

Chapter 2—The Structure and Process of Criminal Justice

TRUE/FALSE

1. The federal Department of Justice is responsible for law reform and criminal justice policy.

ANS: T PTS: 1 REF: p. 25

2. Disparity in decision making in the criminal justice system is due, in large measure, to the considerable discretion available to criminal justice personnel.

ANS: T PTS: 1 REF: p. 29

3. The federal government has the absolute power to create, amend, and repeal criminal law for the entire country.

ANS: T PTS: 1 REF: p. 25

4. Most of the decisions of criminal justice decision makers are based on scientific formulas.

ANS: F PTS: 1 REF: p. 29

5. Aboriginal individuals are overrepresented at all stages of the criminal justice system.

ANS: T PTS: 1 REF: p. 32

6. Everyone who works in the criminal justice system is a government employee.

ANS: F PTS: 1 REF: p. 21

7. Crown attorneys are typically protected from being required to testify in court.

ANS: T PTS: 1 REF: p. 33

8. Criminal justice expenditures have increased over the past 10 years.

ANS: T PTS: 1 REF: p. 35

9. There are few obstacles to the sharing of information among criminal justice agencies.

ANS: F PTS: 1 REF: p. 21

10. Policing costs Canadians more than \$13 billion per year.

ANS: T PTS: 1 REF: p. 35

11. Criminal justice is the scientific study of crime and criminal behaviour.

ANS: F PTS: 1 REF: p. 20

12. Housing a male maximum security inmate costs more than \$100,000 per year.

ANS: T PTS: 1 REF: p. 35

13. The terms criminology and criminal justice can be used interchangeably, since they are different terms with a shared definition.

ANS: F PTS: 1 REF: p. 20

14. A key focus in criminology is on the potential causes of crime.

ANS: T PTS: 1 REF: p. 20

15. Both federal and provincial/territorial judges are subject to review by the Canadian Judicial Council.

ANS: F PTS: 1 REF: p. 33

16. Researchers agree that criminal justice should be considered a sub-field of criminology.

ANS: F PTS: 1 REF: p. 20

17. Recent trends support increased accountability on the part of the criminal justice system.

ANS: T PTS: 1 REF: p. 32

18. The term “penal populism” relates to correctional policies rooted in strong support from an informed public.

ANS: F PTS: 1 REF: p. 37

19. Police officers are generally immune from criminal prosecution.

ANS: F PTS: 1 REF: p. 33

20. Research shows that for deterrence to be effective, punishment must be certain and applied in a timely fashion.

ANS: T PTS: 1 REF: pp. 30–31

MULTIPLE CHOICE

1. Which of the following spells out the division of responsibilities for criminal justice between the federal and provincial governments?
- the *Criminal Justice Act*
 - the *Constitution Act (1867)*
 - the *Charter of Rights and Freedoms*
 - the *Criminal Code*

ANS: B PTS: 1 REF: p. 24 MSC: Remember

2. In Canada, which of the following holds the power and responsibility for creating, amending, and repealing the criminal law?
- the federal government
 - the provincial/territorial governments
 - the municipal governments
 - special committees comprising all three levels of government

ANS: A PTS: 1 REF: p. 25 MSC: Remember

3. Which statement is most accurate with respect to municipal governments in Canada?
- They have no involvement in the administration of justice.
 - They do not have the authority to impose fines.
 - They can enact bylaws that are valid within the city limits.
 - They enact bylaws that can encroach on the jurisdiction of other levels of government.

ANS: C PTS: 1 REF: p. 25 MSC: Remember

4. Which of the following is NOT identified as a factor preventing criminal justice agencies and personnel from operating as a “system”?
- multiple mandates
 - obstacles to information sharing
 - the diversity and complexity of the justice system
 - the inability to explain criminal behaviour

ANS: D PTS: 1 REF: p. 21 MSC: Remember

5. Which orientation to criminal justice prioritizes the legal rights of individual citizens, including crime suspects?
- due process orientation
 - crime control orientation
 - legalistic orientation
 - social welfare orientation

ANS: A PTS: 1 REF: pp. 21–22 MSC: Higher Order

6. Which of the following describes the exercise of discretion by criminal justice personnel?
- It is prohibited by the Canadian Charter of Rights and Freedoms.
 - It is a key feature of the Canadian criminal justice system.
 - It is present only at the policing stage of the criminal justice system.
 - It is necessary to ensure uniformity in the decisions that are made about offenders.

