



**The 2007 National Justice Survey:  
*Tackling Crime and Public Confidence***

# The 2007 National Justice Survey: Tackling Crime and Public Confidence

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*The views expressed herein are solely those of the authors  
and do not necessarily reflect those of the Department of Justice Canada  
or Government of Canada.*



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# Executive Summary

## Introduction

Understanding public opinion is a complex area of research, particularly when examining attitudes towards the criminal justice system. Previous research has shown that few Canadians are well versed in the technical and legal aspects of sentencing policy, for example, yet most continue to hold relatively strong and oftentimes polarised views on the subject. In addition, there is a tendency within public opinion research to overly simplify criminal justice system issues using dichotomous concepts such as ‘too harsh’ or ‘too lenient’. Nonetheless, public opinion research can often have a strong influence on criminal justice policy. As well, governments are relying more and more on public opinion as a valid tool to measure their performance and to track changes over time. Understanding what drives public opinion, therefore, is an important task.

The goal of the 2007 National Justice Survey (NJS) was threefold. First, the NJS (2007) sought to develop an understanding of public confidence in the criminal justice system in general, and in specific components of the justice system (e.g., police, courts). Second, the NJS (2007) was designed to solicit public attitudes towards major criminal justice policies. Given the federal government’s current focus on ‘Tackling Crime’, opinion was sought on some of the more topical criminal justice policies being debated within the political landscape, such as mandatory minimum penalties, conditional sentences, and illegal drugs. The questions were essentially developed based upon the current priorities within the Department of Justice, as well as discussions within Parliamentary Committees and Federal/Provincial/Territorial Working-Groups. Thirdly, the questions within the NJS (2007) were structured in order to better understand the factors that drive public confidence in the criminal justice system, with a particular emphasis on the relationship between justice policy and confidence.

## Method

The 2007 National Justice Survey was a household telephone survey of 4,502 Canadians over the age of 18 years. The survey was conducted between February 27 and March 29, 2007 in all ten provinces using a random digit dialling method. On average, interviews were approximately 31 minutes in length. In order to randomly select a single respondent in multi-person households, the individual with the next upcoming birthday was selected.

The effective response rate for this survey was 9%, which, although low, is relatively consistent with industry norms for a random digit dialling survey. The response rate was calculated as the number of responding participants (i.e., completed interviews, disqualifications and over-quota participants), divided by the number of unresolved numbers (i.e., busy signals, no answer) plus non-responding households or individuals (i.e., refused to participate, language barrier, missed call-backs) plus responding participants.

The sample in each province was intentionally disproportionate to the provincial populations in order to ensure adequate sample sizes at a regional level for analytical purposes. Overall, the margin of error was +/- 1.5% (19 times out of twenty).

## Results

It is clear that public confidence in the criminal justice system in Canada is relatively low. If we compare confidence in the justice system to confidence in other public systems, such as health and education, there is a clear difference. Given that the health care system is often a top priority for Canadians, it is interesting that the justice system is rated much lower. Confidence decreases as one moves through the criminal justice process from arrest (i.e., police) to trial and sentencing (i.e., courts and corrections) and ultimately to release (i.e., parole).

Canadians have relatively high confidence that the police will solve crimes, that the courts will convict the right individuals, and that the prison system will prevent them from escaping. The central concern expressed by Canadians is that sentences may not always be appropriate (either in quantum or in design) and that the prison system does not 'rehabilitate' offenders. Not surprisingly then, the public also believes that the parole system is therefore releasing the wrong offenders and that these offenders will likely re-offend. Thus, it is likely that the expressed lack of confidence is centred mostly around sentencing practices.

A high proportion of Canadians do not have confidence in the official criminal justice statistics, such as the parole release rate.

Two-thirds of Canadians support the current government's approach to criminal justice issues which involve increasing police presence, strengthening sentencing laws, and trying to prevent youth drug and gang involvement.

Canadians indicated that the three most important goals of sentencing should be repairing the harm caused by the crime, making the offender take responsibility for his or her actions (i.e., accountability) and rehabilitating the offender in order to prevent him or her from committing another offence. When asked to select the *most* important, the same three objectives were again chosen, although rehabilitation was identified as the most important.

Most Canadians support tougher penalties for serious drug offenders (e.g., traffickers and manufacturers) but more than half also support treatment programs and prevention programs as approaches.

With regards to particular criminal justice policies, the seriousness of the crime often influences how the public will respond. Canadians are supportive of the idea that those convicted of serious violent crimes (e.g., sexual assault, murder, robbery) should be



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required to submit a DNA sample to aid in past and future criminal investigations. This level of support is not maintained, however, for less serious crimes. The public also supports the use of bail credits at sentencing, but again this was tempered by the seriousness of the crime. The support is much lower when the crime is serious in nature. Support for mandatory minimum penalties is directly related to the seriousness of the crime while support for conditional sentences is inversely related to seriousness.

There is a core group of Canadians that support conditional sentences regardless of the nature of the offence. On the other hand, there is also a core group of Canadians that support mandatory minimum penalties even for less serious offences. If one understands conditional sentences and MMPs as conflicting sentencing practices (since by nature an MMP would preclude the use of a conditional sentence), then Canadians generally fall into three clear groups. First, there is a quarter of Canadians who appear to, in principle, support the use of non-custodial sentencing options in response to criminal behaviour, even for very serious offences. Second, there is another quarter of Canadians who, again in principle, appear to support use of custody as a response to crime, even for minor offending. Lastly, there is a third group, representing the remaining half of Canadians, who waiver between these two positions depending on the circumstances of the crime and the offender.

Finally, the strongest predictor of public confidence is one's perception of the accuracy of official justice statistics (e.g., parole granting rates). Those who trust official statistics typically express higher levels of confidence than those who do not trust official statistics. In addition, those who believe crime has increased are much *less likely* to have confidence in the criminal justice system.

# 1. Introduction

Understanding public opinion is a complex area of research, particularly when examining attitudes towards the criminal justice system. Previous research has shown that few Canadians are well versed in the technical and legal aspects of sentencing policy, for example, yet most continue to hold relatively strong and oftentimes polarised views on the subject. In addition, there is a tendency within public opinion research to overly simplify criminal justice system issues using dichotomous concepts such as ‘too harsh’ or ‘too lenient’. Nonetheless, public opinion research can often have a strong influence on criminal justice policy. As well, governments are relying more and more on public opinion as a valid tool to measure their performance and to track changes over time. Understanding what drives public opinion, therefore, is an important task.

The goal of the 2007 National Justice Survey (NJS) was threefold. First, the NJS (2007) sought to develop an understanding of public confidence in the criminal justice system in general, and in specific components of the justice system (e.g., police, courts). Second, the NJS (2007) was designed to solicit public attitudes towards major criminal justice policies. Given the federal government’s current focus on ‘Tackling Crime’, opinion was sought on some of the more topical criminal justice policies being debated within the political landscape, such as mandatory minimum penalties, conditional sentences, and illegal drugs. The questions were essentially developed based upon the current priorities within the Department of Justice, as well as discussions within Parliamentary Committees and Federal/Provincial/Territorial Working-Groups. Thirdly, the questions within the NJS (2007) were structured in order to better understand the factors that drive public confidence in the criminal justice system, with a particular emphasis on the relationship between justice policy and confidence.



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## 2. Method

**T**he 2007 National Justice Survey was a household telephone survey of 4,502 Canadians over the age of 18 years. The survey was conducted between February 27 and March 29, 2007 in all ten provinces using a random digit dialling method. On average, interviews were approximately 31 minutes in length. In order to randomly select a single respondent in multi-person households, the individual with the next upcoming birthday was selected.

Response rate in public opinion research is a recurring methodological concern. The central issue is whether or not the sample is actually random, and therefore likely representative of the broader population. The effective response rate for this survey was 9%, which, although low, is relatively consistent with industry norms for a random digit dialling survey. The response rate was calculated as the number of responding participants (i.e., completed interviews, disqualifications and over-quota participants), divided by the number of unresolved numbers (i.e., busy signals, no answer) plus non-responding households or individuals (i.e., refused to participate, language barrier, missed call-backs) plus responding participants.

Response rate=[responding participants/(unresolved numbers + non-responding households + responding participants)]

### 2.1 Sample

The sample frame and the provincial margins of error at the 95% confidence level are summarized in Table 1. The sample in each province was intentionally disproportionate to the provincial populations in order to ensure adequate sample sizes at a regional level for analytical purposes.

<b>Table 1: Provincial Sampling And Margin Of Error</b>		
	<b>N (%)</b>	<b>95% Margin of Error</b>
<b>Province</b>		
Newfoundland	270 ( 6.0%)	+/- 5.8%
Prince Edward Island	271 ( 6.0%)	+/- 5.8%
Nova Scotia	270 ( 6.0%)	+/- 5.8%
New Brunswick	270 ( 6.0%)	+/- 5.8%
Quebec	720 (16.0%)	+/- 3.6%
Ontario	720 (16.0%)	+/- 3.6%
Manitoba	270 ( 6.0%)	+/- 5.8%
Saskatchewan	271 ( 6.0%)	+/- 5.8%
Alberta	720 (16.0%)	+/- 3.6%
British Columbia	720 (16.0%)	+/- 3.6%
<b>TOTAL</b>	4,502 (100%)	+/- 1.5%

Just over half of the respondents were women (51.7%), almost two-thirds (63.8%) were married or in a common-law relationship, and approximately one-third (32.1%) had children under the age of 18 living at home. The average age of the respondents was 50.5 years ( $SD=15.9$ ) and the median annual household income was between \$50,000 and \$60,000. A small proportion of the sample (3.4%) self-identified as an Aboriginal and 13.2% identified as a member of a visible minority group.

Table 2 provides additional demographic information on the sample. Nearly two-thirds of respondents (61.1%) were working (either full- or part-time), while a quarter of the sample (25.0%) were retired. It appears that the sample is comprised of relatively educated Canadians as more than half (54.2%) had completed some form of post-secondary education. Of the 15.9% of respondents who spoke French most often at home, the vast majority were from Quebec (88.3%), followed by New Brunswick (5.8%) and then Ontario (2.4%). The sample was relatively evenly divided into those that regularly attend religious services, those that attend only on special occasions and those that never attend religious services.



