# PART ONE

## *Introduction*

## CASE STUDY 1

# You Be the Judge: R v ER (2024)

*Karla O'Regan*



*The fact that the youths were masked when they committed the offence was considered a relevant factor by the sentencing judge in the* R v ER *(2024) case.*

Cases of violent crime can prompt quick conclusions by the public about whether the trial outcome was just or whether the sentence the judge delivered was fair. Criminal punishment serves important purposes, and judges must consider many different, sometimes conflicting, principles when deciding a case, including ideas about justice, mercy, shame, and public safety. The circumstances surrounding an offence and the parties involved must also be carefully evaluated when reaching trial verdicts and decisions about criminal sentences. It is important to think carefully and critically about Canada's criminal justice system, and this book asks you to do just that!

Start by reading the following description of a real criminal offence committed in Ontario. Consider the information that is provided about the crime, the victim, and the offender. Afterward, put yourself in the position of the judge. *What sentence would you give? What would be your reasons?* Take a few moments to jot down your thoughts about these questions. At the end of the book, you'll have an opportunity to revisit this case in light of all you've learned about the criminal justice system. Will your opinion about the case have changed?

### The Offence

It was shortly after two o'clock in the morning in early October 2023 when "ER" (whose identity was not made public because of his age) and two of his friends broke into a family home in Brampton, Ontario. All four residents of the house were asleep when the three youths "smash[ed] through the front door to gain access" to the house (*R v ER*, 2024, para. 3). The offenders wore hoodies and face masks to disguise their identities and were armed with metal rods, which they used to pry open the door and break its glass window.

### SIDEBAR

**Young People and the Criminal Law**

Anyone between the ages of 12 and 18 years old is considered a young person under the *Youth Criminal Justice Act* (YCJA). This law affects many aspects of how the criminal justice system interacts with young people, including police procedures and the rules followed in court. It is a criminal offence, for example, to disclose the identity of a young person who is accused of committing a criminal offence. Instead, they are referred to using only initials (e.g., "ER"), often in reference to their first and last names. The same practice is used to protect the identities of vulnerable victims or witnesses.

Learn more about young people and the criminal justice system in Chapter 13.

The loud banging and sound of shattering glass woke the sleeping family members inside the home. The mother described "hearing a huge noise, thinking that her daughter had fallen down the stairs, and [running] out of her bedroom" where she came "face to face with her terrified daughter as the third blow shattered the door" (*ER*, 2024, para. 7). ER and the two other invaders entered the house and began to yell at the occupants, demanding the keys to the family vehicle parked in the driveway. The shouting of unfamiliar voices and the panicked screams of the victims awoke the other family members in the home. They ran to one another and all managed to hide in a room and call 911. The family remained there until police arrived. No one sustained any physical injuries. Unsuccessful in their attempts to get the car keys or other valuables, ER and his friends left the home and fled the scene in a car driven by a fourth **accomplice**.

The police identified the car as a vehicle that had been stolen from a similar home invasion two days prior in a nearby neighbourhood. During that offence, four suspects wearing hoodies and masks had forced their way into a house using a metal rod. Once inside, they demanded the keys to the homeowner's car. The suspects then sprayed an unknown substance in the victim's face before taking the keys and stealing his car. When ER and his friends were arrested, they were found in the same stolen car with property related to both home invasions, including a metal pipe and two cans of pepper spray (Peel Regional Police, 2023). The four youths (one aged 16 and three aged 17, including ER) were charged with robbery, possession of stolen property, and wearing a disguise with criminal intent. ER was tried separately and pled guilty to one count of armed robbery in April 2024.

## The Victims

There were four family members sleeping in the home when ER and the other two offenders broke into the house: two university-age children, their mother, and their grandfather. Each member of the family provided the Court with a **victim impact statement (VIS)**, describing the effects the offence has had on their lives. All the victims expressed having difficulty sleeping since the offence. The daughter told the Court that she is "terrified about the slightest sound. When she does fall asleep, she often wakes up from the nightmare, reliving the home invasion all over again" (*ER,* 2024, para. 6). Her grandfather reported similar difficulties sleeping, describing to the Court

> that he woke up to the terrifying sound of glass shattering. He will never forget seeing his granddaughter and daughter-in-law panicking and screaming. He cannot sleep at night anymore and fears that someone may try to hurt him and his family again. (*ER,* 2024, para. 8)

The family also suffered financial costs as a result of the offence, including those related to the installation of a new door and additional locks and safety measures for their home and cars. The judge at the **sentencing hearing** also noted the offence's impact on the daughter's education; lack of sleep and anxiety about the home invasion "caused her to fail an exam shortly afterwards as she could not concentrate enough to study" (*ER,* 2024, para. 5). The traumatic effects of crime are wide-ranging and can extend long past the offence itself. As the judge in the *ER* (2024) case observed about the impact of the home invasion on one of the victims, "the trauma of the event has changed everything for her. She feels paranoid and unsafe inside and outside of her house. She lives in fear that the assailants will return someday" (*ER*, 2024, para. 7).

**accomplice**
a person who assists in the commission of an offence

**Victim impact statements are discussed in greater detail in Chapter 9.**

**victim impact statement (VIS)**
a written account of the physical, emotional, social, psychological, and financial harms that a victim of crime has experienced that is submitted to a court for consideration at sentencing

**sentencing hearing**
the delivery in court of a judge's decision about an offender's punishment after recommendations on the penalty are submitted by the prosecutor and the defence

## The Offender

At the time of the offence, ER was a 17-year-old high school student who lived with his parents and his older brother in Brampton, Ontario, where he was born and had lived all his life. His parents were both immigrants to Canada with limited English-language skills, and while ER told the Court his relationship with his parents was positive and supportive, he described "their parenting style as 'flexible' but sometimes strict, especially regarding his safety" (*ER*, 2024, para. 12). The Court also found ER had a stable upbringing with no evidence or family history of violence, mental illness, or substance use issues. ER's father told the Court that ER had been an "obedient child who demonstrated respect for his elders" and had "never exhibited any emotional or behavioural dysfunctions while growing up," although his father admitted ER struggled "with his attention" and sometimes had "racing thoughts and overthinks" (*ER*, 2024, para. 16). ER admitted to having "experimented with cannabis and alcohol" in the past but told the Court he "does not use them" and had never used illegal drugs (*ER*, 2024, para. 17).

ER pled guilty to his offence and was placed under **house arrest** with strict **bail conditions** before the sentencing hearing. He did not have a criminal history or a youth court record. When asked about the offence and his involvement in the home invasion, ER told the Court that

> he was experiencing the "wrong set of mind" then and was "wrongly influenced." His **co-accused** were his friends at school. He thought the "wrong thing was fine; do it, try it out." Money was the motivation, but he understood that it was the wrong choice … . [He] takes full responsibility for his offence. He knew what he did was wrong and did not blame anyone else. He regrets his actions. In retrospect, he should have avoided the whole situation and never gotten involved. [He] understands that his actions were traumatizing for the victims. (*ER*, 2024, paras. 30–32)

While waiting to be sentenced, ER completed high school with summer classes and additional private school courses to improve his grades. He also "completed a course on becoming a security guard" and enrolled in trade school, informing the sentencing judge that he had an interest in becoming an electrician (*ER*, 2024, para. 23). The judge also observed that ER had worked hard to hold a part-time job at a grocery store despite his curfew and other conditions of house arrest.

Although ER was 18 years old at the time of the sentencing hearing, he was treated as a young person under the YCJA because of his age when the crime was committed. This law does many things to protect young people, including allowing a judge to order a psychological assessment of a young person before deciding on a penalty or sentence for their crimes (s. 34). One of these assessments was ordered by the sentencing judge in ER's case. Several important points from ER's psychological assessment were noted by the judge:

- ER "displayed sad, submissive, and conforming characteristics" but did not show signs of depression and denied any suicidal tendencies (*ER*, 2024, para. 34).
- ER tested high on verbal aggression and "may have been underreporting his feelings of anger" (*ER*, 2024, para. 34).
- ER showed several risk factors for future criminal activity, such as difficulty handling negative emotions, frequent contact with "hostile peer groups … historically having an anti-social/pro-criminal attitude, lack of parental control over his behaviour when E.R. goes out to socialize, and a short attention span" (*ER*, 2024, para. 28).

**house arrest**
a sentence that requires the offender to remain at home at all times or those times specified by a court

**bail conditions**
rules that a person must follow while awaiting trial in the community

**co-accused**
two or more persons who are charged and on trial for the same offence

Importantly, the report made several recommendations to the Court, including that ER be subject to a **probation** period with strict conditions. Additionally, the psychologist recommended that ER should:

**probation**
a sentence (or part thereof) that is served in the community under court-ordered conditions

- Reside with his parents in their stable but structured home environment.
- Attend individual counselling and cognitive behavioural therapy to address the identified risk factors contributing to the offence. (*ER*, 2024, para. 34)

The psychologist's report also recommended that ER and his parents attend family counselling (with a therapist who spoke his parents' language) to address the offence's negative impact on the family. Additional assessments were recommended to help ER strengthen his math and language skills, and the psychologist advised that ER would "benefit from the involvement of a reintegration worker to assist in keeping him on track while in the community" (*ER*, 2024, para. 34).

### The Law

**closed custody**
a secure detention facility in which the residents are locked in and cannot leave

The *Criminal Code* allows for a maximum period of life imprisonment for the offence of robbery (s. 344(1)(b)). Unless a firearm is used during the offence, there is no minimum punishment for robbery. The YCJA, however, provides that young people should not be sentenced to time in prison or **closed custody** when other options are suitable and available. The purpose of sentencing a young person is to hold them accountable for the offence while promoting their "rehabilitation and reintegration into society, thereby contributing to the long-term protection of the public" (s. 38(1) of the YCJA). Instead, community-based sentences, such as probation, are recommended for young people unless they have committed a violent offence, have a criminal record, or pose a risk of harm to the public.

> **Read more about youth sentencing in Chapter 13.**

In this case, the Crown recommended 6 months in closed custody, followed by 18 months of probation and a court order that does not allow ER to possess a weapon for two years. The defence advised against time in custody and instead recommended a two-year probation period with several conditions, including a curfew. The defence did not oppose the weapons order.

**You be the judge! What decision would you make about the penalty in ER's case?**

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**WHAT DO YOU THINK?**

1. What parts of the case were most important in your decision about what sentence ER should receive? Do any of these factors conflict with one another? In other words, are there facts in the case that suggested a lenient approach was needed, while other facts favoured a harsher sentence?
2. ER was charged with several offences, but he pled guilty only to robbery. Although the facts of the other home invasion and car theft are very similar to ER's case, the judge cannot consider these circumstances when sentencing ER. Do you think that's fair? What other factors should judges ignore when deciding a case?
3. Because ER and his friends were all under 18 years of age at the time of the offence, the YCJA does not allow their names to be released to the public, including in news reports and court documents. Why might this be important, both from the perspective of the young person and from a crime prevention point of view?

CHAPTER 1

# Studying Criminal Justice

Karla O'Regan and Susan Reid

## LEARNING OUTCOMES

After reading this chapter, you will be able to:

- Describe the differences and similarities between the fields of criminology and criminal justice.
- Identify the three sub-fields of criminal justice studies and be familiar with central terms in the criminal justice field.
- Recognize the key players within the criminal justice system, and outline their roles and responsibilities.
- Characterize the core theoretical models of criminal justice and explain how these models inform criminal justice policy.
- Understand the factors that influence how crime is defined and reported, including the role of the media, police practices, and the general public's sense of safety.

## CHAPTER OUTLINE

## Introduction

Cases like the one that opened this book reveal the complexity of the criminal justice system and the challenges inherent in its study. No doubt there were some disagreements about the appropriate sentence for the offender and the reasons for it. Working through these debates is a key component of the criminal justice profession and the many community agencies, institutions, and the many community agencies, institutions, and stakeholders involved. These differences of opinion are also why studying criminal justice can be so interesting. There is always more than one side to a story.

Crime is also an aspect of social life. Some theorists, such as the French sociologist Émile Durkheim, have even argued that crime is a normal and necessary part of human societies and their development. It exists in all civilizations regardless of political leadership, financial circumstance, geography, religious belief, cultural history, demographic composition, language, or level of industrialization—although, as this book will discuss, each of these factors can influence how much crime there is and how it is addressed.

