

Criminal Justice Records at the Archives of Ontario

233 Research Guide

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1. Introduction

The Archives of Ontario holds a continuum of criminal justice records created from the time the police undertake an investigation into a criminal act, to the court trial and sentencing, to the resulting incarceration, probation, or parole.

This Guide should be used with our online Archives Descriptive Database (links throughout the Guide lead to descriptions of the records). [Click here to access the database through our Website](#), or, [click here to access the Archives Descriptive Database](#). Click on “Access Our Collection” then “Archives Descriptive Database”. Choose the “Advanced Search” option then the “Search Groups of Archival Records” icon to access descriptions of the series listed in this Guide.

ACCESS RESTRICTIONS: Please be aware that *most of the records in this guide, either in whole or part, are subject to access restrictions for 100 years after their creation.* Access to the records can only be granted by the Archives’ Information and Privacy Unit. For information on how to make an access application, please consult with a member of our Reference staff.

This Guide predominantly deals with the criminal records of adult offenders only. Young Offender files are restricted by federal legislation and only the offenders themselves or law enforcement agencies can request access. Please consult with our Reference staff for more information.

Please note that the most recent records are still held by either the Ministry of the Attorney General, the courts, or the Ministry of Community Safety and Correctional Services and their related agencies (OPP, Centre for Forensic Science, Office of the Fire Marshal, Ontario Parole Board). [Click here to consult the Archives Descriptive Database for the years of our current holdings](#). For further information, [please click here to contact the Ministry of the Attorney General and the courts](#), or, [click here to contact the Ministry of Community Safety and Correctional Services](#).

2. Investigation records

The Archives of Ontario holds records of investigations and inquests conducted by the Ontario Provincial Police (OPP), local coroners, the Centre for Forensic Sciences, and the Fire Marshall's Office. Please note that *the Archives does not hold the records of any municipal, regional, or national police (i.e., RCMP) services*.

Ontario Provincial Police investigation records: As the official repository for the OPP, the Archives holds administrative and operational records dating from its founding in 1909. The Archives also holds the following investigation series.

Series Title	Date Range	Reference Code
Criminal investigation records and reports	1901-1921	click here to access the description for RG 23-26
Major criminal investigation case files (solved cases)	1922-1969	click here to access the description for RG 23-29
Special Investigations Branch crime reports	1936-1984	click here to access the description for RG 23-49
Criminal investigations reports and files	1922-1970	click here to access the description for RG 23-50
Major occurrence reports	1969-1983	click here to access the description for RG 23-51

Coroners' records: Before the creation of the Chief Coroner's Office in 1963, local coroner's records were maintained by the Clerk of the Peace/Crown Attorney in each district and county. While the Archives has acquired the surviving records for most counties and districts, the remainder were destroyed before the introduction of a comprehensive records management program by the Ontario Government. The series below contain investigations (informal) and inquests (formal) held in cases of suspicious or unexplained deaths (i.e., if the cause of death was known, only a death certificate was issued). The Archives also holds *Major accident inquest files* ([click here to access the description for RG 33-26, 1949-1980](#)).

Series Title	Date Range	Reference Code
Algoma District	1959-1964	click here to access the description for RG 22-1095

Series Title	Date Range	Reference Code
Brant County	1931	click here to access the description for RG 22-1195
Bruce County	1959-1962	click here to access the description for RG 22-1291
Carleton County	1945-1946	click here to access the description for RG 22-1395
Regional Municipality of Durham	1971-1974	click here to access the description for RG 22-1697
Elgin County	1928-1963	click here to access the description for RG 22-423
Essex County	1845-1855	click here to access the description for RG 22-1895
Lambton County	1912-1965 (Inquests) 1946-1959 (Investigations)	click here to access the description for RG 22-2795 and click here to access the description for RG 22-2796
Leeds & Grenville	1854-1893, 1947-1962	click here to access the description for RG 22-2995
Lennox & Addington	1919-1951	click here to access the description for RG 22-3095
Lincoln County	1834-1917, 1938-1951	click here to access the description for RG 22-3195
Middlesex County	1841-1893 (civil inquests) 1861-1886 (fire inquests)	click here to access the description for RG 22-3395 and click here to access the description for RG 22-3396
Newcastle District	1821-1848	click here to access the description for RG 22-3788
Norfolk County	1912-1965	click here to access the description for RG 22-3695