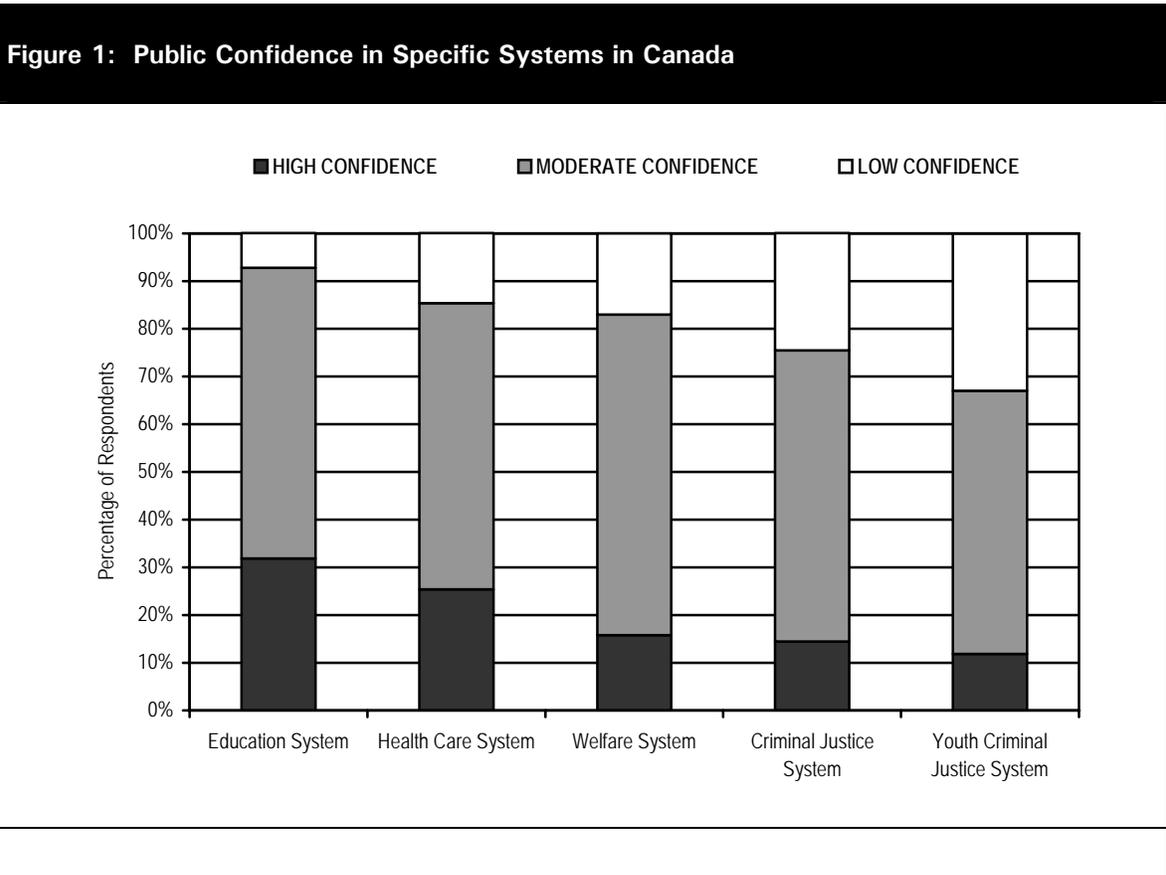
**Table 2: Demographics**

VARIABLE	N (%)
<b>Employment status (N=4,459)</b>	
Employed full-time	2,245 (50.4%)
Employed part-time	476 (10.7%)
Unemployed	167 ( 3.8%)
Stay at home	230 ( 5.2%)
Student	163 ( 3.7%)
Retired	1,114 (25.0%)
Disability Pension	64 ( 1.4%)
<b>Highest Level of Education Attained (N=4,461)</b>	
Less than high school	476 (10.7%)
High school	1,563 (35.0%)
College	902 (20.2%)
Undergraduate	854 (19.1%)
Graduate	666 (14.9%)
<b>Language Spoken Most Often at Home (N=4,477)</b>	
English	3,602 (80.5%)
French	710 (15.9%)
Other	165 ( 3.7%)
<b>Religious Service Attendance (N=4,438)</b>	
Regular attendance	1,318 (29.7%)
Special occasions / irregular attendance	1,608 (36.2%)
Never	1,512 (34.1%)

### 3. Results

#### 3.1 Public Confidence in the Criminal Justice System

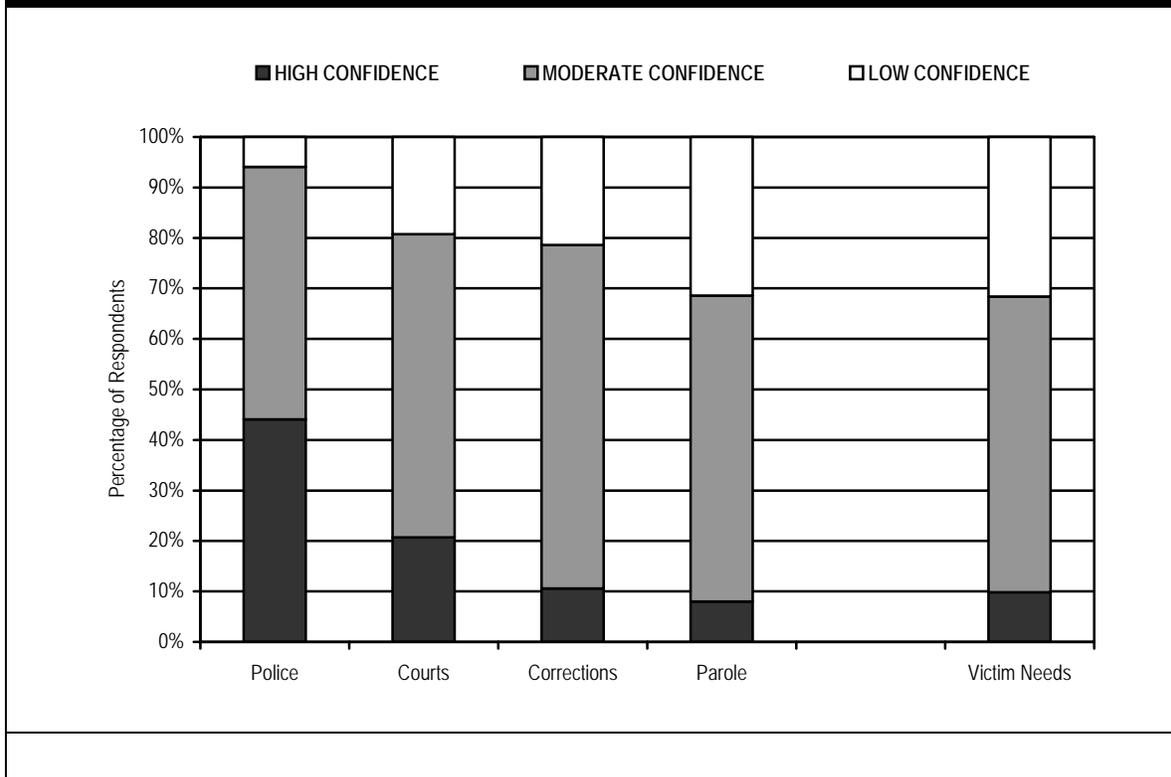
Respondents were asked to rate their level of confidence in several public services on a scale from 1 (representing very low confidence) to 10 (representing very high confidence). For the purposes of presenting the overall confidence levels, the ten-point scale was grouped into low confidence (1, 2, 3), moderate confidence (4,5,6,7) and high confidence (8,9,10). Respondents generally expressed lower confidence in the criminal justice system compared to the education system, the health care system and the social welfare system (see Figure 1). Even more evident was the lack of confidence expressed in the youth criminal justice system. One-quarter of respondents indicated a low level of confidence in the criminal justice system and one-third rated their confidence in the youth criminal justice system as low. Although confidence in the youth criminal justice system was rated relatively low, when further probed, the vast majority of respondents (86.4%) provided a moderate or high level of support for the idea that the youth criminal justice system should take into consideration the fact that youth are less mature than adults.





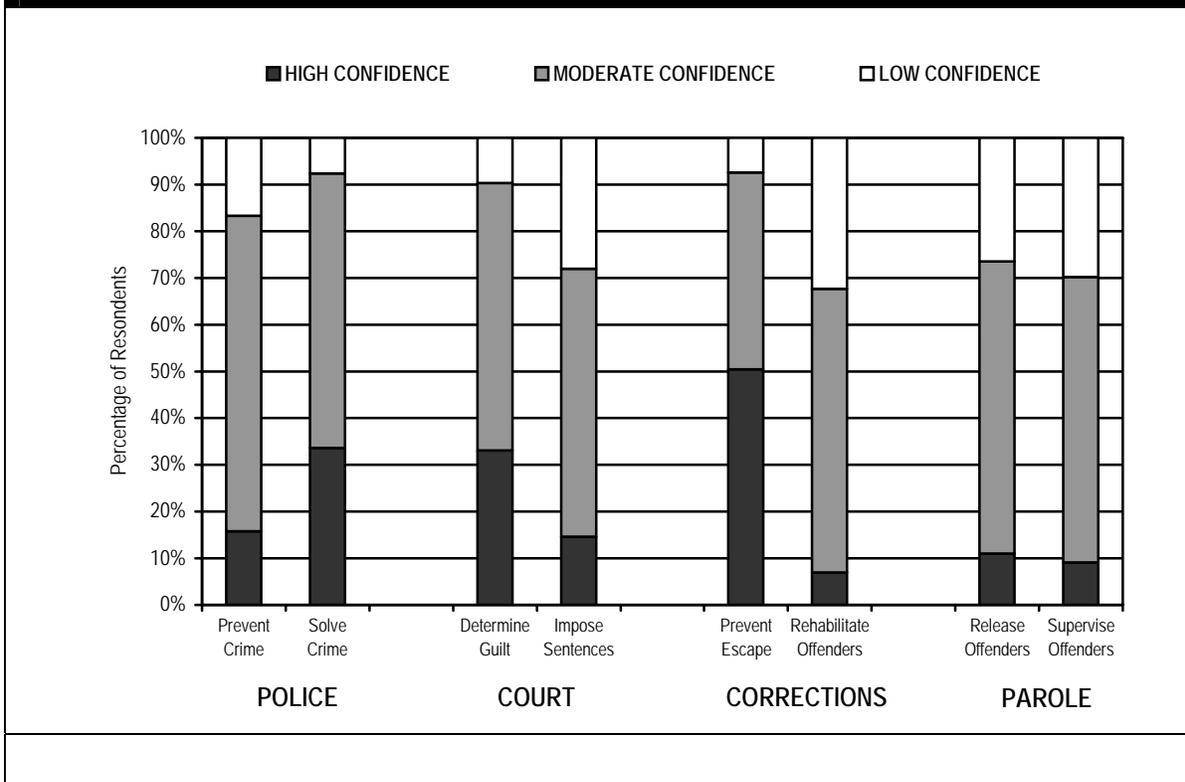
When asked to express their confidence in specific aspects of the criminal justice system, the pattern was clear (see Figure 2). Respondents were more likely to indicate lower confidence as they moved further along in the criminal justice process from police to parole. Confidence in the ability of the criminal justice system to be responsive to the needs of victims was also rated quite low.

**Figure 2: Public Confidence in Specific Criminal Justice System Components**



In order to gain a general understanding of the public's confidence in the specific responsibilities of the police, courts, correctional system and parole system, additional questions were asked on each component. Figure 3 indicates that, generally, respondents had more confidence that the police will solve a crime once it has occurred compared to preventing the crime from occurring in the first place. With regards to the courts, respondents expressed more confidence that courts will determine an individual's guilt or innocence compared to its ability to hand down an appropriate sentence. Within the correctional system, respondents felt relatively confident that facilities prevent offenders from escaping. However, they expressed much less confidence that the correctional system rehabilitated offenders. Finally, respondents were equally concerned with the parole system's ability to safely release and supervise offenders within the community.

**Figure 3: Public Confidence in Specific Criminal Justice System Responsibilities**



In order to understand the relative impacts of participation in the criminal justice system on specific answers, respondents were asked if they had, within the last ten years, been an accused, a witness, a juror, a victim or had worked within the justice system in some capacity. Table 3 indicates that a third of the respondents had one or more experiences with the justice system within the past 10 years, the majority as a victim of crime.



