



## **Nova Scotia Criminal Justice Association**

**Promoting a humane, equitable  
and effective criminal justice  
system**



Encourage cooperation

Promote awareness & understanding



Improve programs, policies, legislation



Disseminate information





**Nova Scotia Criminal Justice Association**

presents

# **The Criminal Justice System in Nova Scotia: Issues and Challenges**



# Course Overview

*February 6*

The Canadian criminal justice system

Crime prevention

*February 13*

Law enforcement

*February 20*

The courts

*February 27*

Victim services

*March 6*

Correctional services

*March 13*

Restorative justice

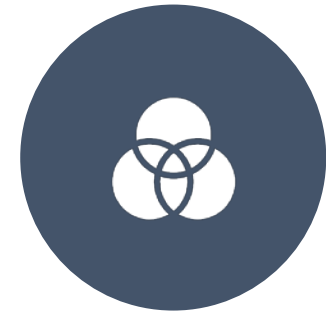
Wrap-up



# Building Blocks of the Canadian Justice System



**RULE OF LAW**



**CANADIAN CHARTER OF  
RIGHTS AND FREEDOMS**



**PRINCIPLES OF CANADIAN  
CRIMINAL LAW**



**DIVISION OF  
RESPONSIBILITY FOR  
CRIMINAL JUSTICE SYSTEM**



## The Rule of Law

### Magna Carta 1215

The government and individuals accountable under the law

Laws are clear, publicized, stable and just – applied evenly – protect fundamental rights of people and property





## *Constitution Act 1982*

Supreme law of Canada

Rights and freedoms necessary  
in a free and democratic  
society

Can only be limited to protect  
other rights or important  
national values



# Basic principles of Canadian Criminal Law

- **Presumption of innocence**
- **Due process**
- **Independent judiciary**
- **Openness and accessibility of court**
- **Equality before the law**





# Purpose of the Criminal Law

To maintain a just, peaceful and safe society

- **Some acts should be prevented**
- **System of criminal justice based on punishment of conduct contrary to fundamental societal values**
- **Crime is a wrong against the community as a whole**
- **A system of values – judicial sentence instills basic set of communal values shared by all Canadians and expressed in the Criminal Code**



# Functions of the criminal law

- **Mechanism of social control – maintains order**
- **Defines what is acceptable/unacceptable behavior**
- **Deterrence**
- **Incapacitation**
- **Rehabilitation**
- **Restoration**
- **Reduces risk of personal retaliation/vigilantism**
- **Protects group interests**

An effective  
criminal justice  
system  
depends upon  
contributions  
from:

- Law enforcement
- Prosecution services
- Defence bar
- Legal aid
- Courts
- Victim services
- Correctional services
- Legislatures
- Community groups and service providers
- Social support systems: housing, health care, education, employment, child protection

# Division of responsibilities for Criminal Justice

Federal	Provincial	Municipal
Enact criminal law and procedure	Enact laws in provincial jurisdiction (MVA, LCA)	Enact municipal by-laws
Federal police RCMP	Provincial police (some provinces)	Municipal police forces
Supreme Court of Canada	Provincial courts	
Penitentiaries (2 yr+)	Provincial correctional institutions (-2yrs)	
Parole Board Canada	Provincial community corrections	
CSIS	Administration of justice	
Canada Border Security	Provincial prosecution service	

# Criminal Justice System: Issues and Challenges

- **Overrepresentation of Indigenous people in correctional institutions**
- **Victim dissatisfaction**
- **Inefficiencies in court processes**
- **High proportion of accused persons in jail awaiting trial**
- **High rates of substance abuse and mental illness in the jail population**
- **Allegations of systemic racism in the CJS**
- **Mandatory minimum penalties restrict judicial discretion**
- **Lack of evidence-based correctional programs**

