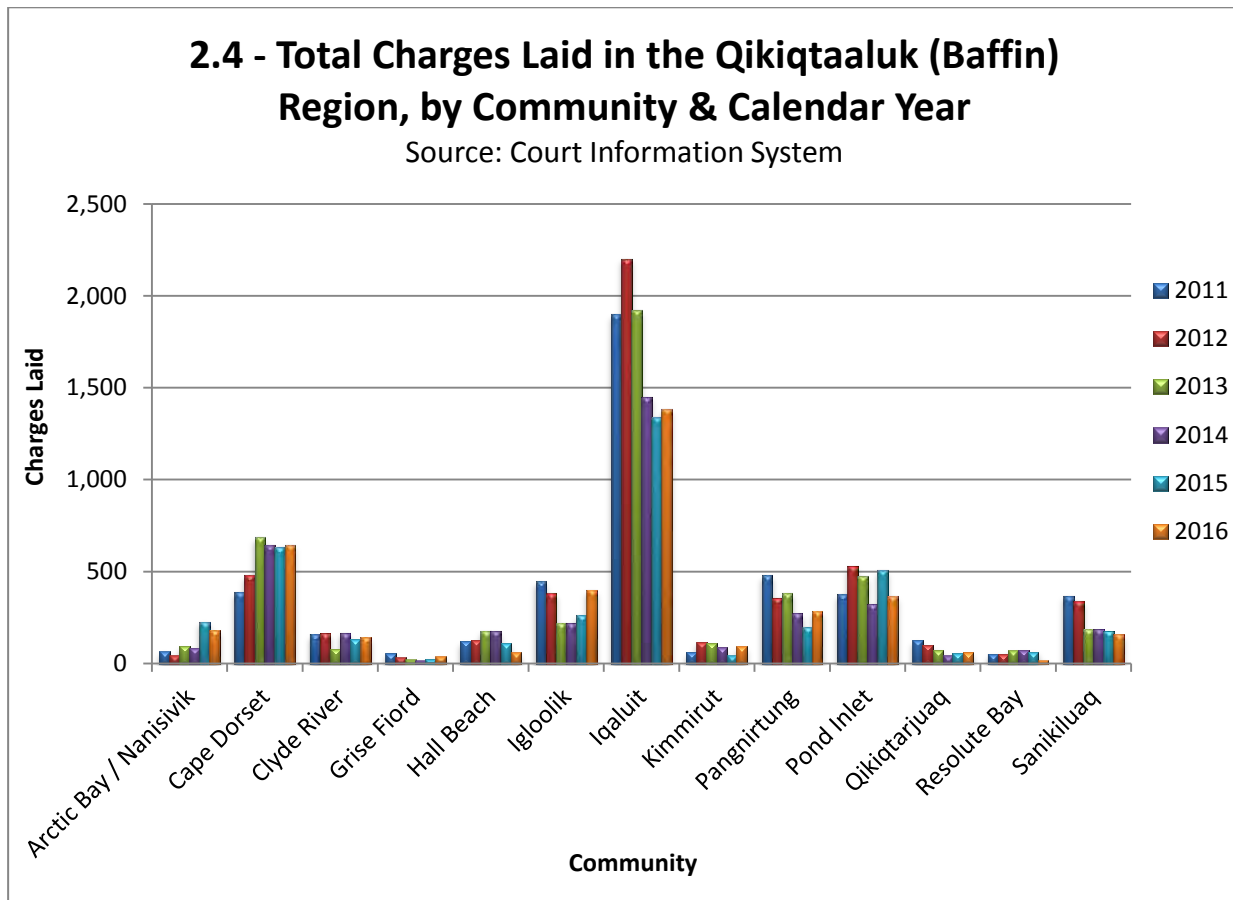


The Court compiled information on the number of charges stayed or withdrawn over the past four years. Charges are stayed or withdrawn by application of the Crown or at the direction of the Court. These numbers reflect all charges withdrawn or stayed and are not broken down by the source of the request.

Similarly to the concluded case numbers, the number of charges stayed or withdrawn in a year correlates to the number of cases before the Court annually and not the number of charges laid in one year. Cases may continue into following years as the case is processed.

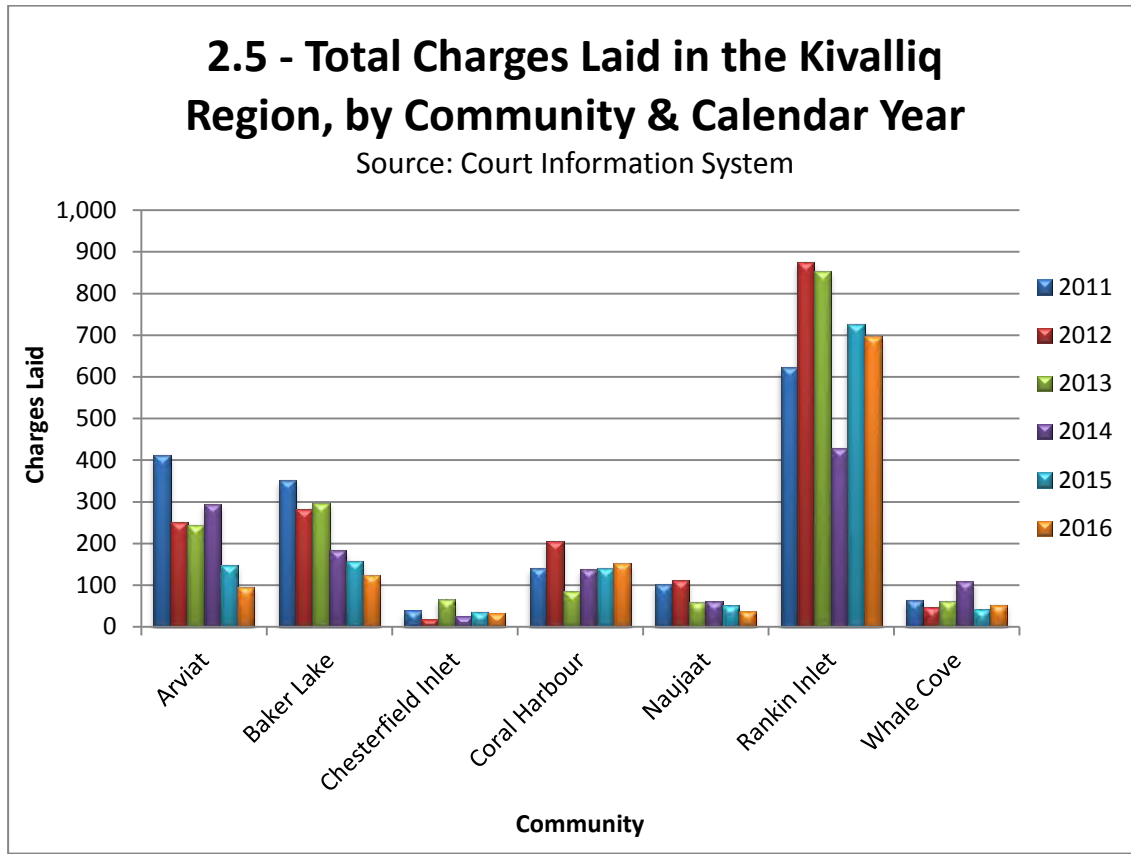
In 2016, a total of 1,733 charges were stayed (an 8.6% increase from 2015) and 1,329 charges were withdrawn (a 6.3% decrease from 2015). The numbers are fairly proportionate to the number of cases concluded by the Court when the annual numbers are compared to charts 2.1 and 2.2.

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



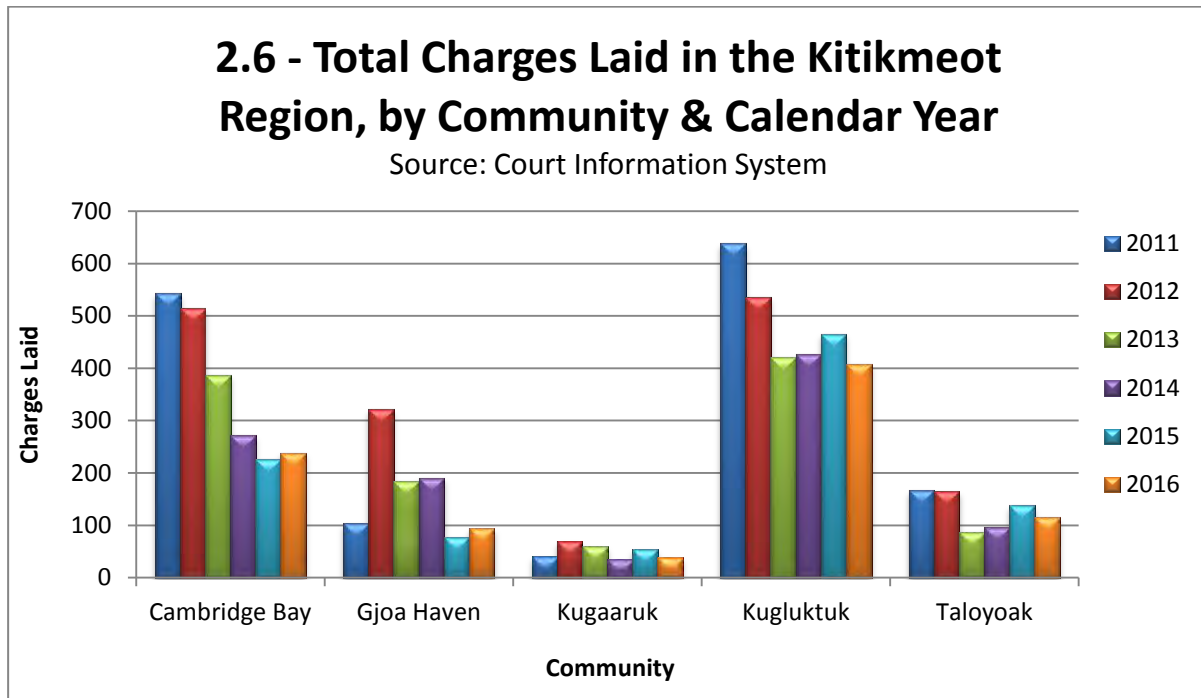
The total number of criminal charges laid in Nunavut is fairly proportionate to the population levels throughout Nunavut. Larger communities such as Iqaluit, Cape Dorset, and Pond Inlet have the most charges laid in the Qikiqtaaluk region. In 2016, Igloolik and Pangnirtung saw the largest increase in charges in the region. Pond Inlet saw the largest decrease (140 charges/27.7%) the same year.

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



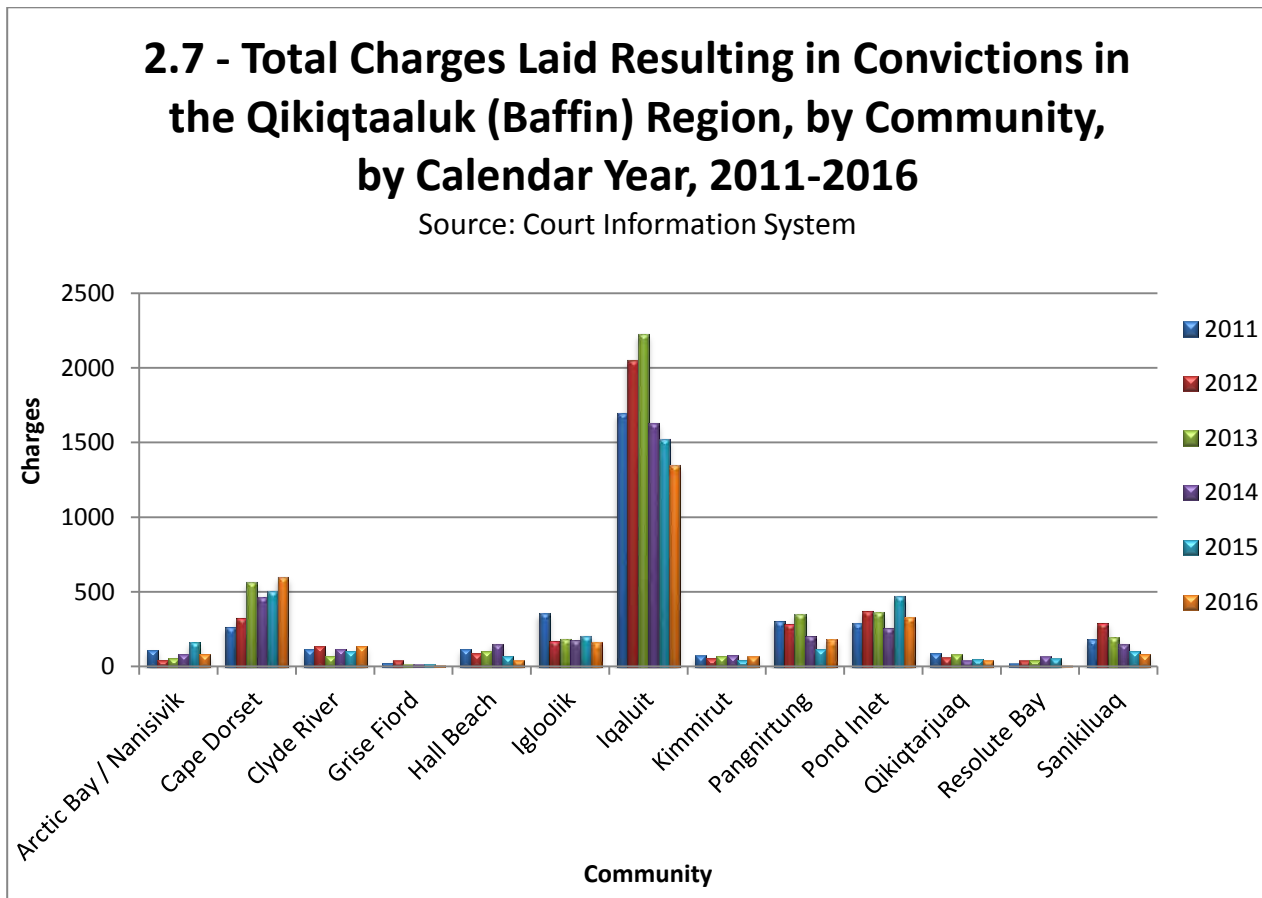
Overall, the total number of charges laid in the Kivalliq region has decreased in five of seven communities. The total varies from community to community with higher numbers in the more populated Rankin Inlet. Notably, following a significant decrease in 2014, Rankin Inlet saw a significant increase in the number of charges laid in 2015. In 2016, the Rankin Inlet numbers remained almost the same, decreasing by 31 charges (less than 5%).

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



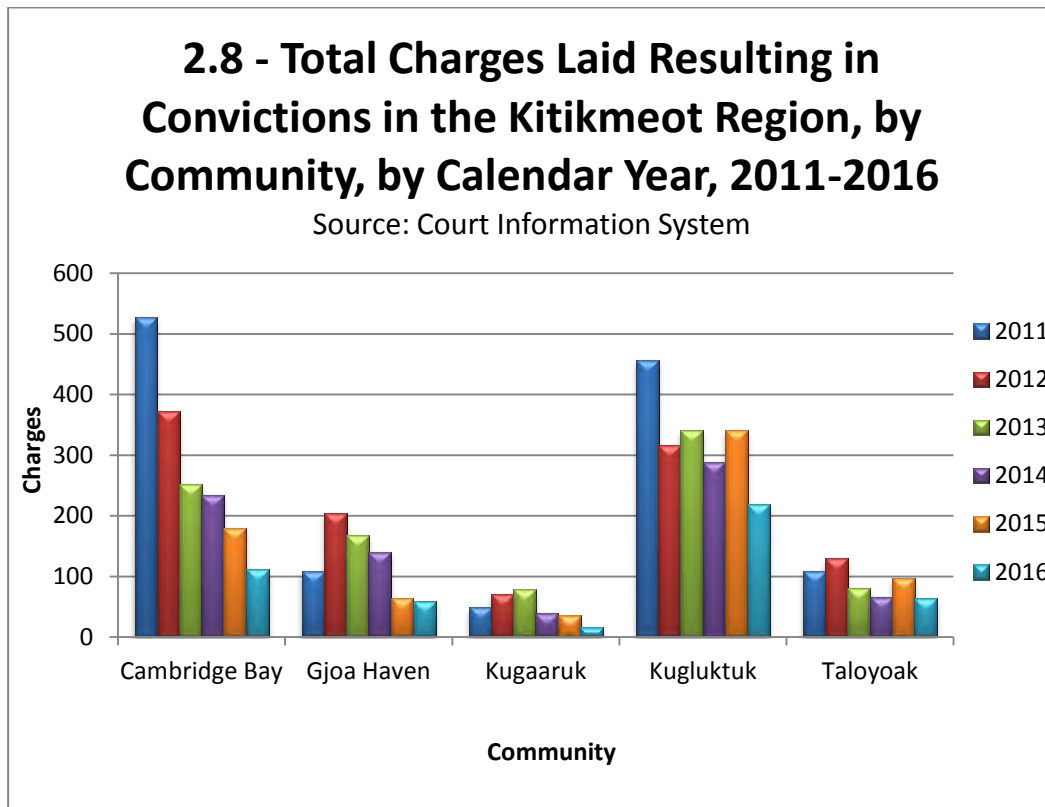
Graph 2.6 illustrates an overall trend of decreasing charges laid in the Kitikmeot region. The most substantial decreases overall are seen in Kugluktuk and Taloyoak. The totals increased by 16 (20.8%) in Gjoa Haven and 12 (5.3%) in the largest Kitikmeot community of Cambridge Bay.