**Table 3: Involvement in the Criminal Justice System**

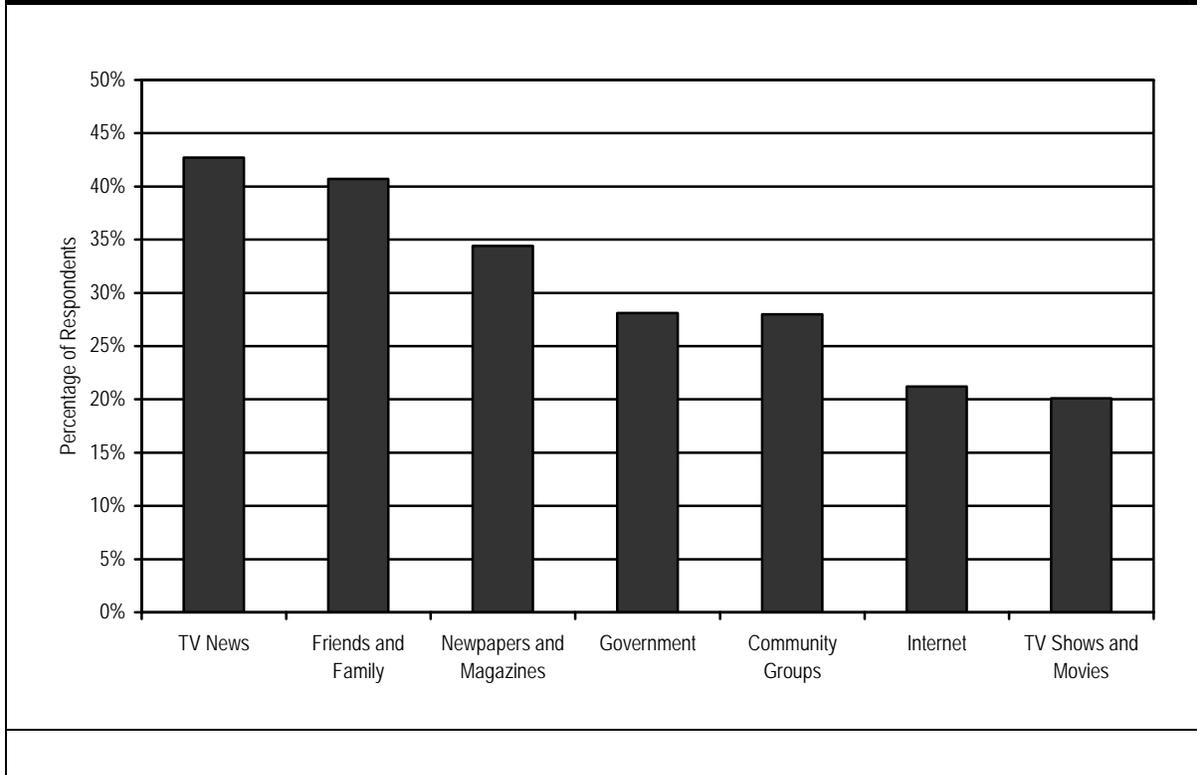
	N (%)
<b>Involvement in the Justice System</b>	
Being a victim of crime	1,069 (28.8%)
Being a witness to a crime	435 ( 9.7%)
Working in the justice system	214 ( 4.8%)
Being a juror	150 ( 3.3%)
Being charged with a crime	141 ( 3.1%)
Any involvement	1,489 (33.1%)

1. These categories are not mutually exclusive as respondents could select multiple categories.

Approximately three-quarters of those who reported being a victim of crime within the previous ten years (76.2%) indicated that the offence was a property offence (e.g., break and enter, theft), while 23.8% indicated the offence was violent in nature (e.g., assault). Confidence in the criminal justice system can be measured indirectly by examining crime reporting rates within the general population. For example, a low level of reporting may indicate a lack of confidence in the criminal justice system (or some aspect of the system). When asked, the vast majority of respondents (88.8%) indicated that they had reported their most recent victimization to the police. Among the small percentage that had not reported the crime, many thought that the crime was not important enough to report (41.8%), thought that the police could not help them (32.0%) or had taken care of it themselves (11.7%).

Respondents were also asked to rate the importance of a number of information sources in shaping their views on the criminal justice system. Figure 4 indicates that, generally, respondents valued the information they received from television news, friends and family members, and newspapers and magazines more than from the government.

**Figure 4: Information Sources Rated As Highly Important**



Respondents were also asked about the accuracy of official parole statistics and told that 55% of eligible federal offenders were denied full parole in 2005, which is the official data reported by the National Parole Board. Using a scale from 1 (representing not at all accurate) to 10 (representing very accurate), two-thirds of respondents (66.1%) ranked the accuracy below a score of 8, which likely indicates some concern with the reliability of the statistics. Among these, a large majority of respondents (70.8%) believed that *more* offenders were actually released on parole and only 29.0% believed that *fewer* offenders were released.

### 3.2 Perceptions of Crime in Canada

When asked about overall crime rates within the last five years, respondents generally indicated that the rate had either gone up (57.8%) or stayed the same (29.9%). This



changed, however, when specific forms of crimes were considered (see Table 4). Respondents felt that property crimes had increased much more than general crime and more than violent crime.

<b>Table 4: Perceptions of National Crime Rates within the Last Five Years</b>			
	<b>All Crime N (%)</b>	<b>Property Crime N (%)</b>	<b>Violent Crime N (%)</b>
<b>Crime Rate</b>			
Gone up	2,556 (57.8%)	3,309 (74.4%)	2,791 (62.7%)
Stayed the same	1,324 (29.9%)	926 (20.8%)	1,172 (26.3%)
Gone down	543 (12.3%)	212 ( 4.8%)	490 (11.0%)

Table 5 provides information on respondents' perceived level of safety in their communities compared to other communities in their city and compared to other communities across Canada. Only a small percentage (16.4%) believed that their neighbourhood was not as safe as other neighbourhoods in their city and even less believed that their neighbourhood was not as safe as other neighbourhoods across Canada.

<b>Table 5: Community Level Perceptions of Safety</b>		
	<b>Within City N (%)</b>	<b>Across Canada N (%)</b>
<b>Level of safety</b>		
My neighbourhood is safer	1,902 (42.6%)	2,442 (55.3%)
My neighbourhood is the same	1,828 (41.0%)	1,686 (38.2%)
My neighbourhood is not as safe	733 (16.4%)	286 ( 6.5%)

Not surprisingly, there was a difference between rural respondents (i.e., from cities with 10,000 population or less) compared to urban respondents. Seventy-one percent of rural respondents (71%) felt that their neighbourhood was safer than other neighbourhoods across Canada compared to only 48% of urban respondents.

### 3.3 Federal Government's Tackling Crime Agenda

When asked if the government was moving in the right or wrong direction in their approach to crime and justice issues, two-thirds (66.6%) of respondents felt the government was moving in the right direction. However only 8% felt they had a high degree of knowledge of the government's "Tackling Crime" agenda, while five times as many (43%) considered their knowledge level to be quite low. Interestingly, respondent views on the appropriateness of the government's direction did not vary with their stated degree of knowledge of the tackling crime agenda. In other words, there was a general sense that the government was moving in the right direction regardless of whether or not they could describe the specific approaches to tackling crime.

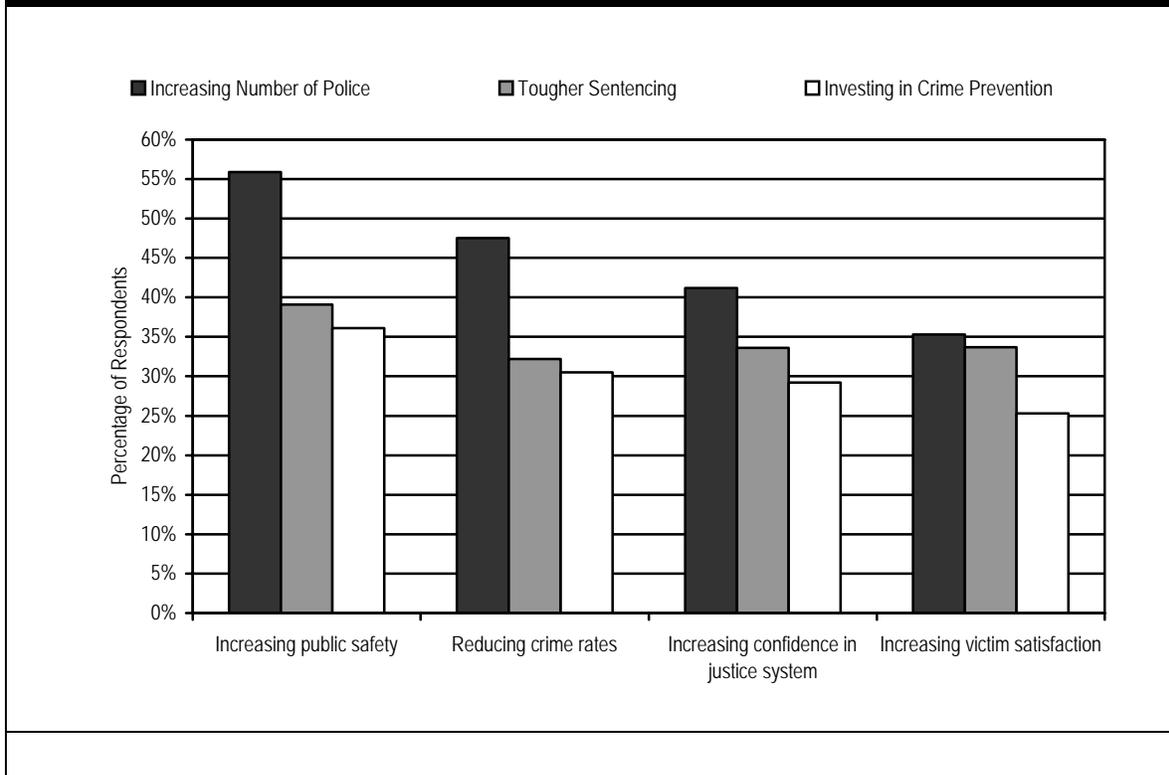
The tackling crime agenda was then described in simple terms to respondents as follows:

- increasing the number of police officers on the streets;
- strengthening Canada's laws by introducing tougher sentences; and
- investing in crime prevention to reduce drug and gang involvement among youth.

Figure 5 presents the perceived effectiveness of each of these initiatives with regards to reducing crime, increasing public safety, increasing public confidence and increasing victim satisfaction. Approximately half of respondents felt that increasing the number of police officers would be *highly* effective in reducing crime (48%) and subsequently increasing public safety in Canada (56%). In fact, increasing police presence was the highest rated facet of the tackling crime agenda across all four outcome measures. Strengthening laws through tougher sentences was ranked second in all four measures while investing in crime prevention was the lowest ranked facet of the agenda.