ANS: B PTS: 1 REF: p. 29 MSC: Higher Order

7. Which of the following is a responsibility of the federal government?
- a. appointing every judge throughout Canada
 - b. making every conditional release decision throughout Canada
 - c. operating a national police force
 - d. housing every offender sentenced to a term of imprisonment

ANS: C

PTS: 1

REF: p. 25

MSC: Higher Order

8. Common-law rules for criminal prosecutions have been enshrined in the Charter of Rights and Freedoms. Which of the following is NOT a principle found in the Charter?
- a. presumption of innocence
 - b. attempts are crimes
 - c. insanity
 - d. the defence bears the burden of proof

ANS: D

PTS: 1

REF: p. 28

MSC: Remember

9. When given the same information on a case involving a 22-year-old Aboriginal man charged with common assault, one judge orders probation whereas another judge orders a term of imprisonment for two years less a day. Which of the following best describes this scenario?
- a. sentencing disparity
 - b. sentencing distinction
 - c. offence discrimination
 - d. offender discrimination

ANS: A

PTS: 1

REF: p. 29

MSC: Higher Order

10. Diane is a police officer with conservative political values who believes in the protection of victim rights over those of alleged offenders. Which of the following models aligns most clearly with these beliefs?
- a. the crime control model
 - b. the due process model
 - c. the adversarial model
 - d. the inquisitorial model

ANS: A

PTS: 1

REF: pp. 21–22

MSC: Higher Order

11. Luke is a criminal defense attorney with liberal political values who believes in procedural fairness and protecting the rights of all involved in a criminal incident (including alleged offenders). Which of the following models aligns most clearly with these beliefs?
- a. the crime control model
 - b. the due process model
 - c. the adversarial model
 - d. the inquisitorial model

ANS: B

PTS: 1

REF: p. 21–22

MSC: Higher Order

12. Which of the following is NOT a research topic commonality shared by criminology and criminal justice?
- a. crime patterns and trends
 - b. the formulation and application of law
 - c. possible causes of crime
 - d. law and legislation

ANS: C

PTS: 1

REF: p. 20

MSC: Higher Order

13. Ciara is hoping to study racial profiling of potential offenders among police officers. Which of the following fields does this research best fit into?
- a. legal studies
 - b. criminalistics
 - c. criminology
 - d. criminal justice

ANS: D

PTS: 1

REF: p. 20

MSC: Higher Order

14. Theo is interested in studying public perceptions of long-term offenders. Which of the following fields does this research best fit into?
- a. criminology
 - b. criminal justice
 - c. criminalistics
 - d. legal studies

ANS: A

PTS: 1

REF: p. 20

MSC: Higher Order

15. Which of the following models encourages a strong presumption of offender guilt?
- a. the due process model
 - b. the crime control model
 - c. the social welfare model
 - d. the individual rights model

ANS: B

PTS: 1

REF: p. 22

MSC: Higher Order

16. Evan is a police officer in Vancouver's Downtown Eastside. This community is very different from his former position in a suburban area of Vancouver. What are these different areas called?
- a. work placements
 - b. work environments
 - c. task environments
 - d. task placements

ANS: C

PTS: 1

REF: p. 23

MSC: Higher Order

17. Which level of government is responsible for the *Criminal Code*?
- a. municipal
 - b. regional
 - c. provincial/territorial
 - d. federal

ANS: D

PTS: 1

REF: p. 24

MSC: Remember

18. Ellen is researching crime rates and trends. She has noticed that the number of crimes reported to police is considerably higher than the number of cases that result in convictions. Which of the following terms applies to this finding?
- a. the criminal justice funnel
 - b. a due process orientation
 - c. penal populism
 - d. different task environments

ANS: A

PTS: 1

REF: pp. 25–27

MSC: Higher Order

19. Jenna is a police officer who often encounters young offenders in her day-to-day activities. If these offenders have not committed a serious crime and have a limited criminal history, Jenna is likely to avoid pursuing formal criminal charges. Which of the following best explains this behaviour?
- a. departmental flexibility
 - b. officer discretion
 - c. differing task environments
 - d. duty to act fairly

ANS: B

PTS: 1

MSC: Higher Order

20. The RCMP is considering offering a monetary pay-out to a serial killer in exchange for information about the location the remains of several missing victims. Which of the following best describes this practice?
- a. the duty to act fairly
 - b. departmental discretion
 - c. an ethical dilemma
 - d. a due process orientation

ANS: C

PTS: 1

REF: pp. 29–30

MSC: Higher Order

21. Which of the following criminal justice system employees is NOT among those typically immune from prosecution?
- a. probation officers
 - b. Crown attorneys
 - c. parole board members
 - d. police officers

ANS: D

PTS: 1

REF: p. 33

MSC: Higher Order

22. In recent years the federal government has pushed to increase the use and applicability of mandatory minimum sentences. Which of the following best describes this practice?
- a. penal populism
 - b. a due process orientation
 - c. increased discretion
 - d. duty to act fairly

