

**Insights and Analysis into Police-Reported Financial  
Crimes and Prosecutions in Selected Census  
Metropolitan Areas (CMA) in Canada from 2017 to  
2022**

**Research Project for Emerging Issues/Advanced Topics Course**

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# 1. Introduction

Financial crimes are commonly associated with big schemes of fraud, mischief, Ponzi schemes, money laundering and illegal activities conducted by organized crime. Cases illustrating complex and longstanding schemes are one of the most mediatized with big headlines meant to draw the attention of the reader. The Enron scandal, the Madoff investment scandal, FTX, S.N.C. Lavallin, Desjardins' breach, just to name a few. These are the cases that come to mind when we think about financial crimes. However, what about the mundane, ordinary cases of fraud endured by everyday Canadians? Cases related to fraud schemes targeting individuals in their everyday lives with the purpose of scamming a couple of hundred to a few thousand dollars. We rarely hear or read about these in the news. Not to say that these types of cases are never being publicized, but, if they are, it is at a much lower scale. They are deemed less interesting, intriguing, and, perhaps, boring. As such, they are overlooked in the media and in the mind of Canadians.

Nevertheless, “every day” fraud is very common. The General Social Survey on Canadians' Safety, administrated by Statistics Canada, with the objective to “better understand how Canadians perceive crime and the justice system and to capture information on their experiences of victimization”<sup>1</sup> provided insight on Canadians' fraud victimization. In 2019, the survey included for the first-time questions related to fraud. Over 5 million Canadians aged 15 and older reported being victims of fraud at

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<sup>1</sup> Government of Canada, Statistics Canada. (2021a, May 11). General Social Survey—Canadians' Safety (GSS). Retrieved from <https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&SDDS=4504>

least once in the five years prior to the survey.<sup>2</sup> Of which, almost half reported being a victim of fraud in the previous 12 months. The survey did contain questions related to eight other serious crimes including sexual assault, robbery, assault, and motor vehicle theft. More respondents reported being a victim of at least one fraud in the last 12 months than any other crime surveyed. As such, based on this survey, fraud was the most common crime suffered by Canadians.

Furthermore, the cost of these crimes on Canadians' lives is staggering. For 2022, the Canadian Anti-Fraud Centre reported victim losses of \$530.4 million from fraud<sup>3</sup>. An increase of about 38.49% from 2021 victim's losses standing at \$383 million<sup>4</sup>. These amounts are only based on the reports received by the Canadian Anti-Fraud Centre, and they aren't representative of the true cost of fraud suffered by Canadians. In fact, the Canadian Anti-Fraud Centre also acknowledges that only "5 to 10% of all fraud connected to Canadian victims is reported"<sup>5</sup> to them.

The premise of this research is to shed light into the commonality of financial crimes suffered by Canadians. More specifically, the objective is to highlight the number of police-reported incident for fraud, identity theft and identity fraud offences across major Census Metropolitan Areas and to ascertain how many of these reported crimes go through the criminal justice in order to be prosecuted. Furthermore, to gain

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<sup>2</sup> Government of Canada, Statistics Canada. (2023, July 24). Self-reported fraud in Canada, 2019. Retrieved from <https://www150.statcan.gc.ca/n1/pub/89-652-x/89-652-x2023001-eng.htm>

<sup>3</sup> Government of Canada, Royal Canadian Mounted Police. (2024, April 19). CAFC 2022 Annual Report. Retrieved from <https://antifraudcentre-centreantifraude.ca/annual-reports-2022-rapports-annuels-eng.htm>

<sup>4</sup> Ibid., 3

<sup>5</sup> Ibid., 4

an insight into the challenges of the Canadian criminal justice system and the potential limitations its faces encountering these types of crime.

As a forensic accountant, it is important to understand the sphere in which we practice our expertise. The objective of this research is to provide insights on that lay of the land.

## **2. Methodology**

The researcher mainly utilized quantitative data. The statistical information included in this research was collected from Statistics Canada. For analysis purposes, various datasets and tables were downloaded and presented in this research. Only relevant and integral information was selected and presented in this research.

To support the analysis of the statistical data, the researcher relied on different reports pertinent to the subject matter.

## **3. Limitations**

The research is subject to certain limitations. Therefore, it should be read with the following in mind:

- The research could be more extensive by including more cities or census metropolitan areas in Canada.
- The research could be cross-referenced with other studies or research on the subject matter.

- The statistical data available was limited to specific financial crimes as per the criminal code. Therefore, the research was limited to those offences. Nonetheless, through other means, it could have been possible to extend the research to include broader financial crimes.
- Due to time constraints, the researcher was unable to identify subject experts such as Crown prosecutor or police officers to conduct interviews. Qualitative data from the interviews would have supplemented the findings of the research and perhaps provided some nuances to the quantitative data.
- The research discusses broad and complex subjects such as the Canadian criminal justice system. Therefore, it is important to note that this research focused on relevant subtopics to the subject matter within those broader subjects.
- Analysis in this research is limited to the reference period detailed below.
- Subjects included in this research pertain to criminal law. To note that the researcher has limited studies in the matter of law.

## **4. Findings**

### **Financial crimes**

Financial crime is “crime committed against property, involving the unlawful conversion of the ownership of property (belonging to one person) to one’s own personal use and benefit.”<sup>6</sup> Financial crime includes, but not limited to, fraud (credit card fraud,

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<sup>6</sup> Wikipedia contributors. (2024, March 18). Financial crime. Retrieved from [https://en.wikipedia.org/wiki/Financial\\_crime](https://en.wikipedia.org/wiki/Financial_crime)

cheque fraud, insurance fraud, jobs scams to name a few), money laundering, embezzlement, identify theft, cybercrime, and tax evasion.

As per Public Safety Canada's website<sup>7</sup>, to report suspected financial crimes, you can report:

- Suspected money laundering activities to FINTRAC (Financial Transactions and Reports Analysis Centre of Canada). FINTRAC is “Canada’s financial intelligence unit and anti-money laundering and anti-terrorist financing supervisor.”<sup>8</sup>
- Fraud concerns to the Canadian Anti-Fraud Centre (CAFC). CAFC is “a national police service that gathers intelligence on fraud across Canada and assists Police of Jurisdiction with enforcement and prevention efforts.”<sup>9</sup>
- Suspected tax offences to the Canada Revenue Agency (CRA).
- Any other financial crimes to Royal Canadian Mounted Police (RCMP) or local police.

As the objective of the research is to determine the number of financial crimes reported to the police that end up being charged and prosecuted, the focus of the research was limited to the financial crimes reported to the police. However, at first, the researcher needed to establish the cities of interest. The plan was to select cities of which the researcher can obtain a good perspective on the financial crime reported to police in

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<sup>7</sup> Public Safety Canada. (2024, March 27). Anti-money laundering. Retrieved from <https://www.publicsafety.gc.ca/cnt/cntrng-crm/nt-mny-lndrng/index-en.aspx>

<sup>8</sup> Government of Canada, Financial Transactions and Reports Analysis Centre of Canada. (2024, March 22). Financial Transactions and Reports Analysis Centre of Canada | FINTRAC—Canada.ca. Retrieved from <https://fintrac-canafe.canada.ca/intro-eng>

<sup>9</sup> Government of Canada, Royal Canadian Mounted Police. (2023, June 30). About the Canadian Anti-fraud Centre. Retrieved from <https://antifraudcentre-centreantifraude.ca/about-ausujet/index-eng.htm>

Canada. Meaning, through analyzing these cities, the researcher can to a certain extent extrapolate the results to Canada as a whole. For that, the researcher concentrated on the most populated cities in Canada. To establish that, the researcher relied on Statistics Canada.

As per Statistics Canada Standard Geographical Classification (SGC) which is “Statistics Canada’s official classification for geographic areas in Canada.”<sup>10</sup> The most plausible geographical unit to refer to is a census metropolitan areas (CMA) defined as “one or more adjacent municipalities centered on a population centre (known as the core). A CMA must have a total population of at least 100,000, based on data from the current Census of Population Program, of which 50,000 or more must live in the core.”<sup>11</sup>

As per the latest census, in 2021, the most populated census metropolitan areas in Canada with a population of above one million are as follows:

<b>Geographic name</b>	<b>Geographic area type abbreviation</b>	<b>Population, 2021</b>
<b>Toronto</b>	CMA	6,202,225
<b>Montreal</b>	CMA	4,291,732
<b>Vancouver</b>	CMA	2,642,825
<b>Ottawa—Gatineau</b>	CMA	1,488,307
<b>Calgary</b>	CMA	1,481,806
<b>Edmonton</b>	CMA	1,418,118
<b>Total</b>		<b>17,525,013</b>

<sup>10</sup> Government of Canada, Statistics Canada. (2024, March 12). Standard Geographical Classification (SGC) 2021—Introduction. Retrieved from <https://www.statcan.gc.ca/en/subjects/standard/sgc/2021/introduction>

<sup>11</sup> Government of Canada, Statistics Canada. (2022, February 9). Dictionary, Census of Population, 2021—Census metropolitan area (CMA) and census agglomeration (CA). Retrieved from <https://www12.statcan.gc.ca/census-recensement/2021/ref/dict/az/Definition-eng.cfm?ID=geo009>



<b>% Total Population</b>	<b>47.38%</b>
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It is important to note that the name of a CMA is “based on the name of the principal population centre or largest municipality at the time the CMA or CA was first formed.”<sup>12</sup>Therefore, Toronto—CMA does not only refer the city of Toronto rather to the group of municipalities under the boundaries of the CMA of which Toronto is the largest.

Regardless of the geographical limitations followed by Statistics Canada, the researcher consulted the police’s website of the largest cities within the above CMA in order to establish, from the data provided by them, the type of financial crimes it included. Five out of the six cities selected had dataset available through the city police website. However, only two out of six had information relating to a financial crime which, in both cases, was fraud. The others didn’t provide any statistical data in the dataset available online. However, if you referred to other publications such as annual reports or crime statistics reports, statistical information related to fraud was available.