**Figure 5: Components of the “Tackling Crime” Agenda Rated as Highly Effective**



### 3.4 Principles of Sentencing

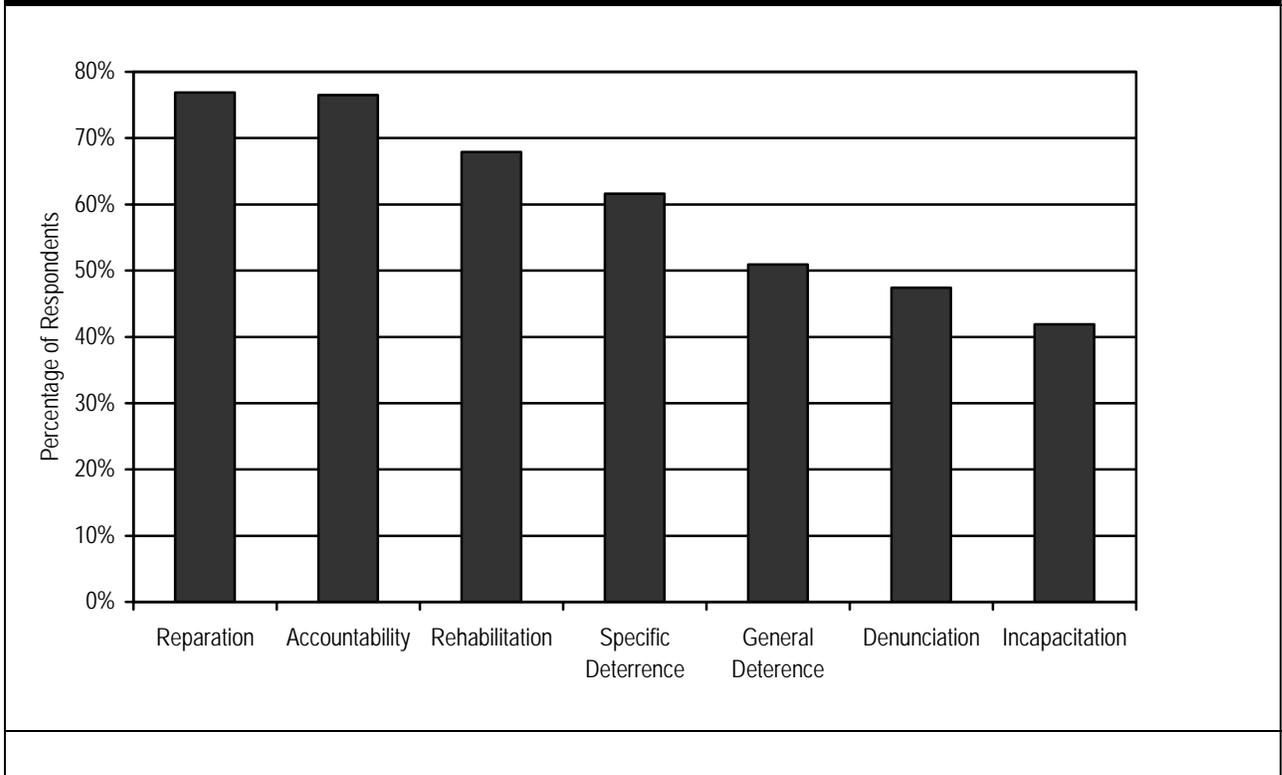
When the courts are sentencing an offender, a judge can consider many different sentencing purposes and principles. Section 718 of the *Criminal Code* outlines six objectives when determining a sentence:

- a. to denounce unlawful conduct;
- b. to deter the offender and other persons from committing offences;
- c. to separate offenders from society, where necessary;
- d. to assist in rehabilitating offenders;
- e. to provide reparations for harm done to victims or to the community; and
- f. to promote a sense of responsibility in offenders, and acknowledgement of the harm done to victims and to the community.

Respondents were asked to rate the importance of each of these objectives. The concept of deterrence as found in 718(b), however, was divided into specific deterrence (i.e., punishing the offender so he or she will not re-offend) and general deterrence (i.e., punishing the offender so others will not commit an offence). According to Figure 6, respondents placed a higher degree of importance on sentencing objectives that are often

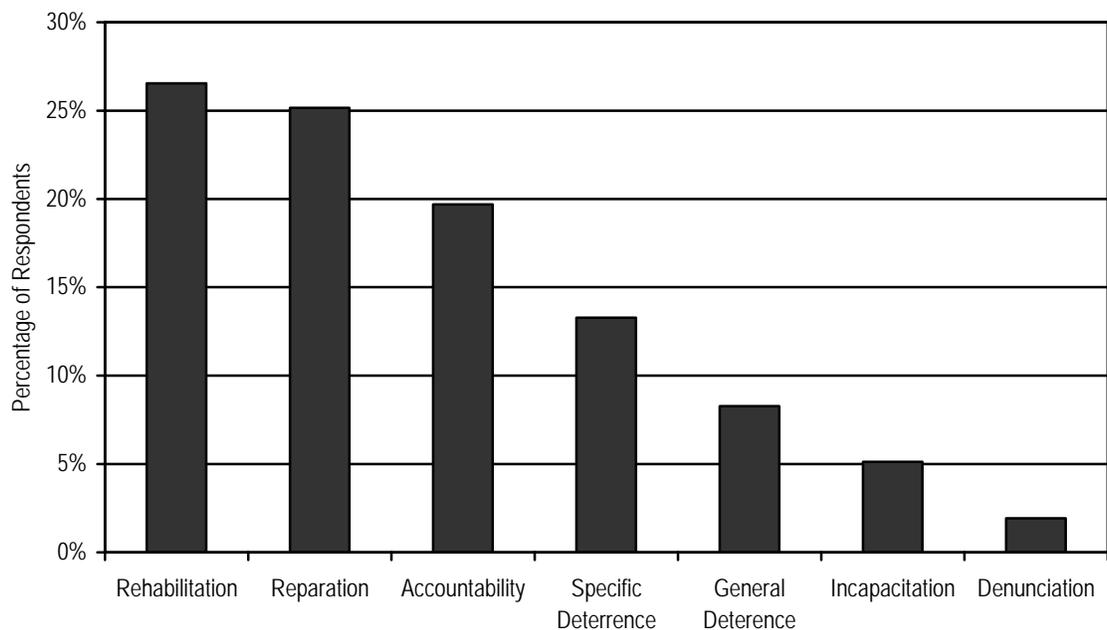
labelled as non-punitive or as restorative justice principles (i.e. reparation, accountability and rehabilitation) than the traditionally labelled punitive principles (i.e. deterrence, denunciation and incapacitation).

**Figure 6: Sentencing Objectives Rated As Highly Important**





**Figure 7 Sentencing Objectives Rated As The Most Important**



Respondents were further asked to prioritise the sentencing principles by choosing the single most important objective a judge should consider when deciding on an appropriate sentence (see Figure 7). The same three emerged as the most important objectives (i.e., reparation, accountability and rehabilitation) but the order was different. Approximately one quarter of respondents believed that rehabilitation should be the most important sentencing objective. Denunciation was the least important objective (1.9%), followed by incapacitation (5.1%) and general deterrence (8.3%).

### **3.5 Age of Consent**

Currently, the age at which an individual has the ability to legally consent to sexual activity is 14 years in Canada. Below this age, all sexual activity with a young person, ranging from sexual touching to sexual intercourse, is prohibited. The current age of consent is 18 years old when the sexual activity involves *exploitative* activity. This applies to such cases as prostitution, pornography, or where there is a relationship of trust, authority, dependency or any other situation that is otherwise exploitative of a young person. Bill C-22, which at the time of this report is within the House of Commons for review, seeks to increase the age of consent for non-exploitive sexual activity to 16 years of age. Close-in-age exceptions have been included in the legislation to protect against the criminalization of consensual teenage sex. This exception would

apply to 14 and 15 year old youth who engage in non-exploitative sexual activity with a partner who is less than five years older.

Survey respondents were asked about the age at which Canadians should be able to legally consent to sexual activity. A large majority (82%) of respondents felt that 16 or older was an appropriate age for a young person to be able to legally consent to sexual activity. However, 70% felt that the age of consent should be lowered when it involved two people who are within a few years of each other in age. In other words, the vast majority of respondents deemed it appropriate to raise the age of consent to at least 16 years but to also include a close-in-age clause.

### **3.6 Illegal Drugs**

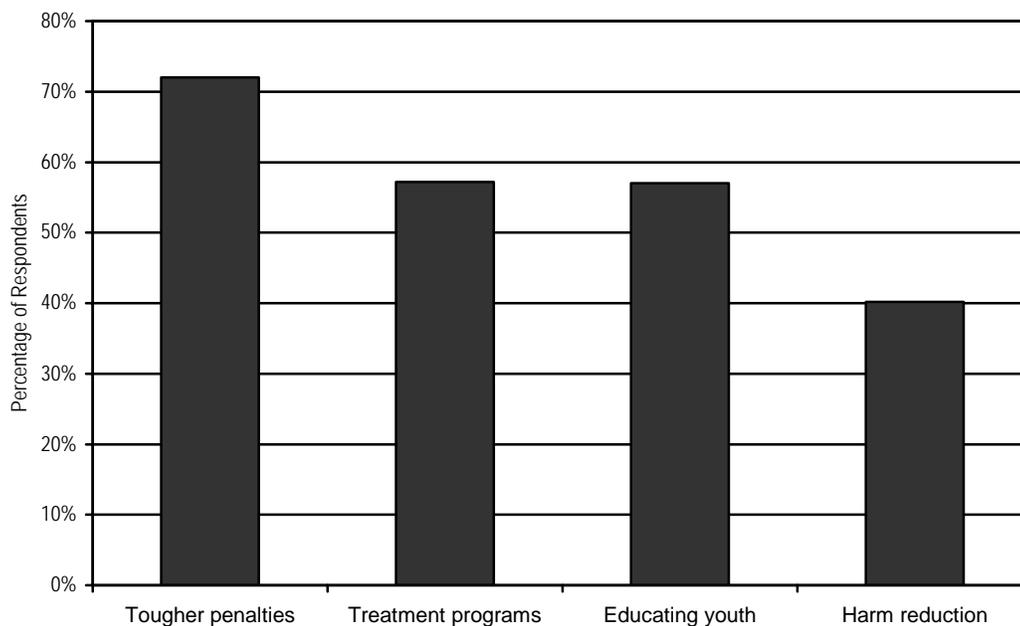
In dealing with the issue of illegal drugs in Canada, the government can focus resources on numerous different approaches. Respondents were given four possible approaches to consider and asked to rate how appropriate each one would be in addressing the problem of illegal drugs:

- Tougher penalties for drug traffickers and manufacturers;
- Treatment programs for drug addiction;
- Prevention of illegal drug use by educating youth on the dangers of drugs; and
- Reducing the harm caused by drug use through such things as needle exchange programs and methadone clinics.

Figure 8 provides the results from this question. Respondents considered tougher penalties (72.0%) to be most effective response in addressing the problem of illegal drugs in Canada while harm reduction was considered the least effective (40.2%). There was no distinction made between treatment programs and educating youth as highly effective approaches to addressing illegal drug crime (57%).



**Figure 8 Approaches to Dealing with Illegal Drugs Rated as Highly Effective**



### 3.7 DNA Sampling

The courts in Canada can order someone convicted of particular criminal offences (primarily violent offences such as murder, robbery, sexual offences and assault) to submit a sample of their DNA so it can be used in past and future criminal investigations. When asked how appropriate respondents thought this practice was using the ten-point scale, less than half of respondents (42%) felt that it was highly appropriate for all crimes. When someone was convicted of a crime involving serious violence, however, the proportion of respondents indicating high support doubled to 84%. There is clear support for DNA to be used in the criminal justice system when the offence is serious in nature.