ANS: A

PTS: 1

REF: p. 37

MSC: Higher Order

23. In recent years the criminal justice system has seen an increase in the number of persons with mental illness and substance addictions entering the system. Which of the following best describes this challenge?
- a. increasing diversity
 - b. downloading onto the justice system
 - c. changing boundaries of criminal justice agencies
 - d. the rise of surveillance society

ANS: B

PTS: 1

REF: p. 40

MSC: Higher Order

24. Which level of government is responsible for the administration of justice?
- a. municipal
 - b. regional
 - c. provincial/territorial
 - d. federal

ANS: C

PTS: 1

REF: p. 24

MSC: Higher Order

25. Which level of government is responsible for the operation of the Parole Board of Canada?
- a. municipal
 - b. regional
 - c. provincial/territorial
 - d. federal

ANS: D

PTS: 1

REF: p. 25

MSC: Remember

SHORT ANSWER

1. Describe and discuss the responsibilities for criminal justice of a) the federal government; b) provincial/territorial governments; and c) municipal governments.

ANS:

Responses will vary.

Federal: which behaviours are criminal; RCMP; SCC; PBC; CSC

Provincial: law enforcement, administration of justice; enact laws under provincial jurisdiction

Municipal: enact bylaws w/in city limits

PTS: 1

REF: pp. 24–25

2. Identify and describe the factors that hinder the criminal justice system operating as a “system.”

ANS:

Responses will vary.

Different mandates of Criminal Justice agencies

Lack of interoperability (inability of hardware and software from multiple agencies to interact w/ each other)

Failure of info sharing

PTS: 1

REF: p. 21

3. What is meant by the assertion that the criminal justice system is a “human enterprise,” and what are the implications of this for how the justice system operates?

ANS:

Responses will vary.

Human beings—decision makers, unique combo of education, training, personal experiences, religious beliefs

Disparity in decision making

PTS: 1 REF: p. 29

4. Discuss the “criminal justice funnel” and note its implications for systems of corrections.

ANS:

Responses will vary.

Dramatic attrition of cases as proceed through CJS process

Funnel represents progression from reported crime through to convictions

Not every crime leads to conviction

PTS: 1 REF: pp. 25–27

5. Discuss whether Canadians are receiving “value for service” with respect to expenditures on the criminal justice system.

ANS:

Responses will vary.

Unclear

No capacity to assess performance and determine outcomes

Need evidence-based practices

PTS: 1 REF: pp. 35–36

6. Identify and discuss one example from the textbook that demonstrates the challenges of doing justice in a multicultural society.

ANS:

Responses will vary.

Aboriginal peoples, LGBT, visible/cultural minorities, etc.

Multicultural society

Bill C-60 in Quebec

RCMP policy re: Sikh members and turbans

PTS: 1 REF: pp. 40–41

7. Compare and contrast the crime control model with the due process model as examples of models of criminal justice administration.

ANS:

Responses will vary.

Crime control: protection of community and apprehension of offenders paramount

—deterrence

—incapacitation

—offenders responsible

—administration of justice swift, sure, efficient

—rights of victims paramount

—presumption of guilt

—conservative

Due process: legal rights of citizens paramount

—equal justice

—offenders responsible

—administration of justice deliberate

—procedural fairness

—rights of defendants

—discretion controlled

—presumption of innocence

—liberal

PTS: 1

REF: pp. 21–22

8. Discuss what research studies suggest about the deterrent effect of the law.

ANS:

Responses will vary.

—people must be aware that legal sanctions will be applied

—certainty of punishment must be present

—sanction must be applied swiftly

PTS: 1

REF: p. 30–31

9. Identify and explain the basic principles of an adversarial criminal justice system.

ANS:

Responses will vary.

Innocence presumed—guilt must be proven beyond reasonable doubt

Crown bears burden of proof—must prove guilt

Doli incapax—too young for evil, under age 12 NCR

Insanity—severe mental disorder, NCR if couldn't know act was wrong at time of crime

Attempts are crimes—beyond planning, generally ½ penalty

PTS: 1

REF: p. 28

10. Compare and contrast the terms “ethical issue” and “ethical dilemma.” Provide one example of each.

ANS:

Responses will vary.

Ethical issues—broad social questions, often related to gov’t social control and impact

e.g., which laws to pass, which sentences to attach to crimes

Ethical dilemmas—CJS personnel in situations where they must decide what to do (serious, difficult, major influence)

e.g., use of police informants

PTS: 1

REF: pp. 29–30

ESSAY

1. Define and discuss the term “task environment,” as well as its implications for the way the criminal justice system operates. Using your own city or province/territory as an example, identify differences between and even within one jurisdiction, identifying how these environments pose different and challenging circumstances for the criminal justice system.

ANS:

Responses will vary.

