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| 1. Which approach to criminal justice has the Canadian government taken in recent years?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | law and order | b. | back to basics | |  | c. | peace, order, and good government | d. | penal populism |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 2. Canadian laws, legislation, and practices do which of the following?   |  |  |  | | --- | --- | --- | |  | a. | uphold civil law, common law, and religious law | |  | b. | bring about genuine democracy and liberty | |  | c. | achieve justice, ensure legal rights are upheld, and implement both fairness and equality | |  | d. | govern social relations |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 3. When asked to give examples of crimes, most people think about what types of crimes?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | corporate crimes | b. | street crimes | |  | c. | hate crimes | d. | terrorism |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 4. Which of the following best defines “crime”?   |  |  |  | | --- | --- | --- | |  | a. | a fixed, objective entity | |  | b. | the result of laws created by changing the view of what is acceptable behaviour | |  | c. | sudden and unpredictable and generally calculated to create a climate of fear among the public | |  | d. | disruptive acts characterized by covert and overt hostility and intentional aggression toward others |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 5. According to Hudson, what are the stages in criminal justice that are delivered to an accused?   |  |  |  | | --- | --- | --- | |  | a. | charge, prosecution, trial, sentence, appeal, punishment | |  | b. | charge, trial, sentence, punishment | |  | c. | charge, prosecution, trial, plea, appeal, punishment | |  | d. | charge, trial, sentence, appeal, punishment |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 6. What are the most important forms of our criminal justice system?   |  |  |  | | --- | --- | --- | |  | a. | utilitarianism, procedures, purposes, and crime approaches | |  | b. | basic decrees, customs and traditions, meanings, and retribution | |  | c. | effective crime control, procedures, duties, and justice | |  | d. | substantive law, form and process, functions, and modes of punishment |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 7. Which statement best describes the police, the courts, and the correctional system?   |  |  |  | | --- | --- | --- | |  | a. | They have parallel organizational structures and goals. | |  | b. | They are concerned with who deserves justice, how people should receive justice, and how justice is to be delivered. | |  | c. | They have analogous logistic arrangements and objectives. | |  | d. | They are concerned with retribution, deterrence, incapacitation, and rehabilitation. |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 8. Which of the following is responsible for making sure that justice is achieved and maintained?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | federal and provincial governments | b. | federal and municipal governments | |  | c. | federal government | d. | provincial governments |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 9. What is the main role of the police?   |  |  |  | | --- | --- | --- | |  | a. | to investigate crimes, arrest suspects, and collect evidence | |  | b. | to adjudicate | |  | c. | to determine whether or not any person is guilty of a crime | |  | d. | to apply and interpret the laws and to resolve disputes that arise under them |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 10. What does the statement “Courts are involved in adjudication” mean?   |  |  |  | | --- | --- | --- | |  | a. | The courts determine whether any person charged is guilty of a crime as well as setting the type and amount of punishment for the guilty. | |  | b. | The courts may exercise only judicial powers and perform only judicial functions. | |  | c. | The courts hear cases involving the constitutionality of a law and cases involving the laws and treaties of Canadian ambassadors and public ministers. | |  | d. | The courts hear cases involving disputes between two or more provinces, maritime law, and bankruptcy cases. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 11. Which term commonly refers to how a society organizes its reaction to problematic behaviour?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | social control | b. | civil law | |  | c. | criminal behaviour | d. | criminal law |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 12. What population is needed for a city to form and maintain its own municipal police force?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | more than 5,000 people | b. | more than 10,000 people | |  | c. | more than 15,000 people | d. | more than 20,000 people |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 13. In 2017, how many stand-alone police services were there at the municipal level?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | 14 | b. | 41 | |  | c. | 141 | d. | 241 |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 14. In 2017, how many First Nations self-administered police services were there at the municipal level?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | 16 | b. | 36 | |  | c. | 56 | d. | 76 |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 15. In 2017, what percentage of all sworn police personnel were employed by First Nations self-administered police services?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | 34 percent | b. | 42 percent | |  | c. | 56 percent | d. | 80 percent |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 16. In 2017, what percentage of all sworn police personnel were employed by municipal police services?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | 34 percent | b. | 42 percent | |  | c. | 56 percent | d. | 80 percent |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 17. Which jurisdictions in Canada do NOT have municipal police services?   |  |  |  | | --- | --- | --- | |  | a. | Newfoundland and Labrador, Yukon, the Northwest Territories, and Nunavut | |  | b. | Newfoundland and Labrador, Prince Edward Island, Nova Scotia, and New Brunswick | |  | c. | Manitoba, Yukon, the Northwest Territories, and Nunavut | |  | d. | Quebec and Yukon, the Northwest Territories, and Nunavut |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 18. Besides the RCMP, what are the three provincial police services?   |  |  |  | | --- | --- | --- | |  | a. | Alberta Sheriff’s Branch, British Columbia Sheriff Service, and Manitoba Sheriff Service | |  | b. | Tsuu T’ina Nation Police Service, Blood Tribe Police Service, and Stl’atl’imx Tribal Police Service | |  | c. | Nova Scotia Sheriff Services, Prince Edward Island Sheriff Services, and Saskatchewan Deputy Sheriffs | |  | d. | Ontario Provincial Police, the Sûreté du Québec, and the Royal Newfoundland Constabulary |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 19. The RCMP is organized under the authority of what *Act*?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | *Royal Canadian Mounted Police Act* | b. | *Dominion Act* | |  | c. | *Safe Streets and Communities Act* | d. | *Constitution Act* |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 20. Kim was travelling down the 401 at a speed of 130 km per hour. When she passed Cobourg, she was pulled over by the police and issued a ticket. Which branch of police issued Kim her ticket?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | municipal | b. | provincial | |  | c. | federal | d. | provincial and federal combined |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 21. Which three major agencies comprise the Canadian criminal justice system?   |  |  |  | | --- | --- | --- | |  | a. | the police, the courts, and corrections | |  | b. | the arrest, the charges, and the courts | |  | c. | the people, the legislature, and parliament | |  | d. | the police, the legislature, and corrections |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 22. What is the first court most Canadians encounter when charged with a criminal offence?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | provincial | b. | superior | |  | c. | civil | d. | family |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 23. The RCMP is NOT charged with which duties?   |  |  |  | | --- | --- | --- | |  | a. | enforcing federal statutes | |  | b. | carrying out executive orders of the federal government | |  | c. | providing protective services for visiting dignitaries | |  | d. | enforcing general law and order, including the enforcement of the Criminal Code |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 24. The RCMP is NOT responsible for which of the following?   |  |  |  | | --- | --- | --- | |  | a. | forensic facilities in Ottawa | |  | b. | educational facility in Ottawa | |  | c. | providing security at selected Canadian embassies around the world | |  | d. | Canadian Police Information Centre (CPIC) |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 25. All provincial/territorial court systems in Canada, with one exception, have three levels. What is the exception?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | Nunavut | b. | Northwest Territories | |  | c. | Yukon | d. | Newfoundland and Labrador |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 26. The lower courts are called the provincial courts in most jurisdictions, but in Ontario they have a different name. What are they called in Ontario?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | Her Majesty’s Court | b. | the Crown Court | |  | c. | the Court of Ontario | d. | the Court of Justice |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 27. The lower courts are called the provincial courts in most jurisdictions, but in Ontario they have a different name. What are they called in Ontario?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | Tribunal d’instance | b. | the Court of Cassation | |  | c. | the Court of Quebec | d. | the Court of Justice |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 28. What are superior courts in Canada usually known as?   |  |  |  | | --- | --- | --- | |  | a. | High Court of Canada or People’s High Court | |  | b. | the Court of Queen’s Bench or Supreme Court | |  | c. | Superior Court of Justice or Constitutional Court | |  | d. | Her Majesty’s Court or Supreme Federal Court |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 29. The Nunavut Court is unique in Canada because consists of how many trial court levels?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | single-level | b. | double-level | |  | c. | triple-level | d. | quadruple-level |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 30. What do superior court judges NOT hear?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | criminal matters | b. | family matters | |  | c. | civil matters | d. | admiralty matters |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 31. Orlee is describing the division of a larger court into a criminal court, a family court, a small claims court, a youth court, and a family violence court. What type of larger court is she referencing?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | supreme court | b. | federal court | |  | c. | provincial court | d. | Indigenous court |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 32. Janet Able, a 15-year-old high school student, robbed a neighbourhood gas station and took off with both money and goods from the store. She was identified and located by police because the gas station had a video of her break-in. Which Canadian court is most likely to hear this case?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | provincial | b. | superior | |  | c. | federal | d. | court of appeal |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 33. So’Lanna was stopped by the Winnipeg Police for driving while her license was suspended. Which Canadian court is most likely to hear this case?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | provincial | b. | superior | |  | c. | federal | d. | court of appeal |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 34. Sonja was stopped by the Winnipeg Police for public drunkenness, loitering, and disturbing the peace. Which Canadian court is most likely to hear this case?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | provincial | b. | superior | |  | c. | federal | d. | court of appeal |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 35. Which court has the greatest authority in any criminal matter in Canada?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | Supreme Court of Canada | b. | Superior Court of Justice | |  | c. | Appeal Court | d. | Court of Queen’s Bench |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 36. Which court hears the majority of criminal cases in Canada?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | superior | b. | supreme | |  | c. | federal | d. | provincial |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 37. Joanne is convicted of her third break and entering offence in the past two years. At Joanne’s sentencing hearing the Crown prosecutor focuses her argument upon what the length of the sentence should be, while the defence attorney looks specifically at Joanne’s addiction and poor family environment and requests that his client be given probation so she can attend counselling in the community. What is the Crown prosecutor ignoring in her presentation?   |  |  |  | | --- | --- | --- | |  | a. | the social context of Joanne’s behaviour | |  | b. | the legal context of Joanne’s criminal activities | |  | c. | the “black letter” definition of crime | |  | d. | the appropriate sentence of incarceration for Joanne |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 38. Xing is sentenced to a three-year period of incarceration for committing a crime. She decides to appeal her case. Where will Xing be placed pending her appeal?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | a federal correctional facility | b. | a community correctional facility | |  | c. | a provincial facility | d. | at home on a home confinement order |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 39. Because of an increase in the number of stabbings, criminal justice personnel decide to charge everyone involved in such crimes, eliminate plea bargains, and hand out lengthier punishments when an individual is convicted of such crimes. This type of approach represents which definition of crime?   |  |  |  | | --- | --- | --- | |  | a. | the “black letter” definition of crime | |  | b. | the social definition of crime | |  | c. | the normative definition of crime | |  | d. | the social constructionist definition of crime |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 40. Who first used the social norms definition of crime?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | Edwin Sutherland | b. | Sheldon Glueck | |  | c. | Gabriele Tarde | d. | Burgess Akers |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 41. You are listening to a lecture on corporate crime, in which the speaker argues that crime should NOT be defined on the basis of criminal law, but rather on the basis of two more abstract notions: “social injury” and “social harm.” Who is the most likely speaker?