Series Title	Date Range	Reference Code
Northumberland & Durham	1931-1932	click here to access the description for RG 22-3795
Ontario County	1896-1935	click here to access the description for RG 22-3895
Oxford County	1957-1965	click here to access the description for RG 22-3995
Perth County	1857-1933	click here to access the description for RG 22-4295
Peterborough	1859, 1877, 1903-1908, 1912-1913	click here to access the description for RG 22-4395
Prescott & Russell	1928-1962	click here to access the description for RG 22-4495
Stormont, Dundas & Glengarry	1870-1889, 1893-1896	click here to access the description for RG 22-4979
Thunder Bay District	1940-1963	click here to access the description for RG 22-5295
Timiskaming District	1947-1962	click here to access the description for RG 22-5195
Western District	1835-1836, 1852, 1856 (inquests) 1847-1858 (returns)	click here to access the description for RG 22-1826 and click here to access the description for RG 22-1896
York County Coroners' investigations & inquests	1877-1907	click here to access the description for RG 22-5895
York County Coroners' register	1848-1955	click here to access the description for RG 22-5896

Centre for Forensic Sciences case files ([click here to access the description for RG 33-28, 1931-1961](#)): Originally known as the Medico-Legal Laboratory, this office provides forensic services to police forces across Ontario. The files usually contain a police report describing the crime scene and the evidence found, the notes taken by Laboratory staff while examining the submitted samples, and the Laboratory's report to the police. As Forensic Sciences case files are now retained for 50 years, the Archives is not scheduled to receive its next transfer until 2019.

Office of the Fire Marshall investigation case files ([click here to access the description for RG 33-30, 1929-1988](#)): Only the investigations into fires resulting in death, explosions, and major damage are acquired by the Archives. These files usually contain a preliminary investigation report, witness statements, correspondence between the police departments, fire departments, lawyers and insurance adjusters, schematic site drawings and plans, and a final report summarising the findings.

3. Prosecution and indictment records

As the repository for all Ontario Crown Attorney records, the Archives has a near complete run of Superior Court indictment case files for the years 1858 to 1864 and 1891 to 1929, and partial runs of County Court and High Court of Justice prosecution and indictment files for most counties during the years 1900 to 1985.

Most of the prosecutorial records that have survived are for indictable (very serious) criminal offences. Few summary (minor) case files have been acquired. Also, due to the duration of solicitor-client privilege, the Archives does not collect defence counsel records.

The series of greatest interest include:

Supreme Court Central Office Criminal Assize Clerk criminal indictment case files ([click here to access the description for RG 22-392, 1853-1929](#)): This series contains case files created by Ontario's Crown Attorneys while prosecuting indictable offences such as rape, arson, theft and fraud before the Supreme Court of Ontario (High Court of Justice) or its predecessors. Containing a wide range of documentation, they have been catalogued in the Archives Descriptive Database ([click here to select the "File/Items advanced search" option](#)) by name of the accused, by county or district, and by the charge. Unlike the prosecution case files received directly from the Crown Attorney Offices, these records are open to the public and have been microfilmed.

Supreme Court Registrar's criminal indictment files ([click here to access the description for RG 22-517, 1930-1979](#)): A partial continuation of the criminal indictment case files in RG 22-392, this series consists of the indictments and names of the accused presented for trial before the Supreme Court of Ontario. For more information, search the Archives Descriptive Database ([click here to select the "Groups of Archival Records advanced search" option](#)) using the archival reference code *RG 22-517*.

Crown Attorney prosecution case files (various series in RG 22), 1865-1984 (varies by county and district): These files were compiled by the Crown Attorney while prosecuting a criminal case before the General Sessions of the Peace, the County Court Judge's Criminal Court, High Court of Ontario, or Supreme Court. Each case file lists name of the accused, charge and plea, dates of court appearances, trial notes, names of witnesses, verdict and sentence. The file also contains a copy of the initial crime report and a summary of the police investigation. For more information, search the Archives Descriptive Database ([click here to select the "Groups of Archival Records](#)

[advanced search" option](#)) using the phrase *Crown Attorney* and the name of the county or district of interest.

Central registry criminal and civil files ([click here to access the description for RG 4-32, 1871-2001](#)): This series consists of correspondence and documentation about criminal and civil cases reviewed by the Attorney General's Office or the Ministry's Crown Law Offices in Toronto. Files about serious criminal cases often contain police reports, investigative notes, indictments, the Crown Attorney's trial notes, trial transcripts and a list of witness. An index listing every file up to 1949 is available in the Archives Descriptive Database ([click here to select the "File/Items advanced search" option](#)) using the archival reference code *RG 4-32*.

4. Court records

The Archives' holdings of criminal court records primarily consists of case files, along with various volumes recording the procedures, orders, and judgement.

