JustResearch

Research and Statistics Division

July 2000

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Welcome

Welcome to the third edition of *JustResearch*. For those in the Research and Statistics Division, it has been most gratifying to see how our publication has grown in popularity. The positive feedback and ideas we have received from our readers is our motivation to produce a product which we hope you will find increasingly informative and interesting. Every edition of *JustResearch* presents summaries of recent studies which are relevant to the mandate of the Department of Justice. As well, every effort is made to include articles that are of particular interest to those in the Department working on special initiatives or who are involved in special projects such New Mandate Planning and Legal Risk Management.

We are particularly pleased that we managed to put this issue together before Jasmine Brown, our Research Dissemination Officer, left for her maternity leave. Her enthusiasm and remarkable commitment to her work allowed us to publish this issue on time. Thank you Jasmine!

In this Issue

This issue of *JustResearch* contains articles on public consultation, youth justice, hate crime, victims, and dispute resolution.

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Department of Justice Canada | Ministère de la Justice Canada

Canada

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Feedback

We invite your comments and suggestions for future issues of *JustResearch*. We welcome your ideas for articles, themes, topics or key words and are happy to include information on any relevant and interesting research work undertaken in other Departments.

We may be contacted at **rsd.drs@justice.gc.ca**

Upcoming Symposiums

Xth International Symposium on Victimology. . "Beyond Boundaries: Research and Action for the Third Millenium". August 6-11, 2000. Montreal, Quebec. For more information: http://www.victimology-2000.com (or e-mail) info@victimology-2000.com

The Second International Conference on Conferencing and Circles. "Restorative Practice in Action." August 10-12, 2000. Toronto, Ontario. "The conference will be a forum for exchange of program models, implementation and legal information, research findings, evaluation results and personal experiences with conferencing and circles." For more information: http://www.restorativejustice.org/conference/Conferences/RJ_Conferences.htm

Connexions

Restorative Justice Online. Restorative Justice Online strives to "be a resource of choice for credible, non-partisan information on restorative justice." This large web site includes definitions of restorative justice; international conference information; tutorials such as, What is Restorative Justice? and Building Support for Restorative Justice; an issues section; and downloadable slideshows. (http://www.restorativejustice.org/)

Fact Sheets from Solicitor General Canada. A series of 18 fact sheets dealing with a number of Solicitor General and justice-related topics such as restorative justice, crime prevention, and organized crime. (http://www.sgc.gc.ca/EFact/default.htm) (French site: http://www.sgc.gc.ca/FFact/)

RCJ-NET (Network for Research on Crime and Justice). The mission of RCJ-NET is to "develop, conduct and communicate superior quality research on crime and justice and to provide policy relevant advice." This site includes information on upcoming conferences, research in brief and research projects, the online journal of RCJ-NET, and an area to subscribe to their e-mail distribution list. (http://qsilver.queensu.ca/rcjnet/)

PUBLIC CONSULTATION

Laforest, R. 1999. **Special Interests, Common Goals: Building Civic Networks Through Public Consultation.** *Paper Presented to the Annual General Meeting of the Canadian Political Science Association,* Sherbrooke.

Reviewer: Nicola Epprecht, Research Analyst

In the last thirty years, two important elements have shaped the political landscape of modern democracies. The first element is the arrival of New Social Movements appealing for access to the political sphere. The second element is the declining confidence of the public in politicians and political institutions. These elements have resulted in increasing pressure for a more transparent and inclusive process of decision making. In response to these pressures, governments are now looking for new ways to integrate groups into the policy process. Public consultation is one method of achieving this goal.

The literature on public consultations has been highly critical of these exercises. Interest groups are generally depicted as self-interested or 'special interest' groups, motivated solely by their 'particularistic' goals, competing with each other in order to gain favours from the state. Studies of public consultation generally focus on the policy outcomes that result from these practices rather than on its broader impact. Success is measured in terms of the ends pursued by government, and little attention has been given to the practices and dynamics that are set in motion when interest groups do participate. This paper presents the findings of a case study of public consultation in the province of Quebec and focuses on the way that groups involved in public consultations experience the process, rather than on the outcome. Specifically, the analysis sheds light on the groups' perception of the politics of consultation, their sense of involvement and influence, and the impact for representation. For this study, interviews were conducted with members of thirty-two Quebec interest groups that participated in the federal government public consultation on social policy programs.