### 3.8 Bail

Crown prosecutors are normally required to prove to a judge why an accused should not be granted bail, either because they represent a threat to society, because they may flee to avoid prosecution or it is required in order to maintain confidence in the administration of the justice system. Respondents were asked if this “burden of proof” should be on the Crown to prove why an accused should not be granted bail, or, if the burden should be on

the accused to prove why he or she should be granted bail. In the case of those charged with any crime regardless of severity, just over half (52%) felt that the burden of proof should rest with the Crown. When the charge involved serious violence, slightly less (47%) said the Crown should shoulder the burden of proof. In other words, respondents were generally divided on the issue of who should have the burden of proof and this division did not change much even when the alleged offence was a serious violent crime.

When an accused is not granted bail, he or she is sent to jail to wait for their trial. If they are convicted and sentenced, the court sometimes reduces the final sentence to account for this time spent in custody for several reasons:

- facilities are often overcrowded;
- facilities do not always provide the same opportunities as regular prisons; and
- parole eligibility guidelines do not count this time spent in custody when determining an offender's release date.

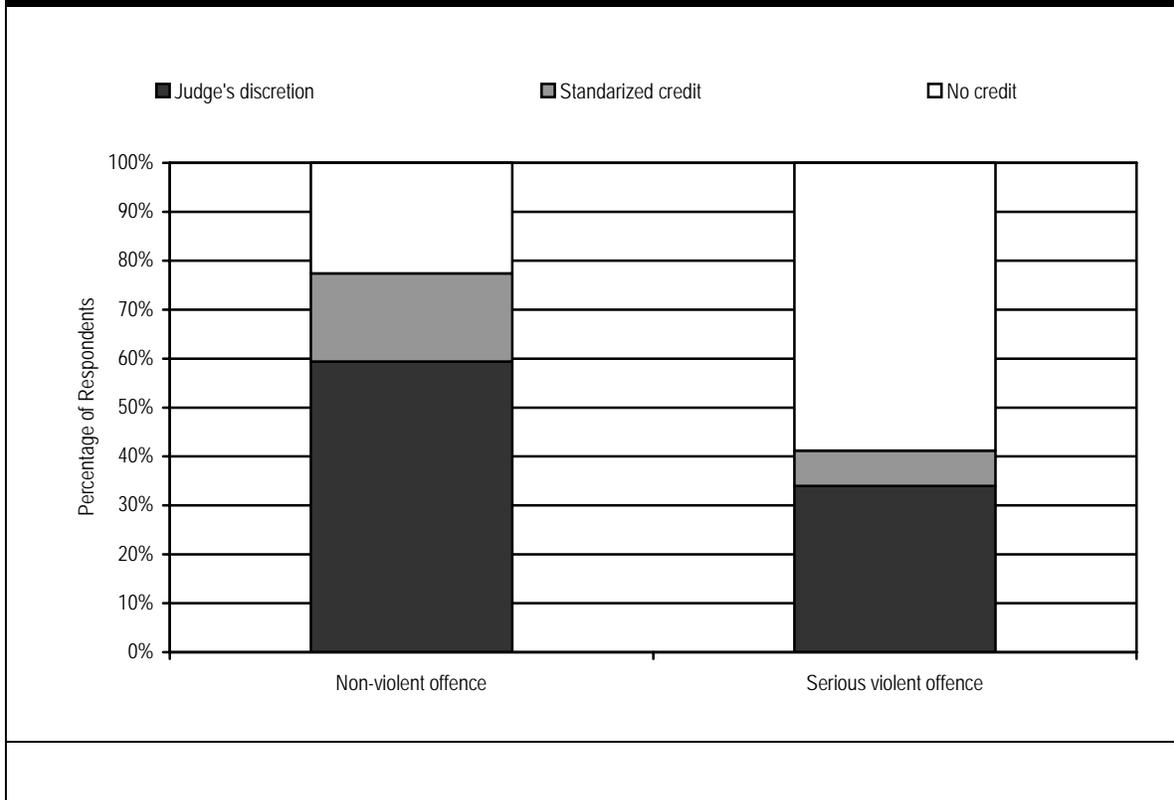
Respondents were provided with the following options and asked which would be the most appropriate for an offender convicted of a crime regardless of the seriousness of the offence (see Figure 9):

- No extra credit given at all for pre-trial custody;
- A standardised approach like counting each day in pre-trial custody as two days for their sentence; or
- Leave it to the judge's discretion.

Over three-quarters (77%) of respondents supported the use of credits (either through judicial discretion or some standardized approach) in the case of a non-violent offence. However, more than half of respondents (58.8%) felt that no credit should be available in determining the custody period for an offender convicted of a serious violent offence. Generally, when respondents were supportive of some form of pre-trial credit, support was higher for providing judges discretion than instituting a standardised response.



**Figure 9 Approaches to Dealing with the Issue of Pre-trial Credits By Offence Type**



### 3.9 Conditional Sentence of Imprisonment

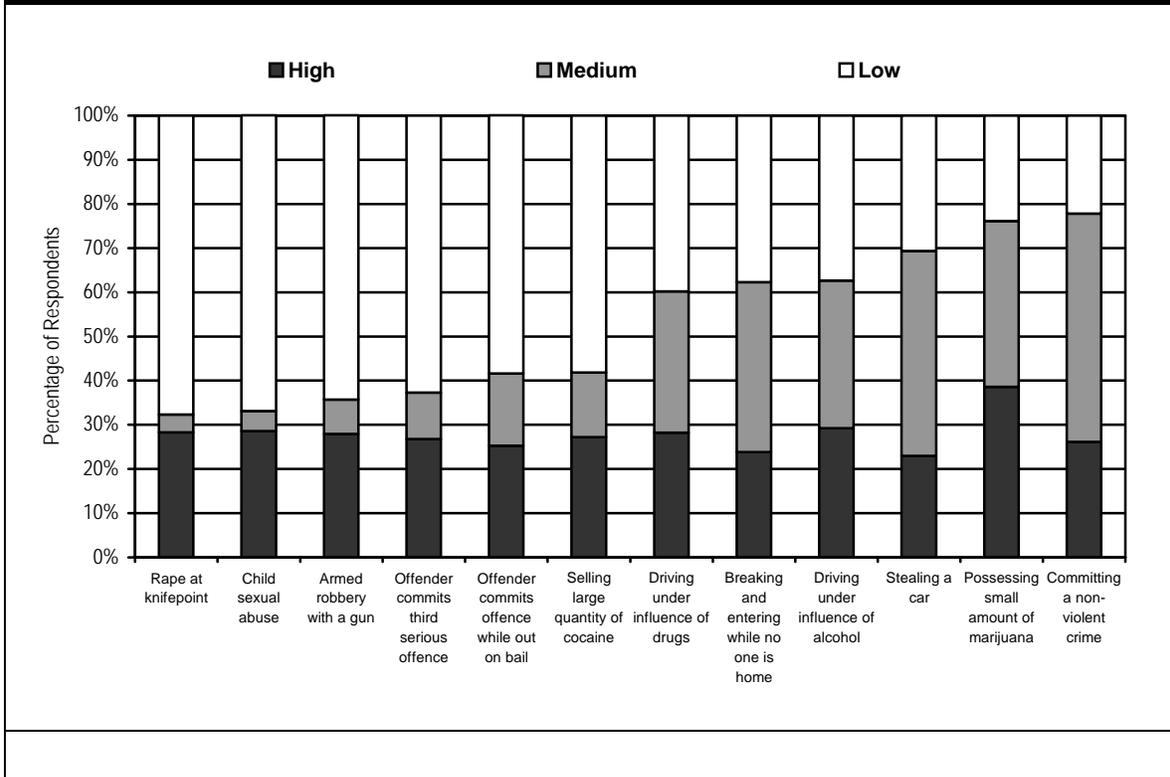
Conditional sentences require an offender to serve his or her custodial sentence in the community while under conditions imposed by the courts such as a curfew. It is sometimes referred to as ‘house arrest’. If the offender does not follow the conditions set by the court, he or she can be ordered to serve the remainder of the sentence in prison. Respondents were provided with a list of specific crimes and situations and asked how appropriate a conditional sentence would be in each case.

A trend emerged in the data suggesting, for some at least, that conditional sentences were highly appropriate regardless of the circumstances (see Figure 10). High support ranged between 23% and 39% within all situations, regardless of the severity of the offence. For example, 28% of respondents felt that a conditional sentence would be highly appropriate even for someone convicted of rape<sup>1</sup> using a knife or for child sexual abuse. Meanwhile, the proportion of respondents indicating low support typically varied inversely with the

<sup>1</sup> The term “rape” (which is actually labelled sexual assault in Canada) was used in the questionnaire to create a clear understanding of the severity of the offence for respondents. Although some may understand the term sexual assault, almost all respondents would understand the term rape.

seriousness of the crime and/or situation. For example, approximately two-thirds of respondents believed that a conditional sentence would be highly inappropriate for rape with a knife (68%) and for child sexual abuse (67%) while only around one-quarter of respondents felt that way for possession of marijuana (24%) or a generalised non-violent offence (22%).

**Figure 10 Support for conditional sentences by the Crime/Situation**



### 3.10 Mandatory Minimum Penalties

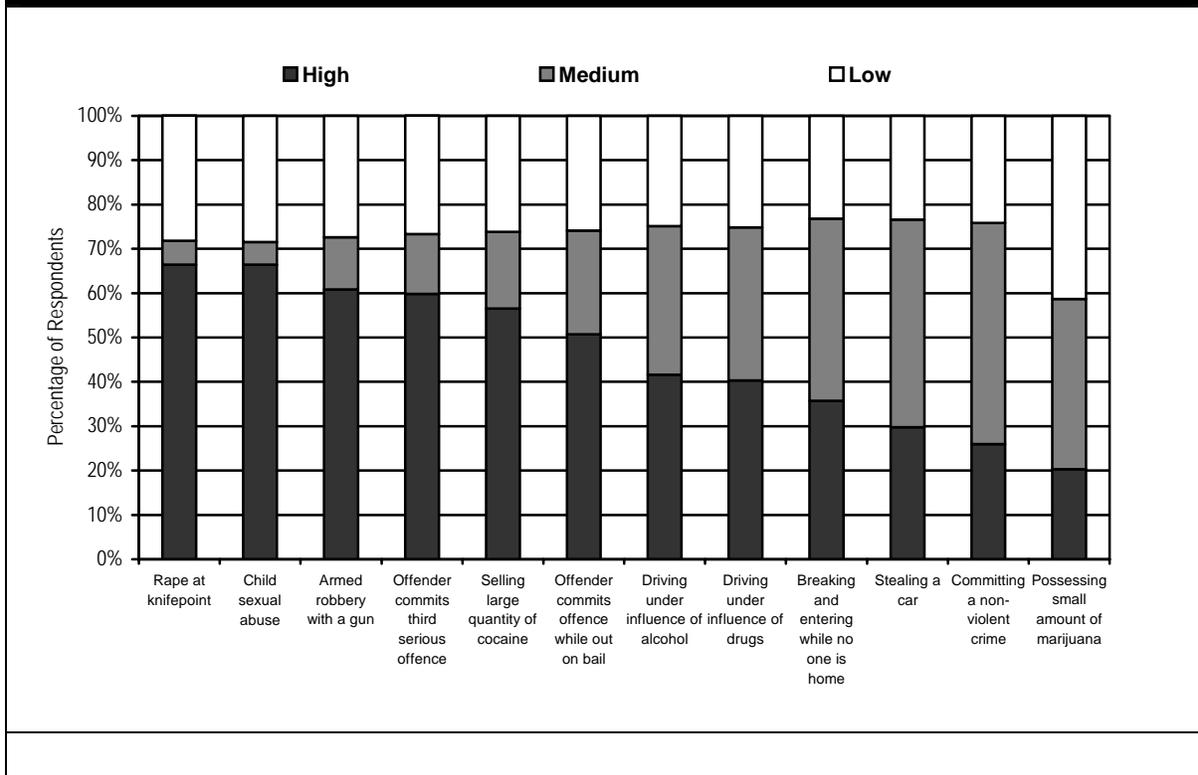
A mandatory minimum penalty (MMP) of custody is a jail sentence where the minimum length of time has been set by Parliament and a judge cannot sentence below this length of time under any circumstances. Examples of mandatory minimum penalties include murder (life sentence), robbery with a firearm (4 years), weapons trafficking (one year), or a second impaired driving conviction (14 days). Respondents were asked how appropriate they thought a mandatory minimum sentence would be for the same series of crimes and/or situations used in the conditional sentencing questions (see Figure 11).

