

# Exploring Criminal Justice in Ontario\*

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This supplement to *Exploring Criminal Justice in Canada* provides additional content about crime and the responses of the police, courts, and corrections that are specific to Ontario, including issues related to urban and rural crime, and innovative crime control strategies being developed in the province, such as community-based strategies to prevent crime. Altogether, these cases, events, and information specific to Ontario enable readers to better understand the provincial context that can't be covered in a textbook that focuses on the entire nation.

## ONTARIO: CRIME AT A GLANCE

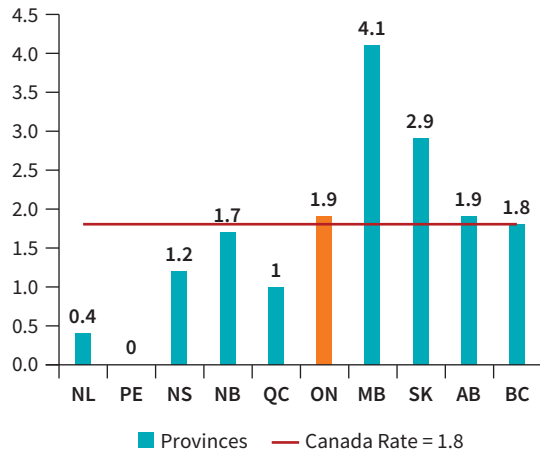
Of the 10 provinces, Ontario has the third lowest Crime Severity Index (CSI—which is a measure of the volume and seriousness of crime in the nation), and only Prince Edward Island and Quebec had a lower CSI in 2018 (Moreau, 2019). Like the rest of Canada, rates of crime reported to the police have been dropping since the 1990s and the rate of violent and property crime offences per 100,000 residents reported to the police in Ontario is lower today than rates in the 1970s. Perreault (2015, p.7) found the proportion of Ontario residents who reported being victims of violent crimes in the General Social Survey (GSS) dropped by 27 per cent between 2004 and 2014 (the results of the 2019 GSS will be released in 2021). Moreover, the numbers of youth accused of crime is among the lowest in the nation and the youth incarceration rate in the province dropped by 84 per cent between 2002 and 2018. While that is the good news there was a 6 per cent increase in Ontario's nonviolent CSI in 2017–18 and a 5 per cent rise in the violent CSI.

While *Exploring Criminal Justice* described the interprovincial differences in the CSI, the

following figures show comparisons in the rates of homicide, intimate partner violence and youth crime, as well as levels of crime in Ontario's 10 largest cities. Figure 1 shows the homicide rate per 100,000 residents for 2018, and the Ontario rate of 1.9 homicides was slightly greater than the national average of 1.8 homicides. Of the 651 murders committed in Canada in 2018, 266 of them (41 per cent) were in Ontario. The number of murders has been increasing in Ontario and there were 100 more homicides in 2018 than there were in 2014 (Roy & Marcellus, 2019), which is a topic we address below. It is important to acknowledge that there are places within Ontario that are more dangerous than others and of the large Ontario cities, Roy and Marcellus found that the homicide rate per 100,000 residents was highest in Thunder Bay (6.4), Brantford (3.4), Windsor (2.9), Toronto (2.3), and Oshawa (1.8). By contrast, there were no murders in Barrie in 2018.

With respect to crime rates, Figure 2 shows the total crime rates per 100,000 residents for the largest Ontario cities for 2018, and this figure reveals there is considerable variation in the amount of crime occurring in these places. The crime rate in the Peel Region (which includes St Catharines),

\*The ten provincial summaries follow a common template and although the examples presented in this supplement differ from the other nine, some of the content is very similar or will have identical text.

