

Lecture 1- criminal Justice system

Criminal jurisdiction belongs to the federal government

Constitution defines the powers that belong to the federal govt (section 91) which are criminal procedure and the provincial powers (section 92) which are the enforcement of law ex funding. Administration is also provincial ex. Funding. Ontario funds the administration.

Judge can only enforce the law to the court but not give their own comments or ideas.

Section 28 of the constitution: Rights guaranteed equally to both sexes

28. Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

Penitentiary is a prison for people whose crimes are over the 2 year sentence.

Crim lecture- 1/26/16

David Bowie: singer who was bisexual and Quebec was the first govt to pass legislation in regards to no discrim against same sex marriage with a right to adopt a child. This legislation was a human right issue at the time. Labor right is a fundamental right.

Quebec- most natural gas in Ca. L'Île d'Île-à-la-Croix island, this is where the pipeline needs to go thru however, there are issues about whether or not this will actually occur. Likely, won't go thru due to the pathway leading to the States being blocked by the Aboriginal land. Aboriginal will not agree for land to be used. Aboriginals have more access to guns for hunting.

Less than 10 percent of sexual assaults are reported.

Supreme court passed legislation for labor rights. Assisted suicide Quebec suicide you need to be 18. In Ontario need to be 16 for marriage, for abortion need to go with parents however, in Quebec its 14. In Quebec 14 year olds need condoms teens can get it but bill will be sent. By law in Quebec they consider you as in adult. Can also decide to end life for assisted suicide. Assisted suicide is in the case of an incurable disease this is under a certain condition. English govt. Not sure about assisted suicide.

RCMP phrase" we always catch our man" this is a British statements meaning God and the law. The RCMP has duty to serve the crown and enforce the law. Ottawa restaurant in Gatineau bar was seized due to a drug bust of trafficking. The shisha bar, the owner of the place was involved in this drug scandal rather than the landlord.

If you're a prostitute you can't buy a house because the property will be seized.

Parliament is the key to determine the offences.

Crime rate increases as you go west. Crime rate in the 1960s and in 1962 it was so safe that they never locked their houses.

Criminal Justice System Lecture 2:

Social change- added in law by adding fundamental right, or created by a precedent which causes a split in the unity of courts.

Child age at the age of 16- Has decision over health matters otherwise parents have control over child.

Assisted suicide- Quebec plans to lower it to 14 then 12

Assisted suicide- case in 1993, asked death due to starvation. Assisted suicide is only applicable in cases of incurable disease. This was seen as cruel and unusual punishment, however, it's his decision and he chose this as long as it is his choice to do that than it does not count as cruel and unusual punishment there is consent to this.

Next week – come to class with table of contents – references

Last week- notion of criminal justice: federal govt has jurisdiction handles any component with criminality. The state defines the criminal offences. The provinces do the enforcement as the enforcement is provincial. The province must provide the funding for the law to become enforced. *Federal govt. reserves its right to prosecution in certain cases- trafficking, terrorism, and national security issues, anything that touches with the security of the state.

There is a series of crimes once committed the state will seize assets possessed and you have to show that you have possessed it in good faith. Ex. Earning a certain amount, but owning assets that are triple what you earn ..

Must ask how we define criminal offences?

- It has to be from the desire to regulate a **conduct that is offensive and violates public norms***

When deciding on crim offence we need to make sure that there is a **consistency in offence across Canada**, thus the offence must be understood in the same way. Therefore, it's important that it is **enforced in the same way**, because the procedural element becomes also consistent.

Correctional services- correcting the whole situation ex. Homeless contraceptive shots to prevent pregnancy.

Parliament is the key element that defines what the crimes are that we are dealing with.

Bill Cosby case- 30 women reports this, this is the dark side of crime

Is fear proportional to crime rate? **No, the more we are subject our self to violence the more it occurs.**
Ex. The man who steals underwear named Russell Williams. He kept going house to house trying on women's underwear and taking a picture of himself wearing it. Until, one day he found a woman that he raped and killed.