Graph 2.7 – Total Charges Laid Resulting in Convictions in the Qikiqtaaluk (Baffin) Region by Community, by Calendar Year, 2011-2016



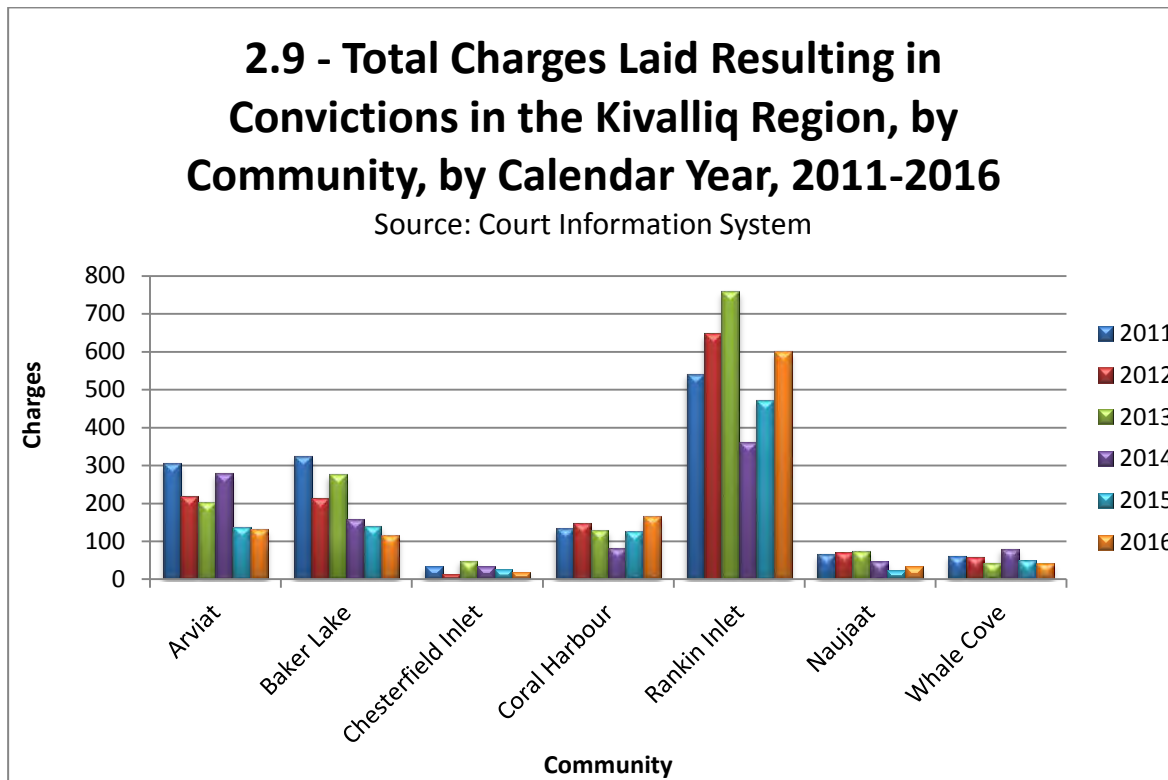
Graph 2.7 illustrates an overall trend of decreasing charges resulting in convictions in the Qikiqtaaluk region. Again, the highest number of charges resulting in convictions was laid in Iqaluit, in line with the city’s population. However, even in Iqaluit there was a 174 (11.4%) decrease in charges resulting in convictions in 2016. The largest increase from 2015 to 2016 occurred in Pangnirtung (66 charges/57.9%) and Cape Dorset (90 charges/17.8%).

Graph 2.8 – Total Charges Laid Resulting in Convictions in the Kitikmeot Region by Community, by Calendar Year, 2011-2016



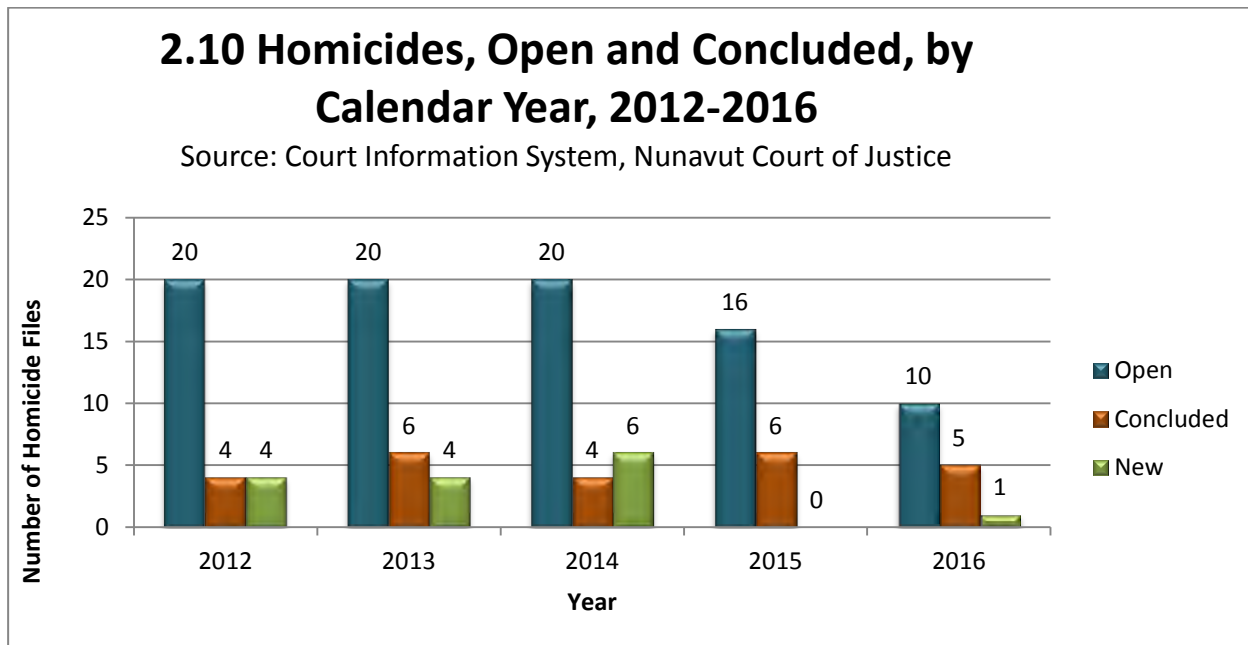
Graph 2.8 illustrates an overall trend of decreasing charges laid resulting in convictions in the Kitikmeot region. The numbers decreased for each community in this region between 2015 and 2016. The highest numbers were in Kugluktuk (219 charges) and Cambridge Bay (112 charges), even though these two communities also experienced the largest overall decreases in numbers (by 32.8% and 37.4%, respectively) from 2015 to 2016.

Graph 2.9 – Total Charges Laid Resulting in Convictions in the Kivalliq Region, by Community, by Calendar Year, 2011-2016



Graph 2.9 illustrates a decrease in charges resulting in convictions in four of seven communities in the Kivalliq region. Between 2015 and 2016, the largest decrease occurred in Baker Lake (25 charges, a 17.9% decrease) while Rankin Inlet saw an increase of 129 charges (27.4%).

Graph 2.10 – Homicide Files Before the Court, 2012-2016



The above chart is based on data collected by the NCJ Trial Coordinator. The “open” files refer to the maximum number of homicide cases open before the Court in the indicated year. The “concluded” files indicate the number of homicide files closed by the Court in the indicated year. The “new” files indicate the number of new informations charging homicide offences sworn in the indicated year or matters referred back for trial by the Nunavut Court of Appeal.

The number of “new” files may not correspond to data relating to homicides in a particular year as charges may be sworn in one year for an offence alleged to have occurred in prior years. Further, a “new” file may also be a result of a conviction being overturned by the Nunavut Court of Appeal and remanded back to NCJ for a new trial.

In addition, the number of “open” files is based on files that are open over the course of the full year and includes any new file sworn in the year. As files open and close at different times over the year, the maximum number of files opened may appear to be larger than the number of concluded and new files would suggest because of the timing of file carriage.

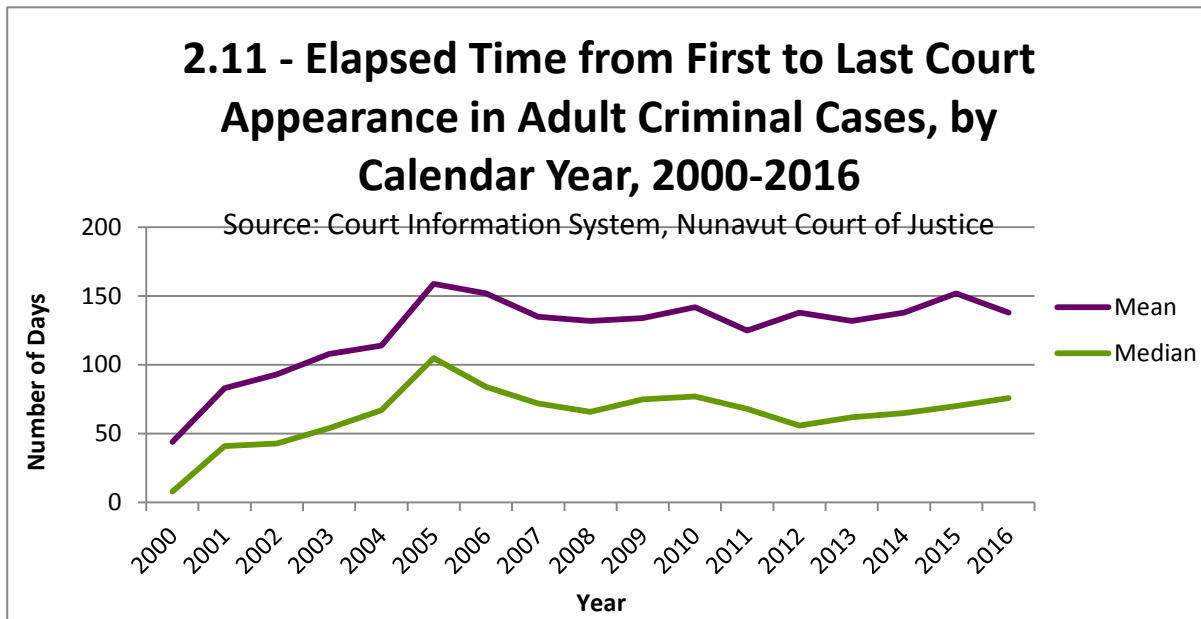
In 2016, Nunavut saw two homicides,³ resulting in one second-degree murder charge laid that year.⁴ Nationally, there were 611 homicide victims and 480 persons accused of homicide in Canada in 2016.⁵ According to Statistics Canada, Nunavut had the sixth highest homicide rate (per 100,000 people) in Canada for the year.⁶

³ Data from the Nunavut Coroner Service.

⁴ Data from the RCMP Major Crimes Unit.

⁵ Statistics Canada, *Homicide survey, victims and persons accused of homicide, by age group and sex, Canada and Homicide survey, number and rates (per 100,000 population) of homicide victims, Canada, provinces and territories*

Graph 2.11 – Elapsed Time from First to Last Court Appearance in Adult Criminal Cases, 2000-2016



For the purposes of Graphs 2.11 and 2.12, the mean elapsed time is the average number of days from first to last court appearance, while the median is the number of days between first and last court appearance at which exactly half of the cases before the Court took longer to finish and half the cases took less time to finish. Where a case was opened and closed on the same day, this has been counted as a single day.

Averages are sensitive to outliers. One case that takes an exceptionally long time to complete can strongly influence the average. In contrast, the median is not sensitive to outliers. Therefore, the Court considers the median to be more reflective of the experience of most accused persons interacting with the Court in any given year. The median value is a better indicator of the overall tendency because the data in Graphs 2.11 and 2.12 has a large variance. This means some cases take much longer than normal from start to finish than the majority of the cases in the data set. Slower case-processing results in higher mean and median elapsed times.

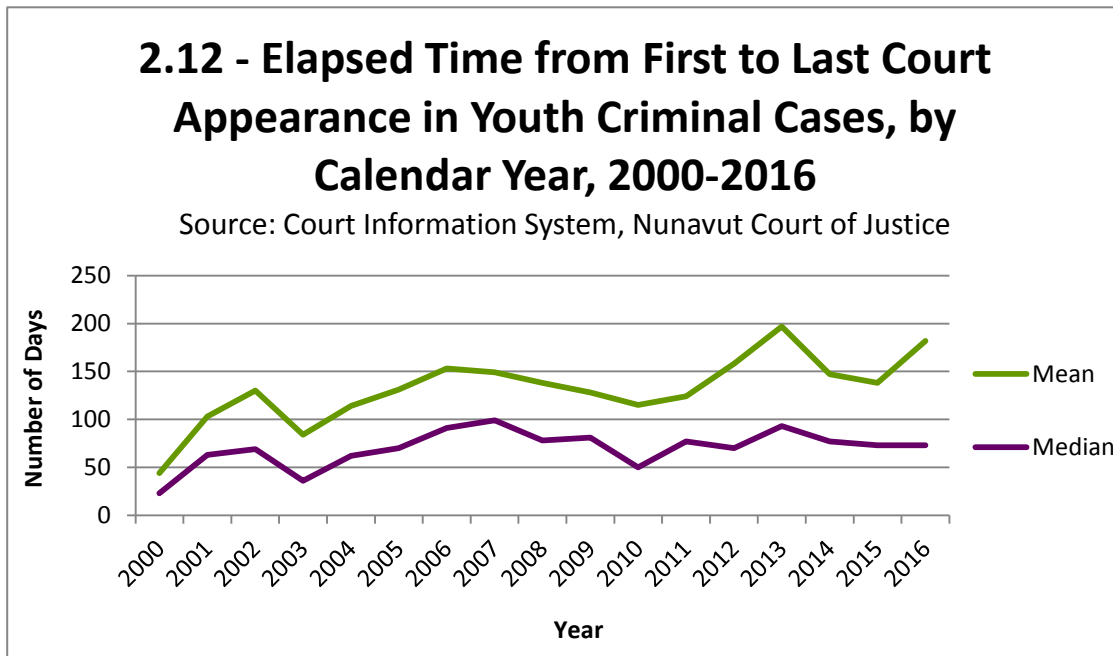
Between 2013 and 2015, it took longer for adult cases to conclude each year than it did in previous years. In 2016, the mean processing times declined by 14 days while the median processing times increased by six days. The increase of the median value may signify that the elapsed time grew slightly for most adults facing criminal charges. This increase is in line with the number of concluded adult cases decreasing by 9% (Graph 2.1) in 2016. However, the number of adult charges also decreased over the same period by 3.1% (Graph 1.2).

Nationally, Nunavut has the second fastest median processing time in Canada for adult matters (Graph 2.13).

annual, online: www.statcan.gc.ca/daily-quotidien/131219/dq131219b-cansim-eng.htm.

⁶ Ibid.

Graph 2.12 – Elapsed Time from First to Last Court Appearance in Youth Criminal Cases, 2000-2016

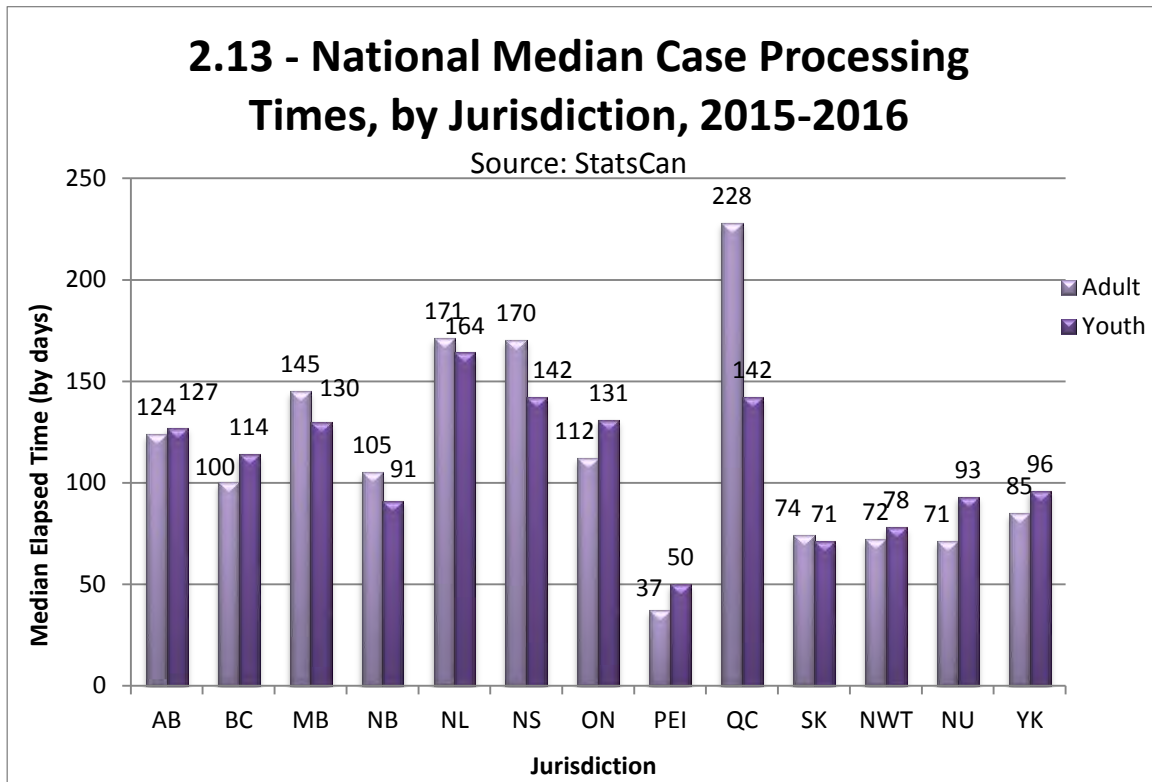


From 2013 to 2015, there was a sharp decrease in both the mean and median elapsed time from first to last appearance in youth criminal cases in the Youth Justice Court of Nunavut. However, in 2016 the average case processing time increased by 44 days while the median number remained the same. This could indicate that a number of outlier cases which took disproportionately longer to complete affected the average (mean) value.