This paper on the 1994 Social Security Review is divided into three parts. First, it examines the public consultation from the perspective of the interest groups who participated and their assessment of this experience. Then it focuses on the interaction among the groups during this period. Finally, it presents the broader impact that the public consultation had on political life.

The majority of the groups did not believe that they would affect the outcome of the public consultation and were generally sceptical of the government's intentions regarding the consultation. Despite these beliefs, the groups invested time and energy in writing and elaborating briefs. There are two main reasons for their participation. Firstly, they perceived the public consultation to be a learning experience. Secondly, participation was a way to gain symbolic recognition of their role of representation. Public consultation offered the groups a platform for protest, and they oriented their goals and strategies towards actions that were symbolic, relating to their representation of duty and of democracy, as well as 'internal' actions intended to strengthen the organization. The analysis of the interviews reveals that groups generally assessed their participation in the public consultation positively despite the fact that they felt they could not influence the policy decision.

Public consultations are presented in the literature as arenas of political struggle in which groups bring forth competing claims. This study demonstrated that there was a high level of collaboration among the groups. Such collaboration generally took the form of an exchange of information and of resources, both technical and financial. In some cases, the demands that were presented before the public consultation were the fruit of collusion between certain groups. The experience of the public consultation resulted in the acquisition of skills, and it informed and politicised the practice of the interest groups. The experience helped root some groups in a culture of action which reinforced their representation role. The act of collaboration helped to bridge certain divisions within the movement and re-establish communication between certain groups.

Since most of the groups believed that the government had determined the outcome of the

consultation beforehand, the target of their actions was not government policy but public opinion. Public consultation was seen as a platform from which to disseminate information and to convey their opinion. The presence of the media offered an incentive to groups to concentrate their efforts towards the public because it accentuates the scale and scope of consultation. Media coverage also encouraged groups to mobilize and to use external forms of pressure to the traditional institutional channels in order to reach the general public.

The author acknowledges that this study is limited in scope, but these data about the dynamics and implications of consultation from the perspective of the interest groups do suggest that public consultations have a broader impact on political life than is often recognized. Moreover, their success must not be evaluated only against the outcomes they produce. Such a view would neglect the dynamics of consultation that emerge through practices of public consultation.

VICTIM IMPACT ON SENTENCING

Hills, A. M., & Thomson, D. M., 1999. **Should Victim Impact Influence Sentences? Understanding the Community's Justice Reasoning**. *Behavioral Sciences and the Law*, 17, 661-671.
Reviewer: Michelle Grossman,
Senior Research Officer

The subject of victims' involvement in the criminal justice system has attracted considerable attention in recent years. In 1999, amendments to the *Canadian Criminal Code* relating to this issue were enacted. Among the new provisions was one concerning victim impact statements. Controversial questions have been raised with respect to the use, purpose and implementation of victim impact statements, not only in Canada, but in many other jurisdictions.

The use of victim impact statements, particularly in sentencing, has been the subject of much research and debate. This article suggests that among the reasons that the use of victim impact statements in sentencing can be seen as contentious is that consequences of a crime can arise from chance victim circumstances unforeseeable by the offender. The article refers to the problem of *fortuitous consequences*, that is, specific consequences following an unlawful act that were neither intended nor foreseen by the offender. By way of example, the authors refer to the "thin skull" scenario, in which a previously unknown physical weakness results in death as a consequence of an assault that would not ordinarily have occasioned death (or even serious harm).

In efforts to understand community expectations of the justice system with respect to victims' impact on the sentencing process, this research examined public reaction to fortuitous victim impacts in terms of sentencing decisions. The researchers also explored the reasoning underlying public responses. The study canvassed the opinions of 260 participants regarding the appropriate sentences in hypothetical cases of either robbery or sexual penetration. Subjects were recruited from individuals waiting at a railway station in Western Australia. Each participant was provided with one of six descriptions of criminal offences, each containing different victim consequences due to different victim characteristics (three versions for each of the two offence types – robbery and sexual penetration were provided). Participants were asked to sentence the offender, and to state the factors that they had taken into account in reaching their sentencing decisions.

