

Section 3: Federal Corrections and the Criminal Justice System

Federal	Provincial/Territorial	Community
Department of Justice Department of Public Safety	Ministry of Attorney General Ministry of Public Safety	Community-Based Partners
Federal Government Responsibilities		
Department of Justice	Department of Public Safety	
Supreme Court Judges Federal Statutes Prosecutions	Royal Canadian Mounted Police Corrections Service Canada National Parole Board Canadian Security Intelligence Service Canada Border Services Agency	
Provincial Government Responsibilities		
Administration of Justice Provincial Correctional Institutions Regulatory Laws Provincial Probation/Parole Provincial Police		
Community Partners, I.e.		
Volunteers Community Chaplains Voluntary Sector Agencies Contracted Agencies		

1. The Criminal Justice System

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.

A series of safeguards ensures that those charged with a criminal offence are presumed innocent until proven guilty and that they have the right to legal representation and a fair trial. The *Criminal Code of Canada*, 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 operates. The criminal justice system provides an impartial response to crime, as opposed to people taking matters into their own hands.

These are the primary functions of the criminal justice system:

- investigation
- laying of charges
- prosecution
- determination of guilt or innocence
- sentencing
- administration of the sentence

How the Criminal Justice System Works

The criminal justice system consists of four interrelated parts that work together to protect society from the moment a crime is committed until the offender is reintegrated into society. They are:

- policing
- courts
- corrections
- parole

Each component is governed by legislation specific to its role in the criminal justice system, but they all have the potential to influence each other. For example, reports from police may influence judges' sentencing decisions; sentencing decisions influence the offender's prison experience; and reports and assessments of corrections staff influence parole decisions.

Policing

The federal, provincial/territorial and municipal governments are responsible for the policing portion of the system. At the federal level, the Royal Canadian Mounted Police (RCMP) is the law enforcement authority. At the provincial/territorial level, it may be either the RCMP, working under contract to the provinces/territories or, as in Ontario and Quebec, the provincial police. At the municipal level, the local police force provides protection.

The main role of police is to apprehend offenders and, in most provinces, to lay charges against the accused, based on the *Criminal Code*. Police are the front line of Canada's criminal justice system.

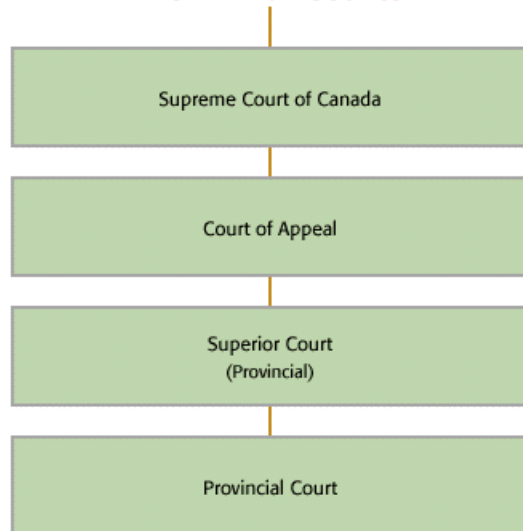
Courts

Once charges have been laid, the Crown attorney is responsible for deciding which charges the accused will face in court and for prosecuting those charges. If the case proceeds to trial, the judge, and 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 the sentence that should be imposed.

In sentencing, judges are limited by the maximum and minimum penalties laid out in the *Criminal Code* or, if the offender is between 12 and 17 years old, by the *Youth Criminal Justice Act*. Sentencing decisions may also be affected by provisions in the *Canadian Charter of Rights and Freedoms* (for example, evidence may be deemed inadmissible if it was obtained in a way that violates the *Charter's* provisions). If an offender is given probation, it is the judge who sets the conditions. Sentences may be appealed, in principle, all the way up to the Supreme Court of Canada.

The *Criminal Code* gives judges some leeway in their sentencing decisions, based on the principle that prison should be a last resort for the most serious offences, and not used if an effective alternative punishment is available. Judges may also consider the following factors: the seriousness of the crime; the age and circumstances of the offender at the time the crime was committed; the need to prevent or deter the offender or others from committing similar crimes; the public's safety; and the offender's prospects for rehabilitation.