The increase in average elapsed time may also be attributable to the fact that the number of concluded youth cases decreased by 14 (Graph 2.2) while the number of youth charges increased by nearly 10% in 2016 (Graph 1.3). In an effort to shorten the case processing time for youth citizens accused of crimes, in 2016 the Court maintained the greater frequency of youth Court sittings in Iqaluit implemented in 2014.

The *Pre-Sentence Reports* required before a custodial sentence can be imposed take the territorial Community Corrections division a minimum of six weeks to prepare. Community Corrections lacks sufficient capacity to fast-track these reports for youth in custody. This delay adds significantly to the case processing time for the more serious criminal cases involving youth who are detained in custody pending sentence.

Graph 2.13 – National Median Case Processing Times, by Province/Territory, 2015-2016



As a comparator, the NCJ’s case processing time for both youth and adult criminal matters is one of the lowest in the country. The Statistics Canada data⁷ is presented for the years 2015-2016 rather than by calendar year as presented in Graphs 2.11 and 2.12.

Nunavut has the second fastest median processing time in Canada for adult matters. For youth matters, Nunavut ranks fifth.

The only jurisdiction with lower adult case processing time than Nunavut is Prince Edward Island. However, it is important to note that the court in Nunavut is a traveling circuit court that goes into communities on a set schedule, making comparisons to Prince Edward Island courts—which operate on a regular schedule—challenging. For example, some communities in Nunavut have two to four court sittings a year whereas Prince Edward Island has court weekly.

⁷ Statistics Canada, Adult criminal courts, cases by median elapsed time in days, annual (Number), 1994/1995 to 2015/2016 and Youth courts, cases by median elapsed time in days, annual (Number), 1991/1992 to 2015/2016, online: <http://www5.statcan.gc.ca/cansim/a33?RT=TABLE&themeID=2695&spMode=tables&lang=en>.

PART 3

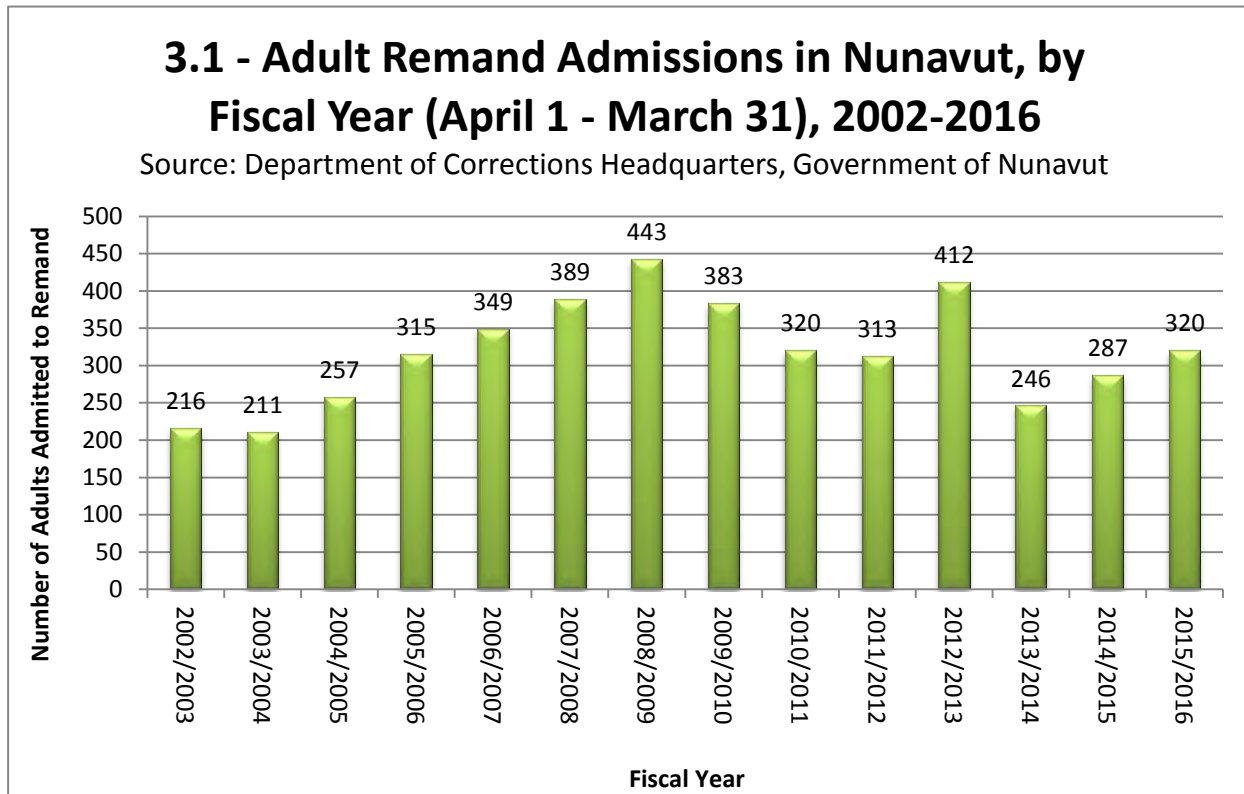
3. Use of Custodial Remand and Sentencing in Nunavut

Remand is the temporary detention of a person while they are awaiting trial or a sentencing hearing. Remanded citizens are usually charged with either more serious or a greater volume of offences, which generally take longer to resolve. The accused's choice of mode of trial has a bearing on the time it takes to clear charges. An accused's request for a preliminary inquiry and/or a trial by jury may extend the length of time required to address the charges by two or three times, compared to a Judge-alone trial without a preliminary inquiry.

Both the average length of time spent in remand by adults (Graph 3.3) and the number of adult remand admissions (Graph 3.1) increased during the 2015/2016 fiscal year. Youth remand admissions doubled in 2015/2016, returning to 2013/2014 levels after a one-year decrease (Graph 3.2).

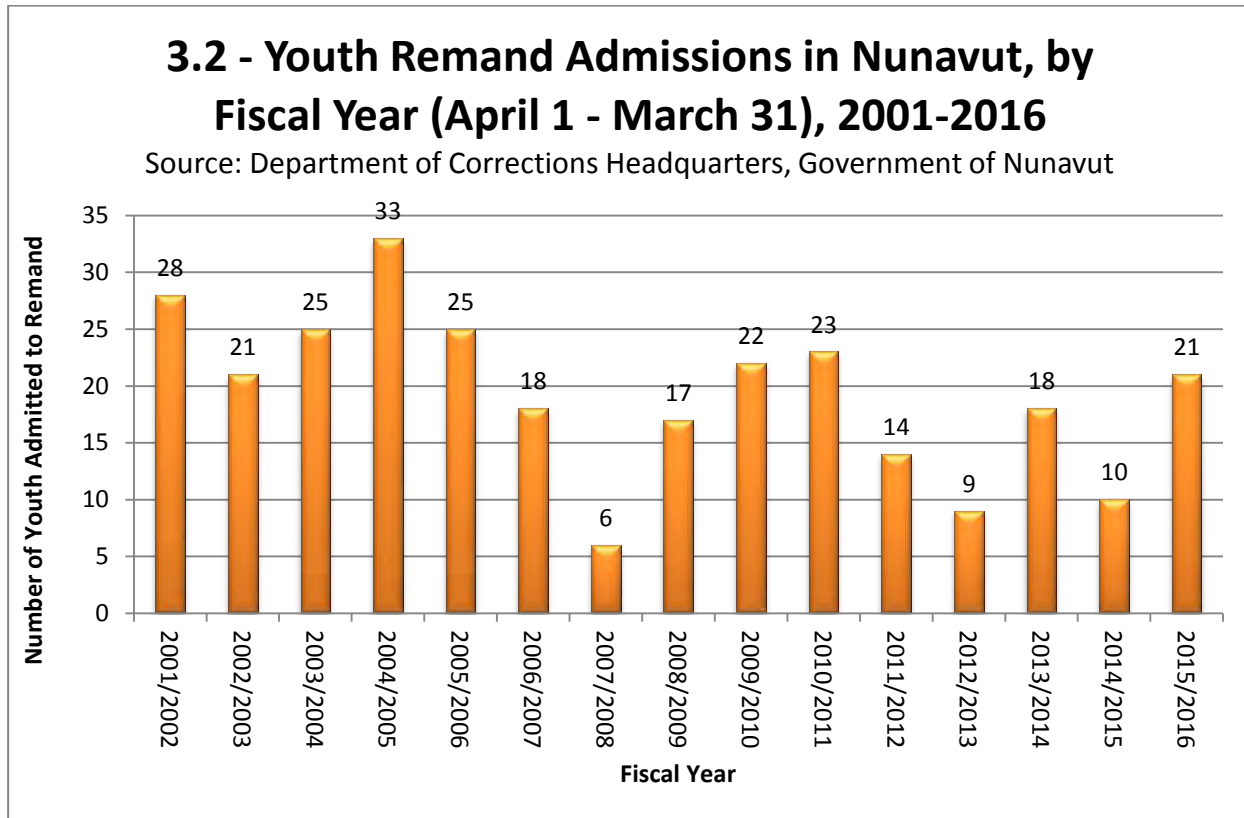
The use of available sentences is also examined by this section for both adult and youth offenders. The term "gaol," used throughout the Report, refers to a sentence of jail.

Graph 3.1 – Adult Remand Admissions in Nunavut, by Fiscal Year, 2002-2016



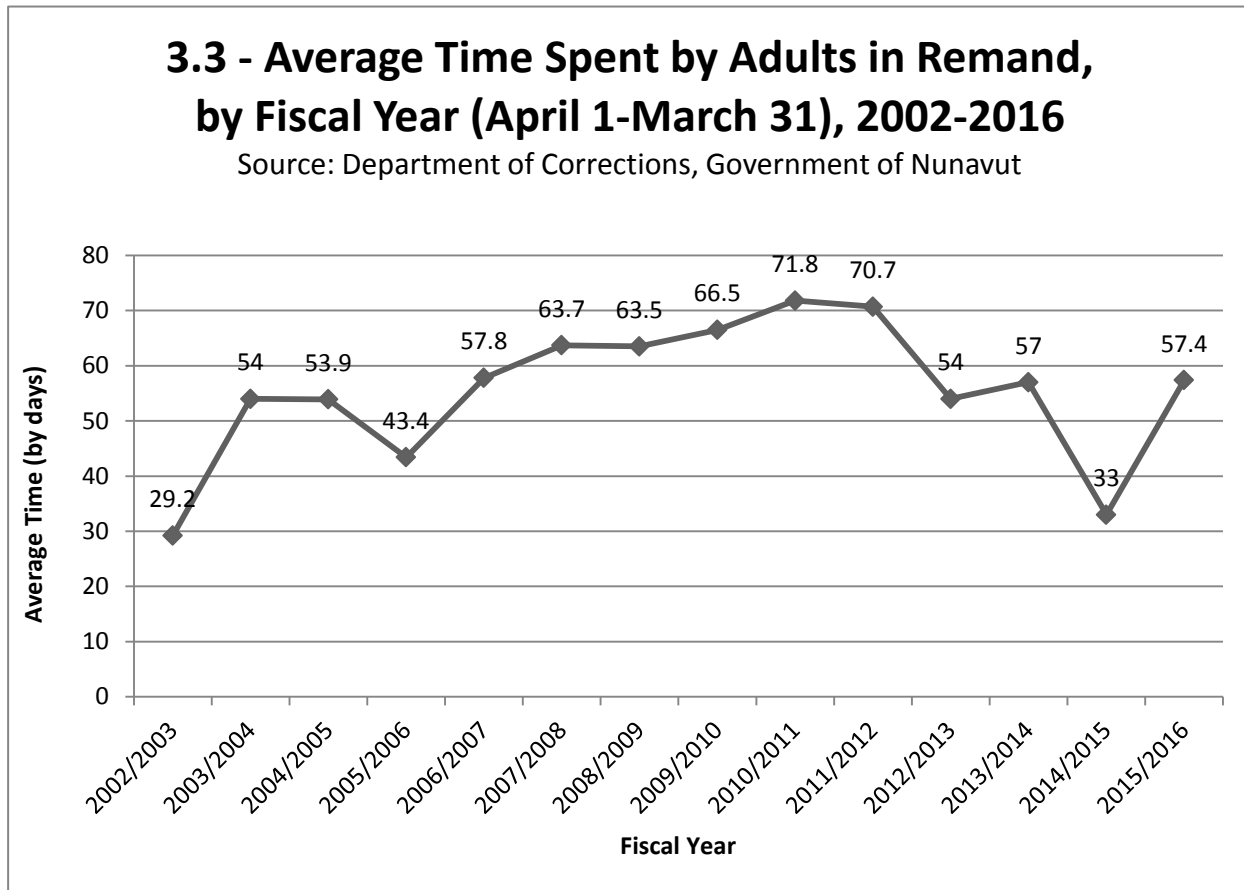
The number of adult remand admissions has varied since the 2002/2003 fiscal year, peaking in 2008/2009. The number of admissions has been increasing slowly over the last three years. In the 2015/2016 fiscal year, the total increased over the previous year by 11.5%. However, remand admissions remain lower than 2012/2013 levels.

Graph 3.2 – Youth Remand Admissions in Nunavut, by Fiscal Year, 2001-2016



The number of youth remand admissions has varied frequently over the years. In the 2015/2016 fiscal year, youth remand admissions doubled to 21 from 10 in the previous fiscal year. This mirrors a pattern of growth and decline from 2012/2013 and 2013/2014 fiscal years.

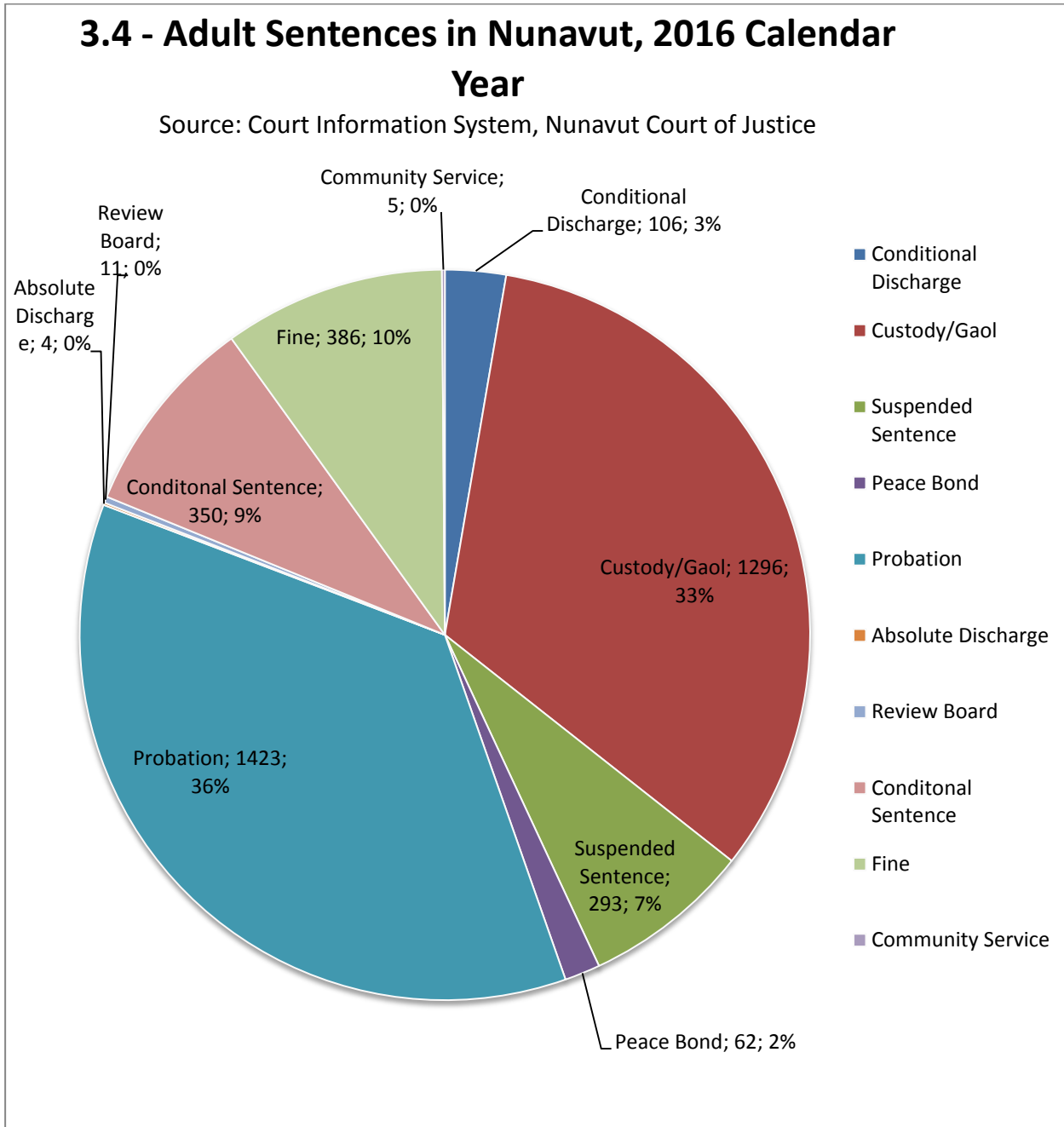
Graph 3.3 – Average Time Spent by Adults in Remand, by Fiscal Year, 2002-2016



The average time spent by adults in remand custody decreased by more than 50% between the 2010/2011 and 2014/2015 fiscal years. While Graph 3.3 shows a significant increase in the average time spent in remand for 2015/2016, this may be partially due to a change in the way this year's average was calculated.