There was generally high support for the concept of MMPs, particularly for serious crimes. For example, two-thirds of respondents felt that an MMP would be highly appropriate for rape with a knife (66%) and child sexual abuse (66%) while almost as many were highly supportive if the offender had committed armed robbery with a gun



(61%) or if the offender had committed a third serious offence (60%). As in the case of conditional sentences, however, a trend emerged. Approximately one-quarter of respondents felt MMPs were highly inappropriate regardless of the scenario (with the exception of marijuana possession at 41%). In other words, there appeared to be a consistent group of respondents that did not support MMPs but supported conditional sentences regardless of the nature of the crime.

Figure 11: Support for mandatory minimum penalties By the Crime/Situation



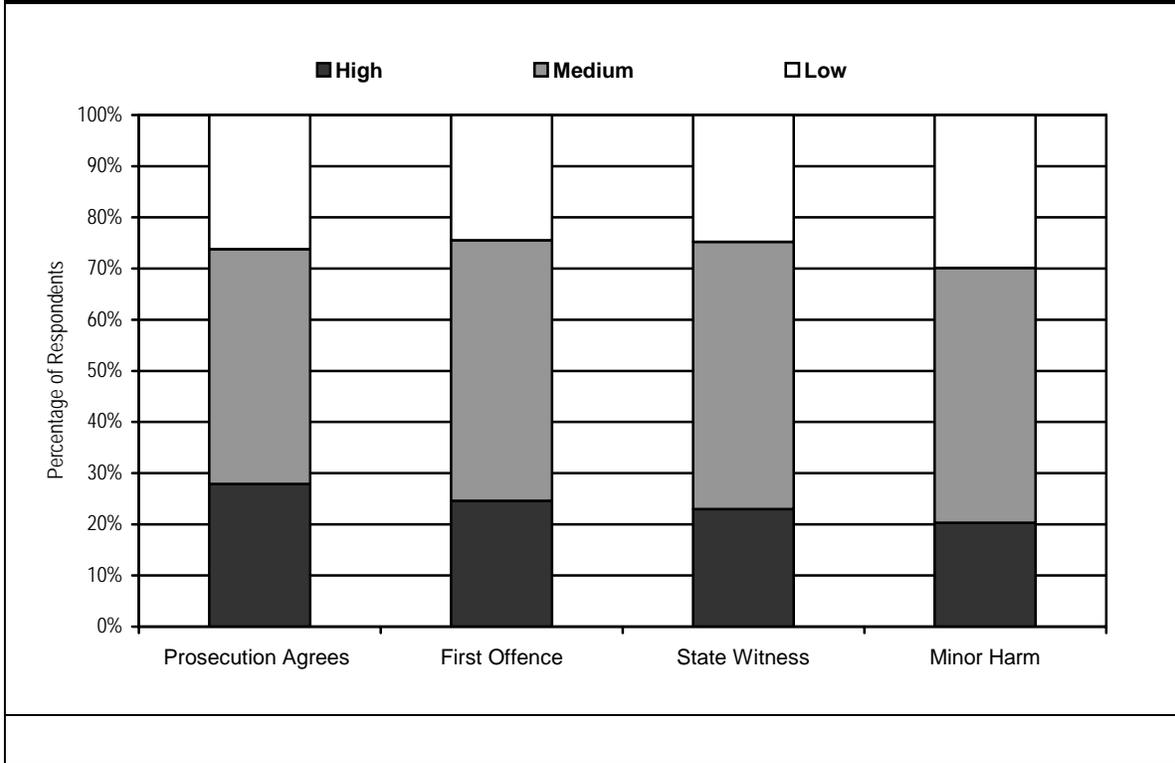
In some western countries (but not in Canada), a judge can issue a jail term shorter than the mandatory minimum sentence in special circumstances. Respondents were asked how appropriate they thought it would be for a judge to have the ability to sentence below a mandatory minimum sentence set by Parliament in the following circumstances:

- The prosecution agreed that the sentence would be too harsh;
- It was the offender's first offence;
- The harm to the victim was not very serious; and
- The offender agreed to help prosecute a more serious criminal.

Approximately one-quarter of respondents felt that it would be highly appropriate to allow judges to sentence below the MMP across all four circumstances while one-quarter

felt that it would highly inappropriate. The remaining half of respondents provided moderate support for allowing a judge to sentence below an MMP. This support was relatively similar regardless of the specifics of the scenario (see Figure 12).

**Figure 12: Support for Sentencing Below an MMP by Particular Circumstances**



### 3.11 Predictors of Public Confidence

One of the goals of the NJS (2007) was to understand the factors that are related to an individual’s confidence in the criminal justice system. In order to empirically identify the predictors of public confidence using the data from the National Justice Survey, a multiple regression analysis was performed using the enter method, which builds the equation by entering all of the variables at once. The strength of a multiple regression analysis is that it provides the unique contribution of each independent variable to the overall variance in the dependent variable. In this case, the analysis will measure how much each factor independently influences the respondent’s level of confidence in the criminal justice system. The question used as the dependent variable was:

Using a 10-point scale with 1 representing “very low confidence” and 10 representing “very high confidence”, how much confidence do you have in the criminal justice system?



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All demographic variables were entered as independent variables:

- Gender;
- Age;
- Income;
- Education level;
- Visible minority status;
- Aboriginal status;
- Homeownership;
- Presence of children in the home;
- Marital status;
- Religious service attendance;
- Region of the country;
- Language spoken at home;
- Urban versus rural community.

In addition, the following were also entered as independent variables:

- Involvement in the justice system (i.e., victim, accused, witness, juror);
- Rated importance of sources of information on shaping justice views (i.e., family/friends, government, popular media, television, newspapers, Internet, community groups);
- Rated accuracy of official statistics on the criminal justice system (i.e., crime rates, parole rates);
- Support for particular policies (i.e., conditional sentences, mandatory minimums, bail credits);
- Support for the Tackling Crime Agenda (i.e., increasing police, tougher sentences, crime prevention)
- Attitudes towards sentencing objectives (i.e., rehabilitation, denunciation; deterrence, reparation, incapacitation, accountability);
- Perceptions of crime in Canada (i.e., crime rates, victimization risk); and
- Support for particular approaches that address the issue of illegal drugs (i.e., harm reduction, treatment, harsher penalties, prevention).

Only those variables that were found to be statistically significant at the standard level (i.e.,  $p < .05$ ) were maintained in the model. The  $R^2$  for the model (.31) explains nearly one-third of the variance in the level of confidence in the criminal justice system. In other words, approximately one-third of the difference in public confidence is likely due to the variables in the model. Table 6 provides the results of the regression analysis. The significant variables can be grouped into positive drivers, which are linked to increased confidence and negative drivers, which are linked to decreased confidence.

**Who has higher confidence in the criminal justice system?**

- Those who value government information on the criminal justice system (i.e., both the accuracy of the information and its importance);
- Supporters of traditionally less punitive sentencing practices (i.e., conditional sentences and pre-trial credits);
- Individuals who are treatment-oriented (i.e., supporters of rehabilitation as a sentencing objective, harm reduction models and treatment programs for substance abusers);
- Well-educated Canadians (i.e., a university degree);
- Those who value the Internet as an important source of information on the criminal justice system; and,
- Individuals who support the government’s Tackling Crime agenda (i.e., tougher penalties and crime prevention) and believe it will further improve their confidence in the criminal justice system.

**Table 6: Summary of Multiple Regression Analysis for Predicting Public Confidence**

Variable	Parameter Estimates	Standardised Estimates	T Value	P Value
Intercept	4.19	0.00	14.42	<.0001
Accuracy of official parole statistics	0.19	0.18	11.59	<.0001
Perception that crime has risen over the last five years	-0.51	-0.11	-7.28	<.0001
Government is an important source of justice information	0.11	0.11	6.97	<.0001
Investing in crime prevention will improve confidence in justice system	0.13	0.13	6.69	<.0001
Western Canada (B.C., Alta., Sask., Man.)	-0.45	-0.10	-6.66	<.0001
Judges should give credits at sentencing for pre-trial custody	0.53	0.10	6.64	<.0001
Age of respondent	-0.01	-0.09	-6.19	<.0001
Specific deterrence should be an important goal of sentencing	-0.11	-0.10	-4.96	<.0001
Government is moving in the right direction on criminal justice issues	0.36	0.08	4.90	<.0001
Rehabilitation should be an important goal of sentencing	0.09	0.08	4.68	<.0001
Being a witness in the criminal justice system	-0.31	-0.06	-3.85	.0001
The Internet is an important source of justice information	0.05	0.06	3.64	.0003
General deterrence should be an important goal of sentencing	-0.07	-0.07	-3.54	.0004
Tougher penalties will improve confidence in justice system	0.06	0.06	3.28	.0011
Tougher penalties is an appropriate approach for illegal drugs	-0.05	-0.05	-3.16	.0016
Conditional sentences are an appropriate response to crime	0.00	0.05	3.09	.0020
University education	0.21	0.04	2.93	.0034
Harm reduction is an appropriate approach for illegal drugs	0.04	0.05	2.86	.0043
Perceived likelihood of property victimization in the next year	-0.03	-0.04	-2.59	.0097
Being a victim of a crime	-0.23	-0.03	-2.08	.0380
Treatment programs are an appropriate approach for illegal drugs	0.04	0.04	2.03	.0425

1. N=3,507; R<sup>2</sup>=.31 (p<.0001).



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**Who has lower confidence in the criminal justice system?**

- Individuals who believe that crime is generally increasing and believe that the likelihood of being a victim of crime is high;
- Older Canadians;
- Western Canadians (i.e., from BC, Alberta, Saskatchewan and Manitoba);
- Supporters of traditionally retributive sentencing objectives (general and specific deterrence, harsher sentences for drug offenders); and
- People who have had prior involvement in justice system (i.e., as a victim and/or as a witness).

## 4. Discussion

While the data from the National Justice Survey has answered a number of research questions with regards to public opinion, it has also raised a number of new research questions. It is clear that public confidence in the criminal justice system in Canada is relatively low. If we compare confidence in the justice system to confidence in other public systems, such as health and education, there is a clear difference. Given that the health care system is often a top priority for Canadians, it is interesting that the justice system is rated much lower.