Crime and punishment, **fear is instilled and vengeance so that these guys get what they deserve rather than rehabilitating them.**

Criminals in the society are those that are responsible for committing an offence. All statutes pertaining to health are all criminal law statutes. Crime Funnel is the amount of offences committed in a year. There are 3 million reported, if we consider findings before the courts there are 250k. People going to jail is roughly 100K a prov. Fed penitentiaries roughly 6K. This is called ATTRITION.*

Issue of sufficient evidence:

There are always discussion between crown and prosecution ex. Marjuana

Individuals will be able to provide exceptions to the law- some ppl are able to claim why they can avoid criminal justice.

Issue with putting people in jail which doesn't give people a chance to fix themselves. Comparing the youth justice system in Ontario vs the one in Quebec which allows for offenders a more lenient rehabilitation process to deter them from future offences.

Next week- bring table of contents.

There was a rise in violent crimes wrong time wrong place.

Usage of weapons western differ than eastern. Use of weapons easier to have access and will do things you wouldn't without a gun.

In Quebec youth are not sent to jail unless it for severe crime.

Guy Turcotte killed both of his children and was sentenced 17 yrs then eligible for parole due to having a mental disorder, anxiety and depression. Used Kitchen knife to do this. Prof argued that when using guns due to easier access it elevates danger. In the U.S they can register guns but in Canada there must be certified under certain circumstances.

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Attrition: funnel of money. Cases that get dealt with before it goes to court.

Issue of sufficient evidence:

There are always discussion between crown and prosecution ex. Marijuana No can smoke but can't purchase when your underage.

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SEXUAL ASSAULT

Bill Cosby was convicted of 30 sexual assault cases but the didn't report it however, was not convicted. 13 women who came forward came forward under the name of Jane Doe however, this case was settled outside out of court. 10% of sexual assaults are reported in general.

Alex Galchenuk – girlfriend was matrimonial violence he beat him up. He was hanging out with his friends. Expressed how she felt thru physical attacks. 10-15% of men are physically assaulted.

Russell Williams- went around houses to wear underwear and take pictures and in the end he assaulted two women and killed them.

Gian Gomeshi:

Sexual harassment case –issue of consent and credibility of witness. The burden is on crown to prove him guilty. The defenses mission is to prove that the criminal events have not been proven beyond a reasonable Doubt. The issue here is what consent is. One of the victims was hit and then saw him twice after and sent emails to connect with him once again.

Jian Gohmeshi is convicted of 4 sexual assault cases. The issue here is whether or not there was consent during the choking, rough sex etc.

3rd element in Jian Gohmeshi- rape doesn't exist since 1995 because it had to involve penetration

5,000 emails exchanged between witnesses which causes for the impartiality between the two witnesses is broken.

This will cause for issues in future rape cases because the Jian case can be used as a precedent and the credibility for victims will be further questioned. It may also impact the weather or not victims of sexual assault will come forward due to the difficulty they may face proving that the sexual assault did in fact happen.

There must be consistent consent during intamacy.

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Crimes

The concept of crime and punishment is that criminals criminal have fear instilled in them and vengeance rather than rehabilitation.

Criminal offences are articulated by defining a conduct that is outside of the public norm or is offensive. Its defined by the federal govt.

Crime funnel is the same as attrition.

Today's topic

History of policing: a way of ensuring that the state exercise an authority over individuals.

Canada was found to discriminate against aboriginal people in regards to health safety, issue with the pipelines. 1 out of 4 in jail aboriginal meaning 1/17. ½ aboriginal in Jail. In regards to the pipeline issue the aboriginals they don't want to compensation they want the issue to be resolved.

Sir Robert Peel brought up the principles of law enforcement:

First key principle: First purpose of *police is to prevent crime and disorder.*

Second key principle; *Ability of the police to perform their duties depending on their public approval.*

Third key principle: *In order to succeed the police must secure the willing cooperation of the public.*

Fourth: *Degree of the cooperation of the public, the use of physical force only when necessary. Thus, it has to be proportional.*

Fifth: *Police must demonstrate impartial service ex. not focusing on a certain group, allowing vengeance on some groups not others. Thus, can't be biased*

Sixth: *Force that can be used is to persuade so that people can be deterred from acting inappropriately, rather than intimidate.*

At all times police is in place to maintain a relationship, paid by public to exercise their duties." Police are the public and the public are the police" relation between community and police.

