



National Justice Survey: Canada's Criminal Justice System

SYNTHESIS REPORT

Ekos Research Associates

Ce rapport est aussi disponible en français

Submitted to:

The Department of Justice Canada

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This certification is to be submitted with the final report submitted to the Project Authority.

I hereby certify as Senior Officer of EKOS RESEARCH ASSOCIATES INC. that the deliverables fully comply with the Government of Canada political neutrality requirements outlined in the *Communications Policy* of the Government of Canada and Procedures for Planning and Contracting Public Opinion Research. Specifically, the deliverables do not include information on electoral voting intentions, political party preferences, standings with the electorate or ratings of the performance of a political party or its leader.

Signed by : 

Susan Galley, Senior Vice President
EKOS Research Associates Inc.

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SUMMARY

To inform policy development, public engagement and communications, and to support its mandate, the Department of Justice commissions periodic national surveys to understand Canadians' perceptions, understanding, and priorities on justice-related issues. In particular, the current survey focuses on the criminal justice system (the system), in order to inform the current criminal justice system review, to engage with all regions of Canada, and to promote government transparency and openness. Specifically, the study measures awareness, knowledge, and confidence in the criminal justice system and criminal law; examines Canadians' perceptions of the criminal justice system, the values they want the criminal justice system to reflect, and priorities with respect to criminal justice issues; and Canadians' expectations of the criminal justice system to support reforms and new initiatives in this area.

Methodology

The study design of the National Justice Survey includes four components:

1. A **large scale survey** of 4,200 Canadians on awareness and top-of-mind perceptions, values and expectations regarding the criminal justice system. Survey respondents were randomly sampled from EKOS' in-house panel (*Probit*¹). The survey was designed to be self-administered, online or through a mailed out paper copy. The response rate for the sample is 16 per cent, on a questionnaire that took an average of 17 minutes to complete. The survey was conducted in July and August 2016. This sample size yields a level of precision of $\pm 1.5\%$ at a 95% confidence interval for the sample overall and $\pm 3\%$ to 6% for most sub-groups that could be isolated in the analysis (including age and gender). Survey results were weighted by age, gender, region, and education. Results can be extrapolated to the broader population of Canadians;
2. A series of in-person **focus group** discussions to explore selected findings from the survey. Six focus groups were held with a subset of respondents from the survey to further discuss and contextualize findings. One group was held in English in each of Halifax, Toronto, Winnipeg and Calgary. Two groups were held in Montreal; one in English and one in French;
3. A **second, follow-up survey (called the information-choice survey)** of 1,863 respondents from the first survey. This in-depth survey provided information to

¹ *Probit* offers complete coverage of the Canadian population (i.e., Internet, phone, cell phone), random recruitment (i.e., all respondents to our panel are recruited by telephone using RDD and are confirmed by live interviewers – they do not opt themselves into our panel), and equal probability sampling (which means that results are generalizable to the broader population).

respondents designed to increase understanding of the criminal justice system, in order to explore informed perceptions, values and expectations. Since the second survey relies on a subset of respondents given more information and who are arguably, more interested/engaged in the criminal justice system than the average Canadian, a margin of error cannot be calculated. This is due to the fact that there are no population estimates for Canadians who have been engaged in thinking about the criminal justice system. Therefore, the results of the second survey, while demographically representative of the Canadian population, should be considered as representing Canadians who have thought about the criminal justice system, rather than a general population of Canadians; and,

4. A three-day **online discussion** with 25 respondents who had completed the second, in-depth survey, seeking additional clarification on some of the findings. Questions covered an exploration of their views on key objectives outlined for the criminal justice system, opinions on incarceration and community-based solutions as well as on rehabilitation as a form of crime prevention and their perceptions of the value of rehabilitation compared with primary crime prevention (before crimes occur).

Key Findings

Phase 1 – Public Opinion Survey and Focus Groups

This study was conducted in two phases. Results of the first survey and in-person focus groups are presented in Phase I.

Experience with the System

Most respondents in the first survey report having had some exposure to or direct involvement with the criminal justice system, including knowing someone who was a victim or accused or as a witness. About one in four reports having been a victim of a violent or non-violent crime. Some report having been accused or convicted of a crime. One in four is a family member of a victim or someone accused or convicted of a crime. Still others work in the system, a related field, or have been involved as a jury member in a trial. Naturally, there is also considerable overlap between these experiences, with individuals falling into several categories. There are some key demographic dimensions such as gender, education and age that are associated with different reported experiences with the system. It should be noted that the numbers reflect self-reported experiences and thus are affected by willingness to report and perceptions of what it means to have “contact with the criminal justice system”. For example, it is unlikely that 23% of respondents were witnesses in criminal cases in court, and more likely that they witnessed some type of crime, or witnessed people going through the system. It is also possible that those reporting having been a victim of crime may not have reported the crime to police and not been involved formally in the criminal justice system.

Sources of Information

Other than news media, almost half of Canadians in the first survey indicated they get information about the criminal justice system from their personal experience or the experience of someone they know. Another third get information from professionals in the system (e.g., police, lawyers, etc.). But, more than one in four cite television and movies as a key source of information. Compared to those who get their information from other sources, those who rely on television and movies typically have a lower level of education, and tend to have different views about crime rates and guiding principles about the system and be more fearful and uninformed.

Meetings and discussions form a central source for just over one in five, and about one in six point to educational institutions, government websites, and community organizations as key sources of information. These individuals are often more informed and less fearful, expressing greater confidence in criminal law in Canada.

Preferred avenues for obtaining information are the Justice Canada website and direct email (i.e., using email lists). Face to face meetings, Facebook and direct mail are also good options for more than one in four in each case. Community organizations are also a preferred source of information for more than one in five, while educational institutions and blogs hosted by Justice Canada are also of interest to just over one in ten. Results suggest that there is a strong thirst for reliable information about the criminal justice system in Canada; Canadians look for information that can be sent directly or found in reliable, easy to access sources. Since other results point to a strong relationship between accurate information and stronger trust and confidence in the system, increasing access to information about the system and increasing awareness of how and where to find the information are key implications coming from the results of survey.

Most focus group participants cited the media as their primary source of information about the criminal justice system. Although the media is a predominant source, most participants tend to trust other sources of information perceived to be impartial such as local publications and newsletters more than the media. Most participants do not know where to find information about the criminal justice system and self-describe as having a low understanding of the system.

Perception of Crime Rates and Confidence in Canadian Criminal Law

Overall, respondents of the first survey demonstrated inaccurate perceptions of the crime rate in Canada. This aligns with previous research that indicates members of the public tend to overestimate the proportion of crimes committed in Canada that are violent. Similarly, respondents tend to believe that crime rates are rising, when they have in fact been declining steadily over the

past decade or more, with the exception of a marginal increase in 2015 over 2014. Three in ten understand that the rate has been dropping over the past five years; however, one in five believe it is stagnant and almost half believe it rose over the last five years (when most years there has been a decline). The average percentage of crime that is violent is also believed to be 45 per cent, when in fact it is actually less than half of this percentage (20 per cent), highlighting the same exaggerated sense of crime in Canada. In each case, results vary considerably by education, and gender, where those less educated and women cite higher rates of violent crime.

Most focus group participants explained that media coverage, the incidence of hearing about many crimes, and, in particular, sensational stories in the criminal justice system, have created a perception of increased crime rates and a general lack of safety. Some believed that although the number of crimes is increasing, the per capita crime rate is decreasing. Most participants said that the types of crimes have changed, and they are hearing more reports of property crime, personal theft and white collar crimes.

Canadians' confidence in the adult and youth criminal law varied greatly. In general, however, confidence is modest with more than half rating their confidence around the middle on a ten point scale. In terms of adult criminal law, about one in four indicated high confidence and about 16 per cent rated their confidence as low. Ratings are even lower for youth criminal law, where only 15 per cent provided a positive rating and almost three in ten provided a negative rating. Confidence varies strongly along the lines of perception of crime rates, and consequently also along education and gender lines. Those least accurate in their assessment of crime rates, more often including women and those less educated, expressed the least confidence in criminal law.

Guiding Principles of the Justice System

Respondents were asked in the first survey to rate their level of agreement with five broad statements about the principles guiding the criminal justice system. Almost all agreed that all Canadians need access to legal representation regardless of income, and that the "functioning and performance" of the system should be reviewed regularly. Interestingly, there was a similar, moderately high percentage (about seven in ten) of respondents agreeing that the primary goal of the system should be to separate those committing serious offences from the rest of society, and/or that the primary goal should be rehabilitation and reintegration of offenders. Although it may appear that these goals are at opposite philosophical ends of the spectrum, there is a group of respondents for whom both are important objectives of the system, and a group for whom neither are important. Many respondents also agree that incarceration rates should be reduced in favour of less restrictive measures where appropriate. Views also vary consistently across education and to a lesser extent gender lines, and there are a few key regional and generational differences, with Albertans and older Canadians taking a less progressive view about the value of rehabilitation and restricting the use of incarceration.

Goals and Values of the Criminal Justice System

Results of the first survey highlight the considerable value that the majority Canadians place on accuracy and reducing the chances of erroneous convictions, along with clear and transparent rules and guidelines, and the promotion of trust and confidence in the system. A system that is timely, and promotes respect for the law is also seen as important by about three in four. Almost as many Canadians feel that crime prevention, fair treatment, and giving consideration for personal circumstances are also important. Giving equal consideration to addressing underlying social causes and punishment, and considering the circumstances of those who are vulnerable and marginalized are valued by just over half. Similarly, just over half feel that the provision of information accounting for tax dollars spent is also important in guiding the system.

Rankings of these values or principles place fair treatment at the top as the single most important value, and for two in five choose this item was among the top three important values (40 per cent). Reducing the chances of wrongful convictions was also an important value. Several other factors sit high in the ranking as well: crime prevention and focusing on underlying factors as much as on punishment is also seen as “most important”. Promoting confidence and trust in the system, and timeliness and transparency ranked as “most important” by fewer Canadians, although a significant number still ranked these values and principles as top three in guiding the system. Consideration for those who are vulnerable or marginalized and information accounting for financial expenditure were least often ranked as important values or goals.

Following the first survey, focus group participants elaborated on the need for public trust and confidence in the criminal justice system. Concerns hampering trust in the system involve perceived targeting of vulnerable segments of the population, delays in the system, the need for trust between police and communities, leniency or inconsistency in sentencing, and the perception that some judges lack sufficient understanding of the nature of some types of crime and offender segments to make appropriate decisions. In the focus groups, fairness was described as taking into consideration the circumstances of an individual in making decisions. These circumstances would include for example the socioeconomic circumstances of the offender, any mental illness or cognitive disabilities, and their intent in committing the crime.

Key Considerations in Sentencing

Respondents in the first survey were also asked about the importance of ten different considerations in making decisions about sanctions. In this situation, harm to the victim and consideration of past offences sat at the top two of the list of 10 considerations important in sentencing.

Promoting a sense of acknowledgement of responsibility, condemning illegal activity and acknowledging the harm caused, as well as deterring further crime are each considered important factors by many respondents. Lower, on the list, but still important to a majority of Canadians was separating offenders from society and assisting with the rehabilitation of offenders. Interestingly, some advocate consideration for both separation and rehabilitation, while others place more value on one or the other in making decisions about sanctions. Slightly fewer, but still rated as important by a slim majority of Canadians was consideration of the opportunity to repair harm or the presence of mental illness or intellectual challenges in the offender should be important factors to consider. Very few argue for serious consideration given to the cost of the sentence. In fact, slightly more respondents believe that cost of the sentence should not have a bearing on the decision than those who thought it important.

With respect to the importance of factors to consider in sentencing decisions, results from ranking the top three are largely reflective of the individual ratings. Harm to the victim and number of past offences were most often ranked in the top three. Consideration for rehabilitative efforts, was next most frequently ranked in the top three.

Following the first survey, many focus group participants confirmed that they perceive value in separating serious offenders from society which was described as a means to keep citizens safe. At the same time, most participants felt that the best approach to prevent crime is to address root causes, particularly during impressionable stages of an individual's life, through means such as social programs and support systems. Stronger sentences and punishment were not viewed by most focus group participants as an effective way to dissuade individuals from committing crime. Once a crime has been committed, many felt that rehabilitation helps to reduce the chances of reoffending.

Focus group participants strongly support consideration of mental illness and intellectual challenges in the criminal justice system, and identify a need for a more integrated system that increases options for health and social support for offenders with these challenges.

Phase II – Information Choice Survey and Online Discussion

Phase II of the research featured the follow-up information-choice survey and online focus groups.

As a result of the first survey, the Department of Justice placed a greater focus on four objectives for the criminal justice system in the information-choice survey. Of the four objectives, ensuring safety and lasting protection for the Canadian public, and accountability are more consistent with public values according to eight in ten respondents in the second survey, while fewer respondents feel that providing support to offenders and providing opportunities to repair harm are closely aligned with their values. Results of the information-choice survey indicate modest public

confidence in the current system's equal focus on the four objectives. Respondents feel strongly, however, about the positive impact that making greater efforts to focus on all four objectives could have on the criminal justice system. Most respondents believe a greater focus on these objectives would put offenders on a better path, increase public safety, have a positive effect on the overall crime rate, improve fairness for those who are vulnerable and marginalized, increase crime prevention, and also increase public trust and confidence in the system.

Results of the online discussions, following the information-choice survey, again indicated that many place greater emphasis on safety and protection along with accountability of offenders, than on opportunities to repair harm and support offenders through rehabilitation and address root causes of crime. Some online discussion participants, however, believe that these latter two objectives are more important for any reforms to the system that many believe is currently not working well.

Crime Prevention

As a result of the importance placed on crime prevention in the first survey, respondents in the information-choice survey were asked to further explore important areas of focus for crime prevention. Key areas identified were: addressing warning signs, identifying the social circumstances or conditions that may give rise to crime, and generally stopping crime from occurring. Efforts to stop re-offending were seen as a second order priority by comparison. In terms of possible methods of reducing crime, nearly all respondents were convinced that greater focus on community-based responses would reduce crime at least to some extent. Respondents were less convinced of the value of increasing Canadians' education regarding the legal system to crime prevention, with one in ten doubtful it would have a positive impact.

The Use of Incarceration

Based on survey results and the online discussions, there is some inconsistency in Canadians' views regarding the use of incarceration in the criminal justice system. As in the first survey, the majority in the information-choice survey agree that incarceration should be reserved for those committing serious crimes, although fewer respondents agree that there are generally too many people incarcerated in Canada, and a sizable proportion was unsure.

In online discussions, participants talked about balancing public safety with fairness and constructive solutions, but some argued for greater emphasis specifically in one area. Most said that in cases of violent crime and repeat offenders, incarceration is appropriate and current rates are not overly high. When asked, focus group participants theorized that survey respondents may have been unsure because they are not sufficiently aware of the numbers and types of offenders in the system, nor the types of alternative, community-based options that exist.

When asked about how to address Indigenous over-representation in the criminal justice system, the majority of information-choice survey respondents support increasing community-based alternatives to prosecution, and nearly half also agree that the number of Indigenous support workers helping people to navigate the criminal justice system should be increased. In terms of over representation of those with mental health or cognitive functioning issues in the criminal justice system, most see greater investment in programs and resources for community mental health as the primary solution.

Community-Based Responses

Two-thirds of respondents in the information-choice survey agree that breaches of conditions or of probation that do not involve a criminal act should be dealt with outside of the criminal justice system to allow the system to focus on more serious offences. The public is split however on whether cases of failure to comply with an order/probation should be referred back to the criminal justice system.

Respondents in the information-choice survey highlighted the value that Canadians place on community-based remand. More than three-quarters agree that, when there is a low risk to public safety, accused persons should remain in the community while awaiting trial. There is also strong support for increased discretion in sentencing decisions with most agreeing that judges should have greater latitude to employ conditional sentences when there is a low risk to public safety. Canadians also support community-based sentences such as conditional sentences and probation in the case of non-violent crimes; support is considerably weaker in cases involving violent crime such as common assault (e.g., bar fight, domestic disputes).

There is strong support in the information-choice survey for criminal justice system officials informing victims/survivors and accused people of the availability of restorative justice options that provide opportunities for the acceptance of responsibility and reparation of harm. While communicating the availability of restorative justice is supported, over one-third of Canadians expressed concerns about the use of restorative justice processes in the criminal justice system. These concerns are predominantly related to the types of crimes and offenders considered eligible for restorative justice, and accountability among offenders and the criminal justice system. Almost one in four said that they did not have sufficient information or awareness on which to base their answers.

When asked to consider ways of ensuring that offenders have access to rehabilitative programs, most information-choice survey respondents indicated support for imposing a requirement that incarcerated individuals begin immediate treatment, and/or compulsory attendance in rehabilitation programs in the community. Most believe that greater use of rehabilitative treatment

programs during incarceration and/or in the community would have at least some impact on putting offenders on a more successful future path, decreasing rates of re-offending, and reducing crime.

Respondents in the information-choice survey also feel that community-based responses would result in positive benefits (to a moderate or great extent) including: greater efficiency in the system, increased safety and lasting protection for the public, fewer offenders committing further crime, and increased trust and confidence in the criminal justice system.

In online discussions following the information-choice survey, participants described the need for solutions that fit the crime, including consequences that serve as sufficient deterrence and adequate supervision and monitoring of offenders. Advantages/benefits of community-based responses included: opportunities for offenders to develop closer ties to their community and possibility for accepting responsibility and repairing harm, avoidance of an environment where offenders are put into close contact with other offenders, and possible increases in efficiencies that would result in a more economical and timely system. Concerns about community-based responses were often tied to the perception of a lack of resources in the community to supervise and monitor offenders, and a lack of knowledge about what the options are or how effective they are. Community-based responses are not seen as appropriate for violent or repeat offenders among online discussion participants. Many of the comments pointed to the public desire for a viable alternative solution to incarceration, but indicated that community-based responses are not well understood by the public. Areas needing better understanding included: what these options look like, the perception of being too lenient (i.e., not severe enough of a consequence to be a deterrent), the perception of not being well administered, and the lack of evidence about effectiveness. The discussion suggested that alternatives to incarceration would likely be supported, provided they: do not compromise public safety; are seen as reasonable punishment for the crime; are well monitored and enforced; demonstrate effectiveness; feature mandatory elements of rehabilitation and restitution; are cost effective; and are acceptable to the community and those harmed.

Fairness of the System

When asked to take the information presented throughout the questionnaire into consideration, respondents to the information-choice survey rated the current criminal justice system as largely unfair in a number of areas. The majority of respondents rated the current criminal justice system as only moderately fair to those who have committed non-violent crimes, to persons who are in jail awaiting trial, or to those who might be vulnerable or marginalized. Two in five also said the system is not fair to victims of crime.

Goals and Values of the Criminal Justice System

After receiving additional information on the criminal justice system, and responding to questions in the information-choice survey, respondents in the follow-up were asked to rank the same ten goals and values presented in the first survey, in terms of importance. Overall, having a criminal justice system that treats everyone fairly was ranked as the most important most often. Equal focus on addressing underlying social factors related to crime as well as punishment was also selected as important, as was preventing crime. Comparing results with the first survey, fair treatment, equal focus on addressing underlying social factors related to crime as on punishment, and timeliness gained prominence in the survey where respondents were more informed. Wrongful conviction, on the other hand, became less important.

Key Considerations in Sentencing

Following the provision of detailed information, respondents in the information-choice survey, continued to rank harm to victims as important in sentencing decisions. Condemning illegal activity and the harm done to victims and communities was also selected as an important consideration. Assisting in the rehabilitation of offenders and separating offenders from society are also both seen as important considerations. Compared with results of the first survey, once respondents were more informed, greater importance was placed on: assisting offenders with rehabilitation, promoting a sense of responsibility and acknowledgement of harm done to victims and community, and providing an opportunity for offenders to repair the harm done. The shift towards greater importance was particularly strong for the latter two. The emphasis was reduced on harm done to the victim and the number of past offences.

Value of Exercise on Public Engagement

Information-choice survey and online discussion responses suggest that participation in this research, through reading and considering the issues presented in the survey, had a positive impact on public engagement. When asked about whether participation in the survey has increased their engagement and/or curiosity in the criminal justice system and its problems, most said that it has to at least some extent.

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To obtain more information on this study, please e-mail information@justice.gc.ca

1. INTRODUCTION

The Department of Justice supports the Minister of Justice and the Attorney General of Canada through administering federal law, developing policies, and providing legal support to government departments and agencies. To inform policy development, public engagement and communications, and to support its mandate, the Department has periodically commissioned the National Justice Survey, which seeks to understand Canadians' perceptions, understanding, and priorities on justice-related issues.

The 2016 survey supports the Department and the current mandate letter by focusing on the criminal justice system in particular, in order to inform the current criminal justice system review, to engage with all regions of Canada, and to promote government transparency and openness.

1.1 OBJECTIVES

To inform policy development, public engagement, and communications, the 2016 National Justice Survey sought to provide a current understanding of Canadians' attitudes toward, and knowledge of the justice system, and the criminal justice system in particular. Specific study objectives include:

- To measure Canadians' awareness, level of knowledge, and confidence in the criminal justice system and criminal law;
- To determine how Canadians perceive the criminal justice system, values that Canadians want the criminal justice system to reflect, and priorities for criminal justice issues; and,
- To understand Canadians' expectations of the criminal justice system, both overall and for reforms and new initiatives.

Note to readers

Overall results are presented in text, charts, and tables. Bulleted text is used to describe specific segments of the sample if they are statistically and substantively different from the overall results for the entire sample (i.e., at least five per cent or more from the overall mean in any given subgroup). If differences are not noted in the report it can be assumed that they are either not statistically significant in their variation from the overall result or that the difference was judged to be substantively too small to be noteworthy.

Readers should note that results for the proportion of respondents in the sample that either said “don’t know” or did not provide a response may not be indicated in the graphic representation of the results. Results may also not total to 100 per cent due to rounding.

1.2 SAMPLE CHARACTERISTICS

The following table presents a sample profile for the first and second surveys. This includes demographic characteristics related to region, gender, age, education, income, employment, and identification of immigrants and other minority groups. Overall, a comparison of the sample characteristics for the second (information-choice) survey of 1,863 respondents looks remarkably similar to the overall sample of 4,200 from the first survey. In general, any disparities between the two samples are slight, and do not represent meaningful differences.

Table 1.1: Demographic Characteristics

	First Survey	Second Survey ²
Total number of cases	4,200	1,863
Province (unweighted)		
British Columbia	13%	14%
Alberta	11%	10%
Saskatchewan	4%	4%
Manitoba	6%	3%
Ontario	31%	31%
Quebec	22%	22%
New Brunswick	3%	3%
Nova Scotia, -Prince Edward Island	5%	5%
Newfoundland and Labrador	2%	2%
Territories	2%	1%
No response	0%	2%
Type of community		
Urban	83%	83%
Rural	16%	16%
Remote	1%	1%
Gender (unweighted)		
Male	51%	55%
Female	48%	45%
Age (unweighted)		
<25	4%	5%
25-34	14%	15%
35-44	19%	17%

² Survey respondents were re-asked demographic questions in the second wave. In some cases one or several of the demographic indicators changed (e.g., employment status, income). These cases were generally reviewed as part of the data quality process.

	First Survey	Second Survey ²
Total number of cases	4,200	1,863
45-54	21%	21%
55-64	21%	20%
65+	21%	22%
No response	1%	1%
Education (unweighted)		
Elementary school or less	1%	1%
Secondary school	14%	14%
Some post-secondary	13%	13%
College, vocational or trade school	28%	29%
Undergraduate university program	24%	24%
Graduate or professional university program	18%	18%
No response	1%	1%
Income		
Under \$20,000	9%	10%
\$20,000 to just under \$40,000	13%	14%
\$40,000 to just under \$60,000	15%	15%
\$60,000 to just under \$80,000	13%	13%
\$80,000 to just under \$100,000	12%	13%
\$100,000 to just under \$120,000	9%	8%
\$120,000 to just under \$150,000	7%	7%
\$150,000 and above	9%	9%
No response	12%	11%
Employment		
Working full-time (35 or more hours per week)	41%	40%
Working part-time (less than 35 hours per week)	8%	8%
Self-employed	9%	8%
Student attending full time school (not working)	4%	5%
Unemployed, but looking for work	5%	3%
Not in the workforce	5%	7%
Retired	22%	24%
Other	4%	4%
No response	2%	2%
Born in Canada		
Yes	88%	88%
No	11%	11%
No response	1%	0%
Minority groups		
A person with a disability	9%	9%
A member of a visible minority	7%	7%
An Aboriginal person	2%	2%
None of the above	78%	74%
No response	5%	9%

In terms of possible response bias, the sample over represents those with post-secondary education, including 42 per cent with a university level of education compared with 23 per cent in the population, and underrepresents those with high school/elementary or college levels of education. There are fewer Canadians born outside of Canada represented in the sample (11 per cent) than found in the population (25 per cent). Geographically, there is a slight underrepresentation of Ontario in favour of the smaller provinces and territories.

Comparing the results of the first survey between those who responded and did not respond to this second survey shows very few significant and meaningful differences (i.e., of more than two or three per cent). Those responding to the information-choice survey are very slightly less apt to have placed importance on consideration for those who are vulnerable or marginalized, or considering underlying social factors, and they are similarly less likely to consider respect for the law as areas of focus that should guide the criminal justice system. Respondents to the information-choice survey are also marginally less likely to view rehabilitation, opportunities to repair harm and mental illness as considerations in determining sentencing. In each case, the gap between respondents and non-respondents is within the range of five per cent or less.

2. PHASE I – RESEARCH FINDINGS

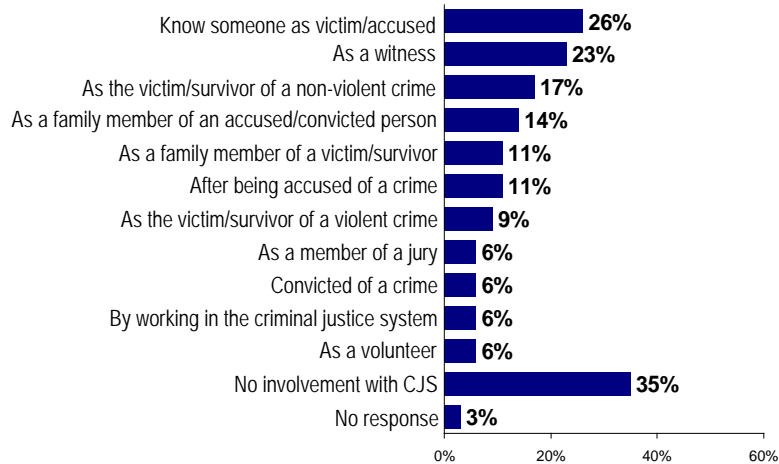
Results of the first survey are the primary focus of this report. Overall results are first discussed along with visual presentations of the results. Demographic and other salient patterns of results are subsequently presented in bullets and, in some cases, tables. In relevant sections, following the presentation of survey results, findings from the in-person focus groups are presented as a sub-section.


2.1 EXPOSURE TO THE JUSTICE SYSTEM

In order to better understand Canadians' perceptions of the criminal justice system, it is first helpful to understand their background or level of exposure to the system. While one in three respondents in the survey (35 per cent) did not report having any previous involvement with the criminal justice system, two in three have had some exposure to it in one or more ways. Overall, more than one in five has been a victim of some type of crime. Roughly two out of three of these have been the victim of a non-violent crime (17 per cent overall), while one in three have been the victim/survivor of a violent crime (nine per cent overall), with a very small proportion reporting being victim of both violent and non-violent crimes. One in six has either been accused (11 per cent) or convicted (six per cent) of a crime. Typical exposure to the system, however, has been as a family member of an accused or convicted person, or a victim (14 and 11 per cent, respectively), or otherwise knowing a victim or accused individual (26 per cent). A large portion of the sample has witnessed a crime (23 per cent). Much smaller proportions have been a member of a jury (six per cent), work in the criminal justice system (six per cent) or work or volunteer (six per cent) in some related area.

Involvement in the Justice System

"Q7. Have you ever been involved in the criminal justice system?"



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n=4200

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- Those in British Columbia and Alberta are most likely to have had some involvement with the criminal justice system as a witness. Albertans are also more likely to have experience as the victim of a non-violent or violent crime. Similar to Albertans, those in Saskatchewan and Manitoba are more likely to have experience as the victim of a non-violent crime or know the victim or accused. Additionally, those in the Prairies are more likely to be the family member of an accused or convicted person.
- Men are more likely than women to have been accused of a crime, or to have experience as a witness. Women are more apt to report a family member who has been accused or convicted of a crime relative to men.
- Those reporting household incomes of under \$40,000 annually are more likely to have experience as the victim or survivor of a violent crime. Involvement of those reporting household incomes of \$80,000 or higher is more often as a witness compared with individuals reporting less income.
- Indigenous people and those with a disability are much more likely than others to have had experience with the criminal justice system. In fact, these respondents are more likely to have experience in each of the avenues offered in the questionnaire.

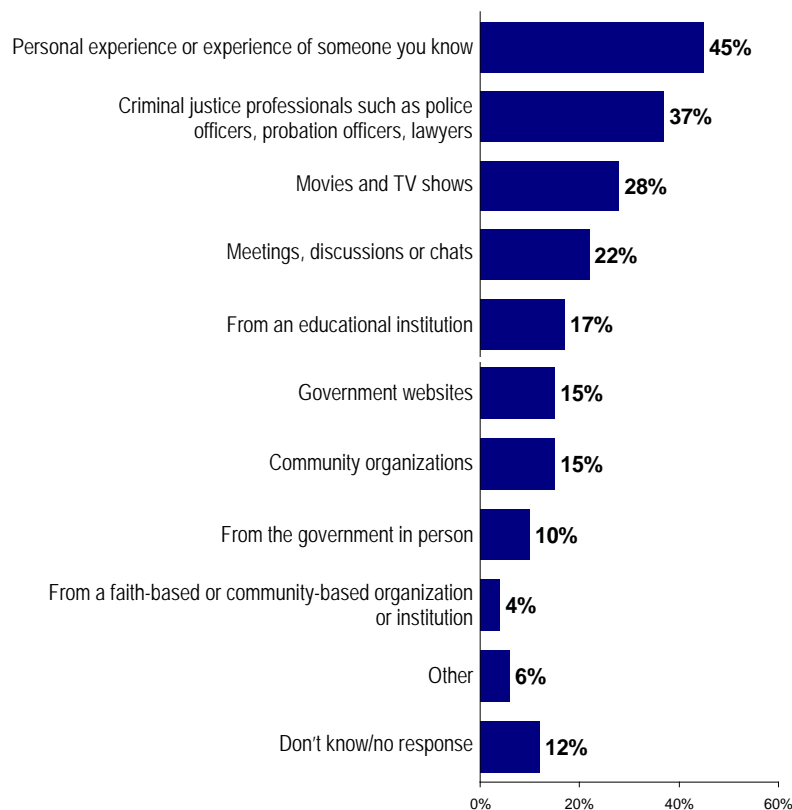
2.2 DISSEMINATION OF INFORMATION

a) Key Sources of Information

Canadians were asked about typical sources for information about the criminal justice system, apart from news media, which was assumed to be a primary source based on prior research. Many respondents (45 per cent) report getting information about the criminal justice system from personal experience, as also demonstrated by the two in three members of the sample describing some involvement with the system. Criminal justice professionals are also cited as a key source with a high degree of frequency (37 per cent). Meetings or discussions (22 per cent) are also a key source for about one in four. Educational institutions (17 per cent), government websites (15 per cent), community organizations (15 per cent), or from the government in person (10 per cent) are where about one in six get their information. Faith-or-community-based institutions are rarely used as a key source of information in this area (four per cent). Movies and TV shows, however, are cited by more than one in four (28 per cent) as a key source of information.

Key Sources of Information

"Q5. Other than news media stories, where would you say that you get most of your information on the criminal justice system?"



- Regionally, residents of British Columbia, Saskatchewan, and Manitoba are more likely than other Canadians to report getting information from personal experience. Albertans are more likely than others to report criminal justice professionals as their source. Participants from these three regions (British Columbia, Alberta, and Saskatchewan/Manitoba) are less likely than others across the country to get their information about the criminal justice system from movies or television, which are more likely to be reported as a source by residents of Quebec. Atlantic residents are more likely than anyone else in Canada to get information about the criminal justice system from meetings or discussions.³
- Men are more likely than women to report using personal experience and criminal justice professionals as their sources of information on the criminal justice system, while women are more likely to report using movies and television.
- Those with an elementary/high school education and those making less than \$40,000 are more likely than other Canadians to get information about the justice system from movies and television, while those with a university education are more likely to get this information from an educational institution or justice professionals. Participants making more than \$80,000 are similarly more apt to learn about the criminal justice system from criminal justice professionals.
- Those who learn about the system from movies are more pertinent to believe that the crime rate is increasing and that there is a higher proportion of violent crime. Those who rely on education institutions and justice professionals are typically less apt to believe that crime is increasing and guess a lower rate of violent crime when asked.
- Visible minorities are more likely than others to be informed about the criminal justice system through movies and television shows, meetings or chats, or from an educational institution. Indigenous Canadians and those with disabilities are more likely to learn about the criminal justice system through experience, as previously noted. Additionally, Indigenous respondents are more likely to use the government as a source in-person. Those with a disability are more likely to use community organizations to become more informed.

b) Focus Groups

Focus group participants predominantly described that they obtain their information about the criminal justice system from the media (both television and newspapers). As with survey findings, personal experience (including employment or volunteering at shelters and correctional facilities) and/or social connections (including both face-to-face and social media) are important secondary sources. A few in the West⁴ said that they get their information from community newsletters. Few have actively searched for information about the criminal justice system; of those who have (for example, in preparation for the focus group), there is frustration in not finding sufficient information.

³ This category was not specified in the survey, and responses may depend on individual respondent's definitions.

⁴ Manitoba and provinces to the west.

As articulated by one searching the Department of Justice Canada website, “You have to search their website for hours just to find anything... it’s as vague as they can make it”.

Many focus group participants felt they trust the firsthand sources of information, along with local publications such as community newsletters (mostly in terms of reporting crime statistics in the area). There was a general cynicism towards the media, perceiving a need to report stories in a sensational way or with political bias. “You have to run things through your own internal filter” was one response. When talking about media reports, most cited information that pertained to crime, individual criminal cases and outcomes of prominent trials rather than on more aggregate components of the criminal justice system. Some participants felt that technology (social media and 24 hour news cycles) gives a sense that society is hearing about crime, and perhaps the injustices of the system, more than ever before. This abundance of information, with perceived bias and often unsubstantiated with evidence or citations, has resulted in skepticism in terms of the reliability of information.

Canadians generally have a low understanding of the criminal justice system, what it is, and how it works, according to most focus group participants. In part, participants felt it is because they do not have incentive to seek out information, do not know what type of information is available, or where to find the information. As noted, “People don’t pay a lot of attention until they are affected by it. Then they discover how hard it is to get information”. Areas such as crime rates, qualifications of judges and police, means of effective rehabilitation, timeliness of the system, and consideration of repeat offenders are among the topics participants would like to feel more informed about and would aid understanding and confidence of the system. The availability, familiarity, and understanding of criminal justice information is likewise seen by some as a way for Canadians to obtain a better understanding of the system, the extent of any problems, and the overall direction of the system.