## Criminology and Criminal Justice: Joint Endeavours

Understanding how much crime there is, on the one hand, and determining how to address it, on the other, is a good way to think about the difference between criminology and criminal justice. Criminology is interested in *how* and *why* crime happens. Criminal justice is concerned with what to do about criminal activity once it has occurred. Those are, of course, simplistic definitions of both fields, and it is important to keep in mind that criminology and criminal justice each rely on the work and expertise of the other. As noted by a former president of the Academy of Criminal Justice Science, criminology is not in competition with criminal justice: "To overlook the nature of crime [criminology] or society's responses to crime [criminal justice] is to fail to do either well" (Hunter, 2011, p. 12).

Criminology, for example, wants to know more about what motivates an offender to commit illegal acts. Research in this area often relies on psychology, biology, sociology, and other interdisciplinary studies that look at factors related to the onset of criminality. In the same way, criminal justice scholars are interested in how to encourage **desistance** and rehabilitation among convicted offenders or how to help offenders reintegrate into a community after being released from custody. The studies by criminologists about what motivates people to commit crimes and how an offender's community can play a role in the prevention and control of crime are essential for effective criminal justice programs.

**desistance**
the process by which, with or without the involvement of criminal justice professionals, an offender terminates their offending and pursues a crime-free life

The cooperative work of criminologists and criminal justice professionals can also be witnessed by examining the central aims of each area of study. The purpose of the criminal justice system includes both the prevention and the control of crime while maintaining and promoting justice and enhancing public safety and well-being. This requires knowing a lot about how crime happens and how society feels about it. How should police priorities be determined? What kinds of activities should be illegal? What does justice or fair punishment look like? Criminologists are often engaged in research that helps to provide answers to these questions, using scientific methods to explain the interactions of law-making, law-breaking, and the reactions of society to these processes. As a multidisciplinary field of study, criminology and criminal justice draw from the disciplines of psychology, sociology, anthropology, political science, history, law, biology, and other natural sciences to develop ways of defining and responding to criminal behaviour.

Criminal justice has been one of the 21st century's fastest-growing and most popular areas of student specialization. Some college and university departments focus on the study of policing, courts, and corrections as the main content areas of criminal justice studies. Other programs offer criminology and criminal justice studies together with a curriculum that focuses on critical thinking skills (Ahlin & Atkin-Plunk, 2020). Research has found that having a higher education has a positive impact on several aspects of policing. In a study among US police officers, participants expressed feeling better equipped "to empathize with marginalized minority communities" when trained in the liberal arts, given its focus on compassion, ethics, and diverse human experience (Del Toro, 2021, p. iv).

## SIDEBAR

### *Freedom Behind Bars: Liberal Arts in Prison*

Want to keep people out of prison? Give them a liberal arts education. This was the answer Max Kenner proposed when he established the Bard Prison Initiative (BPI), a program to offer liberal arts education classes to prisoners in the United States. Male and female offenders in New York state prisons enroll in academic programs that lead to degrees from Bard College. Each program is deeply rooted in the belief that education has transformative power—for both the individual and the prison itself. As Sebastian Yoon, a graduate of the program, remarked, "In a place like prison, once you're given even a glimmer of hope, you're just going to latch onto it. And higher education materialized in a form of hope" (Michaels, 2019, para. 13). Yoon was released from prison in 2019 but remembers the significant effect of learning the liberal arts behind bars. When reading books and writing essays while incarcerated, Yoon says, "the walls, they disappear. They dissipate. And I'm in my zone. I'm reading about Kierkegaard. I'm learning about history, memory. And I become free" (Chamlee-Wright, 2019, para. 18).

Evaluations of the BPI have shown that those who have participated in the program are less likely to **recidivate** compared to their peers (Fullilove et al., 2020; Mooney, 2020) with less than 4 percent of all graduates returning to prison.

In Canada, Walls to Bridges (W2B) is a community-engaged opportunity for students in university and colleges ("outside students") to take university courses with "inside" students. Based on the principle that we all have something to teach, and everyone has something to learn, W2B students participate in a sharing circle inside the prison classroom so that both groups of students learn as equals. Courses include Justice, Equality, and Othering in Popular Culture, offered through the Uni-

**DIG DEEPER** ▶
The documentary *College Behind Bars* is available with accompanying student resources on the PBS website. Take a look at "The Transformative Power of Education," which gives a glimpse into the Bard Prison Initiative and some reflective exercises.
**www.emond.ca/TACJ4/links**

**recidivate**
relapse into criminal behaviour after treatment and/or sentencing within the criminal justice system; most simply, it can be thought of as reoffending

versity of Ottawa and held at a provincial remand detention centre; the philosophy course Power and Knowledge, offered through Queen's University at Collins Bay Institution in Kingston; an English course called Short Fiction: Fear and the Short Story, offered through the University of Winnipeg at Stony Mountain Penitentiary; and more specialized courses such as Social Policy and Activism, offered through Wilfrid Laurier University at Grand Valley Institution for Women; and Practicum in Indigenous Studies, offered through the University of Alberta and Edmonton Institution.

In this book, we begin each part with a case study that will help you consider the wider context of criminal events. These case studies provide you with an opportunity to think critically by taking in all the information that you can about the nature and circumstances surrounding the case. As with the case study that opened the book, in which you were asked to take on the role of the judge, the other case study exercises will help you to develop skills in applied reasoning and an appreciation for the social and cultural contexts of human relations and criminal behaviour. Public concerns of inequality, discrimination, and abuses of state power can spark widespread social protests (such as #MeToo in 2017, #BlackLivesMatter in 2020, #EveryChildMatters in 2021, and the Hands Off! demonstrations across the United States in 2025). These displays of public engagement are an important measure of accountability for government actions and can have significant impact on criminal justice policy. For example, many criminal justice education programs across the world have begun to add curriculum components that examine structural racism and inequality in the criminal justice system (Hummer & Byrne, 2021). Several chapters in this book address these issues, including discussions regarding the overrepresentation of Indigenous people in the criminal justice system (Chapter 3) and systemic racism in policing (Chapter 6).

## What Influences Our Knowledge About Crime and Criminal Justice?

The appeal of criminology and criminal justice courses may lie in the fascination that people have with the subject matter, but this is perhaps further enhanced by the many popular films and television series that explore issues of crime and justice.

Many of us are subject to a daily barrage of images about crime and disorder through news and social media, television, and Internet sources. Crime constitutes a constant and significant portion of the total news portrayed on radio and television and in the print media. Both the news and entertainment industries are notorious for consistently taking the least common crime or criminal justice event and making it appear to be the most common crime or justice image. Such practices can make anyone *seem* like an instant authority on crime, but all too often the image of crime portrayed in popular media is based more on stereotypes than on **empirical** evidence. This image influences the beliefs we have about crime, which can impede our ability to see things differently or find alternative solutions to the problem.

The impact of social media on perceptions of crime has become an increasingly popular area of study. Researchers have reported that there is a strong association between the consumption of social media and alternative information sources and heightened levels of fear of street crime and terrorism-related offences (Näsi et al., 2021). In a recent study on college students' perceptions of crime and the criminal legal system, Vickers et al. (2025) found that over 65 percent of students reported that their crime news came from social media. When asked in follow-up interviews whether they felt that their consumption of crime news on social media impacted their views on crime, they expressed mixed feelings. Some students pointed out the preponderance of violent crime shared on social media, and in particular on crime podcasts, and felt this exposure over time would affect people's views. Other students studying crime in university felt that the claims being made on social media were tempered by their studies (Vickers et al., 2025).

**DIG DEEPER**

In 2023, a special issue of the *Journal of Prisoners on Prisons* (vol. 32, no. 1) provided a collection of papers on the impact of the Walls to Bridges initiative over its ten-year period of operation.
**www.emond.ca/TACJ4/links**

**empirical**

based on observation or experience rather than theory or speculation

**Chapter 2 explores crime and popular media in more detail.**

Consumers of a steady diet of crime and criminal justice images from the media have been subjected to a vocabulary of force and a portrayal of police as crime "fighters" in the "war" on crime. This fosters the belief that crime must be "fought" rather than treated, prevented, reduced, or solved. Those who do not learn about how laws are made may not appreciate that they are imperfect, incomplete, and not always impartial. Learning how laws or approaches to criminal behaviour can represent the interests of some over others is a key step in understanding the present realities and challenges of Canada's criminal justice system. Students of criminal justice learn to consider how best to respond to crime and can reflect on the purposes of punishment and the role of sentencing in crime prevention and public safety. Releasing offenders from **carceral** settings back into communities is also an area of critical concern that can influence public opinion and policy. Misinformation about the success of offenders upon release through parole provisions can significantly impact law reforms and correctional policy. As criminal justice students, you will have an opportunity to consider these important issues in further depth.

**carceral**
relating to a prison, that is, a state of incarceration

## Criminal Justice: Areas of Study and Key Players

The field of criminal justice has a mandate of *responding to* crime. Its many institutions and agents work to investigate criminal activity; enforce the criminal law; and provide the correctional arm of the state, including assisting offenders and communities in the aftermath of criminal activity. Criminal justice professionals are therefore found in a diverse range of fields, including research; policy; and community development work in academic, government, non-government, and non-profit sectors.

Studying criminal justice involves examining the work of all these agencies, but it can be broadly understood to be about three general parts of the criminal justice system—namely, policing, the criminal law, and corrections. This book is organized around these three sub-fields of specialization.

### *Policing*

The policing section of this book looks at the history and structure of Canada's many law enforcement services and their affiliated organizations, including municipal, regional, provincial/territorial, and federal levels of policing. Policing discussions in this book are also about *how* police do their work, including methods of community-based policing, surveillance and investigative teams, and specialized forces such as the Aboriginal Policing Directorate and the forensic science services used by law enforcement agencies throughout the country.

## CAREER PROFILE

### Ken Carriere

*Ken Carriere is a detective and major crime specialist with the Calgary Police Service, specializing in the use of forensics in historical homicide investigations.*

#### How did you first become interested in pursuing a career in law enforcement?

I grew up in a small town outside Winnipeg. While attending the University of Winnipeg, I worked at both the YMCA and the Downtown Business Association in a program called the Downtown Watch, helping the public and tourists navigate the downtown and working alongside the Winnipeg Police Service to create a safe atmosphere. I decided to return to the University of Winnipeg for a second major in justice and law, and added more communications and victim counselling skills to my CV. After several attempts, I received an offer of employment from the Calgary Police Service and moved there in 1998.

#### What was the career path that led you to your current position?

My experience "on the street" really dictated my direction in policing. We all start by being assigned to a team and being responsible for answering calls for service. These may be traffic accidents or 911 calls for help. My exposure to a high-crime area led me to want more than to simply take the report and move to the next call. I put significant effort into solving each crime scene I attended and learning from senior officers and members of the Forensic Crime Scenes Unit. After three years on patrol, my propensity for investigations led me to be assigned to the Break and Enter Unit, and I was promoted to detective a short time later. After two years in the General Investigations Unit, I was asked to join the Organized Crime Section, composed of a team of detectives investigating gang activity, firearms trafficking, and gun violence. Five years later, I was asked to move to the Homicide Unit and joined one of two teams that investigate suspicious deaths. After nearly ten years in Homicide, I moved into one of four positions within the Historical Homicide Team (HHT), where I apply the latest advancements in forensics to cases, hoping to uncover new clues. The HHT also investigates unidentified human remains, using investigative genetic genealogy to help identify victims.

#### What are your main responsibilities, and what does a typical day look like for you?

Our goal is to find the "truth." This is often independent of justice, as our investigations often determine that the perpetrator is deceased, or that the case is not prosecutable because of the loss of evidence over time or the death of key witnesses.

A typical day in the HHT is slightly different from normal detective roles. We deal less with witnesses and victims, since the position is more academic in nature. A review of a crime that has already been investigated, often many times, by keen detectives, leaves little room to be easily solved. A day in the HHT often includes reviewing the crime scene, photographs, notes, and lab reports to look for new investigative opportunities.

#### How does the practice of historical homicide investigations relate to forensics in general?

Historical homicides that I review often had great detectives working the case, though they were limited by technology. We now have better software to conduct forensic comparisons of fingerprints or firearm ballistics, detect smaller amounts of DNA, perform facial recognition, and offer new methods of identifying unresolved DNA profiles found at crime scenes via investigative genetic genealogy.

#### What are the most challenging and the most rewarding aspects of your job?

While recent innovations can help solve cold case files, the passage of time is the biggest challenge. Cold case investigations require finding all the reports, notes, witnesses, and officers related to the original case. Retirements, changes to retention policies, and loss of witnesses often create a scenario

in which there are a lot of questions, but few that can be answered. The most rewarding part is learning the truth so it can be shared with a victim's family.