- Police must be seen as individuals within the community that are just like everyone else with a full time job with the intent to protect the public.

Direct their conduct toward their function and never to appear to disrupt the power of the judiciary by avenging individuals. (staying within your job)

The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with it. Police has to have authority of prevention.

*Quebec bill that states that everyone needs to register their guns.

Idea of policing two principles: *to eradicate local crime and successfully investigate and prosecute crime.*

Crown prosecutor has discretion over the case.

Police also have the *discretionary* to let things go or *ability to be reasonable...* ex. Give warnings rather than write up tickets.

Policing today needs to be a community agent meaning that they need to be a part of the community.

The key police enforcements: *RCMP they specialize in certain forms of crimes – ex. Firearm license deals with thing at the national level ex. Drugs, terrorism, scams and fraud. Working in airports, drug enforcement units, criminal records.*

Ontario police: deals with offences ex. Technological crime and also use tech, ex. drones to follow ppl. Is a futuristic way to verify what occurred at the scene. Ex. Camera in the car, on police.

Policing strategies:

1. Reactive policing, the reaction to crime in process or has been committed. This is the bulk work of patrolling officers in the cities.
2. Proactive policing taking steps to limit the appearance of future crimes.
3. Community involvement- thru problem oriented solution- focus on major problems that society is facing.
 - a. RCMP Capra problem solving approach: the idea behind this is for the RCMP applying the theory to problem solving approaches. It's a way of doing police work by involving

the community. Thus, need ppl to tell them what goes on. Was a U.S concept that transferred to Ca. C (clients) A (analysis) P (partners and partnerships) R (response) A (assess, assessment).

- i. Common sense application ex. Gang shooting in Ottawa,
- b. *Clients- means or refers to anyone who is affected by the problem*
 - i. *Can be direct or indirect clients*
 - ii. Indirect hear of problem not directly affected
 - iii. * try to identify clients early on – which would help accurate analysis
 - iv. *Analysis- trying to understand problems and root of the problem*
 1. Looking at ppl's behaviors, habits this info is given by parents
 2. *Analysis tools: looking at statistical analysis, crime mapping, surveys, canvas the public, anecdotal.* Ex 4 main areas in Ottawa where the shooting occurs
 - v. *Partners/ partnerships: not clients, but ppl which will bring support ex. Monetary, political backing, expertise, public support, endorsement, political backing.*
 - vi. *Partnerships- anyone that can help and solve the problem*
 - vii. *Partners- criteria:*
 1. *Ask why person or agency would make a good partner?*
 2. *Ask what's in it for us? And what's in it for them*
 3. *Do not partner with any person or agency that can bring police or judicial system into disrepute*
 4. *Transparency*
 - viii. *Response: problems needs to be resolved at its roots*
 1. *Criteria: meal deal , meal*
m- moral issues how bad do think your hurting people?
E-thical issue: is this the way you want to be remembered.
A-ffordable: making sure that it's affordable, seeing what to give up.
L- legal, Must be legal.

Assessment: Finally, must conform to mission, vision, and values of the RCMP.

Terms:

- c. *Enforcement; any action taken to resolve or reduce problem thru*
 - d. *Education: any action taken to change or teach in order a behavior*
 - i. Example: drug awareness education
- *Prevention: any action taken to change the environment to prevent crime and or educate the public*
 - Major tools in prevention
 - *CPTED crime prevention outreach programs*
 - *Communication: any action taken to communicate with the public clients (stakeholders or partners)*
 - Major tools in communication

- **Media**
- **Note: communication should be planned ahead to ensure that the right info is released.**

Lecture 4.

Specific techniques officers use to detect the crime, and this has changed as crimes differ from the way in which they were committed before. This is also due to the tools ex. Computer that was used now.

- *Patrolling* is the first tool to be used- this is being part of the community and watching around. Ex. By targeting certain areas. By looking at where crimes often occur. Ex. The 4 main areas. Heatherington, Ritchie Ramsey, Donald

- *Preventive patrol* to tell ppl that they are in the neighborhood. The issue is that they must be visible this is shown in the summer when their on bikes. The issue is that with patrolling ppl move around to other neighborhoods

Class examples: Hells angels in Ottawa very quiet but efficient, mainly because too many players watching.