<b>City</b>	<b>Open Data</b>	<b>Dataset Name</b>	<b>Financial Crimes Tracked</b>
<b>Toronto</b>	Yes	Reported Crimes & Arrested & Charged	Fraud (Crimes Against Property)
<b>Montreal</b>	Yes	Criminal Acts ( <i>translated from Actes Criminels</i> )	None (in the Public Database) Statistics in the Annual Report include fraud

<sup>12</sup> Government of Canada, Statistics Canada. (2022c, February 9). Dictionary, Census of Population, 2021—Census metropolitan area (CMA) and census agglomeration (CA). Retrieved from <https://www12.statcan.gc.ca/census-recensement/2021/ref/dict/az/Definition-eng.cfm?ID=geo009>

<b>Vancouver</b>	Yes	Crime Data Download	None (in the Public Database) Crime Statistics Reports include fraud.
<b>Ottawa</b>	Yes	Criminal Offences	Fraud (Crimes Against Property)
<b>Calgary</b>	Yes	Community Crime Statistics	None (in the Public Database)
<b>Edmonton</b>	No	Community Safety Data Portal (only current year statistics. No dataset provided)	None (in the Public Database)

The researcher questioned the reason behind providing information related to fraud as the only financial crime. Could it be because it is the most likely financial crime to be a victim off as an individual? Additionally, are all types of fraud included in the statistical information provided? The two cities with open dataset inclusive of fraud are Ottawa and Toronto. For both cases, the researcher couldn't find clear parameters, if any, in relation to the types of fraud being reported in these datasets. In both cases, there was only a reference to the definition of a criminal offence (an offence in violation of the Criminal Code of Canada) and crimes against property.

According to the Canadian Anti-Fraud Centre (CAFC) 2022 annual report<sup>13</sup>, they received reports of over \$530 million in losses in 2022 only. In comparison to

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<sup>13</sup> Government of Canada, Public Services and Procurement Canada, Integrated Services Branch, Government Information Services, Publishing and Depository Services. (n.d.). Information archivée dans le Web. Retrieved from [https://publications.gc.ca/collections/collection\\_2024/grc-rcmp/PS61-46-2022-eng.pdf](https://publications.gc.ca/collections/collection_2024/grc-rcmp/PS61-46-2022-eng.pdf)

\$380 million in 2021 and \$165 million in 2020. As stated in the report, 2022 was “a historic record in CAFC reporting.”<sup>14</sup> The CAFC was established in 1993 as PhoneBusters National Call Center<sup>15</sup>. However, it is unclear since when they have been collecting and disseminating information about fraud in Canada.

According to the same annual report, identity fraud, phishing and extortion are the top three types of fraud reported in 2022. Of the 73,073 crimes reported, 19,543 (21.5%) related to identity fraud, 10,647 (11.7%) related to phishing and 8,266 (9.1%) related to extortion. Please note that the number of crimes reports doesn’t equate to the number of victims.

Furthermore, in 2019, for the first time the General Social Survey (GSS) on Canadians’ Safety included questions related to fraud in order, “to measure the extent of the fraud committed against individuals”<sup>16</sup>. The GSS’s objectives are “to gather data on social trends in order to monitor changes in the living conditions and well-being of Canadians over time; and to provide information on specific social policy issues of current or emerging interest.”<sup>17</sup> The survey targets population aged 15 and older living in Canada (outside of living full time in an institution) and the data collection occurred from April 2019 to March 2020<sup>18</sup>. According to the survey, “just over 5 million people aged 15 and older (17% of the population) reported having been a victim of at least one fraud in

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<sup>14</sup> Ibid., 13 (page 10)

<sup>15</sup> Wikipedia contributors. (2023, April 10). Canadian Anti-Fraud Centre. Retrieved from [https://en.wikipedia.org/wiki/Canadian\\_Anti-Fraud\\_Centre](https://en.wikipedia.org/wiki/Canadian_Anti-Fraud_Centre)

<sup>16</sup> Government of Canada, Statistics Canada. (2023, July 24). Self-reported fraud in Canada, 2019. Retrieved from <https://www150.statcan.gc.ca/n1/pub/89-652-x/89-652-x2023001-eng.htm>

<sup>17</sup> Government of Canada, Statistics Canada. (2017, November 10). General Social Survey: Canadians at Work and Home (GSS). Retrieved from <https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&SDDS=5221>

<sup>18</sup> Ibid., 16

the five years preceding the GSS. Specifically, nearly 2.5 million people reported being the victim of fraud in the previous 12 months, or 7.8% of the Canadian population aged 15 and older”<sup>19</sup>.

Additionally, the survey states that fraud is rarely reported to the police. In fact, “approximately one fraud victim in ten (11%) reported to police the most serious fraud they had experienced in the five years preceding the GSS”<sup>20</sup>.

Based on these resources, it is safe to state that fraud, through different forms and means, is a common type of financial crime affecting individuals in Canada. Therefore, it would make sense as to why the open data or the statistical information provided by the police is focused on fraud as a financial crime in comparison to money laundering or embezzlement. To note that money laundering falls under section *Proceeds of Crime* in the Criminal Code, while embezzlement falls under section *Theft*.

## **Statistical Data**

For similar and comparable data, in terms of classification, the researcher needed to identify a common source of information provided by the police of the 6 CMAs identified. The source identified is the Uniform Crime Reporting Survey (UCR), which was “designed to measure the incidence of crime in Canadian society and its characteristics. The information is used by federal and provincial policy makers as well as public and private researchers”<sup>21</sup>. The data is collected from police services and

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<sup>19</sup> Ibid., 16

<sup>20</sup> Ibid., 16

<sup>21</sup> Government of Canada, Statistics Canada. (2023b, December 14). Uniform Crime Reporting Survey (UCR). Retrieved from <https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&Id=1531530>

extracted from administrative files over a calendar year<sup>22</sup>. The researcher relied on Statistics Canada *Table 35-10-0177-01 Incident-Based Crime Statistics, by Detailed Violations, Canada, Provinces, Territories, Census Metropolitan Areas, and Canadian Forces Military Police* which showcases data from the UCR survey.

The data collected through the survey includes three specific financial crimes: fraud, identify fraud and identity theft. As per the Criminal Code of Canada, they are defined as follows:

- **Fraud—s.380.1:** “Everyone who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, defrauds the public or any person, whether ascertained or not, of any property, money or valuable security or any service.”<sup>23</sup>
- **Identify fraud—s.403 (1):** “Everyone commits an offence who fraudulently personates another person, living or dead, (a) with intent to gain advantage for themselves or another person; (b) with intent to obtain any property or an interest in any property; (c) with intent to cause disadvantage to the person being personated or another person; or (d) with intent to avoid arrest or prosecution or to obstruct, pervert or defeat the course of justice.”<sup>24</sup>
- **Identify theft—s.402.2 (1):** “Every person commits an offence who obtains or possesses another person’s identity information with intent to use it to commit an

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<sup>22</sup> Government of Canada, Statistics Canada. (2023b, December 14). Uniform Crime Reporting Survey (UCR). Retrieved from <https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&Id=1531530>

<sup>23</sup> Legislative Services Branch. (2024b, January 14). Consolidated federal laws of Canada, Criminal Code. Retrieved from <https://laws-lois.justice.gc.ca/eng/acts/c-46/index.html>

<sup>24</sup> Ibid., 23

indictable offence that includes fraud, deceit or falsehood as an element of the offence.”<sup>25</sup>

### **Police-Reported Incidents**

The researcher referred to a six-year period from 2017 to 2022. The rationale was to have a significant period of time to determine trends, if any, as well as to establish if there have been any changes during and after the pandemic which caused additional challenges to the justice system.

At first, the researcher examined the actual incidents reported to the police in the Census Metropolitan Areas (CMA) selected. Incident refers to “the occurrence of one (or more) criminal offence(s) during one single, distinct event, regardless of the number of victims.”<sup>26</sup>In the case of multiple victims, “the offences must occur at the same location and at the same time if they are to be included within the same incident.”<sup>27</sup> Therefore, the victims count will be higher than the incidents because of the cases involving more than one victim. Furthermore, the data includes incidents “reported or known to the police”<sup>28</sup> and “it includes offences which upon investigation are determined to be unfounded as well as actual offences.”<sup>29</sup>

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<sup>25</sup> Ibid., 23

<sup>26</sup> Government of Canada, Statistics Canada. (2023c, December 14). Uniform Crime Reporting Survey (UCR). Retrieved from <https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=assembleDESurv&DECId=1499774&RepClass=591&Id=1531530&DFId=244073>

<sup>27</sup> Ibid., 26

<sup>28</sup> Government of Canada, Statistics Canada. (2023d, December 14). Uniform Crime Reporting Survey (UCR). Retrieved from <https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=assembleDESurv&DECId=1516409&RepClass=583&Id=1531530&DFId=244073>

<sup>29</sup> Ibid., 28

Over the six-year reference period, a total of 346,417 incidents were reported to police for fraud, 61,962 for identity fraud and 13,919 for identity theft. Making fraud the most reported financial criminal offence in all the census metropolitan areas selected. This is aligned with the Canadian Anti-Fraud Centre latest annual report if we assume that the police cluster different types of fraud schemes under “fraud” aside from identity fraud and identity theft. As previously mentioned, identity fraud was the first type of fraud reported to the Canadian Anti-Fraud Centre. However, if we group the other type of fraud schemes under “fraud”, identity fraud will be the second reported. To note that in this scenario, identity fraud will be the only other offence reported.

**Table 1:**

*Police-Reported Incidents from 2017 to 2022 for the Census Metropolitan Areas Selected*

<b>Criminal Offence</b>	<b>CMA<sup>1</sup></b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Grand Total</b>
<b>Fraud</b>	Calgary	5,277	5,862	6,246	5,810	5,632	6,009	34,836
	Edmonton	7,654	8,474	9,011	7,229	6,723	7,737	46,828
	Montreal	8,525	8,831	9,692	10,333	10,519	11,798	59,698
	Ottawa	3,683	4,142	4,659	4,662	4,730	4,865	26,741
	Toronto	15,892	18,395	21,614	19,435	18,229	21,217	114,782
	Vancouver	10,073	10,876	11,326	10,897	9,854	10,506	63,532
<b>Fraud Total</b>		<b>51,104</b>	<b>56,580</b>	<b>62,548</b>	<b>58,366</b>	<b>55,687</b>	<b>62,132</b>	<b>346,417</b>
<b>Identity fraud</b>	Calgary	387	427	507	507	362	360	2,550
	Edmonton	1,037	1,150	1,257	1,179	1,130	1,167	6,920
	Montreal	2,724	3,275	4,734	4,026	4,339	4,257	23,355
	Ottawa	403	571	941	1,557	1,083	824	5,379
	Toronto	2,227	2,123	2,042	2,189	2,390	2,233	13,204
	Vancouver	1,889	1,779	1,911	1,876	1,633	1,466	10,554
<b>Identity fraud Total</b>		<b>8,667</b>	<b>9,325</b>	<b>11,392</b>	<b>11,334</b>	<b>10,937</b>	<b>10,307</b>	<b>61,962</b>
<b>Identity theft</b>	Calgary	111	142	226	169	181	196	1,025
	Edmonton	302	336	347	332	262	308	1,887
	Montreal	579	952	1,166	1,926	1,933	1,683	8,239

	Ottawa	24	17	63	48	31	27	210
	Toronto	117	100	159	145	87	196	804
	Vancouver	273	277	345	293	279	287	1,754
<b>Identity theft Total</b>		<b>1,406</b>	<b>1,824</b>	<b>2,306</b>	<b>2,913</b>	<b>2,773</b>	<b>2,697</b>	<b>13,919</b>
<b>Grand Total</b>		<b>61,177</b>	<b>67,729</b>	<b>76,246</b>	<b>72,613</b>	<b>69,397</b>	<b>75,136</b>	<b>422,298</b>

<sup>1</sup> CMA names represented the biggest municipality within the delimitation of the area as per Statistics Canada. For Ottawa, the researcher referred to the Ontario part of the CMA Ottawa-Gatineau.