—cultural, geographic, and community setting in which CJS operates and personnel make decisions

—types of crime/disorder

—decision making options available

—effectiveness of policies and programs

—potential for development of programs/services

PTS: 1

REF: pp. 23–24

2. A key attribute of decision making in the criminal justice system is the exercise of discretion by criminal justice personnel. Discretion has both positive and negative connotations and the use and abuse of discretion has been the focus of extensive research and debate. A few observers have argued that discretion should be abolished, while others have argued that discretion should be structured and confined with specific, published guidelines. Still other criminal justice observers argue that discretion is a healthy and necessary component of the criminal justice system and that no guidelines or controls on its exercise should be imposed on criminal justice decision makers. Discuss these issues.

ANS:

Responses will vary

Human enterprise

Influenced by unique backgrounds, training, and experience

PTS: 1

REF: p. 29

3. Make a list of the potential benefits and possible difficulties with the exercise of discretion at various stages of the criminal justice system. Consideration should be given to the following questions: Should there be any controls on the exercise of discretion by criminal justice personnel? If not, why not? If so, what types of control should exist at the various stages of the criminal justice system?

ANS:

Responses will vary

Benefits: flexibility given situation

Weaknesses: disparity in decision making

PTS: 1

REF: p. 29

4. Consider the “criminal justice funnel” depicted in Figure 2.3 on page 27. Identify the factors that contribute to the attrition of cases from the police stage to the corrections stage. What role do factors such as being a member of a cultural or visible minority, being Aboriginal, being poor, the seriousness of the offence, plea bargaining, and having a good lawyer play in creating the “funnel”?

ANS:

Responses will vary

Discretion

Reporting

Responding

Pleas

PTS: 1

REF: pp. 25–28

5. Explore the factors that prevent the criminal justice system from operating as a system. Following a discussion of these factors, identify potential strategies to mitigate these factors in order to increase the efficiency and effectiveness of the criminal justice system. Identify the potential obstacles to the implementation of these strategies.

ANS:

Responses will vary

—different mandates

—interoperability

—info sharing

PTS: 1

REF: p. 21

6. Discuss the effectiveness of criminal law as a deterrent from committing crime. Discuss the conditions that must be present for criminal law to act as a deterrent, as demonstrated by research evidence. Why are you deterred from committing criminal acts? Does the law acts as an effective deterrent for you and your friends/family? Discuss whether or not they believe criminal law serves as an effective deterrent, the circumstances if/when it does, and what prevents criminal law from being an effective deterrent to criminal behaviour.

ANS:

Responses will vary

Must be

- aware of sanctions
- certainty of punishment
- swiftness of sanctions
- mental illness
- poverty
- punishment not swift
- adversarial model

PTS: 1

REF: pp. 30–31

7. Compare and contrast the key differences between the fields of criminology and criminal justice. How are these fields similar? What are the major differences between the two?

ANS:

Responses will vary

Criminology's focuses:

- crime and criminal behaviour
- causes of crime
- explanations of crime
- specific types of criminal activity
- crime patterns and trends
- nature/extent of victimization
- criminalization of certain groups
- formation and application of law
- public perceptions
- comparative crime
- specific offender groups
- legislation of morality
- research methods

Criminal justice:

- law making
- social control and punishment
- mandate and activities of courts
- decision makers in CJS
- non-government organizations
- at-risk and vulnerable pops
- role and activities of community
- formation and application of law
- ethics and accountability
- misbehaviour and corruption
- racism and sexism in CJS

- comparative criminal justice
- research methods— CJS
- structures of governance
- effectiveness of CJS strategies

PTS: 1 REF: pp. 20–21

8. Consider the Clifford Olsen and Shawn Lamb cases (Box 2.1) in Chapter 2. How do you feel about the practice of paying murderers for information about their crimes? Does this raise ethical concerns? Why or why not? Use examples to support your position.

ANS:

Responses will vary

Olsen: cash for corpses deal, family paid \$100, 000

Lamb: \$1500 for info on missing and murdered women (canteen acct), plea bargain

Moral issues, discretion, wanting to solve cases, provide closure to victims' families

PTS: 1 REF: pp. 29-30

9. Consider Bill C-60 (The Quebec Charter of Values) as discussed in Box 2.2 in Chapter 2. How would this proposed Bill have altered some of the rights promised in the Canadian Charter of Rights and Freedoms? How do you feel about this proposed piece of legislation? Provide examples to support your stance on this issue.

ANS:

Responses will vary

—meant to be a multicultural society

Recommendations:

—neutrality for all state employed personnel

—limit wearing of conspicuous religious symbols

—mandatory to keep face uncovered

—aimed primarily at non-Christian groups? (Muslims, Sikhs, Jewish)

—violates fundamental rights (freedom of religion)

—morality?

PTS: 1 REF: pp. 40–41