The average time spent in remand during the 2015/2016 fiscal year represents the time spent by adults in remand within and outside Nunavut while they awaited NCJ trials or sentencing hearings. The average for 2014/2015 did not account for the time spent in remand outside the Territory in facilities such as the British Columbia Corrections, North Slave Correctional Centre and Central East Correctional Centre. The average time spent by adults in remand exclusively within Nunavut was 38.8 days during the 2015/2016 fiscal year, which is a slight increase over the previous fiscal year.

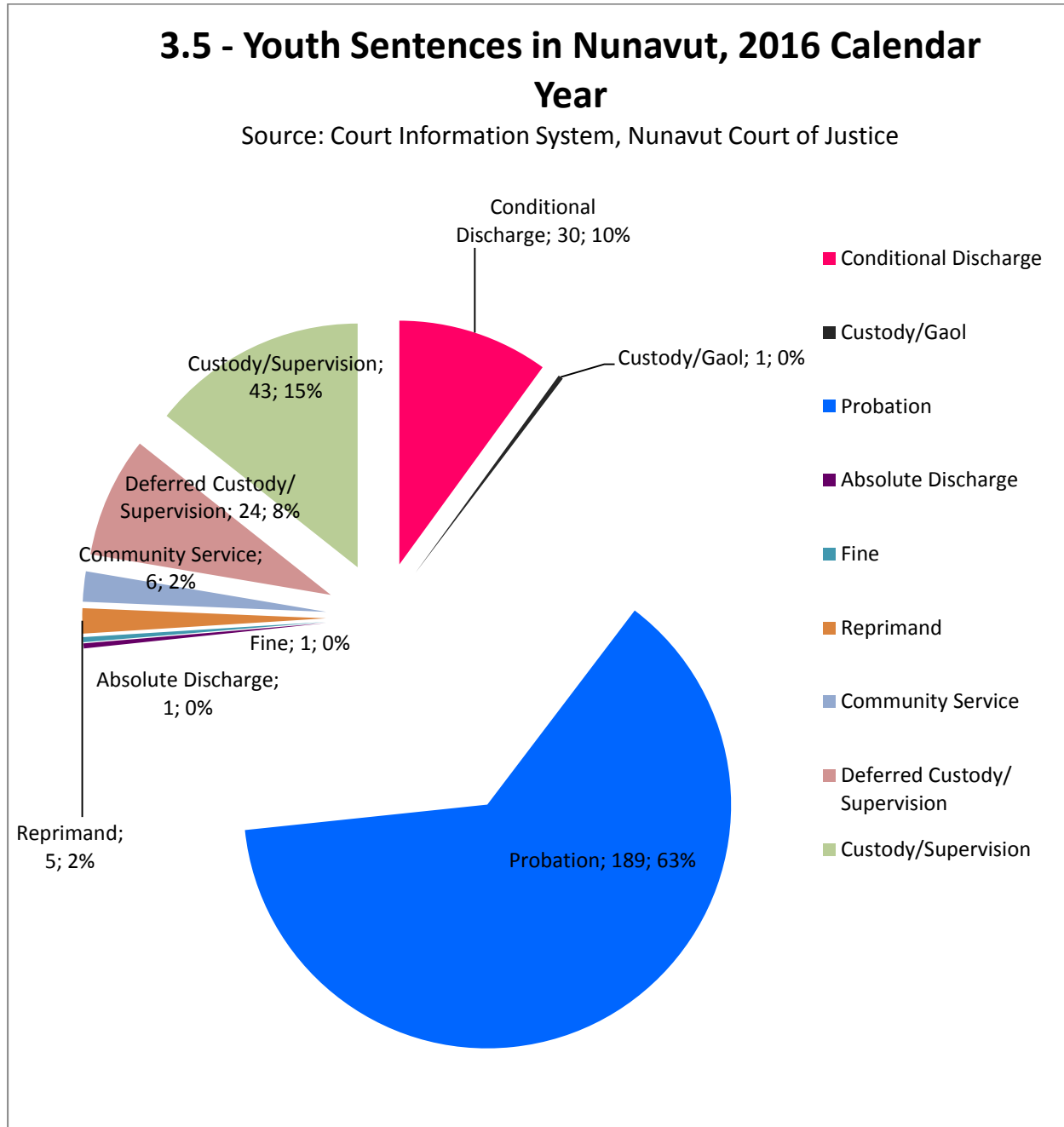
Graph 3.4 – Adult Sentencing Statistics in Nunavut, 2016 Calendar Year



The above chart reflects the number of times each sentence was entered in 2016. Some sentences, such as probation and custody, may be imposed concurrently. In 2016, probation continued to be the sentence most frequently imposed on adults.

This graph does not include sentences categorized as “other” by the Court Information System. A total of 2,564 “other” sentences—39.4% of all sentences—were entered for adults in 2016. The sentences categorized as “other” include: a fine, a DNA order, restitution, a firearm prohibition and more.

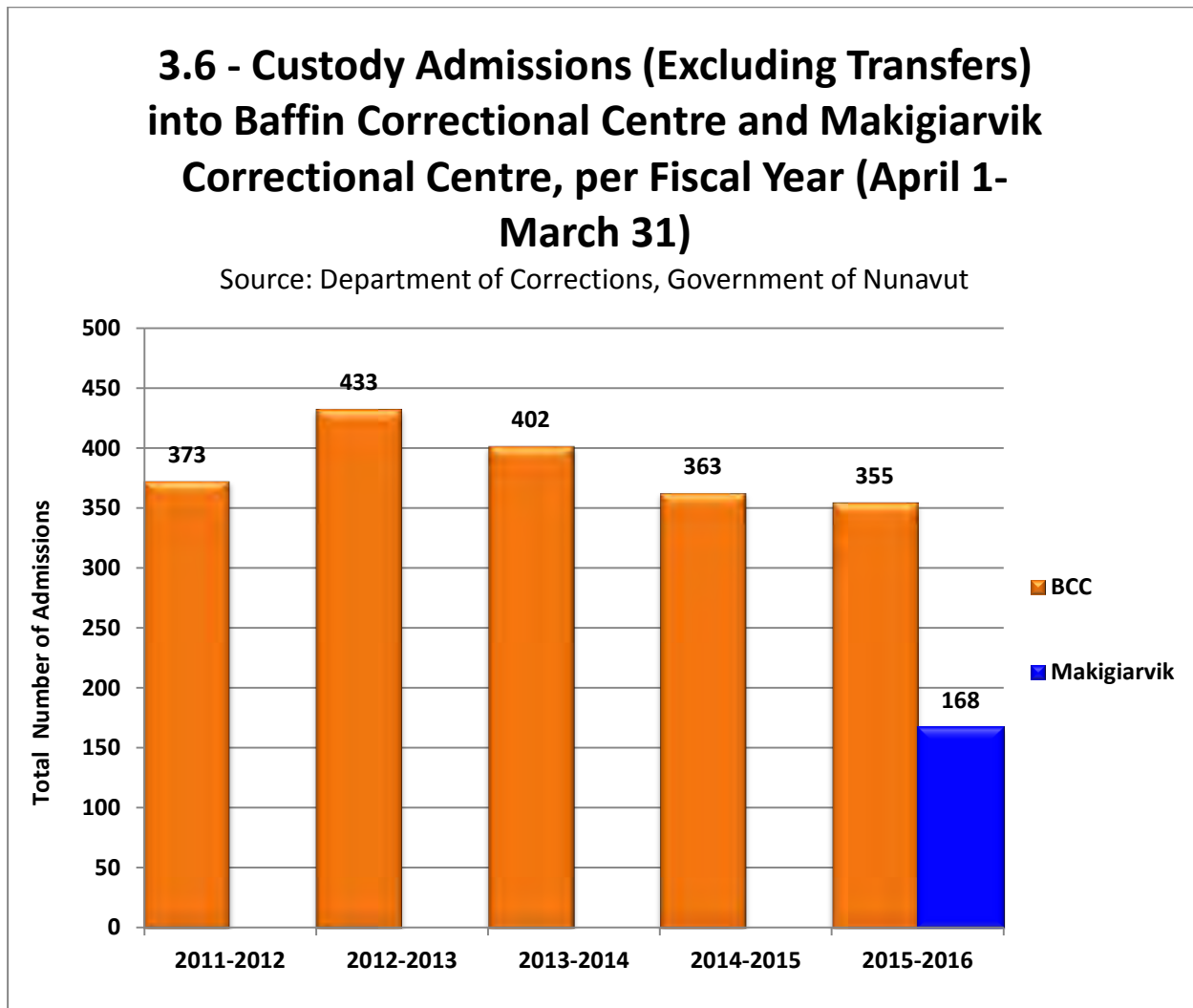
Graph 3.5 – Youth Sentencing Statistics in Nunavut, 2016 Calendar Year



As with adult sentences, this graph reflects the number of times each sentence was entered. Certain sentences can be imposed concurrently, for example custody/goal and probation. Similar to the adult sentences, probation continued to be the most frequently imposed sentence for youth in 2016.

As with Graph 3.4, “other” sentences were not included in this graph, but comprised 95 recorded youth sentences (25.9% of all youth sentences) for 2016.

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

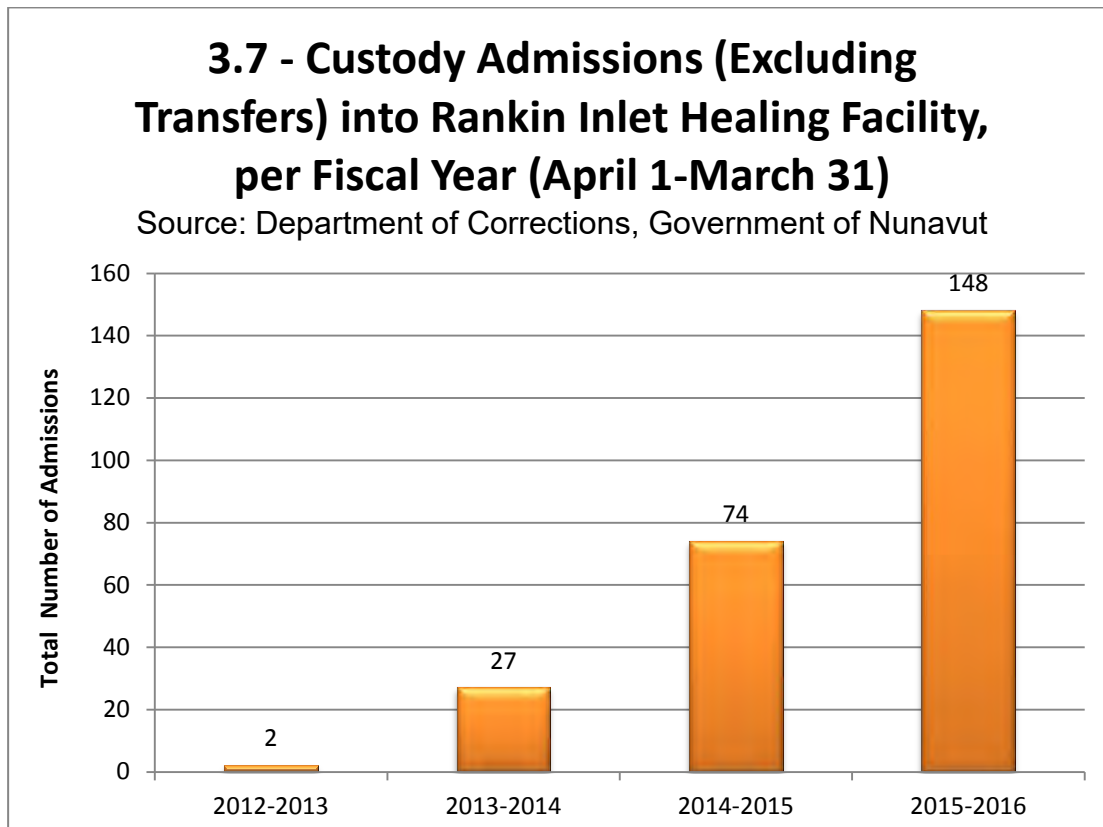


Graph 3.6 illustrates that there was a slight decrease in the number of admissions into the Baffin Correctional Centre in 2015-2016. However, this decrease may be due to a partial closure of the facility for renovations during the fiscal year.

In 2015, the Department of Corrections also opened the new Makigiarvik Correctional Centre in Iqaluit. The facility has decreased the Department’s extraterritorial transfers. There were 168 custody admissions, excluding transfers, into the Makigiarvik Correctional Centre during the 2015-2016 fiscal year.

Note that individuals may be transferred between facilities throughout their incarceration. Inmate counts reflect individuals just once per facility (unless the individual is readmitted on new charges); however, that same inmate might have entered multiple facilities.

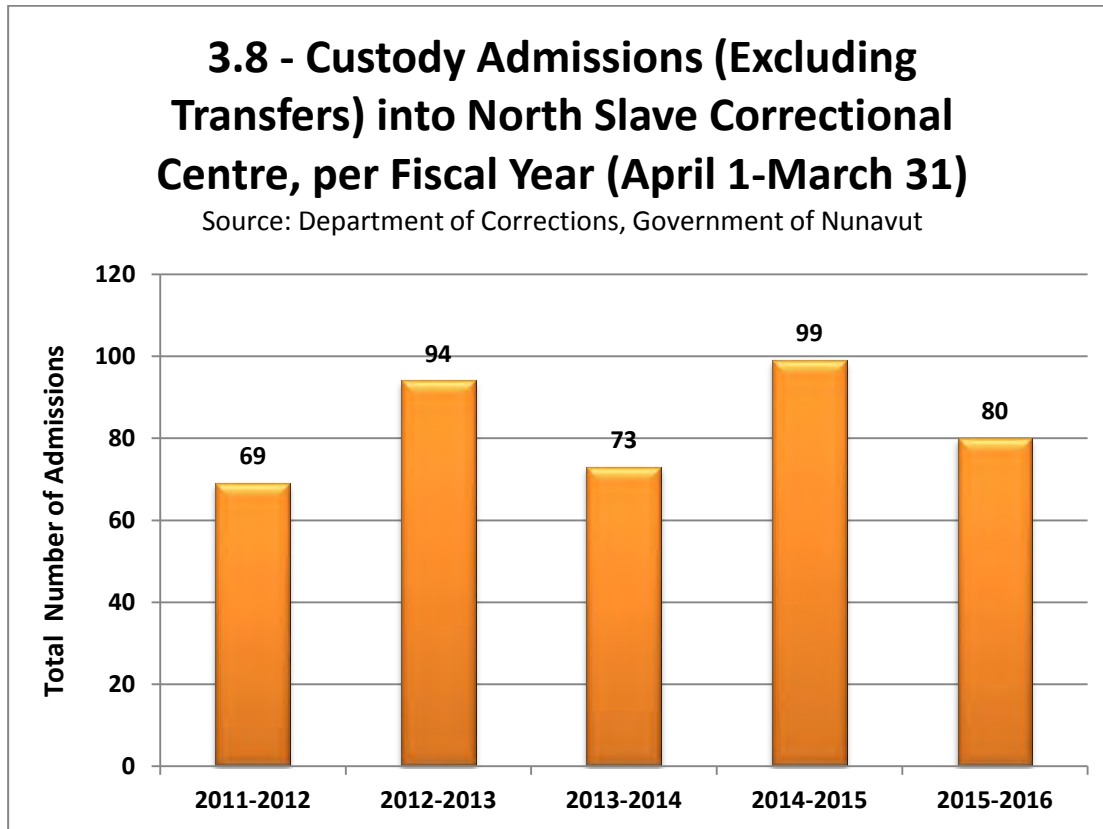
Graph 3.7 – Total Number of Custody Admissions (Excluding Transfers) into Rankin Inlet Healing Facility, per Fiscal Year (April 1-March 31)



The Rankin Inlet Healing Facility, which opened recently (2012-2013), saw a significant increase in admissions in the 2015-2016 year as a result of it reaching full operational capacity. Trends relating to admissions at this facility will be more discernible over time since it currently remains relatively new.

Note that individuals may be transferred between facilities throughout their incarceration. Inmate counts reflect individuals just once per facility (unless the individual is readmitted on new charges); however, that same inmate might have entered multiple facilities.