## Fraud

Over the six-year reference period, the total fraud incidents reported increased by almost 11% from 2017 to 2018 and similarly from 2018 to 2019. A slight decrease of almost 7% from 2019 to 2020, which continues up to 2021 with a decrease of almost 5%. The fraud incidents reported then increase by almost 12% from 2021 to 2022 going back up to almost the volume in 2019 (62,132 incidents reported in 2022 vs. 62,548 in 2021). However, the portrait per census metropolitan area is slightly different. For Ottawa, there has been no decrease in the amount of fraud incidents reported, but rather a slower increase from 2019 to 2022 in comparison to 2017 to 2019. Similarly, for Montreal, the fraud incidents reported kept increasing over the reference period. Calgary and Vancouver did experience a decrease in 2019 and 2020. Nevertheless, in 2022, the number of incidents increased back up to roughly the same number in 2019. Whereas Edmonton is the only one with the number of incidents in 2022 lower than the number reported in 2019 by 14% (9,011 in 2019 compared to 7,737 in 2020).

In early 2020, the world was faced by a pandemic that had a societal and economic impact on Canadians' way of life. Therefore, it is expected to discern a change in crimes which in consequence impact the incidents reported to the police. As stated by



*JuriStat* article by Statistics Canada titled *Police-Reported Crime Statistics in Canada, 2020*, police-reported crime statistics “can be affected by large-scale criminal events, social movements and changes in legislation, policies and procedures.”<sup>30</sup>In the same article, it affirms that “the Covid-19 pandemic has had profound impacts on Canada’s economy, health care system and society in general. Policies enacted to contain the spread of the virus have resulted in unprecedented disruptions in the social and economic lives of Canadians, changing how we interact, socialize, learn, work, and consume.”<sup>31</sup>

The decrease of the total fraud incidents reported in 2020 is aligned with the overall decrease of the police-reported crime rate in Canada (excluding traffic offences) which decreased by 10% from 2019 to 2020.<sup>32</sup> Specifically to fraud, the article reports that “the rate of police-reported total fraud did not increase for the first time in nine years, remaining essentially stable”<sup>33</sup> with general fraud declining by 4% from 2019 to 2020<sup>34</sup>. In 2021, the trend continues with a “1% decline in general fraud”<sup>35</sup>.

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<sup>30</sup> Government of Canada, Statistics Canada. (2021, July 27). Police-reported crime statistics in Canada, 2020. Retrieved from <https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00013-eng.htm>

<sup>31</sup> *Ibid.*, 30

<sup>32</sup> *Ibid.*, 30

<sup>33</sup> *Ibid.*, 30

<sup>34</sup> *Ibid.*, 30

<sup>35</sup> Government of Canada, Statistics Canada. (2022d, August 2). Police-reported crime statistics in Canada, 2021. Retrieved from <https://www150.statcan.gc.ca/n1/pub/85-002-x/2022001/article/00013-eng.htm#a20>

**Table 2:**

*Variation per Year of Police-Reported Fraud Incidents from 2017 to 2022 for the Census Metropolitan Areas Selected*

<b>Criminal Offence</b>	<b>CMA</b>	<b>Variation per Year</b>				
		<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020</b>	<b>2020-2021</b>	<b>2021-2022</b>
<b>Fraud</b>	Calgary	11.09%	6.55%	-6.98%	-3.06%	6.69%
	Edmonton	10.71%	6.34%	-19.78%	-7.00%	15.08%
	Montreal	3.59%	9.75%	6.61%	1.80%	12.16%
	Ottawa	12.46%	12.48%	0.06%	1.46%	2.85%
	Toronto	15.75%	17.50%	-10.08%	-6.21%	16.39%
	Vancouver	7.97%	4.14%	-3.79%	-9.57%	6.62%
<b>Fraud Total</b>		<b>10.72%</b>	<b>10.55%</b>	<b>-6.69%</b>	<b>-4.59%</b>	<b>11.57%</b>

### **Identity Fraud**

The total incidents reported of identity fraud increased by 7.59% from 2017 and 2018 and by 22.17% from 2018 to 2019. However, unlike fraud, the decline from 2019 to 2020 continues to 2022. In fact, the total incidents reported in 2022 are 9.52% lower than the incidents reported in 2019 which constitutes the highest incidents reported over the reference period (10,307 incidents in 2022 vs. 11,392 incidents in 2019). Interestingly, the *Police-reported crime statistics in Canada* states that the rate of police-reported identity fraud increased by 12% from 2019 to 2020<sup>36</sup> and by 3% from 2020 to 2021<sup>37</sup>.

<sup>36</sup> Ibid., 30

<sup>37</sup> Ibid., 35

Could the decline inclination be specific to the census metropolitan areas selected? To verify, I relied on the same statistical data for identity fraud but for the entire country. Indeed, the actual incidents of identity fraud increased by 14.87% from 2019 to 2020 (from 19,972 in 2019 to 22,941 in 2020) and increased by 3.8% from 2020 to 2021 (from 22,941 in 2020 to 23,813 in 2021). However, in 2022, the incidents reported declined by 9.35% compared to 2021 going from 23,813 total incidents to 21,586.

Narrowing to each census metropolitan area, some follow the trend of the country. Specifically, Ottawa and Toronto display an increase in police-reported identify fraud from 2019 to 2020, respectively 65.46% and 7.20%. Calgary remained stable. Whereas Edmonton, Montreal and Vancouver display various rates of decline, respectively 6.21%, 14.96% and 1.83%.

From 2020 to 2021, Ottawa shows a decrease in the number of incidents reported of 30.44%, while Toronto displays an increase of 9.18%. Edmonton and Vancouver continue in their decline trajectory joined by Calgary.

It might not be possible to narrow down the specific reason identify fraud has increased or decreased per census metropolitan area. However, we can identify the general driver for these fluctuations. The main contributor to the increase of identity fraud could be attributed to the increased use of technology by Canadians. A trend that grows even more due to Covid-19 pandemic. Different aspects of Canadians lives are now integrally connected to the use of technology from social, work, and personal. In fact, according to the *Canadian Internet Use Survey*, in 2022, “Internet use among

Canadians aged 15 years and older reached 95%, up from 92% in 2020”<sup>38</sup> of which “82% conducted online banking in 2022”<sup>39</sup>, a small increase of 2% from 80% in 2018.

Therefore, the increase is attributable to older adults who increase their online banking usage from “62% in 2018 to 70% in 2022. This increase was seen for both older men and women and was perhaps partly driven by the preference for contactless transactions during the pandemic”<sup>40</sup>. Furthermore, in 2022, 79% of Internet users purchased good and/or services online with a credit card being the most popular method of payment online for 89% of online shoppers<sup>41</sup>.

The rise of Internet use and its integration in the daily lives of Canadians makes it that their personal information is widely and easily accessible online which could explain the reason why identity fraud incidents increased throughout Canada.

**Table 3:**

*Variation per Year of Police-Reported Identity Fraud Incidents from 2017 to 2022 for the Census Metropolitan Areas Selected*

<b>Criminal Offence</b>	<b>CMA</b>	<b>Variation per Year</b>				
		<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020</b>	<b>2020-2021</b>	<b>2021-2022</b>
<b>Identity fraud</b>	Calgary	10.34%	18.74%	0.00%	-28.60%	-0.55%
	Edmonton	10.90%	9.30%	-6.21%	-4.16%	3.27%
	Montreal	20.23%	44.55%	-14.96%	7.77%	-1.89%
	Ottawa	41.69%	64.80%	65.46%	-30.44%	-23.92%

<sup>38</sup> Government of Canada, Statistics Canada. (2023a, July 20). The Daily—Canadian Internet Use Survey, 2022. Retrieved from <https://www150.statcan.gc.ca/n1/daily-quotidien/230720/dq230720b-eng.htm>

<sup>39</sup> Government of Canada, Statistics Canada. (2024b, March 21). The Daily—Trends in online banking and shopping. Retrieved from <https://www150.statcan.gc.ca/n1/daily-quotidien/240321/dq240321b-eng.htm>

<sup>40</sup> Government of Canada, Statistics Canada. (2024b, March 21). The Daily—Trends in online banking and shopping. Retrieved from <https://www150.statcan.gc.ca/n1/daily-quotidien/240321/dq240321b-eng.htm>

<sup>41</sup> Ibid., 40

	Toronto	-4.67%	-3.82%	7.20%	9.18%	-6.57%
	Vancouver	-5.82%	7.42%	-1.83%	-12.95%	-10.23%
<b>Identity fraud Total</b>		<b>7.59%</b>	<b>22.17%</b>	<b>-0.51%</b>	<b>-3.50%</b>	<b>-5.76%</b>

## Identity Theft

Identity theft follows a similar trajectory to fraud and identify fraud in terms of total incidents reported from 2017 to 2019 with total incidents reported increasing from 1,406 in 2017 to 2,306 in 2019. However, unlike the decrease in total incidents reported showcased by fraud and identity fraud in 2020, identity theft displays an increase of 26.32% with incidents reported rising from 2,306 in 2019 to 2,913 in 2020. This increase could be attributed to the census metropolitan area of Montreal, which displays an increase of 65.18% of incidents reported (1,166 in 2019 compared to 1,926 in 2020). Furthermore, identity theft continues in its divergence with an increase in total incidents reported in 2022 compared to 2019 by 16.96% (2,697 in 2022 vs. 2,306 in 2019).

The *Police-reported crime statistics in Canada* states that the rate of police-reported identity theft increased by 52% from 2019 to 2020<sup>42</sup> and decreased by 3% from 2020 to 2021<sup>43</sup>. These fluctuations are aligned with the variations illustrated by the selected census metropolitan areas over the reference period.

For the census metropolitan areas, we observe big fluctuations over the reference period which isn't something that occurred for fraud and identity fraud. However, it is important to note that unlike the other two financial crimes, identity theft incidents are

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<sup>42</sup> Ibid., 30

<sup>43</sup> Ibid., 35

very small in comparison. Therefore, even if there has been an increase in incidents reported of 270.59% from 2018 to 2019 in Ottawa, the number of incidents increased by 46 going from 17 in 2018 to 63 in 2019.