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | Edwin Sutherland | b. | Sheldon Glueck | |  | c. | Gabriele Tarde | d. | Burgess Akers |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 42. The basis for the belief that no act can be considered criminal until a duly appointed representative of the criminal court (e.g., a judge or a jury) has established the guilt of an offender is referred to as which of the following?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | the “black letter” approach | b. | the normative decision-making approach | |  | c. | the social contract approach | d. | the criminal law approach |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 43. Which definition of crime is illustrated when a Canadian mayoral candidate equates crime with disorderly conduct (such as panhandling), arguing that such conduct undermines public safety and security?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | legal | b. | social norms | |  | c. | social constructionist | d. | social mores |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 44. According to what definition of crime are the actions of alleged offenders, and factors that affect the decision to prosecute, important?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | legal | b. | social norm | |  | c. | social constructionist | d. | social mores |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 45. The best-selling text, *The Rich Get Richer and the Poor Get Prison,* contends that the criminal justice system is biased against the poor from start to finish. What definition of crime is the book most likely based on?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | legal | b. | social norm | |  | c. | social constructionist | d. | social mores |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 46. The basis for the belief that disorderly conduct should be a crime is the idea that crime is a violation of which of the following?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | the “black letter” of the law | b. | normative decision making | |  | c. | the social contract | d. | the criminal law |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 47. According to the text, how many cases of euthanasia were studied in Canada?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | 30 | b. | 35 | |  | c. | 40 | d. | 45 |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 48. Which of the following are NOT *mala prohibita* offenses?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | abortion | b. | gambling | |  | c. | homosexuality | d. | murder |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 49. Which of the following are NOT *mala in se* offenses?   |  |  |  | | --- | --- | --- | |  | a. | murder | |  | b. | assault and battery | |  | c. | production and distribution of pornography | |  | d. | robbery |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 50. When was suicide decriminalized in Canada?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | 1952 | b. | 1962 | |  | c. | 1972 | d. | 1982 |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 51. When was the constitutionality of the law on assisted suicide first raised by Sue Rodriguez?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | 1963 | b. | 1973 | |  | c. | 1983 | d. | 1993 |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 52. According to the text, what is the objective of social control in a society?   |  |  |  | | --- | --- | --- | |  | a. | to build more correctional facilities | |  | b. | to create more laws in our society | |  | c. | to control behaviour viewed as criminal in some way | |  | d. | to spend more money to increase the size of the criminal justice system |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 53. According to the text, what percentage of Quebec College of Physicians surveyed favoured euthanasia as long as it occurred within clear legal guidelines?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | 25 | b. | 45 | |  | c. | 55 | d. | 75 |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 54. What did researchers discover when physicians in Quebec were asked about their support of euthanasia?   |  |  |  | | --- | --- | --- | |  | a. | that a minority of physicians favoured euthanasia | |  | b. | that approximately 50 percent of physicians favoured euthanasia | |  | c. | that approximately 75 percent of physicians favoured euthanasia | |  | d. | that almost all physicians favoured euthanasia |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 55. Which province was the first to legalize physician-assisted death in June 2014?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | Ontario | b. | Quebec | |  | c. | Alberta | d. | British Columbia |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 56. Which Supreme Court of Canada case was instrumental in deciding that adults have the right to end their life with a doctor’s assistance?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | *Wilson v. Canada* | b. | *Carter v. Canada* | |  | c. | *Chilton v. Canada* | d. | *White v. Canada* |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 57. You are listening to a lecture describing an adversarial system of justice. Which of the following is NOT part of the lecture?   |  |  |  | | --- | --- | --- | |  | a. | the judge plays an active role in investigating the alleged offence and questioning witnesses | |  | b. | system of justice premised on each party having an obligation to present evidence and argument to support its position | |  | c. | the judge, a neutral figure, remains relatively passive during a trial | |  | d. | the judge ensures that the appropriate questions are asked and that the rules of a criminal court case are followed |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 58. Your classmate believes that the prevailing moral leaning of society should dictate whether a law is just. What does she consider the most important component of justice?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | substantive justice | b. | procedural justice | |  | c. | formal justice | d. | informal justice |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 59. John has committed a criminal offence and has been charged by the police. John is on welfare and cannot afford legal counsel on his own. In Canada, ensuring that everyone can access justice is part of which type of approach to criminal justice?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | normative approach | b. | adversarial approach | |  | c. | due process approach | d. | poverty approach |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 60. What is the purpose of the adversarial system?   |  |  |  | | --- | --- | --- | |  | a. | to treat people fairly | |  | b. | to convict the guilty | |  | c. | to maintain substantive justice | |  | d. | to search for the truth—specifically, to determine the guilt or innocence of the accused |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 61. Which of the following terms refers to the truthfulness of the allegation of a case?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | criminal justice | b. | substantive justice | |  | c. | absolute justice | d. | provincial justice |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 62. What is the primary concern of substantive justice?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | the accuracy of the verdict | b. | the number of charges laid by the police | |  | c. | the fairness of the procedures | d. | the role of the victim(s) |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 63. Which of the following is a defining characteristic of the rule of law?   |  |  |  | | --- | --- | --- | |  | a. | All trials must be conducted within nine months of charges. | |  | b. | Youth and adult trials should take place in separate courts. | |  | c. | Trials should be conducted fairly at every stage of the trial process. | |  | d. | A person must be seen by the court within at least 48 hours after arrest. |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 64. What type of justice has been violated when an individual is found to have been wrongfully convicted?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | criminal justice | b. | fundamental justice | |  | c. | substantive justice | d. | procedural justice |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 65. What is the primary concern of procedural justice?   |  |  |  | | --- | --- | --- | |  | a. | the truthfulness of the allegation | |  | b. | the accuracy of the verdict | |  | c. | the fairness of the decision-making procedure | |  | d. | the appropriateness of the sentence |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 66. Which one of the following is NOT an element of the rule of law?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | scope of law | b. | character of law | |  | c. | institution of law | d. | foundation of law |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 67. A member of parliament discovers that his relative has broken the law. He approaches his longtime friend, Justice Bloom, in the hope he will get his relative’s charges dropped. He expresses to the justice that their friendship should help with an exemption from the law for his relative. Justice Bloom explains there are no exemptions from the law regardless of who you are. Which element of the rule of law does this example demonstrate?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | foundation of law | b. | character of law | |  | c. | institution of law | d. | scope of law |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 68. A law surrounding texting and driving (distracted driving) was recently created in Ontario. Additionally, changes to the fine and the addition of three demerit points were implemented. Advertising and news stories communicated these changes to the public. Which element of the rule of law does this example demonstrate?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | foundation of law | b. | character of law | |  | c. | institution of law | d. | scope of law |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 69. You are listening to a public lecture by a speaker from an independent organization. Her stated mission is to advance the rule of law around the world. Which organization does the speaker likely belong to?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | Amnesty International | b. | *Human Rights Watch* | |  | c. | World Justice Project | d. | *Penal Reform International* |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 70. Overall, where does Canada rank in terms of the rule of law in the world?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | tied for fourth | b. | tied for ninth | |  | c. | tied for eleventh | d. | tied for fifteenth |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 71. Which of the following is an example of the informal justice approach?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | mediation and arbitration services | b. | bail court | |  | c. | plea bargaining | d. | legal aid services |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 72. You have taken a summer job at a centre that represents consumers and low-income persons, who are far too often silenced in *legal* and *public* policy debates. Where are you most likely to be working?   |  |  |  | | --- | --- | --- | |  | a. | The Community Justice Centre | |  | b. | The *Public Interest Law* Centre | |  | c. | The Informal Justice Coalition Centre | |  | d. | Mediation and Arbitration Services Centre |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 73. Which of the following is NOT one of the four elements that Tyler believes are key to understanding why people perceive criminal justice institutions to have legitimacy?   |  |  |  | | --- | --- | --- | |  | a. | Participation: The extent to which individuals believe they have control over the process. | |  | b. | Neutrality: When decision makers do not allow the personal characteristics of individuals to influence decisions and treatment during the process. | |  | c. | Trustworthiness: The degree to which decision makers can be trusted to behave fairly. | |  | d. | Equity: When the laws themselves do not address an issue or are inadequate in some way. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 74. What does the crime control model believe is the purpose of the criminal justice system?   |  |  |  | | --- | --- | --- | |  | a. | to reduce the number of criminals on the street | |  | b. | the presumption of innocence | |  | c. | to treat offenders fairly | |  | d. | the presumption of guilt |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 75. Your classmate argues that one of the most important aspects of the Canadian criminal justice system is that people can interpret the operations of the various elements of the system based on different belief systems. To what is she specifically referring?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | principles | b. | ideology | |  | c. | articles of faith | d. | philosophy |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 76. Your friend works in the criminal justice system. She prefers the crime control model of justice. She is most likely which of the following?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | prosecutor | b. | police officer | |  | c. | probation officer | d. | correctional officer |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 77. Which statement is NOT a key concern of the crime control model?   |  |  |  | | --- | --- | --- | |  | a. | Criminal justice should focus on defending victims’ rights rather than on protecting defendants’ rights. | |  | b. | Police authority should be increased to make it easier for them to investigate, arrest, search, seize, and convict. | |  | c. | The central aim of the criminal justice process should be to discern the truth or to determine the factual guilt of the accused. | |  | d. | An accused should be found guilty only if the government follows legal procedures in its fact-finding. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 78. Which statement is NOT a key concern of the due process model?   |  |  |  | | --- | --- | --- | |  | a. | The suppression of crime should be the main function of criminal justice because order is a prerequisite for a free society. | |  | b. | The main function of criminal justice should be fundamental fairness under the law. | |  | c. | Police powers should be restricted to thwart official oppression of the individual. | |  | d. | Criminal justice officials should be held accountable to ensure fairness and consistency in the justice process. |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 79. Which of the following is a goal of the crime control model of criminal justice?   |  |  |  | | --- | --- | --- | |  | a. | to ensure that all criminal justice agencies are following the rule of law | |  | b. | to ensure that all criminal justice agencies are properly controlled | |  | c. | to deter crime | |  | d. | to increase the number of police officers |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 80. Larry has been charged and convicted of a drug offence. He has had multiple charges surrounding drug use. Once Larry is convicted, the court system and correctional system assess him and recommend appropriate treatment programs. Which model of criminal justice does this fall under?