***Fictional depictions of forensics work are very common in TV and movies. Do they give the public an accurate understanding of this field?***

No. I understand that TV shows or movies need a tight timeline, but the public would be shocked by how long many investigations take. A single swab or piece of clothing that needs to be examined for DNA in a cold case could take four to six months to have analyzed. The law requires warrants or production orders to collect most evidence. The information document for an affidavit may take days or weeks to compile, and phone records could take a month or two. Another issue is that we often believe we've identified the offender, but the case is not prosecutable, which means the suspect is still out there.

## Criminal Law and the Courts

The book's second area of focus is the criminal law and its court procedures. This field of study involves the work of many court-based personnel, including lawyers, judges, and their research teams (comprising paralegals, legal secretaries, and law clerks). It is also an area encompassing the work of court services personnel, including bailiffs; registrars; jury attendants; court reporters; and the criminal justice professionals who provide services and support to victims and witnesses, such as victim services organizations and social workers; and court-appointed personnel, such as **duty counsel** and child protection workers. Individuals who assist in the preparation of pre-sentence reports (probation officers) and those who provide additional support to victims at sentencing hearings are also part of this area of focus.

**duty counsel**
a lawyer paid by the government to provide legal advice and services to individuals who come to court unrepresented

## Corrections and Community Crime Prevention

The book's third area of focus is corrections, which examines the procedures and institutions of imprisonment in terms of the assessment, treatment, rehabilitation, and reintegration of offenders. Correctional officers, security personnel, and prison administration workers (such as the warden or superintendent of the institution) are key players in this criminal justice field. The work of post-incarceration personnel, such as parole officers, drug and alcohol use counsellors, and mental health workers, is also of interest to criminal justice scholars, as is the policy work of both government and non-government officials and organizations that study correctional frameworks and experiences. Community-based work among criminal justice professionals that doesn't take place in jail, court, correctional centres, or prison is also a part of the corrections area and includes halfway house counsellors, attendance centre program personnel, educational consultants, youth workers, probation officers, group home workers, and diversion or extrajudicial measures coordinators.

It is also important to mention the programs that are operated within the community that aim to prevent crime through both voluntary groups (e.g., crime prevention associations) and other non-governmental organizations (e.g., the John Howard Society, Elizabeth Fry Society, and St Leonard's Society). These programs and agencies assist the more formal state-run institutions under the direction of a broad base of community volunteers and provide additional services to prevent and reduce crime and harm in communities.

This is far from an exhaustive list of criminal justice agencies or professionals, but it should give you some indication of the wide variety of work that is conducted within the criminal justice system and the exciting opportunities such diversity creates for those who (like you!) have chosen to study it.

### *Thinking Critically About the Issues*

In asking you to think critically about the issues in this text, we want you to embark on a process of reasonably deciding what to do and believe while considering what sources, images, ideas, and arguments helped you reach these positions. We want you to be able to assess your own and others' arguments, but also to be able to construct good arguments when the issues being presented are controversial—which most topics in criminal justice are! You will notice that throughout this chapter there are a number of critical thinking questions for you to consider peppered within the Sidebar boxes. These questions provide you with an opportunity to practise before you enter into a career in the field. Criminal justice professionals and scholars should always be striving to create counterarguments and examples that rely on empirical evidence while remaining sensitive to their own biases and values. This requires a commitment to open-mindedness and fairness, empathy for the views of others, openness to self-criticism, and an appreciation of the value of looking at criminal events from multiple vantage points. This may mean a change in some of the beliefs you already have about crime and how it should be addressed, and this kind of shift is not always easy to undertake. As Mark Twain once remarked, "Education consists mainly of what we have unlearned," and when it comes to society's reactions to and treatments of criminal activity, one might say there is a great deal of unlearning to do. As Gendreau et al. (2002) have noted:

> [P]ublic opinions are woefully inaccurate and, not surprisingly, tend to be aligned with the "get tough" orientation of the media. Thus, the public mistakenly believes that prisons (the harsher the better) deter criminal behaviour, that parole rates and parole violations are far too high, that Canada's incarceration rates are lower than those of other countries and our sentencing policies are soft on crime, recidivism rates are sky high, and violent crime is epidemic. (p. 366)

To be able to dispel these inaccurate perceptions, it is essential that those who enter into the study of criminal justice do so with an open and critical mind. Few commentators on the criminal justice system—and even fewer students of criminal justice—think about the social and ethical responsibilities of this task before becoming involved with the system themselves. When students encounter the system as new professionals, studies show that they often view it through rose-coloured glasses and can experience a reality shock, leading to early career burnout and **moral distress** (Lentz et al., 2021; Todd-Kvam et al., 2025).

We all have a responsibility to act thoughtfully in our support for public policies within the realm of crime prevention and control, including when we elect our government leaders. Thinking through several viewpoints of the implications of a proposed change to the criminal law or a government agenda to "crack down" on crime is an important task in assessing the value of any given criminal justice practice. One of the purposes of this text is to help you dispel the myths about crime and criminal justice so that you can critically evaluate criminal justice policies in light of competing views about the nature of crime, the methods of responding to it, and the possible intended and unintended outcomes of these interventions.

As we have noted, the police, the courts, and the state's correctional arm are the principal areas of focus in criminal justice studies. This is a reflection of not only how our current system *responds* to crime but also how it *defines* crime. The history and structure of Canada's police systems, courtrooms, and correctional institutions inform us about how the criminal justice system is organized, as well as its underlying assumptions. Remember, however, that these are not the only ways of responding to crime. Many alternative approaches to policing or to determining punishments for offenders are explored in criminal justice studies each year (some of which are discussed in the upcoming chapters). It is important to keep in mind how the choices of lawmakers and government officials influence what behaviours are targeted and to keep an open mind about new ways of approaching old problems.

**moral distress**
the result when a person is unable to take the action that they believe is ethically or morally correct because of institutional constraints, rules, or practices

### *The State of the Criminal Justice System in Canada*

The federal Department of Justice consulted with Canadians about the state of the criminal justice system in Canada between 2016 and 2018. It reported that:

> Canadians want a fair, efficient, and compassionate criminal justice system, and one that promotes a safe, peaceful, and prosperous Canadian society. (Department of Justice Canada, 2019, p. 2)

The Department recognized that the lack of meaningful data was hindering the creation of evidence-based solutions and practices and looked at the availability of national data from the Canadian Centre for Justice Statistics, Statistics Canada, the Department of Justice, Correctional Service Canada (CSC), and the Office of the Correctional Investigator to provide benchmarks on the following nine broad goals for the criminal justice system:

1. Canadians are safe and individuals and families feel safe.
2. The criminal justice system is fair and accessible.
3. Canadians understand the role of and express confidence in the criminal justice system.
4. The criminal justice system operates efficiently.
5. The criminal justice system promotes and supports diversion, restorative justice, Indigenous justice, and tools for community-based resolution.
6. The criminal justice system provides persons in the correctional system with services and supports to rehabilitate them and integrate them back into the community.
7. The criminal justice system respects victims' and survivors' rights and addresses their needs.
8. The criminal justice system reduces the number of Indigenous people in the system.
9. The criminal justice system reduces the number of marginalized and vulnerable people in the system.

Each of these outcomes is assessed using national data. For example, outcome 9, reducing the number of marginalized and vulnerable people in the system, examines data from Statistics Canada regarding self-reported violent victimization among marginalized and vulnerable populations and police contact among individuals with a mental or substance use disorder. CSC would also consider this outcome in relation to the data on mental health needs in federal corrections and the number of members of racialized groups in correctional services.

### *Critical Thinking Question*

Visit the Department of Justice website and review the data presented on its State of the Criminal Justice Dashboard for each of the nine outcomes listed above: https://www.justice.gc.ca/socjs-esjp/en.
1. What is your opinion about the list of nine outcomes? Are they the ones that you would expect of the Canadian criminal justice system? If not, what other goals do you think Canada should have for its justice system?

## How Much Crime Is There? Debunking the Myths

Crime and society's response to it are frequent features in news media reports, leaving many issues of policing, the court system, and the correctional system open to public scrutiny. Criminologists have also noted that the reporting practices of the mass media have a significant influence on public attitudes and beliefs about crime. News reports tend to focus on violent offences (despite their rarity) while paying less attention to declining **crime rates** in general, leading more Canadians to believe that violent crime is on the rise. It is not surprising, then, that public opinion often gets the facts about crime wrong.

**crime rate**
the measure of the overall number of police-reported crimes as a percentage of the population in any given region

According to the Department of Justice State of the Criminal Justice Dashboard (outlined in the Sidebar box above), there is low public awareness of the role of the criminal justice system. Foran et al. (2025) found that six in ten Canadians reported that they were concerned about misinformation related to crime and justice that they were reading online. High levels of concern

about misinformation led Canadians to have lower trust in institutions such as the police and the criminal justice system generally. Evidence suggests that Canadians are more likely to express confidence in the criminal justice system if they increase their awareness and understanding through public legal education.

Crime rate statistics provide good examples.

### Understanding Crime Rates

The crime rate is a measure of police-reported crime in a given region or population. It is calculated by adding up all the criminal incidents that have been reported to the police and dividing by the population (i.e., rate per every 100,000 persons). In Canada, these data are taken from the Uniform Crime Reporting (UCR) Survey, which collects information filed by police departments across the country about the number of crimes reported, the number of criminal charges that were laid, how these were addressed (e.g., were they "cleared" or solved by police), as well as the age and gender of the offenders. Because it does not include information about crimes that were *not* reported, the crime rate is only one indicator of how much crime really occurs.

The national crime rate in Canada was on a decline for several decades, and, in 2014, it was at its lowest recorded level since 1969 (see Figure 1.1) (Moreau, 2021). The volume and severity of crime that was reported to police began to rise in 2015, however, and has since been increasing (Statistics Canada, 2025a), notwithstanding a dramatic drop in the crime rate that occurred during the global pandemic in 2020–21 (see Sidebar: COVID-19 and Crime). Three years of consecutive increases in the crime rate were followed with a notable decrease in 2024. From 2019 to 2020, the crime rate dropped by just over 9 percent. In 2021 there was a less than 1 percent increase, followed by a 5 percent increase in 2022 and a 2 percent increase in 2023. The crime rate in 2024 dropped by 3 percent, bringing the number of incidents back to levels reported before the pandemic (Statistics Canada, 2025a). Consecutive decreases or increases in police-reported crime have a considerable impact on **crime trends** or patterns, particularly when changes to the crime rate occur.

**crime trend**
an observable pattern in how crime rates have changed over time



**FIGURE 1.1    Police-Reported Crime Rates, Canada, 1962–2024**

Source: Statistics Canada (2025a, Chart 2).
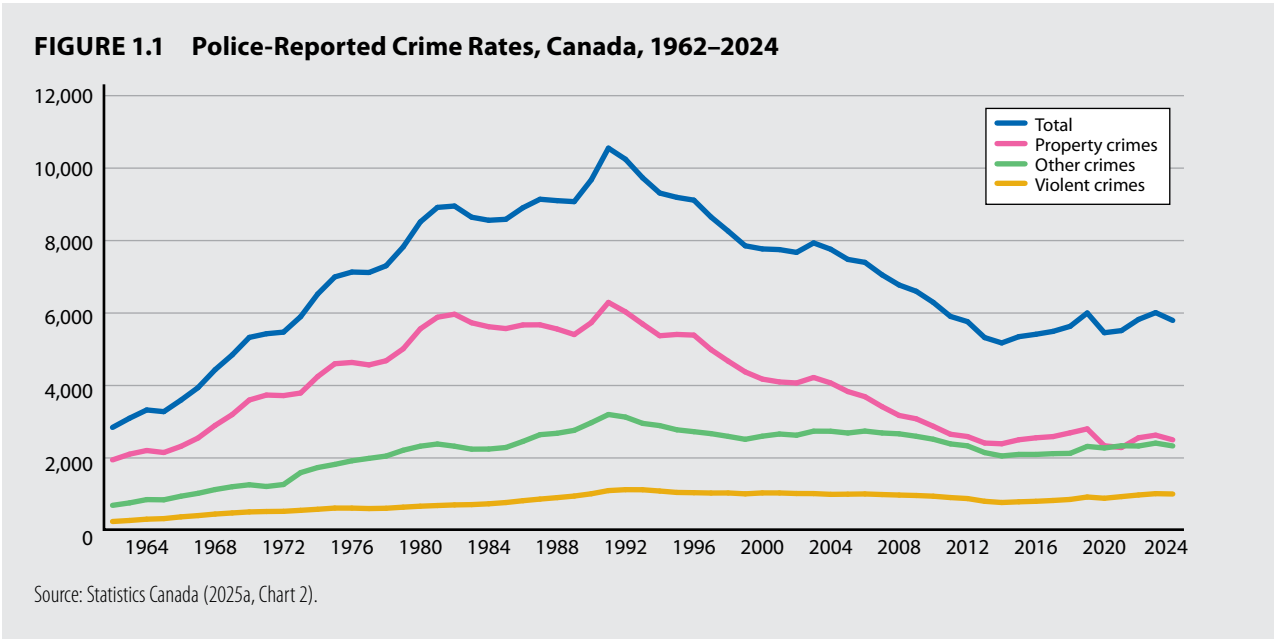
## SIDEBAR

***COVID-19 and Crime***

The global pandemic had a significant impact on crime rates when government restrictions in several countries prohibited travel and required people to stay at home. In 2020, there was a significant decrease (10 percent) in the crime rate in Canada, with experts attributing these changes to the COVID-19 pandemic (Hodgkinson & Andresen, 2020; Moreau, 2021). Crime reports decreased for most offences in 2020 and 2021, including property-related offences such as robbery and break-and-enter (Moreau, 2021). Reports of some offences, however, increased during the pandemic, including homicides, cybercrime, and family violence (see Figure 1.2) (Hoeboer et al., 2024).

