



Law

Canada's Correctional System: A Team Effort

Description



The *Canada's Correctional System: A Team Effort* module enhances students' understanding of the interactions that take place between various Correctional Service of Canada partners by exploring their individual roles in the lives of inmates. From the police forces involved in arrests and investigations to the volunteers that provide emotional and practical support to inmates both inside and outside the institutions, this overview of the various interdependent components of the correctional system will show students how important teamwork is to making our society both safer and more just.

Learning objectives

As part of their law and/or sociology coursework, this module will allow students to:

Law

- Describe the legal branch involved in criminal proceedings and the procedures followed;
- Gain the skills and concepts required to analyze criminal cases.

Sociology

- Describe how people have found ways to resolve their differences, draw conclusions and ensure that decisions are followed so that new behaviours are successfully adopted;
- Understand that social organizations are necessary for maintaining order in society;
- Understand the need for interdependence in relationships.

Components of the criminal justice system: Four heads are better than one!

At one time or another, all of us have found ourselves confronted with a task or a problem that is too complex to resolve on our own. Consulting with others and team work are ways of ensuring that we can reach our goals, meet deadlines, fulfill other requirements and remember everything we should. The criminal justice system works the same way: one organization would not be able to do everything on its own. It takes cooperation with its partners for the Correctional Service of Canada (CSC) to fulfill its mandate.

There are four separate, interdependent components in the criminal justice system that must constantly work together.

The **police** are on the front lines, empowered to arrest and lay charges against offenders under the **Criminal Code**. There are several levels of police forces in Canada: law enforcement at the federal level is the responsibility of the **Royal Canadian Mounted Police (RCMP)**; Ontario and Québec have their own provincial police forces (the Ontario Provincial Police and the Sûreté du Québec), while other provinces are served by the RCMP; at a municipal level, local police provide law enforcement. Police forces are responsible for informing apprehended offenders of their rights and affording them the opportunity to contact a lawyer as soon as possible.

The **courts** get involved once charges have been laid, since all offenders are entitled to a fair trial, regardless of the type of offence. The **Crown Attorney** must decide what charges may be laid. If a case proceeds to trial, the judge or, in a small number of cases, the **jury** will decide whether the accused is guilty as charged. In cases where a jury renders a guilty verdict, the judge then decides what sentence should be imposed. In sentencing, judges must consider the maximum and minimum sentences set out in the **Criminal Code**. Imprisonment is reserved for the most serious offences and should not be used if an equally effective alternative is available.

Sentence administration, in cases of both imprisonment and **probation**, is the responsibility of **correctional services**. After a conviction, depending on the offence, offenders may be ordered to serve their sentence in a **federal, provincial or territorial facility** (the *Correctional Process* module provides details on the procedure followed by correctional services and the everyday life of inmates).

Once offenders have served a portion of their sentence in an institution, they may be granted conditional release to serve the rest of their sentence under supervision in the community. Decisions as to whether offenders should be released are made following a case review by a federal or provincial **parole board**, which also sets parole conditions such as abstaining from alcohol or drugs and reporting regularly to a parole officer. Offenders who violate their conditions may be reincarcerated to serve out the remainder of their sentence in custody (dealt with in greater detail in the *Conditional Release* module).

From the time an offence is committed until the offender is released into the community, the various components must work together: police forces making arrests must produce reports that will influence court sentences; sentences will have repercussions on the conditions of confinement managed by correctional services; and reports and assessments by corrections staff will have an impact on a parole board's decision. But these are not the only actors involved in the correctional process.

Glossary

Criminal Code: An Act respecting the Criminal Law, the *Criminal Code* for short, is the federal statute that governs all criminal penalties that may be imposed under sovereign government authority for criminal justice offences such as sexual assault, murder and theft. The federal Department of Justice is responsible for drafting, correcting and revising *Criminal Code* provisions.

Royal Canadian Mounted Police: The RCMP's scope of operations includes combating terrorism, organized crime and specific crimes related to the illicit drug trade; economic crimes such as counterfeiting and credit card fraud; and offences that threaten the integrity of Canada's national borders. The RCMP also protects VIPs, including the Prime Minister and foreign dignitaries, and provides the law enforcement community with a full range of computer-based security services.

Crown Attorney: Called the "Crown Prosecutor," or in the provinces and territories "Attorney General," the Crown Attorney is respectively senior counsel to federal, provincial and territorial governments. The Crown Attorney represents the State and prosecutes on behalf of the Crown anyone who commits a criminal act.

Jury: Depending on the seriousness of the offence, the accused may have to choose between a jury and a non-jury trial. In Canada, a criminal law jury is made up of 12 jurors selected from among citizens of the province or territory in which the court is located. Generally, any adult Canadian citizen is qualified to be considered for jury duty.

Probation: A sentence during which an offender is supervised in the community instead of serving time in a correctional facility.

Federal facility: Facility for adult offenders (18 years of age and older) serving sentences of two or more years.

Provincial or territorial facility: Facility for offenders serving sentences of under two years, for young offenders and for probationary or community sentences.

Indispensable partners

As part of its mandate, CSC continuously works with three partners: the police, the courts and parole boards. But it must also maintain strong ties with the Canada Border Services Agency, the Department of Justice, the Canadian Security Intelligence Service and many other organizations. All of these organizations contribute to public safety while helping offenders become law-abiding citizens.

In addition to these government organizations, communities play a key role in the efficient operation of our correctional system. Communities were filling this role long before a true criminal justice system was ever established. Indeed, evidence of community groups spearheading change in this direction can be found throughout history—from the **Quakers**, who founded the first penitentiaries, to the **Salvation Army**, who have been working with offenders since 1882.

Today, thousands of volunteers continue to work for institutional programs in **chaplaincy**, arts and leisure events, classes, workshops and social activities. For example, some groups have offenders repair bicycles donated by local community centres. These bicycles are then given to underprivileged children. This is one way for offenders to play an active role in their communities.

Other volunteers are active in Citizen Advisory Committees, independent groups of local citizens looking to improve the quality of federal correctional services. Their mission consists in helping to protect society by establishing a dialogue between CSC staff, offenders and the community. They advise and make recommendations regarding services, programs and policies. There are more than a hundred Citizen Advisory Committees.

Safeguarding public safety, justice, fairness and the rights, freedoms and responsibilities of all Canadians are core social values that must be defended in all of our government institutions. CSC and its many partners contribute to promoting these values.

Glossary

Quakers: Known also as the Religious Society of Friends, this is a religious movement founded in England in the 17th century by some Anglican dissidents led by George Fox. Quakerism advocates pacifism and a simple lifestyle.

Salvation Army: An international Christian church whose mission is to manifest the love of Jesus Christ, meet the essential needs of people and transform communities.

Chaplaincy: A service comprising numerous volunteers to provide individual support, worship services, and various activities and interventions such as circles of support and accountability. These volunteers bring a continuity of care from community to institution and back to community.