

The Court and Penal System

Provincial Courts

- three levels of court:
 - provincial court – summary (less serious) offences
 - provincial supreme court – indictable offences
 - provincial appeals court – for appealing wrongs
- once a person is arrested, the court system takes over
- judges sit on small cases, juries for serious offences
 - it is your duty as a citizen to sit on juries if asked
- judges have the job of interpreting the law
 - have to remain separate from government so they are unbiased
 - judges can only be removed by a passing vote in the House of Commons and the Senate
- judges on the Supreme court and appeals court are appointed by the federal cabinet

Supreme Court of Canada

- the highest court for all legal issues
- rules on Constitutional issues and is a final court of appeals
 - if the BC Court of Appeal still finds you guilty, you do have the right to appeal to the Supreme Court if there is cause
- has nine judges who sit on it (uneven number) and 3 of the 9 have to be from Quebec

- no one can alter a Supreme Court Decision unless:
 - parliament passes a constitutional amendment
 - 7 provinces totaling at least 50% of the CDN population also has to agree the amendment
 - hence, why the constitution is so hard to change
- they are the highest and most powerful court in Canada

The Penal System

- when someone is found guilty, a judge has options
- usually, a guilty person gets one or more of the following:
 - a fine to the court
 - restitution to the victim
 - community service
 - probation
 - incarceration
- the maximum sentence for a person in Canada is 'life in prison'
 - 25 years *without* parole (released for good behavior)
 - however, if the person is dangerous and shows no sign of change, they can be kept indefinitely
- a person serving a sentence under two years goes to provincial prisons, and those with more go to federal
- depending on how dangerous the prisoners are, there are varying levels of prisons (eg. maximum security)

- what are the purposes of our correctional facilities?
 - protect society
 - help prisoners become better citizens (*rehabilitation*)
- some people do think there are problems with the prison systems:
 - too lenient
 - parole is too early (1/3 of the full sentence)
 - no death penalty
- however, our penal system is one of the things which makes us Canadian – it is very different elsewhere

Restorative Justice?

- Canada has a VERY high incarceration rate – one of the highest in the western world
- 129 per 100 000 people are in jail
- it costs \$60 000 per year to keep an inmate in prison
 - it adds up...
- restorative justice tries to keep people out of prison
- it focuses on repairing the damage done (community work etc.) rather than punish the person
- for dangerous people, or multiple offenders, this does not work of course
- however, it is an interesting alternative