



## COMMUNITY-BASED SENTENCING

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Canadians are generally supportive of community-based sentencing; many feel that these sentences could have a number of positive impacts from reducing crime and increasing safety to greater efficiency in the criminal justice system.

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### What we also found

- After reviewing statistics on incarceration rates and who is incarcerated in Canada, over half of Canadians (55%) agreed that too many people were incarcerated in Canada (17% disagreed and 18% neither agreed nor disagreed).
- Support for community-based sentences<sup>1</sup> was much stronger for non-violent crimes. Almost three quarters (74%) of Canadians were supportive of community-based sentences for offenders found guilty of non-violent crimes. Thirty percent were supportive of community-based sentences for some crimes against the person such as common assault (e.g., bar fights, domestic disputes).
- When presented with three scenarios depicting various offences<sup>2</sup>, most (77%-86%)<sup>3</sup> believed that offenders should have received a different type of sentence (e.g., probation, fines, house arrest, etc.) rather than jail. The preferred response was diversion (between 53% and 68%) followed by community-based sentences such as probation, fines, community service (16% to 24%). In comparison, between 10% and 17% chose jail/prison as the most appropriate means of holding offenders accountable.
- The majority of Canadians (73%) believed that greater focus on community-based responses (such as restorative justice process, community services, treating the offender's needs (addictions, job skills training etc.) would reduce crime.
- Six in ten (63%) thought that community-based responses would lower levels of reoffending.
- 63% of Canadians also believed that community-based responses would increase safety and result in lasting protection for the public.
- Two thirds of Canadians (66%) thought that community-based responses to crime would result in greater efficiency in the justice system, and 59% of Canadians indicated that community-based responses would increase their trust and confidence in the criminal justice system.

### In more depth

Community-based sentences are alternatives to jail/prison including probation, fines, community service, conditional sentences, restorative justice, etc.





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Online discussion participants generally agreed that community-based sentences were a good alternative to jail provided the sentence demonstrates an appropriate level of accountability, the offender is closely supervised, there are conditions attached to the sentence, and there is a specific number of years/months of community service.

When asked why so many indicated moderate support for community-based sentencing most participants in the online discussions (who had also participated in the survey) said it was likely that people just didn't have enough information on what these sentences could entail. This was the case despite the fact that the survey did describe various community-based sentences and community-based responses to crime (e.g., use of alternative measures). They also noted that it was likely that more information and awareness would increase the level of support for the use of community-based sentences. That information would include: who is eligible, what offenders would be doing in the community, the level of supervision they would receive, what assurances of public safety there are, what the administrative processes are, and information on the costs and effectiveness. Some respondents from online discussions believed that community supervision is more economical than incarceration, and may result in more efficient sentencing, and a lower likelihood of reoffending.

Many participants in the online discussions felt that community-based responses might improve the possibility of rehabilitation primarily because offenders are not put in close confines with other criminals, and because a closer connection to the community and opportunity to repair harm are also promoted. Many participants felt that repairing harm to the victim (e.g., rehabilitation programs, counselling, and education) should be a key component in community-based sentences.

Residents of Ontario were more likely to believe there were too many people incarcerated in Canada, while residents of Alberta were less likely to believe this was the case (61% versus 39%). Sixty-one percent of those with a university education<sup>4</sup> were more likely to believe there were too many people incarcerated compared to 45% of those with high school or less. Those with a household income less than \$40,000 were more likely to hold this view than those with an income from \$40,000 to \$80,000.

Those in the territories were more likely to be supportive of community-based sentences for non-violent crimes, while residents of Québec were less supportive (85% versus 71%). Respondents 65 and older were more likely to be supportive of community-based sentences for non-violent crimes compared to those under 35 years of age (76% versus 68%).