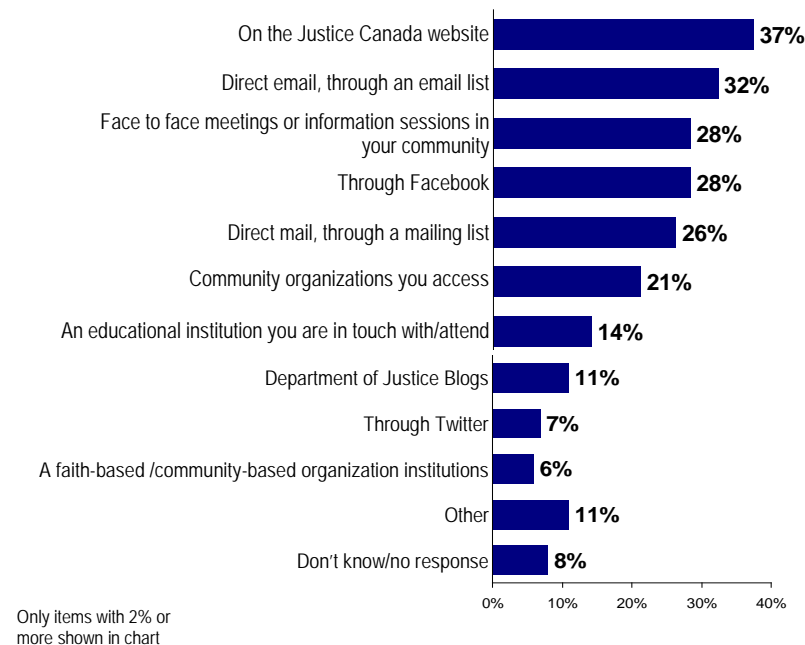
- “Most of the public have no idea if the system is broken or how to fix it.”
- “Don’t always need to know all details of small things, but if it is bigger and of greater concern to the public, maybe we do need to know.”
- “I don’t know where the facts came from”.
- “Very polarizing take on the stories most of the time.”
- “You don’t know what the truth is when you are seeing it in the media.”
- “I don’t feel very educated when it comes to the justice system. I don’t know basic things [...] more education is necessary.”

c) Best Way to Share Information

Respondents were subsequently asked about the best method of sharing information about the criminal justice system. Participants most often pointed to the Department of Justice Canada Website (37 per cent), and direct email (32 per cent). Facebook (28 per cent), and community information sessions (28 per cent) are also seen as good ways for Justice Canada to share information with them. To a lesser degree, Canadians also see direct mail (26 per cent), and/or community organizations (21 per cent) as good sources of information. Other sources were selected by narrower segments. Educational institutions, for example, are described as the best source among one in seven (14 per cent). Department of Justice Canada blogs (11 per cent) and/or Twitter (seven per cent) are good vehicles for small segments. Faith- or community-based organizations (six per cent) are also a good source for a small segment.

Best Way to Share Information

"Q6. What is the best way for Justice Canada to share information with you (or persons in your community) about the criminal justice system?"



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- Compared with others across the country, Quebec residents are the most likely to choose options where information is sent to them such as direct mail and direct email, as well as through Facebook, and to a lesser extent, through education institutions. Facebook also stands out as a preference for Atlantic residents. Face to face meetings are also more popular

in Atlantic Canada as well as in Alberta and Manitoba/Saskatchewan compared with Quebec and Ontario. Community organizations are also seen as a good source in British Columbia.

- There are relatively few gender differences, although women are more likely to express a preference for information shared through Facebook, as well as direct email contact, and to a lesser extent, in-person meetings.
- The youngest participants, those under 35, are more likely to want information through social media such as Facebook or Twitter, or through educational institutions. Those 35-54 are more likely to want this information through the Justice Canada website, while those over 55 prefer either community information sessions or direct mail.
- Those with elementary/high school education are more likely to prefer getting information from Department of Justice Canada through direct mail. Those with a university education and those making less than \$40,000 per year prefer to get this information from an educational institution. Those making more than \$80,000 per year prefer to get this information from the Justice Canada website.
- Victims of crime are more pertinent to express a preference for information shared through the Justice Canada website, face to face meetings and community organizations, as well as direct mail.
- Visible minorities are more likely than others to prefer to have information about the criminal justice system shared through community organizations, educational institutions, or faith/community based institutions.

d) Focus Groups

Many participants felt that more should be done to increase their own understanding of the criminal justice system; however, some caution that producing information does not mean that individuals will seek out information. Some argued that people only look for information when they need it, making it especially important to be easily accessible. In all, most participants said that more information needs to be accessible and pushed to the public in an easy to understand, transparent and informative way. Focus group results align with the survey findings, with some participants who would like to see communication on a community-level (linked to their perceived trust or unbiased of community newsletters), which can include workshops, bulletins or newsletter articles. Some said that they would expect to be able to obtain information on the Department of Justice Canada website, with a few specifically feeling that the Department should produce reports on outcomes such as rehabilitation rates, process information (what to expect, timing, etc.), and provide examples of efforts in other countries to demonstrate evidence in outcomes of different approaches. Adding more detailed information on the criminal justice system as a mandatory requirement in the education system was also a common suggestion among participants, as well as better informing new immigrants of rights and laws.

2.3 PERCEPTIONS OF CRIME AND THE CRIMINAL JUSTICE SYSTEM

a) Perception of Crime Rate Trend

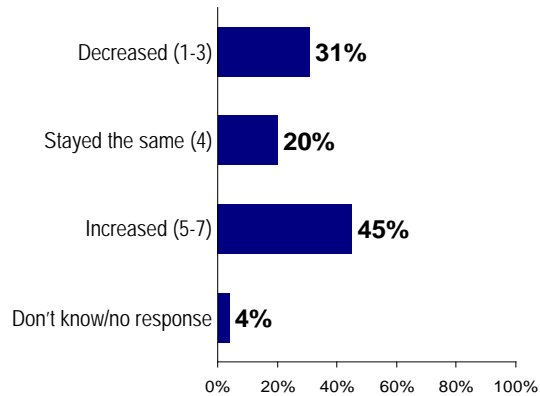
Canadians are somewhat split in their perception of the trend in the crime rate in Canada over the past five years. In fact, the crime rate has consistently dropped year over year in Canada for more than a decade.⁵ It should be noted, however, that results may be influenced by a marginal uptick in crime in 2015 announced in the months prior to the survey. Although this is the first time in a decade an increase has been recorded, it may have resulted in some Canadians indicating an increase in crime. In the survey results, just under half (45 per cent) believe that the overall crime rate in Canada has *increased* over the last five years, which highlights widespread and consistently documented misperceptions about the overall trend. Comparatively fewer Canadians (31 per cent) correctly understand it has *decreased* during this time, and the remaining 20 per cent report believing it has stayed the same.

Results highlight the importance of the perception of a crime rate that is increasing or decreasing, suggesting that many Canadians are basing their level of confidence in, and views about the possible direction they believe that the criminal justice system should take, and values underpinning the criminal justice system on an overinflated sense of the magnitude and trend of crime in Canada. Increased literacy in this area has the potential to reshape attitudes.

⁵ "Canada's Crime Rate: Two Decades of Decline," <http://www.statcan.gc.ca/pub/11-630-x/11-630-x2015001-eng.htm> (September 28, 2016).

Perception of Crime Rate Trend

"Q1A. Do you think that the overall crime rate in Canada has increased or decreased in the last five years?"



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n=4200

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- Residents of Alberta and the Atlantic region are among those most likely to report that crime rates have increased, along with residents of Saskatchewan and Manitoba, to a marginally lesser extent. Conversely, Ontario residents are more likely than other Canadians to correctly understand that these rates have decreased. Their neighbours in Quebec are the most likely across the country to say these rates have remained the same.
- Rural residents are more likely to believe that crime rates have increased.
- Women are more likely than men to believe crime rates have increased, while men more frequently than women believe they have decreased.
- The single largest predictor of perception of the trend in crime rates in Canada is education. Those with an elementary, high school, or college education are considerably more likely than the university-educated to believe that crime rates have increased in the last five years, while university graduates are twice as likely to understand that they have decreased.
- Consequently, there is also a parallel, difference (although less stark), in perceptions based on income. Lower household income, under \$80,000, is associated with a belief that crime rates have increased. Those households with over \$80,000 in income are more likely to believe these rates have stayed the same or decreased.
- Individuals who have had some contact with the criminal justice system are more apt to believe that the rate has risen. This is true across categories of contact, including among those who have been accused or convicted of a crime, as well as those who have been a victim. It is particularly true, however, of those who have been a victim of a violent crime where 58 per cent believe that the rate has increased over the last five years.

- Those identifying as Indigenous and/or having a disability are more likely than others to believe that crime rates have increased.

Table 2.1: Perceived Trend in Crime Rate by Demographic Characteristics

	n=	Decreased (1-3)	The same (4)	Increased (5-7)	Don't know
Do you think that the overall crime rate in Canada has increased or decreased in the last five years?					
Region					
British Columbia	539	31%	22%	42%	5%
Alberta	463	22%	17%	57%	3%
Saskatchewan-Manitoba	419	25%	20%	51%	4%
Ontario	1319	33%	19%	44%	4%
Quebec	939	32%	26%	37%	5%
Atlantic	435	28%	14%	54%	3%
Territories	86	30%	20%	39%	11%
Gender					
Male	2160	39%	21%	37%	3%
Female	2027	22%	20%	52%	5%
Age					
<35	753	31%	19%	44%	5%
35-54	1680	30%	23%	43%	4%
55+	1730	31%	18%	46%	4%
Education					
Elementary school/High school	630	20%	19%	56%	4%
Some Post-secondary/College	1747	27%	21%	48%	4%
University	1765	49%	20%	27%	4%

b) Perception of Prevalence of Violence

Consistent with the large proportion of participants who believe crime rates are increasing, large portions of the Canadian public also believe that much of the crime committed in Canada is violent. Roughly equal proportions believe that the percentage of crime that is violent is less than 20 per cent (18 per cent guessed this), and 20 to 40 per cent (guessed by 22 per cent). Similarly, 17 per cent said they think the proportion of crimes that are violent is between 40 and 60 per cent. One-quarter of respondents believe the proportion to be as high as 60 to 80 per cent, and 13 per cent believe it to be even higher. The average proportion found among Canadians in the survey is 45 per cent, although the actual proportion is less than 20 per cent.⁶

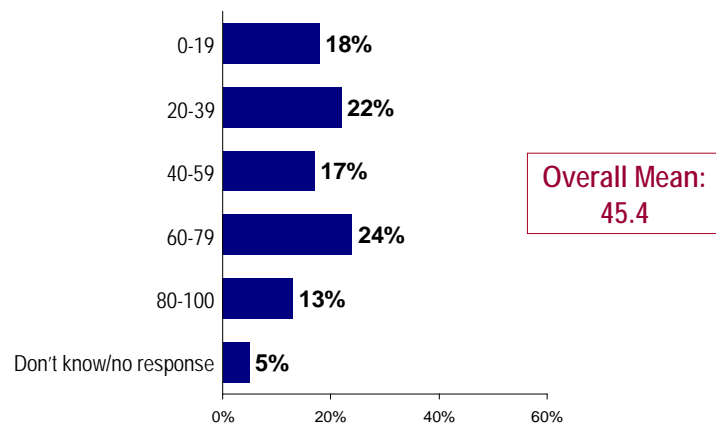
⁶ <http://www.statcan.gc.ca/pub/85-002-x/2016001/article/14642-eng.htm>

As with perceptions about the crime rate trend, views about the extent of violent crime are also strongly linked to views about the importance of values guiding the criminal justice system, and considerations in decisions related to sentencing. Therefore, increased literacy about the actual rate of violent crime likely has a potential to influence views about the system.

Combined, these two results paint a picture of Canadians who collectively believe that the crime rate is increasing over time and that the proportion of violent crime is almost half of all crime committed in Canada. While not the central objective of this research, recognizing this landscape nonetheless helps to understand the thinking of Canadians with regard to the criminal justice system, and in particular, views about confidence in the system.

Perception of Prevalence of Violence

"Q1B. Out of 100 crimes committed by adults and reported to police, roughly what number do you think involve violence or the threat of violence?"



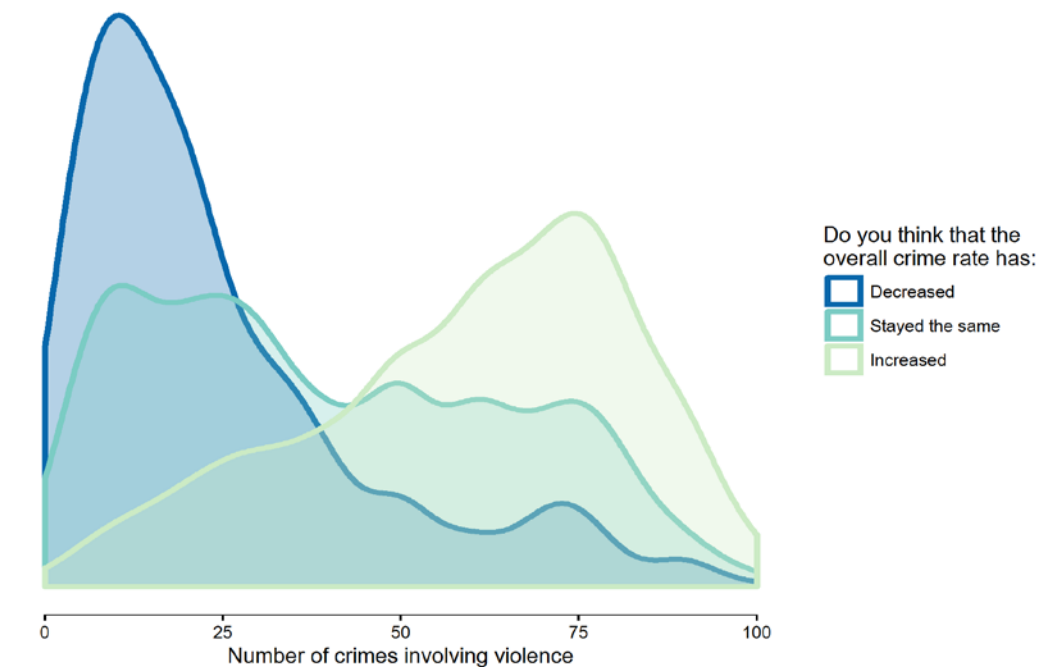
- Although there are no large discrepancies in views about the proportion of crime that is violent across the country, there are some small regional differences. Those in British Columbia and Ontario see the rate as lower than the average estimate (i.e., 45%). The perception of a high degree of violent crime is highest, and considerably higher than elsewhere in the country, among residents of Quebec, where the rate of violence is estimated to be 52 per cent. In fact, almost half believe the rate of violence to be 60 per cent or more of all crimes.
- The discrepancy between women and men is even wider, with women estimating a much higher proportion of violent crime compared to men. Women believe that on average 52 per cent of crimes involve the threat or act of violence. The rate is believed to be 38 per cent among men in the survey.
- Age differences are not stark; those in the middle age group, 35-54, have the lowest estimates of crime involving the act or threat of violence, while those 65 or older are more likely to see the rate of violence as higher.
- As with the overall trend in crime rates over time, the largest difference in perception about the rate of violent crime is based on education. Elementary/high school graduates have the highest estimates of crimes involving violence, guessing the average to be 52 per cent. This stands in contrast with the university-educated, among whom average estimates are much lower (37 per cent).
- Similar to education levels, those with lower incomes are more likely to believe higher proportions of crimes involve the act or threat of violence, while those making more than \$80,000 per year perceive the rate of crimes involving violence to be lowest.
- There are no dramatic differences in perceived rate of violent crime based on contact with the system.

Table 2.2: Perceived Rate of Violent Crime by Demographic Characteristics

	n=	Mean (out of 100 crimes)
Out of 100 crimes committed by adults and reported to police, roughly what number do you think involve violence or the threat of violence?		
Region		
British Columbia	539	40%
Alberta	463	43%
Saskatchewan-Manitoba	419	47%
Ontario	1319	44%
Quebec	939	52%
Atlantic	435	46%
Territories	86	43%
Gender		
Male	2160	38%
Female	2027	52%
Age		
<35	753	46%
35-54	1680	44%
55+	1730	47%
Education		
Elementary school/High school	630	52%
Some Post-secondary/College	1747	47%
University	1765	37%

As might be expected, those individuals who estimated that crime rates over the last five years have decreased also typically provided lower estimates of the number of crimes out of 100 that involve the threat or act of violence. Even those who believe the rate has stayed the same give moderate estimates of violence, skewed to lower incidence of violence, and those who believe the rates have increased also believe more crimes involve an element of violence.

Q1B. Out of 100 crimes committed by adults and reported to police, roughly what number do you think involve violence or the threat of violence?
(n = 4010)



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c) Focus Group Findings

Participants in Toronto and Montreal generally argued that the crime rate has been decreasing and that the incidence violence is relatively low. They also agreed most strongly that media gives a false impression of increased crime. Some participants in Montreal argued that crimes like robbing seniors of their retirement money can be violent without resulting in physical injury, which may help to explain increased estimates of violence for these individuals. Despite believing crime has decreased overall, participants in Toronto agreed that theft and property crime has increased. In Halifax, beliefs were split down generational lines. While older participants were quick to talk about increased crime rates, as one participant noted, “(we) used to have fights in the playground and now its guns and gangs.” Younger participants were equally quick to argue that rates are actually decreasing. The group settled on the number of crimes per year increasing, but decreasing per capita.

Participants in Winnipeg expressed the most pessimistic views of crime rates in their region. These participants brought up concerns about ‘no go zones’ in their area, increased youth crimes, increased crimes against people, and increased magnitude of violent crimes. One participant also talked about Winnipeg having been the crime or murder capital of Canada, “Winnipeg used to be the murder or crime capital of all of Canada and then we lost the title to Regina and then Edmonton. I’m okay with that”. Despite these issues, participants thought crime has gone down or stayed flat overall,

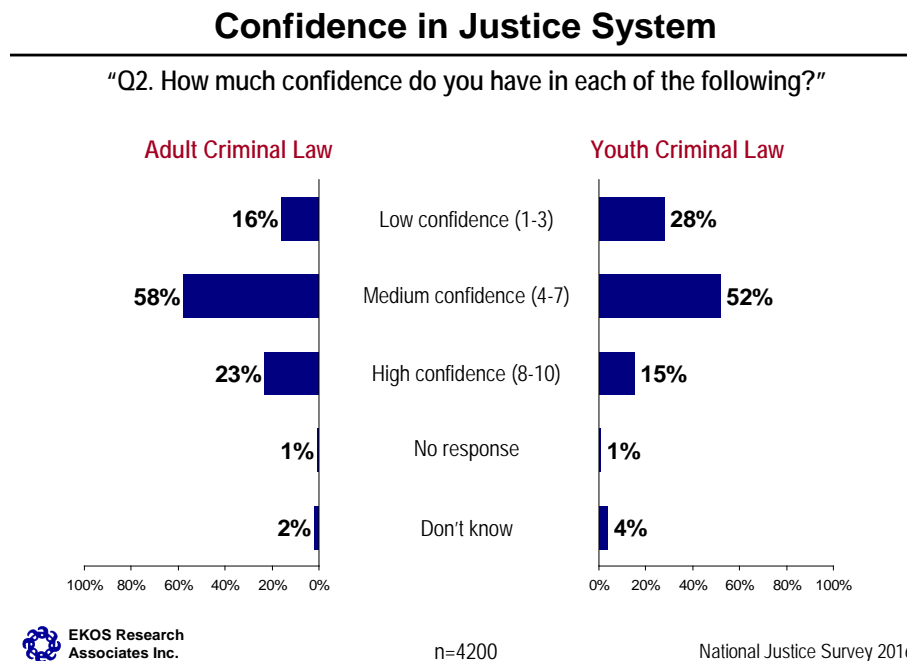
but many believed there are types of crimes on the rise, and that specific areas are particularly affected. Similarly, some participants in Calgary felt rates of certain crimes, such as fraud and cybercrimes are going up; however, one participant argued this could be due to increased exposure to technology over time. Another participant believed it is the level of reporting rather than the crime rate that is going down, especially for populations like seniors and immigrants who may be embarrassed to admit they were victimized. Others in Calgary felt crime has stayed about the same.

Overall, focus group participants had mixed perceptions of crime rates. Although all groups described the effects of increased media coverage on erroneous perceptions of crime and violence, not all individuals were willing to accept that these perceptions are skewed. Participants across groups described the feeling of anxiety that results from sensationalized headlines. One participant in Halifax suggested that regardless of the actual crime rate, hearing about crime more often makes her feel less safe. "I don't feel as safe in my neighbourhood than as I used to. There is more violent crime and unsolved crime and you hear about it more to me now as I'm older. You hear about it more on the media now. It is more in my face now". Participants from all groups also discussed the types of crimes they believe to be increasing such as petty theft and white collar crimes.

2.4 CONFIDENCE IN JUSTICE SYSTEM

Again, to help in the development of a context for understanding the views of Canadians about goals and desired direction for criminal law in Canada, survey respondents were asked about their confidence in criminal law for adults, as well as for youth. By and large, Canadians indicated only moderate confidence in adult criminal law, and less for youth criminal law. More than half (58 per cent) indicated moderate confidence in adult criminal law in Canada. The remainder of Canadians are split fairly evenly between high confidence (23 per cent) and low confidence (16 per cent).⁷

Compared to views of adult criminal law, slightly fewer (52 per cent) indicated moderate confidence in youth criminal law, and twice as many described their confidence as low (28 per cent) relative to those saying that their confidence is high (15 per cent).



- Residents of British Columbia, Saskatchewan, Manitoba, and Alberta generally have less confidence in adult and youth criminal law in Canada. The contrast is most pronounced in Saskatchewan and Manitoba where 48 per cent indicated low confidence in criminal law for youth. Those living in Atlantic Provinces also indicated low confidence in youth criminal law. Conversely, those residing in Quebec and the Territories are more likely to have high

⁷ Although presented as a 10 point scale for the 93 per cent of respondents participating in the survey online, the seven per cent who responded through a paper copy saw a seven point scale. Adjustments were subsequently made in the treatment and analysis of results to collapse scaled responses differently for those seven per cent, approximating as closely as possible to high, medium and low used for others in the survey.

confidence in both, which is particularly interesting given that Quebecers perceive the highest rate of violent crime.

- Confidence in youth law is low among those in rural areas generally.
- While there is no strong gender difference in terms of confidence in adult criminal law, women are somewhat more confident than men when it comes to youth criminal law with 24 per cent of women expressing low confidence, compared with 32 per cent of men saying the same.
- There are also limited age differences in views about adult criminal law, although those under 35 are marginally more confident. They are quite a bit more confident, however, than those over 35 when it comes to youth criminal law, where 32 to 33 per cent of those 35 or older expressed low confidence.
- Again, education seems to be the strongest determinant of confidence. Those with elementary/high school education typically reported lower confidence in both adult and youth criminal law, while those with a university education typically reported much higher confidence. The contrast is even stronger in terms of youth criminal law. Likewise, Canadians with less income reported less confidence and those with the highest incomes report the greatest degree of confidence.
- Those Canadians who have had contact with the criminal justice system expressed even less confidence than Canadians with no contact in both adult and youth criminal law. Similarly, those with the strongest sense of increasing and high violent crime also expressed the least confidence in both adult and youth criminal law.
- Indigenous people and those with a disability are less apt to have confidence in adult and, in particular, youth criminal law.

Table 2.3: Perceived Confidence by Demographic Characteristics

How much confidence do you have in each of the following?									
		Adult criminal law in Canada				Youth criminal law in Canada			
	n=	Low Confidence (1-3)	Moderate Confidence (4-7)	High Confidence (8-10)	Don't Know	Low Confidence (1-3)	Moderate Confidence (4-7)	High Confidence (8-10)	Don't Know
Region									
British Columbia	539	22%	57%	18%	2%	32%	53%	11%	3%
Alberta	463	21%	55%	22%	2%	33%	47%	14%	4%
Saskatchewan-Manitoba	419	22%	56%	20%	1%	48%	43%	6%	2%
Ontario	1319	16%	58%	23%	2%	30%	53%	13%	4%
Quebec	939	12%	58%	26%	3%	12%	58%	24%	5%
Atlantic	435	16%	58%	23%	2%	38%	47%	12%	2%
Territories	86	11%	53%	32%	3%	23%	48%	22%	5%
Gender									
Male	2160	18%	55%	25%	2%	32%	49%	15%	3%
Female	2027	15%	60%	21%	3%	24%	56%	15%	5%
Age									
<35	753	14%	57%	23%	4%	18%	56%	19%	6%
35-54	1680	17%	57%	23%	2%	32%	51%	15%	3%
55+	1730	18%	58%	23%	1%	33%	52%	13%	3%
Education									
Elementary school/ High school	630	22%	57%	17%	2%	33%	49%	13%	3%
Some Post-secondary/ College	1747	17%	58%	22%	2%	30%	53%	14%	3%
University	1765	10%	56%	31%	3%	19%	55%	21%	5%

a) Focus Group Findings

In each of the focus groups, public trust and confidence was raised in a number of contexts, related to crime rates, level of information about the system, understanding of the effectiveness of the system, and concerns about transparency and backlog, in particular. Conversations largely suggested low levels of trust and confidence. This was particularly true in Toronto and Montreal, where participants talked of heightened focus on some segments of the population, an archaic and ineffective approach to criminal justice, and a perception of considerable backlogs. In Winnipeg, participants pointed to a recent study showing that Manitobans have little trust in the system, citing high crime rates, expensive policing, and over-representation of the Indigenous population in the system. Several also talked about relationships between police and the community, advocating for increased efforts on the part of police to bridge the gap and reach out to communities, youth in particular, to foster trust. Some also talked about a lack of trust in a system that allows some criminals (committing serious crimes) to get off too easily, and spoke of loopholes in the system that enable offenders to slip through. High profile cases of judges considered to be biased or out of touch also

add to the already negative public view, according to some. Long and costly judicial processes and delays, particularly delays leading to cases being stayed were also raised as a key contributor to distrust in every location.

Many in the focus groups talked about the connection between lack of information and trust and confidence in the system. An increase in understanding of the criminal justice system was seen by most as a way to increase confidence in the system.

2.5 VIEWS GUIDING THE JUSTICE SYSTEM

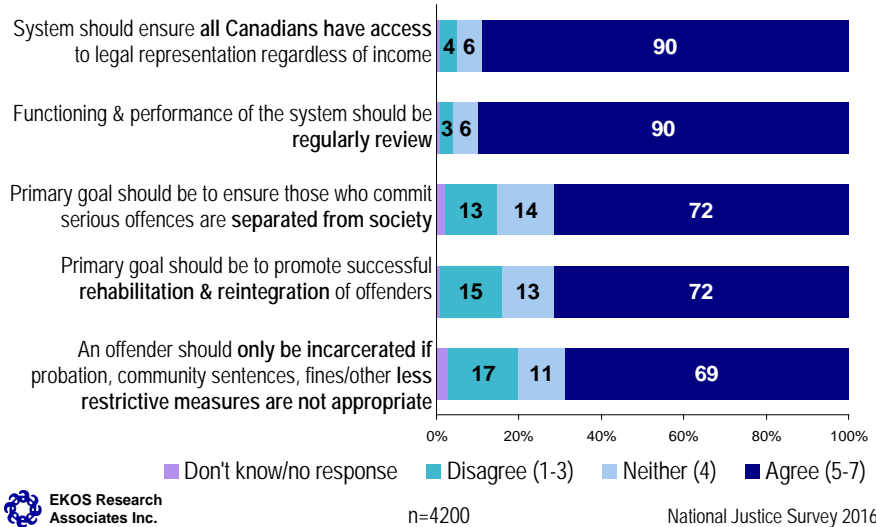
The vast majority of participants (90 per cent) agree that all Canadians should have access to legal representation regardless of their income. Another six per cent neither agree nor disagree with this sentiment, and four per cent disagree. Nine in ten also agree that the functioning and performance of the criminal justice system should be regularly reviewed, while one in ten are either neutral (six per cent) or disagree (three per cent).

Most agree (72 per cent) that a primary goal of the criminal justice system should be to separate those who commit serious offences from the rest of society. Thirteen per cent disagree, and another 14 per cent neither agree nor disagree. An equal proportion (72 per cent) believes that a main goal of the justice system should be to promote successful rehabilitation and reintegration of offenders. In this case, 15 per cent disagree, and another 13 per cent neither agree nor disagree. There is also relatively high agreement (69 per cent) that incarceration should only be implemented if less restrictive measures such as probation are not appropriate to the crime. Seventeen per cent disagree and another 11 per cent neither agree nor disagree.

Interestingly, views about separating offenders committing serious crimes as a primary goal often dovetail with views about rehabilitation and re-integration, and even with reducing incarceration rates as equally strong goals. Although there is a segment who value rehabilitation as a primary goal, to the exclusion of separation, for most of those who believe in rehabilitation, the two go hand in hand. For example, roughly half agree that both separation for offenders of serious crimes, and at the same time, rehabilitation, are desirable primary goals. As expected, views about rehabilitation and restricting use of incarceration to situations when less stringent measures are appropriate tend to align (e.g., agree or disagree with both). A small segment, however, agrees that rehabilitation is important, but does not agree with restricting use of incarceration (merely rehabilitating offenders within the context of being incarcerated). Most interesting perhaps is that half of respondents in the survey agree that offenders of serious crimes should be separated from society and also agree that the use of incarceration should be restricted to serious cases. This suggests there may be support for increased distinction for the types of crimes requiring incarceration, keeping some in jail, while finding alternatives for dealing with others.

Views Guiding the Justice System

"Q1C. To what extent do you agree or disagree with the following when it comes to the criminal justice system?"



- As with other findings, education is a key predictor of views. University-educated respondents are most likely to agree that all Canadians are entitled to legal representation. Those over 55 are also more apt to agree.
- A similar pattern exists in terms of agreement that the criminal justice system should be subject to regular review, with those over the age of 55 and the university-educated more likely to agree.
- Agreement that separating serious offenders from the rest of society should be a primary goal of the criminal justice system is highest in Alberta, and lowest in Quebec and in the Territories. It is higher among older and less educated Canadians, as well as those who believe the crime rate to be increasing and violent. (It is lowest among Canadians under 35, and those with university educations.)
- Ontarians and Atlantic Canadians are more likely to agree that rehabilitation should be a primary function of the justice system, while Albertans are least likely to agree.
- Rural residents more often agree that separating violent offenders from the rest of society should be a main goal for the justice system.
- Women and the university-educated are more likely to agree that rehabilitation and reintegration should be a primary goal of the criminal justice system, along with those who typically see crime rates as decreasing and less violent. In this case, however, it is also those making less than \$40,000 per year who are more likely to agree, while those reporting the highest household incomes are least likely to agree (and most likely to disagree).

- Those with a university education and individuals who perceive a decreasing crime rate and fewer violent crimes are more likely to agree that incarceration should only be implemented when less restrictive measures are not appropriate.
- Visible minorities more frequently disagree that all Canadians should have access to legal representation, that the criminal justice system should be regularly reviewed, and that a main goal of the justice system should be to separate serious offenders from the rest of society.
- Respondents with a disability are more likely to agree that rehabilitation should be a main concern of the criminal justice system.

Table 2.4: Attitudes about System by Demographics

To what extent do you agree or disagree with the following when it comes to the criminal justice system?						
		Access to legal representation	Regularly reviewed	Promote rehabilitation and reintegration	Offenders separated from society	Only be incarcerated if less restrictive measures not appropriate
	n=	AGREE (5 to 7 on the scale)				
Region						
British Columbia	539	92%	91%	71%	70%	70%
Alberta	463	89%	89%	64%	76%	66%
Saskatchewan-Manitoba	419	89%	92%	71%	76%	65%
Ontario	1319	90%	92%	73%	72%	71%
Quebec	939	88%	86%	70%	68%	67%
Atlantic	435	92%	92%	77%	72%	69%
Territories	86	90%	95%	77%	66%	72%
Gender						
Male	2160	89%	89%	69%	70%	69%
Female	2027	91%	91%	75%	73%	69%
Age						
<35	753	87%	85%	73%	60%	68%
35-54	1680	91%	91%	69%	74%	69%
55+	1730	92%	94%	73%	78%	70%
Education						
Elementary school/High school	630	88%	86%	68%	75%	64%
Some Post-secondary/College	1747	89%	91%	70%	74%	68%
University	1765	94%	92%	79%	62%	75%

a) Focus Groups

Direction for the Minister

Participants were asked to outline what they would like the Minister of Justice to focus on in a review of the criminal justice system. Across regions, participants expressed concerns about what they perceive to be a clogged, delayed, and bureaucratic system. Some participants argued that the numerous opportunities to delay sentencing or retry cases, as well as the number of players involved in the process are factors contributing to these perceptions. Other participants noted their lack of knowledge about the intricacies of the justice system, and wanted to see more public education.

Participants commonly questioned sentencing practices. One focus group participant noted, "In some cases it seems like the punishment is too steep and not appropriate or useful and in other cases it feels like it is not strong enough to fit the crime." Some participants, such as those in Winnipeg and Halifax, talked about wanting stricter adherence to the sentence given rather than allowing convicted criminals to serve partial sentences, especially for violent crimes. One participant in Halifax commenting on gun violence noted, "They serve a few years or months and they are back out on the street". In Winnipeg, a participant concerned about the time served by convicted murders argued, "20 years to life, it should be 'life', and not time off for good behaviour or having extra credit (for) time served". While some participants questioning sentencing practices focused on the longer sentences they would like to see for violent criminals, others focused on the perceived over-sentencing for those committing non-violent offences like selling drugs. As one participant argued, "Why do people who (deal) drugs end up with longer sentences than people who killed someone?" One participant expressed the belief that sentencing should be based on the amount of harm caused, with opportunities for alternatives such as rehabilitation given to those who have caused minimum damage. Participants also discussed the importance of balanced, consistent sentencing, claiming that as one country, Canada should operate under one set of laws.

Related to both backlog and appropriate sentencing measures, participants in Toronto questioned the definition of "a crime" in the eyes of the criminal justice system. One person suggested "no victim means no crime", allowing offenders involved in certain non-violent offences such as selling/using drugs or prostitution to avoid getting swept up in the system. Irrespective of this particular definition, many agreed that some crimes should not be considered a crime, with drug usage often cited as the example. Participants in Winnipeg echoed this idea, "Go chasing after the real crimes... they will be chasing after drugs and prostitution forever". In Halifax, participants wanted as much information as they could get about the current definition of a crime, and how the criminal justice system uses this definition to find an appropriate consequence. A few in the discussion also alluded to a change in definition of "crime" saying that some activities/behaviours should not be dealt with through the criminal justice system. In some contexts this discussion was raised in relation to backlogs and "a clogged" system.

There was discussion, particularly in Toronto and Winnipeg, about decriminalizing certain types of behaviours/activities to reduce crime overall and the resources used to process these crimes. These participants felt that legalizing marijuana (or other drugs) and prostitution would reduce the amount of arrests and reduce some of the violent activity associated with the “underground” nature of these activities (e.g., sex trade workers may be less likely to inform police when harmed or robbed out of fear that they would be penalized for their own actions). A few felt that decriminalizing these areas would also address some perceived injustices of the system, “If a guy is caught with an ounce of marijuana, they should not do more time than a murderer.”

Issues of equality were of particular concern to participants in Toronto and Montreal. Participants in these regions argued that some segments of the population like minorities and women are underrepresented among staff working in the system and are often subjected to discrimination as offenders. Several participants also expressed concern with how some people are treated in the system. A participant in Calgary talked about a recent example of a male judge mistreating a female rape victim, saying, “he called her the accused”. Several participants also pointed to issues with the disparity of treatment and access to adequate legal representation between wealthy and poor Canadians.

Focus group participants in several sessions, particularly in Toronto, talked about the need for public input on the direction of the criminal justice system, saying that the public has a role to play in providing views about direction and emphasis, particularly as they represent many different segments of society (e.g., ethnic/minority groups, in different age cohorts and regions of the country). While this was balanced against the limitations in the type of input that the public can provide, lacking the expertise and legal background, they felt that some vehicle should be put in place for the public to be able to comment on direction and focus. “There needs to be some type of system in place that allows the public to weigh in on these issues.” “There needs to be effort made to consult with all types of Canadians, from a variety of experiences and backgrounds.”

Separation from Society and Rehabilitation

Focus group respondents wrestled in the discussions with the value of rehabilitation and separation of offenders of serious crimes from society as guiding principles in the criminal justice system. Many participants said that they could see why value is placed on separating serious offenders from society, and at the same time also advocated for rehabilitation as a key principle of the system. “I would much rather have tax dollars go to turning that individual back into a functioning member of society than locking them up”. In some cases these were seen as twin goals to be accomplished at the same time. In other cases of lesser crimes, the view was that the primary focus should be on rehabilitation and not jail sentences “What good does it do a drug addict to spend a month in jail? It will probably make things worse unless you help them while they’re in there.” This was particularly notable in Montreal where jail time was generally considered “not a great success” in most cases. “It is not the ideal environment to rehabilitate someone”. “You cannot punish and

rehabilitate someone". Across groups, rehabilitation was viewed as essential to both the individual and the community they are released into.

Many participants focused on the value of teaching life skills and helping offenders to increase their potential for better quality of life and economic conditions so that they are less likely to have to rely on crime in the future. There was also discussion of the value of having offenders helping others in the community in order to better connect them with the "human side" of society. ("A person has to change, but someone needs to teach them that".) In Calgary there was particular emphasis on what it would take to rehabilitate someone who is serving a sentence in jail. Intensive time spent living with and teaching offenders, showing them that someone cares about them was espoused by a few participants. One participant also observed that the situation they return to after their sentence (e.g., returning to a poor environment) also needs to be addressed in some way. In Toronto, several participants asserted that too much attention is placed on the sentence and number of years received (i.e., on the punitive element). They emphasized that more focus should be placed on what happens after the sentence is received; what rehabilitative efforts take place during the sentence to help the offender afterwards. This led to further discussion about a system that is old and has been in place, largely unchanged for centuries, with an overly strong focus on punishment, rather than on prevention or restoration to health. "If you don't teach them, they will not learn." "You need to break the cycle, address the causes, and provide the (necessary) support to change (the conditions) leading them to continually commit crime".