- *There must be a routine response:* this involves whereby the people are seeing that there is a movement and action, which makes people feel like the cops are around and creates the sense that they are active.
- Emergency response: this occurs when there is a crisis. The issue now is there are too many cops coming in all at once. Ex. Last shooting which occurred
- Criminal investigation; issue with this is the cost and time.
- Specialized teams – these teams are there to uncover operations and verify if the practices are appropriate or inappropriate. This is done by surveillance that will give wiretapping, this is needed in order to have a knowledge to know what is being said.
- Mapping of crime: this is to be able to make certain types of assertions where it's safe. Ex. Hells angels which control the streets quietly but efficiently. However, involved in strip bars.

issue of consent in the bachelor: walking in is a privacy issue

Police professionalism: fundamental concept in our society because it deals with the fact that we are giving authority to a given party which has the capacity to use substantial powers.

- These are: Restriction of freedom by providing detention.
- Second: the authority to search a person. This is a case where they are arresting someone and they need to see if there is a weapon for example.
- Third: the right to use force and including lethal force, ex. lethal force to kill. This is an important factor in the police force because its important to use lethal force and be i.
- Fourth: The ability to apply discretion. Discretion is fundamentally important because the police must know when to apply this because the code of conduct is

meant to advise the cops.

Ethical values: Ethos of Ottawa police honor: ethical and moral principles, courage: confront fear and service: helping people exercise their lives. This is done with that is the role of the police is to preserve life and property and peace within the context of the Canadian law and that direction of people.

The ten fundamental principles: To build a professional force.

1. Leadership: always should be demonstrated always leading by example ex. Cop violating parking rules to run errands for example which shouldn't occur.
2. Honesty- is the best approach
3. Integrity- maintaining integrity
4. Professionalism- defining work properly having proper discretion and perception
5. Duty- professional obligations to society
6. Respect- respecting culture, language differences and other beliefs
7. Compassion- certain time for ease and compassion which is understanding that in some circumstances where they only have so much energy when interacting.
8. Fairness
9. Loyalty- loyal to badge and ethos
10. Responsibility- having decisions to make which need to be made with impartiality

Midterm – next week

Notion of police and community: will be on midterm! 23rd of feb

Community: the professionalism of the police

Motto of the police: is the powers

What are the powers of the police: The first key thing to look at is the Charter, as it defines the fundamental rights we have as a society. Relevant provisions the first is section 9: the right not to be arbitrarily detained which involves imprisonment. The only exception to that is the when the minister issues a certificate to detain someone due to suspicion of terrorist acts, with certain frameworks. Key thing about crime is to catch the individual and this is a deterrence method to keep people away.

- Section 10: Arrest or detention

10. Everyone has the right on arrest or detention

(a) to be informed promptly of the reasons therefor;

(b) to retain and instruct counsel without delay and to be informed of that right; and

(c) to have the validity of the detention determined by way of *habeas corpus* and to be released if the detention is not lawful.

Therefore section 10 outlines that everyone has the right to be informed for the reasons as to why, to access counsel without delay. Also, anyone has the validity of detention to be determined by way of *habeas corpus* (illegal detention) and by released if the detention is unlawful.

*can also waive this right to counsel. May because they don't know how to exercise this right.

Marginal note: Proceedings in criminal and penal matters

11. Any person charged with an offence has the right

(a) to be informed without unreasonable delay of the specific offence;

(b) to be tried within a reasonable time;

(c) not to be compelled to be a witness in proceedings against that person in respect of the offence;

(d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;

(e) not to be denied reasonable bail without just cause;

*must be tried within reasonable time ex. Case that exceeded the six months period the file because moot, unless there is a buildup of evidence. Not to be compelled into being a witness against person prosecuted. *punishment must be in relation to the offence* Innocent until proven guilty. *not to be denied reasonable bail.

12. Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.

12.* Punishment must be proportional to the offence*

The legislative power:

Detention: meaning that as an officer they are allowed to search and investigate before detention.