While lockdown measures may have reduced some crimes, stay-at-home orders also increased incidents of violence in the home. Research suggests the rise in family violence was caused by the pandemic's added pressures of isolation, financial stress, and their impact on mental health. The need to care for children who were at home because of school closures and the lack of vigilance by family and friends that might support a call for service are also contributing factors. While violence in the home is often not reported to the police, the pandemic raised concerns across the world, leading the United Nations Women (2020) to coin the phrase "the Shadow Pandemic" to describe the impact of COVID-19 lockdown measures on violence against women and within families.

**FIGURE 1.2    Research on Crime Rates Following COVID-19 Restrictions**
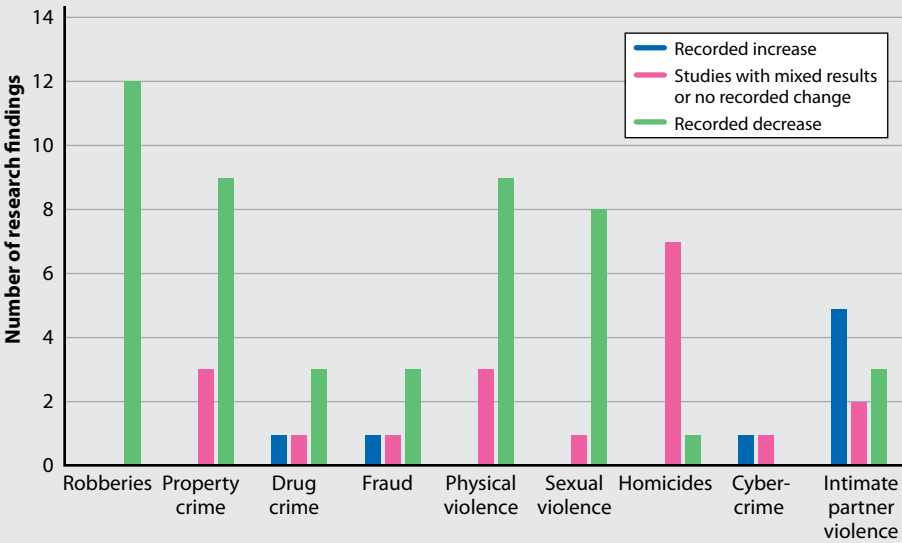


Many research studies have investigated the effects of pandemic restrictions on crime rates.

Source: Hoeboer et al. (2024, Figure 2).

Given how the crime rate is calculated, an increase of even one homicide in a region can dramatically increase the overall rate and severity of crime. The crime rate, which measures the overall volume of police-reported crime, counts all offences equally so that one incident of bicycle theft is counted the same as one incident of murder. Accordingly, the crime rate tends to be driven by high-volume, less-serious offences, such as minor thefts and mischief, rather than the more violent offences people often imagine when they hear the word "crime" (see Figure 1.3).

**FIGURE 1.3   Crime Rate and Crime Severity Index**

| Conventional crime rate | **1** property theft has the same impact as **1** murder<br>One incident of murder is equivalent in weight to one incident of property theft. |
| --- | --- |
| Crime Severity Index | **1** murder has about 280 times the impact of **1** property theft<br>Murder has a weight of over 8,200, while property theft has a weight of 29.* |
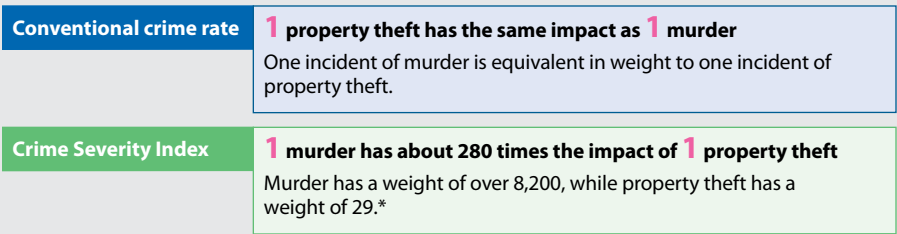
* Crime Severity Index–Index IV weights (applicable to data from the Uniform Crime Reporting Survey for 2021 to 2026).

Source: Statistics Canada (2024).

To provide a better understanding of the more serious crimes in Canada, the **Crime Severity Index (CSI)** was introduced in 2006. In addition to the volume of crime reported to the police, the CSI also gives a weight to each offence based on the average sentences handed down by the courts. The more serious the average sentence, the higher the weight for the offence on the CSI. As a result, in the calculation of the sum of the weighted offences (divided by the population), the more serious offences such as murder will have a greater impact on changes in the CSI from year to year (Wallace et al., 2009).

In 2024, not only did the crime rate go down, but the Crime Severity Index (CSI) also decreased by 4 percent. There were notable decreases in the number of break-and-enters (decrease of 10 percent) with smaller decreases in robbery (2 percent decrease) and fraud (1.4 percent decrease). The number of homicides also decreased, with 8 fewer victims of homicide in 2024 than in the previous year and 97 fewer than in 2022. Despite a decline in homicides generally, the homicide rate for Indigenous people (10.84 homicides per 100,000 population) was eight times the rate among the non-Indigenous population (1.35 homicides per 100,000 population) (Statistics Canada, 2025b). See Table 1.1.

**Crime Severity Index (CSI)**

a measure of the volume and severity of police-reported crime in any given region or time period, based on the seriousness of crimes committed

**DIG DEEPER**

For a video explaining the collection of crime statistics and the crime severity index, take a look at the website provided by Statistics Canada.
**www.emond.ca/TACJ4/links**

**TABLE 1.1   Number of Homicide Victims and Persons Accused of Homicide, by Indigenous Identity**

| Year | Total Number of Homicide Victims | Indigenous Male Victims | Indigenous Female Victims | Non-indigenous Male Victims | Non-indigenous Female Victims | Race/Gender Unidentified |
| --- | --- | --- | --- | --- | --- | --- |
| 2021 | 801 | 146 | 46 | 420 | 150 | 39 |
| 2022 | 885 | 172 | 54 | 479 | 146 | 34 |
| 2023 | 796 | 144 | 50 | 411 | 155 | 36 |
| 2024 | 788 | 152 | 71 | 367 | 156 | 42 |

Source: Statistics Canada (2025c).

**DIG DEEPER**

For more information on homicides in Canada, visit the Police-Reported Information Hub. **www.emond.ca/TACJ4/links**

**victimization survey**
a questionnaire that asks respondents to report their experiences of being a victim of crime

**dark figure of crime**
crimes that have been committed but go undetected and/or not reported to the police but have shown up in self-report measures or other indicators of crime and victimization

While the violent CSI dropped by only 1 percent, the non-violent CSI dropped by 6 percent (Statistics Canada, 2025a). Of note, however, was a 14 percent increase in 2024 of shoplifting, with the rate having risen 66 percent over the past 10 years. While there had been a 3-year trend of increases in the rate of motor vehicle theft, this declined in 2024 from 2023 by 17 percent (Statistics Canada, 2025a).

## Understanding Criminal Victimization

To gain a fuller picture of what crime is occurring and how it is experienced, it is important to examine crime rates from many vantage points, using many sources of data such as public inquiries and **victimization surveys** that provide information on offences not disclosed to police. These considerations are particularly important for learning more about unreported crime.

### Unreported Crime: The Dark Figure

In addition to police-reported crimes, learning more about self-reported crimes (e.g., from victimization surveys) provides an overview of how Canadians feel about their sense of personal safety and their satisfaction with the police. Self-report studies are particularly useful given their ability to provide data on crimes that are not reported to police and thus omitted from national measurements of the crime rate. Many other offences occur but never come to light. This leads criminologists and law enforcement personnel to refer to the vast amount of criminal activity that stays out of view of the public and the police as the **dark figure of crime**.

This dark figure of crime makes the total amount of crime in any given society impossible to know. How much crime goes unreported is thought to vary depending on the offence. For example, sexual assault has the lowest reporting rate of any criminal offence, estimated to be less than 6 percent. This means that of every 100 sexual assaults that occur, only 6 are ever reported, leaving the criminal justice system in the dark about the remaining 94 offences. Education and awareness campaigns about sexual violence can increase reporting rates for sexual assault (see Sidebar: Crime Rates and the #MeToo Movement).

The General Social Survey (GSS) is the only national survey to collect self-reported data on crime victimization (Statistics Canada, 2019). When collecting data under the victimization theme, this survey asks about experiences with three types of crime, made up of eight specific offences: violent victimization (sexual assault, robbery, physical assault), theft of personal property, and household victimization (break-and-enter, motor vehicle theft, theft of household property, and vandalism). The GSS was administered online for the first time in 2019, and starting in 2022, its name was changed to the General Social Statistics Program (GSSP) to better reflect the data it collects (Statistics Canada, 2022). According to the data from the GSS in 2019, fewer than one-third (29 percent) of criminal incidents were reported to police (Cotter, 2021). Motor vehicle thefts were most likely to be reported to police (52 percent reported) while (as noted) approximately 6 percent of sexual assaults were reported. Participants who had experienced child abuse before the age of 15 were the least likely to report this to the police or a child protective services agency.

Despite their ability to provide some insight into the dark figure of crime, self-report studies depend on many subjective factors, such as the honesty of respondents and whether the survey questions were understood as intended. These variations affect how crime is understood by criminal justice researchers and professionals and can alter how crime-control policies are developed.

## SIDEBAR

### *Crime Rates and the #MeToo Movement*



Many factors can influence crime rates, including major cultural and socio-political events that change how the public views and *reports* criminal activity. The #MeToo movement throughout 2017 and 2018 provides a good example. Initially a grassroots program started in 2006 for survivors of sexual violence to show solidarity and "empower through empathy," the #MeToo movement gained global notoriety following a celebrity tweet on October 15, 2017 that called on survivors to use the hashtag #MeToo to raise awareness about the ubiquity of sexual violence (Daigle, 2021). It worked—the hashtag generated more than 12 million uses in the first 24 hours after it began trending (Hoffman, 2021). Moreover, Statistics Canada data showed a 13 percent increase in reports of sexual assault to police in the year that the social media campaign went viral (Rotenberg & Cotter, 2018). A 10 percent increase in the number of sexual assaults reported to police in the first 6 months of the #MeToo campaign was also found across 30 other countries (Levy & Mattsson, 2021). Most striking, however, is the increase in reporting rates in the campaign's initial month (see Figure 1.4). When the #MeToo hashtag first went viral in October 2017, police recorded a 46 percent increase in sexual assault reporting rates—the highest recorded since 2009, when Statistics Canada first began collecting the data (Rotenberg & Cotter, 2018). Studies have found similar effects in the United States using data from the Federal Bureau of Investigation's National Incident-Based Reporting System, where the #MeToo movement was followed by an increase (of 8 percent) in reporting rates for sex crimes (Chen & Long, 2024).