According to the authors, the research results "showed that public sentencing decisions *are* influenced by fortuitous victim impacts – consequences that are attributable to victim characteristics and not specifically intended". Furthermore, the authors concluded that the fact "that fortuitous impacts influence public sentencing decisions is consistent with community support for the use of victim impact statements in sentencing, for it suggests an expectation on the part of the community that sentences be varied to some extent according to victim impact even when that impact is due to characteristics of the victim".

The authors state that "the results suggest that in the kinds of circumstances that can arise when victim impact statements are admitted into the sentencing process the public is influenced by consequences

attributable to victim characteristics and appears not to consider the offender's intentions with respect to those consequences". Finally, the authors suggest that in order to optimize the fit between citizens' expectations and the operation of the criminal justice system, it is important to address the issue of the kinds of sentencing decisions that the public might make if they were informed of the problem of fortuitous consequences.

The findings from this study reinforce the need for future research efforts on the level of public knowledge of the use, purpose and implementation of victim impact statements in sentencing. Without a clear picture of what the public understands, the success or failure of the new amendments will remain unclear. Efforts may then need to be directed to public education regarding the amendments in general, and, more specifically, the purpose and implementation of victim impact statements.

SOCIAL MOVEMENTS AND THE FEDERAL HATE CRIME LAW IN THE US

Jenness, V. 1999. **Managing Differences and Making Legislation: Social Movements and the Racialization, Sexualization, and Gendering of Federal Hate Crime Law in the US, 1985-1998**. *Social Problems*, 46(4), 548-571.
Reviewer: Dariusz Galczynski, Research Dissemination Officer and Julian Roberts, Visiting Scholar

In 1996, the Canadian Parliament approved sentencing reform legislation (Bill C-41). That legislation created several statutory aggravating factors to be considered at the time of sentencing. One of the factors relates to hate-motivated crime. Responding to hate-motivated crime is therefore an important issue for the Department of Justice Canada.

The U.S. has passed more legislation relating to hate crime than any other jurisdiction. Most recently (in June 2000) Congress amended the definition of hate crime to include a wide range of potential victims.

This article explores the emergence and evolution of the U.S. hate crime laws at the federal level. These statutes include: the Hate Crimes Statistics Act, the Violence Against Women Act, and the Hate Crimes Penalty Enhancement Act. They determine who is eligible for hate crime victim status under U.S. federal laws. It attempts to explain why "people of color, Jews, gays and lesbians, women, and those with disabilities increasingly have been recognized as victims of hate crime, while union members, the elderly, children, and police officers, for example, have not".

The authors provide an in-depth analysis of various factors which have shaped the current U.S. law on hate-motivated crime. They also show how attempts to define hate-motivated activities by circumscribing different grounds for hate motivation run the risk of excluding some important groups in society for example children and the elderly.

The findings suggest that the content of the U.S. federal hate crime law developed as a consequence of "a series of temporally bound institutionally qualified processes whereby":

1) the scope of hate crime as a social problem was influenced by established advocacy groups, for example the Anti-Defamation League of B'nai B'rith and the Coalition on Hate Crime;

2) race, religion and ethnicity became the core elements of hate crime as a result of various discursive strategies which made particular types of violence empirically credible and worthy of federal attention;

3) the additional provisions, most notably sexual orientation and gender, were included in hate crime law as a consequence of the actions taken by different social movement organizations;

4) lobbying provided "only a limited view of how and why legislators take action, what kinds of crime policy they design, and what types injuries are recognized by law".

The analysis provided by this article sheds light on the origin of hate crime legislation in the U.S. No such analysis of Canadian law has been undertaken to date. When it is attempted, it will be interesting to see whether the same forces that guided reform in America were also influential in this country.

ACCEPTABILITY OF ARBITRATORS IN DISPUTE RESOLUTION PROCESSES

Posthuma, R. A., Dworkin, J. B., & Swift, S. M. 2000. **Acceptability: Does Justice Matter?** *Industrial Relations*, 39(2), 313-335.

Reviewer: Dan Antonowicz, Research Analyst

At present, there is almost no theory-based field research that examines if the behaviors of arbitrators influence whether they will be chosen for future cases in labour-management dispute resolution. This article reports on a longitudinal field study that uses organizational justice theory to predict the acceptability of arbitrators in dispute resolution processes involving labour and management representatives in actual cases.