**Table 4:**

*Variation per Year of Police-Reported Identity Theft Incidents from 2017 to 2022 for the Census Metropolitan Areas Selected*

Criminal Offence	CMA	Variation per Year				
		2017-2018	2018-2019	2019-2020	2020-2021	2021-2022
Identity theft	Calgary	27.93%	59.15%	-25.22%	7.10%	8.29%
	Edmonton	11.26%	3.27%	-4.32%	-21.08%	17.56%
	Montreal	64.42%	22.48%	65.18%	0.36%	-12.93%
	Ottawa	-29.17%	270.59%	-23.81%	-35.42%	-12.90%
	Toronto	-14.53%	59.00%	-8.81%	-40.00%	125.29%
	Vancouver	1.47%	24.55%	-15.07%	-4.78%	2.87%
<b>Identity theft Total</b>		<b>29.73%</b>	<b>26.43%</b>	<b>26.32%</b>	<b>-4.81%</b>	<b>-2.74%</b>

### Incidents cleared by charge

Following police-reported incidents, the researcher examined the number of incidents cleared by charged over the same reference period in the Census Metropolitan Areas (CMA) selected. Clearance refers to “incidents where police have identified a suspect and have enough evidence to support the laying of an information. At this point, the incident may be either cleared by charge or cleared otherwise.”<sup>44</sup>Laying of an

<sup>44</sup> Government of Canada, Statistics Canada. (2023f, December 14). Uniform Crime Reporting Survey (UCR). Retrieved from <https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=assembleDESurv&DECId=1516140&RepClass=583&Id=1531530&DFId=244073>

information occurs “either before or after arrest a peace officer can create a charge by laying of an information. It typically involves the officer, who has formed reasonable grounds to believe that a criminal offence has occurred, draft an information that will be presented to a justice of the peace along with a sworn summary of the evidence.”<sup>45</sup>

Over the six-year reference period, a total of 50,165 incidents were cleared by charge of which were 42,067 for fraud, 6,000 for identity fraud and 2,098 for identity theft. As previously established, fraud was the most reported financial criminal offence in all the census metropolitan areas selected which explains why it also has the greatest number of incidents cleared by charge. However, proportionally, it is identity theft that had the highest clearance rate over the reference period for the total census metropolitan areas. Identity theft’s clearance rate was 15.07% (2,098 police-reported incidents cleared by charge over 13,919 police-reported incidents). Followed by fraud at 12.14% (42,067 over 346,417) and identity fraud at 9.68% (6,000 over 61,961).

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<sup>45</sup> Laying of an information—criminal law notebook. (n.d.). Retrieved from [https://criminalnotebook.ca/index.php/Laying\\_of\\_an\\_Information](https://criminalnotebook.ca/index.php/Laying_of_an_Information)

**Table 5:**

*Police-Reported Incidents Cleared by Charge from 2017 to 2022 for the Census Metropolitan Areas Selected*

<b>Criminal Offence</b>	<b>CMA</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Grand Total</b>
<b>Fraud</b>	Calgary	1,031	1,128	1,150	818	522	594	5,243
	Edmonton	1,995	2,031	1,971	1,312	956	959	9,224
	Montreal	1,544	1,347	1,454	1,310	1,103	1,137	7,895
	Ottawa	578	541	554	356	318	246	2,593
	Toronto	2,891	2,642	2,743	2,319	1,734	1,631	13,960
	Vancouver	720	639	659	496	363	275	3,152
<b>Fraud Total</b>		<b>8,759</b>	<b>8,328</b>	<b>8,531</b>	<b>6,611</b>	<b>4,996</b>	<b>4,842</b>	<b>42,067</b>
<b>Identity fraud</b>	Calgary	82	104	108	77	70	56	497
	Edmonton	383	371	344	203	157	166	1,624
	Montreal	372	375	440	340	300	314	2,141
	Ottawa	6	3	5	3	4	2	23
	Toronto	171	134	132	128	117	98	780
	Vancouver	221	202	203	132	92	85	935
<b>Identity fraud Total</b>		<b>1,235</b>	<b>1,189</b>	<b>1,232</b>	<b>883</b>	<b>740</b>	<b>721</b>	<b>6,000</b>
<b>Identity theft</b>	Calgary	45	60	107	60	80	84	436
	Edmonton	140	157	183	120	77	115	792
	Montreal	38	50	107	50	58	47	350
	Ottawa	1	2	1	1	-	3	8
	Toronto	7	15	21	21	19	31	114
	Vancouver	103	56	108	48	48	35	398
<b>Identity theft Total</b>		<b>334</b>	<b>340</b>	<b>527</b>	<b>300</b>	<b>282</b>	<b>315</b>	<b>2,098</b>
<b>Grand Total</b>		<b>10,328</b>	<b>9,857</b>	<b>10,290</b>	<b>7,794</b>	<b>6,018</b>	<b>5,878</b>	<b>50,165</b>



Below, the researcher will concentrate on the rate of clearance calculated as the total of incidents cleared divided by the total number of incidents reported. To note that the researcher will state the values as calculated. However, these numbers must be nuanced as the police-reported incidents in a given year do not correlate with the number of cases charged in that same year. Meaning that the incidents charged in a year aren't, necessarily, incidents that were reported to the police in that same year. However, there is still value in the data available in understanding the tendency and variations of the clearance rate over the reference period and in between the three criminal offences.

## **Fraud**

For fraud, the clearance rate went from 17.14% in 2017 to 7.79% in 2022. Even though, as previously noticed, the total number of fraud incidents reported in 2022 was 17.75% higher than in 2017 (62,132 vs 51,104). The tendency is followed by all six census metropolitan areas.

**Table 6:**

*Fraud Clearance rate from 2017 to 2022 for the Census Metropolitan Areas Selected*

<b>Criminal Offence</b>	<b>CMA</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Grand Total</b>
<b>Fraud</b>	Calgary	19.54%	19.24%	18.41%	14.08%	9.27%	9.89%	15.05%
	Edmonton	26.06%	23.97%	21.87%	18.15%	14.22%	12.39%	19.70%
	Montreal	18.11%	15.25%	15.00%	12.68%	10.49%	9.64%	13.22%
	Ottawa	15.69%	13.06%	11.89%	7.64%	6.72%	5.06%	9.70%
	Toronto	18.19%	14.36%	12.69%	11.93%	9.51%	7.69%	12.16%
	Vancouver	7.15%	5.88%	5.82%	4.55%	3.68%	2.62%	4.96%
<b>Fraud Total</b>		<b>17.14%</b>	<b>14.72%</b>	<b>13.64%</b>	<b>11.33%</b>	<b>8.97%</b>	<b>7.79%</b>	<b>12.14%</b>

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## Identity Fraud

Similarly to fraud, the clearance rate for identity fraud decreased from 2017 to 2022 by almost half, going from 14.25% to 7% (1,235 incidents cleared by charged in 2017 compared to 721 in 2022). Unlike fraud, the clearance rate in 2022 is higher than in 2021 even though the number of incidents cleared by charged didn't increase going from 740 in 2021 compared to 721 in 2022. However, the actual incidents reported to the police did also decrease from 2021 to 2022 (10,937 to 10,307) which might explain why the clearance rate is more favourable.

As presented in the police-reported incidents section, the identity fraud incidents reported for the six census metropolitan areas selected followed a different trajectory than for the country as reported by *Police-reported crime statistics in Canada*. Therefore, the researcher examined the number of identity fraud incidents cleared by charge for Canada in comparison with the six census metropolitan areas.

For Canada, the clearance rate follows the same trend with a decrease from 16.79% in 2017 to 7.69% in 2022 (2,408 incidents cleared compared to 1,661 incidents). Similarly to the six census metropolitan areas, a small increase to the clearance rate from 2021 to 2022 going from 7.39% to 7.69%. However, the total identity fraud incidents reported decreased as well by 9.35% (23,813 in 2021 to 21,586 in 2022) which could contribute to the slight increase in the clearance rate.

**Table 7:**

*Identity Fraud Clearance rate from 2017 to 2022 for the Census Metropolitan Areas Selected*

<b>Criminal Offence</b>	<b>CMA</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Grand Total</b>
<b>Identity fraud</b>	Calgary	21.19%	24.36%	21.30%	15.19%	19.34%	15.56%	19.49%
	Edmonton	36.93%	32.26%	27.37%	17.22%	13.89%	14.22%	23.47%
	Montreal	13.66%	11.45%	9.29%	8.45%	6.91%	7.38%	9.17%
	Ottawa	1.49%	0.53%	0.53%	0.19%	0.37%	0.24%	0.43%
	Toronto	7.68%	6.31%	6.46%	5.85%	4.90%	4.39%	5.91%
	Vancouver	11.70%	11.35%	10.62%	7.04%	5.63%	5.80%	8.86%
<b>Identity fraud Total</b>		<b>14.25%</b>	<b>12.75%</b>	<b>10.81%</b>	<b>7.79%</b>	<b>6.77%</b>	<b>7.00%</b>	<b>9.68%</b>

### **Identity Theft**

The identity theft clearance rate is the only one out of the three criminal offences that don't follow a continuous pattern of decline from 2017 to 2021. In fact, a decline is observed in 2018. The number of incidents cleared by charge didn't decrease going from

334 in 2017 to 340 in 2018. However, the police-reported incidents did increase in 2018 by 29.73% (1,406 in 2017 to 1,824 in 2018).

Similar to identity fraud, an increase to the clearance rate is noticeable in 2022. The difference between identity fraud is that the clearance rate is higher than in 2020, which is the lowest clearance rate recorded for the six census metropolitan areas over the reference period.

2019 is the year with the highest number of incidents cleared by charge for identity theft. A total of 527 incidents were cleared by charge. In relation to the incidents reported that same year, the clearance rate isn't the highest over the reference period. However, as previously indicated, the two aren't correlated. Notwithstanding 2019, identity theft still showcases a noticeable decrease in clearance rate from 2017 to 2022.