In most discussions, separation of offenders was described as a safety issue. "If offenders are living in society and committing crimes, they have to be taken out of society because our society is not safe" "and it deserves to be safe", "It is a right to live in a safe society". "We shouldn't live in fear." "It depends on the crime, I just don't want a rapist on the street". "Unless you change the system" where offenders are truly rehabilitated and come out as good citizens, you need to separate them. Only in Toronto was it seen largely as a form of punishment.

2.6 PRINCIPLES AND VALUES

a) Important Aspects of Criminal Justice System

Most Canadians place a high degree of importance on the accuracy of a system that reduces the chances of convicting an innocent person (83 per cent), as well as on a system that is transparent or clear about rules and guidelines (83 per cent), and promotes a sense of trust or confidence in system (80 per cent). In particular, views about transparency and promotion of trust, as well as timeliness are strongly related.

For a second tier of factors considered important in the criminal justice system, roughly three in four feel that the system should be timely in dealing with matters with a minimum of delay (76 per

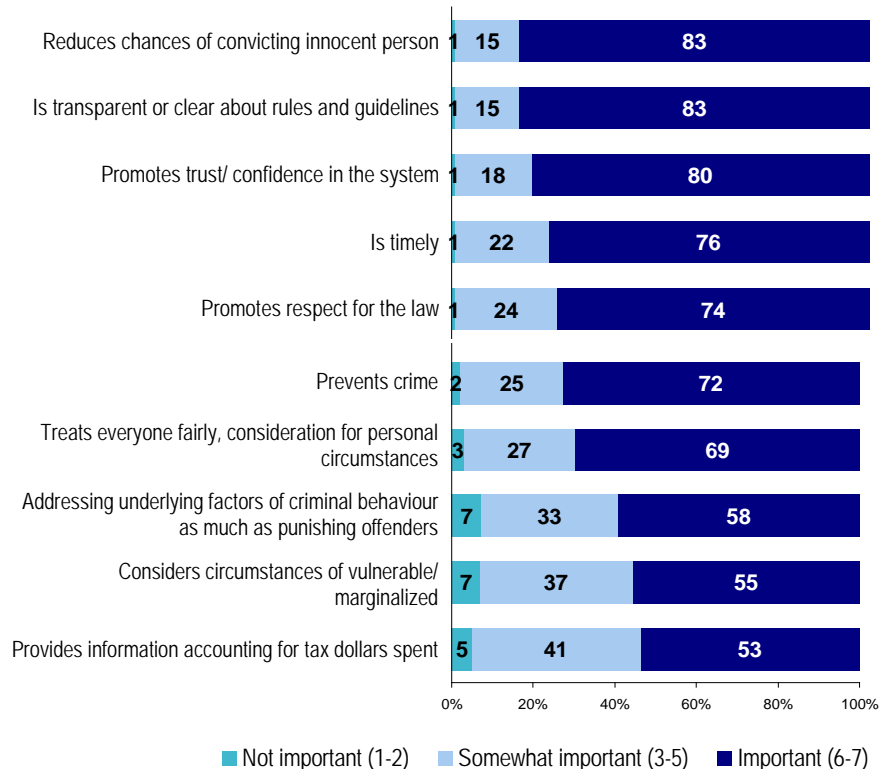
cent), promote respect for the law (74 per cent), and prevent crime (72 per cent). Slightly fewer feel it is important that the system treat everyone fairly including taking into consideration his/her personal circumstances (69 per cent). Timeliness and respect for the law are points of view that appear strongly related to views about the transparency of the system and importance of promoting trust in the system. Views about the importance of fairness in the system are equally strongly associated with the transparency, accuracy and timeliness of the system, and also the need to address underlying factors and personal circumstances.

Just over half of Canadians attribute a high degree of importance on a justice system that places as much focus on addressing underlying social factors of criminal behaviour as it does on punishing offenders (58 per cent), and/or considers the circumstances of those who are vulnerable or marginalized (55 per cent). These two points of view are strongly related and also associated with agreement that a primary goal of the system should be rehabilitation of offenders.

Just over half also feel that it is important for the system to provide information accounting for the tax dollars spent (53 per cent). This attitude is linked with the promotion of transparency, trust, and timeliness of the system.

Important Aspects of Criminal Justice System

"Q3. How important is it that the criminal justice system...?"



- Women consistently rated the importance of many elements higher than men (fairness, giving equal focus to addressing root causes and considering circumstances of vulnerable and marginalized, preventing crime and promoting respect for the law). They are only marginally different than men in their views of transparency, accountability, and timeliness of the system, and no different than men in ratings of accuracy and trustworthiness of the system.
- Atlantic Canadians typically place greater importance on giving equal focus to addressing underlying social factors, considering the circumstances of those marginalized or vulnerable, and reducing wrongful convictions. Residents of Alberta typically place less importance on giving equal focus to addressing underlying factors and treating everyone fairly. Residents of Manitoba and Saskatchewan are also less concerned with fairness and consideration of the circumstances of the marginalized and vulnerable. Those in British Columbia are also less likely to place a high degree of importance on fairness. Preventing crime is more important to residents of all of the Prairie and Atlantic provinces. Quebecers are most apt to see promotion of the law as important, but place less than average importance on promoting a sense of trust in the system.
- Generally, Canadians age 55 and over place a higher importance than younger Canadians on all factors, with the exception of considering the circumstances of those who are vulnerable or marginalized or placing equal focus on underlying social factors, where they place no more importance than younger Canadians.
- Those born outside of Canada are more likely than other Canadians to value fairness, taking into consideration circumstances of the vulnerable and marginalized, and placing equal focus on underlying social factors as on punishment.
- Canadians with a university level of education tend to place a greater importance on a justice system that takes into consideration circumstances of the vulnerable and marginalized, and on giving equal focus to addressing underlying social factors as to punishment. They are less apt to place importance on respect for the law or accountability of the system for tax dollars spent compared with those less educated.
- Those with lower incomes (\$40,000 and less) accord greater importance to consideration for circumstances of those vulnerable or marginalized, placing equal focus on addressing underlying social factors as they do on punishment, and promoting a sense of trust in the criminal justice system.
- Canadians who have been involved in the justice system in some way are more likely than those with no involvement to say it is important for the system to reduce the chances of convicting an innocent person. Those who have been accused or convicted of a crime are least likely to feel it is important that the justice system promotes respect for the law or prevent crime. Victims of violent crime, on the other hand are more likely than others to place importance on crime prevention, as well as a on a criminal justice system that is transparent or clear about rules or guidelines.

- Visible minorities are more likely than others to emphasize the importance of considering the circumstances of vulnerable people, and putting as much focus on addressing underlying social factors as on punishing offenders, but are less likely than others to put importance on promoting respect for the law. Those with a disability also place higher than average importance on considering the circumstances of those who are marginalized or vulnerable.
- Indigenous respondents typically place less importance on several aspects of the criminal justice system including treating everyone fairly, accounting for tax dollars, being clear about the rules, promoting trust, and being timely compared with others.

Survey respondents were also provided with an opportunity to add their own principle which they believe should guide the system. Most took the opportunity to expand on one of the principles already included for consideration. Respondents were fairly equally split between offering goals and values that support a 'tough on crime' stance and a more socially conscious approach. Those who were stricter in their responses tend to think that punishments, especially for violent or dangerous crimes, are too lenient. As an example, several expressed frustration with individuals taking advantage of loopholes to walk away from charges of driving under the influence, or having little to no repercussions for those who commit crime. An example of this view is, "Stiffer penalties for drunk drivers especially if they kill someone and not allowing anyone to buy themselves out of just punishment". In addition to harsher sentencing, several suggest ensuring criminals serve the entire sentence given. A 'crime is crime' attitude was commonly expressed, suggesting that factors such as personal circumstance, race, and religion should not be used as excuses for leniency. "Everyone in Canada has to follow the rules, no exception (race, religion or ethnicity)". A few also argue that the rights of the victim should be prioritized over the rights of the convicted. "Rights of victims should have more influence than those of the accused".

Other respondents took a more progressive view of the values and goals they want to see reflected in the criminal justice system. They provided examples such as mental health and personal circumstance as factors that should be taken into consideration. "Be particularly sensitive to and cognizant of dealing with people with mental health issues and also those who are pressed to the breaking point by poverty. Social justice and compassionate treatment--these principles must come first". They commonly identified perceived deficiencies in the system such as bias and profiling, suggesting a better representation of community diversity in those who serve them, particularly police. Some respondents also suggested that police officers should aim to be active members of the community they serve to avoid an 'us versus them' mentality. Several believe that access to adequate representation is a matter of equality, and should not give an undue advantage to those with better access to financial resources. "In some cases the person with the most money wins. They have the money for a lawyer, or a better lawyer, while it could take some people their complete savings to get justice in our system when it is spread over a long period of time". This group also argued for placing greater value on rehabilitation and reintegration rather than punishment.

Many respondents also offered values and goals beyond a stricter or more understanding system. Some argued that social issues are not the responsibility of the criminal justice system, and should instead be addressed by the healthcare and education systems. “The reduction of the causes of crime is not the responsibility of the criminal justice system, but of other government agencies, such as the works program, the educational system, health services, and social support service”. There was also a considerable number of comments complaining about backlogs and the speed of the criminal justice system (i.e., speed through which people are processed through the system). “Timely; it takes way too much time to get through the court system”. Many argued for greater transparency and accountability from the system. For example, some suggested that police should be equally punished for their crimes, and that more training is needed to avoid use of lethal force.

b) Top Three Goals

After rating the importance of each element of the criminal justice system, respondents were subsequently presented with the same ten goals and values, and asked to rank the top three in terms of importance. Overall, “having a criminal justice system that treats everyone fairly” was ranked as the most important most often, with 18 per cent of Canadians assigning it the top value. In fact, 40 per cent placed it in their top three ranking of important principles guiding the system. This first place ranking in importance places a much stronger emphasis on fairness than suggested by the individual ratings.

This is followed closely by “prevention of crime” ranked by 16 per cent as a most important value to guide the system, and was selected as a top three ranking by one-third (33 per cent) of Canadians. As with fairness of treatment, crime prevention also rises to a much stronger level of importance in the top three rankings compared with the relative importance accorded to it in individual ratings.

“Reducing the chances of convicting an innocent person” was chosen as the number one choice for 13 per cent of respondents, and just over one in three (36 per cent) picked it as a top three goal. Similar proportions selected “a focus on addressing underlying social factors that is equal to the focus on punishment” is a number one (12 per cent) or a top three (32 per cent) goal. Equal emphasis on addressing underlying factors as on punishing offenders is also given much stronger importance in the top three rankings compared with the relative placement from the individual ratings.

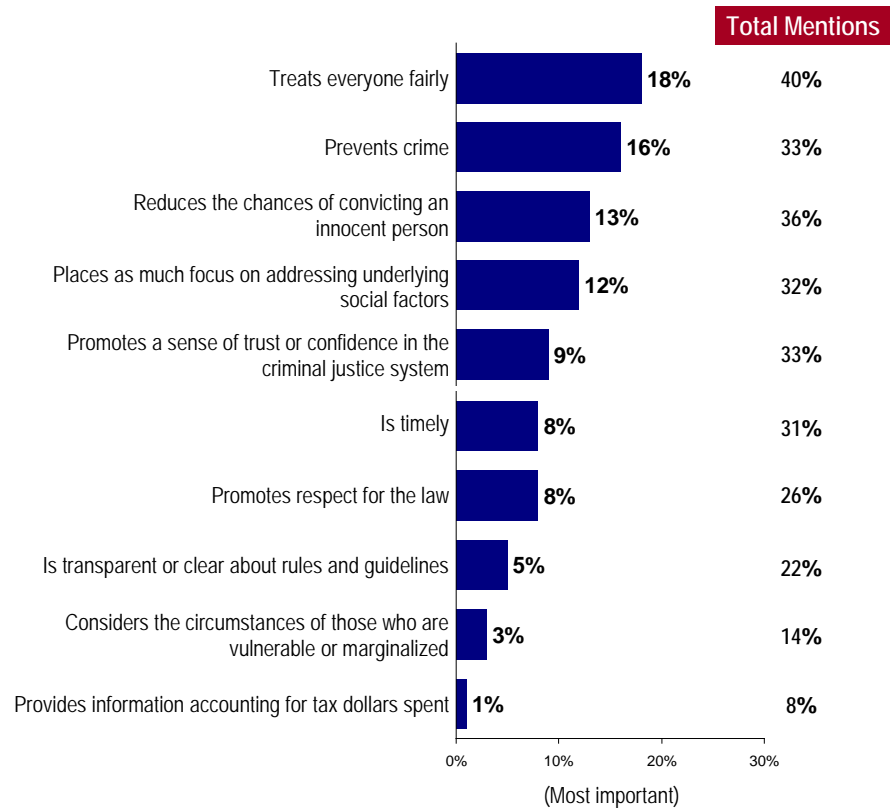
Goals related to the integrity of the system, including “promoting trust and confidence in the system and timeliness”, as well as “promoting respect for the law” were each selected as a first choice by eight to nine per cent. One in three selected promotion of trust and timeliness in their top three goals, while one in four (26 per cent) selected promotion of respect as a top three goal. Transparency regarding rules and guidelines is not typically seen as a primary goal (five per cent selected it as a first choice and 22 per cent placed it in their top three principles). Collectively, across

these four elements related to the integrity of the criminal justice system, three have dropped in the emphasis placed on them in the top three rankings relative to the individual ratings they received.

“Consideration for the circumstances of those who are vulnerable or marginalized” is even less likely to be seen as a primary goal as is the “sharing of information on the spending of tax dollars”. These relative rankings are in line with the results of the individual ratings.

Top Three Goals

“Q3X. Please rank these goals and values in order of importance.”



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- Those in Quebec are more likely to top rank the consideration of personal circumstances, along with one that promotes respect for the law, or is timely, in the top three goals. Canadians in Alberta, Saskatchewan and Manitoba are more likely to top rank the prevention of crime in the top three goals and values. Those in British Columbia are more apt to top rank the focus on addressing underlying social factors, or promotes a sense of trust or confidence in the criminal justice system, in the top three goals of the criminal justice system.
- Those with lower income (\$40,000 or less) are more likely to see it as a top priority to have a system that takes into consideration personal circumstances, or the circumstances of those who are vulnerable or marginalized in the top three. Canadians with higher income are more apt to place crime prevention, and promotion of trust or confidence in the criminal justice system, in the top three.
- Younger Canadians are more likely than older Canadians to rate crime prevention as a top goal. Older Canadians are more likely to place promotion of trust in the criminal justice system, as well as a system that is timely, in the top three.

- Women tend to rank the circumstances of those who are vulnerable or marginalized in the top three. Men are more likely to rate a system that prevents crime, or reduces the chances of convicting an innocent person, within the top three.
- Those born outside of Canada are more likely than others to rank a system that takes into consideration personal circumstances in the top three.
- Visible minorities are more likely than others to rank a system that focuses on addressing underlying social factors.
- Those with a disability are more likely to rank a system that takes personal circumstances into consideration.

c) Focus Groups

Crime Prevention

In focus groups, participants were asked about the importance of the criminal justice system in preventing crime. Several factors were discussed in terms of tools to prevent crime or reduce chances of re-offending. Most participants felt that the best approach to prevent crime is to address root causes. The root causes of crime were viewed as developing early in life; most pointed to social support for children (such as education, learning to take responsibility, positive influences) as a critical way to prevent crime. Social programs were generally viewed as necessary to address underlying causes of crime, such as lack of education, poverty, and access to mental health support. Some participants noted that when individuals do not feel they are a part of society, they are more likely to be involved in crime and not consider the impact on society. After a discussion on crime prevention, most participants re-emphasized the need to address root causes of crime as a means to prevent crime from occurring in the first place. As articulated by a few participants, “when people are taken care of they have less need for crime”, “maybe crime is just an indication that we need to help someone”, and “need to address all of these as early as possible so that people don’t go down the roads they do”.

Dealing with youth offenders was often discussed among focus group participants. Many said they support separating youth offenders from their environment (family or peers) in an effort to prevent reoffending. Further supports such as ensuring high school education is completed, teaching trades or skills, or personal support were seen as vital to help steer youth away from lifelong interaction with the criminal justice system. As one Indigenous participant said, “If it wasn’t for the Boys and Girls Club, I would not be here, I would be in prison. There is no two ways about it. The crimes I committed, I’m not proud of it at all. But the Boys and Girls Club took me off the streets for two years. They caught me when I was young, and if they left me until I was 17 or 18, I would have been a lost soul”. “It’s a circle including all levels of government, parenting and schools, and health

and social systems. Everyone has to work together to learn about rules and consequences. It's one big circle."

Stronger sentences and punishments were not viewed by most focus group participants as an effective way to dissuade individuals from committing crime. Many did not feel that an individual is thinking about the sentence when involved in a crime, and some felt that criminals understand that many individuals are not charged or sentences are reduced. A few believed that individuals would be more dissuaded from crime if strong sentences are consistently imposed. Some participants said that strong sentences are more beneficial for the victims by providing a sense of safety and taking action against the perpetrator. As noted by one, "Maybe I'd want to know that something is being done, but what good does it do society." Finally, strong sentences and punishment were not viewed as effective in preventing subsequent crime. "Our system throws people into jails where there is more crime and opportunity to learn about crime and doesn't do anything to make your life better". Particularly with youth, most felt that youth who turn to crime cannot be "thrown in jail" to teach a lesson. The discussion on strong sentences re-emphasized the need to address underlying root causes. For example, "You can't just arrest criminals and hope the problem is solved. The conditions that lead to the crime are still there so crime keeps happening. Nothing is fixed".

Although many said that they would rather see money invested in crime prevention, there was strong support for rehabilitation efforts as an effective way to reduce the chances of reoffending. Participants listed support such as drug rehabilitation programs, skills training, and employment and housing assistance as potentially helpful in alleviating the contributing factors to crime. For example, "maybe (we) should move to a society where crime doesn't necessitate punishment, but instead actions taken to address the problem so that an offender doesn't do it again". However, a few said that for repeat offenders, it does not appear that rehabilitation would be effective. A few others felt that the system is "archaic" and has not changed over time. The current system is focused too much on finding and punishing crime, according to several.

Fairness of Treatment and the Marginalized and Vulnerable

There was largely unanimous agreement that fairness should not be interpreted as application of exactly the same rules for everyone, but that many aspects of the offender and crime should be taken into consideration in weighing decisions. "If we treated everyone equally, we could replace the criminal justice system with a bunch of computers. 'Put in your crime (and receive your sentence)'. 'Blind equality is not fair'. The only exception described was in the areas of equal access to legal representation, where the same rules need to be applied. The general sentiment expressed is that taking into consideration a wide range of factors "evens the playing field". This may include consideration for the background and socioeconomic circumstances of the offenders, any mental illness or cognitive disabilities, and their intent in committing the crime (e.g., to intentionally harm, accident (e.g., manslaughter), to make money or to survive). In Montreal, participants also pointed to possible cultural differences and lack of understanding of laws in the Canadian context as a

consideration although not everyone agreed. Intent and background of the offender formed key elements of the consideration for most participants in the discussions. Some also said that the level of harm and/or type of crime should also be considered. "Not all offenders are the same and not all crimes are the same." "Every case needs to be considered and weighed differently." Many described a nuanced decision-making process that considers all aspects in an effort to be fair.

In Halifax in particular, these elements were considered to be important, however, they were also balanced against consideration and weight given to the perception that there are loopholes or rules that can be bent. "You can't have some people getting off easier than others." "We have to be careful that the public don't get the impression that you can bend the rules left, right and centre." "It's ok to consider intent and background, just so long as that doesn't mean that people are allowed to get away with whatever they want." The group collectively decided that checks and balances, and accountability need to be in place for every decision made in judging a crime and the consequence.

In Toronto there was discussion of unfair focus of attention on some segments of the population, and the need for efforts to increase fairness. This was raised within the context of the attention paid by police in finding crime among some segments or in some neighbourhoods, and even in pre-judging guilt.

2.7 KEY CONSIDERATIONS FOR SANCTIONS

a) Importance of Considerations

The considerations that Canadians find to be most important when deciding on sanctions for adults convicted of a crime are the harm done to the victim (rated as a strong consideration by 80 per cent), and the number of past offences (77 per cent). Results for these two points of view are strongly related and also associated with the general view that the system should separate offenders from society.

Canadians defined a second tier of considerations, still important, as including the promotion of a sense of responsibility for harms done to victims and the community (67 per cent), condemning illegal activity and harm done to victims and the community (65 per cent), deterring the offender and others from committing crimes (65 per cent), along with the consideration of separating offenders from society (rated a strong consideration by 61 per cent).

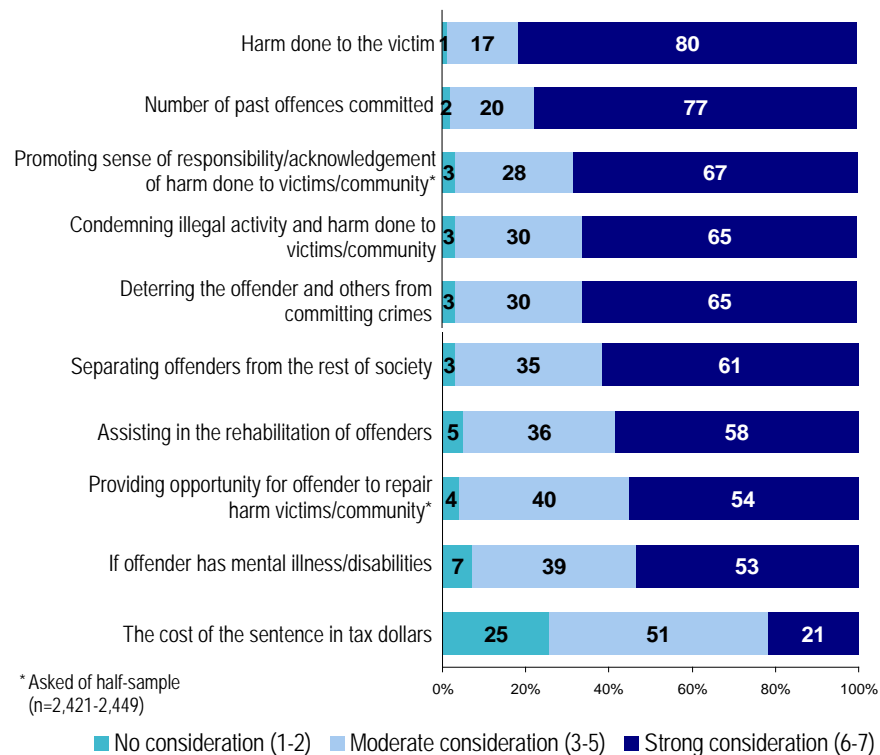
Assisting in the rehabilitation of offenders is seen as a strong consideration among marginally fewer (58 per cent), as well as providing opportunities for offenders to repair harm (54 per cent), and mental illness or intellectual disabilities of the offender (53 per cent). Rehabilitation of offenders and consideration for disabilities are closely associated, and are also strongly linked to overall objectives of the system to be rehabilitating offenders, addressing underlying factors in society and considering

the personal circumstances of offenders. Considerably fewer (21 per cent), viewed the amount of tax dollars spent on a sentence to be an important consideration for sanctions.

Looking more deeply at the patterns of views regarding key considerations for sanctions, there is strong common ground expressed by most on the value of consideration given to the need to separate some offenders from society and assisting in the rehabilitation of offenders. Although about one in five advocate more strongly for separation than rehabilitation, and the same proportion argue more strongly for rehabilitation, more than one in three respondents in the sample argue strongly for consideration for both. This largest segment of the sample presumably sees a need for rehabilitation during incarceration, without minimizing the importance of either one. Similarly, one in three argues for equally strong consideration for separation of offenders and consideration for mental illness and intellectual disabilities. This segment presumably sees the value in judging cases on the basis of the type of crime, background and intent of the offender.

Importance of Considerations

"Q4. When the court is deciding on sanctions for an adult convicted of a crime, how much consideration should be given to each of the following in making the decision?"



- Women place slightly higher importance on most factors than men do.
- Older Canadians more often give stronger consideration to most factors, with the exception that younger Canadians typically place more consideration on the cost of the sentence in tax dollars.
- While Canadians with a university education place slightly less consideration on many factors, they place somewhat more consideration on assisting the rehabilitation of offenders, and whether the offender has a history of mental illness or intellectual disabilities than other Canadians.
- Rural Canadians more frequently place strong consideration on providing an opportunity to repair harm and the harm done to the victim in the first place compared with their urban counterparts.
- Canadians with incomes of less than \$40,000 tend to place somewhat more importance on the consideration of rehabilitation, the opportunity to repair harm caused, and whether the offender has a mental illness or disability, while Canadians with incomes over \$80,000 tend to have slightly more focus on separating offenders from society and deterrence.
- Canadians with a disability are more likely than others to place strong importance on the consideration of deterring the offender, separating offenders from the rest of society, providing an opportunity for the offender to repair harm done, and most drastically, considering the existence of mental illness or intellectual disabilities.
- Visible minorities are more likely than others to place consideration on the number of offenses.

After ranking the options presented, respondents were asked if there were other considerations that should be given weight when deciding on sanctions for adult offenders. Generally, respondents used this opportunity to further discuss their opinions surrounding the presented options. The level of violence involved in a crime was particularly concerning for several respondents, with some suggesting that sanctions for non-violent crimes should focus on rehabilitation, while violent crimes (murder, sexual assault, crimes involving children, etc.) should carry much heavier penalties. Along with violence, some talked about consideration for the victims, their family, and the impact they have experienced as a result of the crime. "Ensuring the victim is represented throughout the process". Also important for many is the need to strike the balance between the potential for recidivism and potential for successful rehabilitation. Some cited past offences, previous instances of violating parole, effort put into restitution, expression of remorse, and attitude as key indicators of an offender's probability of going in one direction or another. "The offender's attitude and ownership of his/her actions". "A past record, especially of violent crime, should receive very strong consideration".

Several indicated that an offender's social environment and background should be taken into consideration. Some argued for the need to remove offenders from negative social influences in their

environment and that increased structure could be beneficial, while others caution that being removed from familial and other responsibilities, such as providing for dependents, could be detrimental. There was also a strong desire for mental illness and intellectual disability to be taken into account in sentencing. Many were careful to add, however, that a balance needs to be struck with need for consequences (i.e., not be a “get out of jail free card”, but a reason to put heavier focus on rehabilitation over punishment). “Mental health issues need to be carefully assessed. It is not an excuse but rather, in many cases, it could cause the loss of responsibility. It should not be an easy out for offenders. Again, our current systems do not effectively separate the wheat from the chaff. This needs review in depth.”

Many respondents also took the opportunity to comment on their overall preferred direction for the criminal justice system. Some said that current sentencing practices are not tough enough. “Too lenient and inconsistency in sentencing is why we have reoccurring offenders, if judges would give longer strict punishments (it) would help in curbing crime”. Others advocated for a strong focus on rehabilitation. “I would rather spend tax dollars on social programs that help reintegrate offenders into society than on jail, which is expensive and stigmatizing (i.e.: does not help offenders stop their criminal career).”

b) **Top Three Considerations**

The consideration ranked most important in sentencing decisions among Canadians is harm done to victims, which is ranked in the top three by almost half of respondents (45 per cent), and ranked the single most important consideration by 19 per cent. The number of past offences is also selected in the top three considerations by 41 per cent of respondents, although fewer chose it as the primary consideration (12 per cent).

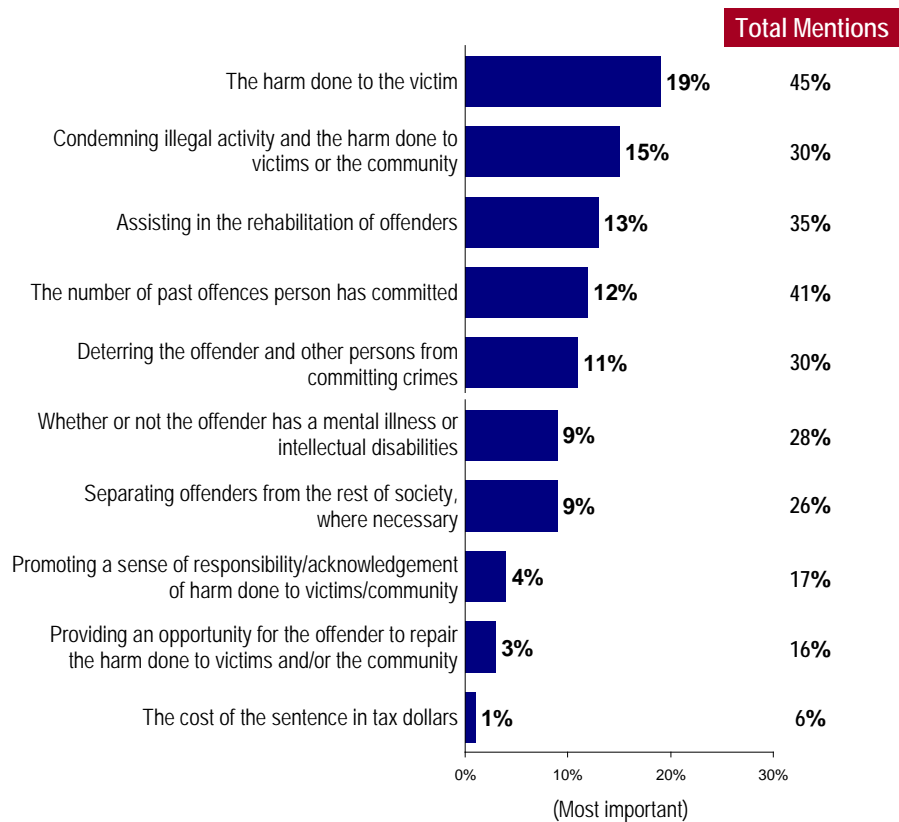
Elements which form a second tier of considerations, include assisting in the rehabilitation of offenders (35 per cent), and condemning illegal activity and the harm done to victims and communities (selected by 30 per cent as a top three consideration). These were ranked as the single most important consideration by 13 to 15 per cent. Deterring offenders from committing crimes was also selected as a top three consideration by 30 per cent, with 11 per cent selecting it as the primary consideration. Compared with individual ratings, the top three ranking places greater emphasis on consideration for rehabilitation as a goal in sentencing.

Mental illness or disability is selected as a key consideration by 28 per cent of Canadians. Similarly, separating offenders from society is also seen as a top three consideration among 26 per cent. In each case nine per cent see this element as the primary single consideration. As with rehabilitation, consideration for mental illnesses and intellectual disabilities is also given stronger emphasis in the top three rankings compared with individual ratings.

The remaining factors are selected much less frequently as top three considerations in sentencing decisions, such as promoting a sense of responsibility (17 per cent), providing opportunity to repair harm (16 per cent), and the cost of the sentence in tax dollars (6 per cent). Promoting a sense of responsibility is accorded less emphasis in the top three rankings compared with the individual ratings.

Top Three Considerations

“Q4X. Please rank these goals and values in order of importance.”



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n=4200

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- More men choose deterrence as a priority than do women.
- Older Canadians tend to rank condemning illegal activity as a more important priority, while younger Canadians are more likely to place more importance on rehabilitation.
- Canadians with a university education are more likely to prioritize assisting the rehabilitation of offenders, while Canadians with a high school education are more likely to prioritize condemning illegal activity.
- Visible minorities are more likely than others to choose deterrence as a priority.

- Indigenous Canadians are more apt to prioritize repairing the harm done to the victim and the community compared with other Canadians.

c) Focus Groups

Consistent with their views of why rehabilitation is important in earlier questions, participants almost universally agreed that more should be done to try and make something of the sanction (i.e., use it as a moment to teach offenders a different way). In this context restorative justice made intuitive sense to most participants in the discussions, with the exception of only a few. "It doesn't do any good to let someone sit in jail without trying to change the behaviour or conditions that led to the behaviour. (You) need to find a way to have that person doing something useful for community (service)."

The two key elements of restorative justice participants found appealing were the requirement that offenders take responsibility for their crime, and the efforts they would make to address or repair the harm caused. Restorative justice is seen as valuable because "(the offender) will see how much pain (they) imposed instead of being punished in an isolated place". "Until people realize themselves, you can tell them all you want, but until they start to feel empathy, it will not make a difference". "If rehabilitation is going to work there has to be an element of restitution or it's empty. There has to be a taking of responsibility and trying to address harm". One participant said "My definition of restorative justice is that nothing you do will ever erase the crime or really make it "better" or go away, but some opportunity and steps need to be given to allow it to be made somewhat right. The offender in jail never actually does anything to "make it right" (no matter how long they are sentenced for). They need to take steps to somehow make it right to the victim or family or community. Until you recognize and accept your own culpability and take steps to apologize and make amends, nothing is made right. It won't matter if the person is put in jail for 2 months or 200 years. It won't help anyone."

Many expressed thoughts about conditions, limitations or considerations for restorative justice. In particular, many felt that this type of process cannot work for violent crimes, or repeat offenders, expressing concerns about re-victimization. "As a victim, it's hard to look at a person who ruined your family". "Restorative justice cannot work when it is a victim of violence. "A victim of rape cannot work with the perpetrator." As illustrated by the previous comment, many were concerned about the victim being forced to have a role. "The victim would have to be agreeable." "It depends on the crime... and does the community want him back". One participant expressed a worry about social pressure that may be exerted on a victim to agree to participate or to accept a proposed resolution. Counter to this concern, Montreal participants in particular talked about restorative justice as a valuable pathway that provides victims with an opportunity to have a legitimate place in the process (to heal, along with the offender). "Victims often say they are not considered. This is a way (for them) to be heard and considered".

Most agreed that this process would be suitable for some offenders and some crimes, but not all. For example, one participant in Winnipeg argued the unsuitability of this process for offenders who are not capable of realizing their own culpability. "We're in our second and third generation of FAS (Fetal Alcohol Syndrome) people. There are people who are not capable of appreciating what they've done".

Many were also concerned with striking a balance between using the opportunity to teach offenders (i.e., to accept responsibility and repair harm), and ensuring that the severity of the sanction still fits the crime. The argument typically put forward was that, as a society, we still need to achieve the goal of deterring the criminal/harmful behaviour in future, and ensuring that everyone is clear that there are still significant consequences for the criminal/harmful behaviour. Participants agreed that the consequences need to fit the crime, but in a way that is restorative; accepting responsibility and doing something to make amends in some way. One example provided was that of a drunk driver killing someone, with a sentence of spending the rest of their life speaking with young adults in schools about the dangers of driving while under the influence; helping to educate and curb the particular crime for others in future.

Results suggest Canadians would welcome hearing about greater use of restorative justice, particularly where there are clear indications of stringency of sanctions (i.e., that it is not an "either"/"or" of picking either a productive solution or a significant consequence). As one participant in Halifax put it "(the) evidence suggests that it is not best to put (an offender) away for 25 years (...) because it is not best for them or society. The problem is that the family of the (.....) victim do not feel that justice was served. It's very unsettling to the families – their needs are not being met. But we don't (have) a good restorative justice system in Canada yet. If we did, it would try to create the balance between not sending the offender away for 25 years, (and) also giving the family of the victim (and community) a reasonable sense of justice." In one discussion several participants suggested that the needs of the victim for "justice" may evolve as time elapses from the crime. A restorative process that allows for victim and family input, on the sanction periodically at different points in, time may capture an evolving point of view from all sides and afford greater opportunity for the offender to accept responsibility and make atonement in later stages of a sentence.

Deterrence

Some participants expressed the point of view that jail sentences are not a deterrent for crime. "Tougher sentences do not deter crime. If that were true, there would be no crime in the USA". Others argued that the consequence needs to "fit the crime", in order to ensure that everyone is clear that you cannot break the rules. "You can't send a signal of a 'free for all' or the public will lose faith in the system". One participant explained, "I want to be able to tell my son that there are consequences for actions." There needs to be a reason or an incentive provided to curb bad behaviour. Most expressed the view that preventing crime from happening in the first place is preferable, and likely

to be much more effective in the long run, than trying to deter crime by punishing offenders after they have already committed a crime.