Criminal courts: Ontario's Criminal Courts have a long and complex history. The main courts dealing with criminal actions were, from lowest to highest:

- **Magistrates' Courts** operated in many towns and cities with a population of more than 5,000 people. Before 1934, these courts were also known as Police Magistrates' Courts, Police Courts, or Mayor's Courts; after 1968, they were renamed *Provincial Court (Criminal Division)*. Presided over by the police magistrate for a town, this court had jurisdiction over local "petty" offences and by-law infractions, and was where minor criminals would meet their first Justice of the Peace. Few of these records have survived.
- **County or District Court Judge's Criminal Courts** (C.C.J.C.C. or D. C.J.C.C.) operated in each county and district in Ontario from 1869 to 1984 and heard cases, normally tried before the Court of General Sessions of the Peace (see below), but where the accused requested being tried out of sessions and before a judge without a jury. As such, this local court had jurisdiction over minor criminal matters, including assault, misdemeanours, and petit larceny. The Archives holds records for most of these courts.
- **Court of General Quarter Sessions of the Peace** (1777-1867) and the **Court of General Sessions** (1868-1984) had jurisdiction over minor criminal matters, with responsibility for the trial of cases involving breaches of the peace in their respective districts, including assault, misdemeanours, and petit larceny. It differed from the above courts in that the defendants had elected to be tried before a jury. Before 1841, when District Councils (i.e., municipal governments) were established, the Sessions were also responsible for local administration, including the granting of tavern, shop, and still licenses, and for the building of a courthouse and gaol for the district.
- The **High Courts of Justice**, which, over time, comprised of the *Court of King's Bench* (1794-1839), *Court of Queen's Bench* (1839-1881), *Court of Common Pleas* (1850-1881), *Common Pleas Division* (1881-1913), and *Supreme Court* (1881-1989).

These superior courts were centrally based in Toronto but travelled each spring and autumn to Ontario's counties and districts to hear criminal and civil cases at sittings called Assizes. The Courts had jurisdiction over all summary and indictable offences including murder, manslaughter, treason, piracy, rape, judicial corruption and frauds on the government. While the civil side of these courts are extensively represented in the Archives' holdings, criminal records are far less common and, outside of the files found in *RG 22-392 (Criminal Assize Clerk criminal indictment files, 1853-1929)*, most of the surviving records date after the 1960's and are primarily from central southern Ontario. [Click here to access the description for series RG 22-392 \(Criminal Assize Clerk criminal indictment files, 1853-1929\).](#)

- **Court of Appeal** (1794-present) is the highest appellate court in the province and hears both criminal and civil appeals. Presided over by the Chief Justice of Ontario, Associate Chief Justice, and the fourteen Justices of Appeal, the court is not a trial court, but examines a case to determine whether an error of evidence or law may have been committed. If it ruled that an error has been committed, the action is returned to the High Courts of Justice and retried. Because it is the trial itself that is being examined, these records can be quite detailed and often include complete transcripts of the previous proceedings. Surviving series from this Court date after World War II and consist of *RG 22-523 (Court of Appeal solicitors' civil and criminal appeal files, 1945-1978, predominantly 1950-1978)* and *RG 22-524 (Court of Appeal prisoner appeal files, 1960-1981)*. [Click here to access the description for RG 22-523 \(Court of Appeal solicitors' civil and criminal appeal files, 1945-1978, predominantly 1950-1978\)](#) and [Click here to access the description for RG 22-524 \(Court of Appeal prisoner appeal files, 1960-1981\)](#). Researchers wishing to consult these files should start with *RG 22-559 (Court of Appeal tally books and index cards, 1913-1960, 1969-1971, 1974-1979)*. [Click here to access the description for RG 22-559 \(Court of Appeal tally books and index cards, 1913-1960, 1969-1971, 1974-1979\).](#)

With the passing of the federal Juvenile Delinquents Act in 1908, it has been increasingly obvious that domestic crimes and issues involving children require different level of protection, evidence, testimony, and sentencing than that found with adults in court. In response, Ontario has created several specialty courts, including:

- **Juvenile Court** (1908-1953) and **Juvenile and Family Court** (1954-1968) heard cases involving defendants younger than 16 years of age as well as cases involving neglected children. It had jurisdiction over all domestic criminal and civil matters and the enforcement of statutes at the federal (i.e., Juvenile Delinquents Act) and provincial level (i.e., Training Schools Act, Deserted Wives and Children's Maintenance Act, Adoption Act, Children's Protection Act, Children of Unmarried Parents Act, and Child Welfare Act). In 1954 the court's jurisdiction was expanded to include family matters such as child welfare, custody and support. Renamed the *Provincial Court (Family Division)* (1968-1989), the court assumed jurisdiction over matters dealing with domestic relations law and the Young Offenders Act (aged 12 to 15).
- Begun as a pilot project in 1977 in Hamilton-Wentworth, the **Unified Family Court** now operates in 17 courthouses across Ontario. This court hears matters under the Youth Criminal Justice Act, as well as all family law matters. These include offences

involving the Canadian Criminal code as well as civil actions, including the granting of divorce, division of property, child and spousal support, custody and access, adoption, and child protection applications.