Confidence decreases as one moves through the criminal justice process from arrest (i.e., police) to trial and sentencing (i.e., courts and corrections) and ultimately to release (i.e., parole). Previous research, such as the General Social Survey on Victimization conducted by Statistics Canada, has also shown the same pattern. Canadians have relatively high confidence that the police will solve crimes, that the courts will convict the right individuals, and that the prison system will prevent them from escaping. The central concern expressed by Canadians is that sentences may not always be appropriate (either in quantum or in design) and that the prison system does not ‘rehabilitate’ offenders. Not surprisingly then, the public also believes that the parole system is therefore releasing the wrong offenders and that these offenders will likely re-offend. Thus, it is likely that the expressed lack of confidence is centred mostly around sentencing practices. Canadians simply do not want offenders to commit another offence. Therefore, it is likely that the sentencing practices that *prevent* future crime will be the most popular approaches.

A high proportion of Canadians do not have confidence in the official criminal justice statistics, such as the parole release rate. While other measures (e.g., the crime rate) are subject to methodological issues, such as reporting biases, the number of paroled offenders each year reported by the National Parole Board is unquestionably accurate. Therefore, it is important to understand why these statistics are perceived to be inaccurate.

Given the lack of confidence in some aspects of the system, it is not surprising that two-thirds of Canadians support the current government’s approach to criminal justice issues. The three major pillars of the Tackling Crime agenda are increasing police presence, strengthening sentencing laws, and trying to prevent youth drug and gang involvement. Given that Canadians generally trust police and believe that the courts are not providing appropriate sentences, it is understandable that this approach resonates with the public. However, very few respondents are actually knowledgeable about the Tackling Crime agenda. It may be that since confidence in the criminal justice system was rated generally low, a focus on addressing crime, regardless of the actual content, would be perceived positively.



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Canadians indicated that the three most important goals of sentencing should be repairing the harm caused by the crime, making the offender take responsibility for his or her actions (i.e., accountability) and rehabilitating the offender in order to prevent him or her from committing another offence. When asked to select the *most* important, the same three objectives were again chosen, although rehabilitation was identified as the most important. These three objectives are often labelled as restorative justice principles. Essentially, restorative justice is an approach to crime that seeks to repair the harm caused by the crime, reintegrate the offender into the community and achieve a sense of healing for the victim and the greater community. The fact that Canadians do not think that the courts are meting out appropriate sentences, coupled with their support for harsher penalties, appears to conflict with these findings. However, it is also possible that the public believes that repairing harm, taking responsibility and engaging in rehabilitation are not necessarily lenient sentences. In fact, it may be perceived as more ‘punitive’ than simply spending time in prison. It would be useful to develop a clearer understanding of this phenomenon with additional research.

Most Canadians support tougher penalties for serious drug offenders (e.g., traffickers and manufacturers) but more than half also support treatment programs and prevention programs as approaches. Canadians therefore clearly support a balanced approach that focuses on both enforcing laws against those profiting from drug crime and trying to help people who are at risk of, or who are already dealing with, substance abuse issues. Only two in five Canadians believe that harm reduction programs (e.g., methadone clinics or needle exchange programs) would be a highly effective method of dealing with illegal drugs.

With regards to particular criminal justice policies, the seriousness of the crime often influences how the public will respond. Canadians are supportive of the idea that those convicted of serious violent crimes (e.g., sexual assault, murder, robbery) should be required to submit a DNA sample to aid in past and future criminal investigations. This level of support is not maintained, however, for less serious crimes. The public also supports the use of bail credits at sentencing, but again this was tempered by the seriousness of the crime. The support is much lower when the crime is serious in nature. Support for mandatory minimum penalties is directly related to the seriousness of the crime while support for conditional sentences is inversely related to seriousness. The one issue that is not related to seriousness, however, is who should have the burden of proof in bail proceedings. Regardless of the severity of the crime, the population is relatively evenly divided between the Crown and the accused. This may be an indicator of the importance that Canadians place on the rights of accused in criminal proceedings.

There is a core group of Canadians that support conditional sentences regardless of the nature of the offence. On the other hand, there is also a core group of Canadians that support mandatory minimum penalties even for less serious offences. If one understands conditional sentences and MMPs as conflicting sentencing practices (since by nature an MMP would preclude the use of a conditional sentence), then Canadians generally fall into three clear groups. First, there is a quarter of Canadians who appear to, in principle, support the use of non-custodial sentencing options in response to criminal behaviour,

even for very serious offences. Second, there is another quarter of Canadians who, again in principle, appear to support use of custody as a response to crime, even for minor offending. Lastly, there is a third group, representing the remaining half of Canadians, who waiver between these two positions depending on the circumstances of the crime and the offender.

Finally, with regards to the predictors of public confidence, the results are quite informative and provide clear direction. The strongest predictor of public confidence is one's perception of the accuracy of official justice statistics (e.g., parole granting rates). Those who trust official statistics typically express higher levels of confidence than those who do not trust official statistics. In addition, those who believe crime has increased are much *less likely* to have confidence in the criminal justice system. The most recent official crime statistics indicate that the crime rate actually decreased 3% between 2005 and 2006. Therefore, it is not surprising that those who do not trust government statistics and think that crime is actually on the rise generally have lower confidence in the justice system. However, it is important to also note that the third strongest predictor of confidence is the importance one places on government information surrounding the criminal justice system. Those who value the information provided by governments tend to have higher confidence than those who do not. It is possible that efforts to increase Canadian's trust in official justice-related statistics will result in increases in confidence in the actual performance of the criminal justice system.

Canadians also generally indicate a lack of confidence in sentencing practices. Those who were supportive of traditionally more punitive sentencing practices (e.g., general and specific deterrence, harsher sentences) were likely to express lower confidence in the justice system than those who were supportive of traditionally non-punitive sentencing options (e.g., conditional sentences) and treatment-oriented approaches (e.g., harm reduction, rehabilitation). It is uncertain, however, if increasing the punitive nature of sentences would increase confidence in the criminal justice system. What is clear is that Canadians are unsatisfied with sentencing. Given that reparation, accountability and rehabilitation were the three most important sentencing objectives, it is not clear that increasing the 'quantum' of sentences alone would be effective. Rather, it may instil more confidence among the public if the 'nature' of sentences were also altered so that they more directly repaired the actual harm caused to the victim and the community, encouraged the offender to become accountable for his or her actions and created more opportunities for rehabilitation.



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## 5. Conclusion

The goals of the 2007 National Justice Survey were to develop an understanding of public confidence in the criminal justice system, to solicit public attitudes towards major criminal justice policies and to identify the factors that are related to public confidence in the criminal justice system. Confidence in the criminal justice system is generally low compared to other public systems, such as health and education. The central concern appears to be around sentencing practices and the need for reparation, accountability and ultimately rehabilitation to prevent future criminal behaviour.

A large segment of Canadians also believe that criminal justice policies should be proportional to the seriousness of the crime. In other words, proportionality, which is the fundamental principle of sentencing in Canada, is highly supported.

Some of the strongest predictors of confidence in the criminal justice system appear to be amenable to influence. For example, increasing public trust in the accuracy of official justice system statistics (e.g., parole granting rates, crime rates) may result in an increase in public confidence. Moreover, focusing sentencing reform not only on the quantum of the sentence, but also on the nature of the sentence, may result in increases in confidence.

Finally, as with any research project, the 2007 NJS has identified a number of future research questions. Why do Canadians generally have a lack of trust in the accuracy of official criminal justice statistics? How do Canadians perceive the concepts of reparation, accountability and rehabilitation in terms of their harshness? And is it possible to increase public confidence by addressing these two specific issues?





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# Appendix A – Questionnaire

Environics Research Group.  
March 2, 2007

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**Department of Justice Canada  
Tackling Crime Survey  
FINAL Questionnaire  
PN6059**

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## Introduction

Good afternoon/evening. My name is \_\_\_\_\_ and I am calling from the Environics Research Group. Today we are conducting a survey on behalf of the Government of Canada about various issues that affect people's lives.

This survey is being conducted with a randomly selected group of several thousand Canadians, aged 18 and over. All of the answers provided will remain completely confidential and anonymous. The purpose of this research is to better understand Canadians' need for different kinds of legal and other types of assistance, which will help in the development of new programs and services.

IF ASKED: The survey will take about 20 minutes, depending on your answers to some of the questions.

IF ASKED: I can give you a contact name at the Government of Canada at the end of the survey [PROVIDE UPFRONT IF RESPONDENT INSISTS]

IF ASKED: This survey is registered with the National Survey Registration System. The registration system has been created by the Canadian survey research industry to allow the public to verify that a survey is legitimate, get information about the survey industry or register a complaint. The registration systems toll-free telephone number is 1-800-554-9996.

We choose telephone numbers at random, and then select one person from a household to be interviewed. May I please speak to the person in your household who is 18 years of age or older, and has had the most recent birthday.

**May I confirm that you are 18 years of age or over?**

**CONFIRM WHETHER RESPONDENT WOULD LIKE TO BE INTERVIEWED IN ENGLISH OR FRENCH**

1. Using a 10-point scale with 1 representing “very low confidence” and 10 representing “very high confidence”, how much confidence do you have in each of the following public services in Canada? **READ AND ROTATE WITH ITEM D ALWAYS LAST**
  - a. The primary and secondary education system
  - b. The health care system
  - c. The social welfare system
  - d. The criminal justice system

In the rest of this survey we will be talking about the criminal justice system in Canada

2. Using the same 10-point scale with 1 representing “very low confidence” and 10 representing “very high confidence.” How much confidence do you have that the criminal justice system is responsive to the needs of victims of crime?

The criminal justice system in Canada consists of a number of elements. These include: the police, who investigate crimes and lay charges; the courts, who determine guilt or innocence and apply sentences; the correctional system, which administers sentences such as jail and probation; and, the parole system, which makes decisions when to release or parole offenders who are in jail.

3. Using the same 10-point scale with 1 representing “very low confidence” and 10 representing “very high confidence” how much do confidence you have in the following parts of the criminal justice system: **READ AND ROTATE**
  - a. The police
  - b. The courts
  - c. The corrections system
  - d. The parole system

**ROTATE THE ORDER OR Q. 4, 5, 6 AND 7**

4. Thinking about the police in general in Canada, using the same 10-point scale, how confident are you in the police’s ability to do each of the following: **READ AND ROTATE**
  - a. Prevent crime from happening in the first place
  - b. Detect and arrest offenders
5. Thinking about the courts in Canada and using the same 10-point scale, how confident are you in the courts’ ability to do each of the following: **READ AND ROTATE**
  - a. Determine guilt or innocence
  - b. Impose appropriate sentences



- 
6. Thinking about the correctional system in Canada and using the same 10-point scale, how confident are you in its ability to do each of the following? READ AND ROTATE
    - a. Make sure prisoners don't escape
    - b. Rehabilitate prisoners so they do not commit another offence
  7. Thinking about the parole system, using the same 10-point scale, how confident are you in its ability to do each of the following? READ AND ROTATE
    - a. Make the right decision on which prisoners to release on parole
    - b. Supervise offenders who are in the community on parole
  8. In Canada we have a separate criminal justice system for youth aged 12 to 17, which is guided by the *Youth Criminal Justice Act*. Using the same 10-point scale with 1 representing "very low confidence" and 10 representing "very high confidence" how much confidence do you have in the youth criminal justice system in Canada?
  9. Using the same 10-point scale with 1 representing "not at all important" and 10 representing "very important" how important do you think it is that the youth criminal justice system take into consideration the fact that youth are less mature than adults?
  10. In the last ten years, have you personally had any involvement in the Canadian criminal justice system in any of the following ways? (yes / no) READ AND ROTATE WITH ITEM "E" ALWAYS LAST
    - a. Being charged with a crime
    - b. Being a witness
    - c. Being a juror
    - d. Working in the justice system yourself (i.e.: police, courts, corrections)
    - e. Being a victim of crime

**IF YES TO ITEM "E", ASK Q. 11a**

11.
  - a. Were you the victim of a property offence or a violent offence, or both?
  - b. Did you report the most recent offence to the police?