Organizational Justice Theory

Organizational justice has two major branches: (1) distributive justice and (2) procedural justice. Distributive justice focuses on the outcomes that individuals receive. This type of justice predicts that individuals will evaluate the fairness of their outcomes relative to their own inputs and to the outcomes and inputs of others. Consideration of the fairness of an outcome is essentially a distributive justice analysis. Procedural justice studies how subjects evaluate the fairness of procedures or processes used to determine outcomes. This type of justice predicts that it is not only the outcome but also the process and the procedures that decision makers use during the hearing that determine perceptions of fairness. Interactional justice, a concept related to procedural justice, was also examined in this study. This area examines how employees evaluate fairness based on the interpersonal treatment they receive during decision-making.

Arbitration and Fact Finding

Individual arbitrators and fact finders in this study were referred to advocates for labour and management by a Midwest state labour relations agency. Arbitrators were assigned to hear and decide individual employee grievances (grievance arbitration) or disputes over the future terms of a collective-bargaining agreement (interest arbitration). Fact finders also heard cases involving disputes over the future terms of a collective-bargaining agreement, but their rulings were not binding on the parties. It was hypothesized that arbitrators and fact finders would be positively evaluated if they exhibited distributive, procedural, and interactional justice in their dealings with advocates for labour and management.

Methodology

The study compared measures of arbitrator distributive, procedural, and interactional justice with actual arbitrator selections. Data were obtained from surveys mailed to labour and management representatives at two points in time. Justice measures (i.e., distributive, procedural, and interactional justice) were used to evaluate arbitrators and fact finders in the first survey, while arbitrator acceptability measures were obtained three months later. Archival records obtained from the state labour relations agency indicated the number of times that the agency referred an arbitrator to the parties and the number of times the arbitrator was selected by the parties to hear the case. Survey responses that reported the name of the arbitrator were matched with archival records of the actual cases heard by that arbitrator over a seven year period.

Results and Policy Implications

The results indicated that procedural justice is more important in predicting arbitrator acceptability in interest rather than rights arbitration cases. In addition, arbitrator distributive justice, procedural justice, and interactional justice were all found to be related to the acceptability of arbitrators. Although the results of this study support the hypotheses, they require replication with samples from other geographic regions given that the sample in the present study was drawn from one specific geographic area.

With respect to Justice policy, dispute resolution has the potential to improve the effectiveness and efficiency of the current justice system. Efforts to increase the acceptability of arbitrators to the groups involved will assist in making dispute resolution a more viable option. The results of this study suggest that arbitrators should receive training in procedural and interactional justice.

YOUNG PEOPLE'S EXPERIENCES OF THE CANADIAN JUSTICE SYSTEM

Peterson-Badali, M., Abramovitch, R., Koegl J., & Ruck, M. D. 1999. **Young People's Experiences of the Canadian Justice System: Interacting with Police and Legal Counsel**. *Behavioral Sciences and the Law*, 17, 455-465.

Reviewer: Tina Hattem, Senior Research Officer

Over the last three decades, there has been a growing interest in the investigation of young people's knowledge of the legal system. Part of this interest stems from the extension to young people of the due process rights formerly reserved for adults. In Canada, for instance, the *Young Offenders Act* stipulates that young people, upon arrest, have the right to consult with a parent or other adult, in addition to defence counsel, prior to deciding whether or not to make a statement to police.

This study examines the extent to which youth understand and exercise their due process rights. It is based on interviews with 50 Toronto adolescents ranging in age from 12 to 18. The interviews were retrospective, and consisted of open- and closed-ended questions focusing on the youths' experiences at the police station and their knowledge of the role of defence counsel.

The authors argue that in order to make meaningful use of their due process rights, young people need to know what rights they possess, to understand what they mean, and to be able to deal with the context-specific issues surrounding the exercise of their rights.

While over half (60%) of the youth interviewed for this study recalled being told of their rights to silence and to counsel, three quarters did not contact a lawyer at the police station and half of those asked by police answered their questions.

One important impediment that emerged from the study is a lack of practical or procedural knowledge required to exercise one's rights. In fact, over three quarters (76%) of the youth who made a statement to police in the absence of a lawyer said that they did not believe that they could access counsel, or that they did not know how to go about contacting one.