Arrest: is a physical gesture needed to be imposed on an individual. Legislation allows for that in different ways. Ex. Driving over 50 km the police can arrest you

Arrest-keeping a person in custody and exercise control over the movement of the person.

Arrest warrant is needed at times which is a: sworn information where an individual can be apprehended.

There must be a search- because crime is occurring to gain actual evidence or to get "info to obtain a search warrant" ITO. cannot bring incomplete or misleading information. Thus, have to make sure to ascertain these rights.

Police: plain view doctrine ex. Bag of marijuana when it is inside of bag, versus in the plain view of an open bag of weed. If its open then its in “plain view”, therefore the police can go and seizes the item. Because its publicly exposed that this isn’t a privacy matter in this circumstance the police can go ahead and seize the item.

Issue of arrest and detention and the context of search- how do we know that people have consented to search – **ask on what grounds**. It can be challenged in court, and whether or not it was intimidation and pressure.

The use of force: on the policeChief website.

- Can be held accountable to the use of force; its sanctioned
 - *The use of force framework- idea is that every situation is contextual thus one must assess the situation.*
 - *Must look at the conduct of the person is it passive or passive resistance (put hands in front of light) or assaultive ex. Spitting or attacking police and bodily harm*
 - *Perception and tactical consideration – for acting u have to see things in order to act upon them*
 - *Passive u usually you can talk to them, if aggressive there is legal force should be used.*

There is a decision making process;

http://www.policechiefmagazine.org/magazine/issues/102004/PDFS/page126_fig1.pdf <<<< link to step chart (important!!!)

Aggressive body language, assaultive behavior....

Lethal force- is not sth to be used lightly, there needs to be justified ex. Screwdriver, gun, knife.

When there is an alleged wrong doing ex. Child had knife

- A case involving a father who chose to circumcise his own son with a carpet knife due to tradition, had then caused his son to be injured where he was taken to the hospital. Oprah used forskin for cream.
- Request to circumcise in the Charter. Supreme court- had to see if he was entitled to circumcise his child, and the court said it wasn’t his right because he was not an expert. However, he was never charged.
 - When dealing with wrongdoing there must be a few key things

- An internal investigation that is carried out
- Hybrid quasi-internal – this is when there are people from another police agency
- Hybrid review done by police and civilian authority
- External dealing with issue of having civilian over sight.

An example of this is the police that cut the bra and shirt to humiliate and punish the woman. Did it for the publics “safety and security”.

Exam review:

- Everything on exam is what is discussed in class.
- Rely on class notes. Every question will have specific class example.
 - Can use any example discussed in class as an example
- All essay questions, an element or statement will be put that must be replied to. Must know the full model.
 - Can answer questions in point form but must be explained. Must write as if there is a person who doesn't know law.
 - Opinion question. 3 question, 3 pages per question. Full exam 10-11 pages.

Next week- legal powers of police, structure of criminal law.

Gian Gimeshi:

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(e) not to be denied reasonable bail without just cause;

(f) except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment;

(g) not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations;

(h) if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again; and

(i) if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment.

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 - Hybrid review done by police and civilian authority
 - External dealing with issue of having civilian over sight.

An example of this is the police that cut the bra and shirt to humiliate and punish the woman. Did it for the publics "safety and security".

Exam review:

- Everything on exam is what is discussed in class.
- Rely on class notes. Every question will have specific class example.

- Can use any example discussed in class as an example
- All essay questions, an element or statement will be put that must be replied to. Must know the full model.
 - Can answer questions in point form but must be explained. Must write as if there is a person who doesn't know law.
 - Opinion question. 3 question, 3 pages per question. Full exam 10-11 pages.

Macleans of this week : the revenge of mike duffy. It explains the trial and the political, legal, and ethical issues

11 police officers from Ottawa filling out blank warning tickets but not giving them to anyone : example of misconduct

Term paper: depending on your topic 10-20 sources (court cases, articles, APA

For paper: do research, then opinion (your recommendations / opinion should be about 1/4th of the paper

For prosecution you need the evidence test " is the evidence in front of you sufficiently admissible?

In 2004 todd bertuzzi incident where he punched moore in the back of the head.

