



Correctional Service Canada: At the Heart of Criminal Justice

Description



The *Correctional Service of Canada: At the Heart of Criminal Justice* allows students to learn about the legal bases of criminal justice and better understand the interactions between the various CSC partners. From the police forces involved in arrests and investigations to the parole system, this overview of the various interdependent components of the correctional system will allow students to see the importance of the team work that makes our society safer and more fair.

Learning objectives

As part of their course on law and/or sociology in this module, participants will be able to:

Law

- Describe the legal branch involved in criminal proceedings and the procedures followed;
- Gain the competency and grasp the concepts required to analyze criminal cases;
- Gain a better understanding of the repercussions of crimes;
- Identify the jurisdictions in criminal matters.

Sociology

- Describe how people have found ways of resolving their differences, how they draw conclusions and enforce decisions in the successful implementation of applicable policies or practices;
- Understand that human relations are interdependent.

What is criminal justice?

Canada's criminal justice system is designed to ensure public safety by protecting society from those who violate the law. It does this by stating the types of behaviours that are unacceptable and defining the nature and severity of the punishment for a given offence. Punishment may include a fine, restitution to the victim, probation, community service or imprisonment.

Of course, for this system to work and always be fair and equitable, it must have a strong legislative framework. The *Criminal Code*, in combination with other pieces of legislation, including the *Youth Criminal Justice Act*, the *Corrections and Conditional Release Act* and the *Canadian Charter of Rights and Freedoms*, provides the foundation upon which the criminal justice system is based. The *Criminal Code* and other legislation make impartial justice possible.

Responsibilities in this legislative framework are very clearly defined. At the federal level, the Supreme Court, judges, federal legislation and legal proceedings fall under the responsibility of Justice Canada. The **Royal Canadian Mounted Police (RCMP)**, Correctional Service of Canada, **National Parole Board**, **Canadian Security Intelligence Services** and **Canada Border Services Agency** fall under the responsibility of Public Safety.

Glossary

Criminal Code: An Act respecting the Criminal Law, the *Criminal Code* for short, is federally enforced legislation that governs all criminal penalties that may be imposed under sovereign government authority for criminal justice offences such as sexual assaults, murders and theft. The Department of Justice holds the authority to draft, correct and revise legislation relating to the *Criminal Code*.

Youth Criminal Justice Act: In force since April 1, 2003, it replaced the *Young Offenders Act*. A young person, or youth, is or appears to be 12 years old or older, but is less than 18 years old. The Act creates a separate criminal justice system for young persons and thus they do not fall under the jurisdiction of the criminal justice system established by the *Criminal Code*. A youth justice court, subject to the *Contraventions Act* and the *National Defence Act*, has exclusive jurisdiction to deal with offences committed by young persons.

Corrections and Conditional Release Act: See *The Conditional Release* module for more information on conditional releases.

Canadian Charter of Rights and Freedoms: The purpose of this legislation is to protect citizens against the State, and to protect minorities against parliamentary majorities. The *Canadian Charter of Rights and Freedoms* covers the following points: fundamental freedoms, democratic rights, the freedom to move and gain a livelihood, legal guarantees, equality rights and language rights. The equality between men and women is also expressly protected by a particular section of the Charter. Aboriginal rights and freedoms are not affected.

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.

National Parole Board: See *The Conditional Release* module for more information on the National Parole Board.

Canadian Security Intelligence Service: CSIS's mandate is to conduct security investigations within Canada related to suspected subversion, terrorism and foreign espionage and sabotage. CSIS maintains headquarters in Ottawa, has field offices in major Canadian cities and posts liaison officers to the capitals of allied countries. The exact number of CSIS members is confidential for security reasons, but its budget appears to indicate that it employs about 2000 people. The agency recruits members from other areas of the public service and from the general population.

Canada Border Services Agency: A government agency that ensures the safety and prosperity of Canadians by managing the access of people and goods to and from Canada.

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 objectives, 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 is through cooperation with its partners that CSC fulfills its mandate.

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

Police forces are the front line of intervention, empowered to apprehend offenders and lay charges against them under the Criminal Code. There are several levels of police forces in Canada: at the federal level the Royal Canadian Mounted Police enforces the law; Ontario and Québec have their own provincial police forces (the Ontario Provincial Police and the Sécurité du Québec), whereas other provinces are served by the RCMP; on a municipal level, local police provide law enforcement. Police forces are charged with the tasks of informing apprehended offenders of their rights and affording them the opportunity of contacting a lawyer as soon as possible.

The **courts** get involved once charges have been laid against alleged offenders, all accused offenders being entitled to a just and equitable trial, regardless of the nature of their crimes. 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 finds the accused guilty, it is still the judge who decides what sentence should be imposed. In sentencing, judges must consider the maximum and minimum sentences set out in the *Criminal Code*. Incarceration is a last resort for the most serious offences and should not be used if an equally effective punishment is available.

Sentence administration, both in cases of imprisonment and **probation**, is the responsibility of **correctional services**. After being found guilty, according to their offence, convicted 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 released to serve the rest of their sentence under supervision in the community. Decisions as to whether offenders should be released on parole are made following a case review by a federal or provincial **parole board**. Parole boards also set parole conditions such as abstaining from alcohol or drugs and reporting regularly to a parole officer. Offenders who violate their parole conditions may be sent back to the penitentiary to serve out the remainder of their sentence. (*The Conditional Release* module focuses on parole).

Thus, from the time a crime is committed until an 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 enforced by correctional services; and reports and assessments by corrections staff will have an impact on a parole board's decision.

As part of its mandate, the Correctional Service of Canada works on an ongoing basis with three partners: the police, the courts and parole boards. But it must also maintain strong ties with the Canadian 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.

Glossary

Crown Attorney: Called the “Crown Prosecutor,” or in the provinces and territories “Attorney General,” is respectively the main counsel to federal, provincial and territorial governments who represent the State and prosecute any citizen who commits a criminal act on behalf of the Crown.

Jury: Depending on the seriousness of the crime, 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 being imprisoned.

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

Provincial or territorial institution: Facility for offenders serving sentences of fewer than two years, for young offenders and for probationary sentences or community sentences.