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | the due process model | b. | the bureaucratic model | |  | c. | the non-punitive model | d. | the medical model |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 81. Citizens living in a small town in southern Ontario have noticed quite an increase in drug use among teenagers. They approach their local leaders to express their collective desire for the police to “get tough on crime” and their view that the criminal justice system is “weak on criminals.” This situation is an example of which model of the criminal justice system?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | the due process model | b. | the bureaucratic model | |  | c. | the punitive model | d. | the crime control model |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 82. The crime control model resembles an assembly line process. How does this model perceive the defendants throughout the process?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | guilty | b. | innocent | |  | c. | acquitted | d. | blameless |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 83. Which model of the criminal justice system most closely resembles the way most people view the system?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | due process model | b. | crime control model | |  | c. | punitive model | d. | medical (rehabilitation) model |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 84. Which of the following describes the goal of the criminal justice system that is focused on the response to crime?   |  |  |  | | --- | --- | --- | |  | a. | perceptions of injustice within the criminal justice system are seen as problematic | |  | b. | to reduce crime, the best approach is one that is immediate | |  | c. | the criminal justice system should be used only if the behaviour in question is criminal | |  | d. | laws must be just and the response fair |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 85. Which goal of the criminal justice system is involved when alternative dispute resolutions are being used?   |  |  |  | | --- | --- | --- | |  | a. | to confront fear | |  | b. | to reduce the amount of crime | |  | c. | to achieve justice | |  | d. | to maintain moral legitimacy in the system |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 86. When various groups and individuals perceive that some aspects of the criminal justice system are unjust, what goal of criminal justice is being questioned?   |  |  |  | | --- | --- | --- | |  | a. | the proper scope of the crime response | |  | b. | the achievement of justice | |  | c. | maintaining faith in the moral legitimacy of the justice system | |  | d. | the reduction in the amount of crime |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 87. What criminal justice goal requires just laws and the even-handed administration of fair processes for the enforcement of the law?   |  |  |  | | --- | --- | --- | |  | a. | the proper scope of the law | |  | b. | the operation of the criminal justice system to maintain faith in its moral legitimacy | |  | c. | the achievement of justice | |  | d. | to reduce the amount of crime |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 88. What are people most commonly referring to when they speak of the primary principle of the justice model?   |  |  |  | | --- | --- | --- | |  | a. | the punishment should be proportional | |  | b. | the length of time it takes to get a criminal case to court | |  | c. | the ability of the *Charter of Rights and Freedoms* to hold individuals accountable for their actions | |  | d. | that offenders receive the punishment that they deserve |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 89. Which model states that all citizens are equal before the law and are to be protected from arbitrary decisions by individuals working in the criminal justice system?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | justice model | b. | criminal justice model | |  | c. | fairness model | d. | punishment model |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 90. What are the two major parts of the Canadian system of criminal procedure?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | pretrial procedure and trial procedure | b. | substantive justice and procedural justice | |  | c. | constitutional law and statute law | d. | the courts and corrections |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 91. Which of the following is NOT a main purpose for arresting someone?   |  |  |  | | --- | --- | --- | |  | a. | to ensure the accused appears in a criminal court | |  | b. | to stop the accused from any further crimes | |  | c. | to determine the person’s guilt and innocence through court | |  | d. | to rid society of crime and dangerous criminals |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 92. Nima is charged with second degree murder. Which court will hear his case?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | provincial | b. | superior | |  | c. | administrative | d. | appeal |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 93. After the police have collected enough evidence to implicate someone as an offender, what do they do in order to obtain an arrest warrant?   |  |  |  | | --- | --- | --- | |  | a. | lay an information | |  | b. | issue a summons | |  | c. | issue an appearance notice | |  | d. | ensure the accused will receive a bail hearing |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 94. Under which circumstance would police officers need not arrest an individual?   |  |  |  | | --- | --- | --- | |  | a. | the offence in question is an indictable offence that allows the accused to choose a jury trial | |  | b. | there is no warrant | |  | c. | the offence in question is a summary conviction offence | |  | d. | there are no eyewitnesses to the alleged offence |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 95. When can a police officer arrest an individual without a warrant?   |  |  |  | | --- | --- | --- | |  | a. | if an officer thinks an individual has committed a summary conviction offence | |  | b. | if an officer cannot verify that there is an outstanding warrant for the arrest of an individual | |  | c. | if an officer discovers someone in the process of committing any criminal offence | |  | d. | if there is an order from an official from the office of the Minster of Justice |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 96. In which situation can a police officer in charge at the police station to which an accused is taken NOT use his or her discretion to release the suspect?   |  |  |  | | --- | --- | --- | |  | a. | if the justice of the peace determines otherwise | |  | b. | if the suspect is charged with a criminal offence punishable by imprisonment of 25 years of more | |  | c. | if the suspect is felt to pose a threat to the public | |  | d. | if the suspect has no prior violent offences |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 97. Which of the following ensures that the accused appears at her trial while permitting her to participate in the development of her defence?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | a summons | b. | bail | |  | c. | an information | d. | an arrest |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 98. When an accused has the right to choose between trial by judge alone and trial by judge and jury, what does the charge involve?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | a summary offence | b. | an indictable offence | |  | c. | an election indictable offence | d. | a primary offence |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 99. Gurpreet is told there will be a preliminary inquiry regarding his actions. What does his lawyer explain is the purpose of this type of inquiry?   |  |  |  | | --- | --- | --- | |  | a. | to determine the guilt or innocence of an individual | |  | b. | to determine whether enough evidence exists to send an accused to trial | |  | c. | to enter a plea | |  | d. | to obtain bail |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 100. Which term means that an accused cannot be tried on that information and proceedings on that information are terminated?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | inquiry | b. | exclusion | |  | c. | arraignment | d. | discharge |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 101. Which term refers to the right of the accused to change their mind about the type of trial they want to have?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | re-negotiated opportunity | b. | re-certification | |  | c. | re-election | d. | re-entitlement |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 102. Which of the following is granted to most inmates after serving two-thirds of their sentence?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | statutory release | b. | probation | |  | c. | full parole | d. | day parole |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 103. Which term best describes how the informal processing of an accused person in our criminal justice system is looked at?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | horizontally | b. | vertically | |  | c. | left to right | d. | right to left |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 104. Madison is asked by the Crown prosecutor to plead guilty in exchange for a reduced sentence. What type of justice does this demonstrate?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | legal justice | b. | procedural justice | |  | c. | substantive justice | d. | bargain justice |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 105. Which statement best describes the criminal justice funnel?   |  |  |  | | --- | --- | --- | |  | a. | a judge decides to sentence many people with incarceration | |  | b. | the prosecutors usually have ample evidence to proceed with charges | |  | c. | a judge believes every crime is serious enough for charges | |  | d. | the prosecutors usually don’t have ample evidence to proceed with charges |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 106. When the system operates like a wedding cake, which layer includes the less serious crimes?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | Layer 1 | b. | Layer 2 | |  | c. | Layer 3 | d. | Layer 4 |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 107. The trials of Russell Williams, Clifford Olson, Karla Homolka, and Robert Pickton are examples of celebrated Canadian cases. Upon which layer of the wedding cake would these cases be included?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | Layer 1 | b. | Layer 2 | |  | c. | Layer 3 | d. | Layer 4 |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 108. According to the Law Reform Commission, what is the reality of the criminal justice system?   |  |  |  | | --- | --- | --- | |  | a. | “reality surpasses aspiration” | |  | b. | “reality equals aspiration” | |  | c. | “no correlation exists between reality and aspiration” | |  | d. | “reality falls short of aspiration” |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 109. Ericson and Baranek (1982) argue that the formal system operates only in theory, therefore “legal justice” does not exist. What form of justice do most defendants receive?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | “solid justice” | b. | “bargain justice” | |  | c. | “reduced justice” | d. | “compact justice” |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 110. How many of the 70 robbers Desroches interviewed pleaded guilty in provincial court?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | 70 percent | b. | 77 percent | |  | c. | 83 percent | d. | 90 percent |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 111. A prosecutor and a defence lawyer were in attendance at court. They had worked with each other and with the various other courtroom personnel over many different cases. In fact, professional bonds had formed among many of the personnel. What is the term that describes this cohesive group of people?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | courtroom work group | b. | courtroom personnel group | |  | c. | courtroom workforce group | d. | courtroom employee group |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 112. In which of the following do members of the courtroom work group “make sense” of the individuals and cases being processed through the courts in an assessment that may only in part be influenced by legal criteria?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | secondary victimization | b. | normal crimes | |  | c. | courtroom group discretion | d. | crime funnel effect |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 113. Which of the following is a characteristic of the courtroom work group?   |  |  |  | | --- | --- | --- | |  | a. | the speed of the proceedings is not emphasized | |  | b. | publicity is valued | |  | c. | the formal rules of procedure are always followed | |  | d. | guilt is presumed |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 114. Which type of discrimination is mainly concerned with system outcomes or results?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | systemic discrimination | b. | individual discrimination | |  | c. | contextual discrimination | d. | institutionalized discrimination |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 115. An administrator reviews the court processing of all adults during the past year in her jurisdiction. After analyzing all of the data, she discovers that almost all of the individuals processed are young. What has she discovered about the court processing of individuals based on their age?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | disparity | b. | systemic discrimination | |  | c. | institutionalized discrimination | d. | contextual discrimination |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 116. Both Amanpreet and Navjeet recently were charged with a similar offence under the Canadian Criminal Code. Interestingly, Amanpreet received a different sentence than Navjeet. What is the cause or reason for this difference in sentencing?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | disparity | b. | discrimination | |  | c. | institutionalized discrimination | d. | contextual discrimination |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 117. Studies in Manitoba have found evidence of systemic discrimination among which group of peoples?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | Black | b. | Hispanic | |  | c. | Indigenous | d. | Asian |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 118. Researchers studying the criminal court processing of all individuals charged with a criminal offence discover that members of certain racial minority groups are treated differently once they enter their plea in court. What type of discrimination have the researchers discovered?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | systemic discrimination | b. | institutionalized discrimination | |  | c. | contextual discrimination | d. | individual discrimination |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 119. Which section of the Anti-terrorism Act allows authorities in Canada to arrest suspects without a warrant and to detain them for up to 72 hours without charge?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | investigation arrest | b. | investigation hearings | |  | c. | preventive arrest | d. | preventive hearings |  |  |  | | --- | --- | | *ANSWER:* | c | |