Consideration for those with mental illness and cognitive disabilities

Participants in all discussions agreed that there should be consideration given to mental illness and intellectual challenges within and outside the criminal justice process, including any decisions about sentencing. This was also a central focus in discussions about prevention of crime (as described earlier in the report). In the Toronto discussion participants strongly expressed the sentiment that if someone with mental illness has committed a crime then society had not done enough to prevent them from going down this road. Most agreed that this should be and already is a key consideration in determining sentencing and even judging the crime (i.e., the intent and/or level of the crime). One participant pointed out that mental illness is often a fluid state, with periods of time where the individual has better (or worse) control over their behaviour, suggesting a degree of variability in their intent and culpability.

Rather than advocating for leniency in sentencing those suffering from mental illness, participants talked about the need for these issues to be tackled in the public education system (e.g., reducing stigma) and the healthcare system (e.g. access to help for those who need it). “These people should be treated, not punished”. On the other hand, in several discussions, participants pointed to the lack of other options. “There’s nowhere else for them to go, so they get put in jail”. “I think the criminal justice system doesn’t know what to do about the mentally ill”. “People have mental problems and aren’t getting the help they need. It’s just shuffling people around”. “Why would you put a person with schizophrenia in jail and hope they get over it”. Some participants called for a more integrated system where health services and education support are readily available to those incarcerated, and community-based health and social options are available, so that incarceration is not the only option.

While most argued for consideration of mental illness and vulnerability in sentencing decisions, some also cautioned about using this argument to get away with crime. Further, a few expressed doubt that there should be any concessions on severity of sentence, arguing that crime is crime, no matter what the conditions, particularly in the case of the most violent crimes, and mental illness and cognitive disability should not be a reason to excuse the crime. “Some people are using ‘not criminally responsible’ to get off”.

Consideration for Cost in Sentencing Decisions

Participants across regions were surprised about the high costs associated with the criminal justice system, but several contended that public safety is a greater concern than the amount of money spent. There was an overall perception that the financial costs are an important investment in public safety. One participant suggested, “(you) can’t put a price on feeling safe”. Another

participant illustrated this argument by suggesting that higher salaries and education of Canadian police officers compared with those in the United States may make a positive impact. Some participants also argued that delivering shorter sentences should not be driven by reducing costs.

Despite the overall agreement that public safety trumps cost, several participants argued that funds should be carefully spent on a system that is proven to be working. These participants talked about the need for the government to spend as efficiently and effectively as possible by researching the programs they support. Fully transparent spending and greater public education on the operation of the criminal justice system are also important to several participants.

Several suggestions were provided by participants about how the criminal justice system could reduce costs. Some participants suggested that jail time should not be considered for those committing minor offences. Instead, these participants advocated for restorative justice for smaller crimes, some citing Norway as an example of this method. Other participants argued that spending should be focused on preventing crime, explaining that even if costs were not reduced, there is a greater social benefit. A reduction in the bureaucracy in the courts was also cited as a positive benefit, with the caveat that individual rights should not be compromised to make this a reality. Lastly, some participants discussed creating cost-neutral prisons by having prisoners work trade jobs to earn money for the facility.

3. PHASE II – RESEARCH FINDINGS

Results of the second, information-choice survey are the primary focus of this section of the report. Overall results are first discussed along with visual presentations of the results. Demographic and other salient patterns of results are subsequently presented in bullets and, in some cases, tables. In relevant sections, following the presentation of survey results, survey comments and findings from the online discussions are presented as a sub-section to help readers distinguish between findings from quantitative and qualitative evidence.

3.1 TRANSFORMING THE CRIMINAL JUSTICE SYSTEM: OBJECTIVES

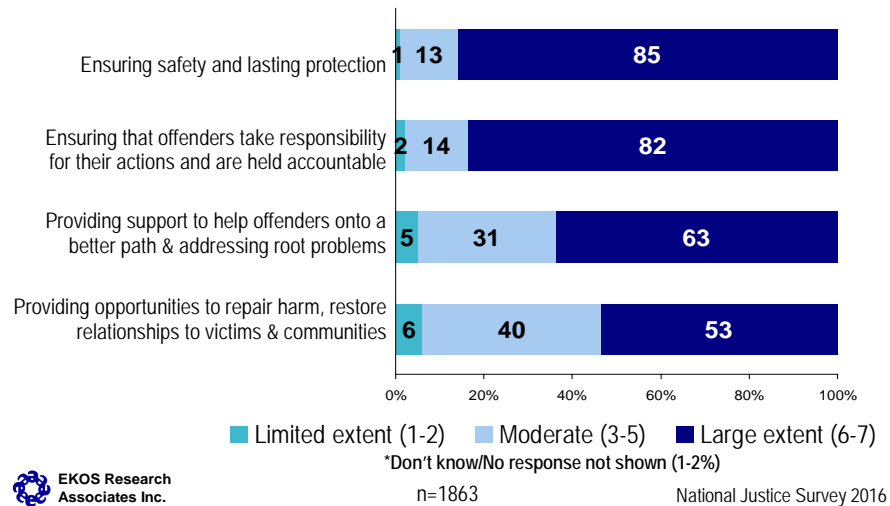
Respondents were informed that the second survey further explores values for the criminal justice system. Results of the first survey show that the safety and protection of Canadians will always be paramount in criminal justice. In addition, they were told of some values and principles deemed important in the first survey, including: fair treatment for everyone, promote successful rehabilitation and reintegration of offenders, incarceration should be used to protect society from those who commit serious crimes, and incarceration should be used where other less restrictive measures are not appropriate. Consistent with these values, the Department of Justice has heard about the need to balance four objectives:

- Safety and long term protection of Canadians
- Ensuring offenders take responsibility for their actions and are held accountable
- Providing an opportunity to repair harm done to victims and the communities, and restoring relationships (between the victim, the community and the offender)
- Providing the support needed for offenders to be successfully rehabilitated, and addressing root causes of criminal behaviour (including addictions and mental health issues, economic and social marginalization)

Of the four objectives, ensuring safety and lasting protection for the Canadian public and accountability are seen as in line with public values, while support and opportunity to repair harm are not as obvious to some. Specifically, ensuring safety and protection was chosen by 85 per cent of respondents as fitting well with their own values (rated 6 or 7 out of 7). Almost the same level of alignment is found for ensuring that offenders are held accountable for their actions, which 82 per cent of respondents feel are aligned closely with their values. Fewer respondents feel that providing support to offenders (63 per cent) and providing opportunities to repair harm (53 per cent) are closely aligned with their values. Respondents were considerably more likely to say these two objectives are a moderate fit with their own values than with the other objectives.

Alignment with Personal Values

"To what extent do the following objectives fit with your values for the criminal justice system?"

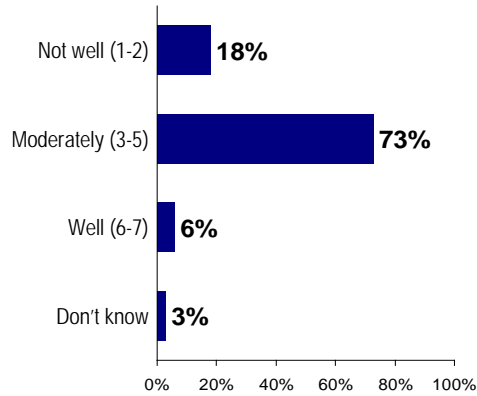


- Respondents under 35 are less apt to feel the four proposed objectives fit closely with their values, while the views of respondents 55 and older rated themselves as more strongly aligned with the objectives, with the exception of addressing the underlying causes where alignment is more even across age segments.
- Residents of British Columbia are more apt to say that providing offenders the opportunity to repair harm and providing offenders with support towards a better path aligns strongly with their own values.
- Women are also more likely than men to rate their own values as closely aligned with the objective of providing support for offenders and addressing the root problems of crime.

Survey results highlight only modest public confidence in the current system's focus on the four objectives. Only six per cent feel the criminal justice system is doing a good job of considering these objectives. Respondents generally (73%) feel that the current criminal justice system is doing only a moderately good job of taking the four proposed objectives into consideration. Another 18 per cent feel that the system is not currently considering these objectives very well.

Adequacy of CJS at Considering All Objectives

“How well do you think the criminal justice system currently does at taking all four of these objectives into consideration?”



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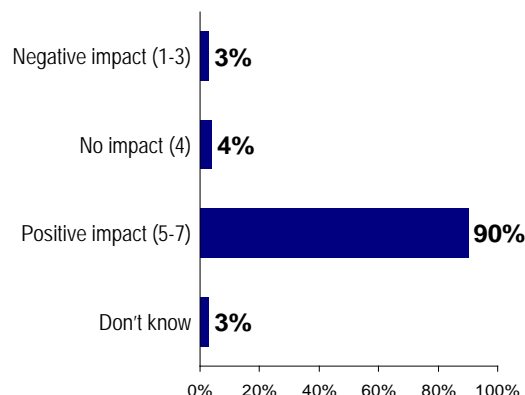
National Justice Survey, Wave 2, 2016

- Residents of British Columbia generally expressed a harsher view of the criminal justice system's current consideration of all four of the objectives, with one in four saying it does not do well.

Respondents feel strongly about the positive impact that a greater focus on the four proposed objectives could have on the criminal justice system. In fact, nine in ten said it would have a positive impact (5, 6 or 7 on the scale). Only seven per cent believe there would be no impact or a negative impact.

Impact of Greater Focus on All Objectives

"If greater efforts are made to take all four of these objectives into consideration, what impact do you think that will have on the criminal justice system?"



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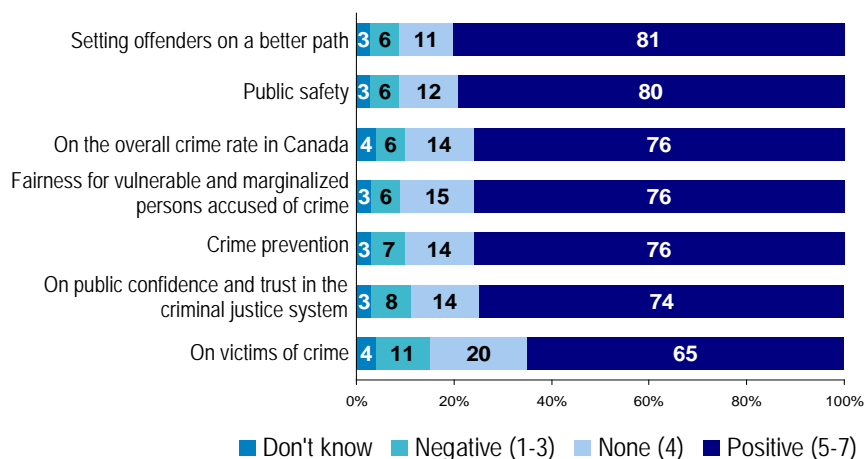
National Justice Survey, Wave 2, 2016

- Respondents living in British Columbia, and the Atlantic provinces are more positive than other jurisdictions about the potential impact of taking the four objectives into consideration. By comparison, those in Alberta are less apt to be positive about the impact than other Canadians.
- Women also lean more heavily than men toward a positive view of the impact of concentrating on the four objectives.

Echoing the positive public perceptions of the potential impact of taking all four objectives into consideration, eight in ten respondents believe this would put offenders on a better path and also increase public safety. Another three in four believe that it would have a positive effect on the overall crime rate, fairness for those who are vulnerable and marginalized, increase crime prevention, and also increase public trust and confidence in the system (74 to 76 per cent in each case). Relatively few believe that there will not be an impact (12 to 15 per cent), and even fewer believe that the impact would be detrimental to the crime rate, public safety or treatment of offenders (six to eight per cent). Only the impact on victims is seen to be somewhat more modest, although two in three (65 per cent) still believe the impact would be positive. One in five, however, do not think there would be an impact and 11 per cent believe the impact would be negative.

Perceived Impact of Considering All Objectives

"If greater efforts are made to take all four objectives into consideration, what effect do you think that this will have on...?"



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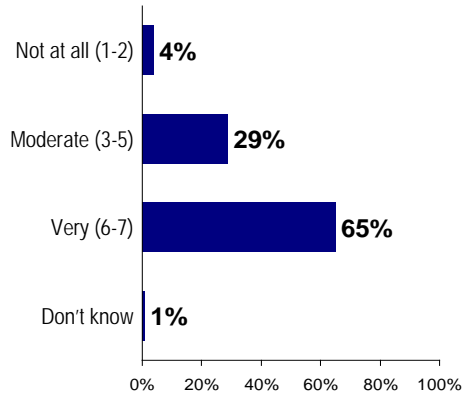
National Justice Survey, Wave 2, 2016

- Women are more positive than men about the likely impacts of focusing on all four objectives. This is also true of residents of Quebec and, in some cases, the Territories, particularly with regard to setting offenders on a better path and fairness for those who are vulnerable and marginalized.
- Residents of Alberta are consistently less positive than other Canadians about the likely impacts, and even more so in terms of the impacts for victims.
- Those with university levels of education are more apt to believe that impacts will be positive across the board than other Canadians. This is also true of larger proportions of those reporting lower household income (under \$40,000).
- Those who are born outside of Canada are also more positive than others about impacts on public safety, public confidence, and fairness for those who are vulnerable and marginalized, and overall crime rate. Visible minorities were also more apt to rate the impacts on crime prevention and overall crime rate positively than others did, as well as setting offenders on a better path. Those with a disability are more apt to feel the impact would be positive for victims of crime.

Survey results highlight strong support for increased efforts to focus on all four of the objectives. About two-thirds of respondents indicated they would be very supportive (rated 6 or 7, out of 7) and another 29 per cent expressed moderate support. Only four per cent indicated no real support for greater efforts to focus on all four objectives.

Support for Consideration for all Objectives

"How supportive would you say that you are of increased efforts to focus on all four objectives in the criminal justice system?"



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n=1863

National Justice Survey, Wave 2, 2016

- Women are more likely than men to support increased efforts to focus on all four objectives in the criminal justice system.
- Residents of Quebec are also typically more supportive than others, while respondents from Alberta, Saskatchewan, and Manitoba are least so.
- Support is also higher among those with a university level of education, as well as those born outside of Canada.

a) Survey Comments on Objectives for the Criminal Justice System

Almost 500 comments were provided in this first section of the survey. Respondents who felt the justice system is doing a good job of taking the four objectives into consideration provided comments related to the need for fair punishments, a focus on rehabilitation, and on root causes such as poverty and mental illness. A small number of these respondents expressed a desire for concrete examples of these objectives to be implemented.

"Our system currently has very limited capacity for rehabilitation and directly being held accountable/taking responsibility. Being punished is not being held accountable, if the punishment is simply incarceration."

"In my opinion, providing support to help offenders onto a better path and addressing the root problems should be first and foremost. There should be a special court for people who came out of the child welfare system."

Respondents who felt the justice system is doing a poor job of fulfilling the four objectives more often commented on the need for increased sentences, especially for violent criminals, and increasing accountability for criminals, rather than focusing on external factors such as poverty. This segment of respondents seemed more concerned than others in the sample with safety for the general public and less concerned with the individual rights of the offender, with a few suggesting offenders should 'feel' the punishment.

"Excuses for crimes are not enough. If one blames being impoverished for committing crimes then why aren't all poor people criminals. People need to take responsibility for their decisions."

"Deterrence through tough sentences is needed especially with repeat offenders. Criminals laugh at the justice system because they know they will be right back out on the streets to continue to victimize people."

Regardless of their views about the current criminal justice system, respondents expressed concern with the rights and treatment of victims; some pointing to the potential for re-victimization as a result of parole and short sentences for offenders.

Those who indicated that greater efforts to take the four objectives into consideration would have a positive impact expressed a variety of points of view in their comments. Common themes include focusing on rehabilitation, and on concern for efforts that promote criminals' further contact with their victims to address the objective of repairing harm.

Those who indicated that greater efforts to take the four objectives into consideration will have a negative impact tended to comment on the leniency of the current system, that it allows criminals to get away with little accountability, and adding complexity has the potential to slow down a system that is already clogged.

"Adding complexity will decelerate the justice system, which is already too slow. However, changes to criminal punishment are long overdue, and eventually a modernized system will reduce wait times, court loads, and we will all benefit..."

"These goals are mutually exclusive. Offenders can't take responsibility for their actions if they are taught to blame 'root causes' for their criminal behaviour and that they can somehow 'repair harm done' to their victims and their community by that behaviour. The cause of crime is the criminal's decision to commit said crime, period. Punishing them for making that decision is justice. Anything else is unjust."

b) Online Discussions

Based on discussion, the majority of participants find all four objectives appropriate. Most participants who answered this way, however, qualified this view with statements about where attention should be focused in the criminal justice system. Some stipulated that the punishment must fit the crime. For some, the punishment should be reasonable and appropriate, while a few clarified that punishments should be sufficiently harsh for violent offenders in particular. Community support was suggested as a means of crime prevention, with a few participants also noting that the criminal justice system should aim for fairness to all, specifically pointing to groups that are over-represented like visible minorities and the impoverished.

Most online discussion participants supported all four objectives, but very few support them equally. In general, the safety and protection of Canadians, as well as ensuring offenders are held accountable are the objectives that received the most support. A few ranked opportunity to repair harm among their most important objectives, while a few others questioned how this would work in practice and how the victim would be affected. Some participants expressed concern about giving support to offenders, seeing it as a waste of effort and financial resources. One participant in particular suggested that this could potentially be exploited by prisoners simply looking to get time out of their cells. A few participants felt that the emphasis of the criminal justice system is currently on the first two objectives (safety and accountability) and that a balance could be found if emphasis was shifted to the other two.

"I do have some level of support for all four objectives but I am not sure what number 3 would look like or if it would always be applicable. I do agree that weighting of these objectives has merit and that a one size fits all approach is unlikely to be effective for either the offender or Canadians in general."

"I do not support the four objectives equally. While objectives 1 and 2 make limited sense in terms of the current system, they are dead-end goals in a system that is not working."

"I support all 4 objectives, but most strongly support #1 (safety and long term protection). I have the greatest amount of concern regarding #4 (support to offenders). Not because I don't believe offenders shouldn't be given a second chance, but because this is where I perceive there to be the greatest opportunity for abuse, relapse, or risk to the public."

Online participants in the discussions were also asked about the relationship between addressing root problems and rehabilitation of offenders. Participants expressed a variety of views. Some felt that the two are related insofar as addressing the root problems is a form of crime prevention that reduces the need for future rehabilitation. Some described addressing root problems as a proactive strategy and rehabilitation as a reactive strategy, and argued that the two are distinct. Others described addressing root problems with those who have already committed a crime as an integral part of successful rehabilitation; for example, "Getting to the root cause to ensure rehabilitation is effective". A few participants believed they are not related and that all cases should be evaluated on an individual basis; "I believe they are different objectives, not related. One is proactive, the other is reactive".

Almost all online discussion participants viewed root problems as more important than rehabilitation; however, many added that this does not mean they view rehabilitation as unimportant. Proactively reducing the need for rehabilitation and not being able to succeed in rehabilitation without determining root problems are the two most common arguments given for the relative importance accorded to addressing root problems. The few who believed rehabilitation is more important argue that rehabilitation is the big picture strategy that encompasses addressing root problems. A couple of participants argued that neither root problems nor rehabilitation is more important and that both are important aspects of a functioning criminal justice system.

"With criminal justice, I think it is important to have (measurable) long term goals and objectives that will reduce crime by attacking the 'root causes'. Otherwise, if root causes that lead to crime persist, the cycle will just continue and perpetuate itself."

"I think that addressing root problems has more potential to prevent future harm, as it could reach out to people who have yet to commit crime and help keep them from entering the justice system at all."

"If you cannot determine the root cause of problem you cannot begin to formulate a solution. You may help rehabilitate that "one" individual, but by not addressing what caused him to commit the criminal act, you cannot work on putting in place measures that may deter or persuade the next person not to commit the same act. You will never break the cycle this way."

3.2 USE OF INCARCERATION

Respondents were provided background information, describing that the purpose of sentencing is to protect society and to contribute to respect for the law and maintenance of a just, peaceful and safe society by imposing just sanctions. Currently, some elements of the Canadian criminal justice system are punitive rather than restorative or therapeutic. Research has found that punitive responses to criminal behaviour are not effective in protecting public safety in the long-term. Some key issues outlined to respondents:

- Most people in the criminal justice system have committed non-violent crime
- Many people in the criminal justice system are socially, culturally and/or economically disadvantaged
- Many people come into constant and repeated contact with the criminal justice system
- Most people in jail have not yet been found guilty or sentenced
- Administration of Justice Offences are the most frequent cases in court
- The criminal justice system is slow

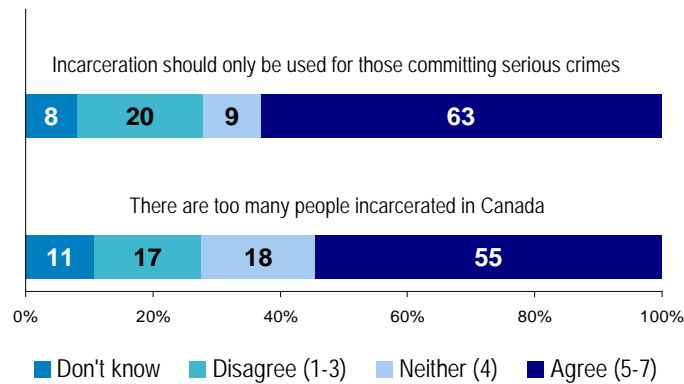
Further, respondents were told that Indigenous offenders make up 4% of the Canadian population and about 25% of the population in the criminal justice system. The Truth and Reconciliation Commission report highlights the need to address this over-representation.

Results suggest some uncertainty or ambivalence among the Canadian public with regard to the extent of the use of incarceration in the criminal justice system. Respondents⁸ lean to a general agreement that incarceration should be reserved for those committing serious crimes (63 per cent, although 20 per cent disagree and another one in ten (9 per cent) are neutral). Fewer respondents (55 per cent) agree that there are too many people incarcerated in Canada, with just over one third indicating disagreement or neutrality (17 per cent, 18 per cent). This uncertainty is further emphasized by the eight and 11 per cent saying "don't know", suggesting a lack of information to respond.

⁸ As late additions to the questionnaires, these two items were not asked of those completing the survey on paper, nor of those completing the survey online in the first several days of the collection period.

Views about Current Use of Incarceration

"To what extent do you think the following...?"



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n=1234 (asked of half-sample)

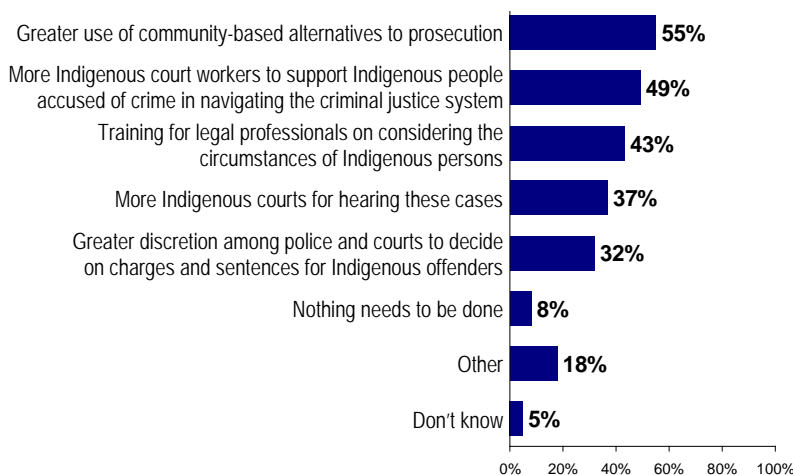
National Justice Survey 2016

- Atlantic residents are more apt to agree that incarceration should be reserved for serious offenders and that too many people are incarcerated in Canada. Albertans more often disagree on both of these issues and are joined by those in Saskatchewan and Manitoba, disagreeing that there are too many people incarcerated in Canada.
- Those with university levels of education are also more apt to agree than those with less education that there are too many people incarcerated in Canada and that this should be reserved for those committing serious offences. The latter viewpoint is also more often shared by those born outside of Canada.

Following-up on the information presented about Indigenous over representation in the criminal justice system, survey respondents were asked about ways in which the situation could be ameliorated. Only eight per cent of respondents are of the opinion that nothing needs to be done. The most popular option for reducing the imprisoned Indigenous population (55 per cent) is to utilize community-based alternatives to prosecution to a greater extent. Almost as many (49 per cent) also agree that there should be an increase in the number of Indigenous support workers helping people navigate the criminal justice system. Slightly fewer (43 per cent) see training for legal professionals to consider the circumstances of Indigenous people as a good option. There is moderate, but less support, for more Indigenous courts to hear cases (37 per cent), or greater discretion among police and courts to decide sentences for Indigenous offenders (32 per cent). Among the 18 per cent providing an "other" comment many talked about addressing the root causes by focusing on an improvement in education, living conditions and community supports for Indigenous people, including greater access to addiction and mental health programming.

Addressing Indigenous Over Representation

"In what ways could we reduce the number of Indigenous persons in the justice system?"



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n=1863

National Justice Survey 2016

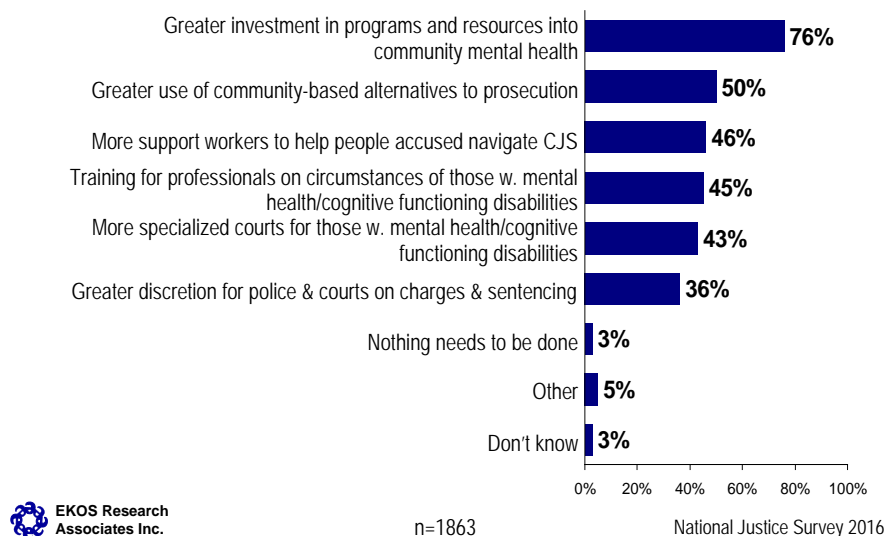
- Residents in British Columbia are more likely than others to see the value in community-based options. Residents living in British Columbia and Ontario are also more likely to promote Indigenous court workers to provide support in navigating the system. Atlantic respondents and those in the Territories more often support training legal professionals to consider circumstances of Indigenous Canadians than others across the country.
- Women are more likely than men to see more Indigenous court workers and training for legal professionals as good solutions to reduce Indigenous over-representation.
- Respondents between the ages of 35-44 are less likely than other age groups to believe that any action is necessary, which is also a more prevalent response in Alberta and the Atlantic.
- Compared with other Canadians, many of these options are more often supported among the university-educated, as well as among those with a disability and those reporting the lowest household income levels, driven largely by the greater popularity of many of these options among those over 65.

When it comes to the over-representation of those with mental health or cognitive functioning issues in the criminal justice system, only three per cent feel that nothing should be done. Most respondents (76 per cent) see greater investment in programs and resources for community mental health as the primary solution. This is followed by the support of half of respondents for greater use of community-based alternatives. A similar proportion of respondents believe that more support workers should be employed to help the accused navigate the criminal justice system (46 per cent), training for professionals on dealing with the circumstances of those affected by mental health issues

or cognitive deficits (45 per cent), and use of specialized courts for those with mental health issues or cognitive deficits (43 per cent). Fewer (36 per cent) think that police and courts should have greater discretion in charges and sentences for these groups. Among those providing an “other” comment, responses most often related to an emphasis on more mental health resources and programming, as well as public education and early identification of mental illness. Some specifically spoke of dealing with those with mental/cognitive illnesses outside of the CJS (e.g., through mental health facilities).

Addressing Overrepresentation (Mental Health)

“In what ways could over representation of those with mental health and/or cognitive functioning disabilities be reduced?”



- Respondents in the Territories are far more likely than others to view greater investment in community programs and resources as a good response to over-representation of those with mental health issues or cognitive deficits. Residents of the Territories and British Columbia are also more likely to view community-based alternatives as a good solution. Residents of Ontario are more likely than others to favour training for legal professionals and greater discretion among police and courts when deciding on charges and sentences. Atlantic respondents are more apt to see more support workers as a good option compared with others across the country.
- Women are more likely than men to view greater investment in programs, more support workers, and training for legal professionals as viable options.
- Respondents over the age of 55 are more apt to support each of the presented options compared with younger respondents.

- Many of these options are more often seen as viable among the university-educated, as well as among those with a disability and those reporting the lowest household income levels. However, the greater popularity of many of these options was driven largely by those over 65 who supported each option.

a) Survey Comments on Incarceration

A total of 233 comments were provided about incarceration in Canada. Those who agreed that incarceration rates are too high provided comments that explore a variety of measures for crime prevention. Suggestions include integrating the police in the community, access to mental health facilities for those who need it, and education and support (for both legal professionals and vulnerable populations).

"So many Indigenous offenders and offenders with mental/cognitive issues as well as addictions issues could be kept out of the criminal system in the first place if programs for their benefit were adequately resourced."

"Canada has to accept that without investing in PREVENTION no criminal justice system reform will come close to being effective – they are two sides of the same coin and in the vast majority of cases the courts see the people whom social services failed."

Comments provided by respondents who disagreed that too many people are incarcerated in Canada said that people are imprisoned because of a conscious decision to commit a crime, and if a group is over-represented, it is because they have committed more crimes. Mental health, poor upbringing, and poverty were described as excuses by several respondents who advocated for a tougher stance on crime in Canada.

"They know the difference between right and wrong, but still make the choices they make."

The 233 comments also provided insight into the beliefs of people who feel incarceration should be reserved for serious offences. As is the case among those who felt there are too many people incarcerated in Canada, respondents preferring that incarceration be reserved for serious crimes provided comments concentrating on preventative measures.

"Need to have more treatment available for mental health issues, create more hospital space for the challenged people so not just struggling to survive on streets."

"An ounce of prevention is worth a pound of the cure."

Respondents who disagreed that incarceration should only be used for serious crimes expressed concern that addressing over-representation would lead to a justice system that is no longer blind and provides 'special treatment' to some groups, based on race and social background. Several also expressed disapproval for the possible creation of a two-tiered system.

"Some people will use mental health as an excuse for their criminal behaviour."

"Everything seems to be lined up to provide cultural or ethnic excuses for certain groups' members to commit crimes. If they were abused as a child is irrelevant to the harm they cause and should not

mitigate their deserving punishment. How many cars should they break into before they are responsible?"

Respondents who provided additional comments addressing the over-representation of Indigenous Canadians in the criminal justice system (n=364) were divided in their responses. Some offered suggestions such as improving living conditions, education and assistance with substance abuse issues, mental health issues, and poverty. Several also suggested consulting experts and leaders in the Indigenous community to help build a solution. Another segment argued for more accountability among Indigenous communities rather than government support. Several encouraged the elimination of the *Indian Act* and integration off-reserve.

"Need to address the issue earlier – before a crime is committed. What community supports can be put in place to deter them from committing a crime in the first place."

"More accountability among the Indigenous population themselves."

Of the 364 additional comments provided, respondents who discussed mental health, primarily expressed a desire for easier access to mental health facilities, an option of hospitalization over incarceration where appropriate, and better social support for homeless people suffering from mental illness. Several argued that better public education about mental health issues and the possible limitations of those affected could help with empathy and support. Several also expressed concern that people will begin using mental health as an excuse in hopes of lenient sentencing.

"Better public education on the reality of these disabilities and the positive effects of diversion."

"More accountability among those using mental health issues to get away with their criminal activities."

b) Online Discussions

Most participants in the discussion felt that incarceration rates are too high. They expressed the desire for a balance between helping Canadians feel safe in their communities while maintaining a fair and efficient system. Several talked about reserving incarceration for those who have committed violent crimes or crimes against an individual. Incarceration rates may be reduced through finding "constructive models of integration" for individuals who are first-time offenders or have committed "minor" or non-violent offences some said. A few participants said that the court system is too slow and could be improved by not incarcerating those on remand awaiting trial. Although most felt that the incarceration rate is too high, a few participants said that it would help with the objective of keeping Canadians safe.

A few participants also did not agree with comparing crime rates in Canada with those in European countries. They felt that Canada would be better served through comparisons with countries with a similar demographic composition (such as the United States and Australia with notable Indigenous populations).

Almost all online discussion participants said that incarceration is appropriate in instances of violent (physical and sexual) crime against another individual. Some also felt that incarceration is appropriate for non-violent breaches of trust (financial, fraud) against an individual in situations where a victim is excessively harmed. As noted by some, incarceration is necessary when the offender poses a risk to others or has "destroy(ed) the lives of others". Some also felt that incarceration is appropriate for repeat offenders. While

these categories of crime for incarceration were noted by participants, a few cautioned that sentencing should consider the circumstances of the offence.

"Incarceration is appropriate for violent crime (murder, assault/severe sexual assault), terrorism, kidnapping, human/sex trafficking, and serious drug crimes (high level drug dealers, drug lords, etc.) The people who have engaged in these crimes are a direct threat to safety/lives of their victims and other Canadians, and need to be removed from society until they are deemed genuinely rehabilitated and/or no longer a threat to society."

"Tous les crimes qui représentent un risque pour les autres. Il va de soit que la sécurité est primordiale."

"I think it's appropriate to incarcerate someone who has committed a lot of break and enter type crimes even if the crime is non-violent, because of the victim impact"

"This is case-by-case and is not explicitly defined. Perhaps it could be based on some threshold of physical/mental harm caused to others, but then you also have to look at what drove that person to hurt someone else in the first place."

Beyond the type of crime committed and the characteristics of the offender, there are other factors that need to be considered when deciding on use of incarceration, according to most discussion participants. These include factors such as the harm done to another individual, any mental health issues of the offender, any prior offences, the risk to society of not separating the offender, and the potential to re-offend. A few noted other factors such as the cost to incarcerate offenders, the potential of the offender to be harmed in prison (reducing the capacity to rehabilitate), and the welfare of the community (including the offenders families and effect on the children, the ability of Indigenous communities to participate in sentencing and remediation).

"I'm always willing to look at extenuating circumstances but really, what else matters than the type of crime and is the offender likely to do it again."

"Monetary cost to incarcerate: We cannot afford to keep throwing increasing numbers of people in jail. It is expensive and often ineffective. Crime rates are down, and yet the number of people in prison is at an all-time high, and the cost to run this system moves in tandem with the prison population."

When asked why a high percentage of survey respondents seem unsure about an appropriate approach to incarceration, some online discussion participants put forward that this is likely a reflection of a lack of knowledge about the number of people incarcerated in Canada and the types of individuals incarcerated. Some also felt that Canadians may not be aware of all of the alternative methods of justice (e.g. house arrest with monitoring bracelet, treatment programs, etc.) available for less serious crimes. Some felt that Canadians who are uncertain may believe there is room for improvement in terms of incarceration rates, but do not have enough information about who is incarcerated and what other types of sanctions may be used. "My instinct would be to [respond] "unsure" because I am not privy to the countless case files at hand." A few generally felt that Canadians are unsure about incarceration rates because this type of information is not generally circulated or emphasized by the media. "Out of sight, out of mind".

"I think that many Canadians are not really aware of what happens in the criminal justice system. We read news reports, but unless we have had direct knowledge of how it operates, we do not understand it well."

3.3 CRIME PREVENTION

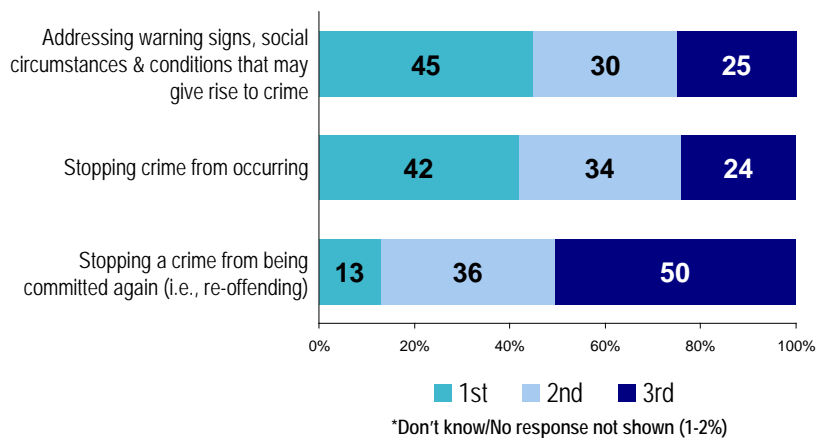
Respondents were informed that the idea of providing lasting protection for Canadians could include the idea of preventing further crime by offenders and reducing the chance that others will commit a crime. In the first survey, respondents said that it was very important that the criminal justice system prevent crime. Further, crime prevention was chosen by respondents as a top goal more frequently than any other value or goal, apart from ensuring the system is fair and considers individual differences. Crime prevention can occur at three levels:

- Stop crime from occurring (primary prevention) by dealing with conditions that contribute to likelihood that someone will commit crime.
- Dealing with warning signs (secondary prevention) and intervening to stop crime after you see warning signs.
- Crime prevention after the fact (tertiary prevention) by using law enforcement and the criminal justice system (courts, corrections, and rehabilitation) in a way that ensures that the person does not commit another crime.