The crown has the right in the timing of disclosure and may in some case withhold information. As new evidence is discovered it needs to be given to the defence.

Revenue Canada made a deal with KP and G. the top 20 investor put it in isle of mann.

The defence cannot request irrelevant information. (ex) information regarding actual witness.

Purpose of disclosure 1: full defence, so that there is no surprise in terms of what is going to happen

2. to be able to recognize the possible issues of guilty pleas.

Tv show scandal

Seeking/ giving legal advice:

Information tends to be confidential.

Community litigations: certain areas we expect a zone of privacy. People are entitled to have a certain amount of privacy when they communicate with others. (ex) making a call in jail) Despite the fact that they could be listen they cant use that information against you anyways.

General rule that unless people are a threat to society or that they will escape or not appear in court, we will normally make an actual bail hearing. The reasoning is that while you keep the person in jail you have to pay for it.

There are trials where there are automatically a jury is present. In other cases such as the jian gomeshi trial there is no jury (judge alone)

The guilty verdict brings us to the notion of punishment. The question is, is there a minimum sentence required and B. what is the appropriate standard for the actual situation. (ex) talked about situation where drunk person killed elder and 3 children. What would be a reasonable punishment, 14 years or 9 years? The defence will play on the mitigating factors.

Oj

SOCO: a scene of crime officer(s) they secure the premise and more importantly investigate the crime scene. First key thing: they always need to have gloves. Cannot consent to bodily harm. IN law you are supposed to change and remove gloves. Deence councils do not touch on this enough. Little details are the key.

There needs to be samples taken. Also control samples need to be taken. You need to take something that is uncontaminated.

With S&M consent is different: you consent to a limit

Shafia trial

Railroad track death. (kids strapped other kid down and watched him die, they were 12)

Cannot draw a clear line on rough sex because difficult to define when it becomes abusive.

Need to ask ourselves : is the person able to stand trial, because with the forensice analysis it will help the judge with making a mental assessment If the person has a mental defect at the time of the offence he cannot be made liable for the consequences

NEXT WEEK NO CLASS

FOLLOWING CLASS jumping into chapter 8 which deals with sentencing and doing institutional correction.

Criminal justice system- March 29th

If there is an issue with the provisions regarding the rape laws, needs to be dealt by the court.

Police in Ont following a series of research decided to lay charge on the basis on sec 83 anyone who helps in or outside of Canada for Terrorism is guilty 10 yrs of prison. Only need to make an effort to enhance terrorist activities, this questions if he is linked to Brussels attack. Added subsection with training subject to 12 years of jail. This is from the bill C 51. FINTRAC financial transactions and report analysis center of Canada. FINTRAC every time they investigate they have access to everything that involves that transaction of money.

Section 83: anyone who participates directly or indirectly for the purpose of enhancing terrorist activity is indictable to an offence.

Monitoring employee activity, to maximize productivity.

Street Security: Ensuring walking safely. Criminal rate is currently the same as 1965. Bells corners shot Christina Voelzing Algonquin college student. Currently, on life support. Was in a victimology program.

Community Act; this legislation is applicable to the federal government. "safe street and securities Act".

First key element: Canadians are entitled to live their life in peace and security.

All organizations ex. Banks, revenue Canada has a profile of people that would linked to terrorist activity.

PART 1 JUSTICE FOR VICTIMS OF TERRORISM ACT ENACTMENT OF ACT

Marginal note: Enactment of Act

2. The *Justice for Victims of Terrorism Act* is enacted as follows:

An Act to deter acts of terrorism against Canada and Canadians

Preamble

Whereas Canadians and people everywhere are entitled to live their lives in peace, freedom and security;

Whereas Parliament recognizes that terrorism is a matter of national concern that affects the security of the nation and considers it a priority to deter and prevent acts of terrorism against Canada and Canadians;

Whereas acts of terrorism threaten Canada's political institutions, **the stability of the economy and the general welfare of the nation;** (**this is important to the country's economy as terrorism harms the economy**).