**FIGURE 1.4 Police-Reported Sexual Assaults Before and After #MeToo**
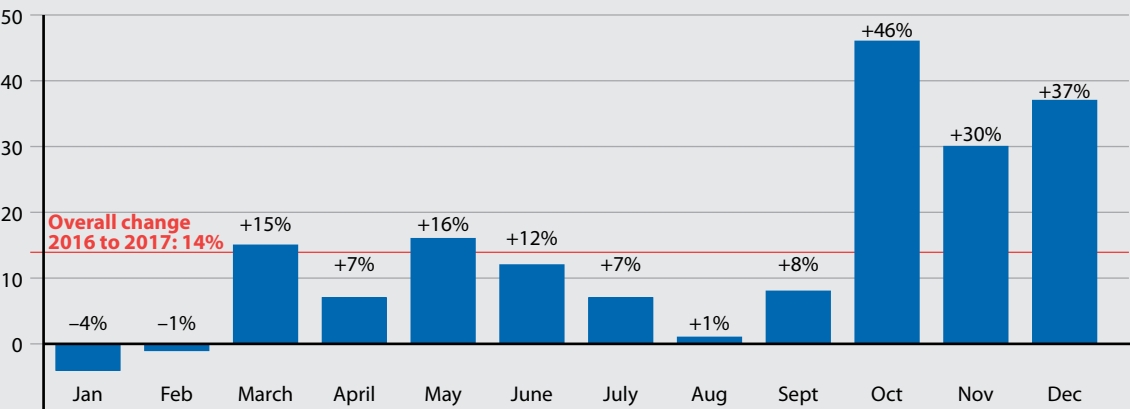


Note: Sexual assault offences include sexual assault level 1, level 2, and level 3. Percent change numbers represent the percent change between the number of victims of sexual assault reported in a given month in 2016 and the same month in 2017. Counts are based on the number of victims for whom the most serious violation in the incident was sexual assault. The report date is the date when the incident became known by the police or was reported to the police. Excludes incidents in which the age or sex of the victim was unknown or over 89 years of age (<1 percent).

Source: Rotenberg and Cotter (2018, Chart 2).

Data gathered by Statistics Canada on public perceptions of crime and safety consistently show that the vast majority of Canadians report having a high level of satisfaction with their personal safety. In urban areas, 87 percent of residents report feeling safe walking alone in their neighbourhoods at night, and in rural neighbourhoods, the rate rises to 93 percent (Cotter, 2025). Only a small portion of the population reports feeling as though crime has increased, whereas three-quarters of both urban and rural residents believe crime is about the same as it was five years ago (Cotter, 2025). Importantly, public perceptions of safety are influenced by many factors, not least of which are personal experiences of victimization and marginalization. Research from the Canadian Centre for Justice and Community Safety Statistics has demonstrated a number of inequities with respect to how crime is experienced. Race and gender are significant factors, with Indigenous women and girls facing the highest rates of victimization of all population groups in Canada (Heidinger, 2021). Many other groups also face heightened risks of violent victimization, including people with disabilities, immigrant youth, and members of the 2SLGBTQ+ (Two-Spirit, lesbian, gay, bisexual, transgender, queer, and other minority sexual and gender orientations) population (Davidson et al., 2024; Perreault, 2022; Steele et al., 2024). These same groups report the lowest levels of confidence in the police (Ibrahim, 2020). These systemic inequities pose considerable challenges for effective criminal justice policy and warrant continuing research into the diverse needs of victims of crime.

**victimology**
a sub-area of criminological inquiry that includes an awareness of the rights of victims, the importance of their voice in all stages of the criminal justice process, and activism to support the rights of those impacted by crime

Sparked by an interest among criminologists in the social and emotional experiences of the victims of crime, the field of **victimology** was developed to better understand the processes and effects of victimization. This area of study is also associated with strong activism for victims' rights and support services, including advocacy for more meaningful involvement of victim perspectives throughout the criminal justice system. Advancements in this field of study have led to an increased awareness of the importance of supporting victims through the stages of a criminal prosecution and advocating for their place within these processes. Support includes not only understanding the experiences victims may have during the commission of the crime but also

during the aftermath of a criminal event. Victimology researchers also examine factors related to becoming a victim. It may surprise you to know that many of the people who are "offenders" within the criminal justice system were previously victims (see Sidebar: Offenders as Victims and the Impact of Trauma).

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### SIDEBAR

***Offenders as Victims and the Impact of Trauma***

Victimization in childhood is strongly linked to later criminal conduct. Compared to the general public, individuals who are incarcerated are more likely to have experienced childhood abuse and subsequent issues stemming from the abuse in the form of mental health problems, behavioural disorders, and repeated victimization experiences before and during their incarceration (Meade et al., 2020). Felitti et al. (1998) identified several adverse childhood experiences (ACEs): maltreatment (physical, sexual, emotional abuse, and physical and emotional neglect) and household dysfunction (parental separation/divorce, domestic violence, mental illness, substance misuse, and incarceration). The experience of one or two ACEs has been shown to lead to a greater likelihood of adults requiring antidepressants. Individuals are seven times as likely to go to prison and have substance abuse disorders with four or more ACEs (Afifi & Asmundson, 2020; Hughes et al., 2017). Studies have shown that incarcerated men on average have five or more ACEs, while incarcerated women report seven.

Research on ACEs has led to recognition of the pervasiveness of trauma and its impact on individuals. There has been a concerted effort in the criminal justice system and its supporting sectors to ensure **trauma-informed** practices are used when working with offenders.

Throughout the text will be many case examples that involve intergenerational violence and other forms of traumatic events that have affected an individual's life. It will be important to consider the trauma-informed lens when assessing and reaching decisions about the parties involved. The trauma-informed lens considers the supports that might be necessary for someone impacted by ACEs and other traumatic events to speak, respond, or even move comfortably through a space.

**trauma-informed**
considers the impact of trauma on an individual, in order to be sensitive to long-term effects and triggers to previous experiences long after the trauma

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### Victims' Rights and Policy

The emergence of a victims' rights movement in Canadian criminal justice history was a response to a global interest in the experiences of victims of crime. In 1979, the World Society of Victimology was formed to provide a forum for researchers, policy-makers, and service providers to pursue their common interests and exchange knowledge. It began to use its combined knowledge to influence the United Nations, and in 1985 the UN General Assembly adopted a resolution on the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*. The resolution committed every government in the world to a transformational shift in the manner in which the criminal justice system operated, requiring that there be a recognition that crime impacts victims and families and not just the state. Further, governments were called on to recognize that victims are also subject to abuses of power by agents of the state and its criminal justice agencies, including police and correctional services.

In 1988, the Canadian Parliament passed Bill C-89, which gave victims various rights, including the right to file a victim impact statement or speak to the court during a sentencing hearing. Ongoing victims' rights advocacy and research have resulted in several other amendments to the *Criminal Code*, making it possible for impact statements to be admitted during sentencing, for judges to order restitution for victims or publication bans to protect their identities, and for victims to attend parole hearings (Puddister, 2021). In 2015, the *Canadian Victims Bill of Rights* (CVBR) was enacted, establishing four fundamental rights for victims of crime that must be considered during each step of the criminal justice system: (1) information, (2) protection, (3) participation, and (4) restitution (see Figure 1.5). Leading up to the tenth anniversary of the

CVBR, the Office of the Federal Ombudsperson for Victims of Crime (2024) wrote an open letter calling on the federal government to fulfill its commitment to "strengthening federal efforts to uphold victims' rights under the CVBR" (para. 1).

**FIGURE 1.5    Canadian Victims Bill of Rights Act**

| CRIMINAL JUSTICE CONTINUUM | | | |
|---|---|---|---|
| **Investigation** ▶ | **Trial** ▶ | **Sentencing** ▶ | **Federal Corrections and Conditional Release** |
| **Right to information** about the status and outcome of the investigation of the alleged offence, location of proceedings, and available services. | **Right to information** about the location and time of the proceedings and outcome. | **Right to information** on reviews while NCR/UST* offender is subject to Review Board hearings and about the location and timing of sentencing hearings and their outcome. | **Right to information** about the date, destination, and conditions attached to an offender's release under the *Corrections and Conditional Release Act* (CCRA) and about available programs and services, including Restorative Justice programs. |
| **Right to protection** by having their security and privacy considered during the investigation. | **Right to protection** by having their security and privacy considered; to have reasonable and necessary measures taken to protect them from retaliation and intimidation; to request that their identity be protected; and to request testimonial aids. | **Right to protection** by having their security considered at sentencing. | **Right to protection** by having their security considered and to have reasonable and necessary measures taken to protect them from retaliation and intimidation. |
| **Right to participation** by conveying their views when decisions are made by authorities that affect their rights under the Act, and to have those views considered. | **Right to participation** by conveying their views when decisions are made by authorities that affect their rights under the Act, and to have those views considered. | **Right to participation** by conveying their views when decisions are made that affect their rights under the Act, and to have those views considered as well as to present victim impact statements. | **Right to participation** by conveying their views when decisions are made that affect their rights under the Act, for example, at a parole hearing, and to have those views considered. |
| **Remedy:** Victims who feel that their rights have been breached by a federal department, agency, or body can file a complaint through its complaints process. | **Remedy:** Victims who feel that their rights have been breached by a federal department, agency, or body can file a complaint through its complaints process. | **Right to restitution** by having the courts consider a restitution order in all cases and have it entered as an enforceable judgment in Civil Court. <br><br> **Remedy:** Victims who feel that their rights have been breached by a federal department, agency, or body can file a complaint through its complaints process. | **Remedy:** Victims who feel that their rights have been breached by a federal department, agency, or body can file a complaint through its complaints process. |

*(Left vertical label: Victim Rights)*

\* NCR: Not Criminally Responsible; UST: Unfit to Stand Trial

The victims' rights movement has changed the victim's role in the criminal justice system in a number of ways, moving the victim of a crime beyond the role of observer or mere witness to that of a participant in the criminal process. The extent of this participation, however, remains a matter of debate within criminal justice research. Some legal researchers have warned that victims' rights advancements that equate respect for victims with harsher sentences may result in unjustly punitive sentencing regimes (Janzen, 2020). Others have noted that the reliance on victims to provide evidence of harm is burdensome and could aggravate the problem in sexual assault cases, for example, of judges relying on myths and stereotypes of the "ideal victim" as one that has suffered physical injuries and can show signs of resistance (Ruparelia, 2012). Other victims' rights advocates and researchers have called attention to the remaining gaps in victim services. The Federal Ombudsperson for Victims of Crime continues to encourage governments to increase the CVBR's enforceability in order to empower victims of crime and increase public confidence in the criminal justice system.

## Who Are the "Criminals"?

By definition, a criminal is anyone who has been convicted of a crime. Contrary to the popular image of the criminal behind bars, of the many individuals who come in contact with Canada's criminal justice system, the smallest group are those convicted and sentenced to a term in prison. There is far more crime than the number of sentences served would suggest. This happens because, as cases move through the criminal justice system, various factors affect whether they will continue to the next stage. One of the most important factors is human discretion and its impact on decision-making. After a person commits a crime, the crime must be reported and investigated before an arrest can be made. The arrest (as you will learn throughout this book) represents only the beginning of a criminal prosecution. Many decisions by police, lawyers, probation officers, judges, and juries will affect whether a conviction for the crime will occur and, after conviction, what type of sentence will be imposed. Many cases, however, are dropped from the system long before they reach the sentencing phase, let alone a sentence of incarceration. This funnelling process is known as **attrition** and its rate is estimated in recent Statistics Canada data to be about 4 percent, meaning that if 100 crimes were reported to police over the year (which would be very low!), only four of them would result in a sentence of imprisonment.

