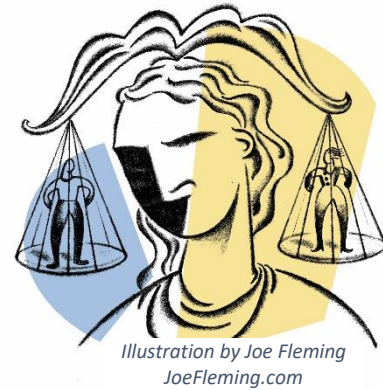


## Administration of Justice Offences in Canada: A Selected Summary of the Research

*Produced for the Breaking the Cycle Solutions Network*

People released from custody often have to comply with a set of court-mandated conditions of release and/or supervision. Failure to comply with those conditions can result in further sanctions that may include new charges and a return to custody. These violations are referred to as breaches or administration of justice offences.

This document provides a list of selected resources and information on administration of justice offences (breaches), which are “a specific type of violation of the law, mostly committed when pre-trial conditions or sentences from a previous conviction are disobeyed. This includes failures such as not complying with conditions of release, not appearing in court, and disobeying a court order.”<sup>1</sup>



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**Source: Public Prosecution Service of Canada. 2.3 Decision to Prosecute (March 7, 2023).<sup>2</sup> <https://www.ppsc-sppc.gc.ca/eng/pub/fpsd-sfpg/fps-sfp/tpd/p2/ch03.html>**

An overview of what Crown counsels must consider when deciding to prosecute an individual. See section “4.2.1 Factors to Consider” for information on administration of justice offences. Discussed are factors that must be considered when determining whether to prosecute, including systemic factors such as racism, underlying socio-demographic contextual issues (e.g., homelessness and poverty), mental health, and disability.

“Crown counsel must consider that the routine prosecution of certain non-serious offences may have a disproportionate impact on over-represented groups. One example is administration of justice offences. Administration of justice offences include failure to appear in court, failure to comply with a bail condition, or failure to comply with a probation order. These prosecutions may contribute to a ‘revolving door’ in the justice system. Therefore, if the offence relates to underlying social conditions such as systemic discrimination, homelessness, a substance-use disorder, or mental health challenges, Crown counsel must consider not proceeding.”

**Source: Burczycka, M. & Munch, C. (2015). Statistics Canada. Trends in offences against the administration of justice. Juristat.<sup>3</sup> <https://www150.statcan.gc.ca/n1/pub/85-002-x/2015001/article/14233-eng.htm>**

**Data:** Statistics Canada, Canadian Centre for Justice Statistics: Uniform Crime Reporting Survey, Incident-based Uniform Crime Reporting Survey, Uniform Crime Reporting Microdata Survey, Integrated Criminal Court Survey

An overview of administration of justice offences, including an analysis examining changes in police-reported administrative of justice offences, court case processing times, sentencing outcomes, and characteristics of persons accused of administration of justice offences. It also provides province-specific data.

- In 2014, administration of justice offences represented about 10% of all Criminal Code violations (excluding traffic) reported by police.

- There was an overall decline in the rate of administration of justice offences between 2004 and 2014.
- The rate of administration of justice charges among women was 5 times the rate among men between 2004 and 2014.
- The majority administration of justice offences in 2014 comprised failure to comply (57%), breach of probation (22%), and failure to attend court (14%).
- Just over 30% of adult criminal court cases involved at least one administration of justice offence.

**Source: Statistics Canada (July 27, 2023). Police-Reported Crime Statistics in Canada, 2022. The Daily.**<sup>4</sup>  
<https://www150.statcan.gc.ca/n1/daily-quotidien/230727/dq230727b-eng.htm>

*Data: Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey*

An overview of police-reported crime, including administration of justice offences.

- Similar to 2014, in 2021 and 2022, administration of justice offences represented 10% of all Criminal Code violations (excluding traffic).

**Source: Government of Canada (October 2017). Bail violations, AOJOs and Remand. Just Facts.**<sup>5</sup>  
<https://www.justice.gc.ca/eng/rp-pr/jr/jf-pf/2017/oct01.html>

*Data: Canadian Centre for Justice Statistics, Justice Canada, Statistics Canada, academic studies conducted in Canada from 2011 to 2017*

An overview of the prevalence and rates of administration of justice offences and bail violations, including province-specific data.

- In 2015, 23% of administration of justice charges were related to failure to comply with an order, breach of probation and failure to appear.
- Administration of justice offences as the most serious charges (2014/15) resulted in custodial sentences in 51% of cases in comparison to 37% for all cases with a finding of guilt.
- April to June 2011 found that administration of justice offence charges represented 29% to 42% of bail court cases.
- The majority of bail violations were breaches of release conditions or failure to attend court.
- 18% of individuals released on bail violated their court-related terms of release.
- Bail conditions were often unrelated to the allegations or grounds for detention.
- Conditions were often imposed without due consideration of social and health contexts and challenges, which contributed to breaches (e.g., when someone with an alcohol issue was given a condition to not consume alcohol).

**Source: Allen, M. (November 18, 2020). Crime reported by police serving areas where the majority of the population is Indigenous, 2018. Statistics Canada.**<sup>6</sup> <https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00013-eng.htm>

*Data: Statistics Canada, The Uniform Crime Reporting Survey, Uniform Crime Reporting (aggregate) Survey, Canadian Centre for Justice and Community Safety Statistics, Incident-based Uniform Crime Reporting Survey, 2016 Census of Population*

An overview of crime and victimization in First Nations, Metis, and Inuit communities in Canada. Data includes characteristics of communities served by police services, approaches to addressing crime, rates of crime in comparison to non-Indigenous populations and rates of administration of justice offences.

- Administration of justice offences were noted as a contributing factor to the over-representation of Indigenous individuals in the criminal justice system.
- Administration of justice offences were 6 times higher among Indigenous communities in comparison to non-Indigenous communities (2018).
- The report also noted that unreasonable bail conditions aggravated the number of administration of justice offences, particularly with respect to remote communities and Indigenous peoples.
- The most common administration of justice offences in both Indigenous and non-Indigenous communities, respectively were failure to comply with an order (60% vs 55%) and breach of probation (25% vs 22%).
- The size and remoteness of many Northern communities can contribute to administration of justice offences if they affect the ability of an accused to appear in court, report to a probation officer, or access required programming.

**Source: Department of Justice Canada (March 2018). Administration of justice offences. Research at a Glance.<sup>7</sup>**  
**<https://www.justice.gc.ca/eng/rp-pr/jr/rg-rco/2018/mar03.pdf>**

*Data: Department of Justice National Justice Surveys*

An overview of public opinion findings about administration of justice offences from surveys, focus groups, online discussions, and telephone interviews conducted in 2016 and 2017. Participants were Canadians aged 18 and over. Some of the findings are noted below.

- Responses to breaches should consider unforeseen circumstances that affect a person's ability to comply, such as work schedules, lack of transportation, unavoidable delays, addictions, mental health problems, and neurodisability.
- Support for people, especially those from underserved and made vulnerable communities, is important to ensure people are not set up to fail. Participants noted support from probation officers to find mental health and addictions programs for clients, transit passes and help arranging transportation.
- Participants noted that breaches of conditions such as missing curfews and appointments or drinking alcohol should be addressed outside of the court system.
- They expressed concern about breaches resulting in a charge and criminal record for someone innocent of their original charge.

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