Criminal court records: Criminal proceedings generate *criminal files*, which may contain:

- an indictment and/or police information giving the name of the accused, their demographic characteristics, the offence(s) with which they were charged
- the jury verdict or judgement and sentence
- a warrant of committal to jail or prison
- a statement electing trial by Judge or jury
- a transcript of the preliminary hearing
- documentary evidence submitted by the defence and/or prosecution

Holdings at the Archives vary from one county/district to another, and may go to the late 1970's or early 1980's. For more information, search the Archives Descriptive Database ([click here to select the "Groups of Archival Records advanced search" option](#)) using the phrase *criminal files* and the name of the county or district of interest.

With criminal courts, besides the court case files and the Crown Attorney's prosecution case file, the operations of the court generate many other volumes, each serving a particular purpose. With exceptions and gaps through the centuries, these include:

- **Minute books:** Provide a brief chronological outline of all cases heard before a criminal court. The volumes usually record: the date and location of the trial, the name of the presiding judge, the name of the defendant(s), the name of the prosecuting and defending counsel, the charge(s), the plea(s), the names of witnesses and jurors (if any), the verdict, and the sentence (if applicable).
- **Docket books:** List in chronological order all criminal court cases heard, either during that spring or autumn Assizes or, for the larger courthouse with multiple courtrooms, the trials held on a particular day. The volumes usually record the date of trial, the name of the presiding judge, and the name of the defendant(s).
- **Procedure books:** Kept by Court Registrar or Clerk of the Court to track every case presented before the court and record what stage each has reached. This volume acts as the "master day planner" for the operation of the courthouse. The entry for each case can record: the style of action (civil or criminal), the paper or pleading filed or proceeding taken (e.g. writ, notice of discontinuance etc.), when each action was filed or taken, names of solicitors, presiding judge, and the issuance of any verdicts and corresponding judgments, orders, verdicts, and/or sentences.

Criminal proceedings can require the judge to issue a judgment or order. These are recorded in the following:

- **Judgment book:** A legal copy of the judgments rendered by each court, organized by the date the action was commenced. It records the following: the type of action; whether judgement was entered by verdict, by cognovit (a confession by the defendant

of their crime), or upon non-appearance of the defendant; a copy of summons, orders, and dispositions; and signature of Judge or Clerk. Each entry takes the form of a certificate of registration, and is signed and dated by the court clerk.

- **Order book:** Numerically arranged and bound record of all orders issued by the court. Each entry consists of a transcription of the order, which includes the names of the parties, a brief summary of the nature of the application, and an outline of the court's decision. It also includes the date of the sitting, the name of the presiding Judge or Master, and the date the order was entered in the order book. If the order was issued privately by a judge *in chambers* rather than in open court, that too is recorded.

Please note that for many courts, no *indexes* were created. For the larger counties (e.g., York, Wentworth, Middlesex, Carleton, etc.), the demand by the public and lawyers for individual case files often required the courthouses to create stand-alone indexes at their Supreme and County Courts. For the districts and smaller counties, the minute or procedure books served as indexes.

For a listing of what is available, search the Archives Descriptive Database ([click here to select the "Groups of Archival Records advanced search" option](#)) using the keywords *book**, *volume** or *index** and archival reference code *RG 22-**.

5. Judges' benchbooks and judgments

Benchbooks: If the criminal case occurred more than 75 years ago, researchers should examine the judge's benchbook of the trial. Benchbooks are the longhand notes taken by a Justice during a trial or while in chambers (i.e., in his/her office). They typically record: the place and date of trial; name of the defendant(s) and their charge(s); names of the witnesses and the evidence they gave; details of any motions or objections raised in the course of the trial; and the verdict and, if applicable, the sentence. Depending upon the Justice, a benchbook may also contain comments about the testimony of witnesses, the character of the accused and insights into the judge's decision.

For a list of series for these records, search the Archives Descriptive Database ([click here to select the "Groups of Archival Records advanced search" option](#)) using the name of the judge.