**IF NO TO Q. 11b, ASK:**

- c. Why didn't you report the offence to the police? (code responses)

**ASK ALL**

12. Over the last five years, do you think that the overall crime rate in Canada has gone up, stayed about the same, or gone down?

13. What about property crimes such as break and enter and theft? Do you think that over the last five years, the rate of these crimes in Canada has gone up, stayed about the same, or gone down?
14. And, what about violent crimes such as assault, robbery and murder? Do you think that over the last five years, the rate of these crimes in Canada has gone up, stayed about the same, or gone down?
15. Official statistics also indicate that 55% of offenders eligible for full parole were denied parole by the National Parole Board last year. Using a 10-point scale with 1 representing “not accurate at all” and 10 representing “very accurate” how accurate do you think that the official statistics are?

**IF SCORE IS LESS THAN 8 IN Q. 15, ASK Q. 16:**

16. To the extent that you think these statistics are not perfectly accurate, do you think a bigger or smaller proportion than 55 percent of eligible offenders are actually being released on parole?

**ASK ALL**

Now some questions about your own community.

17. How many years you lived in your current neighbourhood or community?
18. When thinking about your own neighbourhood compared to other neighbourhoods in your city or community, do you think it is safer, about the same, or less safe?
19. Do you think your neighbourhood is safer than, about the same, or less safe than most other neighbourhoods in the rest of Canada?
20. Using a 10-point scale with 1 representing “not at all likely” and 10 representing “very likely” how likely do you think it is that you or someone close to you will become the victim of a property crime in your neighbourhood over the next year?
21. What the likelihood of being victim of a violent crime over the next year?
22. Using a 10-point scale with 1 representing “not at all important” and 10 being “very important”, how important are each of the following sources in shaping your views on the Canadian justice system? READ AND ROTATE
- a. Television news
  - b. The Internet
  - c. Television shows and movies
  - d. Government
  - e. Community groups
  - f. Friends and family
  - g. Newspapers and magazines



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I would like to now ask you questions regarding the federal government's Tackling Crime Agenda.

23. In general, do you think the federal government is moving in the right direction or the wrong direction in its approach to crime and justice issues?
24. Using a 10-point scale with 1 representing "not at all familiar" and 10 being "very familiar", how familiar are you with the federal government's strategy on crime and justice entitled the "Tackling Crime Agenda"?

The Tackling Crime Agenda is focused on three major areas. They are: strengthening Canada's laws, investing in crime prevention, and increasing police presence on the streets.

25. Using a 10-point scale with 1 meaning "no impact at all" and 10 meaning "a very significant impact", how much of an impact you think the part of the Tackling Crime Agenda that involves strengthening laws by introducing tougher sentencing will have on each of the following: READ AND ROTATE
- Crime rates
  - Victim satisfaction with the justice system
  - Community safety
  - Your confidence in the justice system
26. Using the same 10-point scale with 1 meaning "no impact at all" and 10 meaning "a very significant impact", how much of an impact you think the part of the Tackling Crime Agenda that involves investing in crime prevention to prevent drug and gang involvement among youth will have on each of the following: READ AND ROTATE
- Crime rates
  - Victim satisfaction with the justice system
  - Community safety
  - Your confidence in the justice system
27. And, using the same 10-point scale with 1 meaning "no impact at all" and 10 meaning "a very significant impact", how much of an impact you think the part of the Tackling Crime Agenda that involves increasing the number of police officers on the streets will have on each of the following: **READ AND ROTATE**
- Crime rates
  - Victim satisfaction with the justice system
  - Community safety
  - Your confidence in the justice system
28. When the courts are sentencing offenders, the judge can consider many different principles and factors. On a 10-point scale with 1 meaning "not at all important" and 10 meaning "very important" how important do you think each of the following principles should be in deciding on an appropriate sentence for an offender? READ AND ROTATE

- a. Expressing society's disapproval by condemning the offender's crime
- b. Setting an example of the offender in the hope that it will deter others from committing offence
- c. Punishing the offender so that it will deter him or her from committing another offence
- d. Keeping offenders away from the rest of society
- e. Making offenders acknowledge and take responsibility for the harm they have caused.
- f. Making offenders make restitution to repair the harm they caused the victim and/or the community
- g. Providing rehabilitation opportunities for offenders, such as drug treatment and job skill training, so they are less likely to re-offend.

29. And which of these do you think should be the single most important principle that judges should consider when deciding on an appropriate sentence? **READ AND ROTATE ALL ITEMS THAT SCORED 8, 9 OR 10 IN Q. 28**

I would like to now ask you a few questions about conditional sentences. Conditional sentences require an offender to serve his or her sentence in the community while under conditions imposed by the courts such as a curfew. It is sometimes referred to as 'house arrest'. If the offender does not follow the conditions set by the court, a prison sentence can then be imposed.

30. I am now going to list specific crimes and situations and ask you how appropriate a conditional sentence would be in each case using a 10-point scale with 1 representing "never appropriate" and 10 representing "always appropriate": **READ AND ROTATE**

- a. Stealing a car
- b. Possessing a small amount of marijuana
- c. Breaking and entering someone's home while they are not home
- d. Child sexual abuse
- e. Committing armed robbery with a gun
- f. Raping someone at knife point
- g. Selling a large quantity of cocaine
- h. Driving under the influence of drugs
- i. For an offender who has committed a third serious offence
- j. For an offender who commits a new offence while out on bail for a previous offence
- k. Committing a non-violent crime such as fraud or theft
- l. Driving under the influence of alcohol

I will now pose some questions about mandatory minimum sentences. A mandatory minimum sentence is a jail sentence where the minimum length of time been set by Parliament and a judge may not go below this length.

31. Using the same 10-point scale with 1 representing "never appropriate" and 10 representing "always appropriate" how appropriate do you think a mandatory minimum sentence would be for each of the following types of crimes or situations: **READ AND ROTATE**



- 
- a. Stealing a car
  - b. Possessing a small amount of marijuana
  - c. Breaking and entering someone's home while they are not home
  - d. Child sexual abuse
  - e. Committing armed robbery with a gun
  - f. Raping someone at knife point
  - g. Selling a large quantity of cocaine
  - h. Driving under the influence of drugs
  - i. For an offender who has committed a third serious offence
  - j. For an offender who commits a new offence while out on bail for a previous offence
  - k. Committing a non-violent crime such as fraud or theft
  - l. Driving under the influence of alcohol

32. In some countries, a judge can issue a jail term shorter than the mandatory minimum sentence in special circumstances. How appropriate do you think it would be (using the same 10-point scale REPEAT DEFINITION OF SCALE IF NECESSARY) if a judge had the ability to sentence below a mandatory minimum sentence set by Parliament in the following specific circumstances? READ AND ROTATE

- a. The harm to the victim was not very serious
- b. It was the offenders first offence
- c. The prosecution agrees that the sentence would be too harsh
- d. The offender agrees to help prosecute a more serious criminal

Now I want to ask you about the age at which Canadians can legally consent to sexual activity.

33. At what age do you think that a Canadian ought to be able to legally consent (agree to) to sex no matter how old the other person is?

34. What about if the person is close in age to the person they will have sex with? Should the age of consent still be [ANSWER TO Q. 33] or should it be lower when it involves two people that are within a few years of each others age?

35. In dealing with the issue of illegal drugs in Canada, the government can spend money on several different approaches. On a 10-point scale with 1 representing "not at all effective" and 10 representing "very effective" how effective do you believe each of the following approaches would be in addressing the problem of illegal drugs in Canada? **READ AND ROTATE**

- a. Prevention of illegal drug use by educating youth on the dangers of drugs
- b. Tougher penalties for drug traffickers and manufacturers
- c. Treatment programs for drug addiction
- d. Reducing the harm caused by drug use through things like, like needle exchange and methadone clinics

36. The courts in Canada can order someone convicted of a criminal offence to submit a sample of their DNA so it can be used in future criminal investigations. How appropriate do you think this practice is in each of the following situations using the ten point scale with 1 meaning totally inappropriate and 10 meaning totally appropriate? **READ IN ORDER**

- a. When someone is convicted of any crime regardless of the severity
- b. When someone is convicted of a crime involving serious violence

37. I would like to now ask a few questions on bail. Right now Crown prosecutors usually have to prove to a judge why an accused should **not** be granted bail, either because they represent a threat to society, they may flee to avoid prosecution or to maintain the public's confidence in the justice system. In each of the following cases should the burden of proof still be on the crown to prove why an accused should **NOT** be granted bail, OR, should the burden of proof be on the accused to prove why they **SHOULD** be granted bail?: **READ IN ORDER**

- a. When someone is charged with any crime regardless of the severity
- b. When someone is charged with a crime involving serious violence

38. When an accused is **not** granted bail, they are sent to jail to wait for their trial. If they are convicted and sentenced, the court sometimes gives extra credits for this time spent in jail because temporary holding facilities are often overcrowded and do not always provide the same opportunities as regular prisons. As well, parole eligibility guidelines do **not** count this time spent in custody when determining someone's release date. Which of the following do you think is the best way to deal with the issue of credits for pre-trial custody for a **non**-violent offence? **READ AND ROTATE**

39. What about for a serious violent offence? Should there be...? **READ AND ROTATE**

**Finally, a few questions for statistical purposes. Please be assured that all your responses will be kept entirely anonymous and absolutely confidential.**

- 40. In what year were you born?
- 41. What is the highest level of education that you have reached?
- 42. Which of the following best describes your own present employment status?
- 43. Where were you born?

**ASK ALL BORN OUTSIDE CANADA**

- 44. How long have you lived in Canada?



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**ASK ALL**

45. Are you an Aboriginal person? CLARIFY IF NECESSARY: A First Nations, Métis or Inuit person?
46. Which of the following best describes your current marital status?
47. Are there any children under the age of 18 currently living in your household?
48. Which language do you, yourself, usually speak at home? (If you speak more than one language, which one do you speak most often?) INSIST ON ONLY ONE ANSWER
49. Do you consider yourself to be a member of a visible minority group?
50. How often, if at all, do you attend religious services?
51. Into which of the following categories would you put the total annual income in 2006 of all the members of your household, including yourself, before taxes and deductions?
52. Which of the following best describes your living situation?

**DO NOT ASK - RECORD RESPONDENT'S SEX**

**DO NOT ASK - RECORD PROVINCE**

**DO NOT ASK - RECORD URBAN/RURAL AREA**

**DO NOT ASK - RECORD LANGUAGE OF INTERVIEW**

**Thank you for your participation**