Given their findings, the authors argue that young people's knowledge of their rights and of the workings of the youth justice system may be necessary but not sufficient to produce choices that are self-protecting. The youths' descriptions of their experiences at the police station suggest the existence of additional barriers to such choices.

Other barriers that can hinder young people's exercise of their legal rights stem from what the authors describe as the coercive aspects of the arrest experience. Evidence for the aversive quality of the process comes from the fact that about a third of the young people who were asked to furnish police with information relevant to their case cited specific police practices as contributing to their decision-making process (e.g. 'I had to sit in a chair and make (a statement) or I would not be allowed to leave.'). In addition, almost a quarter of participants who were asked to waive rights said that they did so in order to expedite the process and increase their chances of *not* having to stay at the police station overnight.

Although limited to Toronto youth, this study offers useful insights concerning the impact of due process rights. Namely, the authors conclude that an awareness of such rights is not sufficient to mitigate the atmosphere of coercion that characterises the police station. Accordingly, further work in this area should consider both the youths' knowledge about their due process rights and the context in which those rights are exercised.

SYMPOSIUMS AND SEMINARS

Expanding Horizons: Rethinking Access to Justice in Canada.
By Ab Currie, Principal Researcher and Steven Bittle, Research Analyst, Research and Statistics Division.

At the end of March the Department hosted a symposium on access to justice in Canada, titled **Expanding Horizons: Rethinking Access to Justice in Canada.** In this one day of extraordinary dialogue among leading thinkers and practitioners, the Department took the pulse of those from the justice community and other areas of human endeavour about the state of access to justice in Canada. Approximately 100 people from across the country attended the Symposium, including members of the judiciary, representatives from the Law Commission, officials from the highest ranks of the police, justice service practitioners, and leading thinkers from outside the justice domain. The Deputy Minister, who led off the day with opening remarks, hosted the Symposium and participated fully in the discussions throughout the day.

The symposium left all participants with one resounding message, quite remarkably, from a large group of leading thinkers from within the justice system and from other areas of human endeavour. The key message was not so much that the justice system – both civil and criminal justice, but especially the criminal justice system – does not work. On that issue there **was** overwhelming agreement. The truly surprising message that emanated forcefully from this "conversation extraordinaire" was that there is a tremendous appetite for change among leaders from both inside and outside the justice system.

The Symposium did not produce a recipe for change, however it produced a strong endorsement for experimentation – and to get on with the job of exploring options for change forthwith – and a set of themes that can act as guideposts toward a better and more accessible justice system. The following list provides a glimpse of these guideposts.

1. **Restorative justice** was a frequently discussed topic throughout the Symposium. In general terms restorative justice is an attempt to restore the relational dimensions of the justice process by recognising the role of the community and the importance of human interaction. It represents a process of healing and spirituality, not simple diversion. Many participants pondered what the non-Aboriginal community could learn from restorative justice approaches.

2. From the outset participants maintained that **access to the justice system is not access to justice**. Roderick Macdonald, President of the Law Commission argued in his opening plenary presentation that "we come to focus on 'access' to justice rather than justice itself; and while we proclaim 'access to justice' as a goal, what we really mean is 'access to law'. The most significant concerns about justice faced by Canadians have little to do with narrowly cast legal rights; they have to do, rather, with the recognition of respect."

3. An implicit tone to many discussions was that **justice is achieved when a solution satisfies all parties involved in the dispute**, a decidedly non-adversarial approach. Many participants articulated that justice is an inherently social and solution-oriented endeavour that does not easily fit into narrowly defined legal regulations.

4. Many participants firmly believed that providing access to justice is contingent upon recognising the diverse needs of Canadians – **one size does <u>not</u> fit all**. Indeed, issues of gender, race and class underpinned the various discussions, and, in the process, emphasised the challenge of assuring access to justice for diverse, mariginalised, and disadvantaged groups.

5. Many participants described the traditional justice system as being ill equipped to meet the needs of the community, and saw the capacity to solve problems as actually resting within **community-based justice programs and initiatives.** Despite recognising the important role of the community in providing access to justice, many participants expressed concern about the logistics of realising this process. How to encourage localised notions of justice, and how to reconcile it with calls for "substantive equality and sameness" remains an unanswered conundrum.