In terms of goals for crime prevention efforts, addressing warning signs, social circumstance, and conditions that may give rise to crime, and generally stopping crime from occurring are seen as the most important focus. Efforts to stop re-offending are seen as a second order of priority. Almost half of respondents (45 and 42 per cent) ranked primary crime prevention as the main priority. Another one in three said these were second priority. Relatively few assigned top priority to stopping re-offending, with only 13 per cent ranking it as their number one priority.

Crime Prevention

“Where would you like the main focus of crime preventions efforts to be? (Priority)”



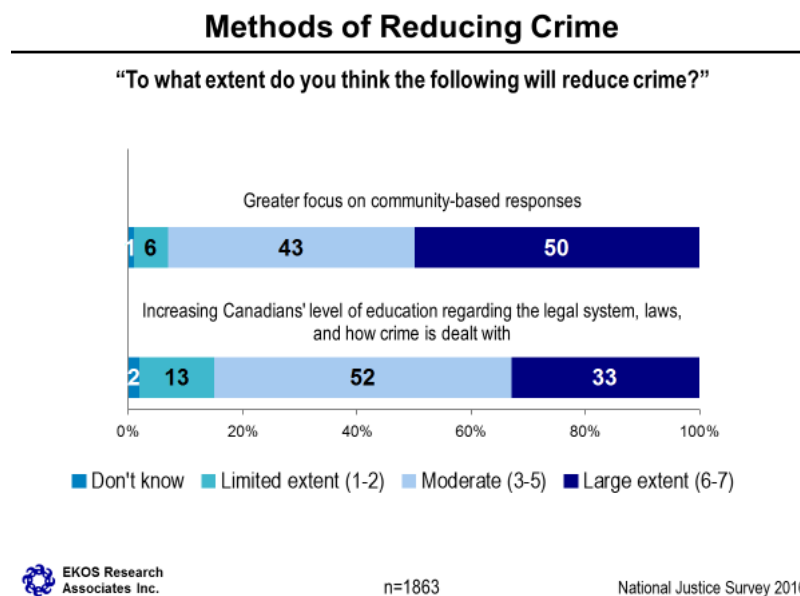
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- Respondents living in Saskatchewan, Manitoba and Ontario are more likely to rank 'stopping crime' as their number one priority, while Quebec residents are more likely than residents of other regions to pick addressing warning signs etc. as their number one choice.
- Men are more likely than women to rank stopping crime as number one. Women more often than men rank dealing with warning signs etc. as their main concern.
- Respondents between 35-44 years of age are more likely to be concerned with stopping crime, while those over 65 are more concerned with the warning signs and circumstances.

In terms of possible methods of reducing crime, two specific options were presented with very different results. Half of respondents (50 per cent) are convinced that a greater focus on community-based responses will reduce crime, and another 43 per cent think this will reduce crime to at least a moderate extent. Only six per cent do not see this is a likely impact. The impact of increasing Canadians' education regarding the legal system, however, is seen as more moderate. In this case, one in three (33 per cent) feel that this would have an impact on crime reduction, but over half (52 per cent) see the impact as only moderate, and 13 per cent are doubtful it would have this impact.



- Respondents in Quebec are more likely than those in other regions to believe increasing Canadian's education will reduce crime rates. Those in Saskatchewan and Manitoba are typically less convinced. With regard to community-based responses, residents of British Columbia are more positive than others in their view of the impact on the crime rate.
- Respondents between 35-44 years of age are less apt than others to believe that increasing Canadian's education will reduce crime rate.
- Those reporting lower household incomes (under \$40,000) are more likely to see each of these options resulting in crime prevention, as are those with a university education in the case of greater use of community-based programs.

a) Survey Comments on Crime Prevention

A total of 314 comments were provided for this section. Respondents who agreed that educating the public about the criminal justice system has the potential to reduce crime provided comments indicating support for educating different sub-populations. Some suggested that the education should start in elementary

or high school, generally be available to Canadians, and possibly, should focus on vulnerable populations. Several suggested mandatory legal education for immigrants, who are likely to be least familiar with Canadian law, to help them assimilate to Canadian culture. Comments also generally highlight support for prevention.

"I have no idea how the criminal justice system works and think it should be mandatory in school."

"New Canadians should be educated on our laws because they may differ greatly from their own country."

Respondents who did not see educating Canadians as a viable option for crime reduction offered a dichotomy of views. Some believed that addressing root causes like economic disadvantage is the best investment of resources. The larger majority concentrated on the punitive aspect of the criminal justice system, suggesting that swift and harsh punishments are the best ways to deter crime.

"Investments need to be made to support at risk youth. Life decisions are often made in pre-teen years and crime prevention needs to start there."

"When people know they will face the full weight of the justice system without special privilege for the societal group they belong to then that is the beginning of a better system, a better society"

3.4 REFORM: ADMINISTRATION OF JUSTICE OFFENCES (AOJO)

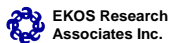
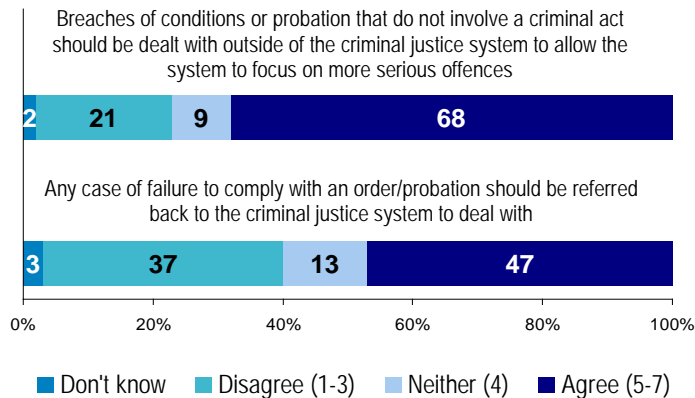
Respondents were provided with the preamble that sometimes someone fails to comply with an order or conditions of probation (e.g., such as hanging out at a bar, taking a drink, or staying out after curfew) that does not involve a criminal act. A failure to comply with conditions of release or breach of conditions in a probation order are the most frequent cases in adult criminal court. If someone commits a crime while subject to a probation order or a condition of release, in addition to the AOJO charge, they are also charged with the new crime (e.g., theft, assault, etc.). Still, individuals are more likely to be in jail for administration of justice offences than any other type of offence, costing taxpayers an estimated \$729 million dollars.

Two-thirds (68 per cent) of respondents agree that breaches of conditions or probation that do not involve a criminal act should be dealt with outside of the criminal justice system to allow the system to focus on more serious offences. One in five (21 per cent) disagree and one in ten (9 per cent) neither agree nor disagree.

When asked further about administration of justice offences issues, however, almost half (47 per cent) agree that any case of failure to comply with an order/probation should be referred back to the criminal justice system to be dealt with. One-third (37 per cent) disagree and 13 per cent neither agree nor disagree with the statement. It is difficult to be certain whether this is because respondents did not understand the question or if, in spite of supporting community-based solutions, they nonetheless want breaches referred back to the courts.

Addressing Administration of Justice Offences

"To what extent do you agree or disagree with the following?"



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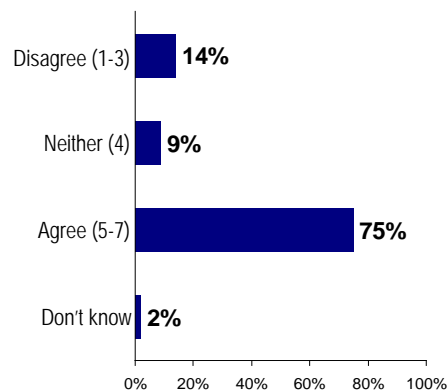
- Those in Quebec are more likely than other Canadians to feel that breaches that do not involve a criminal act should be dealt with outside of the criminal justice system. Respondents in Atlantic Canada are more apt than average to disagree.
- Women are more likely than men to agree that breaches of conditions and failure to comply should both be dealt with outside of the criminal justice system.
- Men, along with respondents in Alberta, are more apt than others to agree that any case of failure to comply should be referred back to the criminal justice system. Residents of British Columbia (and women), on the other, have the greatest propensity to disagree.
- Those with lower levels of education, as well as visible minorities are most apt to agree that cases of failure to comply with conditions should be referred back to the courts. Disagreement is highest among those with a disability. Those with disabilities and individuals reporting the lowest income levels agree that breaches should be dealt with outside the courts.

Respondents were reminded that the majority of people in jail are awaiting trial, many for non-violent offences. In fact, Canada has one of the highest rates of incarceration among persons awaiting trial in the Western World. After an accused has been charged, he or she can be released by the police or the court or held in jail. Critics have argued that it is becoming increasingly difficult for accused to meet the criteria for release into the community while awaiting trial for several reasons including risk aversion and legal requirements.

The Canadian public see clear value in community-based remand. Over three in four respondents (75 per cent) agree that, where there is a low risk to public safety, there should be an increase in the number of accused persons remaining in the community while awaiting trial. Only 14 per cent disagree and another nine per cent are neutral.

Community-Based Remand

“To what extent do you agree or disagree that there should be an increase in the number of accused persons remaining in the community while awaiting trial, where there is a low risk to public safety?”



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- Older respondents (age 55 and over) are more likely to agree with community-based remand while younger respondents (age 44 and younger) are neutral.

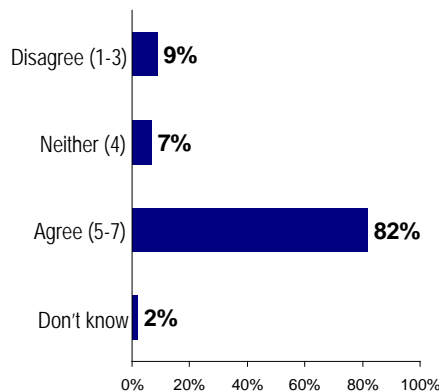
3.5 REFORM: COMMUNITY-BASED SUPERVISION


Respondents were informed of alternatives to incarceration, including community-based sentencing options. Respondents were told that there is research indicating that the use of community sentences is associated with lower rates of re-offending compared to the use of incarceration and that lower risk offenders who spend more time in prison are more likely to re-offend. Respondents were further informed that in the past, judges had more discretion to order conditional sentences where there was no risk to public safety. Under the current criminal justice system, conditional sentences can only be ordered for a small number of offences. Cost factors were presented, specifically that 70 per cent of adult correctional expenditures are used on incarceration, even though incarcerated offenders make up only about 25 per cent of the population of offenders being supervised. Only 30 per cent of expenditures are required for the other 75 per cent of the offenders supervised in the community.

Survey results indicate strong support for increased discretion in sentencing decisions. More than eight in ten respondents (82 per cent) agree that judges should have greater discretion to consider using conditional sentences when there is a low risk to public safety. Only nine per cent disagree and another seven per cent neither agree nor disagree.

Support for Greater Sentencing Discretion

"To what extent do you agree or disagree that judges should have greater discretion to consider using conditional sentences when there is a low risk to public safety?"



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- Those in British Columbia and Atlantic Canada are more apt than residents of other regions to agree that judges should have greater discretion.
- Older respondents (age 65 and over) are more likely to agree that judges should have greater discretion with conditional sentences while younger respondents (age 34 and younger) are typically neutral.
- Although less than one in twenty disagree with the statement overall, men are not as likely as women to believe that judges should have greater discretion.

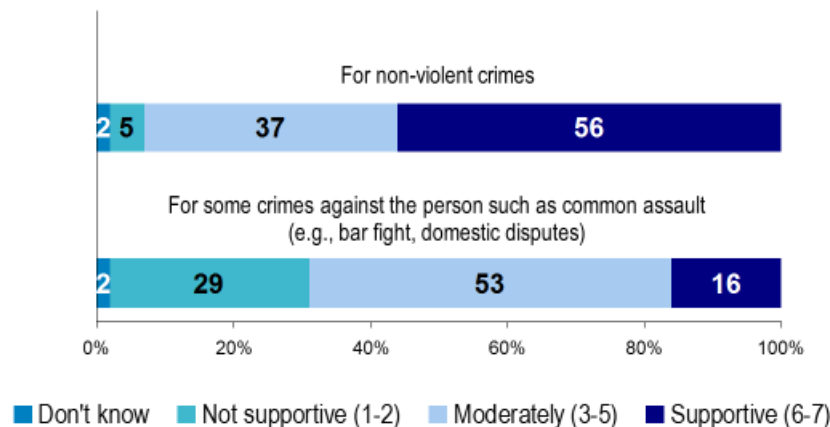
Survey results highlight Canadians' support for community-based sentences, such as conditional sentences and probation although support is much clearer in the case of non-violent crimes. Over half (56 per cent) are very supportive and more than another third (37 per cent) are moderately supportive of community-based sentences for those found guilty of non-violent crimes.

Support is much weaker where the crime involves violence. While two-thirds are supportive, only a fraction (16 per cent) are very supportive. Most (53 per cent) are only moderately supportive

of community-based sentences for some crimes against the person such as common assault (such as a bar fight or domestic disputes).

Support for Community-Based Sentences

“How supportive are you, if at all, of community-based sentences (e.g., conditional sentences, probation) used for those found guilty of crime?”



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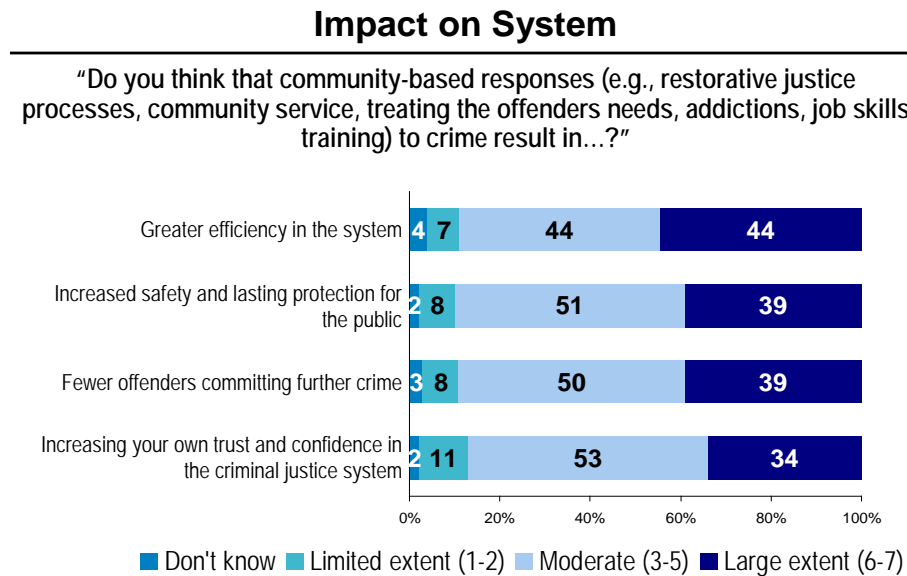
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- Those in Ontario and the Territories are more apt than others to be supportive of community-based sentences for non-violent crime. Support is more moderate among respondents in Quebec.
- Older respondents (age 55 and over) are more likely to be supportive of community-based sentences for non-violent crime while the support of younger respondents (age 34 and younger) is again typically more moderate.
- Women are more likely than men to support community-based sentences for both non-violent and violent crimes.
- Those with the least education and individuals born outside of Canada are the least likely to support community-based sentences even for non-violent offences.

Survey respondents were also asked whether they believe that community-based responses would result in a number of overall positive benefits with roughly the same results (i.e., eight to nine in ten Canadians believe there would be some impact). Belief is marginally stronger in terms of impact on efficiency in the system (44 per cent rating the extent of impact as a 6 or 7, out of 7). Belief in the impacts of increased safety and lasting protection for the public, and offenders committing fewer crimes are only slightly lower (39 per cent in each case rating is as likely to have a large impact). This is also followed closely by impact on trust and confidence in the criminal justice system (34 per cent rating it as likely having a large impact). In each of these cases about half of respondents

see the impact as likely to be moderate (rating it a 3, 4 or 5), and about one in ten said that community-based responses are unlikely to contribute to each of these.



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- Women are typically stronger in their belief in the impact of community-based responses than men across all four areas.
- Residents of Quebec are more apt to believe that community-based responses will result in greater efficiency in the system than others, and residents of British Columbia are more apt to see community-based responses as leading to increased trust and confidence in the criminal justice system.
- Those with a university education, as well as those reporting lower household incomes (under \$40,000) are more apt to see the impacts of community-based responses, along with those born outside of Canada in the case of fewer offenders re-offending and increased trust and confidence.

a) [Online Discussions on Community-based responses](#)

Appropriateness of Community-Based Sentences for Different Types of Crime

Many felt that community-based responses may improve the possibility of rehabilitation primarily because offenders are not put in close confines with other criminals, and because a closer connection to the community and opportunity to repair harm are also promoted. Some said that community supervision is more economical than incarceration, and may result in more efficient sentencing, and less likelihood of reoffending. Some expressed concern, however, over the capacity of the criminal justice system to appropriately supervise

community-based responses. There was a perception of financial and human resources limitations in the system to provide adequate supervision and monitor success over time. Some emphasized that not all circumstances of non-violent crime warrant a community-based sentence; "I do believe that there should be alternatives to incarceration, but the exact responses appropriate to each situation would have to be determined case by case".

"I think that supervision in the community is a viable option for those who commit non-violent crimes, provided that the system is well-designed (appropriate checks and balances, tracking success rates over time) and properly resourced in terms of trained staff, funding, etc."

"I strongly support the idea that non-violent offenders should be supervised in the community. Their community sentencing should not just be supervision though. Restoration and reintegration into the community should begin at the earliest opportunity."

Most participants felt that community-based sentencing is generally appropriate for non-violent crimes and first offences. For some, community-based sentencing is appropriate in these instances because of the potential to help both the victim (through opportunities to repair harm) and the offender (to understand the impact on the community and become integrated in the community). Specific examples of the kinds of crimes included shoplifting, disturbing the peace, vandalism, and drunk driving.

"Any crimes committed where reparation can be made (excluding violent and/or weapons related crimes) that benefits both parties and is acceptable to the victim could conceivably be good candidates for community-based sentencing."

"I think community-based sentencing is appropriate for most non-violent or non-sexual crimes. People should only be put in jail to protect the public, and non-violent or non-sexual offenders don't pose a big enough safety concern to warrant putting them in jail."

"As with the incarceration question, this is still going to be a case-by-case situation. It depends on the harm done to someone and the events that led up to it."

When asked about possible reasons for lack of public support for community-based solutions involving common assault, many online discussion participants said that the presence of violence (e.g., road rage, a bar fight, or domestic disputes) become 'deal breakers', making community-based solutions untenable. A few participants also pointed to a lack of knowledge on the outcomes of community-based sentences.

"I think most people would agree that nobody wants a domestic abuser to be able to continue their abuse and people worry about the severity of the abuse escalating".

"I think it's because people haven't been shown convincing evidence that it can be done in a way that doesn't put the public at risk".

Some conceded that it depends on the individual circumstances, and level of risk of reoffending. Where this risk is considered low or and/or there are no prior offences, some said they find community-based solutions to be appropriate. These participants argued that the purpose of a conviction and a sentence should not only be to deter but also to be restorative in nature; making a community-based sentence potentially appropriate and effective.

Lack of Public Understanding – Image Problem

When asked to hypothesize about why survey findings showed a lack of strong opinions one way or another regarding use and effectiveness of community-based responses, many theorized that this reflects a lack of public understanding. As stated by some, community-based responses may be administratively complex and the effectiveness is unknown among the general population. Examples of community-based responses are not typically discussed or presented in coverage by the media and the public may not understand what community-based options entail. A few said that there may be the perception that community-based responses are not a strong enough consequence or deterrent of crime.

“C'est difficile de prendre une décision quand on ne sait pas ce que sont les peines communautaires et comment elles sont appliquées dans le quotidien.”

“I think the lack of strong opinions might be due to the perceived complexity of administering an effective community-based response, and perhaps doubts about its overall effectiveness. I think people might like the idea in theory, but have doubts about how to implement it (and its effectiveness) in practice.”

I don't think the general population has been exposed to this type of sentencing enough to form a favourable opinion.”

“I think that the perception is that it is not a consequence or punishment and, therefore, not a deterrent. I think there is also a fear for safety in having them involved in the community.”

“Due to privacy concerns, success stories never make the news. As such, the public has no way of knowing the effectiveness of community-based sentencing. As I said previously, humans are very poor at grasping quantitative principles. As such, we rely of human-interest stories, and things we can associate with. We never hear about success stories of reformed criminals, who have recovered through community-based sentencing. So we don't know what to think of it. On the other hand, the idea that a criminal lives among us is a deep-seated fear in the minds of every parent.”

Participants also commented on barriers to acceptance of, or concerns about, the use of community-based sentences. Some pointed to perceptions about the administrative efficiency, administrative competency, or economic implications of community-based sentences, as difficult to manage. Some expressed concern about possible compromises to the safety of the community, particularly if offenders of domestic violence participated in community-based sentences. Some also spoke of a lack of public acceptance for having offenders in the community, and the potential for vigilante justice among private citizens in response to a perceived lack of “justice”. These responses highlight the issue of community-based responses being perceived as a lesser or inadequate response compared with incarceration (i.e., inadequate for the crime), with some saying that a public response may be triggered to compensate for this perceived inadequacy.

“One of the biggest barriers I see with community-based sentences is the complexity in administering them and ensuring that they work.”

“I think it requires a very well-designed system that is provided with adequate resources to function properly to be fully effective.”

“People can perceive these sentences as “getting off easy” because they do not understand how the process works, and that can undermine public confidence in community-based sentences. It's an education problem.”

"Much more supervision needed (cost) and vigilante justice as well as fear from community members."

"Offenders get off to [sic] lightly by being allowed freedoms they denied victims. Public safety is my main concern. If they are in the public, they are a risk."

"People in general don't want to see offenders, however minor the offences were, in their neighbourhoods. If you did the crime, do the community-based sentence time."

Increasing Support for Community-based Sentences

Most online discussion participants said that more information and awareness would increase their level of support for the use of community-based sentences. These participants expressed a desire to be more informed about what community-based sentences entail; this includes who is eligible, what offenders would be doing in the community, and the level of supervision of the offender. Some noted that they would be looking for assurances of public safety, knowledge of administrative processes and costs, and communication of outcomes regarding the effectiveness of community-based sentences. A few signalled that they are already supportive "in theory", but additional information would add clarity and detail.

"I think if the public understood that community-based sentences would only be used with low risk offenders who had accepted full responsibility for their crimes, and agreed to a rehabilitation plan, it would help a lot. A transparent and well-designed plan that included a high level of supervision and accountability would also help. I think Canadians are supportive of community-based sentences, provided they have confidence the system is well designed, effective, and doesn't put public safety at risk."

"Des règles claires concernant l'application des peines communautaires, qui peut en profiter, pour quel type de crime, des règles accessibles à toute la population pour dissiper les fausses impressions."

"I would like to see a formal explanation of everything involved to include exactly who gives out these sentences and who is responsible for making sure everything is accomplished."

"I am strongly in favour of community-based sentences, so I do not need to increase my level of support. However, I would always welcome more information, more research and more public communication around these initiatives."

Conditions

Participants generally agreed that community-based sentences are a good alternative to jail provided the sentence includes closely supervised terms and conditions, a specific number of years/months of community service, enforced rehabilitation, and is considered to "fit the crime". Many participants, however, felt that, even with all of these conditions met, should be restricted to non-violent crime. Some also stipulated the need for adequate supervision for the offender, provide assurances of public safety, and be reasonable in cost.

"It is a great alternative. It would keep offenders from becoming further criminalized in traditional institutional jails and prisons. It would benefit society, by having the offender contribute during sentence and by being less likely to live a criminal lifestyle and in many cases have them become rehabilitated."

"As long as the offender is obliged to follow a supervised program over a period of time."

"L'emprisonnement dans ces cas devrait être le dernier recours et peut-être aussi se priver d'un citoyen productif pour la communauté, alors j'appuie fortement la sanction communautaire tel que décrite ci-dessus ça désengorgerait les prisons et ce seraient les vrais criminels qui y logeraient."

"I think I would need to see it in action to be fully convinced that it is appropriately set up. I do feel that a certain amount of flexibility should be built into it, as each particular case needs to be properly assessed and dealt with."

Additional qualifications expressed by some include a demonstration of better outcomes for the offender.

"Meilleurs résultats, pourquoi pas?"

"Of course if it resulted in better outcomes, but don't blow the horn yet, it would take years of study and data analyses."

"Choosing jail when community-based sentencing creates better outcomes for the offender means that "justice" is punitive, not restorative. I do not support a punitive system. There are better ways to support victims of crime than by harming perpetrators and perpetuating the factors that cause crime in the first place."

"Yes, this would be a good alternative to jail provided that, in addition to better outcomes for the offender, the community was not at risk and proper restitution was made to the victim(s) and community."

"I think this is self-evident. If it works better, it's a good idea."

Participants further stipulated that this would be a viable alternative to incarceration if it reduced the cost and backlog on the criminal justice system. That said, one took exception to the focus on costs, instead of on rehabilitation of the offender, which is where they believe it should be; "Ce n'est pas pour réduire les coûts mais bien pour donner une chance à ces malfaiteurs de se refaire une réputation. Alléger les retards du système....peut-être". Many supported reducing costs to the system, but stipulate that the community approach must also be effective. Some felt that reducing costs may also imply a more timely approach to sentencing.

"Yes, as long as it was also in society's, the victim's and the offender's best interests. Obviously, we would all like a criminal justice system that is timely and low-cost."

"Because our system is very costly and the current approach isn't working."

"This question is predicated on the assumption that I oppose community-based sentences. I support them. Reduced cost is a positive side-effect of a good idea."

"As a fiscal conservative, anything that reduces cost, as long as no one is harmed, is a good thing."

"The government is continuously strapped for cash (mostly of their own volition). Any cost saving measures that do not impact public welfare deserve consideration."

Weighing Incarceration versus community-based responses

Most online discussion participants agreed that the criminal justice system should consider both community-based sentences and incarceration when determining sentences. Participants said it is important to take all options into consideration to suit individual circumstances, considering the whole picture to produce the best outcomes, and the cost of community-based sentences versus incarceration; "All factors must be considered to be sure that the decision is the best solution for all involved".

In general, online discussion participants felt it is important to have clear consequences for criminal acts. Several added caveats to this view, including that the punishment should be proportionate to the crime committed, and that there should be enough room for judges to have some discretion, based on the individual circumstances of the case. Many participants expressed concern that community sentences are too lenient

and allow too much freedom, and thus do not deter future criminal behaviour. A few participants suggested that total consistency would be difficult to achieve, and one participant said that aiming for a set of guidelines would be more practical.

"I think it is important that there be clear consequences for actions so that the criminal clearly understands how his/her choices and actions have led to the punishment given, and also to act as a deterrent for the person and others who may contemplate committing a similar offence."

"This might be contentious, but no. I think that offenders in similar circumstances who commit similar crimes should receive similar sentences, because that's natural justice, but beyond that I have a lot of faith in judicial discretion. I'd like to see more discretion, not less."

"Yes, but the consequences should fit the crime. Violent and sexual crime should have well defined sentencing, which increase in severity for each incident of reoffending. Define the consequences for less serious crimes like property crimes, but jail would be a waste of time and resources unless the public is in real danger from the offender"

"Actions should have consequences, but I think it is fundamentally impossible to apply these consequences consistently across larger issues...). I think we are stuck defining a "range of guidelines" rather than concrete "if you do this, then this will happen" statements."

"It is important that there be clear consequences for actions. There has to be deterrents in place. Minimum sentencing should be determined and guidelines in place for crimes. The judges should have flexibility in determining what an appropriate consequence is."

Appropriate Consequences

Some online discussion participants suggested that finding appropriate alternatives to jail time is a matter of appropriate severity and duration. For example, one participant suggested that community sentences could be longer to compensate for being less restrictive than incarceration. Many participants put forward that repairing harm to the victim should be a key ingredient in alternative sentences. One participant suggested that the victim should have a say in determining the sentence. Other suggestions included rehabilitation programs, counselling, education, and public shaming.

"I think when we're weighing something like a 2-year jail term vs. 5+ years of constant community service, probation with frequent check-ins, & mandatory rehabilitation, the latter is more effective as a consequence but then also more acceptable to the offender - it's longer, but it's not as severe as jail."

"I am not sure what an appropriate alternative is, this is something others who are more experienced would need to speak about. I think requiring people to attend programs to deal with issues such as anger or addiction should be required. Services like counselling should be offered or group counselling so people can work through their personal problems."

"I believe that, depending on the wrongdoing, a combination of community-based restorative justice approaches represent appropriate consequences and accountability. This might not satisfy people who are looking for punitive consequences and want to see harm inflicted on the offender. However, I do not believe punishment works. It does not change beliefs."

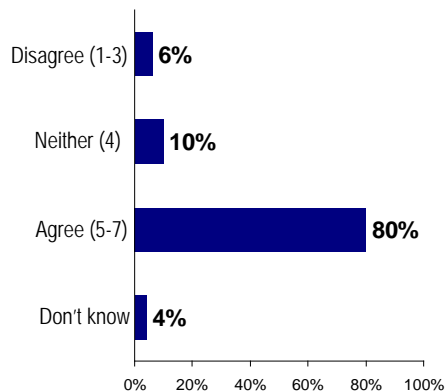
3.6 RESTORATIVE JUSTICE

A definition was provided to respondents that restorative justice is a way of viewing justice that emphasizes repairing harm caused by conflict and crime. Crime is seen as a violation of people and relationships and a disruption of the peace of the community. Restorative justice is collaborative and inclusive and involves the participation of victims, offenders and the community affected by the crime in finding solutions that seek to repair harm and promote harmony as much as possible given the circumstances. The values underlying a restorative justice approach are based on respect for the dignity of everyone affected, healing, reintegration, the prevention of future harm, and reparation, if possible. Respondents were instructed that restorative justice is always voluntary and can occur once an offender has admitted guilt. Restorative Justice processes include but are not limited to: Victim-Offender Mediation, Restorative Conferencing, and Circle Processes.

There is strong support for criminal justice system officials (police, prosecutors, judges, defense counsel) making those they come in contact with aware of opportunities for restorative justice. Eight in ten (80 per cent) agree that they should be required to inform victims/survivors and accused people of the availability of opportunities for the acceptance of responsibility and reparation of harm such as a restorative justice process. Few (six per cent) disagree and only one in ten (10 per cent) neither agree nor disagree.

Increase Awareness of Restorative Justice

"To what extent do you agree or disagree....CJS officials should be required to inform victims/survivors and accused of opportunities for the acceptance of responsibility and reparation of harm (e.g., restorative justice process)?"

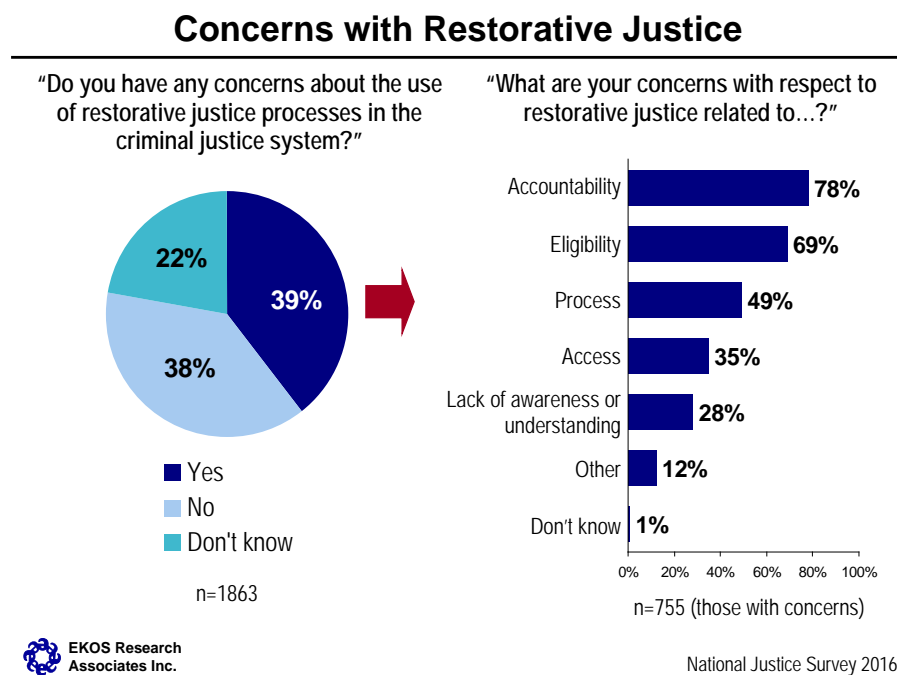


- Residents living in British Columbia and the Territories are more apt than those in other regions to agree that opportunities for restorative justice should be communicated. Respondents in Alberta, Saskatchewan, and Manitoba are more likely to be neutral.

- Older respondents (age 45 and over), and women, are more likely to agree with the statement, as are those with university educations, and lower levels of income. Those with high school education and also individuals born outside of Canada are least apt to agree.

Just over one in three respondents (39 per cent) expressed concerns about the use of restorative justice processes in the criminal justice system, and a similar proportion (38 per cent) said they do not have any concerns. Nearly one-quarter (23 per cent) are not sure, possibly as a result of a lack of information and possibly because they are unsure of the effectiveness and impact.

Of those with concerns about restorative justice processes, the concerns expressed are predominantly about accountability (78 per cent) and eligibility (69 per cent). That is, whether offenders are held accountable through restorative justice, and the types of offenders who would be eligible to take part. Fewer than half also outlined concerns with the process (49 per cent) (i.e. who is taking part, what are they doing, how is the victim involved, what say does the victim have, how it is monitored and supervised, etc.), access (35 per cent) or a lack of awareness or understanding (28 per cent). Another 12 per cent expressed a range of other concerns with no central theme.



- Concerns about the use of restorative justice processes are more prevalent among those in Quebec, as well as younger respondents (age 34 and younger).

a) Comments on Restorative justice

In the 275 comments provided by survey respondents, some expressed concerns about restorative justice and articulated skepticism that the process is effective:

"Not entirely convinced that it works well as a preventative measure compared to the fear a person may have of a more severe punishment. If there is data backing this, it would be good for it to be made more visible."

"I fear that such a positive process could turn into a "bureaucratic out" for those who should be in jail. Or the process could become diluted by bureaucracy becoming insincere and causing victims to become more traumatized. However, I support the idea of restorative justice, as long as it is properly run."

Most respondents' concerns about restorative justice, however, reflected apprehension about situations when restorative justice may not be appropriate or are "context sensitive". For example, "My concerns are over who participates and what type of crime has occurred and who decides they are eligible." Many are particularly concerned about the burden on the victim: "The victim's rights should be the first consideration" or "Why should a victim help the convicted. Doing this makes a victim feel like they are partially to blame for the crime"; "In cases of Domestic Violence, Sexual Violence, or maltreatment or intentional harm to a child's physical, emotional or sexual abuse there should be no RJ option".

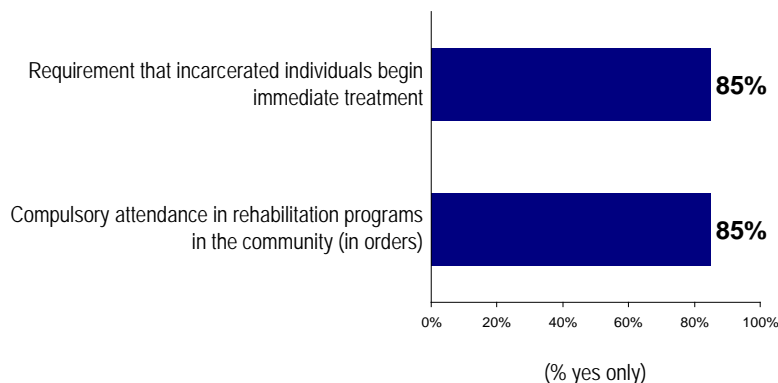
3.7 REHABILITATION

Respondents were informed that some elements of the Canadian criminal justice system are seen as punitive rather than restorative or therapeutic. Research since the 1970s has shown that there is no consistent evidence that harsh sentencing policies (including incarceration) reduce crime, reduce victimization, or contribute to safe communities. There is support for other more cost-effective strategies for reducing crime, including focusing on the rehabilitation of offenders. Results from the first survey showed support for a primary goal of rehabilitation and reintegration of offenders. Respondents were also told that rehabilitation can occur in the context of incarceration, in the community, or in both.