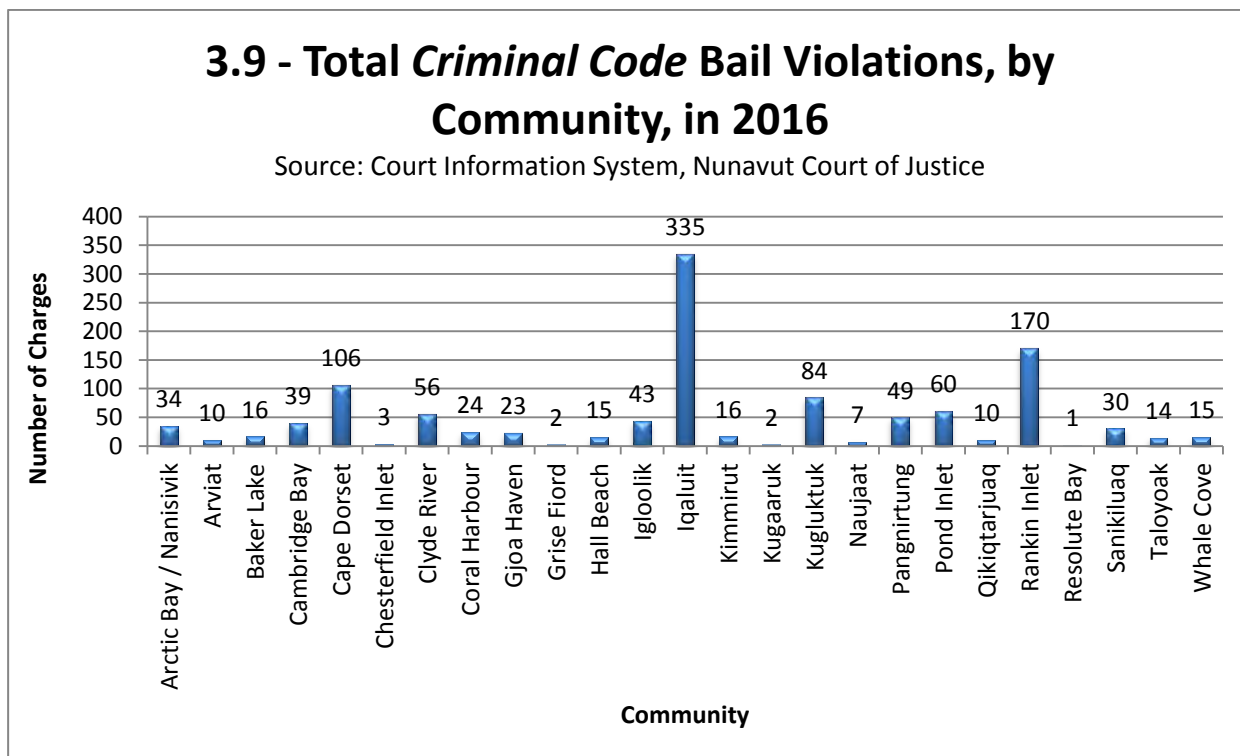
Graph 3.8 – Total Number of 2016 Custody Admissions (Excluding Transfers) into North Slave Correctional Facility, per Fiscal Year (April 1-March 31)



Graph 3.8 illustrates that the number of admissions into Yellowknife’s North Slave Correctional Centre was lowest in the 2011-2012 fiscal year. The 2014-2015 fiscal year saw the highest number of admissions in the past four years. However, admissions decreased by nearly 20% in 2015-2016 in comparison to 2014-2015. The decrease in admissions may be due to the operation of the Rankin Inlet Healing Facility and the Makigiarvik Correctional Centre.

Note that individuals may be transferred between facilities throughout their incarceration. Inmate counts reflect individuals just once per facility (unless the individual is readmitted on new charges); however, that same inmate might have entered multiple facilities.

Graph 3.9 – Total *Criminal Code* Bail Violation Charges, by Community, 2016



Graph 3.9 represents the number of *Criminal Code* bail violations resulting in charges during the 2016 calendar year. The charges concerned violations of the following *Criminal Code* sections: s. 145(3) (breach of condition(s) of a Justice of the Peace or Judge), s. 145(5) (failure to appear), and s. 145(5.1) (breach of condition(s) of a Peace Officer). The Graph does not reflect the number of bail violations resulting in convictions.

Graph 3.9 illustrates that across all of the communities, the amount of bail violation charges is proportional to the larger populations of Iqaluit, Cape Dorset, Kugluktuk, Rankin Inlet, Pond Inlet, and Pangnirtung. Overall, 1,164 bail violations—almost 75% of which were s. 145(3) breaches—occurred in 2016.

The 2016 total is a 6.4% (70 violations) increase from the preceding year. In Iqaluit specifically, the number of violations increased by 85 (34%), while the remainder of the Territory overall saw a slight decrease by 15 charges (2.8 %).⁸

⁸ Data compared with 2015 NCJ Annual Report, online: www.nunavutcourts.ca/annualreports.

PART 4

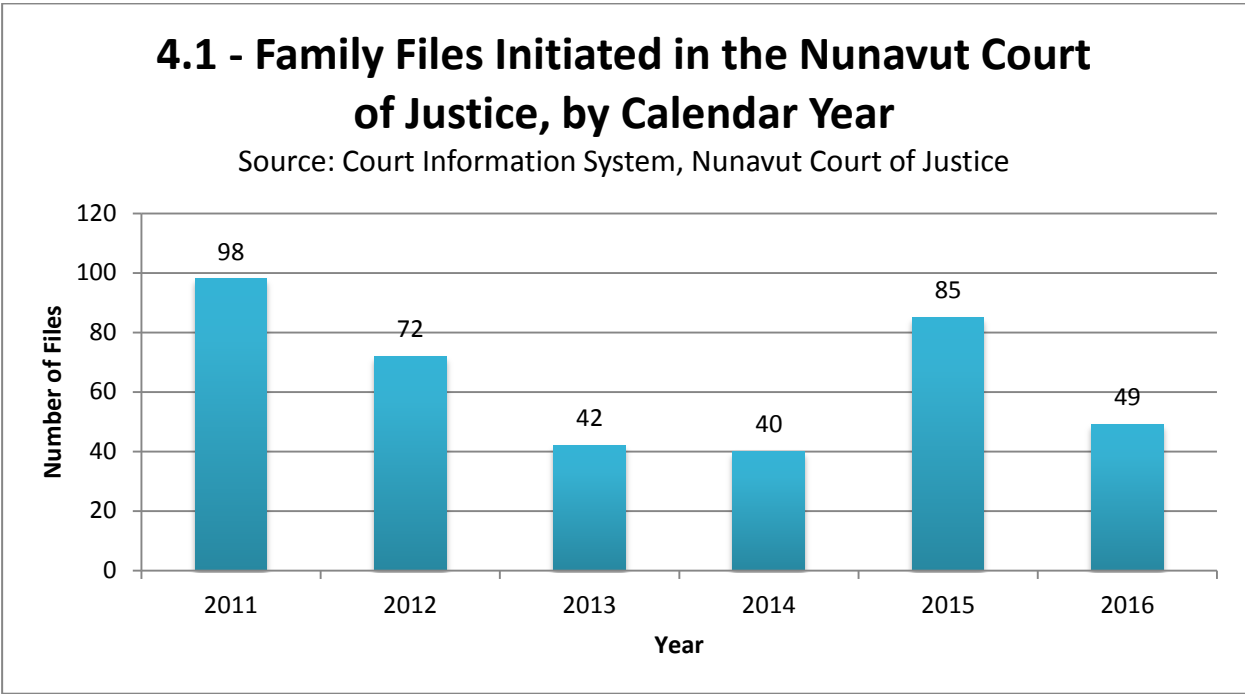
4. Civil Files

The graphs in this section represent different categories of files opened by the Court to deal with matters of civil law.

The information quantifies the number of family court files opened in each of the last five calendar years (2011-2016). Note that none of the graphs in this section depicts the total volume of family matters being processed by the Court in a given year. While the goal is always to resolve family files quickly, particularly where children are involved, it is not always possible to conclude matters within the same year as the file is opened.

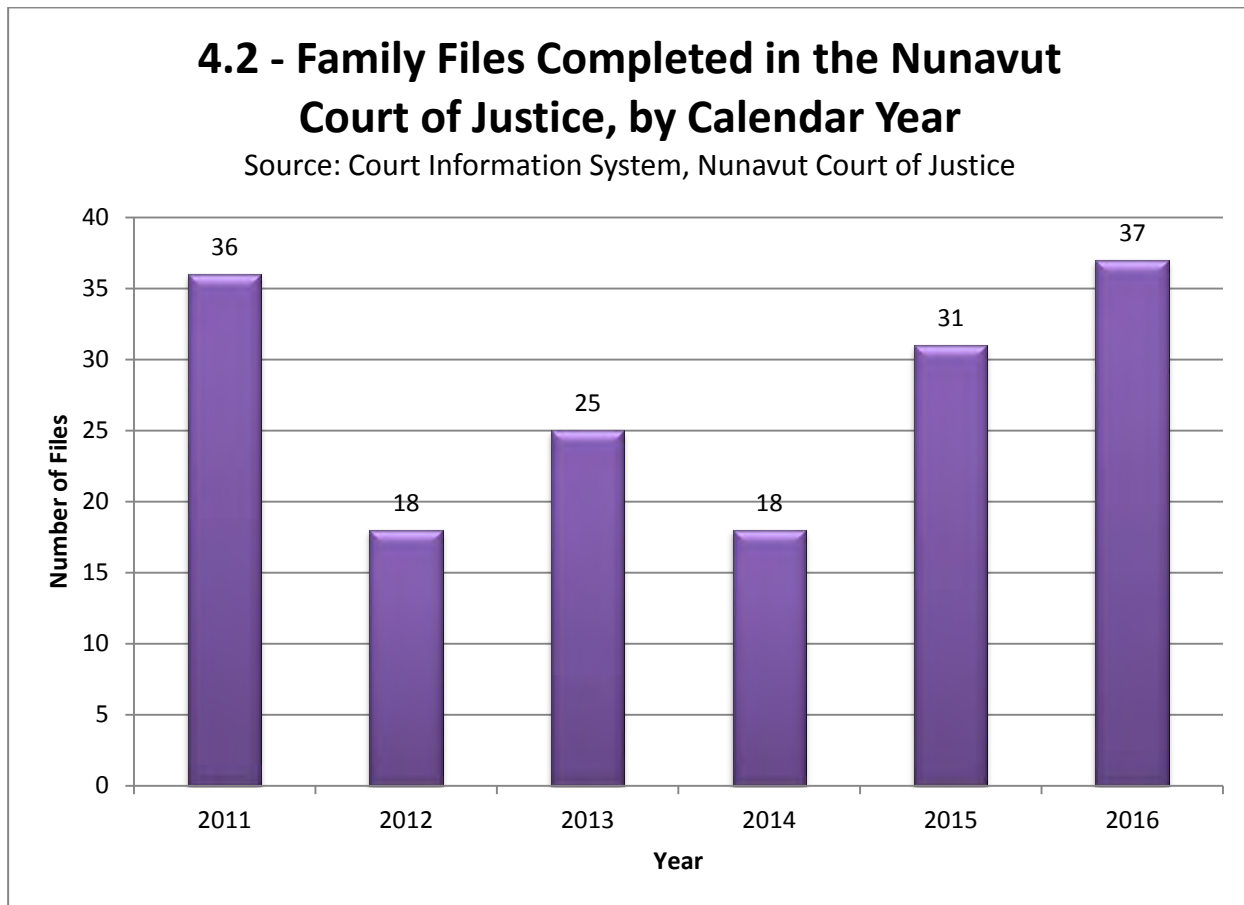
Also indicated in this section is the number of civil litigation matters initiated in the last six calendar years. As with the family files, none of the graphs in this part depict the total volume of civil matters being processed by the Court in a given year as files may continue over a period of several years.

Graph 4.1 – Family Files Initiated in the Nunavut Court of Justice, by Calendar Year, 2011-2016



Graph 4.1 concerns family litigation files. This category includes all the files opened in the NCJ in each year regarding child custody and access, child and/or spousal support, division of matrimonial property, inter-jurisdictional support, and maintenance enforcement. Due to the fluctuation in the number of initiated files over the last five years, there is no discernable trend at this point.

Graph 4.2 – Family Files Completed in the Nunavut Court of Justice, by Calendar Year, 2011-2016



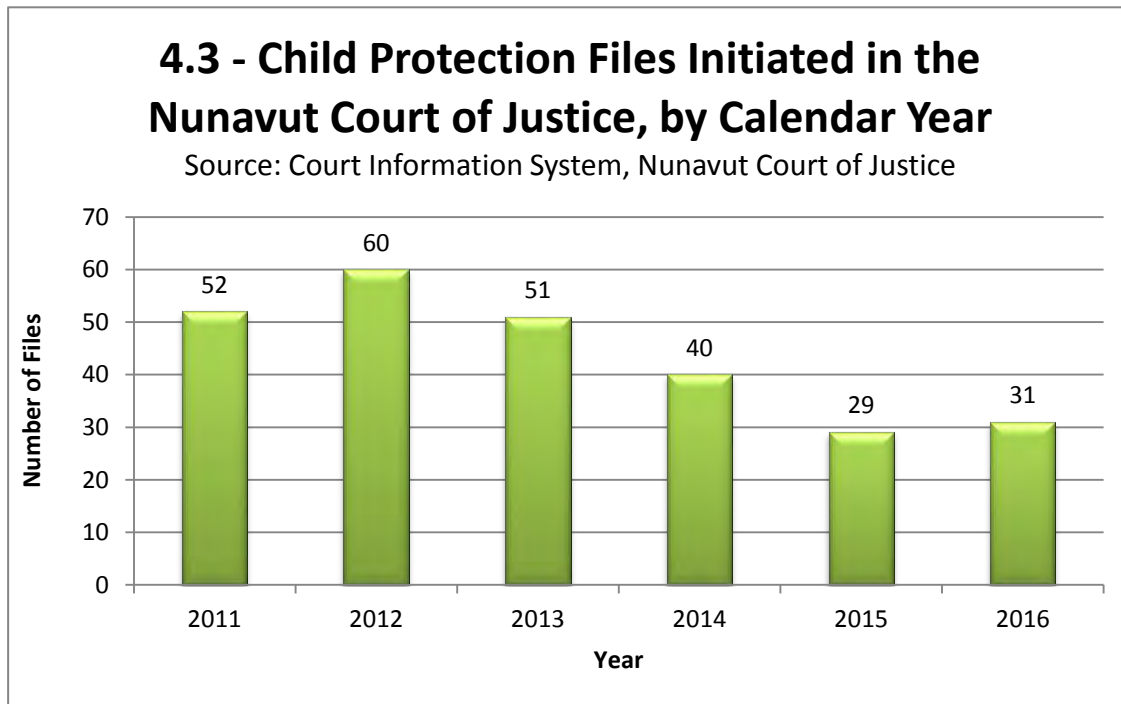
Graph 4.2 concerns family litigation files that were completed in each calendar year. This category includes all the files regarding child custody and access, child and/or spousal support, division of matrimonial property, inter-jurisdictional support, and maintenance enforcement.

The number of completed files decreased slightly between 2012 and 2014. One reason for the decrease may be the introduction of the new *Family Support Orders Enforcement Act*, SNu 2012, c 16 (Nunavut)⁹ in 2013. The act created tools for collection of maintenance support without the need to initiate default proceedings.

More recently, there has been a steady increase in the number of completed family files. This may be the result of the increased use by the Court of Judicial Dispute Resolution methods, which assist with the timely resolution of matters. Judicial Dispute Resolution offers parties an opportunity to appear before a Judge who attempts to mediate a solution.

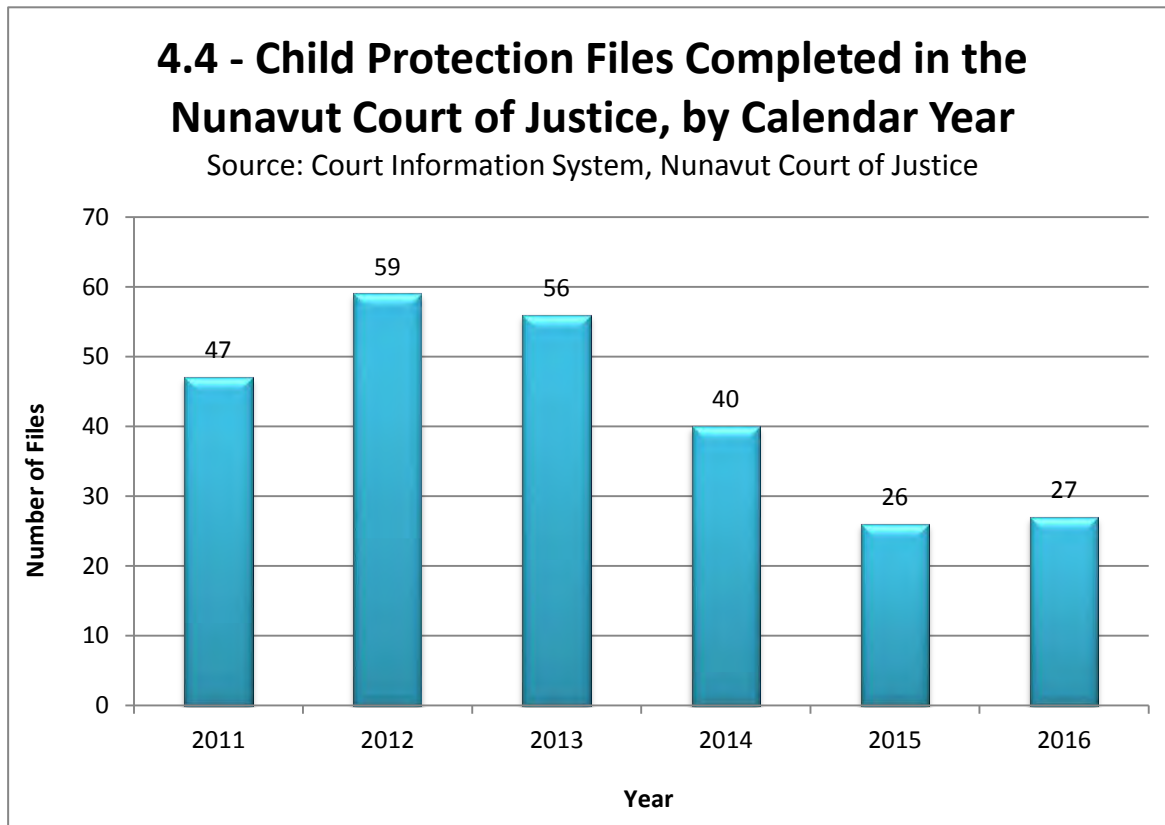
⁹ Available at:
<http://www.justice.gov.nu.ca/apps/fetch/download.aspx?file=Consolidated+Law%2fCurrent%2f635023959133827292-1742931109-consSNu2012c16.pdf>

Graph 4.3 – Child Protection Files Initiated in the Nunavut Court of Justice, by Calendar Year, 2011-2016



Graph 4.3 sets out the number of child welfare cases initiated in the NCJ under the *Child and Family Services Act*, SNWT 1997, c 13 (Nunavut) by calendar year. Although 6.9% more child protection files were initiated in 2016 than in 2015, the graph illustrates that overall the numbers have generally been declining since 2012. Note that many of these files are ongoing.

