



PROBLEM-SOLVING JUSTICE

Canadians are largely supportive of problem-solving approaches to crime and most want offenders to have access to initiatives that seek to address the ‘root causes’ of crime based on an offender’s unique needs.

What we also found

- The majority of Canadians (88%) believe that the criminal justice system should promote problem-solving approaches to crime (58% show strong support; 30% moderate support).
- Sixty percent of Canadians agreed that such approaches can adequately hold people to account for their crime(s). Only one in five (18%) thought that this approach would not adequately hold people to account.
- Seventy-five percent of Canadians expressed high or moderate (39% and 36% respectively) support for the idea that problem-solving justice could reduce rates of re-offending compared with traditional methods of justice. One in five (18%) respondents expressed doubts that problem-solving justice was likely to reduce the rate of re-offending.
- Most focus group and interview participants expressed considerable support for problem solving courts, believing that a focus on rehabilitation would support vulnerable or marginalized offenders in better identifying and addressing the root causes of their offending.
- Regarding results for offenders, 80% of Canadians believed problem-solving justice would likely lead to better outcomes for offenders (49% likely and 31% moderately likely).
- In focus groups, participants thought that problem-solving courts would primarily help first-time offenders. Some focus group participants expressed doubts that such initiatives would help repeat offenders whose problems might be too entrenched.
- Participants in the focus groups expressed concern about the quality, effectiveness, and availability of such initiatives in all communities. Participants were clear that any solutions had to be well coordinated, integrated, and dedicated to supporting rehabilitation efforts within the criminal justice system.

In more depth

Problem-solving approaches to crime were described as a way to hold offenders accountable through monitoring participation in community-based programs and tracking progress towards rehabilitation goals. Problem-solving justice relies on cross-sectoral partnerships to support offenders in identifying and addressing their needs. Focus group respondents discussed a more narrow definition of this concept – specifically problem-solving courts which require offenders to participate in community-based programs to address addiction issues, mental health problems, etc. and





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'check in' with the court on a regular basis (sometimes once per week) to allow authorities to monitor their progress. Generally if offenders successfully complete this sort of program, they do not have to go to jail.

Many focus groups and interview respondents viewed problem-solving courts as being of particular benefit to first time offenders, although some argued for even greater need among repeat offenders, where root causes had never been addressed. Some people expressed concerns about the availability of high calibre and effective programs in all communities. They also expressed the opinion that if offenders are not open to change it is unlikely that this type of approach would have any significant impact on some repeat offenders.

Participants in the focus groups indicated that they thought specialists needed to be involved in identifying and treating the 'root causes' of crime. They noted that cause and effect can be hard to identify. For example, an offender may commit theft to support a drug addiction. However, they noted that addiction may be a result of chronic unemployment or mental health issues. They felt that lack of education, abuse, and homelessness could all play a part.

Women were slightly more likely to express support for problem-solving approaches to justice than men (62% vs. 55%). Men were more skeptical of the potential impact of problem solving justice than women – they were more likely to note that this approach would not hold people adequately to account (21% vs. 15%), would not lead to reduced rates of reoffending compared to traditional approaches (24% vs. 13%) and would not result in better outcomes for offenders (19% vs. 10%).

Persons with a university education¹ compared to those with high school education or less, were more likely to support problem-solving approaches (72% vs. 50%), and to think that problem solving justice could a) hold offenders adequately accountable (67% vs. 57%), b) lead to reduced rates of reoffending compared to traditional approaches (49% vs. 32%) and c) result in better outcomes for offenders (61% vs. 40%).

There were some regional differences in views of problem-solving justice, with those in the Atlantic Provinces expressing more support for these approaches compared to those in Saskatchewan/Manitoba² (67% vs. 50%).

There were no clear patterns in views across age groups, however, more of those aged 25-34 years (48%) and 35-44 (45%) compared to those aged 55 and older (32%) thought it likely that problem-solving approaches would lead to lower rates of reoffending when compared to traditional approaches. Those aged 25-34 years were also more likely to believe that these approaches would lead to better outcomes for offenders than those 65+ years of age (57% vs. 42%).

Method

The Department of Justice conducted National Justice Surveys (NJS) in both 2016 and 2017. Each NJS included several public opinion research projects with Canadians 18 and over from across Canada. The 2016 NJS included two surveys (surveys 1 and 2), six in-person focus groups and three online discussions. The 2017 NJS included two surveys (surveys 1 and 2), twelve in-person focus groups and twenty one-on-one telephone interviews. Survey samples were drawn randomly and the surveys were completed online or via paper. The data were weighted for age, gender, geographic region and education to match the Canadian population.

NJS 2017: The first survey (N=2,019) focussed on discretion, sentencing and mandatory minimum penalties (MMPs). This survey included information (e.g., statistics and definitions of concepts such as sentencing guidelines) and three scenarios depicting offences that carry MMPs in order to provide context for responses. The second survey (N=2,027)





Research at a Glance

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focussed on specific criminal justice system topics including restorative justice, problem-solving justice, administration of justice offences, diversion, performance measurement, and confidence in the criminal justice system. Focus groups discussed the issues covered in the two surveys in more depth.

Information was provided on problem-solving approaches to justice (problem-solving courts for focus groups) and respondents were asked about support for these approaches, whether they may have a positive impact on the CJS or those involved, and concerns about this approach.

For further information on the findings and/or surveys mentioned in this document please contact the Department of Justice Canada Research and Statistics Division (rsd.drs@justice.gc.ca)

¹ University education includes those with a certificate, an undergraduate degree or higher.

² These provinces were combined into a “region” for analysis.