**Table 8:**

*Identity theft Clearance rate from 2017 to 2022 for the Census Metropolitan Areas Selected*

<b>Criminal Offence</b>	<b>CMA</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Grand Total</b>
<b>Identity theft</b>	Calgary	40.54%	42.25%	47.35%	35.50%	44.20%	42.86%	42.54%
	Edmonton	46.36%	46.73%	52.74%	36.14%	29.39%	37.34%	41.97%
	Montreal	6.56%	5.25%	9.18%	2.60%	3.00%	2.79%	4.25%
	Ottawa	4.17%	11.76%	1.59%	2.08%	0.00%	11.11%	3.81%
	Toronto	5.98%	15.00%	13.21%	14.48%	21.84%	15.82%	14.18%
	Vancouver	37.73%	20.22%	31.30%	16.38%	17.20%	12.20%	22.69%
<b>Identity theft Total</b>		<b>23.76%</b>	<b>18.64%</b>	<b>22.85%</b>	<b>10.30%</b>	<b>10.17%</b>	<b>11.68%</b>	<b>15.07%</b>

## **Hypothesis on clearance rate contributing factors**

Overall, a similar trend of decline was observed for the six census metropolitan areas selected and over the reference period. The total fraud police-reported incidents cleared by charge decreased by 44.72% from 2017 to 2022 (from 8,759 incidents cleared by charge to 4,842). Similarly, identity fraud decreased by 41.62% (from 1,235 incidents cleared by charge to 721). Identity theft decreased by 5.69% (from 334 incidents cleared by charge to 315). However, for this offence, the fluctuations for Ottawa and Toronto are drastic. From 2017 to 2022, increasing respectively by 200% (from 1 incident cleared by charge to 3) and 342.86% (from 7 incidents cleared by charge to 31). If these cases are deducted, the decrease in the clearance rate for identity theft is 13.80% (from 326 incidents cleared by charge to 281). However, as previously stated, the variation of the number of identity cases cleared by charged are not significant.

With the information openly available, the researcher couldn't determine a distinctive reason to explain the fluctuations of the clearance rate over the reference period for the census metropolitan areas selected and for each criminal offence. Aside from the Covid-19 pandemic which had significant consequences on police work and the criminal justice system. As such, it could be a contributing dimension to the fluctuations during that period. Nonetheless, rather than attempting to provide shallow explanations for each section, the research will try to hypothesize on certain factors that might contribute to the fluctuation of the clearance rate over the reference period.

- **The Crime Severity Index**

The Crime Severity Index (CSI), established by Statistics Canada, is a measuring tool used to track “changes in the severity of police-reported crime by accounting for both the amount of crime reported by police in a given jurisdiction and the relative seriousness of these crimes.”<sup>46</sup> A weight is assigned to each type of offence<sup>47</sup> accounting for two components: (1) the incarceration rate for that offence type defined as “the proportion of people convicted of the offence who are sentenced to time in prison.”<sup>48</sup> (2) “the average (mean) length of the prison sentence, in days, for the specific type of offence”.<sup>49</sup> The Crime Severity Index is separated into three indexes:

- An overall index including all Criminal Code and federal statute offences.
- A Violent Crime Index including all violent offences.
- A Non-Violent Crime Index including “everything that does not fall into the category of violent offences.”<sup>50</sup>

The three criminal offences focused on this research, fraud, identity fraud and identity theft, fall under the non-violent offences. Therefore, they have a direct impact on the Non-Violent Crime Index and the overall index. As stated by the *Police-reported crime statistics in Canada, 2020*, though fraud isn’t a severe crime in the Crime Severity index, it is “relatively high-volume crime, which contributed to making fraud, typically general fraud, an important driver of the CSI and Non-Violent CSI in several jurisdictions in Canada.”<sup>51</sup> However, if despite its continuous prevalent, if fraud is considered “non-

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<sup>46</sup> Statistics Canada. (2009). Measuring crime in Canada: Introducing the Crime Severity Index and improvements to the Uniform Crime Reporting Survey. Retrieved from <https://www.publicsafety.gc.ca/lbrr/archives/cnmcs-plcng/cn5373-eng.pdf> (page 9)

<sup>47</sup> Ibid., 46

<sup>48</sup> Ibid., 46

<sup>49</sup> Ibid., 46

<sup>50</sup> Ibid., 46 (page 11)

<sup>51</sup> Ibid., 30

violent” and “non-severe”, what are the resources that are put forward in order to resolve crimes of this nature? If the assumption is that fraud and fraud adjacent crime are put aside or aren’t prioritized, wouldn’t that be a contributing factor to the decline of the clearance rate? This research doesn’t explore the other side of the equation. A possibility that the decline in the clearance rate is also prevalent in violent crimes cases as the criminal justice system as a whole is faced with challenges. However, in that context, decision makers need to prioritize. The question is: what are the impacts of those decisions, if indeed there is an effort in prioritizing certain crimes over others, on the clearance rate of these offences?

- **Police Funding**

The researcher couldn’t find any tangible evidence to link Crime Severity Index to the evaluation of the police performance when it comes to their funding and resources in order to establish the impact, if any, of specifically the nonviolent crime index on the police resources. If violent offences have a higher consideration on the evaluation of police performance and thus their funding and resources, then it could in part determine the impact on the clearance rate. However, this hypothesis needs to be viewed in conjunction with other limitations and challenges experienced by police.

A longitudinal study of *Police Funding and Crime Rates in 20 of Canada’s Largest Municipalities*, led by a University of Toronto team, found no correlation between crime rates and the increase in police funding.<sup>52</sup>After adjusting for inflation, all

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<sup>52</sup> Seabrook, M. S., Luscombe, A., Balian, N., Lofters, A., Matheson, F. I., O’neill, B. G., ... Pinto, A. D. (2023). Police funding and crime rates in 20 of Canada’s largest municipalities: a longitudinal study. *Canadian Public Policy*, 49(4), 383–398. <https://doi.org/10.3138/cpp.2022-050>

municipalities had a net increase in their gross spending on police services from 2010 to 2021, except for Montreal, which had a decrease of 3 percent<sup>53</sup>. However, when comparing that with the net change in crime rates, the study found “no strong correlation between net change in police funding and net change in crime rates across all municipalities”<sup>54</sup>. With the above hypothesis, this could suggest that the Crime Severity Index has no impact on the police performance and thus no impact on their funding and resources.

- **Criminal Justice System Challenges**

As stated in the incidents cleared by charge section, clearance refers to laying of an information which is necessary in order to state that a case has been cleared by charge. However, the act of laying charges differs from one province to another province. In Ontario, only police officers can lay charges<sup>55</sup>. Whereas, in Quebec, the Crown prosecutor decides whether or not to lay charges after receiving the cases from the police<sup>56</sup>. A similar process is followed by British Columbia where a charge assessment needs to be followed by Crown prosecutors to decide whether or not to charge someone with a criminal offence.<sup>57</sup> Alberta has been in a transition phase. In

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<sup>53</sup> Ibid., 52

<sup>54</sup> Ibid., 52 (page 390)

<sup>55</sup> The attorney general. (n.d.). Retrieved from <https://www.ontario.ca/page/attorney-general>

<sup>56</sup> Analysis of the investigation report by a prosecutor and laying of charges. (n.d.). Retrieved from <https://www.quebec.ca/en/justice-and-civil-status/support-victims-crime/stages-criminal-court-process-and-participation-victim/analysis-investigation-report-by-prosecutor-and-laying-charges>

<sup>57</sup> Privacy, J. (2021, June 3). Laying charges—Province of British Columbia. Retrieved from <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/understanding-criminal-justice/how-works/laying-charges>



2023, the province introduced the requirement for Crown prosecutor to screen criminal charge prior to the charges being laid by the police<sup>58</sup>.

The nuances and the implications of the various processes of laying charges could be presumed to have an impact on the number of police-reported incidents cleared by charge. In most provinces, the decision can't only be made by the police. Therefore, challenges faced by Crown prosecutors will have a direct impact on the number of cases cleared by charge. A further analysis of these challenges will be discussed in the sections below.

## **Criminal Justice System**

As per Canada's constitution, the Parliament of Canada has the legislative power to make criminal laws (Constitution Act, 1867, ss. 91[27]). The administration of justice, within their own jurisdictions, falls within the responsibilities of the provinces and territories (Constitution Act, 1867, ss. 92[14]).

Most of the criminal offences are codified in the *Criminal Code* which "encompasses the majority of the criminal law in Canada, other federal criminal laws can be found in statutes such as the Firearms Act, the Controlled Drugs and Substances Act, and the Youth Criminal Justice Act"<sup>59</sup>.

When it comes to prosecuting criminal offences, the responsibility falls under the judicial branch which constitutes Canada's system of courts. More specifically,

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<sup>58</sup> Black, M. (2023, March 6). Alberta to have Crown prosecutors pre-screen criminal charges. Edmontonjournal. Retrieved from <https://edmontonjournal.com>

<sup>59</sup> What is the Criminal Code of Canada? | Criminal Code Help. (2023, February 25). Retrieved from <https://www.criminalcodehelp.ca/resources/what-is-the-criminal-code/>

provincial, and territorial courts who “make up most of the courts in Canada”<sup>60</sup> and “deal with most criminal offences, as well as civil and family law and other matters.”<sup>61</sup>

The criminal justice system responsibility is to “apprehends, prosecutes, defends, sentences, rehabilitates and reintegrates those who are accused or convicted of illegal activity.”<sup>62</sup> As such, different components are involved in the implementation, facilitation, enforcement, and application of policies and procedures in order to meet the mandate of the criminal justice system. The key decision makers this research will focus on are the police and the Crown prosecutor.

## **Police**

The police are responsible “to keep Canadians safe and to enforce the law”<sup>63</sup> through “crime prevention, investigation and emergency response.”<sup>64</sup> In Canada, most cities have their own police governed and managed by municipalities. This responsibility is delegated by the provinces whom, under the constitution, are responsible for public policing<sup>65</sup>.

## **Crown Counsel**

Crown counsel or prosecutors are lawyers employed as “federal prosecutors and private sector agents retained to act as federal prosecutors”<sup>66</sup> in order to carry-out the

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<sup>60</sup> The branches of government. (n.d.). Retrieved from <https://learn.parl.ca/understanding-comprendre/en/canada-system-of-government/the-branches-of-government/>

<sup>61</sup> Ibid., 53

<sup>62</sup> De L’auteur Du Contenu, F. N. O. T. C. a. / . N. E. F. (2023, April 13). Content page—Web Experience Toolkit. Retrieved from <https://www.justice.gc.ca/socjs-esjp/en/dash-tab/lm-sp>

<sup>63</sup> Police in Canada. (n.d.). Retrieved from <https://www.thecanadianencyclopedia.ca/en/article/police>

<sup>64</sup> Ibid., 56

<sup>65</sup> Ibid., 56

<sup>66</sup> Government of Canada, Department of Justice, Electronic Communications. (2023, September 12). 2.2 Duties and responsibilities of Crown Counsel—PPSC. Retrieved from <https://www.ppsc-sppc.gc.ca/eng/pub/fpsd-sfp/fps-sfp/tpd/p2/ch02.html>

delegated duties and responsibilities of the Director of Public Prosecutions. Pursuant to section 3(3) of the *Director of Public Prosecutions*, the Director of Public Prosecutions' responsibilities include, but not limited to, "initiate and conduct prosecution on behalf of the Crown"<sup>67</sup> and "advise law enforcement agencies or investigative bodies in respect of prosecutions generally or in respect of a particular investigation that may lead to a prosecution"<sup>68</sup>.