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| 120. To date, how many verdicts have been reached in cases involving a terrorism charge?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | 3 verdicts | b. | 4 verdicts | |  | c. | 5 verdicts | d. | 6 verdicts |  |  |  | | --- | --- | | *ANSWER:* | b | |

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| 121. Which of the following gives Canadian authorities a more efficient mechanism to remove non-citizen terrorist suspects from Canada without first having to lay charges?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | preventive hearings | b. | investigative hearings | |  | c. | special advocate certificates | d. | security certificates |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 122. According to the Immigration and Refugee Protection Act, the role of a special advocate is to protect the interests of those persons subject to which of the following?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | a security certificate hearing | b. | an investigative hearing | |  | c. | a preventive hearing | d. | an investigative arrest |  |  |  | | --- | --- | | *ANSWER:* | a | |

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| 123. In what year did Bill C-51 pass and become law in Canada?   |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | a. | 2012 | b. | 2013 | |  | c. | 2014 | d. | 2015 |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 124. Which statement best describes a criticism of Bill C-51, which was tabled in the fall of 2014 following the deaths of two soldiers and the attack on Parliament Hill?   |  |  |  | | --- | --- | --- | |  | a. | It doesn’t give enough power to authorities. | |  | b. | Parliament can oversee the authorities. | |  | c. | The police and the Canadian Security Intelligence Service (CSIS) are restricted. | |  | d. | It gives too much power to the authorities. |  |  |  | | --- | --- | | *ANSWER:* | d | |

