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An Introduction to Crime and Justice

CHAPTER OVERVIEW

This chapter provides an overview of the structure of the Canadian criminal justice system, which includes the police, courts, and corrections. *Discretion* plays a key role in allowing criminal justice workers to operate in an effective and efficient manner. This helps us understand how and why most offenders are “funnelled” out of the criminal justice system (as not every offender who is arrested ends up in prison). The use of discretion by key players assists in meeting the goals of the criminal justice system. These goals include preventing crime and protecting the public, supporting victims of crime and their families, holding offenders accountable for the crimes they have committed and assisting in their successful reintegration into society as law-abiding members of society. Although most Canadians agree on these goals they may assign different values to specific criminal justice issues.

This chapter provides a foundation for understanding crime, the criminal justice system, and the competing criminal justice perspectives in order to assist us in making sense of criminal justice. This chapter introduces us to the complexities of crime and the criminal justice system emphasizing the challenges involved in developing effective responses to crime in Canadian society. Given that most of our knowledge about crime has been shaped by the media, most Canadians are confused about the volume and seriousness of crime that occurs in Canada (and how the Canadian criminal justice system should respond to those acts). It is necessary to look at all aspects of a crime, as its impact is subjective and the law itself is dynamic.

CLASS ACTIVITIES

1. Ask the class, when they think of crime, what comes to mind? (Responses will typically be violent crime examples). Ask students to estimate how much of reported crime is comprised of violent crime. Discuss how the media impacts the way we see crime. Post crime statistics (or have students look them up on their electronic devices) to demonstrate that most crime is, in fact, property crime.
2. Review Figure 1.5 (p.16). After reviewing the amount of time convicted persons spend incarcerated in provincial correctional facilities (over half serve less than a month), is it possible to make any progress in terms of rehabilitating the offender? Ask the class how much time served would be ideal to assist offenders in returning to society as law-abiding citizens?
3. Ask students to identify crime prevention programs that they are aware of in their communities.

Do they think these programs are working? Why or why not? Do these programs align with the 5 main goals of the criminal justice system?

4. Should sentences given to defendants deter the individual or society in general? Discuss.
5. Should Canada bring back the death penalty? Have the class think about wrongful convictions and the death penalty.

ADDITIONAL SOURCE MATERIALS

1. **Highway of Tears** (2015). Dir. Matt Smiley. (1hr:19min)

<https://vimeo.com/ondemand/highwayoftears>

This documentary looks into the missing and murdered women along a 724 km stretch of highway in northern BC. The film demonstrates that Aboriginal women are considered abject victims of violence and this has to stop. First Nations leaders speak about what they are doing in terms of finding a way to solve the problems of violence and murder towards Aboriginal women (especially down this stretch of highway).

- a) Why are so many Indigenous women being murdered in Canada?
 - b) What should be done about the problem of violence against Indigenous women?
 - c) What are some of the root causes of the high numbers of missing and murdered women in Canada?
 - d) In spite of the high number of missing women down this stretch of highway, why did it take so long for something to be done about it? What factors (e.g., bias/stereotypes) may have delayed official investigations of these murders/disappearances?
2. **“Canada’s Wrongfully Convicted”** episode of *This is Why* (3 May 2019). Global News. Prods. John O’Dowd and Niki Reitmayer. Part 1 of 2. (23min:44sec)
<https://omny.fm/shows/this-is-why/canada-s-wrongfully-convicted>

This podcast examines the primary causes of wrongful convictions in Canada. Listeners will hear from 2 individuals who were wrongfully convicted. Robert Baltavich was wrongfully convicted of murdering his girlfriend in 1992 and served 8 years in prison. In 1992, Maria Sheppard was charged and convicted of murdering her 3 ½ year old step-daughter.

- a) What are the primary factors involved in wrongful convictions?
- b) What is tunnel vision?
- c) Discuss the role of faulty eyewitness identification in wrongful convictions?
- d) Discuss the role expert testimony played in Maria Sheppard’s wrongful conviction for manslaughter?

3. **The War at Home** (2016). Dir. Shelly Saywell. (43min)
<https://www.cbc.ca/firsthand/episodes/the-war-at-home>

This documentary examines the issue of domestic violence. The film takes us into the lives of victims of domestic violence and the challenges they face as they navigate a complex justice system.

- a) What is ‘the war at home’ as described in this film? Why is domestic violence referred to this way?
- b) What are some of the official statistics regarding domestic violence in Canada?
- c) How does the criminal justice system respond to victims of domestic violence? What are the barriers to victims receiving the services and supports they need?

4. **Indigenous Poverty and Crime in the Murder Capital of Canada** (January 28, 2016). Al Jazeera America News. (4min:23sec).
<https://www.youtube.com/watch?v=OZbkF8Swe58>

This segment from Al Jazeera America News reports on the problems that Indigenous peoples living in the prairies of Canada are experiencing. With a specific focus on Winnipeg (Canada’s murder capital), the reporter examines why, when Indigenous peoples only make up 5 per cent of Canada’s national population, are 25 per cent murdered and do 25 per cent of their population end up behind bars? Indigenous people do not experience the same reality as the rest of Canadians. Indigenous struggles began with colonization and continue today, but is there hope?

- a) Why is there so much violence in Winnipeg?
- b) What factors contribute to the over-representation of Indigenous people in prison?
- c) How much does being Indigenous play a part in being involved in a crew (gang)?
- d) What can be done to address the violence against Indigenous people in Canada?

5. **CBC July 7 Bill C-36** (8 July 2014). CBC News. (9min:8sec).
<https://www.youtube.com/watch?v=NMQuvZ5y3g0>

This segment from CBC examines two differing perspectives on sex work and has personal commentary from Timea Nagy and Naomi Sayers, who both presented to the Parliamentary committee, examining the proposed Bill C-36 (which has since been passed). What effects (if any) does this bill will have on sex workers in Canada was discussed.

- a) How will the proposed changes affect sex workers?
- b) Will this bill protect sex workers or put them in greater peril? Discuss.

- c) Can sex work ever be a choice? Discuss.
- d) Why does criminalizing clients not work?
- e) Should prostitution be legalized or decriminalized?