Thinking about ways of ensuring that offenders have access to rehabilitative programs, most respondents find each condition presented to be acceptable. Over four in five (85 per cent) support a requirement for incarcerated individuals to begin immediate treatment, as well as compulsory attendance in rehabilitation programs in the community.

Support for Conditions to Increase Rehabilitation

“Which of the following would you consider to be acceptable ways of ensuring that offenders have access to rehabilitative programs?”



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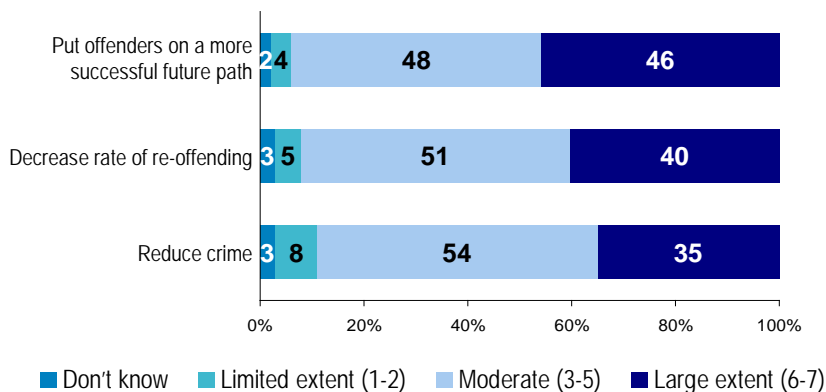
- Those in British Columbia, as well as younger respondents (age 34 and younger) are less amenable to the two requirements than others.

A small number of respondents (74) noted other acceptable ways of ensuring that offenders have access to rehabilitative programs. Responses varied, including labour camps and military service, psychological counselling and medication, or offering basic education and integration/employment in society.

The large majority of survey respondents (eight or nine in ten) believe that greater use of rehabilitative treatment programs during incarceration and/or in the community would have at least some positive impact in the areas suggested. More than nine in ten believe that rehabilitative treatment would have at least some impact in putting offenders on a more successful future path. Nearly half believe that the impact would be considerable (46 per cent), and the same proportion believe it would be moderate (48 per cent). Similar proportions believe that rehabilitative treatment would have a considerable (40 per cent) or moderate impact (51 per cent) on the reduction of re-offending. Slightly fewer (35 per cent) believe that rehabilitative treatment would have a strong impact on crime reduction in general, and another 54 per cent believe the impact would be moderate.

Perceived Impact of Greater Rehabilitation

"To what extent do you believe that greater use of rehabilitative treatment programs during incarceration and/or in the community would...?"



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- Compared with others, residents of Saskatchewan and Manitoba are less apt to believe the impact of rehabilitation would be positive in putting offenders on a more successful path, decreasing the rate of re-offending, or reducing crime compared with those in other regions to believe that rehabilitation.
- Younger respondents (age 34 and younger) are more likely to believe that rehabilitation will impact all three areas. Those 65 and over are less likely than all other age groups to believe there will be an impact.
- University-educated respondents, as well as those reporting lower household incomes are more likely to see these as positive impacts of rehabilitation treatment programs, along with visible minorities and those born outside of Canada.

a) Online Discussions on Rehabilitation

Online focus group participants tended to view prevention in one of two ways: prevention as a means of stopping any crime from occurring or prevention as a tool of rehabilitation that reduces recidivism. Those who preferred the first definition said that prevention is accomplished through social services which target at risk groups to prevent any crime from being committed. These participants gave examples of areas of focus such as eradicating poverty and improving education. A few of these participants also acknowledged that although this type of prevention is ideal, it would be very difficult to implement, measure, and fund. Participants who viewed prevention as an important aspect of effective rehabilitation that prevents an individual from committing future crimes, saw prevention and rehabilitation as more closely linked than those who believe it is the attempt to prevent crime from occurring rather than reoffending.

"Rehabilitation efforts can work alongside crime prevention. I believe while in some cases they may overlap, in that you have an offender who you are trying to help so that they do not end up re-offending. However, there are other services that would be purely to ensure people do not commit a crime in the first place."

"Crime prevention is obviously more desirable than needing to rehabilitate offenders."

Participants were also asked about their perceptions of the effectiveness and relevance of treatment for offenders. Most participants were positive about the impact of rehabilitation on repeat offenders. Although a few participants said they would need more information to provide an informed opinion, even they said there is a value in trying to provide support. Some participants were optimistic about treatment for certain groups, but stipulated that some types of violent offenders may be beyond help. Several participants also pointed out that the attitude and willingness of the offender are keys to the success of the rehabilitation efforts. A few also pointed to the positive influence of the attitude and aptitude of those providing treatment.

"Yes, treatment programs should reduce the rate of re-offending, or reducing crime. The programs should help some offenders reduce the odds of re-offending."

"Yes they are effective at reducing reoffending. Most thieves are stealing to feed an addiction. You have to address the root cause of the problem, you have to treat the problem or it just gets worse. Repeat sexual offenders may be beyond treatment though."

"Absolutely, otherwise the offender may not seek or have the ability to seek out the proper help."

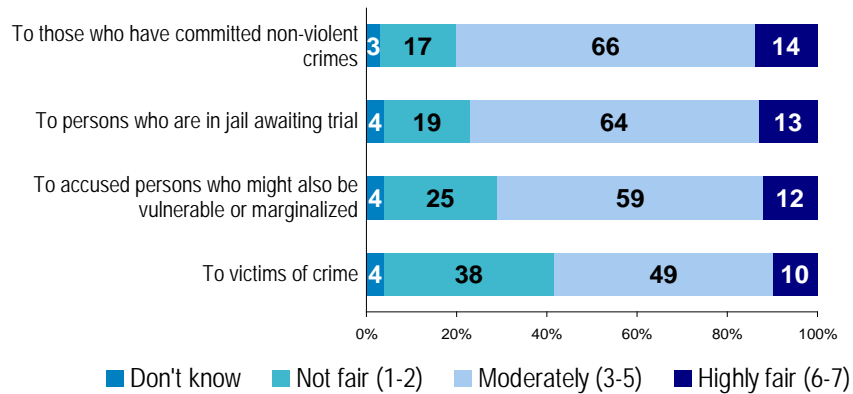
"I think it depends on the offender, not the program. Unfortunately I don't think that everyone can be helped."

3.8 PERCEIVED FAIRNESS OF THE SYSTEM

Taking the information presented throughout the questionnaire into consideration, respondents were asked to rate their perception of the fairness of the current criminal justice system in a number of areas. Results highlight an overall public perception of a system that is not particularly fair. The majority of respondents rated the current criminal justice system as only moderately fair at best (giving it a 3, 4 or 5, out of 7) when it came to those who have committed non-violent crimes (66 per cent) or to persons who are in jail awaiting trial (64 per cent). In each of these cases only one in eight (13 to 14 per cent) said that the system is fair (giving it a 6 or 7, out of 7), but slightly higher proportions rated the system as unfair (17 to 19 per cent giving it a 1 or 2, out of 7). Nearly six in 10 respondents rated the fairness to accused persons who might also be vulnerable or marginalized as only moderate (59 per cent, whereas on 12 per cent said it is highly fair, twice as many (25 per cent) said that it is unfair. The system is also not seen as being very fair to victims of crime with half saying it is only moderately fair (49 per cent). Only one in ten say that it is highly fair and fully 38 per cent said it is unfair to victims giving it a one or two out of seven.

Perceived Fairness of Current System

"Given the information presented throughout the questionnaire, how would you rate the fairness of the current criminal justice system to each of the following?"



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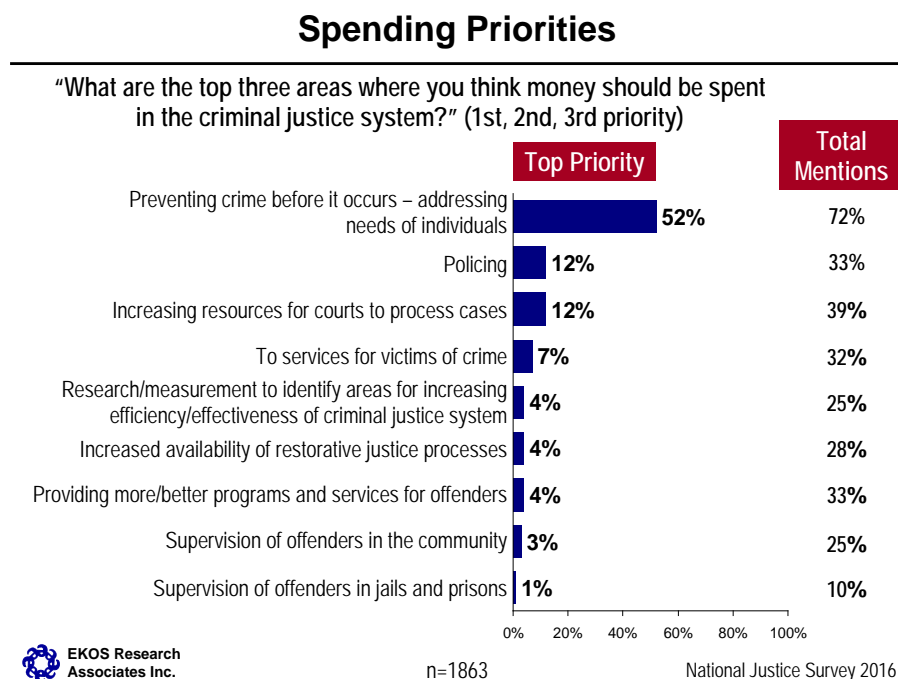
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- There is a stronger perception of unfairness among residents of British Columbia compared with others across the country, with many rating the system as unfair or only moderately fair to the accused and offenders.
- Older Canadians (55 or older) more often believe the current system is unfair to persons who are in jail awaiting trial and to victims of crime compared with younger respondents. Those who are 45 to 54 years of age more often feel this way about victims of crime than average.
- Those with a university education, as well as people with a disability are less apt than others to see the system as fair to accused and offenders. This is also true of those born outside of Canada in the case of offenders of non-violent crimes.
- Those with the least education, but high incomes are among the most likely to see the system as unfair to victims in particular.

3.9 SPENDING PRIORITIES

Respondents were asked to assign priority to the top three areas for expenditure in the criminal justice system across nine specific areas. Results highlight overwhelming support for greater spending in primary crime prevention, so that crime is averted before it occurs. Just over half of respondents selected preventing crime before it occurs – by addressing the needs of individuals as their top priority (52 per cent). At a considerable distance, 12 per cent support greater spending in the areas of policing and increasing resources for courts to process cases. Other choices were even less popular as a first choice.

Collectively across first, second and third choice selections, crime prevention is again the main choice for increased spending by far, with 72 per cent of respondents selecting as their first, second or third choice. Most of the other options were selected as a top three priority by one in three to one in four respondents, with increased court resources as the top pick, and fewer (25 per cent) prioritizing research and measurement or community-based supervision. Supervision in jail, however, is not seen as an area where further spending is required.



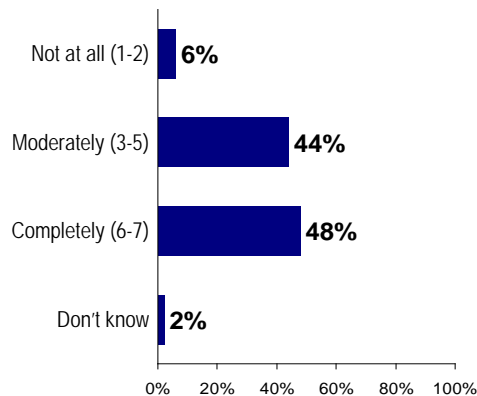
- Women are even more likely than men to rank primary crime prevention (i.e., before it occurs) as their first choice. This is also true of those who are university-educated compared with other respondents.

3.10 VALUE OF THE EXERCISE ON PUBLIC ENGAGEMENT

Survey responses suggest that this type of exercise, of reading and considering the issues presented in the survey, can have a positive impact on public engagement. When asked about whether participation in the survey has increased their engagement and/or curiosity in the criminal justice system and its problems, about half (48 per cent) said that it definitely has, and another 44 per cent said that it has had a moderately engaging effect. Very few (six per cent) said that it has not engaged them in the issue of the criminal justice system. It should be noted, however, that this sub-sample of respondents are among those in the larger first sample who subsequently agreed to participate in a second survey, suggesting that the area is of interest to them.

Impact of Information on Engagement

“To what extent has participating in this survey (reading and thinking about the information presented, and responding to the questions) increased your level of engagement or curiosity about the criminal justice system and the problems it faces?”



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- Women are more likely than men to have found the exercise completely engaging. This is also true of those reporting the lowest household incomes (under \$40,000) as well as visible minorities, those born outside of Canada and people with a disability.

a) Online Discussion and Survey Comments

Throughout several sections of the survey and online discussions there are key questions with high levels of “don’t know” or survey respondents have indicated that it is difficult to judge without more information. In online discussions, participants indicated in relation to incarceration and also in views about community-based sentencing that they do not have sufficient information to be able to weigh the options and facts. They did not have a detailed enough understanding, for example of who

is in the incarcerated population and why, or what the community-based options are. In particular, participants said that they felt that community-based responses may be too lenient and not well supervised, and lack good information about impacts. While research respondents may have been engaged in the issues presented, they sometimes expressed frustration with not having enough information on which to base views and judgements. In particular, they sometimes found it hard to support particular options, for lack of a clear understanding of what the options are and how to weigh them against other options.

b) [Returning to Top Three Goals for the Criminal Justice System](#)

Respondents were presented with a set of ten goals and values that they feel should guide the criminal justice system and asked to rank the top three in terms of importance. The same question was presented to the same respondents in the first survey. Overall, having a criminal justice system that treats everyone fairly was ranked as the most important goal most often, with 26 per cent of Canadians assigning it the top value (up from 19 per cent in the first survey⁹). In fact, 48 per cent placed it in their top three ranking of important principles guiding the system, up from 40 per cent four months earlier.

In a second tier of priorities, placing as much focus on addressing underlying social factors related to crime as on punishment was also selected as a top area of focus by 16 per cent, as was preventing crime (13 per cent). Each of these was selected as a top three priority more than one-third of the time. Addressing underlying social factors as much as punishment has also risen (to 42 per cent) from the first survey when it was selected as a top three priority among 29 per cent.

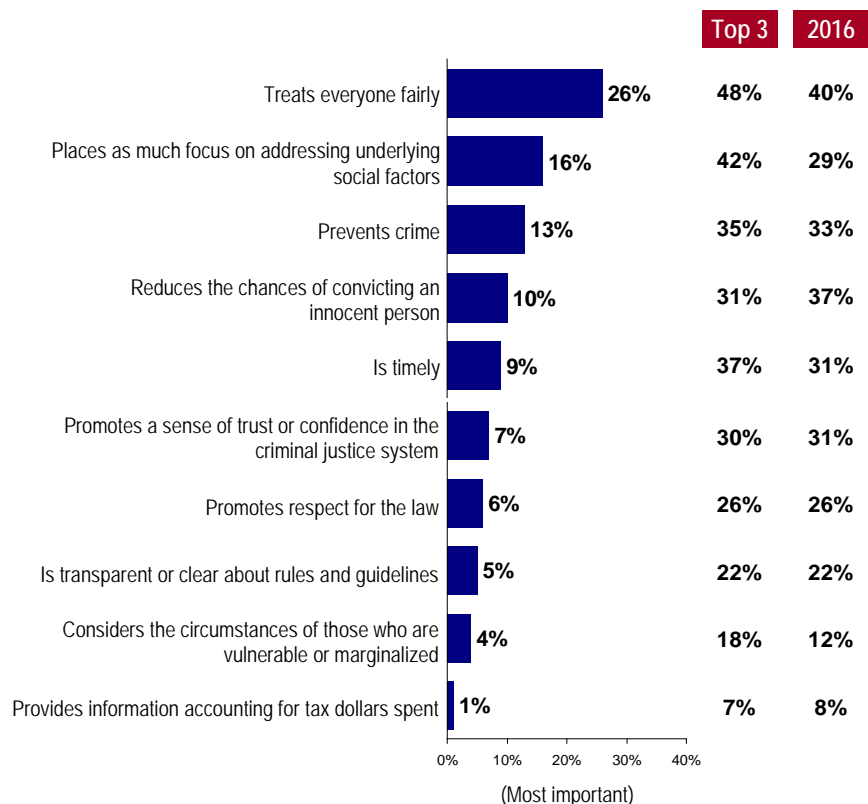
A system that is timely is also seen as important, and has gained emphasis since the first survey (37 per cent picking it as a top three area for focus compared with 31 per cent in the first survey). Reducing the chances of wrongful conviction and promoting a sense of trust and confidence in the system are seen as important among 31 and 30 per cent, respectively (selected as a top three area of focus). Reduced error is less prominent than it was in the first survey (37 per cent).

Promoting respect for the law, transparency, and considering the circumstances of the vulnerable and marginalized are rarely seen as a first area for focus, and only one in four or fewer selected these as a top three priority, in the second or the first survey. Accountability for expenditure of tax dollars is at the bottom of the list in both surveys. While another one per cent also put forward their own goal or value, there was no single pronounced theme that emerged.

⁹ Comparison to the first survey relies on only results from the same sample of 1,863 individuals answering both questionnaires.

Top Three Goals Guiding the CJS

"Please rank these goals and values in order of importance."



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n=1863 (Don't know not shown (1%))

National Justice Survey 2016

c) Returning to Top Three Considerations Guiding Sentencing

When asked to rank considerations in sentencing decisions, the element ranked most important is harm done to victims. This is seen as a top three consideration by four in ten respondents (39 per cent; down from 46 per cent in the first survey¹⁰), and ranked as the single most important consideration by 19 per cent. Condemning illegal activity and the harm done to victims and communities was also selected as a first choice among 19 per cent, with 32 per cent selecting it as a top three consideration. Even though only 12 per cent selected it as their first choice, assisting in the rehabilitation of offenders is still seen as a key consideration and has increased in emphasis over time, with 39 per cent selecting it as a top three goal, compared with 33 per cent in the first survey. Similarly, separating offenders from society is also seen as a top three consideration among 30 per cent, with 11 per cent assigning it as their first choice consideration.

¹⁰ Comparison to the first survey relies on only results from the same sample of 1,863 individuals answering both questionnaires.

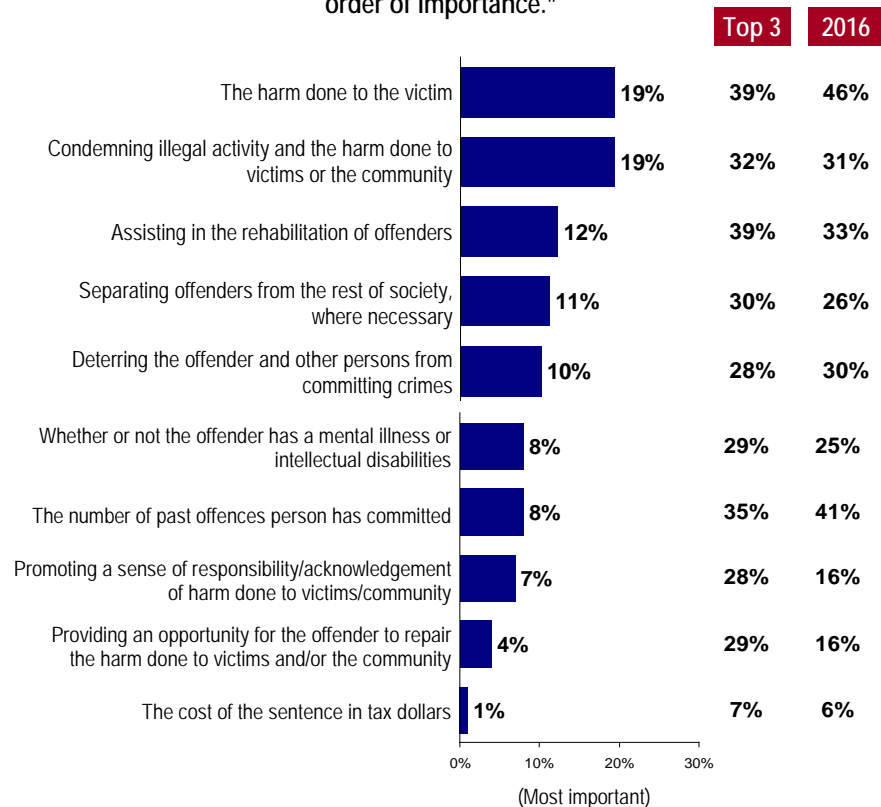
Although the number of offences is also selected as a top three consideration by 35 per cent, it is down from the first survey (41 per cent) and only selected by eight per cent as the primary consideration. Deterrence still counts as a prominent objective among just over one in four (28 per cent). Taking mental illness and disabilities into consideration is also only given prominence by fewer than three in ten (29 per cent).

Promoting a sense of responsibility and repairing the harm, were each selected by 28 and 29 per cent respectively as top three considerations, which is significantly higher than the 16 per cent saying the same in the first survey.

Virtually no one feels that the cost of the sentence to tax payers should be a consideration (one per cent).¹¹

Top Three Considerations in Sentencing

"Please rank these considerations in making a decision about sanctions in order of importance."



¹¹ Unlike goals and values for the CJS, no additional "other" factor was asked for in this question.

4. CONCLUSIONS

4.1 PHASE I

Results of the survey combined with discussion from focus groups, paint a good snapshot of the public opinion landscape regarding the Canadian criminal justice system.

a) Information, Literacy and Confidence in the System

Key themes from the research are the lack of credible information about the system, how it works and the current state of crime and justice, and the resulting public perception of crime rates, trust in the system and how they believe that sentencing decisions are made. Although survey results point to personal experience and connection with others who have had experience with the criminal justice system, most of the conversations in focus groups pointed to a significant lack of information, and almost singular reliance on traditional and social media sources for information. Participants unanimously agreed that more significant and trustworthy sources are needed so that the Canadian public and those who inform them (i.e., the media, community/special interest groups, academics/professionals) have access to authoritative and comprehensive information. This would help to address the perception of a “black box” that leaves the public to fill in the blanks with their own guesswork, based on questionable and agenda-driven sources.

Canadians presented a picture of limited understanding of the criminal justice system and how it works, and an exaggerated sense of crime rates that colours their views about trends and effectiveness of the system. This in turn drives Canadians’ sense of safety, as well as the values that they believe should shape the system. This can be seen in the overall results, but also in the demographic patterns. For example, those with less education, as well as older Canadians, generally have a more exaggerated sense of the crime rates and rates of violence in Canada, and those in focus groups tended to express views about feeling less and less safe, espousing views that sentences should fit the crime, and loopholes should be closed. Younger Canadians, on the other hand, and those with higher levels of education were more apt to say that crime rates have gone down, more often espousing a view that stronger focus should be placed on approaches aimed at crime prevention, rehabilitation and restorative justice.

Survey results point to the Department of Justice website and direct contact (face to face meetings, and direct mailing) as desirable and reliable methods of obtaining information. Focus group participants pointed to a range of topics of interest including trends in crime rates, focus and direction of the system, the scope and definition of crime, factors considered/weighed in sentencing decisions, effectiveness of the system (e.g., recidivism rates for different sentencing approaches,

backlog in the system). The twin objectives central to this effort are informing the public and increasing literacy rates in this area, as well as in informing the public about the direction and effectiveness of the criminal justice system.

Results point to a strong thirst for information, and keen awareness that current sources are insufficient and untrustworthy. Information is seen as the gateway to stronger appreciation for the actual landscape of crime and justice, helping to address issues of trust and confidence. Some also spoke in the focus groups of the need for consultation that allows the public to contribute their views on the shaping of the criminal justice system. A third theme coming from a few discussions related to greater efforts of stakeholders in the system to establish relationships that foster trust and confidence and improve public understanding of the justice system in Canada.

b) Overall View of the System

Research findings confirm the importance of some universally-held principles such as equal access to legal representation and regular review of the criminal justice system. These dovetail with views about fairness and equality of treatment in the case of universal access, as well as concerns for backlog, delays, and inefficiencies in the system, and of misalignment of sentencing in the case of the need for regular review (and accountability).

Survey results and focus group discussions highlight Canadians' views about the importance of crime prevention, rehabilitation and other approaches to sentencing such as restorative justice, as well as the need to separate offenders from society where necessary. Findings suggest that, even in absence of available information, Canadians have a fairly well developed and sophisticated view about how crime and justice should be handled. Taken together, many advocate for greater efforts placed on crime prevention, and in some cases, decriminalization of some behaviours in an effort to reduce the number of cases handled by the police and courts, and consequently, also reduce the offender population. The public further believe that a wide range of factors must be taken into account in determining the most appropriate response for addressing a crime and an offender (i.e., through the criminal justice system or through other avenues). The public also strongly espouses the value of sentencing measures that address the behaviour and take steps to alter the pathway, in an effort to reduce the chance of recidivism and increase the chances that offenders can become productive members of society. In most cases, restorative justice and/or rehabilitation during incarceration are seen as valuable efforts, and should be primary objectives. This view does not run counter, however, to the view that the punishment must fit the crime, and sufficient consequences are needed to deter crime, if not for an individual offender, then for society as a whole. Canadians also believe that there are wide ranges of offenders, offences and possibilities for diversion from the courts; restorative justice and even rehabilitation are not always suitable or likely to have an impact. So, while the public is looking for better methods of curbing criminal behaviour, safety and protection as well as a sense of justice are equally important objectives that must be satisfied.

c) Specific Values and Considerations

Survey results highlight the accuracy of the system (in correctly determining innocence or guilt, in judging how to stream cases) as a key priority. Focus group participants also spoke about individuals' rights and respectful treatment. Similarly, transparency and timeliness of the system are regarded as key values. Promotion of respect for the law is also a moderately high priority given that some feel that many criminals are getting away with crimes and receiving lesser (or no) sanctions, that are not commensurate with the crime. A general increase in public education and transparency about that system may also be seen as addressing the promotion of respect for the law.

The research shows strong support for increased attention and investment in crime prevention, by teaching children early about crime, consequences and acceptance of responsibility, as well as by identifying and providing support to those in greatest need in our society (e.g., those in poverty, those with mental illness), to reduce crime and increase the safety of the community for everyone. In the survey results, crime prevention was ranked as the second most important value guiding the system, and based on the focus group discussions, it is perhaps only surprising that this was not ranked as the top priority. Crime prevention was lauded in focus groups as both the healthiest and most effective method of addressing crime, rather than trying to deal with the aftermath of crime already committed.

Fairness of treatment, through consideration of the background of the offender, as well as nature of the crime, is seen as paramount in both judging crime, and in making decisions related to treatment and specific sanctions. The public is cognizant that some segments of the population are under greater scrutiny and also generally over represented in the justice system, highlighting an imbalance, and in some cases, need for assistance. As one focus group participant said, "maybe crime is simply a signal that someone needs help".

While consideration of factors to increase fairness (or level the playing field) are considered key, they must be balanced against the need for consequences that fit the crime and need for public safety and justice. In fact, the sentencing consideration ranked as the top priority is type and extent of harm inflicted, suggesting a fine balance between maximum consideration for judging an offender fairly, and for obtaining justice for victims, and maintaining the safety of the public. The high rank accorded condemning illegal activity also fits within this balance.

Results point to public appreciation for rehabilitative efforts while incarcerated, and the value they have for the offender and society. This type of effort does not compromise the need for consequences that fit the crime, making rehabilitation a top objective of the system and consideration in sentencing decisions. The public is less familiar with restorative justice principles; how they work and how they can be operationalized. So, while the public argue strongly for acceptance of responsibility and opportunity to repair harm, as sanctions that have the potential to change the offender, they are unsure how well they work with some offenders (e.g., repeat or violent offenders),

and in the case of some crimes, where it may not be appropriate to involve victims. Similarly, many are unsure about whether restorative justice has implications for more lenient (or no) sentences, that no longer fit the crime, or give victims and society a sense of justice. Greater public education about the process, that provides more opportunities to take responsibility and repair harm, to change the pathway of offenders, while still imposing sentences seen as appropriate to the behaviour, would likely increase public support for sentencing that includes these principles (in most, but not all cases). This should be investigated more comprehensively in subsequent components.

Mental health and cognitive disabilities are ranked surprisingly low in terms of considerations for sentencing in the survey. Focus group participants, on the other hand, were quite clear that these are fundamentally important considerations from the perspective of fairness, but also in terms of how these cases are streamed (through or outside of the criminal justice system), sentencing decisions and treatment. They place little or no faith in incarceration as a means through which offenders with mental illness or cognitive challenges can get better. Instead they see jail as a place where fates are sealed (i.e. lives are irreparably changed for the worse) and re-offending becomes more likely. Yet, they also recognize that society's efforts and education on these issues is inadequate and many people land in jail; considered the worst place for them to be in terms of future outcomes and ability to access assistance.

The research shows that collective concern for these issues is considerable, yet concern for cost as a factor in sentencing decisions, or accountability for cost expenditures are surprisingly low. Survey results place cost as the least important consideration, and while focus group respondents were less equivocal, they also said that crime prevention, safety of society, and making offenders healthy and whole are more important than cost efficiency. That said, both the survey results and group discussions pointed to backlogs and bureaucracy as sources of concern and areas where cost savings may be found, according to some.

4.2 PHASE II

a) Emphasis and Direction of the System

Survey and online discussions highlight the value that Canadians place on a criminal justice system that focuses not only on safety and protection of the public, and offenders taking responsibility, but also on support for offenders and providing the opportunity to repair harm, although not in equal measure. Whether or not there was consensus on the emphasis and value of each of the four objectives put forward, most agreed that the current system does not do an adequate job of focusing on the four objectives. The survey also highlights the perceived lack of fairness of the current system for victims, for marginalized segments, for those incarcerated on remand who have yet to receive a trial, and for non-violent offenders. A more well-rounded approach is seen as likely to have a strong positive impact on the criminal justice system. An approach that considers each of these four objectives would be seen to put offenders on a better path and increase fairness, while at

the same time being a positive benefit to public safety, the crime rate, and consequentially public trust. So it is not surprising that there is strong support to increase efforts in this direction to increase the effectiveness of a system which many currently consider to be in need of revamping.

As with the first survey and discussions, there is also strong support for efforts and investment in primary crime prevention to address root causes and reduce the likelihood of crimes being committed before they occur. These efforts are generally seen as more valuable than rehabilitative efforts after crime has occurred. Some in the online discussions, however, recognized that primary crime prevention is very expensive, difficult to put in place, and may have limited effectiveness. Greater community-based responses are associated with crime reduction, although increased public education is not. Generally, in terms of investment and spending priorities, preventing crime before it happens by addressing individual needs is given the strongest endorsement by a wide margin.

b) Incarceration and Community-Based Alternatives

This public opinion research shows the conflicted nature with which Canadians view incarceration. Many believe that incarceration rates are too high and that this response should be reserved for serious crimes. On the other hand, some also believe that incarceration is at an appropriate level and should be used more widely as a good deterrent (i.e., a sufficiently severe consequence). Some also seem uncertain about what the rate and level of incarceration is. In the online discussions, participants described precisely this conflict, saying that incarceration may not be a perfect solution, but some deterrence is required (i.e., a punishment to fit the crime), along with separation of offenders from society in the case of violent crimes, in order to ensure public safety. Yet, many also expressed reservation about the value and effectiveness of incarceration as an effective response.

In the case of Indigenous persons and those with a mental health and/or cognitive disability, there is widespread agreement that other solutions are needed, including greater use of community-based responses, greater investment in community-based treatment programs and, in the case of Indigenous persons, greater investment in and use of specialized resources to support accused and offenders.

This research also highlights some conflicting views among Canadians regarding community-based responses. Most agree that breaches of conditions or probation that do not involve a criminal act should be dealt with in the community rather than referring the cases back to the system. However, when faced with the question of how to administer justice offences issues, many feel that cases of failing to comply should be referred back to the courts, given that this is where the conditions were first established. Results suggest that many Canadians want to see viable community alternatives to the criminal justice system, but are unsure what those are or how adequate they are to replace the more structured system. On this topic, respondents express concerns about adequate

monitoring and demonstrated effectiveness in terms of outcomes. Canadians may also simply not consider themselves to have enough background in these areas to make judgement.

In many other areas, community-based solutions are strongly supported. For example, there is strong support that remand should take place in the community unless the crime is a violent one and/or there are other factors of concern. Greater discretion for judges with regard to conditional sentences is also strongly supported, provided there is a low risk to public safety. Generally, there is a strong distinction in the extent to which the public are willing to support community-based responses, whether for remand or offender sentences based on whether or not there is an element of violence to the crime. Use of community-based solutions is not seen as an acceptable alternative for violent offences, or according to the discussions, repeat offenders. For many, the violent (and possibly repeat) element puts the public at risk and calls into question the effectiveness of community-based responses.

While there is strong appreciation for the value of restorative justice principles of accepting responsibility and repairing harm, at least one in three Canadians have concerns about the degree of accountability and eligibility, echoing concerns about sufficiently severe consequences (that fit the crime), and the appropriateness of community-based solutions for violent (and possibly repeat) offenders.

Results also highlight the strong appreciation that Canadians have for the value of rehabilitative efforts, seeing them as supporting offenders onto a better path and, to some extent, decreasing crime and rates of recidivism.

Online discussion participants succinctly expressed these concerns in terms of striking a balance between a response that works and is productive, but does not compromise public safety and is a sufficient deterrent. Results suggest that many do not have enough information about what community-based responses entail, but have a vague impression that they are more lenient, not well monitored or supervised, and may not be as effective as incarceration in reducing crime and keeping the public safe. In short, community-based solutions suffer from a lack of publicly available information, coupled with an image problem, seen as too lenient and not well managed. That said, the public also realize that there are problems with incarceration as the primary solution, and are open to the possibility of other options provided they meet the criteria of acceptability (not compromising public safety, a sufficiently strong deterrent, well monitored, make rehabilitation and restitution mandatory, and is effective and cost efficient).

c) Engagement and Learning

These results suggest that Canadians welcome information about the current issues with the criminal justice system. Having a better understanding and appreciation about the current use of incarceration and the offender population, along with concrete options offered in the community are

also seen to be valuable in getting Canadians thinking about different directions. Almost half of survey respondents said that their involvement in this research increased their understanding and engagement in these issues, and more than four in ten said that this was true to at least a moderate extent.

In looking at the differences in top goals for the criminal justice system, emphasis on the importance of fair treatment and addressing underlying social factors, as well as a system that is timely, seemed to increase in the second survey. And, perhaps more importantly, promoting a sense of responsibility and opportunity to repair harm as well as the value of rehabilitation as considerations guiding sentencing increased in prominence with respondents in the second survey as considerations guiding sentencing. At the same time consideration for harm to the victim and number of past offences diminished. These results suggest that those reading and considering the background information and engaging in the issues begin to think more deeply about the problems and possible solutions. This opportunity prompts them to look beyond the more superficial and reactionary considerations, such as number and nature of offences, to options that will support offenders and ultimately create a more multi-disciplinary and holistic approach to criminal justice. While public education was not viewed by Canadians as having an impact on crime reduction, this research highlighted the misconceptions of Canadians regarding the criminal justice system (in terms of incarceration rates and attributes, and methods of community-based responses) and the power of increased awareness to shift support for responses beyond incarceration for offenders.

APPENDIX A: METHODOLOGY

ONLINE SURVEYS METHODOLOGY

The overall design of the study includes four key components: a large scale self-administered survey of 4,200 Canadians on awareness and top-of-mind perceptions, values and expectations regarding the criminal justice system; a series of in-person discussions to explore needs and preferences for information that is relevant and useful for informing opinion; an in-depth self-administered survey to explore informed perceptions, values and expectations (i.e., in the presence of information designed to increase understanding of criminal justice system criminal justice system and considerations); and online discussions to explore the same issues in greater depth. The current report includes results from the first and second components.