## **Challenges of the Criminal Justice System**

### **Court delays**

Even prior to the 2016 *R. v. Jordan* decision, Canada's criminal justice system has been facing challenges related to increases in criminal cases' processing time despite the decrease in crime rates. For reference, as per the information collected through the Integrated Criminal Court Survey (ICCS), the median elapsed time in days for adult criminal court cases went from 137 days (about 4.5 months) in 2017/2018 to 199 days (about 6.5 months) in 2021/2022<sup>69</sup>. In comparison, in 2005/2006, more than a decade ago, the median was 124 days (about 4 months). The median represents the time elapsed from first appearance to final decision<sup>70</sup>.

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<sup>67</sup> Legislative Services Branch. (2019, April 1). Consolidated federal laws of Canada, An Act respecting the office of the Director of Public Prosecutions. Retrieved from <https://laws-lois.justice.gc.ca/eng/acts/D-2.5/page-1.html#h-172512>

<sup>68</sup> *Ibid.*, 60

<sup>69</sup> Statistics Canada. Table 35-10-0029-01 Adult criminal courts, cases by median elapsed time in days

<sup>70</sup> Government of Canada, Statistics Canada. (2023e, November 7). Integrated Criminal Court Survey (ICCS). Retrieved from <https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=assembleDESurv&DECId=257725&RepClass=575&Id=1530440&DFId=257647>

According to the Standing Senate Committee on Legal and Constitutional Affairs' interim report, "the causes of delays in Canada are complex [...]. Some arise from inherent challenges in the nature of our adversarial criminal law system".<sup>71</sup> A few causes stated by the interim report are as follows:

- Lack of resources particularly judicial vacancies in provincial superior courts. "Courtrooms must be fully staffed, and a judge must preside over them, and the funding for this must come from budgets and resources that are already stretched thin."<sup>72</sup>A challenge faced by many courts across the country lacking resources in order to respond to the demand.<sup>73</sup>
- Various approaches for case management implemented by judges across the country. "Witnesses spoke about the need for judges to ensure that they are effectively controlling the proceedings in courtrooms through case management to ensure a timely resolution of the matters before them."<sup>74</sup>

Moreover, interestingly, a factor that was conveyed to the committee is the challenges faced during large and complex trials referred to as "mega-trials". This is relevant to financial crimes as these trials "most often pertain to organized crime, gang-related activity or terrorism." Financial crimes do increasingly involve very complex schemes that may or may not involve more than one person. To illustrate the complexity of these "mega-trials", a case example was illustrated in the interim

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<sup>71</sup> Senate Canada. (2016, August). DELAYING JUSTICE IS DENYING JUSTICE: An urgent need to address lengthy court delays in Canada. Retrieved from [https://sencanada.ca/content/sen/committee/421/lcjc/reports/courtdelaysstudyinterimreport\\_e.pdf](https://sencanada.ca/content/sen/committee/421/lcjc/reports/courtdelaysstudyinterimreport_e.pdf) (page 3)

<sup>72</sup> Ibid., 64 (page 8)

<sup>73</sup> Ibid., 64

<sup>74</sup> Ibid., 64 (page 6)

report by former Chief Justice Rolland. Speaking about operation SharQc, a large investigation about illegal acts carried out by the Hells Angels, he stated: “[I]n the SharQc case lawyers were filing preliminary motions and confirmed that, if it took two minutes to open each electronic wiretap file and a person was working on doing so 24 hours a day, seven days a week, it would take that person seven years and two days to consult all of the evidence, and that is not even taking into consideration the upcoming trial.”<sup>75</sup>

The case involving 156 persons charged, ended up with 100 pleading guilty, 5 ordered a stay of proceedings and 31 released due to unreasonable delays<sup>76</sup>.

- Contemporary challenges associated with the adaptation of crime to technological advancement and its impact on the case investigation and police work. A testimony by Chief Jean-Michel Blais of the Halifax Regional Police “suggested that the growing complexity of police work in dealing with the globalization of crime and the increasing use of sophisticated technologies to commit crime take up more police time and resources than in the past. He also added that there is a greater focus now than in the past on the conduct of police officers (and others) in carrying out investigations and gathering evidence.”<sup>77</sup>

Furthermore, the Senate interim report noted some witnesses’ concerns on the effects of the Charter and jurisprudence requirement on the obligations of police and Crown prosecutors. The duties of disclosure were the “concrete example”

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<sup>75</sup> Ibid., 64 (page 7)

<sup>76</sup> Ibid., 64

<sup>77</sup> Ibid., 64 (page 7)

provided to illustrate this. As set in *R. v. Stinchcombe*<sup>78</sup>, it is the obligation of the Crown to disclose all information to the defence. Also, as stated under the principles of disclosure section of the Public Prosecution of Canada (PPSC) Deskbook<sup>79</sup>, a guideline for federal prosecutors, “in all cases, whether a request has been received or not, Crown counsel should disclose any information, within their knowledge, tending to show that the accused may not have committed the offence charged.”<sup>80</sup>The concerns brought forward allude to the work needed in order to fulfill these obligations which, in consequence, can delay the time to get to trial. Notably the interim report asserted that “such delays are more likely to occur in cases where there is a great deal of electronic evidence resulting from such things as wiretaps and searches of computer databases.”<sup>81</sup>Electronic evidence is more prevalent, not only for financial crime, but really any serious crime because of the importance of technology in our lives.

The *Jordan* decision could either be perceived as a cause for perpetuating the problem or a catalyst for a change. A response that showcases the problem at its culmination where there is no choice but to address it.

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<sup>78</sup> *R. v. Stinchcombe*, 1991 CanLII 45 (SCC), [1991] SCR 3 326, <<https://canlii.ca/t/1fsgp>>, retrieved on 2024-05-29

<sup>79</sup> Government of Canada, Public Prosecution Service of Canada. (2014, September 2). PPSC—Public Prosecution Service of Canada Deskbook. Retrieved from <https://www.ppsc-sppc.gc.ca/eng/pub/fpsd-sfpg/index.html>

<sup>80</sup> Government of Canada, Department of Justice, Electronic Communications. (2015, July 23). 2.5 Principles of Disclosure—PPSC. Retrieved from [https://www.ppsc-sppc.gc.ca/eng/pub/fpsd-sfpg/fps-sfp/tpd/p2/ch05.html#section\\_2](https://www.ppsc-sppc.gc.ca/eng/pub/fpsd-sfpg/fps-sfp/tpd/p2/ch05.html#section_2)

<sup>81</sup> *Ibid.*, 64 (page 8)

## R. v. Jordan

Prior to exploring the impact of the new framework on the judicial system, the researcher judged that it is important to give a summary and a point of reference to the case from which this new framework has been established.

On July 8, 2016, the Supreme Court of Canada rendered a judgment in the case of R. v. Jordan. The appellant, Barret Richard Jordan (Mr. Jordan), was arrested in December 2008 and “charged with nine other co-accused on a 14-count information alleging various offences relating to possession and trafficking”<sup>82</sup>.

Mr. Jordan remained in custody for two months, until February 2009, before being released under “strict house arrest and other restrictive bail conditions.”<sup>83</sup> By the time of the preliminary inquiry, it was evident that the initial timeline, agreed upon by all counsel, wasn’t sufficient. By the end of the preliminary inquiry, which had taken a full year to complete, it has been two and a half years since Mr. Jordan has been charged<sup>84</sup>.

Following a committal, defined as “the fact of sending someone to a higher court for as trial or to be sentenced”<sup>85</sup>, a trial date was set in September 2012. However, a change in Crown counsel estimated a lesser timer to present the Crown case than the initial timeline. However, after asking Mr. Jordan’s lawyer for a possibility to agree on an earlier trial date, no response was received. Mr. Jordan was still out of jail on bail conditions for four years by now. In July 2011, “Mr. Jordan was convicted of prior drug

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<sup>82</sup> R. v. Jordan—SCC Cases. (n.d.). Retrieved from <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/16057/index.do>

<sup>83</sup> Ibid., 82

<sup>84</sup> Ibid., 82

<sup>85</sup> committal. (2024). Retrieved from <https://dictionary.cambridge.org/dictionary/english/committal>

charges and was sentenced to a 15-month conditional sentence order ('CSO'), which he served until October 2012."<sup>86</sup>

The trial, which started in September 2012, was concluded in February 2013 with Mr. Jordan being convicted on five drug-related offences. At the beginning of the trial, "Mr. Jordan brought an application for a stay of proceedings alleging a breach of his s. 11(b) right to be tried within a reasonable time. This application was dismissed."<sup>87</sup>

It took a total of 49.5 months, a little over 4 years, from the date of the charges until the conclusion of the trial.

The case went to the *British Columbia Supreme Court* which concluded that "Mr. Jordan's s. 11(b) right had not been infringed, due primarily to the fact that Mr. Jordan did not suffer significant prejudice."<sup>88</sup> Mr. Jordan appealed to the *British Columbia Court of Appeal* which dismissed his appeal.

The Supreme Court of Canada states that the *Morin* framework, set out in *R. v. Morin*, "has given rise to both doctrinal and practical problems, contributing to a culture of delay and complacency towards it."<sup>89</sup> Furthermore, it states that the framework "suffers from a number of related doctrinal shortcomings".<sup>90</sup> Therefore, the Supreme Court of Canada in *R. v. Jordan* proposed a new framework for the application of Section 11(b)—trial within a reasonable time. The framework establishes a presumptive ceiling and is summarized as follows:

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<sup>86</sup> *Ibid.*, 82

<sup>87</sup> *Ibid.*, 82

<sup>88</sup> *Ibid.*, 82 (section 17)

<sup>89</sup> *Ibid.*, 82 (section 29)

<sup>90</sup> *Ibid.*, 82 (section 31)



“[46] At the heart of the new framework is a ceiling beyond which delay is presumptively unreasonable. The presumptive ceiling is set at 18 months for cases going to trial in the provincial court, and at 30 months for cases going to trial in the superior court (or cases going to trial in the provincial court after a preliminary inquiry).

[47] If the total delay from the charge to the actual or anticipated end of trial (minus defence delay) *exceeds* the ceiling, then the delay is presumptively unreasonable. To rebut this presumption, the Crown must establish the presence of exceptional circumstances. If it cannot, the delay is unreasonable and a stay will follow.

