



Research and Statistics Division

Fact Sheet

Conditional Sentencing Series

Fact Sheet # 2: Conditional Sentencing and the Views of the Community

Canadians want their system of Justice, and particularly their judges, to reflect community values. This fact sheet, one of a series, addresses the issue of public knowledge of, and attitudes towards, the new conditional sentence of imprisonment. (A conditional sentence is a term of imprisonment served in the community. The offender must abide by certain conditions and may be sent to prison if he violates those conditions. See Conditional Sentencing Fact Sheet #1 for a more complete definition and description of the conditional sentence of imprisonment.)

Why are the Views of the Public Important?

The views of the community are important to the success of any sanction. If the public disapproves of a particular sentence, judges may be less inclined to use the sentencing option. Parliament created the conditional sentence to reduce the use of imprisonment in a safe and principled way. It is important, therefore, that Canadians understand and support the concept of conditional sentencing.

What do the public know about conditional sentencing?

Most Canadians are confused about the nature of conditional sentencing. A national survey conducted by Angus Reid in 1999 found that less than half the sample could identify the correct definition of a conditional sentence given a choice of three options. One explanation for this confusion among members of the public is the media coverage of conditional sentencing. Few news stories explain the true nature of conditional sentencing, and reporters tend to focus

on the exceptional or unusual cases that are not representative of the vast majority of conditional sentence cases being imposed across Canada.

Surveys of the public over the past few years have shown that although people believe that sentences in general are too lenient, most people under-estimate the severity of sentences actually imposed. For example, most offenders convicted of robbery are sent to prison. However, when the public was asked to estimate the incarceration rate for this crime, most Canadians guessed that the rate was lower than it actually is.

Does the public support the use of conditional sentences for all kinds of offenders?

No, the public does not support the use of conditional sentences for the most serious crimes. But the conditional sentence of imprisonment is generally reserved, except for cases in which exceptional circumstances exist, for the less serious offenders, who have been convicted of the less serious offences.

From the public's perspective, what kinds of crimes should result in a conditional sentence?

The public appears to favour the imposition of a conditional sentence for property offenders and the less serious cases of violence. Two recent representative surveys, one in Ontario and one across Canada described the following case, and then asked people whether they thought the offender should go to prison or receive a conditional sentence of imprisonment. "*A man has been convicted of assault*



causing bodily harm. He hit and broke the nose of a man he had a disagreement with in a local bar.”

Given a choice between sending this offender to prison or to serve a conditional sentence in the community, three-quarters of the samples in both surveys chose the conditional sentence over imprisonment.

What makes a conditional sentence a good sentence from the perspective of the public?

Members of the public are less likely to support conditional sentences that carry minimal conditions for the offender. However, if the conditions imposed on the offender are meaningful, and will ensure that he remains a law-abiding citizen while contributing to society (by supporting his family, paying taxes and so forth), the public endorses the use of conditional sentencing.

Other Fact Sheets in this Series

Fact Sheet # 1: What is a Conditional Sentence?

Fact Sheet # 3: Usage of Conditional Sentencing across Canada (1996-1999)

Further Reading

An Overview of Research on Conditional Sentencing (1996-1999). Ottawa: Department of Justice Canada. Report Available from the Research and Statistics Division, Department of Justice Canada.

Marinos, V. and Doob, A. N. (1999) Understanding Public Attitudes Toward Conditional Sentences of Imprisonment. *Criminal Reports*.

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