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| 125. **Our criminal justice system was developed by the state due to alleged and actual violations of criminal law.**  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 126. **Only the federal government is responsible for ensuring that criminal justice is a delivered in a fair and impartial manner.**  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 127. **Criminal** law is not static, because as social attitudes change, definitions of crime are constantly refashioned in response.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 128. *Mala prohibita* laws describe behaviour that is prohibited by law.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 129. *Mala in se* laws describe behaviour that is immoral and inherently wrong by nature.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 130. Nellie Mackey was the first Canadian to win the legal right to receive a doctor’s help to die.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 131. In June 2016, the Medical Assistance in Dying law was passed.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 132. It is estimated that in the first 18 months after the Medical Assistance in Dying law was passed in June 2016, between 2,000 and 2,500 people ended their lives with the assistance of a doctor.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 133. **Assisted** suicide is the act or practice of causing or hastening the death of a person who suffers from an incurable or terminal disease or condition.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 134. **Both** assisted suicide and euthanasia are common in Canada.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 135. **According** to Eckstein, most cases of euthanasia are reported in Canada.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 136. **Historically**, criminal behaviour was attributed to immorality, wickedness, and poverty.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 137. **According** to Sutherland, the essential characteristic of crime is that it is “behaviour which is prohibited by the State as an injury to the state.”  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 138. According to the social constructionist definition of crime, crime is that behaviour which violates social norms.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 139. According to the legal definition of crime, crime is that behaviour which violates social norms.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 140. In **Canada** today, issues surrounding substantive justice are more common than issues surrounding procedural justice.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 141. In Canada, there are certain exceptions for people in society being subject to the laws introduced by the government.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 142. **Tyler** (1990) believes there are four elements that support the legitimacy of our criminal justice institutions.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 143. Trustworthiness occurs when decision makers treat individuals with dignity and respect for their rights.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 144. Neutrality occurs when decision makers do not allow the personal characteristics of individuals to influence decisions and treatment during the process.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 145. **The** due process model emphasizes the rule of law and the protection of legal rights of the accused.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 146. **According** to the crime control model, everyone is presumed innocent until proven guilty.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 147. In the crime control model, legal rights of individuals is the key focus.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 148. **According** to the bureaucratic model, prosecuting the majority of cases is more cost effective than guilty pleas.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 149. **The** crime control model rests on the presumption of guilt.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 150. Ruth and Reitz (2003) prefer to ignore differentiating between separate models and instead offer a unified set of goals they believe should be shared among all major agencies operating within the criminal justice system.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 151. Ruth’s and Reitz’s Unified Goals of the Criminal Justice System include the idea that fear can lead to a society that is “divided, distrustful, and distracted.”  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 152. Ruth’s and Reitz’s Unified Goals of the Criminal Justice System include the idea that criminal justice should be used only if the behaviour in question is severe enough to be condemned as criminal.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 153. **Both** discrimination and disparity can be permitted under exceptional conditions in our criminal justice system.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 154. **The** major agencies of the Canadian criminal justice system are supposed to achieve justice by making fair decisions.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 155. **Currently** there are five provincial police services in Canada.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 156. **The** Canadian Police Information Centre (CPIC) is an automated national computer system used by all Canadian police services.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 157. **Both** discrimination and disparity can be permitted under exceptional conditions in our criminal justice system.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 158. In Canada, the law allows the police to hold an individual for an undetermined reason.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 159. **When** a charge involves an election indictable offence, the accused has the right to choose between trial by judge alone and trial by judge and jury.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 160. **When** a charge involves an election indictable offence, the next step is to hold a preliminary inquiry.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 161. **An alternative approach to explaining the processing of cases through the criminal justice system is referred to as the criminal justice funnel.**  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 162. **Case** attrition with respect to the funnel of our criminal justice system refers to who should and who should not continue to the next stage of the system.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 163. **An** increase in the number of charges or increase to the sentence is usually seen when an accused pleads guilty.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 164. **Disparity** refers to a difference, and always includes discrimination.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 165. **When** a police service fails to enforce a certain law, it is an example of contextual discrimination.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 166. **When** a judge sentences the members of one racial minority group more harshly when they victimize the members of another racial group, but less severely when they victimize a member of their own racial group, it is an example of contextual discrimination.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 167. **When** a police officer discriminates against members of a certain social class by arresting them in all circumstances while only giving warnings to all others, it is an example of individual discrimination.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 168. **In its study of the treatment of Indigenous peoples in the criminal justice system in Manitoba, the *Aboriginal Justice Inquiry* found evidence of systemic discrimination across the province**.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 169. Recent changes in the Canadian Criminal Code have led to the criminalization of certain types of acts against transgender individuals.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 170. In a 2011 national survey of Canadian transgender high school students, 74 percent of respondents reported experiencing verbal harassment at school from other students and teachers.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 171. In a 2011 national survey of Canadian transgender high school students, 37 percent of respondents reported that they had experienced physical assault.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 172. The Canadian Human Rights Commission has noted that transgender persons typically face high levels of discrimination.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 173. Legal protections for transgender people in Canada have been minimal.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 174. It was not until 2016 that the federal Liberal government introduced Bill C-16 to give protections to transgender Canadians.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 175. A key aspect of Bill C-16 was that it proposed to amend the Criminal Code to include both “gender identity” and “gender expression” as grounds for hate crimes.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 176. In our current system of criminal justice, neither disparity nor discrimination is to be the result of any court decision.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 177. **Disparity** refers to the differential treatment of individuals based upon negative judgments.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 178. **Contextual** discrimination refers to the effects or outcomes of discriminatory actions.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 179. **Substantive** justice is concerned with the appropriateness of a case.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 180. In Canada today, issues involving substantive justice are more common than those involving procedural justice.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 181. **One** of the benefits of the adversarial system is that the legitimacy of the criminal justice system is promoted through the appearance of fairness operating throughout the criminal justice system.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | True | |

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| 182. **Each** stage of the criminal justice funnel shows an increase in numbers of people being processed.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 183. The Canadian anti-terrorism laws were developed in a deliberate manner.  a. True b. False   |  |  |  | | --- | --- | --- | |  | a. | True | |  | b. | False |  |  |  | | --- | --- | | *ANSWER:* | False | |

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| 184. Discuss the “law and order” approach to criminal justice.  *∙*   |  |  | | --- | --- | | *ANSWER:* | In recent years, the federal government has taken a “law and order” approach to criminal justice and as a result many practitioners debate the veracity of these changes.  ∙ The crime control model highlights law and order and that the focus of the criminal justice system should be to eliminate crime and to convict and incarcerate all offenders. | |

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| 185. Discuss how the Canadian criminal justice system is designed to treat people equally even if they have committed a crime. Do you agree or disagree? Should people who commit crimes be treated differently?  *∙*   |  |  | | --- | --- | | *ANSWER:* | The second and third parts of the question will vary somewhat due to the *informed opinion* nature of the question.  ∙ When deciding how justice might be achieved, responses usually include the importance of having a criminal justice system that treats everyone equally. ∙ This is thought by many to be the way our criminal justice system operates but others disagree. ∙ To facilitate an impartial and deliberate process in which people are treated impartially and equally, a number of institutions and procedures have emerged and evolved in Canada. ∙ In our society, it is usually the federal or provincial governments that take on the responsibility of making sure justice is achieved and maintained. ∙ In summary, in our society when most people speak of justice, they are referring to an expectation that the law, relevant institutions, and the criminal justice system apply to all individuals equally and all are entitled to equal protection of the law. ∙ The pursuit of justice oftentimes focuses upon the pursuit of equal treatment. ∙ It is important to ask whether everyone is treated equally, or if there are systematic inequalities and/or discriminatory treatment based on race, ethnicity, social class, gender, or sexuality. ∙ If inequalities or discrimination exist in our society, this can have a tremendous impact on how different groups of people are perceived, processed, and treated by the criminal justice system. | |

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| 186. Discuss recent changes to the Criminal Code of Canada, which have led to the criminalization of certain types of acts against transgender individuals.  *∙*   |  |  | | --- | --- | | *ANSWER:* | Transgender people often experience abuse, harassment, and discrimination.  ∙ In a 2011 national survey of Canadian transgender high school students, 74 percent of respondents reported experiencing verbal harassment at school from other students and teachers, and 37 percent said they had experienced physical assault. ∙ A 2015 study reported of the transgender people they had surveyed in Ontario, 73 percent said they had been made fun of for being trans, 20 percent reported they had been physically or sexually assaulted for being trans, and 10 percent of trans emergency room patients said they had care stopped or denied (Bauer and Scheim 2015). ∙ The Canadian Human Rights Commission noted that transgender persons typically face high levels of discrimination. ∙ Transgender and gender-diverse individuals across Canada “face discrimination, exclusion, and hostility in their daily lives—often impacting their access to everyday services that many Canadians take for granted when they, for example, want to see a family physician, travel, or use a public washroom” (Human Right Tribunal of Ontario 2014). ∙ This is because the legal protections for transgender people in Canada have been minimal. ∙ A few members of parliament had introduced private member bills to protect transgender individuals from discrimination, but these hadn’t passed. ∙ It was not until 2016 that the federal Liberal government introduced Bill C-16 to give protections to transgender Canadians. ∙ This bill was designed to protect trans-identifying individuals by including gender identity and gender expression in the hate speech laws. ∙ It also would help “combat the historical ‘erasure’ of trans people, by acknowledging their unique social challenges in the face of widespread societal and institutional discrimination and marginalization” (Ponsford 2017:23). ∙ A key aspect of Bill C-16 was that it proposed to amend the Criminal Code to include both “gender identity” and “gender expression” as grounds for hate crimes. ∙ Both of these terms were used by the federal government to refer to a person’s understanding of what their gender is and how they choose to express it. ∙ Bill C-16 was passed and received Royal Assent in June 2017.  ∙ The Minister of Justice and Attorney General of Canada, Jody Wilson-Raybould, stated that this new legislation “would protect trans and gender diverse Canadians who are targeted because of their gender identity or expression from hate propaganda. These changes would also require a court to treat the commission of an offence that is motivated by hate based on gender identity or expression as an aggravating factor for sentencing purposes” (Department of Justice 2017). | |