Women (75%), residents of British Columbia (77%), those with a university education (79%), and those with an income less than \$40,000 (79%) were more likely to believe that a greater focus on community-based responses would reduce crime compared to men (68%), residents of Alberta (62%), residents of Saskatchewan and Manitoba (65%), those with high school or less (66%) and those with an income of \$80,000 to \$120,000 (67%)

Women (68%), those with a university education (73%), and those born outside of Canada (74%) were more likely to believe that community-based responses would result in lower rates of reoffending compared to men (59%), those with high school or less (58%) and Canadian born (62%).

Women (69%) and those with a university education (74%) were more likely to believe that community-based responses would increase safety and provide lasting protection for the public compared to men (57%) and those with high school or less (56%).





# Research at a Glance

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Women (71%), residents of Québec (74%), and individuals with a university education (71%) were more likely to believe that community-based responses to crime would result in greater efficiency in the justice system compared to men (62%), residents of Saskatchewan and Manitoba (57%) and those with high school or less (62%).

Those with a university education (66%), women (64%), those with an income under \$40,000 (69%), and those born outside of Canada (67%) were more likely to believe that community-based responses would increase their trust and confidence in the criminal justice system compared to those with high school or less (53%), men (53%), those with income between \$80,000 and \$120,000 (53%) and Canadian born (58%).

## Method

The Department of Justice conducted National Justice Surveys (NJS) in both 2016 and 2017. Each NJS included several public opinion research projects with Canadians 18 and over from across Canada. The 2016 NJS included two surveys (survey 1 and 2), six in person focus groups and three online discussions. The 2017 NJS included two surveys (survey 1 and 2), twelve in-person focus groups and twenty one-on-one telephone interviews. Survey samples were drawn randomly and the surveys were completed online or via paper. The data were weighted on age, gender, geographic region and education to match the Canadian population.

NJS 2016: The first survey (N=4,200) explored Canadians' goals, objectives and perceptions of the CJS, their views on what considerations should be important in sentencing, as well as sources of information on the CJS and the best way to share it. The second survey (N=1,863) included a sample of Canadians who had completed survey 1. For this survey, questions were accompanied by information and statistics to provide context. Canadians views on four key objectives<sup>5</sup> for the CJS were sought. Additionally, they were asked their views on specific aspects of the CJS including community-based responses to crime, how to handle overrepresentation of Indigenous persons as well as those with mental health or cognitive functioning issues, the role of crime prevention in the CJS, rehabilitation and restorative justice. Focus groups and online discussions focussed on delving deeper into the issues covered by both surveys. Survey questions on diversion related to the use of this approach as a way to reduce over-representation of certain vulnerable populations.

NJS 2017: The first survey (N=2,019) focussed on discretion, sentencing and mandatory minimum penalties (MMPs). This survey included information (e.g., defining concepts such as sentencing guidelines, providing statistics) and three scenarios depicting offences that carry MMPs to provide context. The second survey (N=2,027) focussed on specific criminal justice system topics including restorative justice, problem-solving justice, administration of justice offences, diversion, performance measurement, and confidence in the criminal justice system. Focus groups discussed the issues covered in the two surveys in more depth.

**For further information on the findings and/or surveys mentioned in this document please contact the Department of Justice's Research and Statistics Division ([rsd.drs@justice.gc.ca](mailto:rsd.drs@justice.gc.ca))**





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<sup>1</sup> Respondents were provided information on incarceration rates and descriptions of various community based sentences prior to responding. They were informed that community-based sentences include alternatives to jail/prison including probation, fines, community service, conditional sentences, restorative justice, etc.

<sup>2</sup> Sexual assault against a minor, discharging a firearm with recklessness, trafficking in opioids while in possession of a weapon.

<sup>3</sup> The range of percentages reflect responses to the three scenarios.

<sup>4</sup> University education includes those with a certificate, an undergraduate degree or higher.

<sup>5</sup> The four objectives were drawn from results of the 2016 survey and from discussions with experts: 1) safety and long term protections; 2) ensuring responsibility and accountability; 3) providing opportunities for reparation and restoration of relationships; and 4) providing support to help offenders deal with the root causes of their criminal behaviour.