Phase I

In the first component, survey respondents were randomly sampled from EKOS' in-house panel (*Probit*¹²). The survey was designed to be self-administered, online or through a mailed out paper copy. This method was considered the most appropriate because it affords better opportunity to consider the questions and full response options visually (i.e., full sets of questions and lists of responses). It also gives respondents a chance to work at their own pace and exerts less pressure to respond in a socially desirable way because there is no interviewer present in the equation.

Initially a sample was randomly drawn among panel members who typically complete surveys online or by telephone. Those who typically complete the survey by telephone were contacted and invited to complete the survey online, by providing an email address, or through a paper copy mailed to their home. While roughly 20 per cent of the sample was approached by telephone, most elected to receive an email invitation with a link to the online survey. A total of 5,280 panel members were contacted by phone to participate in the survey. Just over 900 of the 1,450 who agreed to participate from the telephone sample elected to receive an email invitation to participate. Of these, 300 completed the survey online. A total of 544 paper copy questionnaire packages were sent out by regular mail with a postage paid return envelope. Of these, 296 were returned by the deadline and included in the analysis. The response rate for portion of the sample recruited by telephone is 11 per cent. In the online sample, 21,460 invitations were sent. Of these, 3,604 were completed for a response rate of 17 per cent. The overall response rate for the sample across online and phone sample is 16 per cent¹³.

¹² *Probit* offers complete coverage of the Canadian population (i.e., Internet, phone, cell phone), random recruitment (i.e., all respondents to our panel are recruited by telephone using RDD and are confirmed by live interviewers – they do not opt themselves into our panel), and equal probability sampling (which means that results are generalizable to the broader population).

¹³ Based on Market Research and Intelligence Associate's (MRIA) response rate calculation of number completed out of valid sample, excluding cases with invalid phone number (phone recruited sample) and those returned to sender (mail out) or bounced (email).

EKOS's *Probit* panel was used as the sample source. *Probit* offers complete coverage of the Canadian population (i.e., Internet, phone, cell phone), random recruitment (i.e., all respondents to our panel are recruited by telephone using random digit dialing (RDD) where the last digits in the listed telephone number are randomly changed and are confirmed by live interviewers – they do not opt themselves into our panel), and equal probability sampling (which means that results are generalizable to the broader population). The panel also includes cell-phone-only households, as well as those who are not connected to the Internet.

The questionnaire was first pretested in English by phone with 10 participants. This was followed by two subsequent rounds of online pretests in English and one in French. A total of 88 participants took part in the testing phase of the research. The test included a review of the results to ensure proper comprehension, resulting in some modification to the questions. Of the 88 test cases collected during testing, data from the final 22 completed cases were included in the analysis.

Participants completed the self-administered questionnaire either online or on paper between July 22 and August 22, 2016, and had the option of completing it in the official language of their choice. The questions took an average of 17 minutes to complete. The complete English and French questionnaire may be found in Appendix A.

Because the survey sample was to be used as the basis for recruitment for the group discussions and the second survey, all 4,200 respondents were informed of the nature of the other components and asked about their willingness to participate in the other components. A lottery incentive of \$500 was also offered, with two randomly drawn prizes of \$250 each.

As is standard EKOS practice, a minimum of eight call-backs (nine total calls) were made during the recruitment of the 20 per cent portion reached by phone before retiring a case and substituting another household. Follow-up calls were made on subsequent days, at varying time periods to maximize the potential for reaching a given respondent. As is typical in a *Probit* survey, all other sample members, typically reached online, were recruited through an email invitation to participate.

This sample size yields a level of precision of $\pm 1.5\%$ at a 95 per cent confidence interval for the sample overall and $\pm 3\%$ to 6% for most sub-groups that could be isolated in the analysis (including age and gender). Survey results were weighted by age, gender, region, and education. Results can be extrapolated to the broader population of Canadians. Open ended responses were reviewed and coded, and banner tables were created to explore results by key characteristics (e.g., region, age, gender, education, and income).

Phase II

In this second survey, 3,660 of the 4,200 respondents from the first survey were re-contacted and invited to participate in a more in-depth follow-up. This was the portion of the first sample of

4,200 who had agreed to follow-up during the first survey. Of these, 3,379 were sent an email invitation to participate online. Another 281 were contacted by telephone and asked whether they would prefer to receive an email invitation to participate online or be sent a paper copy of the survey to complete and return by mail. Of these, 151 were sent a paper copy questionnaire. A total of 1,863 respondents completed the survey for a response rate of 52 per cent¹⁴. Each respondent completing the survey received \$15 for their participation.

A comparison of the 1,863 respondents from the current sample with the initial sample of 4,200 shows the two to be very similar. There are only very minor differences in the proportion who are men, and those who are retired in the current survey, and knowledge and attitudes are also very similar (see next section for more detail).

The follow up questionnaire was pretested online with 24 respondents in English and 21 in French. Data from the final 45 completed cases in testing are included in the analysis. The test included a review of the results to ensure proper comprehension, resulting in some minor modification to the questions.

Respondents completed the self-administered questionnaire either online or on paper between November 29 and December 23, 2016. The questions took an average of 38 minutes to complete. The complete questionnaire is located in Appendix A.

Since the second survey relies on a subset of respondents given more information and who are arguably, more interested/engaged in the criminal justice system than the average Canadian, a margin of error cannot be calculated. This is due to the fact that there are no population estimates for Canadians who have been engaged in thinking about the criminal justice system. Therefore, the results of the second survey, while demographically representative of the Canadian population, should be considered as representing Canadians who have thought about the criminal justice system, rather than a general population of Canadians. Survey results were nonetheless weighted by age, gender, region, and education. Open ended responses were reviewed for the purposes of content analysis and a few items were coded. Banner tables were created to explore results by key characteristics (e.g., region, age, gender, education, and income).

FOCUS GROUP METHODOLOGY

In order to add further context and understanding to the survey results, six focus groups were held in five Canadian cities (Halifax, Montreal, Toronto, Winnipeg and Calgary). Participants were recruited from among those responding to the survey (recruitment screener can be found in Appendix

¹⁴ Based on Market Research and Intelligence Associate's (MRIA) response rate calculation of number completed out of valid sample, excluding cases with invalid phone number (phone recruited sample) and those returned to sender (mail out) or bounced (email).

B). Groups were stratified to ensure a balance of men and women and representation of a variety of adult age cohorts. A focus group guide (provided in Appendix C) was developed by EKOS in consultation with the client. Discussions centred on a number of issues common to the survey: perceptions of crime; sources of information; overall trust of the criminal justice system; value of separation from society; rehabilitation; crime prevention; and restorative justice; as well as discussion of fairness; and consideration for those who are marginalized/vulnerable, and/or suffering from mental illness or cognitive disabilities. Based on the experience of the first group in Toronto, refinements to the guide were implemented. One group was held in English in Toronto, Halifax, Winnipeg and Calgary. Two focus groups were held in French in Montreal.

Each focus group was two hours in duration. Groups were held in professional focus group facilities, with the exception of Halifax where facilities were booked for the desired date and no observers were scheduled to be in attendance. Refreshments were provided and participants were provided \$75 for their attendance. Video and/or audio recordings, researchers' notes and observations from the focus groups formed the basis for analysis and reporting of results.

ONLINE DISCUSSIONS

Twenty-five survey respondents participated in a three-day online discussion (see appendix C), providing additional input on their views on four objectives outlined for the criminal justice system. These objectives were: use of incarceration, perceptions of the value and impact of community-based responses, and the balance between incarceration and community-based responses in addressing criminal offences. Lastly, participants were asked to comment on rehabilitation as a form of crime prevention and the value of this approach compared with primary crime prevention (before crimes occur).

Thirty-five survey respondents were initially invited to participate from among those expressing an interest in further participation in the study. These 35 were recruited to represent a mix of ages, regions and genders. They were informed that their participation would include initial responses to the questions posed, as well as a review of the responses of other participants. They were also told that they may be asked to add comments and clarification as the discussion progressed. Participants were also informed that their input would likely take about an hour of time over the three days, for which they were provided with an incentive of \$60.

Responses to the questions asked were generally very clear, featuring considerable context and detail. Some lively discussion and debate took place among several with opposing points of view, particularly regarding use of incarceration versus community-based responses. Results of the online discussions are presented in grey shaded boxes in the relevant sections, following survey results, throughout the report.

APPENDIX B: PHASE I – SURVEY QUESTIONNAIRE

INSTRUCTIONS

Thank you for agreeing to complete this survey. All your responses will be kept strictly confidential. A few reminders before beginning

On each screen, after selecting your answer, click on the "Continue" button at the bottom of the screen to move forward in the survey.

If you leave the survey before completing it, you can return to the survey URL later, and you will be returned to the page where you left off. Your answers up to that point in the survey will be saved.

If you have any questions about how to complete the survey, please call Probit at 866.211.8881 or send an email to online@ekos.com.

Thank you in advance for your participation

Q1A

This survey focuses on your views of, and goals for, the criminal justice system, which is responsible for apprehending, prosecuting, defending, and sentencing those who are suspected or convicted of crime, including the police, courts, and corrections.

Do you think that the overall crime rate in Canada has increased or decreased in the last five years?

Decreased a lot 1

2

3

Stayed the same 4

5

6

Increased a lot 7

No response

Don't know

Q1B

Out of 100 crimes committed by adults and reported to police, roughly what number do you think involve violence or the threat of violence? (Your best guess is fine!)

77

No response

PQ3

Aside from public safety and security, how important would you say each of the following goals or values should be in the criminal justice system? How important is it that the criminal justice system

Q3B

Treats everyone fairly, taking into consideration his/her personal circumstances

Not at all important 1
2
3
Somewhat important 4
5
6
Extremely important 7
No response 8
Don't know 9

Q3C

Considers the circumstances of those who are vulnerable or marginalized

Q3E

Prevents crime

Q3F

Promotes respect for the law

Q3G

Places as much focus on addressing underlying social factors (e.g., poverty, inequality, mental health) of criminal behaviour as it does on punishing offenders

Q3H

Provides information accounting for tax dollars spent

Q3I

Is transparent or clear about rules and guidelines

Q3J

Promotes a sense of trust or confidence in the criminal justice system

Q3M

Reduces the chances of convicting an innocent person

Q3N

Is timely (i.e., deals with matters with a minimum of delay)

Q3O [0,1]

Are there any other key values or goals that you think should guide the criminal justice system not already listed? (specify)

PQ3P

Please rank these goals and values in order of importance: (first, second & third) / Of these goals and values, what are the three most important for the criminal justice system, from your point of view? Please rank them in order of importance: first, second and third

Q3PNEWA

Most Important

Q3B = 6,7

Treats everyone fairly, taking into consideration his/her personal circumstances

Considers the circumstances of those who are vulnerable or marginalized

Prevents crime

Promotes respect for the law

Places as much focus on addressing underlying social factors (e.g., poverty, inequality, mental health) of criminal behaviour as it does on punishing offenders

Provides information accounting for tax dollars spent

Is transparent or clear about rules and guidelines

Promotes a sense of trust or confidence in the criminal justice system

Reduces the chances of convicting an innocent person

Is timely (i.e., deals with matters with a minimum of delay)

NOTEEMPTY(AQ30)

Other goal or value you specified

No response

Don't know

Q3PNEWB

2nd most

Q3PNEWC

3rd most

PQ4

When someone is convicted of a crime, judges set the consequence based on factors including seriousness of offence and degree of responsibility of the offender.

When the court is deciding on sanctions for an adult convicted of a crime, how much consideration should be given to each of the following in making the decision?

Q4A

Condemning illegal activity and the harm done to victims or the community

No consideration at all 1

2

3

Moderate consideration 4

5

6

Very strong consideration 7

No response 8

Don't know 9

Q4B

Deterring the offender and other persons from committing crimes

Q4C

Separating offenders from the rest of society, where necessary

Q4D

Assisting in the rehabilitation of offenders (e.g., drug treatment, anger management or job skills training)

Q4E

Providing an opportunity for the offender to repair the harm done to victims and/or the community

Q4F

Promoting in the offender a sense of responsibility and acknowledgement of the harm done to victims and/or the community by offenders

Q4G

The cost of the sentence in tax dollars

Q4H

The harm done to the victim

Q4L

The number of past offences person has committed

Q4M

Whether or not the offender has a mental illness or intellectual disabilities

Q4N [0,1]

Are there any other key considerations in making a decision about sanctions not already listed? (specify)

PQ4P

Please rank these considerations in making a decision about sanctions in order of importance: (first, second & third) / Of these considerations in making a decision about sanctions, what are the three most important from your point of view? Please rank them in order of importance: first, second and third

Q4PNEWA

Most Important

Q4A = 6,7

Condemning illegal activity and the harm done to victims or the community

Q4B = 6,7

Deterring the offender and other persons from committing crimes

Q4C = 6,7

Separating offenders from the rest of society, where necessary

Q4D = 6,7

Assisting in the rehabilitation of offenders (e.g., drug treatment, anger management or job skills training)

Q4E = 6,7

Providing an opportunity for the offender to repair the harm done to victims and/or the community

Q4F = 6,7

Promoting a sense of responsibility and acknowledgement of the harm done to victims and/or the community by offenders

Q4G = 6,7

The cost of the sentence in tax dollars

Q4H = 6,7

The harm done to the victim

Q4L = 6,7

The number of past offences person has committed

Q4M = 6,7

Whether or not the offender has a mental illness or intellectual disabilities

NOTEEMPTY(AQ4N)

Other consideration you specified

No response

Don't know

Q4PNEWB

2nd most

Q4PNEWC

3rd most

PQ1C

To what extent do you agree or disagree with the following when it comes to the criminal justice system?

Q1CP

The system should ensure that all Canadians have access to legal representation regardless of their level of income

Completely disagree 1
2
3
Neither agree nor disagree 4
5
6
Completely agree 7
No response 98
Don't know

Q1CQ

The functioning and performance of the criminal justice system should be regularly reviewed

Q1CR

A primary goal of the system should be to promote successful rehabilitation and reintegration of offenders

Q1CS

A primary goal of the system should be to ensure that those who commit serious offences are separated from the rest of society

Q1CV

An offender should only be incarcerated if probation, community sentences, fines and other less restrictive measures are not appropriate (i.e., don't fit then crime)

PQ2

How much confidence do you have in each of the following?

Note: Criminal Law is a body of rules and statutes that defines conduct prohibited by the government because it threatens and harms public safety and welfare and that establishes punishment to be imposed for the commission of such acts.

Q2A

Adult criminal law in Canada

1

2

3

4

5

<Moderate confidence>

6

7

8

9

10

<A great deal of confidence>

No response

Don't know

Q2B

Youth criminal law in Canada

Q5 [1,3]

Other than news media stories, where would you say that you get most of your information on the criminal justice system? Choose up to three.

Personal experience or experience of someone you know

Movies and TV shows (e.g., crime or court dramas)

Meetings, discussions or chats (online or in person)

Government websites

From the government in person (e.g., at a courthouse or in another physical location run by the government or representatives)

Community organizations

Criminal justice professionals such as police officers, probation officers, lawyers

From an educational institution (e.g., school)

From a faith-based or community-based organization or institution (e.g., church/mosque/temple, community group)

Other (please specify)

No response

Don't know

Q6 [1,3]

What is the best way for Justice Canada to share information with you (or persons in your community) about the criminal justice system? Choose up to three.

Community organizations you access
An educational institution you are in touch with/attend
A faith-based /community-based organization institutions
Face to face meetings or information sessions in your community
Direct mail, through a mailing list
Direct email, through an email list
On the Justice Canada website
Through Facebook
Through Twitter
Department of Justice Blogs
Other social media, online or offline option: (specify)
Other (please specify)
No response
Don't know

QDEMO

The following questions will be used for statistical purposes only. All responses are strictly confidential

Q7 [1,11]

Have you ever been involved in the criminal justice system? Choose all that apply.

As a witness
As the victim/survivor of a non-violent crime
As the victim/survivor of a violent crime
After being accused of a crime
Convicted of a crime
As a family member of a victim/survivor
As a family member of an accused/convicted person
Know someone as victim/accused
As a member of a jury
By working in the criminal justice system
As a volunteer
Other (please specify)
None of the above
No response

D3

In what year were you born?

NOTE: ANSWER THE FULL YEAR, I.E. 1977 as "1977"

RECORD YEAR

No response

QAGEY

In which age range do you belong?

18-24

25-34

35-44

45-54

55-64

65 or over

No response

D2

What is the highest level of formal education that you have completed to date?

Elementary school or less

Secondary school

Some post-secondary

College, vocational or trade school

Undergraduate university program

Graduate or professional university program

No response

D5

Which of the following categories best describes your total household income? That is, the total income of all persons in your household, before taxes?

Under \$20,000

\$20,000 to just under \$40,000

\$40,000 to just under \$60,000

\$60,000 to just under \$80,000

\$80,000 to just under \$100,000

\$100,000 to just under \$120,000

\$120,000 to just under \$150,000

\$150,000 and above

No response

D1

Which of the following categories best describes your current employment status? Are you ...?

Working full-time (35 or more hours per week)
Working part-time (less than 35 hours per week)
Self-employed
Student attending full time school (not working)
Unemployed, but looking for work
Not in the workforce (e.g. unemployed, but not looking for work, a full-time homemaker or parent)
Retired
Other
No response
OTHE
DISABILITY/DISABILITY PENSION

D8

Were you born in Canada?

Yes
No
No response

QVISMIN [1,3]

Do you consider yourself to belong to any of the following groups?

Select all that apply
A member of a visible minority
An Aboriginal person
A person with a disability
None of the above
No response

QFSA

What are the first three characters of your postal code?

77
No response

QCOMM

NO RESPONSE

In what type of community do you live?

Urban (town, city, suburb)
Rural (open swath of land with few houses and not many people)
On reserve
Remote (long distance from a populated area and lacks transportation links)
None of the above
No response

QGENDR

IMPORTED GENDER IS EMPTY

What is your sex?

Male
Female
Transgender
Do not identify as male, female or transgender
No response

THNK

Those are all the questions we have for you. Thank you for taking the time to complete this survey, it is greatly appreciated. Please press the "continue" button to submit your answers.

APPENDIX C:
PHASE I – IN-PERSON FOCUS GROUP
RECRUITMENT SCRIPT

Dates and locations

Thursday September 15th from 6pm to 8pm at Consumer Vision, 2 Bloor Street West, 3rd Floor, Toronto, ON M4W 3E2

Thursday September 22nd from 6pm to 8pm at NRG Research Group, 213 Notre Dame Ave., Suite 804, Winnipeg, MB R3B 1N3

Thursday September 22nd from 5:30 to 7:30pm at Courtyard Halifax Downtown, The Endeavour Room, 5120 Salter Street, Halifax, NS B3J 0A1

Wednesday September 21st from 6pm to 8pm at eStyle Inc., 2500 4th Street SW, Unit 2, Calgary, AB T2S 1X6

Wednesday September 21st at 5:30pm at 1080 Beaver Hall Hill, Suite 400, Montreal, QC H2Z 1S8

Wednesday September 21st at 7:30pm at 1080 Beaver Hall Hill, Suite 400, Montreal, QC H2Z 1S8

INTRODUCTION (Survey Respondents)

Contact info:

Name: _____

Gender: _____

Age Group: _____

Province: _____

Hello, my name is _____ from EKOS Research. Recently you completed a Gov't of Canada survey on the subject of the criminal justice system and expressed interest in attending a focus group discussion.

The session will last approximately 2 hours and you will receive a **\$75** cash honorarium as a thank you for your participation.

May we have your permission to ask you some further questions to see if you fit in our study? (If "no", thank and terminate)

IF YES: Your participation in the research is completely voluntary. The information is being collected under the authority of the Privacy Act and other applicable privacy laws. May I continue? (If "no", thank and terminate)

Q1

First, are you or is any member of your household or immediate family currently employed in the media (Print, Radio or TV):

Yes ->THNK2

No

Q15

Participants in a focus group discussion are asked to voice their opinions and thoughts, are you comfortable in sharing your opinions and respectfully disagreeing with others and presenting new perspectives in a discussion? Are you...

Very Comfortable

Comfortable

Fairly or Somewhat Comfortable

Not Very Comfortable ->THNK2

Very Uncomfortable ->THNK2

Q20

The focus group takes place on : _____ and is an 2 hours in length. We are asking that all participants arrive 5 to 10 minutes prior to the start time of the session. Are you able to assist EKOS Research and the Government of Canada by attending the focus group session?

Yes

No->THNK2

FNAME

We will be sending you a reminder email and giving you a telephone call a day or two prior to your group discussion. Please confirm the spelling of your name below.

GTELE

Number where you can be reached:

GMAIL

If you would like, we will also send you a confirmation email, with the details of the date, time and location of the discussion. Please confirm your email address below.

THNK

If you have any questions or something comes up and you can no longer participate in the discussions, please let us know by calling us toll-free at 1-800-388-2873 or by sending an e-mail to rzito@ekos.com. Thank you for your cooperation and time.

APPENDIX D: PHASE I – IN-PERSON FOCUS GROUP GUIDE

1. Introduction (5 minutes)

- I represent EKOS Research and these groups are being conducted for the Department of Justice to Canadians' perceptions, values and expectations of the Criminal Justice System.
- This research will help the Department of Justice in determining what Canadians want to know about the Criminal Justice System, how it can help engage Canadians, and what kinds of information would be meaningful to share. The goal is to help Canadians feel informed and confident in the Criminal Justice System.
- This group is part of a series of focus groups taking place across Canada. A large-scale survey with Canadians also took place. At times, I'll be talking about the results of the survey and asking for your opinion.
- This session will last about two hours and we can start by going over the format and "ground rules":
 - ◆ Discussion is being audio and video taped so that I can listen closely to what you are saying and not be distracted by having to write things down.
 - ◆ All comments are confidential.
 - ◆ We also have a representative from the Department of Justice observing to hear your feedback firsthand.
 - ◆ Please try to speak one at a time and be respectful of one another's opinions.
 - ◆ There are no right or wrong answers to the things we'll be talking about.
 - ◆ It's okay to disagree. Please speak up even if you think you're the only one who feels a certain way about an issue. Everyone may have different experiences and different points of view. And we want to hear everyone's opinions.
- Moderator's role: raise issues for discussion, watch for time and make sure everyone has a chance to participate. We do not work for the Department of Justice.
- Please make sure that your cell phones, notifications on smart watches, etc. are turned off. We ask for your full attention for this time, without distractions.

2. Warm-up – Exposure to criminal justice system (5 minutes)

In order to better understand your perceptions about the criminal justice system (criminal justice system), it is first helpful to understand your background or level of exposure to the system. Remember, no one will be identified by name and responses are confidential.

1. Overall, do you think that the overall crime rate in Canada has generally increased or decreased in the last five years?
2. What proportion of crime committed in Canada is violent crime?

3. Awareness and confidence (15-20 minutes)

This study focuses on your views of, and goals for, the criminal justice system, which is responsible for apprehending, prosecuting, defending, and sentencing those who are suspected or convicted of crime, including the police, courts, and corrections. There are also several federal government departments that manage the courts and corrections aspects – the Department of Justice is one of these.

3. Where do you get your information about the criminal justice system, how it works and how well it works?
What are the sources you trust the most?
4. Do you think that work needs to be done to increase your own/Canadians' understanding of the criminal justice system, what it is and how it works?
 - a. What would the impact be if more Canadians learned about the criminal justice system?
 - b. Would a better understanding of the criminal justice system increase confidence in the system?
 - c. Is it important for Canadians to have confidence in the system?
5. The Department of Justice shares info on the web page, facebook, email/mail distribution lists, and face to face meetings in communities. Should the government be doing more to inform Canadians that this information is available?
 - a. What could be done to tell people that this information is out there and where to find it?
 - b. Is there a good way of getting information out to more Canadians?

4. Perceptions, values, priorities (80 minutes)

6. The federal Minister of Justice has been tasked by the Prime Minister to conduct a review of the criminal justice system. If she were in the room today, what would you ask her to focus on?
7. One question in the survey talked about the importance of the criminal justice system preventing crime. What do you think that it means to '**prevent crime**'?
 - a. How do you think that it would be best to prevent crime:
 - i. **Social programs** to keep people from committing crimes?
 - ii. **Strong sentences** and punishment that would dissuade people from crime or would it be more like addressing underlying factors such as education levels and poverty that would prevent crime?
 - iii. **Informing** Canadians about the rules?
 - iv. **Rehabilitation** for those convicted of crimes? Would this reduce the chances of re-offending prevent crime down the road?
 - v. **Restorative justice**, which involves rehabilitation through reconciliation efforts with victims and the community? And do you think that type of approach has the potential to rehabilitate? And would it prevent crime down the road?

(Moderator - see additional information/background)
8. If not clear at the end of discussion: (otherwise move on)
 - a. Do we think that crime prevention would be achieved by informing people about the law, addressing underlying root causes of criminal behaviour, punishing offenders, rehabilitating offenders, or something else?
 - b. Do you think that a primary role of the criminal justice system should be to keep offenders away from the rest of society, or do you think that it should be focused more on addressing causes of crime and trying to prevent it from ever occurring or re-occurring?
9. So, let's talk a bit more about some of these approaches. Many people in the survey placed a high degree of **importance on rehabilitation of offenders** (including drug treatment programs, anger management and job skills training). **BUT**, 30% of people did **not** think it was important to consider the mental cognitive functioning of offenders. What do you think about considering the mental cognitive functioning of offenders? What do you think should be considered (FAS, emotional state, ADD, included?)
 - a. If we were to make custody/incarceration a last resort, what would other acceptable options be?
10. Why do you think some people place more importance on **separating offenders from society** as a primary goal of the criminal justice system?
 - a. Do you think it is about protection of others or punishment of offenders?
11. Can these two (separating offenders and rehabilitation) co-exist? Can someone place as much importance on one as on the other, or are they mutually exclusive? Why?
12. The survey results also showed that there is a high degree of importance placed on **treating everyone fairly** (69%, ranked high in top 3), but somewhat less importance is placed on considering the circumstances of those who are vulnerable or marginalized (55%), and 53% said that mental illness or cognitive disabilities should be a strong consideration in sentencing.
 - a. What do you think we mean by treating everyone fairly? Does this mean "exactly the same rules for all"? Or, does it mean taking into consideration individual factors for each offender (i.e., context or mitigating circumstances?)

- b. What kinds of things do you think should be taken into account when judging an individual that might mitigate how they are judged or sentenced, and why?
- 13. How about different approaches to dealing with crime committed by vulnerable or marginalized persons or those with mental or cognitive issues.
 - a. Restorative justice... And do you think that type of approach has the potential to rehabilitate? And would it prevent crime down the road? (Moderator – see additional information/background)
 - b. How do you feel about diverting, when appropriate, persons in these groups from the criminal justice system and dealing the root causes of the criminal behaviours rather than on seeking a criminal justice remedy? This could include provision of services, restorative justice (involves rehabilitation through reconciliation efforts with victims and the community)?
 - c. Do you think that type of approach has the potential to rehabilitate? And would it prevent crime down the road?
- 14. Many people in the survey thought some elements of the system are important, including **transparency about rules and guidelines, promoting a sense of trust and confidence, dealing with issues in a timely manner, and avoiding mistakes leading to wrongful convictions**. Does that make sense?
 - a. Do you think that this is because people have concerns or lack trust and confidence in the system?
 - b. Do you think that many people believe this is the best way to successful management of crime?
- 15. Survey results show that there is not very strong **importance on the need to account for tax dollars spent** (or for consideration for the cost of the sentence to tax payers in making decisions about sanctions).
 - a. Why do you think people see cost as a lower priority?
 - b. Do you think people are aware of the costs?
 - c. How far does this go? Is the sky the limit?
 - d. How should this be weighed against success rates of rehabilitation?
 - e. And, how should this be weighed in terms of safety to society?

5. Wrap up (5 minutes)

- 16. Overall, what else would we like to say about the Criminal Justice System, changes or increased emphasis or focus we would want to see, or information we would want to know about the system?
- 17. Is there anything that we haven't talked about that you want to talk about before we go?

APPENDIX E:
PHASE II – INFORMATION CHOICE SURVEY
QUESTIONNAIRE

WINTRO

WEB INTRO

Thank you for visiting the survey website. A few months ago you completed a Government of Canada survey on the subject of the criminal justice system and expressed interest in participating in a follow up survey on the same topic.

The current survey digs more deeply into this area and uses a different approach than the traditional public opinion poll. In each section we have provided information for you to read before you respond to the questions on the direction you would like to see the criminal justice system take. It is very important that you read the text thoroughly before answering the questions, so that you are as fully informed as possible when answering. So, the questions themselves may only take about 15 minutes to answer, but it will probably take 30 to 35 minutes to go through the whole questionnaire, including the reading material. Since the survey is in sections, you can take it a few sections at a time, if you like. You will receive a \$15 Amazon gift card as our 'thank you' for giving us your time.

As with all of our surveys, participation is voluntary and your answers are completely confidential. You will be helping the Department of Justice to reflect carefully on possible changes in the direction of the criminal justice system. So your participation is important to us!

A few reminders before beginning...

On each screen, after selecting your answer, click on the "Continue" button at the bottom of the screen to move forward in the survey.

If you leave the survey before completing it, you can return to the survey URL later, and you will be returned to the page where you left off. Your answers up to that point in the survey will be saved.

If you have any questions about how to complete the survey, please call Probit at 866.211.8881 or send an email to online@ekos.com.

Thank you in advance for your participation

QAGEX

In what year were you born?

NOTE: ANSWER THE FULL YEAR, I.E. 1977 as "1977"

YEAR:

No response

QGENDR

What is your sex?

Male

Female

Transgender

Do not identify as male, female or transgender

No response

QAGEY

In which age range do you belong?

18-24

25-34

35-44

45-54

55-64

65 or over

No response

INTRO

QUESTIONNAIRE INTRO

As part of her mandate, the federal Minister of Justice and Attorney General of Canada is conducting a large scale review of the criminal justice system. She has publically committed to making deep and meaningful changes that are guided by evidence, sound principles, compassion, and a desire to keep the public safe. The input of Canadians is a fundamental part of this review. This survey is one way the Department of Justice Canada is engaging Canadians.

Critics of the Canadian criminal justice system have said that it is slow, not equipped to solve society's social problems (e.g., poverty, mental health, substance abuse issues, Indigenous issues), and making people worse off. Many suggest there needs to be a complete overhaul of the criminal justice system to make sure it reflects the changing needs and expectations of Canadians.

SEC1

Section 1

1. Canadian Values and Transforming the Criminal Justice System

This survey further explores values – the ones we heard about in the first survey as well as others.

Results of First Survey

The safety and protection of Canadians will always be paramount in criminal justice. Aside from those, here are some of the values and principles deemed important in the first survey:

Fair treatment for everyone taking into consideration personal circumstances is seen as the most important aspect of the criminal justice system.

About three-quarters of people agreed that a main goal of the justice system should be to promote successful rehabilitation and reintegration of offenders.

About three-quarters of people also agreed that incarceration should be used to protect society from those who commit serious crimes. About two-thirds strongly supported using incarceration only for those cases where other less restrictive measures are not appropriate.

Criminal Justice System Outcomes

Consistent with values identified above, in conversations with Canadian experts on the criminal justice system, the Department of Justice Canada has heard about the need to balance these four objectives:

Safety and long term protection of Canadians

Ensuring offenders take responsibility for their actions and are held accountable

Providing an opportunity to repair harm done to victims and the community, and restoring relationships (between the victim, the community and the offender)

Providing the support needed for offenders to be successfully rehabilitated, and addressing root causes of criminal behaviour (including addictions and mental health issues, economic and social marginalization)

SEC1P1

To what extent do the following objectives fit with your values for the criminal justice system:

SEC1Q1A

Ensuring safety and lasting protection for Canadians

Not at all 1

2

3

Moderately 4

5

6

Completely 7

Don't know

SEC1Q1B

Ensuring that offenders take responsibility for their actions and are held accountable

SEC1Q1C

Providing offenders with opportunities to repair harm done to and restore relationships with victims and communities

SEC1Q1D

Providing support to help offenders onto a better path and addressing the root problems behind criminal activity (such as mental health issues, addiction, limited anger and risk-management skills, poverty, and social marginalization)

SEC1Q2

How well do you think the criminal justice system currently does at taking all four of these objectives into consideration?

Not at all 1

2

3

Moderately 4

5

6

Completely 7

Don't know

SEC1Q3

If greater efforts are made to take all four of these objectives into consideration, what impact do you think that will have on the criminal justice system?

Very negative impact 1

2

3

No impact 4

5

6

Very positive impact 7

Don't know

SEC1COMM [0,1]

If you have any comments please enter them here:

1

SEC2

Section 2

2. Current Criminal Justice System

The purpose of sentencing is to protect society and to contribute to respect for the law and maintenance of a just, peaceful and safe society by imposing just sanctions.

Currently, some elements of the Canadian criminal justice system are seen as punitive rather than restorative or therapeutic. Research has found that punitive responses to criminal behavior are not effective in protecting public safety in the long-term.

Some Key Issues:

Most people in the criminal justice system have committed non-violent crime

Of people found guilty and sentenced to jail/prison, only 1 in 5 committed a violent crime.

Many people in the criminal justice system are socially, culturally and/or economically disadvantaged. There are high rates of:

Persons with drug and alcohol abuse issues, mental health problems, neuro-cognitive and intellectual disabilities

Persons who experienced poverty and insecure housing

Persons who have been failed by other public systems (such as child welfare, education, health/mental health)

Offenders who have been victims in the past

Indigenous Canadians (8 times overrepresented in jails/prison compared to their population in Canada)

Black Canadians (3 times overrepresented in prison)

Many people come into constant and repeated contact with the criminal justice system

A small number of people are responsible for a large volume of crime, mostly for non-violent offences. These people are in and out of jail frequently. Many are socially, culturally, and economically disadvantaged.

Most people in jail have not yet been found guilty or sentenced

2 in 3 Canadians in jail have not yet been found guilty of the crime they are charged with. They are what is referred to as "remand" or "pre-trial detention".

Administration of Justice Offences are the most frequent cases in court

Failure to comply with conditions of release or conditions in a probation order are the most frequent cases in adult court, representing 1 in 5 cases. Many of the conditions place restrictions on behaviours that are not criminal, such as drinking alcohol, avoiding certain parts of a town/city, or having a curfew).