**attrition**
the filtering process that reduces the number of criminal cases as they move through the stages of the criminal justice system
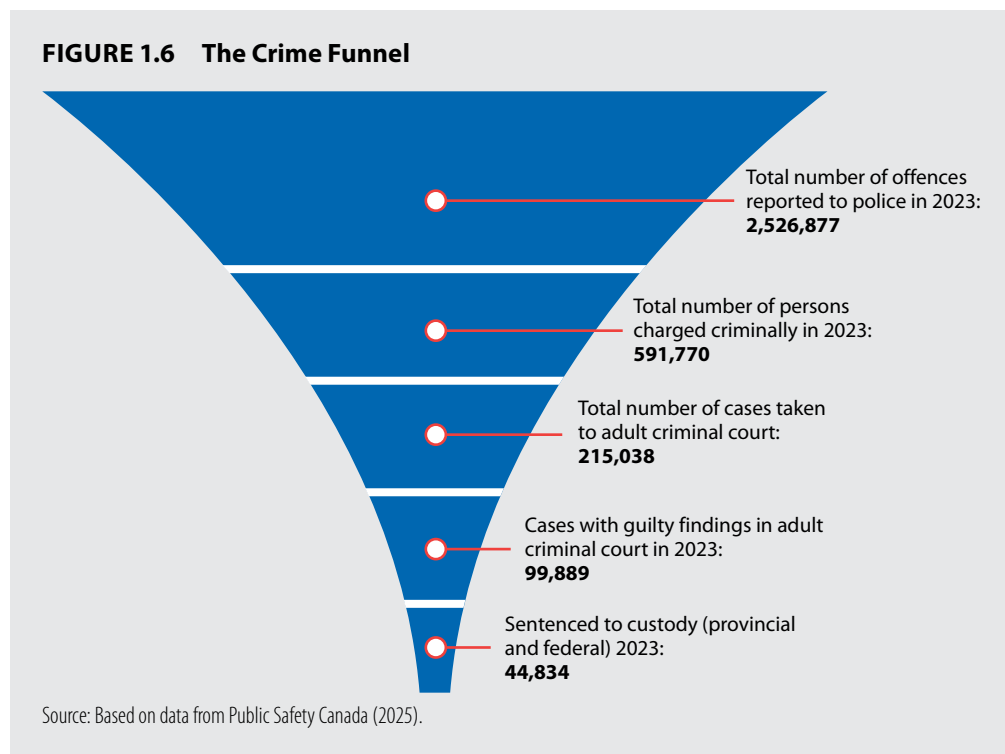
### SIDEBAR

*The Crime Funnel*

The crime funnel, also known as attrition, refers to the reduction of cases as they make their way through the various parts of the criminal justice system. This leaves a small percentage of the total number of cases investigated by police resulting in conviction and even fewer that end in a custodial sentence. There are several key points within this funnelling process at which attrition is greatest:

- the victim's decision to report the crime to police;
- the police investigation and decision-making process with respect to whether the allegation is credible or supported by sufficient evidence (i.e., "founded");
- discussions between police and Crown prosecutors and their joint discretion to lay a charge;
- the criminal prosecution of an accused, including any pre-trial and trial procedures that can affect whether a case goes forward;
- the judge or jury's decision in reaching a guilty verdict or the entering of a plea from the accused; and
- the determination of an appropriate sentence.

The number of cases decreases at each of these attrition points.

Figure 1.6 illustrates the attrition process for the year 2023. Although 2.5 million crimes were reported to police in Canada that year, criminal charges were laid in less than a quarter of the cases (591,770), with only 36 percent (215,038) of those charged moving ahead to court. Of these cases, 99,889 or 46 percent resulted in a finding of guilt (including both conviction and guilty pleas). Less than half of those found guilty (44,834) resulted in a custodial sentence. In just over half (110,767) of cases in which criminal charges were laid, the charges were stayed or withdrawn (Public Safety Canada, 2025).

**FIGURE 1.6    The Crime Funnel**



Total number of offences reported to police in 2023: **2,526,877**

Total number of persons charged criminally in 2023: **591,770**

Total number of cases taken to adult criminal court: **215,038**

Cases with guilty findings in adult criminal court in 2023: **99,889**

Sentenced to custody (provincial and federal) 2023: **44,834**

Source: Based on data from Public Safety Canada (2025).

There are several decision points at which members of the formal criminal justice system are relied on to make choices that will impact the flow of cases through the system. Some of these decision points are identified in the Crime Funnel Sidebar.

As you will read throughout this text, the police officer has discretion in terms of making an arrest, laying a charge, or diverting the individual to alternative measures that are sanctioned by the state. At this point of the funnel, some cases can be referred to community services and supports that are seen as better alternatives to trial. For those cases that proceed through the funnel, decisions and arguments made by lawyers for the Crown and the defence will further affect which cases stay in the system and which drop out. Assuming that the case progresses to court and the individual is found guilty, another decision point is reached with respect to the appropriate sentence for the offender, as well as which institutional setting and programs are most suitable. Further points of attrition follow the offender throughout the incarceration and reintegration stages, including key outcomes with respect to parole and probation. You will be asked to think critically about these decision points through case studies and mini case studies throughout this text.

## SIDEBAR

### Penology: Considering Harm Inflicted on Others

As a student of criminal justice studies, it will be important to use your critical thinking skills when it comes to decisions that might bring harm to another individual. Sanchez et al. (2020) argue that criminal justice students should be provided with an opportunity to look at the **humanistic** side of the individuals who come before the courts to be sentenced. **Penology** is the multidisciplinary study of the justifications of penalties and social sanctions that seek to understand broader questions concerning who we punish, for what offence, when, and why. The penologist seeks to understand the deployment of penalties within their social, historical, economic, and political contexts and is concerned with the practices, laws, and procedures that shape punishment and its effectiveness. Many students of criminal justice studies seek employment working in the field of corrections either in provincial or territorial detention or correctional centres, federal penitentiaries, or community-based agencies working with offenders post-release.

In addition to considering what brought the offender into the system, handing out punishment through sanctions that will lead to more harm being inflicted on the individual also requires further consideration of the impact on the wider community when that individual's sentence is completed. This may include considerations about the individual's risk to reoffend (recidivism) and the ways in which a criminal might be encouraged to adopt a more prosocial lifestyle.

Being released can be a difficult transition for a lot of individuals within the criminal justice system. Many conditions are placed on an offender who is being released into the community on probation, early release, a temporary absence pass, or parole. Some of these conditions can make it very difficult for offenders to be successful. Nugent and Schinkel (2016) report that professionals who work with offenders returning to the community after incarceration are recognizing the "pains of desistance" and provide programming that assists their effective reintegration.

In a survey of criminal justice students who had completed an in-course exercise designed to reflect on the types of behaviours that may lead a person into the criminal justice system, the researchers found that the reflections helped students to recognize their privilege and be less judgmental and more empathetic toward criminals (Sanchez et al., 2020). One student remarked, "It was extremely effective in opening my eyes to the fact that anyone and everyone is a criminal. Before we started the exercise, I was very arrogant in my confidence that I would not be a criminal" (Sanchez et al., 2020, p. 275). In terms of empathy, another student had this to say:

> I feel for the situations they may be placed in that lead to a life of crime. I was thinking about people I see in mugshots on the news, and they look like they have had a hard life. It got me thinking, what would I be like if I grew up facing things I never did? My life is privileged because I never dealt with poverty, drugs, or abuse. My dad is a lawyer, and my mom stayed home with us. I never had to worry … I need always to consider people's situations before I judge them. (Sanchez et al., 2020, p. 276)

Nixon (2020) encourages her criminal justice students to reflect on the stereotypes that often surround offenders and offers students an opportunity to hear from and consider the narratives of those who have desisted from crime. Desistance is contingent upon relationships with others and, accordingly, criminal justice practitioners who recognize the offenders' potential and help them build on their existing strengths will better assist offenders in leading more prosocial lives after leaving prison. The humanizing impact of looking at desistance as another framework beyond rehabilitation and punishment is a helpful strategy for criminal justice students to consider.

### Critical Thinking Questions

1. Recall the You Be the Judge Case Study at the beginning of the text. Did you consider factors that might have led these young people into the youth justice system?
2. Do you think that handing out a punishment encourages young persons to desist from crime? How might the criminal event in Case Study 1 be understood from a humanistic perspective?

As you read other cases in this book, remember to explore them in a manner that reflects a consideration of the individuals involved from a humanistic perspective.

**humanistic**
a perspective that looks at a person as a whole as opposed to just one aspect of them; to consider the person beyond their criminal label and realize that there are many aspects to an individual's life

**penology**
the study of punishment and social sanctions, including the laws, practices, and beliefs about who, how, and why societies punish

The crime funnel serves as a good example of what the study of criminal justice is like. We often begin with broad-based concerns or topics but must narrow them to reach a fuller understanding and make any change. This is particularly the case when what some criminologists refer to as the "social context" of crime is considered. This perspective views the social conditions in which crime takes place (e.g., the existence of inequality or discrimination) as central to understanding how crime is treated by the criminal justice system, including how crime and criminals are defined.

Research conducted in the United States has shown that males and Black people are more likely to be arrested, convicted, and face sentences of imprisonment than any other type of offender, "leading to a [prison] population that becomes less representative of the total offender population throughout the crime funnel" (Charette & van Koppen, 2016). For Black offenders in Canada, Owusu-Bempah and Jones (2024) report that they are more likely to receive a longer sentence than their white counterparts and are 24 percent more likely to be denied parole during their first eligibility period.

In 2020, the Office of the Correctional Investigator (OCI) announced that the number of Indigenous people in federal custody had reached historic highs, surpassing 30 percent of the total federal inmate population, despite representing only 5 percent of Canada's general population (Public Safety Canada, 2023). Among women's institutions, the level of overrepresentation is much higher, with Indigenous women making up 50 percent of all federally sentenced female offenders and 65 percent of federally incarcerated women being held in maximum security (Public Safety Canada, 2023). An investigative report released by the *Globe and Mail* in 2020 also found significant racial disparity in the outcomes of risk assessment measures used to make decisions about offender admission and release. The study found that Black men were 24 percent more likely to receive a score that led them into a higher security level from admission. Similarly, Indigenous men were 30 percent more likely to receive a poor "reintegration potential" score that keeps them incarcerated longer without the potential for parole (Cardoso, 2020). These and other structural issues of racism within the criminal justice system are explored in Chapters 3 and 6 of this text. Discussions around risk assessment are covered in Chapter 10.

## SIDEBAR

### Critical Thinking Questions for Defining Crime and Criminality

1. What are your views on crime, criminality, and criminals? How differently do you view the image of an "offender" compared to your own life experiences? Does your definition of crime use an "us and them" framework?
2. What role do other structural factors, such as poverty, adversity, or mental health challenges, play in your understanding of criminality?
3. How might you encourage an offender to desist from crime? What do you see as the difference between rehabilitation and desistance?

As some of the studies discussed in this chapter have argued, it is important to think critically about how crime rates and statistics about Canada's criminal population are both calculated and understood. Critical thinking involves asking questions about who is being "counted" as a criminal and at what point in the crime funnel offenders are situated. Identifying who is a criminal is not always as simple as it seems.

The *Canadian Charter of Rights and Freedoms* (Charter) provides everyone with the right to be presumed innocent until proven guilty. Although the term "criminal" brings to mind an image of a person behind bars, in Canada, provincial and territorial jails house more people who are awaiting a trial or bail hearing than convicted offenders (Fine, 2023). Research has also

shown that Canada's use of pre-trial custody (or **remand**) has increased more than 300 percent in the last 4 decades (Webster, 2023). The result of the upward trend in Canada's remand rate is more people behind bars, the majority of whom are legally innocent and awaiting trial (Pelvin, 2019). This dramatic rise in Canada's remand rate over the last 20 years, in particular, is well illustrated in Figure 1.7.

**FIGURE 1.7    Remand Rate in Canada, 1978–2018 (per 100,000 Population)**



Note: Data for some provinces/territories are estimated for some years.

Source: Based on data from Webster (2023).
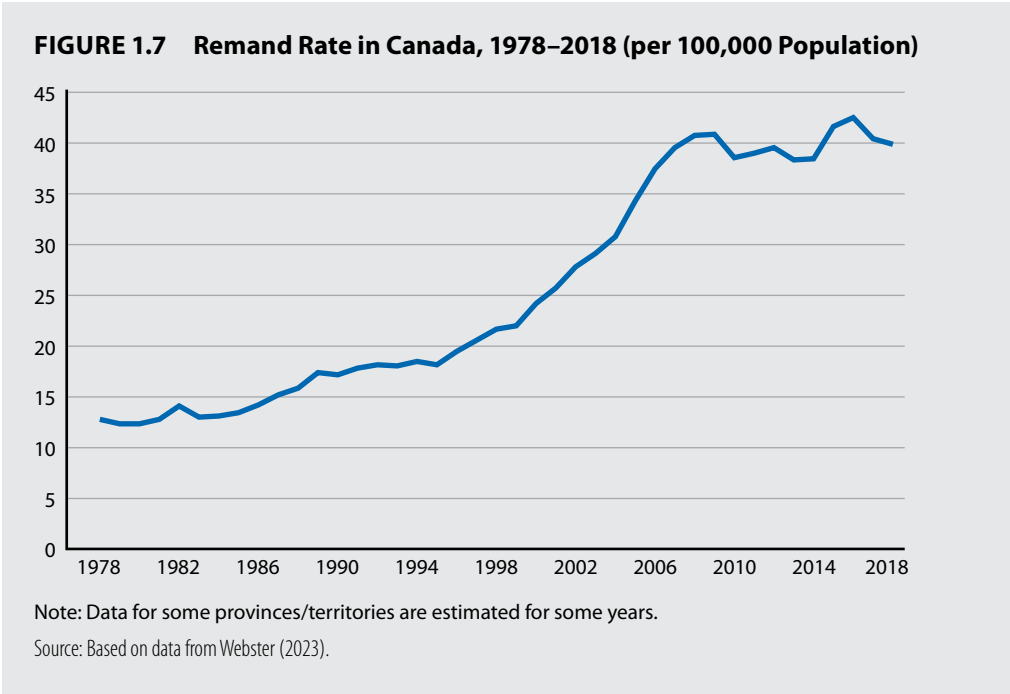
Canada's remand population also includes people who were released on bail but taken into custody after failing to comply with one or more of the conditions of their release. In 2023, the remand population amounted to almost half (46 percent) of all adults incarcerated in provincial and territorial facilities (Public Safety Canada, 2025). Although later chapters in this book will explore pre-trial detention in further depth, the remand population serves as a good example of how important it is to inform our opinions about crime and criminals with research and evidence.