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| 187. Define and discuss in detail “disparity” and all the different types of discrimination as discussed in the text. Why does discrimination conflict with the justice model?  *∙*   |  |  | | --- | --- | | *ANSWER:* | Disparity refers to a difference, but one that doesn’t necessarily include discrimination.  ∙ Concerns about disparity in our criminal justice system arise when inconsistencies appear as a result of the authorities using illegitimate factors when making their decisions. ∙ In the area of criminal justice, disparity has most commonly been raised with sentencing, most specifically whether people receive different sentences for similar offences. ∙ However, it has also been used to analyze a broader issue, notably whether individuals, such as offenders and victims, are treated equally or unequally when there are similar circumstances. ∙ As Gelsthorpe and Padfield (ibid.) note, when a disparity is found it “strikes at the heart of the ideal . . . that all are equal before the law.” ∙ Legitimate reasons for differences include appropriate legal factors such as the seriousness of the offence and the prior record of the offender. ∙ These are considered legitimate reasons for differences in our treatment of alleged offenders and those convicted of a crime within our criminal justice system since they are specifically concerned with the criminal behaviour of the offender. ∙ Illegitimate factors are extralegal factors, such as race, religion, and gender, which involve decisions about the group the alleged offender belongs to and are unrelated to the criminal activity of any particular individual. ∙ For example, our criminal justice system is not supposed to operate or decide about a person’s criminality on the basis of their social class. ∙ If it did, it is entirely possible that middle- and upper-class individuals who commit crimes would serve their sentence within the community, while members of the working class would receive a prison sentence. ∙ Discrimination refers to the differential treatment of individuals based on negative judgments relating to their perceived or real membership in a group. ∙ In other words, something about an individual (e.g., race) over-rides their other qualities (e.g., educational attainment). ∙ Most research efforts in the area of discrimination focus upon gender and race, while fewer have studied sexual orientation, age, religion, and disability. ∙ Discrimination can occur when individuals or groups are perceived as inferior or difficult. ∙ Various types of discrimination have been identified, and each has the potential to influence fairness in a variety of different ways in our criminal justice system. ∙ Systemic discrimination refers to discrimination (e.g., race and/or gender) existing in all aspects of the operations of our criminal justice system. ∙ This means that discrimination can consistently be found in the rates of arrest, the type of charges laid, and the decision to prosecute or stay charges, as well as in the conviction rates and types of sentences given to those convicted without any significant variation over a selected time period. ∙ Provincial inquiries into the treatment of racial minorities within the Canadian criminal justice system during the 1990s (e.g., the Manitoba Aboriginal Justice Inquiry) reported the existence of systemic discrimination. ∙ With institutionalized discrimination, disparities appear in the outcomes of decisions. ∙ Such disparities are the result of established (i.e., institutionalized) policies in the criminal justice system. ∙ These policies do not directly involve extralegal factors such as an individual’s employment status, race, gender, or religion. ∙ The main issue here is one of system outcomes or results rather than any intent to discriminate against a specific individual or member of a group. ∙ One example involves decisions made within the criminal justice system based on the employment status of those accused of a crime when they are applying for bail. ∙ A policy granting bail based on the employment status of the accused can be legitimized on the basis of research showing that employed persons are better risks for showing up for trial than those who are unemployed. ∙ But what if all men are employed and very few women are? ∙ Because women are disproportionately overrepresented among the unemployed, they are more likely to be denied bail. ∙ This result is referred to as a gender effect, which means that discrimination is the result of a policy that is not concerned with the gender of those who apply for bail. ∙ Institutional discrimination is the result of a policy; it does not exist because of individuals who are prejudiced. ∙ Contextual discrimination arises from organizational policies within criminal justice agencies such as the police and the courts. ∙ One example is when a police service fails to enforce the criminal harassment (or anti-stalking) provisions of the Criminal Code simply because it foresees the complainant dropping charges before the case enters the courts. ∙ Another example is when a judge sentences the members of one racial minority group more harshly when they victimize the members of another racial group, but less severely when they victimize a member of their own racial group. ∙ Individual discrimination occurs when an individual employed within the criminal justice system acts in a way that discriminates against the members of certain groups.  ∙ For example, a police officer may discriminate against members of a certain social class and/or ethnic group by arresting them in all circumstances while only giving warnings to all others. | |

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| 188. Discuss how the legal system in Canada has responded to cases involving euthanasia and assisted suicide. Compare the response of the Canadian legal system with those of other jurisdictions toward assisted suicide and voluntary euthanasia.  *∙*   |  |  | | --- | --- | | *ANSWER:* | Some of the criminal laws in Canada are mala in se (e.g., murder); that is, they are immoral and inherently wrong by nature. *Mala prohibita* laws (e.g., assisted suicide) describe behaviour that is prohibited by law. But what constitutes *mala prohibita* has changed over time. Some laws in Canada once considered appropriate are no longer thought to be applicable. Usually what happens is that debates emerge about whether or not an act should remain in the Criminal Code. Then an individual challenges a law, and if the Supreme Court hears the case and subsequently agrees with the defence by finding the law unconstitutional the federal government will have to draft new legislation. ***This is what happened during the past 25 years over the issue of whether or not individuals should have the “right to die”—that is, are people legally entitled to have assistance to end their own life?***  ∙ This is known as assisted suicide, which was the intentional act of providing a person with the medical knowledge to commit suicide (s. 241 [b] of the Criminal Code). ∙ While suicide had been decriminalized in 1972, helping someone else die remained a crime. ∙ If an individual who violated this law was found guilty of an indictable offence, they could be sentenced to prison for up to 14 years. ∙ However, criminal cases involving charges of assisted suicide were not common in Canada. ∙ A report published in 2007 found only 40 cases where there had been a charge of assisted suicide, but it also said that “there are thousands of cases in Canada in which doctors have illegally helped patients die” (Eckstein 2007:1). ∙ A later study found three persons who, after performing an assisted suicide, had been convicted and sentenced to a period of incarceration. ∙ They also reported that at least 18 other cases had come to the attention of the authorities in which the defendants were acquitted, the charges were stayed or dropped, or a charge was not laid (Royal Society of Canada 2011:35). ∙ The constitutionality of the law on assisted suicide was first raised in 1993 by Sue Rodriguez. ∙ She suffered from amyotrophic lateral sclerosis (ALS) and, when informed she had 14 months to live, requested assistance to commit suicide. ∙ She argued that the section on assisted suicide in the Criminal Code violated her rights under ss. 7, 12, and 15(1) of the Charter of Rights and Freedoms. ∙ But the Supreme Court, in a 5–4 decision, held that a “Charter violation was present, but that the violation was necessary in order to protect society’s weak, vulnerable and disabled.” ∙ Ms. Rodriguez committed suicide in 1994 with the assistance of an anonymous physician. ∙ Over the next two decades, however, public support in favour of physician-assisted death increased significantly. ∙ During this time several other jurisdictions, including the Netherlands and the U.S. state of Oregon, had legalized the process. ∙ In Canada, several private members in the House of Commons tabled assisted-dying legislation, but they had not succeeded as the federal government did not support these initiatives. ∙ In 2009, the Quebec College of Physicians surveyed more than 2,000 of its members and found that 75 percent favoured euthanasia if it occurred within clear legal guidelines. ∙ Eighty-one percent informed the pollsters that they had seen euthanasia practised in Quebec, with most of the cases involving the suspension of medical treatment accompanied by sedation. ∙ One month later, it was reported that Quebec doctors had “issued a cautiously worded policy . . . suggesting Criminal Code changes to protect doctors who follow an ‘appropriate care logic’ to end the life of suffering patients facing ‘imminent and inevitable death’” (Perraux 2009:A5). ∙ In June 2014, Quebec became the first jurisdiction in Canada to legalize physician-assisted death by placing the new law into the provincial health legislation. ∙ The next constitutional challenge occurred in 2011 when Gloria Taylor, who was also suffering from ALS, was informed that she would die within a year. ∙ In December 2011 the British Columbia Supreme Court agreed to expedite her case for assisted suicide. ∙ The Court granted Ms. Taylor the right to assisted suicide, and she became the first Canadian to win the legal right to receive a doctor’s help to die. ∙ The federal government appealed this ruling, and in October 2013 the B.C. Court of Appeal overturned the lower court’s ruling. ∙ The Supreme Court agreed to hear an appeal of this and other similar cases, and in 2015 unanimously held in Carter v. Canada (Attorney General) that adults facing “enduring an intolerable suffering” had the right to end their life with a doctor’s assistance. ∙ This decision was suspended for a year to give the federal government time to enact legislation. ∙ The federal government then developed new legislation, and in June 2016 the Medical Assistance in Dying law was passed. ∙ It is estimated that in the first 18 months between 2,000 and 2,500 people ended their lives with the assistance of a doctor. | |

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| 189. How does our criminal justice system operate to make sure that its decisions are fair and equal and do not discriminate? Compare and contrast substantive and procedural justice. Which is more common?  *∙*   |  |  | | --- | --- | | *ANSWER:* | The answer to this question is found in part by looking at what our society considers the most important components of justice.  ∙ The first component is **substantive justice**—specifically, the accuracy or correctness of the outcome of a case and the appropriateness of a judgment, an order, or an award. ∙ If a criminal suspect is in fact guilty, a verdict of “guilty” is a just decision. ∙ However, if the suspect is in fact innocent of the charge, then the verdict of “not guilty” is just. **∙ Substantive justice** is primarily concerned with the truthfulness of the allegation, the accuracy of the verdict, and the appropriateness of the sentence. ∙ The high expectations we have of our criminal justice agencies to make correct decisions are the result of our concern with **substantive justice**. ∙ The second component is **procedural justice, which refers to the decisions made by courts and the government impacting “the rights and interests of individuals” and, as such, it “seeks to preserve, above all else, the fundamental fairness of the process” and is the “main method by which we enforce and observe the fundamentals of fair trials and other proceedings” (Davison 2006:17, 19). ∙ If fair procedures are not used the trial cannot be just, whether or not substantive justice was attained. ∙ For example, a person who is found guilty could in fact have violated the law (substantive justice), but if unfair procedures were used at some point during the investigation and/or trial, the conviction will be considered unjust according to procedural justice. ∙ This situation is sometimes brought to our attention when a higher court in this country such as a provincial appeal court or the Supreme Court of Canada rules that there was a problem with the procedural fairness in a case (e.g., the interrogation of the suspect by the police did not follow appropriate procedures). ∙ In Canada today, issues involving procedural justice are more common than those involving substantive justice. ∙ The importance of procedural justice is clear in those situations when it has not been followed.**  ∙ For example, the Anti-terrorism Act, when it was introduced, gave the federal government powers allowing them to ignore certain aspects of procedural justice when national security was considered to be at stake. | |