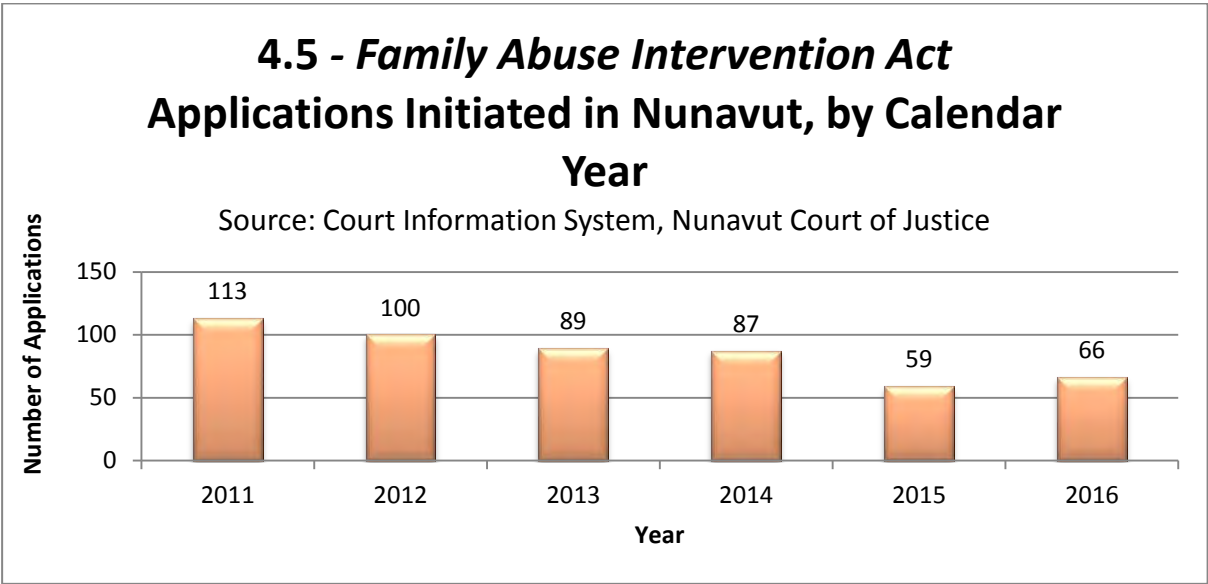
Graph 4.4 – Child Protection Files Completed in the Nunavut Court of Justice, by Calendar Year, 2011-2016



Graph 4.4 sets out the number of child welfare cases completed in the NCJ under the *Child and Family Services Act*, SNWT 1997, c 13 (Nunavut). The decrease in the number of completed files correlates with the decrease in the number of initiated child protection files over the last five years (Graph 4.4).

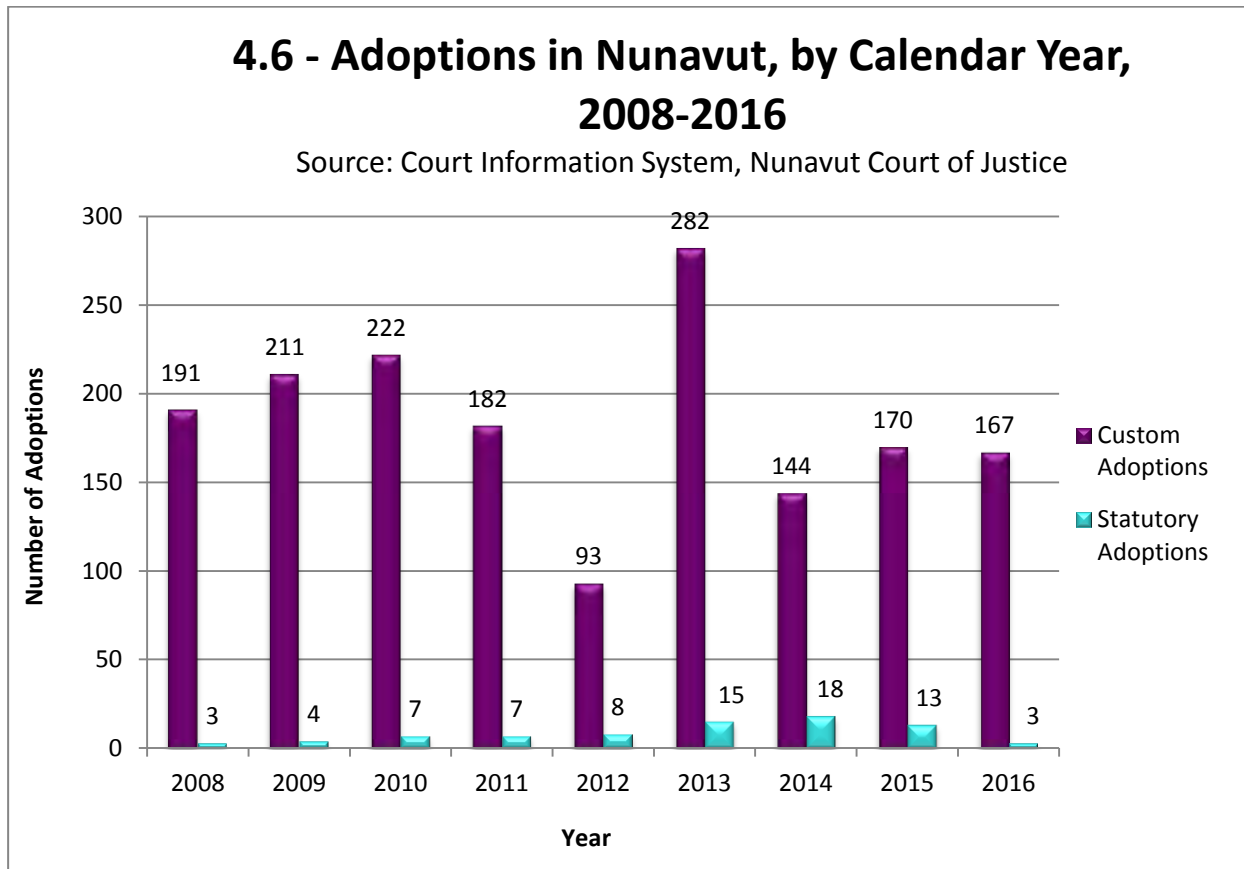
In 2014, the Civil Registry started to continue existing files instead of creating new files for each child apprehension case. So the 2014 numbers illustrate how many child apprehension cases are in the Court, not just how many files were opened. This may also explain the general decrease seen in the number of files before the Court in 2015 and 2016, in comparison to 2014.

Graph 4.5 – Family Abuse Intervention Act Applications Initiated in the Nunavut Court, 2011-2016



Graph 4.5 deals with applications related to Emergency Protection Orders made in the NCJ under the *Family Abuse Intervention Act*, SNu 2006, c 18 [FAIA]. These include the total number of FAIA files confirmed by a Judge as well as those that were not. The Civil Registry has not received a Community Intervention Order for filing in the past five years.

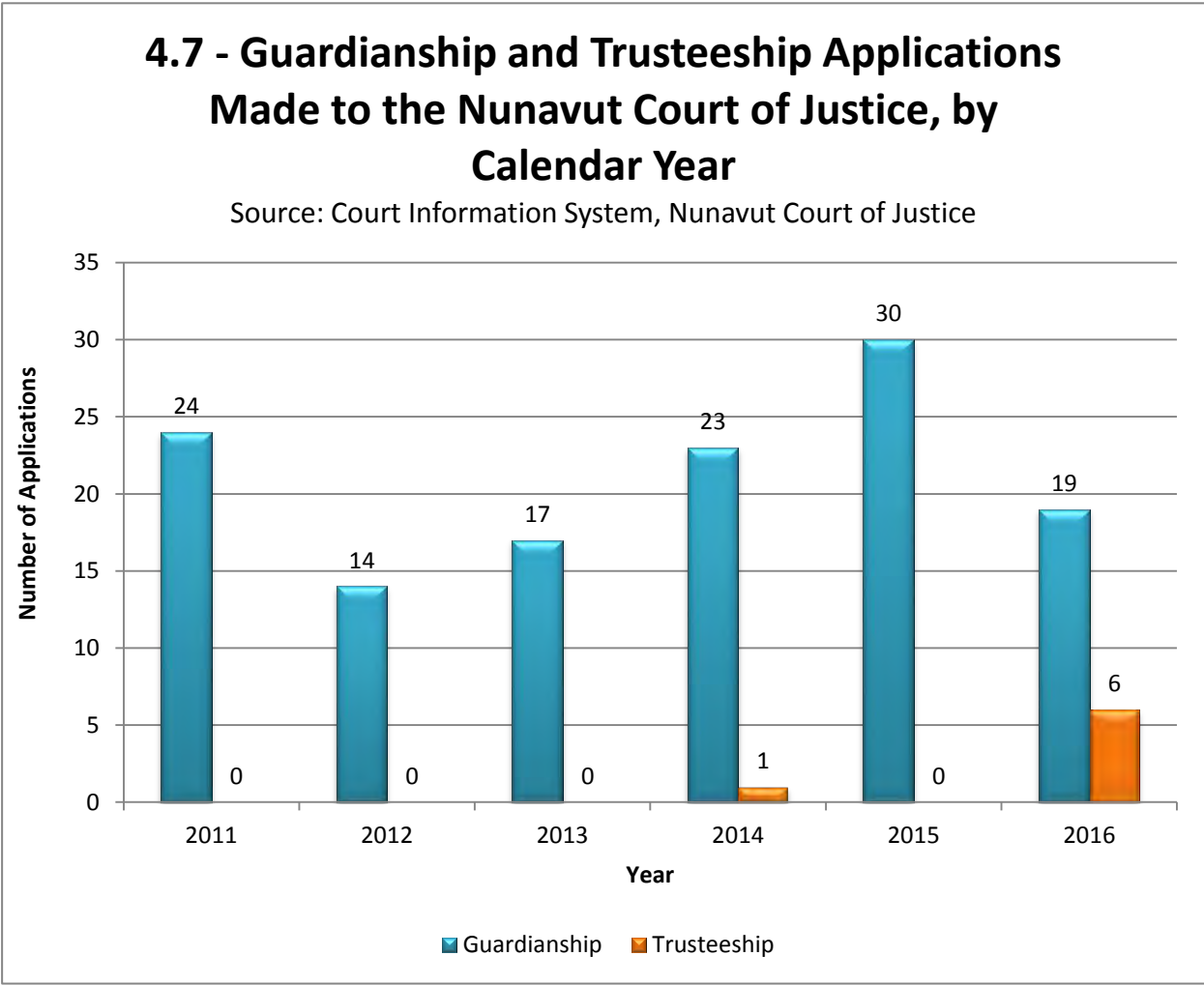
Graph 4.6 – Adoptions in Nunavut, by Calendar Year, 2008-2016



Graph 4.6 compares the number of custom adoptions to the number of other types of statutory adoptions for each given year. These totals include the number of new adoption files that were opened.

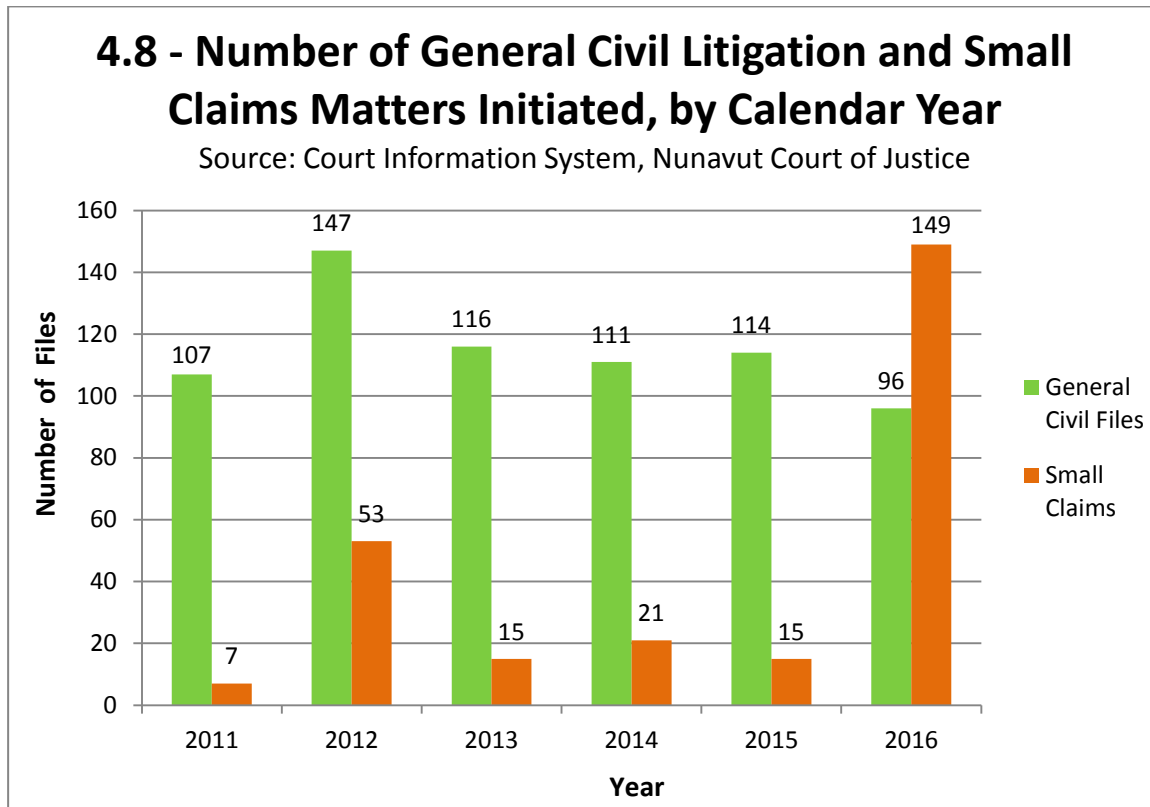
Custom adoptions continue to be received at a much higher rate than statutory adoptions. Note, however, that the number of statutory adoptions steadily rose from 2008 to 2015, before decreasing significantly in 2016.

Graph 4.7 – Guardianship and Trusteeship Applications Made to the Nunavut Court of Justice, by Calendar Year, 2011-2016



Graph 4.7 illustrates a decline in guardianship applications in 2016, following an increase between 2012 and 2015. In 2016, the number of guardianship applications decreased by almost 37%.

Graph 4.8 – Number of General Civil Litigation & Small Claims Matters Initiated in the Nunavut Court of Justice, by Calendar Year, 2011-2016



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

The number of civil matters opened does not reflect the number of cases currently being processed by the Court as civil matters can continue into the following year, if not years.

Fewer estates and general civil litigation matters under \$10,000 led to a 15.8% decline in the number of initiated General Civil Litigation matters in 2016, in comparison to 2015. However, the number of initiated Small Claims matters spiked in 2016. It remains to be seen if this trend continues into 2017.

PART 5

5. Frequency of Court Sittings in Nunavut, 2001-2016

The four graphs included in Part 5 depict the number of weeks for which the Court held various types of sittings in the year specified.

The judicial centre of Nunavut is located in Iqaluit. Nunavut is divided into three regions, the Qikiqtaaluk (Baffin Region) where Iqaluit is located, the Kitikmeot (western Nunavut), and the Kivalliq (central Nunavut). The Circuit Court travels to 24 communities throughout Nunavut. The Court will generally visit a community anywhere from two to seven times a year depending on a number of factors, such as charge volumes in the community and size of the community. A maximum of six Court sittings can be scheduled across the Territory in a given week: there are three courtrooms in the Nunavut Justice Centre and when three Courts sit (including JP Court), a maximum of three additional, concurrent Circuit Court sittings can be scheduled in other communities. However, due to current judicial complement issues impacting the Court, the number of sittings that the Court could accommodate was reduced to four in late 2015. This reduction in sitting availability did not impact the circuit schedule but rather decreased the number of available weeks for special sittings (i.e., jury trials, judge alone trials longer than one day, etc.).