Criminal Courts



Corrections

Those involved in this aspect of the criminal justice system administer the sentence handed down by the judge, whether it involves incarceration or probation. Once the accused is found guilty, depending on the nature of the offence, she/he may be sentenced to a term in the federal, provincial or territorial correctional system.

The federal corrections system deals with adult offenders (18 years of age and older) who have been sentenced to two or more years of imprisonment. These offenders fall under the responsibility of the Correctional Service of Canada which is governed by the *Corrections and Conditional Release Act*.

The provincial/territorial system deals with offenders serving a term of less than two years, youth offenders, and all non-custodial sentences (i.e., those involving probation and/or community service).

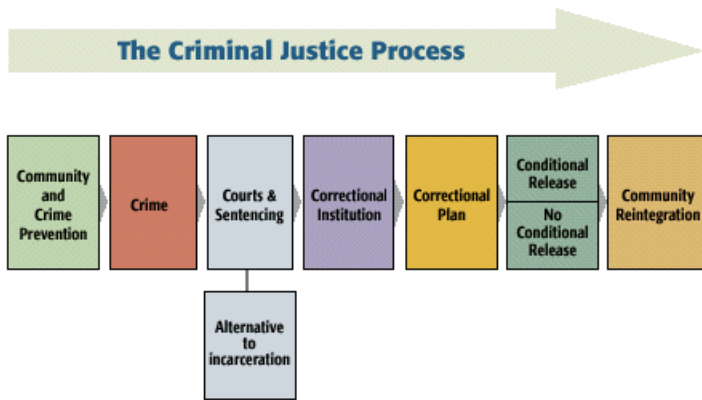
Parole

Offenders who have served a portion of their sentence in an institution may be released to serve the rest of their sentence under supervision and control in the community.

Parole is granted following a case review by the federal or provincial parole board (depending on whether they are in a federal or provincial institution). The terms for parole review vary from one province to another. Parole boards have the final say as to whether an offender is released from prison before serving the full sentence.

The parole boards also set the terms and conditions offenders must meet once they are back in the community (for example, abstaining from alcohol or drugs and reporting regularly to a parole officer). Offenders who violate their parole conditions may be sent back to prison to serve out the remainder of their sentence.

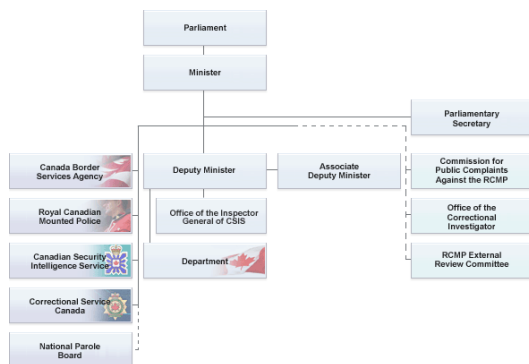
Federal parole decisions are governed by the *Corrections and Conditional Release Act*.



The Department of Public Safety Canada

Security and freedom are the cornerstones of Canada's society. To help maintain the social and economic well-being of Canadians and sustain Canada's place in the world, the Government needs to ensure secure communities, borders, and infrastructure. The department of Public Safety Canada is responsible for protecting Canadians and helping to maintain a peaceful society.

The Public Safety Portfolio



The Minister of [Public Safety](#) is supported by the department and a range of agencies that form a strategic structure to enhance public safety. The five agencies include:

- [Correctional Service of Canada](#)
- [National Parole Board](#)
- [Royal Canadian Mounted Police](#)
- [Canada Border Services Agency](#)
- [Canadian Security Intelligence Service](#)

Review Agencies

There are also three independent review bodies that ensure accountability and respect for the rule of law, and two statutory review bodies of Canadian Security intelligence Service.

- [Commission for Public Complaints against the RCMP](#)
- [Office of the Correctional Investigator](#)
- [RCMP External Review Committee](#)