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| 190. Discuss in detail what happens during the indictment and preliminary inquiry.  *∙*   |  |  | | --- | --- | | *ANSWER:* | When the charge involves an election indictable offence—that is, when the accused has the right to choose between trial by judge alone and trial by judge and jury—the next step is to hold a preliminary inquiry.  ∙ Few cases in Canada actually involve a preliminary inquiry; however, a preliminary inquiry is a right of the accused and is held prior to the formal trial. ∙ Preliminary inquiries are heard by a provincial court judge. ∙ Summary conviction offences proceed differently from indictable offences in our court system and don’t involve a preliminary inquiry. ∙ The purpose of a preliminary inquiry is not to determine the guilt or innocence of the individual charged with a crime but rather to determine whether there is enough evidence to send the accused to trial. ∙ During a preliminary inquiry, a prosecutor attempts to show the judge that enough evidence exists for a criminal trial. ∙ The prosecution has the power to call as few or as many witnesses as it thinks necessary to prove to the judge that a case merits a trial. ∙ Once a witness testifies for the prosecution, defence counsel has the right of cross-examination. ∙ The defence has the right to call witnesses to support a claim of innocence. ∙ If the defence can prove to the judge that the prosecution doesn’t have a good case, there won’t be a trial. ∙ Thus, a good defence during the preliminary inquiry can lead to the discharge of the accused. ∙ One reason witnesses are called to testify is to get their testimony on record, especially if witnesses are sick or about to leave the country. ∙ The evidence provided by witnesses during the preliminary inquiry may be used during the trial. ∙ Most preliminary inquiries last less than a day, and only rarely does a preliminary inquiry end in a judicial decision to discharge the accused or withdraw the charges. ∙ An inquiry is important to defendants because it allows them to “hear the nature and judge the strength” of much of the evidence that the prosecution will use during the trial (Barnhorst and Barnhorst 2004:21). ∙ The defendant may then decide to plead guilty. If the judge decides to discharge the accused, this does not mean that the accused is acquitted. ∙ It simply means that insufficient evidence exists at this time to proceed to trial. ∙ Mewett and Nakatsuru (2000:88) point out that a discharge means that “the accused cannot be tried on that information and that proceedings on that information are terminated.” ∙ If, at a future date, new evidence is produced and strongly indicates the accused was involved in the crime, the prosecution usually proceeds by way of a direct indictment instead of requesting another preliminary inquiry.  ∙ Whichever avenue is chosen, the attorney general or a senior official in the provincial justice department is required to give personal approval of the Crown’s actions. | |

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| 191. Compare and contrast the due process and the crime control models of the criminal justice system.  *∙*   |  |  | | --- | --- | | *ANSWER:* | In sum, according to the crime control model, the primary focus of our criminal justice is a safe and secure society, while the due process model guarantees that fair procedures will be used throughout the system.  ∙ Notably, the police prefer the crime control model, while prosecutors follow the due process model. ∙ The due process model emphasizes the rule of law and the protection of the legal rights of the accused. ∙ It is viewed as being just and fair by upholding the ideal of equality throughout all areas of the criminal justice system. ∙ This approach operates on the basis of “the need to administer justice according to legal rules and procedures which are publicly known, fair and seen to be just” (Hudson 2001:104). ∙ The most important goal of this model is not to reduce crime but to see that jus-tice is done—specifically, by protecting the legal rights of the accused. ∙ This ensures that innocent people are not convicted. ∙ If they are, a serious wrong has occurred somewhere in the justice system and it needs to be corrected immediately. ∙ The best way to protect the rights of the accused is to limit the powers of criminal justice officials. ∙ The criminal justice system under this model operates very differently than it would under the crime control model—it operates like an obstacle course. ∙ According to Sykes and Cullen (1992), the crime control model is best characterized by such statements as “get tough on crime” and “the criminal justice system is weak on criminals.” ∙ It holds that the most important goal of the criminal justice system is to reduce crime by incarcerating criminals for lengthy periods of time. ∙ This reduces lawlessness, controls crime, and protects the rights of law-abiding citizens. ∙ To achieve this goal, the criminal justice system operates like an assembly line—it moves offenders as efficiently as possible to conviction and punishment so that effective crime control is attained. ∙ Certainty of punishment is achieved through mandatory sentences, longer prison terms, and the elimination of parole. ∙ The crime control model rests on the presumption of guilt. ∙ That is, most individuals who are arrested are in fact guilty and so great trust is placed in the decisions made by criminal justice officials, who wish to protect society. ∙ To ensure conviction very little if any attention is placed upon the legal rights of individuals being processed through the system. ∙ The model assumes that criminal justice officials make few if any errors, since most defendants are guilty. ∙ Each stage of the criminal justice system involves a series of uniform and routine decisions made by officials. ∙ Finality is important to officials, because it indicates that there are few problems with the system and that, as a result, there will be few challenges to the system. ∙ Support for the use of discretion throughout the system is a key feature of this model, since legal technicalities would reduce its efficiency. ∙ When the criminal justice system is allowed to operate as efficiently as possible, it is believed that the crime rate will be reduced. ∙ Furthermore, when issues about the administration of justice come into conflict with the goal of protecting society, the crime control model errs in favour of protecting the rights of the law-abiding citizenry. ∙ The crime control model highlights law and order and that the focus of the criminal justice system should be to eliminate crime and to convict and incarcerate all offenders. ∙ Others have attempted to develop different models, largely on the grounds that the original ideologies developed by Packer fail to take into account the current realities of the criminal justice system.  ∙ Some believe that the criminal justice system possesses a multitude of goals beyond due process and crime control, while others focus on the impact of scarce resources. | |

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| 192. Describe the two models of crime that King (1981) identified.  *∙*   |  |  | | --- | --- | | *ANSWER:* | 1. The first model developed by King is the medical (rehabilitation) model, whose goal it is to rehabilitate those convicted of a criminal offence.  ∙ The majority of the activities associated with this model are found at the latter stages of the system, after the individual has been convicted and is being assessed by those who work in the court system or in corrections. ∙ Probation officers assist judges by providing presentence reports, providing information to the judge about an offender’s needs. ∙ They may recommend release into the community with conditions, which may include attending appropriate treatment programs or involvement in a therapeutic court such as drug court. ∙ If the individual is sentenced to a period of incarceration, correctional staff may select the appropriate treatment program for the offender. ∙ 2. The second model developed by King is the **bureaucratic model**, which emphasizes the pressures felt by those working in the criminal justice system to work within numerous restrictions such as scarce resources as well as the intense pressure placed on them by the public to solve crimes. ∙ Cost-effectiveness has increasingly become a major issue for the various agencies in the criminal justice system over the past few decades. ∙ According to King, these restrictions have led various agencies to create measures of bureaucratic efficiency, such as making sure that those charged with a criminal offence are tried within a reasonable period of time. ∙ Otherwise, charges may be dropped on the basis that the government has taken too long to try their case. ∙ If a defendant decides to plead not guilty both the prosecution and defence have to prepare a case, which may involve the expenditure of significant amounts of resources. ∙ However, if the defendant pleads guilty much of this cost can be avoided.  ∙ As a result, guilty pleas are more cost-effective than prosecuting the majority of cases. | |

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| 193. Discuss the benefits and limitations to the adversarial system.  *∙*   |  |  | | --- | --- | | *ANSWER:* | A number of issues have been raised about the benefits and limitations of the adversarial system of justice.  ∙ These include: ∙ Benefits: 1. A clear division exists among the various actors and agencies; 2. as much evidence as possible is looked at in each case, particularly as it benefits each side, since each is committed to winning; and 3. the legitimacy of the criminal justice system is promoted through the appearance of fairness operating throughout the criminal justice system.  ∙ Limitations: 1. The opposing sides often cooperate in order to reach a desired result, thereby undermining procedural justice in favour of efficiency; 2. the length of a trial becomes a concern, since each side has to present as much information as possible in the hope that they will be able to win the case; and 3. relevant evidence may be excluded if the judge considers that its use will violate the Charter of Rights and Freedoms. | |