[48] If the total delay from the charge to the actual or anticipated end of trial (minus defence delay or a period of delay attributable to exceptional circumstances) falls *below* the presumptive ceiling, then the onus is on the defence to show that the delay is unreasonable. To do so, the defence must establish that (1) it took meaningful steps that demonstrate a sustained effort to expedite the proceedings, *and* (2) the case took markedly longer than it reasonably should have. We expect stays beneath the ceiling to be rare, and limited to clear cases.”<sup>91</sup>

Following this brief summary of the case *R. v. Jordan* and the new framework, what has been the impact on the judicial system in order to respect the new presumptive ceiling?

One of the positive impacts of this decision is the willingness to make changes to the criminal justice system. According to an article, published in *Center for Constitutional Studies*, “Likely the largest impact of the Jordan decision is that it has forced governments across Canada to turn their attention to combatting trial delays.”<sup>92</sup> Many provinces and the federal government have identified more funding in order to increase the number of judges, Crown counsels, legal aid, and support staff.

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<sup>91</sup> *Ibid.*, 82

<sup>92</sup> One Year Post-Jordan: Was it really a game changer? —Centre for Constitutional Studies. (n.d.). Retrieved from <https://www.constitutionalstudies.ca/2017/07/one-year-post-jordan-was-it-really-a-game-changer/>

Nonetheless, the decision resulted in an increase of stay proceedings' applications. A stay of proceedings is defined as a stop to the court proceedings. "There are two different types of stays. A stay can be entered by the Crown under s. 579. This type of stay is discretionary and can be reversed at the discretion of the Crown. The second type of stay is one that is ordered by the judge either on application of the accused or in limited circumstances at the judge's own initiative."<sup>93</sup> Per a CBC article published about one year after the ruling of the Supreme Court of Canada, there have been about 1,766 applications for stays across the country from April 30 to June 30 of 2017<sup>94</sup>. Of which, "204 have been granted and 333 have been dismissed. The remainder is either still before the courts, has been abandoned by the defence or were resolved on other grounds."<sup>95</sup>

### *Statistical Data*

By way of data available by *Statistics Canada*, the researcher is able to analyze the number of cases stayed and the number of cases exceeding the Jordan limit. The Integrated Criminal Court Survey (ICCS) collects various statistical data about the court system in Canada. The survey's objective is to "to develop and maintain a national database of statistical information on appearances, charges, and cases in youth courts and adult criminal courts."<sup>96</sup> To note that the survey excludes the appeal court, federal court, and the Supreme Court of Canada.<sup>97</sup> Specifically, the researcher relied on Statistics Canada *Table 35-10-0173-01 Key indicator results and absolute change for annual data*,

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<sup>93</sup> Stay of Proceedings—Criminal Law notebook. (n.d.). Retrieved from [https://criminalnotebook.ca/index.php/Stay\\_of\\_Proceedings](https://criminalnotebook.ca/index.php/Stay_of_Proceedings)

<sup>94</sup> "Failing everyone": 204 cases tossed over delays since Supreme Court's Jordan decision. (2017, July 6). CBC. Retrieved from <https://www.cbc.ca>

<sup>95</sup> *Ibid.*, 94

<sup>96</sup> Government of Canada, Statistics Canada. (2023c, November 7). Integrated Criminal Court Survey (ICCS). Retrieved from <https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&SDDS=3312>

<sup>97</sup> *Ibid.*, 96

*adult criminal court and youth court* which showcases data from the ICCS survey. The reference period is per the government's fiscal year from April 1 to March 31.

### ***Analysis: Caseload and the Jordan limit***

Out of the financial criminal code violations, the survey only collected data on fraud. The researcher hasn't been able to identify if fraud offence was inclusive of any other offence related to fraud such as identity fraud. For the purpose of this analysis, the assumption is that fraud refers to fraud as per the Criminal Code. As stated by the variables of the survey, the offence, "refers to violations committed against the Criminal Code or other federal statutes."<sup>98</sup> Furthermore, the data is provided by the province rather than by city and/or census metropolitan area. The focus will be on the provinces where the six-census metropolitan selected are located: Alberta, British Columbia, Ontario, and Quebec.

Overall, the percentage of cases exceeding the Jordan limit has been more or less the same at about a median of 9.13% for the total number of fraud cases from April 2017 to March 2022. Over this period, the total number of fraud cases processed by the courts for the four provinces was 40,845 of which 3,806 were exceeding the Jordan limit. Interestingly, even though the total number of fraud cases processed by the courts is decreasing, the number of cases exceeding the Jordan limit is increasing which is noticeable for all the four provinces. The increase is noticeable as of 2020/2021, a period which corresponds with the start of the Covid-19 pandemic. If not the only, this could be

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<sup>98</sup> Government of Canada, Statistics Canada. (2023d, November 7). Integrated Criminal Court Survey (ICCS). Retrieved from <https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=assembleDESURV&DECID=413932&RepClass=586&Id=1530440&DFID=257647>

a major impact by itself. The criminal justice system had to adapt in order to continue operating while respecting the restrictions upheld for physical distancing. With that came a lot of challenges as the system was mainly reliant on paperwork and in-person appearances. According to a CBC article<sup>99</sup>, as a consequence of social distancing, “courts across the country have reduced their services to hearings on urgent and emergency matters.”<sup>100</sup> Furthermore, in the same article, lawyers expressed worries in regard to the backlog specifically for the criminal court.

**Table 9:**

*Number of Fraud Cases exceeding the Jordan Limit per Selected Province from April 2017 to March 2022—Adult Criminal Courts*

<b>Measures</b>	<b>Province</b>	<b>2017/ 2018</b>	<b>2018/ 2019</b>	<b>2019/ 2020</b>	<b>2020/ 2021</b>	<b>2021/ 2022</b>	<b>Grand Total</b>
<b>Total number of fraud cases</b>	Alberta	2,379	2,139	2,214	1,855	1,205	9,792
	British Columbia	1,156	1,003	910	639	505	4,213
	Ontario	4,964	4,205	4,668	2,736	3,160	19,733
	Quebec	2,243	1,894	1,877	1,093	- <sup>3</sup>	7,107
	<b>Total</b>	<b>10,742</b>	<b>9,241</b>	<b>9,669</b>	<b>6,323</b>	<b>4,870</b>	<b>40,845</b>
<b>Number of Cases Exceeding the Jodan Limit 1</b>	Alberta	136	79	82	219	114	630
	British Columbia	29	26	33	37	36	161
	Ontario	293	303	299	369	641	1,905
	Quebec	523	252	156	179	- <sup>3</sup>	1,110
	<b>Total</b>	<b>981</b>	<b>660</b>	<b>570</b>	<b>804</b>	<b>791</b>	<b>3,806</b>
<b>Percentage of total cases exceeding</b>	Alberta	5,70 %	3,70 %	3,70 %	11,80 %	9,50 %	34,40 %
	British Columbia	2.50%	2.60%	3.60%	5.80%	7.10%	21.60%
	Ontario	5.90%	7.20%	6.40%	13.50%	20.30%	53.30%

<sup>99</sup> Stefanovich, O. (2020, March 31). Courts scramble to modernize to keep the system working in a pandemic. CBC. Retrieved from <https://www.cbc.ca>

<sup>100</sup> Ibid., 99

<b>the Jordan limit— Fraud</b>	Quebec	23.30 %	13.30%	8.30%	16.40%	0.00% <sup>3</sup>	61.30%
<b>Total Percentage of total cases exceeding the Jordan limit<sup>2</sup></b>		<b>9.13%</b>	<b>7.14%</b>	<b>5.90%</b>	<b>12.72%</b>	<b>16.24%</b>	<b>9.32%</b>

<sup>1</sup>. Calculated by multiplying the percentage of total cases exceeding the Jordan limit provided by the ICCS Survey per province and the total number of cases. Numbers were rounded.

<sup>2</sup>. Calculated by dividing the number of cases exceeding the Jordan limit calculated over the total number of cases.

<sup>3</sup>. No information was provided to why no data was available for Quebec in 2021/2022.

The above percentages start within a period of less than a year since the Jordan decision. Therefore, aside from the cases that were already in the system and Covid-19 delays, the presumption is that these percentages are mainly representative of the new cases that need to respect the presumptive ceiling set out in the Jordan decision.

However, what about the trend of surpassing those limits prior to the Jordan decision?

*Juristat* article titled *Measuring Efficiency in the Canadian Adult Criminal Court System: Criminal Court Workload and Case Processing Indicators* conducted an analysis of caseloads across a decade from 2008/2009 to 2017/2018. It labelled the cases that could potentially exceed the Jordan limit as “at-risk cases”. In its findings, starting in 2011/2012, it showcased a steady increase of at-risk cases reaching a peak of 9.5% in 2014/2015. “In 2017/2018, the proportion of cases potentially at risk of exceeding the Jordan limits was at the lowest (6.4%) it had been since increases began in 2011/2012.”<sup>101</sup>

<sup>101</sup> Government of Canada, Statistics Canada. (2020, March 5). Measuring efficiency in the Canadian adult criminal court system: Criminal court workload and case processing indicators. Retrieved from <https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00004-eng.htm>

The article reviewed the types of offences most predisposed to exceed the Jordan limit. The analysis was limited to offences that often remain in provincial court as the database was unable to transfer from provincial to superior court in certain jurisdictions. Most interestingly, it found that along with impaired driving, cases of fraud were most likely to surpass the presumptive ceiling set out in the Jordan limit. More specifically, “in 2017/2018, cases with an offence of impaired driving (9.1%) or fraud (9.1%) had the highest proportion of cases surpassing the limits set out by the *Jordan* decision, followed by those with other drug offences (8.7%)”<sup>102</sup>. Furthermore, “applying the *Jordan* limits historically, impaired driving and fraud cases would have also had the highest proportion of cases exceeding the presumptive ceiling in 2008/2009.”<sup>103</sup> Thereby, notwithstanding the impact of the pandemic, fraud cases had already the tendency to exceed the Jordan limits compare to other offences.

Likewise, the trend of cases less likely to exceed the Jordan limits stayed similar over the past decade, from 2008/2009 to 2017/2018, according to the same article. Specifically, it states that “crimes against the person cases tended to be less likely to surpass the limits defined by the Jordan decision”. In reviewing the same for the period after the Jordan decision, the percentage of cases exceeding the Jordan limit was higher for crimes against the person in comparison to crimes against the person when looking specifically into the four selected provinces.