In 2016, the NCJ continued the monthly remand court in Iqaluit for citizens detained in the Kivalliq and Kitikmeot regions. The Baffin Correctional Centre, the Makigiarvik Correctional Centre, Isumaqsunngittukkuvik Youth Facility, Rankin Inlet Healing Facility, Kugluktuk Ilavut Centre had video conferencing capacity in 2016.

Video or telephone appearances are used for those citizens held at the Rankin Healing Facility in Rankin Inlet. The video court is used for procedural appearances such as appearances for the purpose of entering an election or plea. Where not guilty pleas are entered, the trial is usually booked for the Court's next appearance in the community. This remand court is also used for sentencing hearings of Kivalliq and Kitikmeot prisoners where the Crown and Defence anticipate the accused will be sentenced to additional time in custody. Where there is a public interest in a sentencing proceeding in the community of origin, the Court retains the option of remanding the citizen to his/her home community for sentence.

The NCJ updated the courtrooms with the latest videoconferencing technology to enhance remote access and communication. The Court also worked to advance access to justice in the community by installing interactive public information and video docket displays in the courthouse in 2016.

Trial Certainty

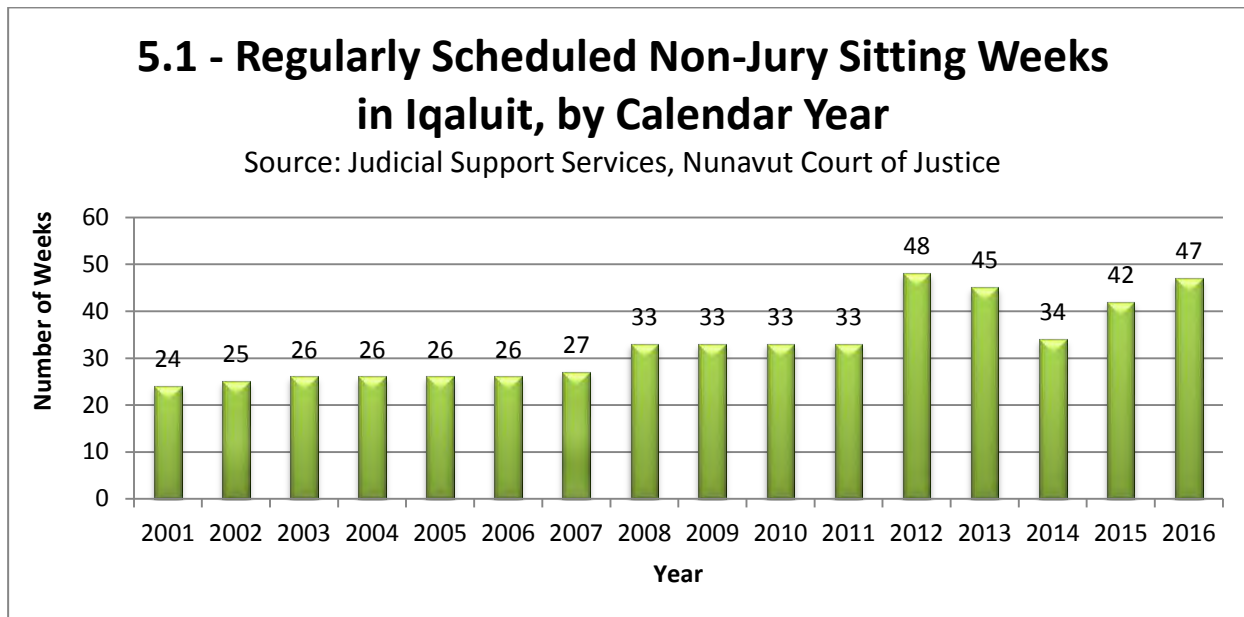
The following statistics were compiled from the tracking sheets created in consultation with the Trial Certainty Committee and maintained by the NCJ Trial Scheduling Coordinator:

- A total of 154 non-jury trials were scheduled in Iqaluit in 2016 and 35 trials proceeded as scheduled;
- 22.7% is the mean (average) percentage of hours for scheduled matters that proceeded in a given Iqaluit non-jury trial week in 2016 (note that 13 hours per day are scheduled to account for collapse rate—matters that do not end up going ahead—and ensure that the Court’s time is well used);
- 38 of those scheduled non-jury trials were adjourned, primarily due to either the non-attendance of a witness, by a lawyer request, or by court-ordered dismissal;
- 23 scheduled trials were resolved by way of guilty pleas;
- 32 scheduled trials did not proceed as the Crown stayed or withdrew the charges;
- 26 scheduled matters did not proceed because the accused failed to appear in court.

The Court adjusts the frequency of its circuits annually to address the needs of individual communities. The frequency of circuits is increased or decreased to reflect changes in charge volume and/or severity. The dates for scheduled circuits are finalized a year in advance to assist other stakeholders in planning for the year ahead. The Director of Court Services and other Justice stakeholders are consulted and have input into this planning process. While the sittings are scheduled a year in advance, the Court remains flexible in terms of adjusting the Court sittings as necessary depending on operational demands.

After a 2014 reduction, there were six circuits in Cambridge Bay in 2015. Since the docket for Cambridge Bay had become less taxing as well, the Court added Kugaaruk to two of the 2015 circuits. In 2016, the number of Cambridge Bay circuits was further reduced to five. At the same time, the number of Cape Dorset circuits increased by two in 2016. The Court did a total of six circuits in Cape Dorset and seven circuits in Rankin Inlet in 2016.

Graph 5.1 – Regularly Scheduled Non-Jury Sitting Weeks in Iqaluit, by Calendar Year, 2001-2016



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

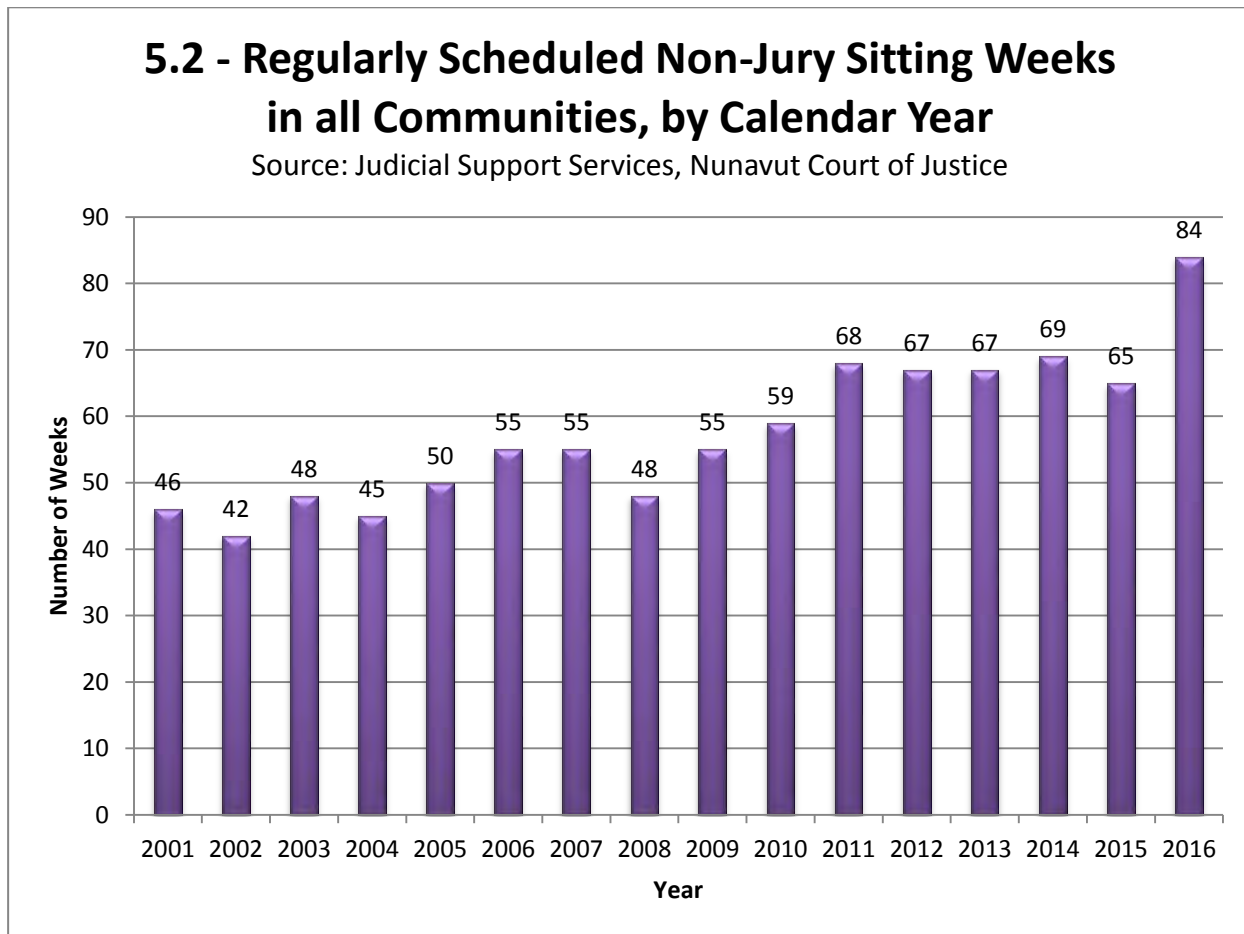
In 2016, three weeks of each month in Iqaluit were dedicated to criminal matters. The scheduling in Iqaluit for docket matters, trials, in-custody matters and sentencings generally remained the same in 2016 based on the system introduced in 2013. The Court also continued scheduling up to three JP Court Trial dates monthly in 2016, continuing the practice introduced in mid-2015.

One week a month continues to be dedicated to civil and family matters in Iqaluit. Where civil and family matters originate in communities outside of Iqaluit they are heard during the Circuit Court in that community. French trial week/Conflict week is scheduled in Iqaluit three times a year to hear all matters involving French-speaking citizens of Nunavut. These weeks are also used to deal with matters that create conflict for the local bar or judiciary, as a Deputy Judge and a visiting Prosecutor come to Iqaluit for these weeks.

Youth Justice Court of Nunavut, Special Criminal Chambers, Assignment Court, the Kivalliq in-custody docket, and Kitikmeot in-custody docket were scheduled to sit once a month in Iqaluit in 2013. In 2014, the number of sittings of the Youth Justice Court of Nunavut in Iqaluit was doubled. These changes were made in an effort to reduce the growing backlog of cases involving citizens held in remand and to improve case processing times. These schedules remained the same in 2015 and 2016.

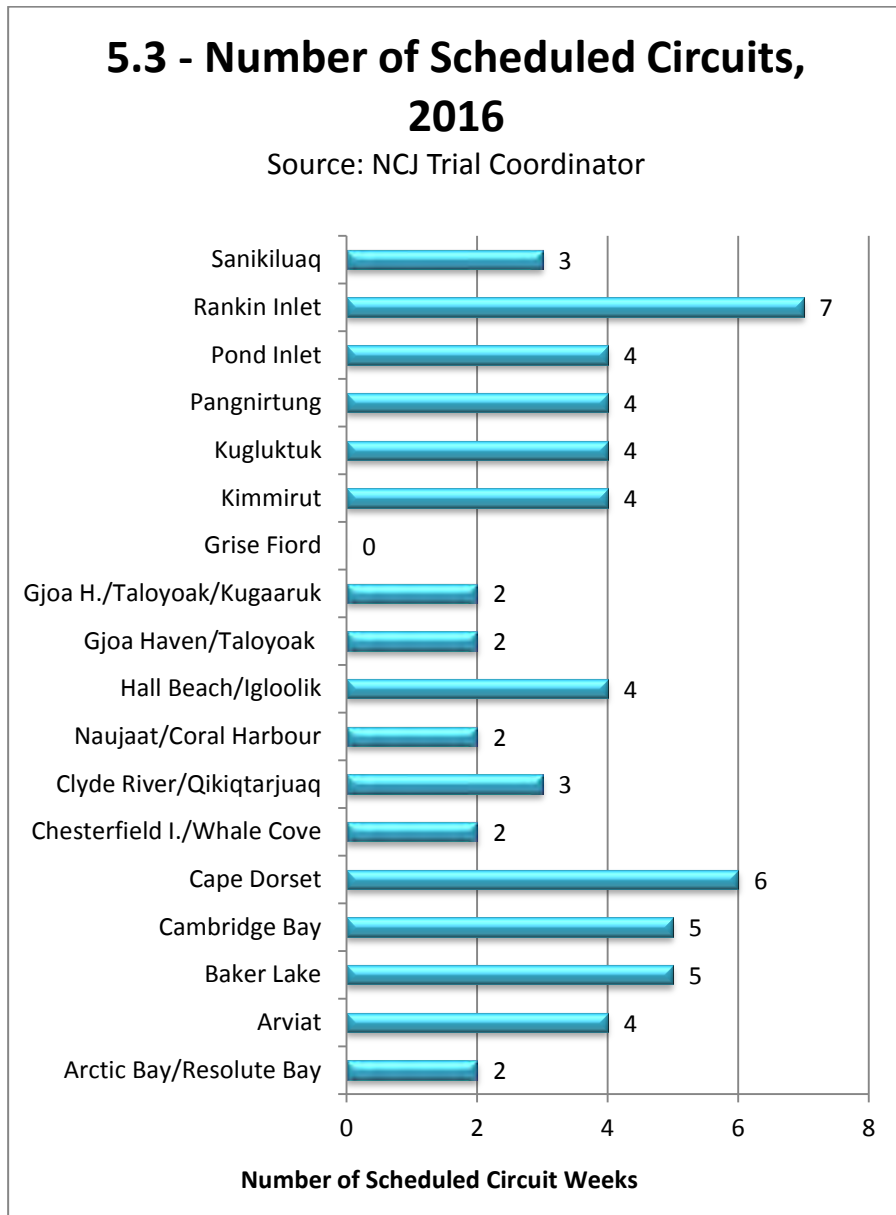
The major change in 2016 was an increase in the number of scheduled regular non-jury sittings in the communities and in Iqaluit. The number of special sittings spiked in 2015 but has decreased again in 2016.

Graph 5.2 – Regularly Scheduled Non-Jury Sitting Weeks in all Communities, by Calendar Year, 2001-2016



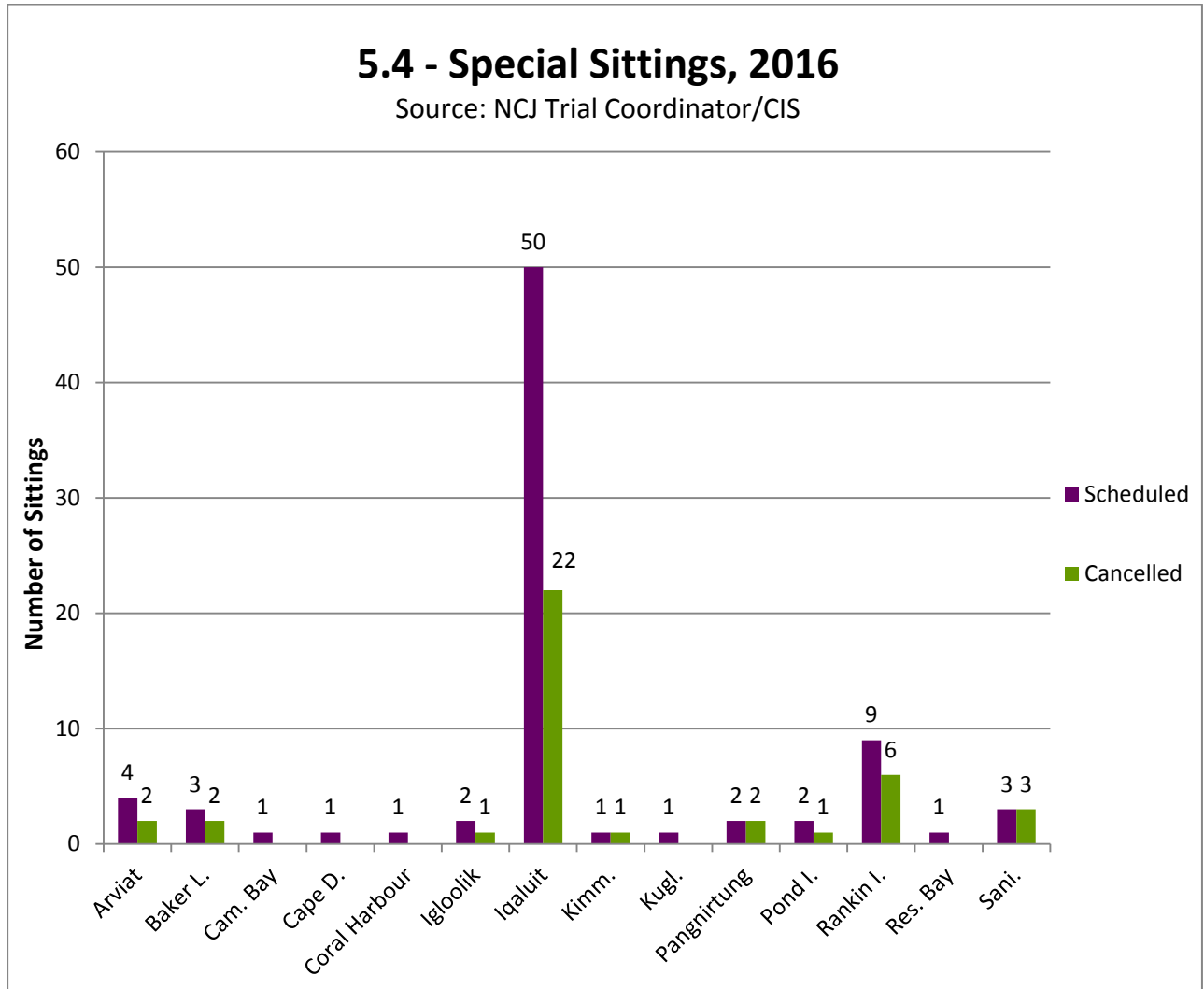
Graph 5.2 depicts the annual number of regular circuits into the communities of Nunavut (excluding Iqaluit) over the past 16 calendar years. With the increase of Resident and Deputy Judges (see Part 7 of this report below), the volume of cases that can be handled has increased. The schedule is created based on community needs and a review of charge volume and docket size. In 2016, the number of circuits increased by 19 weeks on this basis.