In addition to supporting community-based approaches, many participants cautioned against ignoring the role of the traditional justice system. "Don't throw out the traditional civil justice system", argued Carol McEwon from the British Columbia Legal Services Society, noting that many community groups are just now beginning to learn how to use the system to their advantage. To them, the law is a powerful tool for protecting rights and promoting change.

6. A common message conveyed throughout the Symposium was that **meeting needs is equally important as protecting rights**. Our current system of justice is based on a protection of rights framework. The thinking at the Symposium emphasised the importance of meeting the needs of individuals attempting to access justice, in addition to the goal of protecting rights. Many participants argued that understanding diverse needs could only be achieved through community consultation and extensive research.

7. **The issue of sharing power and resources to achieve access to justice** surfaced at several junctures of the Symposium. Total justice system spending exceeds $9 billion each year. Members of disadvantages groups must be given a meaningful role in designing justice system change, and existing resources must be shared in order to allow experimentation with new ways of providing access to justice.

This description touches only briefly on the key Symposium themes and their implications for justice policy. The Research and Statistics Division will continue to examine the wealth of information that came out of the Symposium in a series of reports. In addition to a full report – due early in the fall – detailing the proceedings and the outcomes, other more analytical documents are being planned to accompany the Symposium proceedings. The Symposium provided a rich body of information and perspective from leading Canadian thinkers about providing access to justice for Canadians. This represents an abundant source of ideas for policy research and development in this key area.

"The Changing Face of Conditional Sentencing: A One-Day Symposium"

By Julian Roberts, Visiting Scholar and Dan Antonowicz, Research Analyst, Research and Statistics Division.

The conditional sentence of imprisonment was introduced in 1996, as part of Bill C-41. Since then, it has emerged as one of the most important issues in the field. In January 2000, the Supreme Court of Canada handed down a unanimous guideline judgement *(R.v. Proulx*) with respect to the use of the conditional sentence.

On May 27, 2000, "**The Changing Face of Conditional Sentencing: A One-Day Symposium**" was held at the Faculty of Law, University of Ottawa. The symposium was sponsored and organized by the Research and Statistics Division of the Department of Justice Canada in collaboration with the Faculty of Law and the Faculty of Social Sciences, University of Ottawa. Sessions were held on the following: (1) Conditional Sentencing after the Supreme Court judgements: Issues and Directions; (2) Defence and Crown Perspectives on Conditional Sentencing; (3) Limits of the Conditional Sentence and Appellate Review; and (4) Administering Conditional Sentences.

Feedback from conference participants was very positive. This was the first conference to address the issue of conditional sentencing since the Supreme Court judgement in *Proulx*.

The symposium was attended by approximately 90 participants, including a number of judges. The symposium generated lively debate on a number of key issues surrounding the conditional sentence. Among the highlights were (1) a discussion of the role of appeal courts in guiding trial judges, (2) an exchange between Ontario Crown counsels and participants regarding the use of guidelines directing Crowns to oppose conditional sentences in specific circumstances, and (3) a general agreement that more resources need to be devoted to the supervision of offenders serving conditional sentences. Copies of conference papers will be available from the Research and Statistics Division, Department of Justice Canada

later this summer. For further information, please contact Dan Antonowicz at 952-6380 or at Dan.Antonowicz@justice.gc.ca.

Seminar: Citizen Access to Justice
Steven Bittle, Research Analyst, Research and Statistics Division.

On June 23rd, the Research and Statistics Division hosted a seminar by Professor Mark Kingwell, one of Canada's pre-eminent social and cultural theorists. The seminar, *Citizen Access to Justice*: *Issues and Trends for 2000 and After*, was based on a background paper prepared for the Deputy Minister's Symposium, *Expanding Horizons: Rethinking Access to Justice in Canada*. The seminar proved to be a huge success, with more people interested than there were spaces available. Professor Kingwell is the author of four books: *A Civil Tongue* (1995); *Dreams of Millennium* (1996); *Better Living* (1998); and *Marginalia* (1999), and his new book, *The World We Want: Virtue, Vice, and the Good Citizen*, will be published this fall by Viking.

To download Professor Kingwell's paper, *Citizen Access to Justice: Issues and Trends for 2000 and After*, or to find out more about the Research and Statistics Division's Seminar Series, please visit the Division's Intranet site, at: http://dojnet.justice.gc.ca/rsd_e/products/seminars.htm

CURRENT AND UPCOMING RESEARCH FROM THE RESEARCH & STATISTICS DIVISION

Review of Justice System Issues Relevant to Nunavut
Reviewed by: Anna Paletta, Research Analyst

TR1999-4: **Review of Justice System Issues Relevant To Nunavut**, Don Clairmont.