**Table 10:**

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<sup>102</sup> Ibid., 101

<sup>103</sup> Ibid., 101

*Number of Crimes against property and Crimes against the person Cases exceeding the Jordan Limit for Selected Province from April 2017 to March 2022—Adult Criminal Courts*

Measures	Offences	2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021	2021/ 2022	Grand Total
<b>Crimes against property<sup>4</sup></b>							
<b>Total Number of Cases</b>		68,512	60,005	63,137	42,951	36,478	<b>271,083</b>
<b>Total Number of Cases Exceeding the Jodan Limit<sup>1</sup></b>		3,126	1,970	1,885	3,001	3,693	<b>13,675</b>
<b>Total Percentage of total cases exceeding the Jordan limit<sup>2</sup></b>		<b>4.56%</b>	<b>3.28%</b>	<b>2.99%</b>	<b>6.99%</b>	<b>10.12%</b>	<b>5.04%</b>
<b>Crimes against the person<sup>5</sup></b>							
<b>Total Number of Cases</b>		69,454	63,536	67,308	53,357	52,033	<b>305,688</b>
<b>Total Number of Cases Exceeding the Jodan Limit<sup>1</sup></b>		4,093	2,905	2,929	4,597	6,943	<b>21,467</b>
<b>Total Percentage of total cases exceeding the Jordan limit<sup>2</sup></b>		<b>5.89%</b>	<b>4.57%</b>	<b>4.35%</b>	<b>8.62%</b>	<b>13.34%</b>	<b>7.02%</b>

<sup>1</sup> by multiplying the percentage of total cases exceeding the Jordan limit provided by the ICCS Survey per province and the total number of cases. Numbers were rounded.

<sup>2</sup> by dividing the number of cases exceeding the Jordan limit calculated over the total number of cases.

<sup>3</sup> No data was available for Quebec in 2021/2022.

<sup>4</sup> Crimes against property include theft, motor vehicle theft, break and enter, fraud, mischief, possess stolen property, other property crimes.

<sup>5</sup> Crimes against the person include homicide, attempted murder, robbery, sexual assault, offences in relation to sexual services, other sexual offences, major assault, common assault, uttering threats, criminal harassment, other crimes against persons.

The researcher questioned if these tendencies were similar for Canada or were only specific to the selected provinces. To note that the analysis of the *Juristat* article was based on the whole country and wasn't limited to specific provinces and/or territories. To

examine that, the researcher used the same database to determine the percentage of cases exceeding the Jordan limit in Canada over the reference period for crimes against property, crimes against the person and fraud.

As showcased below, the trend in Canada is consistent with the four selected provinces. Fraud remains the offence with the highest percentage of cases exceeding the Jordan limit, followed by crimes against property and crimes against the person.

**Table 11:**

*Number of Crimes against property, Crimes against the person, and Fraud Cases exceeding the Jordan Limit in Canada from April 2017 to March 2022—Adult Criminal Courts*

<b>Measures</b>	<b>Offences</b>	<b>2017/ 2018</b>	<b>2018/ 2019</b>	<b>2019/ 2020</b>	<b>2020/ 2021</b>	<b>2021/ 20,22<sup>3</sup></b>	<b>Grand Total</b>
<b>Crimes against property<sup>4</sup></b>							
<b>Total Number of Cases</b>		82,530	73,684	76,405	52,105	45,979	<b>330,703</b>
<b>Total Number of Cases Exceeding the Jodan Limit<sup>1</sup></b>		3,714	2,579	2,369	3,647	4,690	<b>16,999</b>



<b>Total Percentage of total cases exceeding the Jordan limit<sup>2</sup></b>	<b>4.50%</b>	<b>3.50%</b>	<b>3.10%</b>	<b>7.00%</b>	<b>10.20%</b>	<b>5.14%</b>
<b>Crimes against the person<sup>5</sup></b>						
<b>Total Number of Cases</b>	89,188	82,809	85,767	68,037	68,961	<b>394,762</b>
<b>Total Number of Cases Exceeding the Jodan Limit<sup>1</sup></b>	4,816	3,644	3,688	5,579	8,758	<b>26,485</b>
<b>Total Percentage of total cases exceeding the Jordan limit<sup>2</sup></b>	<b>5.40%</b>	<b>4.40%</b>	<b>4.30%</b>	<b>8.20%</b>	<b>12.70%</b>	<b>6.71%</b>
<b>Fraud</b>						
<b>Total Number of Cases</b>	12,598	11,006	11,476	7,580	6,019	<b>48,679</b>
<b>Total Number of Cases Exceeding the Jodan Limit<sup>1</sup></b>	1,109	792	689	932	963	<b>4,485</b>
<b>Total Percentage of total cases exceeding the Jordan limit<sup>2</sup></b>	<b>8.80%</b>	<b>7.20%</b>	<b>6.00%</b>	<b>12.30%</b>	<b>16.00%</b>	<b>9.21%</b>

<sup>1</sup> by multiplying the percentage of total cases exceeding the Jordan limit provided by the ICCS Survey per province and the total number of cases. Numbers were rounded.

<sup>2</sup> by dividing the number of cases exceeding the Jordan limit calculated over the total number of cases.

<sup>3</sup> No data was available for Quebec in 2021/2022.

<sup>4</sup> Crimes against property include theft, motor vehicle theft, break and enter, fraud, mischief, possess stolen property, other property crimes.

<sup>5</sup> Crimes against the person include homicide, attempted murder, robbery, sexual assault, offences in relation to sexual services, other sexual offences, major assault, common assault, uttering threats, criminal harassment, other crimes against persons.

The burden falls upon the Crown counsel to provide “exceptional circumstances” in the event a case exceeds the presumptive ceiling. As well articulated by the *Juristat* article, “exceptional circumstances are those that are reasonably unforeseen or reasonably unavoidable, and cannot reasonably be remedied once they arise—For example, a

catastrophic fire in the court house of a small community would be reasonably unforeseeable and not reasonably remedied.”<sup>104</sup> In the eventuality the Crown counsel cannot provide an exceptional circumstance to justify the delays, beyond the presumptive ceiling, a stay will follow. As previously explained, a stay of proceedings means that the trial is terminated.

The dataset from *Statistics Canada* provides information on the percentage of cases that upon exceeding the Jordan limit were withdrawn and/or stayed. Overall, for the four selected provinces, the percentage remained consistent over the reference period with an observable increase in 2020/2021. However, unlike the percentage of fraud cases exceeding the Jordan limit that more than doubled from 2019/2020 to 2020/2021 (an increase of 115.59% going from 5.9% to 12.72%), the percentage of fraud cases stayed and/or withdrawn for not respecting the Jordan limit only increased by 32% in the same period (going from 37.42% to 49.53%).

**Table 12:**

*Number of Fraud Cases exceeding the Jordan Limit in Canada Stayed of Withdrawn from April 2017 to March 2022—Adult Criminal Courts*

Measures	Offences	2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021	2021/ 20,22 <sup>3</sup>	Grand Total
<b>Fraud</b>							
<b>Total Number of Cases</b>		10,742.00	9,241.00	9,669.00	6,323.00	4,870.00	<b>40,845.00</b>
<b>Total Number of Cases Exceeding the Jodan</b>		4,409.00	3,490.00	3,618.00	3,132.00	2,285.00	<b>16,934.00</b>

<sup>104</sup> Government of Canada, Statistics Canada. (2020, March 5). Measuring efficiency in the Canadian adult criminal court system: Criminal court workload and case processing indicators. Retrieved from <https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00004-eng.htm>

<b>Limit Stayed or Withdrawn<sup>1</sup></b>						
<b>Total Percentage of total cases exceeding the Jordan limit stayed or withdrawn<sup>2</sup></b>	41.04%	37.77%	37.42%	49.53%	46.92%	<b>41.46%</b>

<sup>1</sup> by multiplying the percentage of total cases exceeding the Jordan limit stayed or withdrawn provided by the ICCS Survey per province and the total number of cases. Numbers were rounded.

<sup>2</sup> by dividing the number of cases exceeding the Jordan limit stayed or withdrawn calculated over the total number of cases.

<sup>3</sup> No data was available for Quebec in 2021/2022.

## 5. Conclusion

The focus of this research was to gain an understanding of the everyday financial crimes faced by Canadians, the extend of which these cases are being reported to the police and cleared by charged. The main objective wasn't to establish a definite correlation between the two, but rather explore the relationship and highlight any insights.

In this report, the researcher established a rise in financial crimes reported to police while the clearance cases of these criminal offences declined over the reference period and for the selected census metropolitan areas.

Relying on accessible statistical data, the researcher established the main criminal offences of financial nature commonly reported to the police, which are fraud, identity fraud and identity theft. Six census metropolitan areas representing about 47.38% of the Canadian population as per 2021 census were selected for this research. Over the reference period, from 2017 to 2022, fraud has been the most police-reported incident, followed by identity fraud and identity theft. However, despite the low number of incidents reported, identity theft had the highest overall clearance rate, followed by fraud and identity theft.

Differences between the six census metropolitan areas have been noticed. However, overall, the trend remained the same across the six metropolitan areas for the reference period. The common point was an observable fluctuation in 2020 for police-reported incidents aside from identity theft which increased. However, there are variations between the six metropolitan areas where some have experienced an

increase from 2019 to 2020 rather than a decrease. In comparison, for police-reported incidents cleared by charge, a noticeable decrease from 2019 to 2020 is continuous across the six metropolitan areas, especially for fraud and identity fraud.

The researcher explored various hypotheses that might contribute to the fluctuations of the clearance rate from the crime severity index where fraud is considered nonviolent to the potential impact on police funding of clearance rate of violent crime vis-à-vis nonviolent crime rates as well as the limitation of laying charges that could influence the clearance rate as the process of laying information is more reliant on Crown prosecutors who face caseload challenges.

In order to gain a comprehensive portrait of the “everyday” financial crimes Canadians are victims of, it is important to examine the complete criminal justice police from the crime being reported to the police, investigated, charged, and prosecuted. Therefore, it was important to include in this research the challenges faced by the Canadian criminal justice system. The discussion on this subject wasn’t specific to financial crimes, but rather explored the challenges, broadly, faced by the system.

The major challenges discussed were court delays, caseloads, and the Jordan limit. The reference period covered by this research is just about a year since the Jordan decision setting new presumptive ceiling for cases going to trial. The research has only been able to examine the impact of the Jordan limit on fraud cases for selected provinces. Though, there has been an increase of the cases exceeding the

Jordan limit over the reference period, another review<sup>105</sup> established that fraud was already at risk of exceeding the Jordan limit for a decade prior to the decision, The Jordan decision had an impact on the police-reported incidents.

To further expand on this research, it would be interesting to examine further challenges of the Canadian criminal justice system, explore the comparison between police-reported incidents and police-reported incidents cleared by charge of violent and other non-violent crimes in order to identify if financial crimes differ or if the same tendencies are observed for all crimes. As well as conduct interviews with stakeholders and experts in the subject matter including, but not limited to, Crown prosecutors and polices officers.

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<sup>105</sup> Ibid., 101

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