Judgments: The Archives has also acquired several series of judges' judgments (also called Reasons for Judgment), which are detailed explanations of the legal reasoning behind a ruling in a civil or criminal case. Criminal judgments appear in three common formats:

- an "Oral Reasons" or a transcript prepared by the court reporter from the judge's words in court, usually for criminal cases, that sometimes includes the charge to the jury
- the "Reasons for Sentence" explaining the motivation behind a specific kind or duration of sentence being imposed
- the judge's handwritten endorsement upon the "record" in the court case file

For a list of series for these records, search the Archives Descriptive Database ([click here to select the "Groups of Archival Records advanced search" option](#)) using the name of the judge.

6. Correctional records

The Government of Ontario is responsible for incarcerating individuals awaiting trial, those sentenced to a prison term of less than two years, and most young offenders. The Archives holds some records from provincially managed correctional facilities, dating from 1832 to 1986 with gaps. They include:

- **Adult inmate records** ([click here to access the description for RG 20-26-1, 1933-1961, 1971-1983](#)): Consist of legal documents regarding the incarceration of adult inmates in provincial institutions. They are partially indexed in the *Index to adult inmate records* ([click here to access the description for RG 20-26-2](#)).
- **Registers (various series in RG 20)**: Record information about inmates, including reasons and conditions of incarcerations. They were used in all penal institutions.
- **Case files (various series in RG 20)**: Include custodial and medical information supplementing the content of the registers.
- Other records, such as **Surgeon's registers**, **Punishment registers** and **Log books** of daily occurrences (*various series in RG 20*).

For a list of series for these records, search the Archives Descriptive Database ([click here to select the "Groups of Archival Records advanced search" option](#)) using the name of the correctional facility in the "Keyword in Title" field, or appropriate keywords (*registers, case files, etc.*) and the archival reference code *RG 20-**.

7. Probation and parole records

Parole: The supervised and conditional release of an inmate from a federal or Ontario correctional facility before the end of their sentence. Parolees regularly report to a Parole Officer.

Probation: A judicial order that suspends a traditionally mandated prison term or fine provided the convict exhibits good behaviour over a set period of time. Probationers regularly report to a Probation Officer.

Probation and parole case files usually include "tombstone" information about the convicted individual (such as name, age, gender, crime committed and sentence), background information on the convict's upbringing and previous criminal behaviour, their rehabilitation prospects, their probation/parole terms and ongoing progress reports.

The Archives holds selected **case files from the Ontario Board of Parole** and the **Probation and Parole Field Offices** of the Ministry of Correctional Services, from the early 1950s to the 1980s. To identify the series that contain these records, search the Archives Descriptive Database ([click here to select the "Groups of Archival Records advanced search" option](#)) using the appropriate keywords (*parole, probation, Board of*

Parole, etc.) and the archival reference code *RG 20*-. Additional series that may prove useful are:

- **Ontario Board of Parole minute books:** Information recorded in these books includes names of inmates appearing before the Board and Board decisions. [Click here to access des description for RG 8-53, 1910-1932.](#)
- **Ticket of leave register:** “Ticket of leave” was an early term used to refer to parole. [Click here to access the description for RG 8-55, 1811-1915.](#)
- **Extra-mural employment of sentenced persons register:** This register documents individuals who were allowed to work and live outside the prison while still officially serving their sentence. [Click here to access the description for RG 8-57, 1921-1922.](#)
- **Ontario Board of Parole register:** This register was used by the Board of Parole to document all prisoners committed to penal institutions in Ontario. [Click here to access the description for RG 8-59, 1917-1921.](#)

8. Making Contact

Ready and Willing

Although unable to do your research for you, our reference archivists are waiting to assist you. You may telephone or write to them by mail or email or — best of all — visit the Archives of Ontario.

Contact us

Telephone: 416-327-1600 Toll free (Ontario): 1-800-668-9933

Email: [Click here to email the Archives of Ontario](#)

Address: Archives of Ontario, 134 Ian Macdonald Blvd., Toronto, ON M7A 2C5

Website

For information about the Archives’ holdings, as well as access to research guides and other customer service materials available through the Archives of Ontario. [Click here to visit our website.](#)

Customer Service and Research Guides

The Archives of Ontario has published a series of in-depth research guides on a variety of specific topics. For more information, please see “Customer Service and Research Guides” under “Accessing Our Collection” on the home page of the Archives website.

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This information is provided as a public service. Although we endeavour to ensure that the information is as current and accurate as possible, errors do occasionally occur.

Therefore, we cannot guarantee the accuracy of the information. Readers should where possible verify the information before acting on it.