Whereas the challenge of eradicating terrorism, with its sophisticated and trans-border nature, requires enhanced international cooperation and a strengthening of Canada's capacity to suppress and incapacitate acts of terrorism;

Whereas United Nations Security Council Resolution 1373 (2001) reaffirms that acts of international terrorism constitute a threat to international peace and security, **and reaffirms the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by acts of terrorism;**

4. (1) Any person that has suffered loss or damage in or outside Canada on or after January 1, 1985 as a result of an act or omission that is, or had it been committed in Canada would be, punishable under Part II.1 of the Criminal Code, may, in any court of competent jurisdiction, bring an action to recover an amount equal to the loss or damage proved to have been suffered by the person and obtain any additional amount that the court may allow, from any of the following:

(a) any listed entity, or foreign state whose immunity is lifted under section 6.1 of the State Immunity Act, or other person that committed the act or omission that resulted in the loss or damage; or

(b) a foreign state whose immunity is lifted under section 6.1 of the State Immunity Act, or listed entity or other person that — for the benefit of or otherwise in relation to the listed entity referred to in paragraph (a) — committed an act or omission that is, or had it been committed in Canada would be, punishable under any of sections 83.02 to 83.04 and 83.18 to 83.23 of the Criminal Code.

- A and B are to stop the facilitation of terrorist activity from intl countries, this will allow for Ca to seize their assets which are in CA of those participants.

Minimum sentence: there are now offences which require min sentencing.

Fundamental principles of crim code when it comes to sentencing.

Purpose and Principles of Sentencing

Marginal note: Purpose

718 The fundamental purpose of sentencing is to protect society and to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that have one or more of the following objectives:

- (a) to denounce unlawful conduct and the harm done to victims or to the community that is caused by unlawful conduct;
- (b) to deter the offender and other persons from committing offences;
- (c) to separate offenders from society, where necessary;
- (d) to assist in rehabilitating offenders;
- (e) to provide reparations for harm done to victims or to the community; and

(f) to promote a sense of responsibility in offenders, and acknowledgment of the harm done to victims or to the community.

Russel Williams – man stealing underwear. In order to prevent these creepy crimes ppl react by putting the guy in jail.

Minimal sentence are they useful? What types of crimes should ppl be kept in jail long term.

-terrorism

-major harm to ppl

MISSION, VALUES AND ETHICS FRAMEWORK

CSC Mission and Commitment

1. The Correctional Service of Canada's (CSC) Values and Ethics Framework provides a common understanding of CSC's shared beliefs and expected standards of behavior in achieving its Mission.

Our Mission: The Correctional Service of Canada, as part of the criminal justice system and respecting the rule of law, **contributes to public safety by actively encouraging and assisting offenders to become law-abiding citizens, while exercising reasonable, safe, secure and humane control.**

First key thing: the CSC is outlining that they are part of the crim justice system, and applies the rule of law: right to appropriate procedural fairness, everyone is equal before and under law and **Second; all** entitled to be treated the same way. Meaning no one is given privilege over someone else. Ex the police chief of Ottawa case who favored his relative.

Third key thing: public safety. This is important because it involves us as law abiding citizens meaning a safe, secure and humane control. Thus by having this type of environment there is a respectful environment.

Transpacific agreement.

Ontario; Community safety and correctional services: this is the authority that guards community services.

Mission statement

- 1. to enhance community safety. This done by effective supervision of the ppl by using care, custody and intervention.**
- 2. *influencing the behavioral change and re-integration of inmates into the community. Ex. Cooking lessons for prev. inmates. This is to give them self-esteem and find love to get them back on track and reintegrated in society.**

Incarceration system characteristics:

Rates: per 100,000 in Ca we have 117 inmates. In the U.S per 100,000, 780 people are incarcerated.

However, Ca is still the 2nd country after the U.S to incarcerate ppl in the West. This number in Ca is inc because of min sentencing and there is an issue with space and running out of space so some are put in the shower room for segregation.

Maximum security- key thing is to limit freedom however ,still need to protect offenders because there are a lot of conflicts within these jails.

Minimum security- People entitled to mobility inside compound.

-static security system mainly based on supervision. Making sure ppl have more flexibility and control over their lives. When inmates are brought down to minimal security no phone calls allowed.

Ottawa puts hell's angels house for sale.