John Hagan (2010) asks the question "who are the criminals?" in his book by the same title. He suggests that the answer is largely a matter of politics. Elected leaders "advocate and implement definitions of crime and causal arguments to suit ideological preferences, placate fears, and serve electoral needs" (Hagan, 2010, p. 3). Critical criminologists have long argued that laws protect the interests of the world's wealthy by defining crime in ways that target society's poor while avoiding the criminalization of corporate, or "white-collar," activities. This view is well summed up in the title of Jeffrey Reimen's classic book *The Rich Get Richer and the Poor Get Prison* (1979). Hagan's historical analysis of US crime policy drew attention to this differential targeting of criminal activity, noting a lax approach to what he refers to as "suite crime" (or white-collar crime) and a harsh approach to "street crime" (e.g., common assault, break-and-enters). This point illustrates that, in addition to how crime is defined, the ways in which crime is addressed within the criminal justice system are also subject to multiple forms of bias and

discrimination in which some groups experience privileged treatment at the expense of others. Sadly, the observations made by Reimen (1979) almost half a century ago remain true:

> *For the same criminal behavior*, the poor are more likely to be arrested; if arrested, they are more likely to be charged; if charged, more likely to be convicted; if convicted, more likely to be sentenced to prison; and if sentenced, more likely to be given longer prison terms than members of the middle and upper classes. (p. 112)

## SIDEBAR

### White-Collar Crime

"White-collar crime" is a term that was coined by sociologist Edwin Sutherland in 1939 to refer to the illegal, fraudulent, and sometimes negligent activities of corporate executives, business personnel, and other persons of high social status that are committed for the purposes of financial gain. These crimes are typically committed during the course of employment. While not considered directly violent, they can have violent consequences, as was the case with the 2018 Camp Fire in Northern California, which claimed the lives of 84 people when it swept through and destroyed the small community of Paradise and several other foothill towns in Butte County. Investigators determined the fire had been started when a power transmission line broke from "a nearly 100-year-old tower" that the Pacific Gas & Electric (PG&E) company had repeatedly failed to properly maintain and inspect (Penn & Eavis, 2020). In an unprecedented admission of corporate wrongdoing, the CEO of PG&E, Bill Johnson, pleaded guilty on June 16, 2020 to 84 counts of involuntary manslaughter, officially becoming the deadliest corporate criminal in US history. What's worse is that this was not PG&E's first offence. In 2016, the company was convicted of safety violations and obstruction of justice in relation to a pipeline explosion that killed eight people in San Bruno, California. And in 1997, PG&E pleaded guilty to 739 counts of criminal negligence after its failure to trim trees along its power lines sparked a wildfire in Sierra Nevada that destroyed more than 150 homes (Sandler, 2021).

One of the district judges in the Camp Fire case remarked that the company's "oversights were so egregious that if PG&E had been an actual person, it would have faced the maximum sentence of ninety years in state prison" (Johnson, 2021, p. 328). Instead, it was fined $3.5 million in a plea agreement that survivors of the fire have described as a "slap on the wrist" (Penn & Eavis, 2020). One victim, whose mother burned to death in her truck trying to escape the fire, expressed his frustration in his victim impact statement: "They have put profits over people year after year and the state of California just keeps letting it happen. The company's acceptance of guilt is inconsequential if the appropriate safety measures are not enacted to prevent the future loss of life and property" (Penn & Eavis, 2020, para. 21).

### Critical Thinking Questions

1. Should corporate criminals be punished differently from individual offenders? Is one more deserving of blame than the other? Why or why not?
2. Canada's *Criminal Code* now contains an offence that holds company owners and supervisors criminally responsible for harm they cause to their workers. What kinds of factors would be important to consider in cases like these?

## Crime Funnel or Crime Net?

Critiques like Reimen's (1979) present the possibility of a different perspective on the crime funnel. You will recall that the crime funnel suggests that only some criminal behaviour comes to the attention of the police and the courts and that a great number of cases are dealt with outside the formal criminal justice system. Some cases manage to "escape" the system rather than proceed through the funnel.

Another way of discussing this phenomenon is what some criminologists refer to as the "crime net." Contrary to the crime-funnel approach, the crime-net model compares policing to fishing because the type of "net" that police use when deciding where to go and what criminal to catch plays a significant role in who and what gets caught. Key to this approach is the idea that not all people who commit offences are caught, and even fewer are selected for prosecution. Although the crime funnel also includes this narrowing of cases, the crime-net model explains some of this attrition by pointing to systemic or built-in explanations for the case exclusions. An innovative technique in marine conservation efforts known as the turtle excluder device or TED provides a useful example (see Figure 1.8). Picture the wide but finely meshed trawling nets used by shrimping boats. The nets are widely cast and pulled along the sea floor, picking up fish and marine life of all sizes, including tens of thousands of sea turtles that get caught in the nets each year and drown (World Wildlife Fund, 2016). The TED is a built-in escape hatch for turtles and other larger fish, directing the shrimp toward the back of the net through a grid that large fish cannot enter. While saving sea turtles is certainly a good thing for marine conservation, this analogy illustrates how "big fish" in the crime world may be able to get away from the net that police use because of the way it is designed, including whom it is aiming to catch and who falls outside their interest.

**FIGURE 1.8    Turtle Excluder Device (TED)**
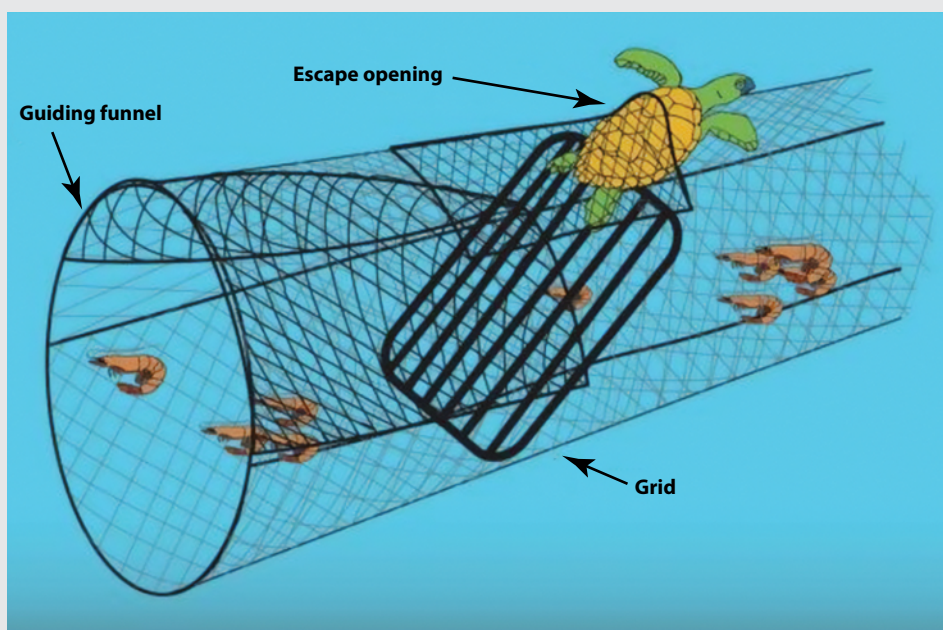


Source: NOAA.

Social structural approaches to crime like the crime-net model draw attention to the over-representation of marginalized members of society in prison, while rich and powerful members committing equally heinous offences seem to "swim away." Defining some activities and not others as crimes results in different types of criminals. The regulation of employment safety standards or the determination of the maximum number of hours in a working day, for example, hardly seems related to criminal justice; however, the exploitation of workers and their

impoverished socio-economic conditions has resulted in far more deaths than all of the world's serial killers put together. The Union Carbide disaster in Bhopal, India in 1984 is a sad but effective example. Considered the world's worst industrial catastrophe, the plant's unsafe working conditions resulted in a gas leak that killed an estimated 25,000 people, severely injuring and disfiguring more than 550,000 others. No time in prison has been served by anyone in relation to this incident, and studies continue to investigate death rates and long-term health effects among people living near the disaster site today (Banerjee et al., 2020; Eckerman & Børsen, 2021).

The Union Carbide disaster demonstrates how definitions of crime, perceptions about who is a criminal, and opinions about how to address criminal activity depend on an individual's ideological perspective. For example, attrition in the criminal justice system might be viewed as a "loss" or a "gain," just as crime rates can be understood to be high or low, depending on what activities are considered criminal. Given the difficulty of understanding how much crime there is in society and who should "count" as a criminal, agreeing on the best way to deal with individuals who formally enter the criminal justice system is a challenging task. Ongoing debate surrounds whether it is better to treat the underlying individual and social factors that lead to crime or to make offenders pay for their crimes through punishment, **denunciation**, and **retribution**. The policies and practices related to sentencing, **deterrence**, **reintegration**, recidivism, and desistance will be explored in many of the chapters that follow.

## What Works? The Debate About Crime Control Versus Rehabilitation

Over the years, the pendulum in Canada has swung from left to right in terms of criminal justice policy for those who come into conflict with the law. At the height of the rehabilitative era, when the focus was on individualized treatment, the federal government focused its budget on assessment, treatment, and rehabilitation. Some critics of this approach argued that rehabilitation did not reduce recidivism; this position was reinforced by the release of a widely read article, "What Works? Questions and Answers About Prison Reform" by Robert Martinson (1974), which in essence argued that when it comes to addressing crime in the prison system, "nothing works." Martinson (1979, p. 254) himself later clarified this position, stating that it was not the specific treatment programs designed for rehabilitating offenders that had the greatest predictive effect on recidivism, but rather the *conditions* under which these programs were delivered.

We do know that there is a need to ensure effective practices in determining which offenders should be placed in more onerous conditions through effective risk assessment. We have the greatest success when we follow what Gendreau et al. (1996) refer to as the "what works" paradigm. While the use of standardized risk-needs-responsivity screening tools (discussed in Chapter 10) is now a fairly common practice, there are still unanswered questions about the most effective placement for individuals who are at medium to high risk of reoffending.

The empirical evidence demonstrates that placing low-risk, low-need offenders in intensive rehabilitation programs can do more harm than good. Such intensive treatments should be reserved for those offenders who pose serious threats to the larger society. This finding has led some criminologists to propose that doing nothing at all (also known as radical non-intervention) is sometimes a more effective way of rehabilitating offenders and reducing crime than relying on the machinery of the criminal justice system. According to this argument, the more intervention with and labelling of offenders who are at a low risk to reoffend, the more likely it is that the net of social control will be widened. Rather than having fewer offenders within the system, the criminal justice processing and subsequent labelling of those who are at a low risk to reoffend serve to increase the number of offenders coming into the system. You will learn in Chapter 13 that diverting young people out of the criminal justice system has dramatically

**denunciation**
the philosophy that sanctions that meet with considerable disapproval are the most effective

**retribution**
a theory of punishment that is based on delivering proportional suffering to offenders for the harm their crimes have caused, sometimes summed up with the expression "an eye for an eye"

**deterrence**
the philosophy that if the threat of punishment is perceived as both severe enough and likely to occur, it will outweigh the perceived benefit to the individual of committing the crime

**reintegration**
the process of returning offenders back to the community through supports to allow them to be law-abiding citizens

reduced the number of young people who are serving a sentence in custody. Before the enact-ment of the *Youth Criminal Justice Act* in 2003, Canada had the dubious distinction of having the highest youth incarceration rate in the world. Remembering that a separate system of youth justice is meant to be a form of crime prevention has allowed criminal justice professionals to effectively implement "what works" through the diversion of low-risk youth to community programs.