This report provides a comprehensive review of literature relevant to the justice system in Nunavut using an issues framework. The review included (a) all available documents identifying justice system issues in the Canadian North, and in other countries, relevant to the Nunavut territory, (b) documents outlining the reciprocal impact of Inuit culture and justice system processes, (c) literature dealing with pertinent community mobilization to achieve community-based Aboriginal justice programs, and the dynamics between community justice and mainstream justice, and (d) evaluations of community-based Aboriginal justice programs. These documents include governmental, academic and private sector reports produced within the last 10 years. No fieldwork or first-hand research (i.e., surveys or in-depth interviews) was undertaken for this report.

Summary of the Inuit Women and the Nunavut Justice System Workshop
Reviewed by: Anna Paletta, Research Analyst

Research Report 2000-9: **Summary of the Inuit Women and the Nunavut Justice System Workshop**, Department of Justice Canada. The objectives of this workshop were to present the Research Report (2000-8) From Hips to Hope: Inuit Women and the Nunavut Justice System, Mary Crnkovich and Lisa Addario with Linda Archibald; and to facilitate a discussion on the policy implications of this report as they relate to federal project funding in the area of justice in Nunavut.

This report is available in English and French.

Nunavut Justice Issues: an Annotated Bibliography
Reviewed by: Anna Paletta, Research Analyst

Research Report 2000-7: **Nunavut Justice Issues: an Annotated Bibliography**, Naomi Giff.

This annotated bibliography brings together voices from across Canada representing a cross-section of scholars, community justice workers, and government representatives to share some of the key elements that require consideration for community-based justice in the North (specifically in Nunavut). This collection addresses the Northern environment (social issues, crime and justice issues in the North), lessons learned (the nature and results of community-based justice projects in Canada), the nature of community relationships and the dynamics of community mobilization, as well as the inter-relationships between community-based justice and mainstream justice.

This report is available in English and French, and the Executive Summary and Introduction are available in Inuktitut Syllabics.

From Hips to Hope: Inuit Women and the Nunavut Justice System
Reviewed by: Anna Paletta, Research Analyst

Research Report 2000-8: From Hips to Hope: Inuit Women and the Nunavut Justice System, Mary Crnkovich and Lisa Addario with Linda Archibald.

This report focuses on three specific components of the criminal justice system in Nunavut - the unified court structure, justices of the peace and community-based justice committees. It presents a snapshot of complex and multi-layered issues in relation to these three components of the justice system and their impact on Inuit women. Real and potential reforms are examined along with their respective strengths and challenges within the context of how these changes impact on Inuit women and their families.

Canadian Law School Faculty Survey
Reviewed by: Anna Paletta, Research Analyst

Research Report 2000-3: **Canadian Law School Faculty Survey**, Anna Paletta, Christopher Blain, and Dan Antonowicz.

The Canadian Law School Faculty Survey is a component of a broader initiative to establish closer links between law schools across Canada and the Department of Justice Canada in order to promote justice related research of mutual interest. The report provides information on areas of teaching and research interests of faculty members teaching at the 22 law schools in Canada.

This report is available in English and French

Voluntary Organizations in Ontario in the 1990s
Reviewed by: Dariusz Galczynski, Research Dissemination Officer and Valerie J. Howe, Senior Research Officer

Voluntary Organizations in Ontario in the 1990s, Statistics Canada, In: Nonprofit Sector, Issue No 1., Catalogue No. 75F0033MIE, January 2000. Valerie J. Howe, Senior Research Officer, Justice Canada, and Paul B. Reed, Senior Social Scientist, Statistics Canada

This report, developed by Statistics Canada with financial assistance from the Kahanoff Foundation, assesses the health of voluntary organizations in the face of devolution, cuts, changes in volunteering, and other recent pressures on the voluntary sector. Forty organizations in eight different cities and towns were selected to provide a comprehensive portrait of the conditions of voluntary organizations. The researchers found a set of voluntary organizations who were asked repeatedly to "do more with less". However, many agencies found themselves obliged to "do less" for more clients, and often, for clients with greater needs. The report's summary, which is one in a series of brief reports describing research findings of the Nonprofit Sector Knowledge Base Project, is available in both official languages on Statistics Canada's Web site http://www.statcan.ca/. Contact M. Saumure at saummar@statcan.ca if you would like more information on this research.