Graph 5.3 – Number of Scheduled Circuits in 2016, by Community



Graph 5.3 shows the total number of scheduled circuits (in weeks) held in each community of Nunavut in the 2016 calendar year.

Graph 5.4 – Completed Special Sitzings in 2016, by Community



Note: the following communities did not schedule any special sittings in 2016: Arctic Bay, Chesterfield Inlet, Clyde River, Gjoa Haven, Grise Fiord, Hall Beach, Kugaaruk, Qikiqtarjuaq, Naujaat, Taloyoak, and Whale Cove.

Graph 5.4 reflects the total number of weeks spent on special sittings in each community in 2016. The majority of all types of special sittings, which include preliminary hearings, *voir dres*, and jury trials, occurred in Iqaluit.

Special sittings for longer matters that will be heard in the communities are scheduled by a Judge presiding in Assignment Court, which sits once a month in Iqaluit. Special sittings are necessary to accommodate the larger cases that cannot be accommodated in the regular sittings of the Court for a particular community. Lengthy preliminary hearings requiring three or more days of hearing time, such as preliminary hearings for homicides, are therefore scheduled separately. Longer Judge-alone trials and trials by jury are also booked separately.

In 2016, there were 46 weeks of special sittings scheduled. The chart below breaks down the scheduling and hearing of special sitting matters throughout the Territory.

Both judge alone trials and preliminary inquiries of shorter length are frequently scheduled to proceed on circuit court sittings in communities. The numbers below relate to matters scheduled for special sittings of the NCJ which are scheduled to take longer than can be accommodated during regularly scheduled court sittings.

This data is collected by the NCJ Trial Scheduler.

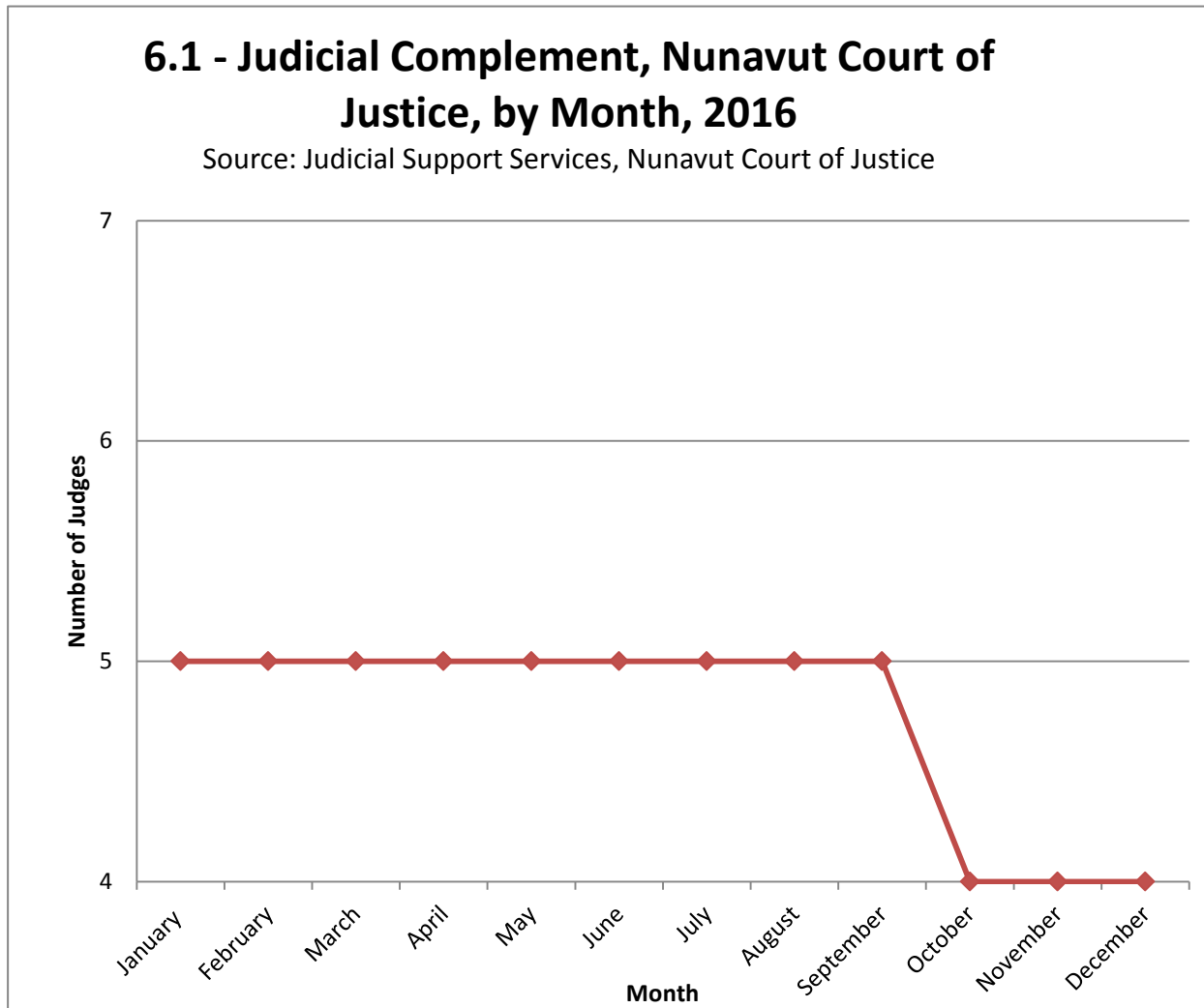
TOTAL WEEKS OF SPECIAL SITTINGS	46
JURY TRIALS SCHEDULED	26
JURY TRIALS THAT PROCEEDED	12
JUDGE ALONE TRIALS SCHEDULED (SPECIAL SITTING)	13
JUDGE ALONE TRIALS THAT PROCEEDED (SPECIAL SITTING)	3
PRELIMINARY INQUIRIES SCHEDULED (SPECIAL SITTING)	4
PRELIMINARY INQUIRIES THAT PROCEEDED (SPECIAL SITTING)	3
TOTAL SPECIAL SITTINGS THAT WENT AHEAD	19
RE-ELECTION TO JUDGE ALONE	3
BAD WEATHER ADJOURNMENTS	0
CHANGE OF PLEA, CONSENT COMMITALS, STAYS	9
TOTAL CIVIL SPECIAL SITTINGS	35
CIVIL MATTERS RESOLVED/CANCELLED	13

PART 6

6. Judges of the Nunavut Court of Justice

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

Graph 6.1 – Judicial Complement, Nunavut Court of Justice, by Month, 2016

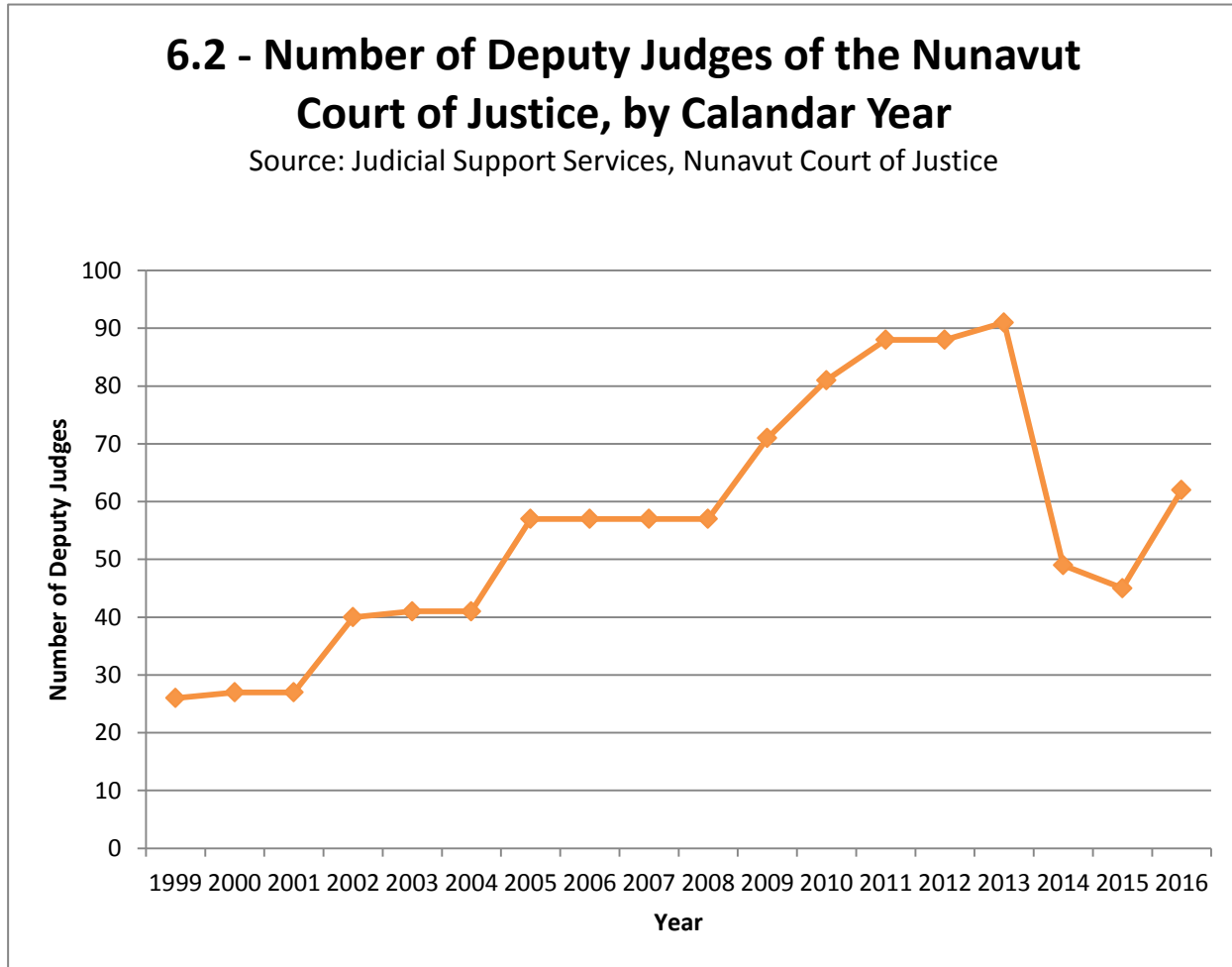


There are currently six positions on the Bench of the NCJ. A vacancy created in 2015 by a retirement of one Judge remained unfilled in 2016. The number of Resident Judges further declined as a result of a retirement in September 2016.

In 2016, five of the Resident Judges travelled with the Circuit Court.

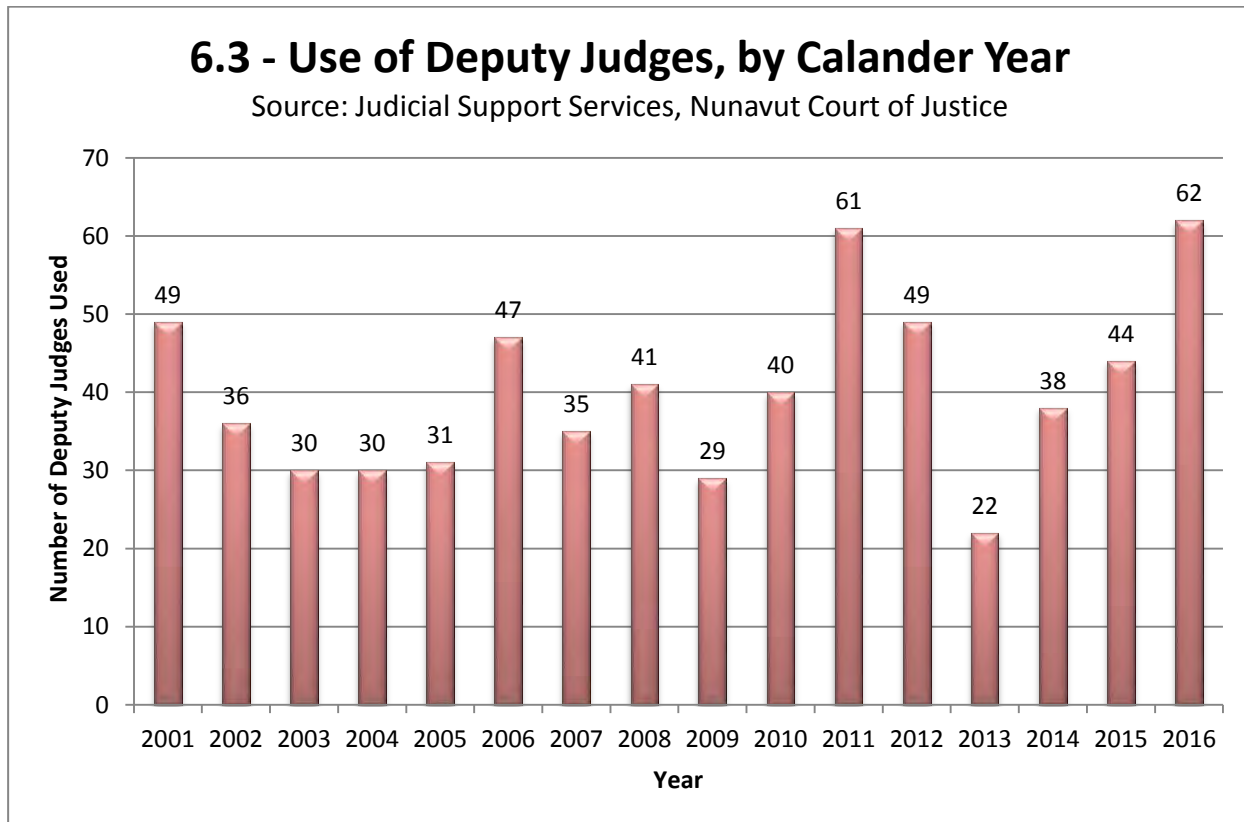
A number of Deputy Judges from southern Superior Courts may be called upon to assist the Court in meeting its core responsibilities (Graph 6.2). The Judges of the Supreme Court of the Northwest Territories and the Supreme Court of Yukon are *ex-officio* Judges of the NCJ.

Graph 6.2 – Number of Deputy Judges, by Calendar Year, 1999-2016



In 2016, the number of Deputy Judges available to the NCJ grew because of 17 new appointments. The active complement of Deputy Judges increased from 45 to 62 during the 2016 calendar year. The Senior Judge continues to actively recruit additional Deputy Judges to compensate for attrition due to prior retirements.

Graph 6.3 – Use of Deputy Judges, by Calendar Year, 2001-2016



In 2016, the Court's use of Deputy Judges (Graph 6.3) rose from 44 sitting weeks in 2015 to 62 sitting weeks. The increased use of Deputy Judges to meet the Court's core commitments was necessary due to the continued vacancies on the NCJ Bench. Demands on the Resident Judges' time is high due to the requirement that primarily Resident Judges hear lengthier matters such as homicides and complex civil cases.

The Court's Resident Judges are also *ex-officio* members of the Courts of Appeal for all three Northern Territories. Between 2013 and 2016, two sitting weeks were devoted to appellate work in the Yukon and Northwest Territories.

PART 7

7. Outreach & Updates

The Office of the Senior Judge has a number of standing committees to discuss aspects of the Court's operations with community stakeholders. Representatives from Court Services, RCMP, Public Prosecution (Crown), Legal Service Board (Defence), the Law Society of Nunavut, Media, Corrections, Community Justice, and the Departments of Health, Social Services, and Justice all participate on the various committees.

The following committees met in 2016 to develop the new policies and practices designed to improve the Court's efficiency, honour the open court principle, and enhance principles of fundamental justice through bettering of the Court processes and procedures. Further, there are a number of new initiatives and developments at the NCJ to address growth. In addition, a number of projects were undertaken to improve efficiency and access at the Court. The following are updates on the committees and projects:

Civil Rules Reform Committee

A committee was formed to simplify and update the NCJ *Civil Rules* that have not been updated since the creation of Nunavut in 1999. The work of the committee is ongoing.

Court Website Modernization Project

The Court spent a significant amount of time maintaining, expanding, and modernizing the website for the Nunavut Courts and Court Services. The www.nunavutcourts.ca website launched in 2015 continues to be updated.

The Court Users Committee

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

Public Legal Education Displays

The Court began working with stakeholders in Justice on making public legal education material more accessible. The Nunavut Justice Centre now has three interactive displays that contain legal information about various court resources. The information is accessible across the Territory at www.nupli.ca.