

Quebec and British Columbia signed by December of that year, the four Atlantic provinces, Ontario, Manitoba and Alberta signed in 1973, and Saskatchewan in 1974.

The cost-sharing formula specified in the criminal legal aid agreement has traditionally set a maximum limit to the federal contribution.

The formula set out in the federal-provincial agreements and applied to each plan's net cost-shareable expenditures, determines federal contributions to criminal legal aid. Net cost-shared expenditure is the cost incurred by each legal aid plan on matters specified under the federal-provincial cost-sharing agreement for criminal legal aid. It covers both legal service costs and associated administrative expenses, less all contributions and recoveries received from clients. Administrative expenses have been claimable since 1976-77.

The federal and provincial government agreement is subject to a number of conditions including eligibility of persons charged with offences, choice of lawyers, appeals to higher courts by the Crown, and fee schedules.

In past years, one criminal legal aid agreement was in place, but since 1984-85, two have been administered — one for adults and one for young people.

Civil coverage of legal aid matters was initiated in July 1980 with federal amendments to the Canada Assistance Plan Act, 1966-67. Under the auspices of Health and Welfare Canada, the federal and provincial governments agreed to cost share civil legal aid on a 50/50 basis. These agreements allow for retroactive payments of civil legal aid expenditure, subject to provincial social assistance legislation.

Cost sharing with the territories extends to both criminal and civil matters. Agreements were signed with Northwest Territories in 1971 and 1979 and with Yukon in 1977. With the territories, the formula calls for a 50% federal contribution, with specified maximums.

Duty counsel. Most jurisdictions have a duty counsel system to advise detained persons and persons appearing in court without counsel, to guide them in obtaining legal services, and to provide on-the-spot representation if needed.

Duty counsel is provided through private practice lawyers in New Brunswick, Alberta and the two territories, which have *judicare* type legal aid. It is furnished mainly by staff lawyers in Quebec, but by both private practice and staff lawyers in all other provinces with duty counsel service: Newfoundland, Ontario, Manitoba and British Columbia. Ontario is different in that duty

counsel service is provided by staff lawyers in Toronto but by private practice lawyers elsewhere.

Lawyers who provide duty counsel services may be located in magistrate's (provincial), family and juvenile courts. In Yukon and Northwest Territories, duty counsel lawyers travel with the court.

Nova Scotia, Prince Edward Island and Saskatchewan do not have formal duty counsel systems, but lawyers working for the legal aid plans advise or represent accused persons if necessary.

Legal aid services. Legal aid services may consist of providing legal advice, representing clients in court proceedings, representing clients in administrative matters, drawing up legal documents, and negotiating settlements. The extent of these services, especially in civil matters, differs by jurisdiction.

20.4 Law enforcement

20.4.1 Crime

Over the six-year period 1982-87, the number of total offences increased 4.1% from 2,838,840 to 2,955,510.

Criminal Code offences, accounting for about three-quarters of all offences, grew by 7.3% between 1982 and 1987. They can be broken down into three categories: crimes of violence, property crimes and other criminal code offences. According to 1987 data, property crimes were about seven times as numerous as crimes of violence. Between 1982 and 1987 property crimes increased 0.1% and crimes of violence 30.1%.

Federal statute offences, which accounted for about 3.5% of total offences, declined by 9.6% between 1982 and 1987. Federal statute drug offences declined by 4.6% during the same time period. For additional information see Table 20.1.

Criminal Code traffic statistics. In 1987, impaired driving offences, which include driving while impaired and failing or refusing to provide a breath sample, accounted for 61% of the 241,524 Criminal Code traffic offences, while failing to stop or remain at the scene of an accident offences comprised an additional 32%. The remaining 6% were for dangerous operation of a motor vehicle, boat, vessel or aircraft and driving while prohibited offences. Over the two-year period 1986-87, the number of Criminal Code traffic offences increased by 1%. For additional information see Table 20.2.

20.4.2 Homicide

Homicide is a term used to designate the three Criminal Code offences of murder (prior to July