Questions and Answers on Drug Use and Offending
Nathalie L. Quann, Research Analyst

This report includes previously released data from the Canadian Centre for Justice Statistics, Health Statistics Division from Statistics Canada as well as polling agencies such as Gallup. It is meant to illustrate the extent of drug use and offending in Canada using the most recent data available. Police, courts and correctional services statistics are presented in a question and answer format in an attempt to answer many commonly-asked questions about usage and offences related to illicit drugs. The report is available in French and English on the Justice Canada's Internet site as of June 2000.

CURRENT AND UPCOMING RESEARCH FROM AROUND GOVERNMENT

Correctional Service of Canada - Research Branch
Addictions Research Division

On November 26th, 1999 the Federal Solicitor General Lawrence MacAulay announced the establishment of an Addictions Research Division. This separate, dedicated research facility will be located in Montague, Prince Edward Island. The Addictions Research Division is being established to

encourage and stimulate addiction research in criminal justice and to develop a co-ordinated program of applied research activity across jurisdictions.

G8 Conference on Cybercrime - May 15 to 17, 2000

The group of eight most industrialized countries recently sponsored a three-day meeting on cybercrime. The conference represented a preliminary discussion session leading up to the G8's annual summit meeting to be held in Okinawa this July. The conference brought together diplomats, police officials, legal experts, and high-tech business leaders to discuss how to deal with crime on the Internet. While government officials are leaning towards greater regulation of the Internet, members of the Internet industry suggest that increased government regulation could stifle electronic commerce. Instead, industry proposes that they be allowed to engage in self-regulation without government interference. However, the Council of Europe is in the process of drafting a convention on cybercrime that would set common definitions of crimes and require extensive cooperation between nations to trace and punish cybercriminals. The United States, Canada, Japan, and South Africa are already working on the draft with the 41-member Council.

The official website for the G8 Kyushu-Okinawa Summit 2000 can be found at this address: *http://www.g8kyushu-okinawa.go.jp/e/index.html*

Recent Releases at the Canadian Centre for Justice Statistics (CCJS)

Adult Criminal Court Statistics, 1998/99 (Vol. 20, no.1)

Adult criminal courts statistics showed that in 1998/99, 394,884 cases involving adults appeared before the courts. This represents a 4% decrease from the previous year, and a 11% decrease since 1994/95. Almost two-thirds (62%) of all cases appearing before the courts resulted in a conviction, and this has remained unchanged from the previous year. Of the 240,653 cases with a guilty verdict, 35% were sentenced to a prison term, 42% to probation, and 40% were sentenced to a fine (cases may have more than one sentence, therefore totals will not add to 100%).

Youth Court Statistics, 1998/99 Highlights (Vol. 20, no.2)

Youth court statistics showed that in 1998/99, 106,665 cases involving youth appeared before the courts. This represents a 4% decrease from the previous year and a 7% decrease from 1992/93. Two-thirds (67%) of all cases appearing before youth courts resulted in a conviction, and this has remained virtually unchanged since 1992/93. Of the 71,961 cases with a guilty verdict, 17% were sentenced to secure custody, 18% to open custody, 48% to probation, 7% to community services and 6% were sentenced to a fine.

Adult Correctional Services in Canada, 1998/99 (Vol.20, no.3)

Adult corrections statistics showed that at any given time, there were an average of 150,986 adults under supervision of correctional authorities in Canada. This represents a 3% decrease from the previous year. There were 210,591 adult admissions in provincial/territorial custody, 104,630 adults under supervision (conditional release, probation, parole), and 7,418 in federal custody. Incarceration rate for provincial/territorial facilities was 83 per 100,000 adult population and 57 per 100,000 adult population for federal facilities.

Upcoming releases will include data on young offenders sentencing, 1999 crime statistics, family violence and alternative measures. For more information on these releases or any justice statistics, please contact the Statistics Unit of the R&S Division or the Canadian Centre for Justice Statistics at 1-800-387-2231.

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