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| 194. Discuss the Anti-terrorism Act as it relates to procedural justice. Do you agree or disagree?   |  |  | | --- | --- | | *ANSWER:* | ∙ The portion of the students’ answers will vary.  *∙* In sum, the Anti-terrorism Act, when it was introduced, gave the federal government powers allowing them to ignore certain aspects of procedural justice when national security was considered to be at stake. ∙ Laws usually develop in a deliberate manner in our society. ∙ However, the Canadian Anti-terrorism laws did not follow this approach, as they were first introduced quickly after commercial airlines were hijacked in the United States on September 11, 2001. ∙ Another piece of anti-terrorist legislation was introduced after two members of the Canadian Armed Forces, Warrant Officer Patrice Vincent and Corporal Nathan Cirillo, were killed in attacks in Saint-Jean-Sur-Richelieu, Quebec, and Ottawa, respectively, in October 2014. ∙ Both of these events led the federal government and many Canadians to ask whether we are sufficiently prepared to handle such actions. ∙ More specifically, if laws had been in place in Canada, could these attacks have somehow been prevented? ∙ And what is the best way to legally respond to these actions in the present and the future? ∙ Even though most Canadians demanded some form of legal response, the creation of new legal powers can involve difficult decisions about how anti-terrorism laws should be enacted. ∙ Should the government pass laws concerning terrorist threats and acts of terrorism that would follow the crime control model to protect national security interests?  ∙ Or should these laws follow the due process model, thereby guaranteeing the accused a trial with all of the safeguards found in our criminal justice system?  *∙* After 9/11, the federal government introduced two pieces of legislation to deal with terrorism in Canada. ∙ The first, introduced on October 15, 2001, was the Anti-terrorism Act (Bill C-36), which created measures to (1) identify, prosecute, convict, and punish terrorists and terrorist organizations; and (2) give new investigative powers to law enforcement and security agencies. ∙ Some of the measures included the following:1. Defining and designating terrorist groups to make it easier to prosecute terrorists and their supporters; 2. making it an offence to knowingly participate in, contribute to, or facilitate the activities of a terrorist group or to instruct anyone to carry out a terrorist activity or an activity on behalf of a terrorist group; 3. creating tougher sentences and parole supervision for terrorist offenders; and 4. cutting off financial support for terrorists by making it a crime to knowingly collect or give funds to them, either directly or indirectly. ∙ The second proposal to extend law enforcement and security agencies involves powerful new investigative tools to collect information about and prosecute terrorists and terrorist groups. ∙ These included the following:1. Making it easier to use electronic surveillance against terrorist organizations; 2. creating new offences targeting unlawful disclosure of certain information of national interest; 3. amending the Canada Evidence Act to guard certain information of national interest from disclosure during courtroom or other judicial proceedings; 4. within certain defined limits, allowing the arrest of suspected terrorists and their detention for 72 hours without charge, in order to prevent • terrorist acts and save lives; and 5. establishing investigative hearings with the power to compel individuals possessing information about a terrorist organization to disclose that information to a judge even in the absence of a formal trial. ∙ Some criticized these new measures, arguing that Bill C-36 violated human rights in Canada, as well as failing to balance individual liberties with the security interests of the country. ∙ The first person convicted under the anti-terrorism law was Momin Khawaja, a Canadian who was involved with a British group that had plotted unsuccessfully to set off bombs in London, England. ∙ He was arrested in March 2004, and the trial began in June 2008. ∙ In October 2008 he was found guilty on all charges and sentenced to 10 and one-half years in prison in addition to the five years he had already served. ∙ The Canadian government appealed the sentence, and the Ontario Court of Appeal then sentenced him to life imprisonment. ∙ Mr. Khawaja then appealed his sentence to the Supreme Court of Canada, which said it would hear the case in order to examine the constitutionality of the definition of “terrorist activity” as it was overbroad and had a negative effect on the freedom of expression in Canada.  ∙ In a 7–0 decision, the Supreme Court rejected his argument, stating that those who decide to engage in a terrorist activity must “pay a very heavy price.” | |

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| 195. Explain why many consider the “investigation hearings” and “preventive detention” sections to be the most controversial in the anti-terrorist legislation. Describe the actions of politicians when the investigative hearing and preventive arrest sections were included in the Anti-terrorism Act and concerns were expressed that they would override civil liberties.   |  |  | | --- | --- | | *ANSWER:* | ∙ In the Anti-terrorism Act, many consider the “investigation hearings” and “preventive detention” sections to be the most controversial. ∙ Investigative hearings (s. 83.28 of the Criminal Code) are designed to allow the Crown to approve an application for an order requiring an individual who has not yet been charged with an offence to appear before the court for questioning about a terrorist offence. ∙ After an order is granted under s. 83.28, the individual in question could be arrested, compelled to give answers to questions, and charged with contempt for refusing to testify or for providing false testimony (Diab 2008:65). ∙ The preventive arrest clause (s. 83.3 of the Criminal Code) enables the police to arrest suspects without a warrant and detain them for up to 72 hours without charge before a judge has to decide to impose a peace bond if the authorities had reason to believe a terrorist act would be committed. ∙ Once a peace bond is issued the detention ends. ∙ Bonds can be used to impose stringent conditions on individuals up to a maximum of 12 months. ∙ If the bond’s conditions are violated or refused, the judge can extend it. ∙ When the investigative hearing and preventive arrest sections were included in the Anti-terrorism Act, concerns were expressed that they would override civil liberties. ∙ As a result, the federal government placed a “sunset” clause on the provisions of the law enabling “preventive arrests” and “investigative hearings.” ∙ Both provisions were to expire at the end of February 2007, unless the House of Commons and Senate passed a resolution to extend them. ∙ After five years, neither one had been used; nevertheless, the federal government decided to attempt to renew both the investigative arrest and preventive arrest clauses of the Anti-terrorism Act. ∙ In its House of Commons Committee Interim Report on Preventive Arrests and Investigative Hearings (2006), all members of the committee agreed that investigative hearings be extended to December 31, 2011, but recommended that such hearings should be held only when there is reason to believe there was “imminent peril that a terrorist offence would be com-mitted.” ∙ A majority of the Committee also agreed that the preventive arrests should be continued, but some members pointed out that they could be used to label an individual as a terrorist on the basis of a reasonable suspicion. ∙ In February 2007, when the two provisions were close to expiring, the minority Conservative federal government introduced a motion into Parliament extending preventive arrests and investigative hearings for the next three years (Bill C-3). ∙ A few weeks later this motion was defeated. ∙ In July 2007, the federal government stated that it intended to reintroduce both provisions. ∙ This Bill was introduced but did not pass because a federal election was called in September 2008. ∙ After forming a majority government in 2011, the Conservative federal government in February 2012 introduced legislation that successfully brought back preventive detentions. ∙ It also created a number of new offences, such as making it an offence to leave, or attempt to leave, Canada to attend a terrorist training camp, leaving Canada to facilitate a terrorist activity, and leaving Canada to commit an offence for the benefit of a terrorist group.  ∙ To date, only four verdicts have been reached in cases involving a terrorism charge and only six peace bonds have been imposed. | |

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| 196. Anti-terrorist legislation was introduced after two members of the Canadian Armed Forces were killed in 2014. Both events led the federal government and many Canadians to ask whether we are sufficiently prepared to handle such actions. Do you believe if laws had been in place in Canada, these attacks could have been prevented? Explain.   |  |  | | --- | --- | | *ANSWER:* | Answers will vary depending on students’ *informed opinions*. | |

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| 197. Do you think that the provisions found in the Anti-terrorism Act help deter terrorist acts? Why or why not?   |  |  | | --- | --- | | *ANSWER:* | Answers will vary depending on students’ *informed opinions*. | |

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| 198. Do you believe that due process protections found in the Anti-terrorism Act are sufficient to ensure rights of the accused are upheld? Why or why not?   |  |  | | --- | --- | | *ANSWER:* | Answers will vary depending on students’ *informed opinions*. | |

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| 199. In a time of crisis, should the federal government be allowed to give itself extraordinary legal powers even if they violate individual rights? Explain your answer.   |  |  | | --- | --- | | *ANSWER:* | Answers will vary depending on students’ *informed opinions*. | |

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| 200. Discuss what changes you believe Canada needs to make to the criminal justice system in order to raise the current ranking in terms of the rule of law.   |  |  | | --- | --- | | *ANSWER:* | Answers will vary depending on students’ *informed opinions*. | |

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| 201. Discuss the four elements Tyler (1990) highlights regarding the legitimacy of procedural justice. Which, if any, do you feel are attainable in Canada’s criminal justice institutions?  *∙*   |  |  | | --- | --- | | *ANSWER:* | Tyler believes four elements are key to understanding procedural fairness and why people perceive criminal justice institutions to have legitimacy.  ∙ The four elements are: ∙ 1. Participation refers to the extent to which individuals believe they have control over the process, especially in terms of having the opportunity to present their side of the story to the decision makers. ∙ 2. Neutrality occurs when decision makers do not allow the personal characteristics of individuals to influence decisions and treatment during the process. ∙ 3. Trustworthiness of authorities refers to the degree to which decision makers can be trusted to behave fairly. ∙ 4. Treatment with dignity and respect is based on whether or not decision makers treat individuals with dignity and respect for their rights. ∙ These four elements apply to all stages of the criminal justice system. ∙ If people feel an institution is not fair or is disrespectful in its actions, their level of legitimacy decreases. ∙ If, for example, members of a minority group feel they are discriminated against they will believe the authorities do not act in a procedurally just manner. ∙ This has significant implications as it has been found to impact the willingness of some groups to cooperate with the authorities.  ∙ If the public questions the legitimacy of these institutions they question the use of their legal authority (in particular, how they use their discretionary powers). | |