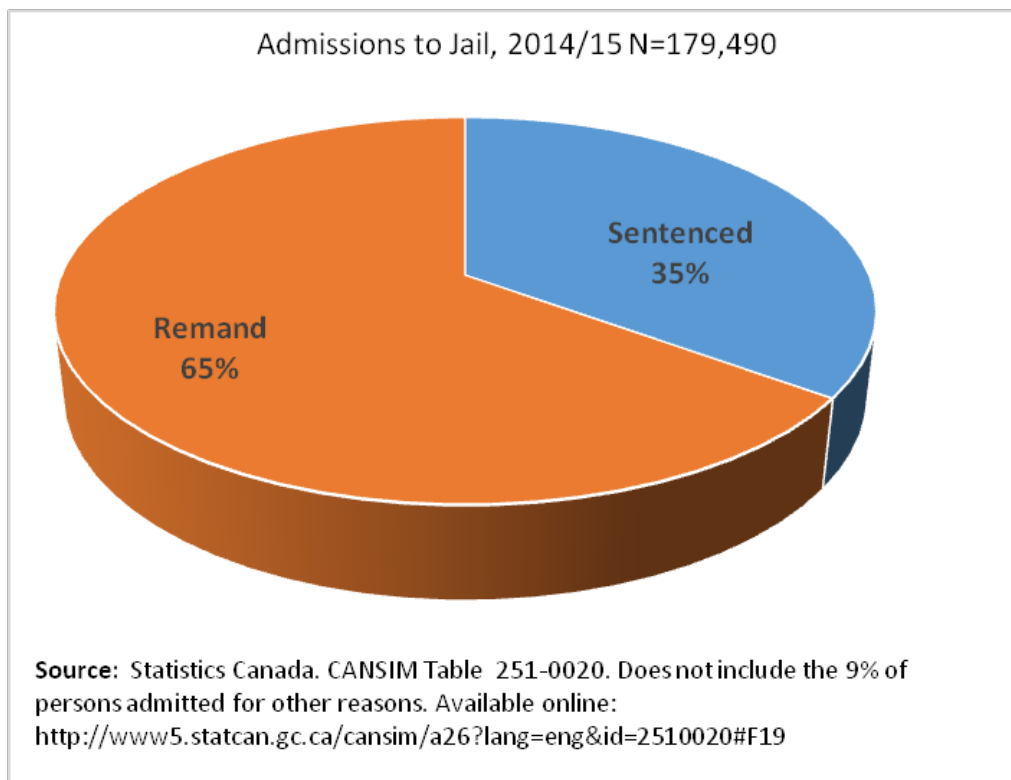
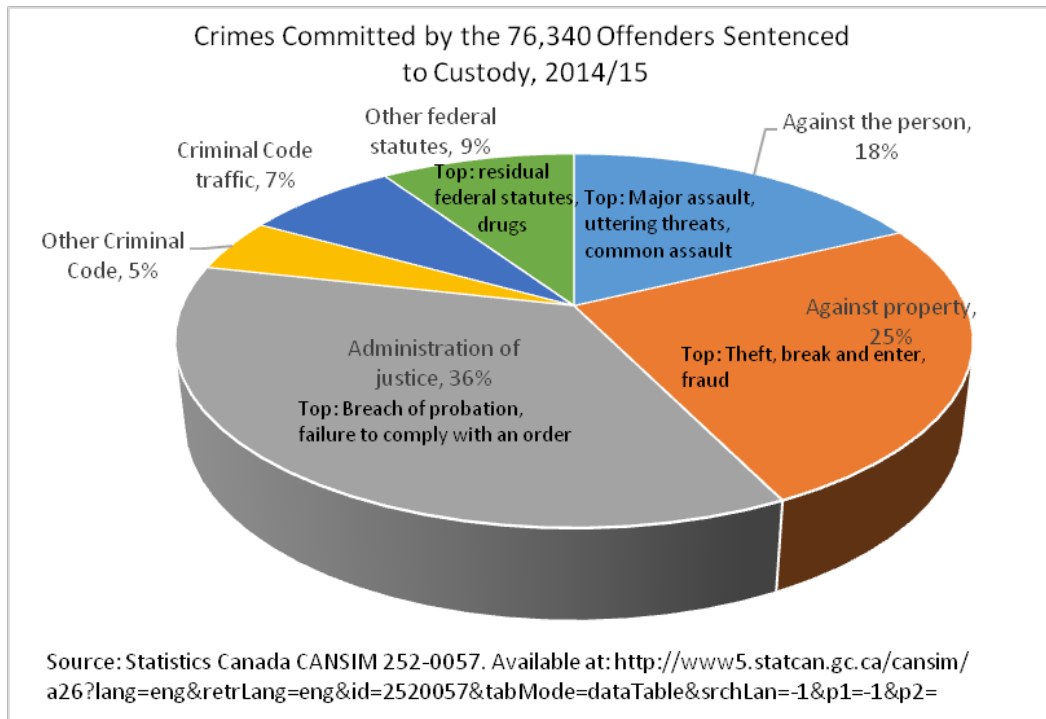
The criminal justice system is slow

It takes months for a case to go through the court system, regardless of the type of crime committed.

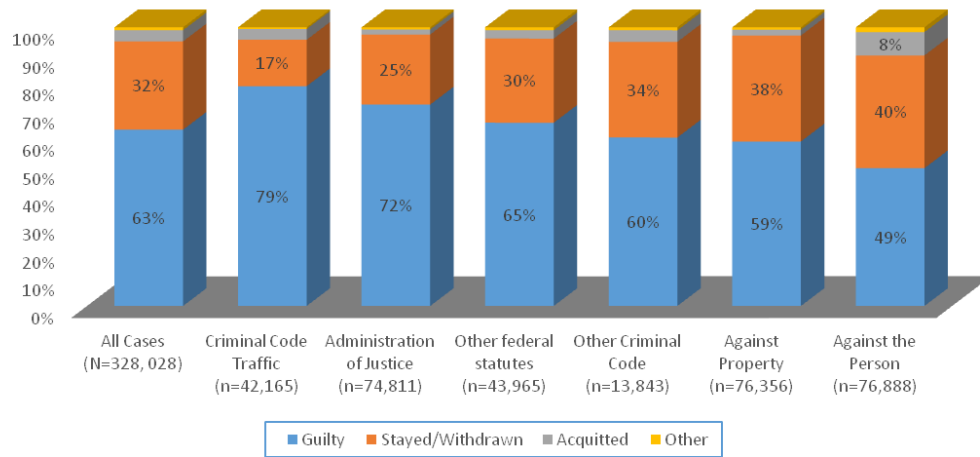
Recent court decisions have resulted in stayed charges because the case took too long to get to trial.

Canada's incarceration rate is high compared to most western European countries

Canada incarcerates 106 people per 100,000 population



Type of Decision by Offence Type, 2014/15



Source: Statistics Canada CANSIM 252-0053. Available online: <http://www5.statcan.gc.ca/cansim/a26?lang=eng&id=2520053#F40>

SEC2Q2A

To what extent do you agree or disagree that there are too many people incarcerated in Canada?

Strongly disagree 1

2

3

Neither 4

5

6

Strongly agree 7

Don't know

SEC2Q2B

To what extent do you agree or disagree that incarceration should only be used for those committing serious crimes?

SEC2Q3 [1,9]

Indigenous offenders make up 4% of the Canadian population and about 25% of the population in the criminal justice system. The Truth and Reconciliation Commission report highlights the need to address this overrepresentation. In what ways could we reduce the number of Indigenous persons in the criminal justice system?

Please select all that apply

More Indigenous courts for hearing these cases

More Indigenous court workers to support Indigenous people accused of crime in navigating the criminal justice system

Training for legal professionals on considering the circumstances of Indigenous persons

Greater discretion among police and courts to decide on charges and sentences for Indigenous offenders

Greater use of community-based alternatives to prosecution (i.e., diversion away from the criminal justice system)

Nothing needs to be done

Other:

Don't know

SEC2Q4 [1,10]

Many persons in the criminal justice system have mental health and/or cognitive functioning disabilities. In what ways could this overrepresentation be reduced?

Please select all that apply

Greater investment in programs and resources into community mental health

More specialized courts that deal with people who have mental health/cognitive functioning disabilities

More support workers to help people accused of crime navigate the criminal justice system

Training for legal professionals on considering the circumstances of individuals with mental health/cognitive functioning disabilities

Greater discretion among police and courts in deciding on charges and sentencing of these offenders

Greater use of community-based alternatives to prosecution (i.e., diversion away from the criminal justice system)

Nothing needs to be done

Other:

Don't know

SEC2COMM [0,1]

If you have any comments please enter them here:

1

SEC3B

Section 3B

3. Reform

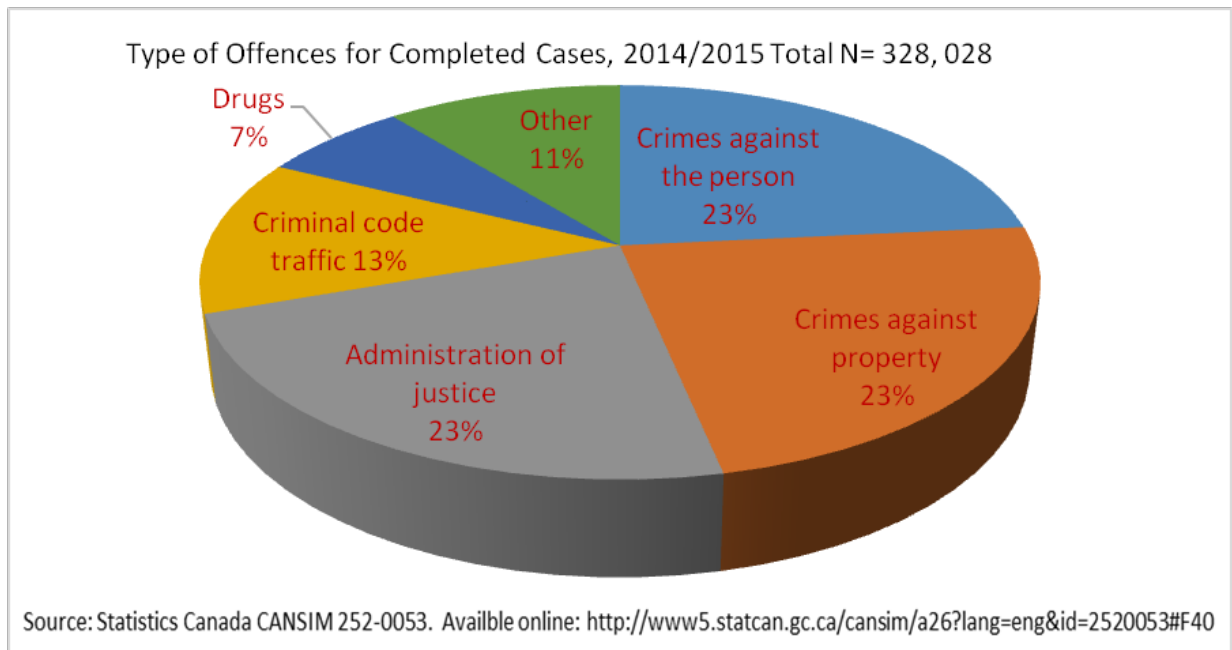
3.1 - Administration of Justice Offences (AOJO)

As previously mentioned, failure to comply with conditions of release (pre-trial) or breach of conditions in a probation order (a sentence after being found guilty) are the most frequent cases in adult criminal court.

These cases typically involve breach of conditions that are not in and of themselves criminal, such as drinking alcohol, avoiding certain parts of a town/city, or having a curfew). If someone commits a crime while subject to a probation order or a condition of release, in addition to the AOJO charge, they are also charged with the new crime (e.g., theft, assault, etc.).

People are more likely to be in jail (both before a trial and when sentenced to custody) for administration of justice offences than any other type of offence. They are more likely to receive jail time more often than people who have committed violent crime.

Costing taxpayers an estimated \$729 million dollars (2009 figures).



SEC3P3

Sometimes someone fails to comply with an order or conditions of probation (e.g., such as hanging out at a bar, taking a drink, or staying out after curfew) that does not involve a criminal act. To what extent do you agree or disagree with the following:

SEC3Q3A

Any case of failure to comply with an order/probation should be referred back to the criminal justice system to deal with.

Strongly disagree 1

2

3

Neither 4

5

6

Strongly agree 7

Don't know

SEC3Q3B

Breaches of conditions or probation that do not involve a criminal act should be dealt with outside of the criminal justice system to allow the system to focus on more serious offences

SEC3C

Section 3C

3.2 - Community-Based Solutions

As noted earlier, the majority of people in jail are awaiting trial (65% or over 116,000 people in 2014/15), many for non-violent offences. In fact, Canada has one of the highest rates of incarceration among persons awaiting trial in the Western World.

After an accused has been charged, he or she can be released by the police or the court or held in jail. Critics have argued that it is becoming increasingly difficult for accused to meet the criteria for release into the community while awaiting trial for several reasons including risk aversion and legal requirements. The reasons for having restrictions on accused persons (in the community or in jail) is to ensure they attend court and to protect public safety. One of the criteria for release can be obtaining a surety and or the deposit of money (bail). A surety is someone who agrees to take responsibility for a person accused of a crime. Some provinces have bail supervision programs that assist accused persons, who would otherwise not be entitled to pre-trial release because of a lack of financial resources or community connections.

SEC3Q5

To what extent do you agree or disagree that there should be an increase in the number of accused persons remaining in the community while awaiting trial, where there is a low risk to public safety?

Strongly disagree 1

2

3

Neither 4

5

6

Strongly agree 7

Don't know

SEC3D

Section 3D

3.3 - Reform on Community Based Supervision

As an alternative to incarceration, there are several community based sentencing options (e.g., probation, conditional sentences). Sentencing options can also include an absolute or conditional discharge, restitution, and fines. There is research that indicates that the use of community sentences is associated with lower rates of re-offending compared to use of incarceration and that lower risk offenders who spend more time in prison are more likely to re-offend.

Probation orders and conditional sentences allow the offender to live and work in the community under certain conditions (restrictions on behaviour, serving hours of community service, attending rehabilitation programs). If a conditional sentence is breached the offender may have to spend the rest of their sentence in jail. In the past, judges had more discretion to order conditional sentences where there was no risk to public safety. Under the current criminal justice system conditional sentences can only be ordered for a small number of offences.

In terms of costs, currently 70% of adult correctional expenditures are used on incarceration, even though incarcerated offenders make up only about 25% of the population of offenders being supervised. Only 30% of expenditures are required for the other 75% of the offenders supervised in the community (i.e. on parole, probation or conditional sentence).

SEC3Q6

To what extent do you agree or disagree that judges should have greater discretion to consider using conditional sentences when there is a low risk to public safety?

Strongly disagree 1

2

3

Neither 4

5

6

Strongly agree 7

Don't know

SEC3P7

How supportive are you, if at all, of community based sentences (e.g., conditional sentences, probation) used for those found guilty of crime?

SEC3Q7A

For non-violent crimes

Not at all supportive 1

2

3

Moderately supportive 4

5

6

Very supportive 7

Don't know

SEC3Q7B

For some crimes against the person such as common assault (e.g, bar fight, domestic disputes)

SEC3E

Section 3E

3.4 - Restorative Justice (RJ)

Restorative justice is a way of viewing justice that emphasizes repairing harm caused by conflict and crime. From this perspective, crime is seen as a violation of people and relationships and a disruption of the peace of the community. While there are important legal aspects to crime and it affects society as a whole, it is not simply an offence against the state. Restorative justice is collaborative and inclusive. It involves the participation of victims, offenders and the community affected by the crime in finding solutions that seek to repair harm and promote harmony as much as possible given the circumstances.

The values underlying a restorative justice approach are based on respect for the dignity of everyone affected, healing, reintegration, the prevention of future harm, and reparation, if possible. Priority is given to addressing the needs of participants and empowering them to communicate their thoughts and feelings in an open, honest and safe way. The goals are to build understanding, encourage accountability and provide an opportunity for healing, reintegration and reparation.

Restorative justice is always voluntary and can occur once an offender has admitted guilt. Restorative Justice processes include but are not limited to: Victim-Offender Mediation; Restorative Conferencing; and Circle Processes (such as sentencing circles).

SEC3Q8

To what extent do you agree or disagree that criminal justice system officials (police, prosecutors, judges, defence counsel) should be required to inform victims/survivors and accused people of the availability of opportunities for the acceptance of responsibility and reparation of harm such as a restorative justice process?

Strongly disagree 1

2

3

Neither 4

5

6

Strongly agree 7

Don't know

SEC3Q9

Do you have any concerns about the use of restorative justice processes in the criminal justice system?

Yes

No

Don't know

SEC3Q10 [1,8]

Q9 = YES

What are your concerns with respect to restorative justice related to:

The process e.g., when RJ can occur, the form it takes?

Eligibility – e.g., concerns over who participates and what type of crime has occurred

Accountability – e.g., sufficient degree of offender accountability assured

Access e.g., where are the programs located, what is the cost to access them, referrals vs. open access?

Lack of awareness or understanding of what RJ is in general

Other:

Don't know

SEC3Q10COMM [0,1]

Q9 = YES

Do you have any additional comments or details regarding these concerns about restorative justice?

Yes (please specify)

No

SEC3F

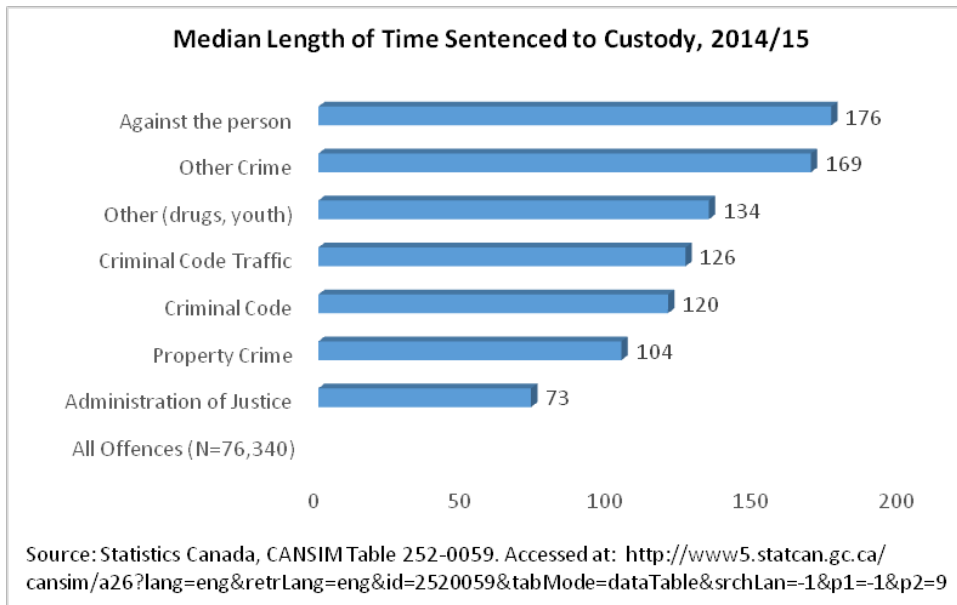
Section 3F

3.5 - Rehabilitation

As mentioned previously, currently, some elements of the Canadian criminal justice system are seen as punitive rather than restorative or therapeutic. Research since the 1970s has shown that there is no consistent evidence that harsh sentencing policies (including incarceration) reduce crime, reduce victimization, or contribute to safe communities. There is support for other more cost-effective strategies for reducing crime, including focusing on the rehabilitation of offenders.

Almost three-quarters of respondents from the first survey (72%) indicated that a primary goal of the system should be the rehabilitation and reintegration of offenders. Rehabilitation was also in the top three considerations for determining sanctions for those found guilty. Rehabilitation is one element of addressing the root causes of crime in that it can focus on increasing employment and life skills, addressing an offender's unique needs (e.g., mental health, substance abuse).

Rehabilitation can occur in the context of incarceration, or in the community, or both. However the majority of people are in jail for short periods and do not have access to rehabilitative programs and services. Examples of programs include anger management, substance abuse treatment, education programs, work-skill programs, and sex-offender treatment programs.



SEC3P11

Which of the following would you consider to be acceptable ways of ensuring that offenders have access to rehabilitative programs?

SEC3Q11B

Requirement that incarcerated individuals begin immediate treatment

Yes

No

Don't know

SEC3Q11C

Compulsory attendance in rehabilitation programs in the community (in orders)

Yes

No

Don't know

SEC3Q11D [0,1]

Other:

Yes

No

Don't know

SEC3P12

To what extent do you believe that greater use of rehabilitative treatment programs during incarceration and/or in the community would:

SEC3Q12A

Put offenders on a more successful future path

Not at all 1
2
3
Moderately 4
5
6
Completely 7
Don't know

SEC3Q12B

Decrease rate of re-offending

SEC3Q12C

Reduce crime

SEC4

Section 4

4. Crime prevention

The idea of providing lasting protection for Canadians could include the idea of preventing further crime by offenders and reducing the chance that others will commit a crime. In the first survey, 72% of respondents said that it was very important that the criminal justice system prevent crime (just 2% thought it was not at all important). Further, crime prevention was chosen by respondents as a top goal more frequently than any other value or goal, apart from ensuring the system is fair and considers individual differences.

Crime prevention can occur at three levels:

Stop crime from occurring (primary prevention) by dealing with conditions that contribute to likelihood that someone will commit crime.

Dealing with warning signs (secondary prevention) and intervening to stop crime after you see warning signs.

Crime prevention after the fact (tertiary prevention) by using law enforcement and the criminal justice system (courts, corrections, and rehabilitation) in a way that ensures that the person does not commit another crime.

SEC4P1

Where would you like the main focus of crime preventions efforts to be?

Please assign a 1st, 2nd, 3rd priority area of focus

SEC4Q1A

1st

Stopping crime from occurring

Dealing with warning signs, the social circumstances and conditions that may give rise to crime

Stopping a crime from being committed again (i.e., re-offending)

SEC4Q1B

2nd

SEC4Q1C

3rd

SEC4P2

To what extent do you think the following will reduce crime?

SEC4Q2A

Increasing Canadians' level of education regarding the legal system, laws, and how crime is dealt with (e.g., in schools, for new Canadians, and in other ways)

Not at all 1

2

3

Moderately 4

5

6

Completely 7

Don't know

SEC4Q2B

Greater focus on community-based responses (e.g., restorative justice processes, community service, treating the offender's needs – addictions, job skills training, etc.)

SEC4COMM [0,1]

If you have any comments please enter them here:

1

SEC5P1

Do you think that community based responses (e.g., restorative justice processes, community service, treating the offenders needs – addictions, job skills training) to crime result in:

SEC5Q1A

Fewer offenders committing further crime

Not at all 1

2

3

Moderately 4

5

6

Completely 7

Don't know

SEC5Q1B

Increased safety and lasting protection for the public

SEC5Q1C

Greater efficiency in the system

SEC5Q1D

Increasing your own trust and confidence in the criminal justice system

SEC2P1

Given the information presented throughout the questionnaire, how would you rate the fairness of the current criminal justice system to each of the following?

SEC2Q1A

To persons who are in jail awaiting trial

Not at all fair 1

2

3

Moderately fair 4

5

6

Very fair 7

Don't know

SEC2Q1B

To those who have committed non-violent crimes

SEC2Q1D

To victims of crime

SEC2Q1E

To accused persons who might also be vulnerable or marginalized

SEC4P4

What are the top three areas where you think money should be spent in the criminal justice system?

Please assign a 1st, 2nd, 3rd priority area for spending

SEC4Q4A

1st

Preventing crime before it occurs – by addressing the needs of individuals
(e.g., education employment skills, mental health and substance abuse support and
services)
Policing
Increasing resources for courts to process cases
Increased availability of restorative justice processes
Supervision of offenders in jails and prisons
Supervision of offenders in the community
Providing more/better programs and services for offenders
To services for victims of crime
Research and measurement to identify areas for increasing efficiency and effectiveness of
the criminal justice system
Other: please specify

SEC4Q4B

2nd

SEC4Q4C

3rd

SEC5P2

As mentioned previously, stakeholders have suggested that the criminal justice system needs to focus on all four objectives: 1-safety, 2-accountability, 3-repairing harm and restoring relationships, and 4-rehabilitation. If greater efforts are made to take all four objectives into consideration, what effect do you think that this will have on:

SEC5Q2A

Public safety
Very negative effect 1
2
3
No effect 4
5
6
Very positive effect 7
Don't know

SEC5Q2B

Crime prevention

SEC5Q2C

Setting offenders on a better path

SEC5Q2D

Fairness for vulnerable and marginalized persons accused of crime

SEC5Q2E

On public confidence and trust in the criminal justice system

SEC5Q2F

On the overall crime rate in Canada

SEC5Q2G

On victims of crime

SEC5Q3

How supportive would you say that you are of increased efforts to focus on all four objectives in the criminal justice system?

Not at all supportive 1

2

3

Moderate support 4

5

6

Very supportive 7

Don't know

SEC5Q4

To what extent has participating in this survey (reading and thinking about the information presented, and responding to the questions) increased your level of engagement or curiosity about the criminal justice system and the problems it faces?

Not at all 1

2

3

Moderately 4

5

6

Completely 7

Don't know

SEC5Q5 [0,1]

What aspect of the information presented or questions you responded to had the most impact on you?

Please specify:

Don't know

SEC5COMM [0,1]

If you have any comments please enter them here:

1

SEC6P1

When someone is convicted of a crime, judges set the consequence based on factors including seriousness of offence and degree of responsibility of the offender.

Of the following considerations in making a decision about sanctions, what are the three most important from your point of view?

Please rank them in order of importance: first, second and third

SEC6Q1A

1st

Condemning illegal activity and the harm done to victims or the community

Deterring the offender and other persons from committing crimes

Separating offenders from the rest of society, where necessary

Assisting in the rehabilitation of offenders (e.g., drug treatment, anger management or job skills training)

Providing an opportunity for the offender to repair the harm done to victims and/or the community

Promoting in the offender a sense of responsibility and acknowledgement of the harm done to victims and/or the community by offenders

The cost of the sentence in tax dollars

The harm done to the victim

The number of past offences person has committed

Whether or not the offender has a mental illness or intellectual disabilities

SEC6Q1B

2nd

SEC6Q1C

3rd

SEC6P2

Aside from public safety and security, of the following, how important would you say each of the goals or values should be in the criminal justice system?

Please rank them in order of importance: first, second and third

SEC6Q2A

1st

Treats everyone fairly, taking into consideration his/her personal circumstances
Considers the circumstances of those who are vulnerable or marginalized
Places as much focus on addressing underlying social factors (e.g., poverty, inequality, mental health) of criminal behaviour as it does on punishing offenders
Provides information accounting for tax dollars spent
Is transparent or clear about rules and guidelines
Promotes a sense of trust or confidence in the criminal justice system
Reduces the chances of convicting an innocent person
Is timely (i.e., deals with matters with a minimum of delay)
Prevents crime
Promotes respect for the law
If there is another value or goal that was not listed here please specify and provide a ranking:

SEC6Q2B

2nd

SEC6Q2C

3rd

QDEMO

The following questions will be used for statistical purposes only. All responses are strictly confidential

D2

What is the highest level of formal education that you have completed to date?

Elementary school or less
Secondary school
Some post-secondary
College, vocational or trade school
Undergraduate university program
Graduate or professional university program
No response

D5

Which of the following categories best describes your total household income? That is, the total income of all persons in your household, before taxes?

- Under \$20,000
- \$20,000 to just under \$40,000
- \$40,000 to just under \$60,000
- \$60,000 to just under \$80,000
- \$80,000 to just under \$100,000
- \$100,000 to just under \$120,000
- \$120,000 to just under \$150,000
- \$150,000 and above
- No response

D1

Which of the following categories best describes your current employment status? Are you...?

- Working full-time (35 or more hours per week)
- Working part-time (less than 35 hours per week)
- Self-employed
- Student attending full time school (not working)
- Unemployed, but looking for work
- Not in the workforce (e.g. unemployed, but not looking for work, a full-time homemaker or parent)
- Retired
- Other
- No response
- Other
- Disability/Disability Pension

D8

Were you born in Canada?

- Yes
- No
- No response

QVISMN [1,3]

Do you consider yourself to belong to any of the following groups?

Select all that apply

A member of a visible minority

An Aboriginal person

A person with a disability

None of the above

No response

QFSA

What are the first three characters of your postal code?

77

No response

QCOMM

NO RESPONSE

In what type of community do you live?

Urban (town, city, suburb)

Rural (open swath of land with few houses and not many people)

On reserve

Remote (long distance from a populated area and lacks transportation links)

None of the above

No response

QRECRUIT

Would you be interested in participating in an online discussion on the same topic early in the new year?

Yes

No

THNK

Those are all the questions we have for you. Thank you for taking the time to complete this survey, it is greatly appreciated. Please press the "continue" button to submit your answers.

APPENDIX F:
PHASE II – ONLINE DISCUSSION RECRUITMENT
SCRIPT

EKOS - Canadian criminal justice system - Online Discussion

Dear Sir/Madam,

As you are aware from your previous participation, the Government of Canada has undertaken a study with EKOS Research Associates to explore Canadians' views and opinions of justice-related issues in Canada. This information will help the Department of Justice develop policy. We invite you to take part in this online discussion, which will allow for a deeper understanding of your attitudes, opinions, and priorities as they relate to the criminal justice system in Canada as well as a chance for you to anonymously interact with other participants.

Participation will likely take 40 to 60 minutes, and an honorarium of \$40 will be provided upon completion in appreciation of your time. The discussion board will be open for 3 days from **Wednesday, January 18th to Friday, January 20th**. You may complete the questions in one or multiple sittings using the internet-enabled device of your choice, but we ask that you complete the questions as early in this timeframe as possible, to allow time for participants to comment on other (anonymous) responses.

Your input will be confidential and will only be used for research purposes.

To register, please click the button below. Only the first 30 people to register will be eligible to participate due to study constraints. We thank all who are interested for their time.

VISIT THE REGISTRATION WEBSITE

If you should have any questions or concerns, please feel free to contact EKOS Research at online@ekos.com or 1-866-211-8881.

Thank you, in advance, for your cooperation.

Susan Galley EKOS Research Associates, Inc.

WINTRO

WEB INTRO

Thank you for visiting the survey website and agreeing to participate in our online discussion. Please select continue below in order to confirm your registration.

If you have any questions about how to complete the survey, please call Probit at 866.211.8881 or send an email to online@ekos.com.

Thank you in advance for your participation

Continue

THNK

Thank you for taking the time to complete this registration, it is greatly appreciated. You will be contacted by email on Wednesday, January 18th to begin the online discussion on the Canadian criminal justice system.

APPENDIX G: PHASE II – ONLINE DISCUSSION GUIDE

1. Confirmation

Please confirm that you do not work for the Department of Justice, are not a member of the media, and do not work at a social research firm.

I do not work for any of these

I work for one of these

2. Key Objectives of the Criminal Justice System (criminal justice system)

The Department of Justice Canada has heard from Canadians and experts about the need to balance these four objectives:

1. Safety and long term protection of Canadians
2. Ensuring offenders take responsibility for their actions and are held accountable
3. Providing an opportunity to repair harm done to victims and the community, and restoring relationships (between the victim, the community and the offender)
4. Providing support to help offenders onto a better path and addressing the root problems behind criminal activity (such as mental health issues, addiction, limited anger and risk-management skills, poverty, and social marginalization)

Results for the survey you completed in December showed that most Canadians felt that the first two objectives reflected their own values for the criminal justice system. The third and fourth, while seen positively, were not as strongly aligned with Canadian values.

While the vast majority of Canadians indicated that there would be a positive impact if greater efforts were made to focus on all four objectives, only two in three Canadians strongly supported increased efforts to focus on all 4 objectives.

3. Your Objectives

Are there objectives that are not included here that you feel are highly important to you?

If so, what are they and why are they important?

4. Rehabilitation and root problems

The fourth objective includes two elements – rehabilitation of offenders and addressing root problems - do you see these as different objectives (rehabilitation, addressing root causes)?

- Yes
- No

5. More Important

Is one of these more important than the other? Which one is your main focus when you read the fourth objective?

- Rehabilitation
- Root Problems

6. Direction of the criminal justice system

Do you support increased efforts to focus on all four objectives?

If so,

What do you think “efforts to better consider” these objectives in the criminal justice system would look like? Would you focus more on some objectives than others? When using these in the context of determining sanctions, what do you think of considering each on an individual basis (the weighting of each would differ for each accused/offender)?

If you **do not support** the four objectives, where should the main focus be on the criminal justice system moving forward?

7. Value of Incarceration

You may recall from the justice survey conducted last month that:

- Most people in the criminal justice system have committed non-violent crime
- Many people in the criminal justice system are socially, culturally and/or economically disadvantaged.
- Many people come into constant and repeated contact with the criminal justice system, mostly for minor and non-violent crime.
- Most people in jail have not yet been found guilty or sentenced – they are awaiting a court decision.
- Canada's incarceration rate is high compared to most western European countries

Some argue that the criminal justice system has a tendency to incarcerate too many accused who are awaiting trial, and too many who have committed non-violent offences. They might even argue that some of those who are cyclical offenders of minor or non-violent crimes might be better served by other methods such as treatment programs and skills-based training.

Others say that the criminal justice system must send a strong deterrence message to anyone who would commit a crime, and incarceration is a good way to do that.

Just over half of respondents in the survey agreed that there are too many people incarcerated in Canada. About one-quarter of Canadians either did not lean one way or another or indicated that they did not know if there were too many Canadians incarcerated.

Just under two-thirds of respondents agreed that incarceration should be reserved for only serious criminal offences. In the first survey just over two-thirds of respondents agreed the incarceration should only be used when less restrictive measures are not appropriate.

8. Unsure about incarceration rates

What do you think might account for the high percentage of Canadians who seem unsure about the incarceration rates, or if this is true for you personally, what makes you feel unsure about whether incarceration rates should stay the same or be reduced, and reserved for those committing serious offences?

9. Factors to consider

Beyond the type of crime committed and the characteristics of the offender, what factors need to be considered when deciding who should be incarcerated?

Please explain your thinking on this?

10. Appropriate incarceration

When do you think that incarceration is appropriate? (For what types of crime, for what offenders, in what situations, etc.)

Why do you say this?

11. Value of Community Based Sentences

Recall from the December survey that as an alternative to incarceration, there are several community based sentencing options (e.g., probation, conditional sentences). Sentencing options can also include an absolute or conditional discharge, restitution, and fines. There is research that indicates that the use of community sentences is associated with lower rates of re-offending compared to use of incarceration and that lower risk offenders who spend more time in prison are more likely to re-offend. Further, community based sentences cost much less than incarceration

Just over half of people participating in the survey said that they are highly supportive of community based sentences (e.g., conditional sentences, probation) for those found guilty of a non-violent crime. As with questions on incarceration, however, almost half of the respondents did not feel strongly one way or the other.

There was a much lower level of comfort for the use of community based sentences for those who had committed common assault (by far the most frequent type of violent offense committed)

Community based responses are a broader category of activities that could include restorative justice processes, community service, and rehabilitative/treatment programs. In a series of focus group conducted in 2016 participants expressed a high level of interest in these activities, seeing them as a way to divert people out of the criminal justice system where appropriate. Many respondents to the December survey did not strongly believe that community based responses would reduce instances or re-offending, increase public safety or efficiency or add to public confidence and trust in the system. In fact, most were on the fence, noting moderate impact.

12. View on non-violent crime

What is your own view on whether those who commit non-violent crime should be supervised in the community?

Tell us why you feel this way.

13. Reason for lack of support

What do you think might explain a lack of strong support for community based sentences for those who commit offences such as common assault?

If there was a low risk of reoffending would you be more supportive?

Why or why not?

14. Appropriate community-based

What kinds of crimes are community based sentencing appropriate for and why do you think so?

15. Reason for lack of strong opinion

What do you think might explain a lack of strong opinions one way or another for the use and effectiveness of community based responses in general?

16. Barriers and concerns

What barriers do you see or concerns would you have about the use of community-based sentences?

Please explain why you feel this way

17. How to increase support

What could increase your level of support for the use of community based sentences? (e.g., low risk offender, high level of supervision, more information on what this would entail, etc.)

Please explain why you feel this way.

18. Closely supervised

If a community based sentence had closely supervised terms and conditions, specific number of years/months of community service, and enforced rehabilitation, and was considered to “fit the crime”, would this be a good alternative to jail?

- Yes
- No

19. Better outcomes

If it resulted in better outcomes for the offender would this be a good alternative to jail?

- Yes
- No

20. Reduced cost

If it reduced the cost and backlog on the criminal justice system would this be a good alternative to jail?

- Yes
- No

21. Weighing incarceration vs. community based responses

According to the past surveys, many believe that

- incarceration should be used only when other less restrictive options are not appropriate
- incarceration should be used for serious offences
- the criminal justice system should not be keeping people who have not been convicted of their crime in jail as they await trial when there is low risk to public safety.

However, ensuring the offenders take responsibility for their actions and are held accountable is a value strongly supported by most Canadians. Canadians also believe that judges need to consider condemning the behaviours and harm done to the victim and deterring people from committing crime

or reoffending when determining an appropriate sentence. Further, in focus groups we heard that there needs to be a consequence, and the consequence has to fit the crime.

22. More important for sentencing

Do you think these considerations are important when deciding on sentences (jail, community based supervision, diversion to community solution etc)?

- Yes
- No

23. Important to be clear

Is it important that there be clear consequences for actions?

If so what would something like this look like to you?

24. Accountability

Do you feel that community based solutions have sufficient accountability and perceived consequences?

If not, why not? What is missing and how could this be achieved?

25. Appropriate consequences

If jail is not a good solution, but there needs to be appropriate consequences and a degree of accountability when crimes are committed, then

- What are appropriate alternatives to jail (i.e., what is a reasonable consequence that is also productive)?
- How can community based solutions demonstrate an acceptable level of taking responsibility, accountability and consequence

Please explain your thinking.

26. Value of Crime Prevention and Rehabilitation

Respondents throughout both surveys conducted for this research placed a strong focus and emphasis on crime prevention role for the criminal justice system – with a preference that crime be prevented through addressing root causes of criminal behaviour, followed by a preference that warning signs of potential criminal behaviour be addressed.

27. Rehabilitation and crime prevention

How do efforts to rehabilitate offenders fit with crime prevention? Are they one and the same? Are they different? Is one more likely to have a positive impact on communities? Is one more a "better" or desirable goal?

28. Treatment programs

Do you feel that treatment programs are effective and valuable in terms of decreasing the rate of re-offending, or reducing crime?

Why or why not?

29. Thank you!

Phew! This completes the questions. You've done a lot of hard work for us throughout this research!

If you have a chance, please go back and take a look at others' responses and take a moment to add some comments. Remember, other participants will only see your first name and last initial or the username you have chosen, so responses are anonymous.

Also, take a moment to message the moderator with your name and mailing address so that participation cheques can be mailed to your desired location.

Thank you so much for all of your effort and thoughtful work!