There have been considerable strides made in the evidence-based practice literature, and assessment, treatment, and intervention programs are improved when they are based on the best evidence available (Taxman, 2018). However, there are still some unanswered questions related to how the criminal justice system should respond to crime. As pointed out earlier, many of the ideological preferences of key political leaders have a strong influence on the types of criminal justice policy that are supported. The next section will explore some theoretical models that are useful in understanding criminal justice policy and its underlying ideologies.

## The Ideology of Criminal Justice: Theoretical Models

Political belief systems serve as basic foundations for both law and its reform. Law is the basis for the criminal justice system, and therefore criminal justice operations cannot be understood without examining the role that **ideology** plays in writing and implementing the legislation and policies that shape our system of justice. Traditionally, the relations of power and politics was an area left underexplored in criminal justice studies (Williams & Robinson, 2004). Yet crimi-nologists have long argued that criminal justice policy is influenced by public opinion, which is often misinformed and shaped by stereotypes of criminals rather than an understanding of the underlying causes of crime and the immediate situations that bring it about. It is important to have some way of bringing together a framework to understand the various competing belief systems that affect how the criminal justice system operates.

One of the most influential models was developed by Herbert Packer (1964), which offered a systematic way to conceptualize the influence of ideology on criminal justice systems. He referred to criminal justice as a paradox, characterized by a gulf between how police, courts, and corrections *ought* to behave and how they actually behave in practice. Packer identified two main models of criminal justice (*crime control* and the *welfare model*) commonly referred to as the "punishment–treatment dichotomy."

*Crime control* is on the punishment side of the continuum. This model is largely concerned with assuring the public that crime will not be tolerated and that, once it has been discovered, it will be severely punished.

The *welfare model* sits on the other side of the spectrum and is focused on treatment. It stresses the importance of looking after the needs of the offender to ensure that the individual's problems are addressed so that more crime will not occur in the future.

The crime-control model is based on the philosophy of deterrence, while the welfare model is based on the tenets of **rehabilitation**. Deterrence is a philosophical approach to crime that focuses on what forms of punishment are necessary to prevent crime from happening. It has two forms: specific and general. **Specific deterrence** seeks to punish the individual offender just enough that it acts as a disincentive to the offender for committing any future crimes. The assumption is that the offender will have learned the consequences of crime and will choose not to suffer them again. **General deterrence**, on the other hand, is about punishing offenders severely enough that the general public sees that crime is not desirable. This approach aims to make an example of the offender, teaching everyone else the consequences of crime.

Additions to Packer's two models have been developed by criminal justice researchers over the years. A variation on the crime-control model emerged in the 1970s that adds a measure of accountability for human fallibility. Known as the *justice model*, it focuses on the protection

**ideology**

a system of beliefs or assumptions about the correct or proper order of things, particularly with respect to morality and political arrangements; a value system that shapes a person's pos-ition on specific issues

**rehabilitation**

the treatment of offenders to prevent future criminal activity; a planned inter-vention that targets some aspect about the offender that is thought to cause the offender's criminality (e.g., attitude, cognitive processes, social relation-ships, and employment)

**specific deterrence**

aimed at individual offend-ers who have committed crimes, punishment that is swift, certain, and severe enough to act as a disincen-tive to commit future crimes

**general deterrence**

using swift, certain, and severe punishment for offenders so that the general public sees that crime is not desirable

of society through deterrence principles but also acknowledges the possibility for human errors in how the system operates. The justice model focuses on making sure that punishments are severe enough to deter crime but also that they are applied equally and fairly to everyone. This is an approach that is focused on the crime and not the individual who commits it, arguing that the criminal justice system should not apply differential treatment in any circumstances. Not surprisingly, the justice model is a strong proponent of mandatory minimum sentences (discussed in further detail in Chapter 9).

Variations to the welfare model of intervention have emerged from work by criminologists about the strong positive correlation between poverty and crime (Daly et al., 2001; Tuttle, 2021). Other external factors, known as the **root causes of crime**, have led to the *community-change model*. This approach focuses on external socio-demographic factors to identify how lack of access to resources and the disadvantages experienced by some members of society can result in circumstances where some members are unable to meet their basic needs. The community-change model argues that all members of the community have a responsibility for the ongoing prevention and rehabilitation of individuals who come into conflict with the law.

A combination of community change, welfare, and crime control leads to a fifth model known as **restorative justice**. While emphasizing the importance of healing those relationships that have been broken by conflict and crime, this model expects the violation to be dealt with in a manner that holds people accountable. Viewed through this lens, crime is understood as a violation of people and their relationships, and a disruption of the peace of the community, rather than an offence or injury suffered solely by the victim. Restorative justice encourages the participation of victims, offenders, and members of the community in finding solutions that will achieve reconciliation and restore harmony. This approach also recognizes that sometimes the use of measures outside the criminal justice system (e.g., victim–offender mediation, circle sentencing) can offer the best response to crime. This model aims to involve all those affected by the crime in its solution, working toward a mutually beneficial resolution for the victim and offender that will ensure that the offender understands how their behaviour has affected others in the community.

A comparison of the approach of each of these models is found in Table 1.2.

Throughout the remainder of this book, opportunities to think about these five models of criminal justice and their ideological underpinnings will be available for practice. By including an analysis of the historical development of the structures and processes of the criminal justice system and an examination of the nature of the behaviour of criminals and the legislators, professionals, and others who manage the system, we believe that you will be equipped with the tools to reconsider your deeply held assumptions and beliefs about crime, and be open to new ideas and evidence that may run counter to what you initially believed to be true.

**root causes of crime**
social factors in our societies, cultures (family values), economy, and systems that are more likely to lead an individual to commit crime; examples include peer influence, poverty, unemployment, poor neighbourhoods, and poor literacy

**restorative justice**
a system of addressing conflict that acknowledges the injury suffered during the commission of a crime and strives to repair that injury through reconciling the offender with the victim and their community

**TABLE 1.2   A Comparison of Theoretical Models**

| | Restorative Justice | Community Change | Welfare | Justice | Crime Control |
|---|---|---|---|---|---|
| **Main tenet** | When a crime is committed, it has an impact not only on the victim and the offender, but also on the wider community as well. | Society is responsible for the promotion of the welfare of its citizens and must work to prevent crime and delinquency. | The treatment needs of the individual offender and their family must be attended to. | Interference with an individual's freedom is limited and procedures for criminal justice matters are based on consent by all parties as much as possible. | It is the responsibility of the state and the courts to maintain order in society. |
| **Crime causation (free will vs. determinism)** | All citizens have a role to play in the prevention of crime and repair of the harm done when a crime is committed. | Behaviour is seen as being determined by life consequences (e.g., poverty, lack of opportunity, social structure). | Behaviour is seen as being determined by social/psychological forces. | Freely determined: an individual chooses to commit offences. | Freely determined: an individual chooses to commit offences. |
| **Individual or collective response** | Collective: families, victims, and the community are involved to the greatest extent possible in rehabilitation, community safety initiatives, and holding offenders accountable. | Focus is on collective society rather than on the individual offender as being responsible for criminal conduct. | Individual: focus is on criminal conduct as being part of other social events affecting the individual, who needs rehabilitation and/or treatment (family dysfunction, alcohol/substance abuse, victim of family violence). | Individual: focus is on the repression of crime, but with a recognition that there is a high probability of error in informal fact finding (i.e., legal safeguards are needed to protect individual liberty and rights). | Collective: repression of criminal conduct through punishment, denunciation, and individual and general deterrence. |
| **Criminal justice response** | The individual is required to face the personal harm that their offending behaviour has done to the victim and the wider community; restitution, victim–offender mediation, and community service form part of the restoration of the victim, the offender, and the community. | Focus is on changing social processes that lead persons to engage in criminal conduct and to improve the quality of life for all citizens. | Focus is on evaluation of the whole individual and their life circumstances; the person is brought to court to be aided and assisted. | Focus is on formal adversarial system of justice; key is the protection of rights for the public and accused, legal safeguards, due process rights (e.g., right to a lawyer, right to appeal, and right to legal representation at all stages of proceedings). | Focus is on a screening process that diverts the innocent out of the courts (i.e., only the guilty go to court); no need for legal safeguards. |

Source: Reid and Zuker (2005).

## CHAPTER SUMMARY

As you read the upcoming chapters, it is important to remain inquisitive about what you read, keeping in mind the many individuals who have a vested interest in the criminal justice system. Throughout the text there will be many places where you can stop and "take a sidebar" and think critically about specific events, theories, or approaches to crime and punishment. Each part in this text opens with a case study, profiling a particular criminal event or case in Canadian history. Some of these may be familiar to you. Perhaps you will read them and immediately form an opinion about the people and events described. Try to take note of these initial thoughts and trace any changes or developments in these first impressions as you read the chapters that follow the case studies. Ideally, we would like you to leave this textbook thinking differently from when you first opened it.

This chapter has not only provided you with an overview of the remainder of the text but also introduced you to some of the key terminology that will be used throughout the book. Remembering that there is a possibility that the crime rate espoused by politicians and other policymakers may not be a true picture of crime will be helpful to you as a critical scholar of criminal justice. Using models of procedure will provide you with a framework to analyze other chapters in this book from each of the perspectives (crime control, justice, welfare, community change, and restorative justice). Being mindful of the various branches of criminal justice and the disciplines that inform our understanding of how to respond to crime will be covered in other chapters throughout the book.

The next time you hear a news story about an arrest or investigation or about the government's latest "war" on crime or drugs, we hope you will be able to engage in the debate in a more informed fashion, with the perspectives you encountered in this text helping you to form your own criminal justice mind.

## IN-CLASS EXERCISE

### Understanding the Differences Between Criminology and Criminal Justice

How well do you understand the differences between criminology and criminal justice? Discuss these two related areas of study in small groups, and try to identify the key areas of concern or major types of activity found in each field. When you have finished, compare your answers with those of a neighbouring group. Did you miss any? Do you disagree with anything your colleagues said? What types of research interests or activities did not fit neatly into either area of study? Why do you think this might be?

## DISCUSSION QUESTIONS

1. Take a moment to revisit your decision with respect to the case study that opened this book. Which of the five models of criminal justice discussed in this chapter best represents the goals you had when thinking about what sentence to give the offender? Does your sentence reflect more than one of the models? In which ways? Are there any models that clearly do not fit your sentence or that case? Why or why not?

2. Think about the issue of attrition of cases through the criminal justice system. Which analogy—the crime funnel or the crime net—do you think best defines why some people end up in jail while others do not? How might these analogies help explain how corporate crime is handled or the overrepresentation of some groups in Canada's prison system? Compare your answers with a colleague's. What are your major areas of agreement? Where do your assessments differ?

3. Given how much crime is left unreported, how helpful are national crime rates in gaining a picture of what crime occurs in Canada? Do you see value in victimization and self-reported surveys? What other methods might help criminologists learn more about the "dark figure of crime"? How does knowing that so much unreported crime exists inform your views on what Canada's approach to crime prevention should be?

4. What impact do you feel your childhood, adolescence, and emerging adulthood have had on your views about crime and criminal justice? What kinds of strategies will you use to reduce the impact of stereotypes on your understanding of crime? How will you share your new ways of thinking about crime with friends and others who are not so familiar with the criminal justice system?

5. Consider the following two scenarios that were used in a 2021 study about perceptions of blame toward government officials and business executives in corporate crime cases.

*Scenario 1*

A space shuttle breaks apart 73 seconds into its flight, killing all 7 crew members. The breakup was caused by the failure of seals that were not designed to handle unusually cold temperatures. An investigation reveals that NASA and the company contracted to build the shuttle knew that the design contained a potentially catastrophic flaw. Yet, pressured by budget cuts and with deadlines to meet, NASA managers and the company's executives decided to overlook warnings from engineers about the dangers of launching on a cold day.

*Scenario 2*

A fire in a chicken processing plant claims the lives of 25 workers. The fire was caused by a failure in a hydraulic line. An investigation discovers a number of safety violations by the plant's owner, including poorly marked or blocked emergency exits to prevent employee theft of chicken and to keep flies out of the factory. Yet because of staff reductions among health and safety inspectors, the plant has not received a single inspection in 11 years of operation. Further, some inspectors knew of the safety hazards but failed to report them.

Who was most responsible for the tragedies in each scenario? What factors are most relevant to this determination? Do you think the criminal law should apply to either of these situations? Why or why not?