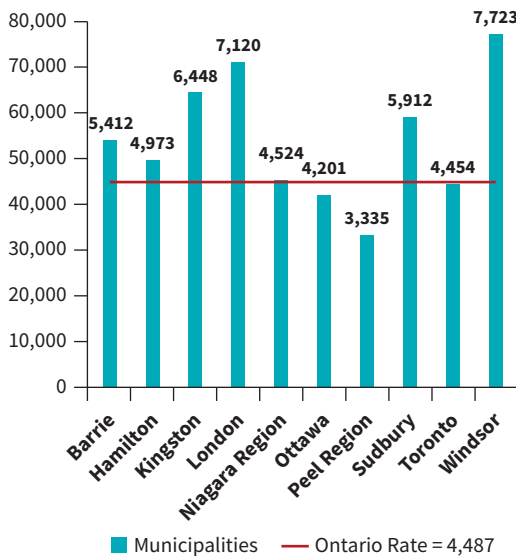


**FIGURE 1** Provincial Homicide Rates (per 100,000 residents), 2018

Source: Adapted from Moreau (2019).

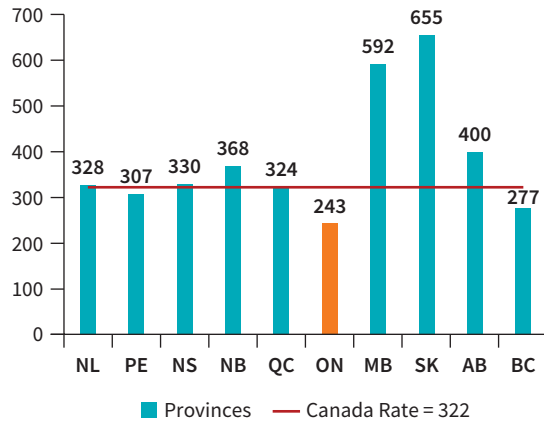
for instance, is almost half of London’s or Windsor’s crime rates. One question that criminologists like to ask is why crime differs so much between these places.

Of special interest for Ontarians is the relationship between overall rates of violence and family violence. The Chief Public Health Officer of Canada (2016) called family violence a serious public issue and reports that more than 200 people are



**FIGURE 2** Total Crime Rate per 100,000 Residents, Largest Ontario Cities, 2018

Source: Adapted from Statistics Canada (2020a), Table 35-10-0180-01.

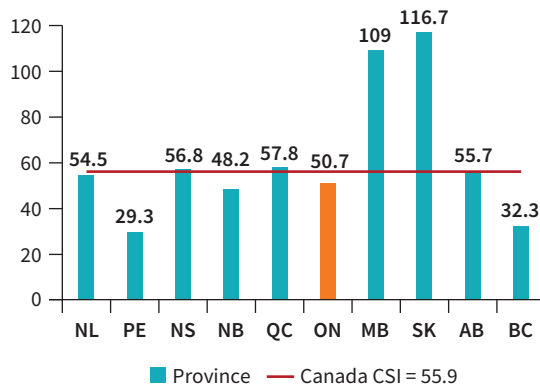


**FIGURE 3** Rates of Police-Reported Intimate Partner Violence per 100,000 Residents, 2018

Source: Adapted from Burczykca (2019).

victimized every day and a woman is killed by a family member every four days. Risks of victimization increase for women, Indigenous women, people with disabilities, and those who identify as lesbian, gay, bisexual, trans, or questioning (Chief Public Health Officer of Canada, 2016, p. 6). Figure 3 shows the rates of intimate partner violence (IPV) reported to the police and Ontario had the lowest rate in the nation. The findings of self-report surveys, however, show that most incidents of family violence are never reported to the police. According to the 2014 GSS “4 per cent of Canadians in the provinces with a current or former spouse or common-law partner reported having been physically or sexually abused by their spouse during the preceding 5 years” (Burczykca, 2016, p. 3). We are awaiting the results of the 2019 GSS to see if this trend has continued and those results should be published by the Canadian Centre for Justice Statistics by 2021.

In addition to having the lowest rates of IPV, Ontario also had the lowest rates of impaired driving, and the second lowest rate of people arrested for drug offences (Statistics Canada, 2020a). For the most part, the crime-related information presented so far for Ontario has emphasized what is “going right,” and residents have a lot of reasons to be optimistic about the future. With respect to youth involvement in crime, Moreau (2019, p. 21)



**FIGURE 4** Youth Crime Severity Index by Province, 2018

Source: Adapted from Statistics Canada (2020b), Table 35-10-0026-01.

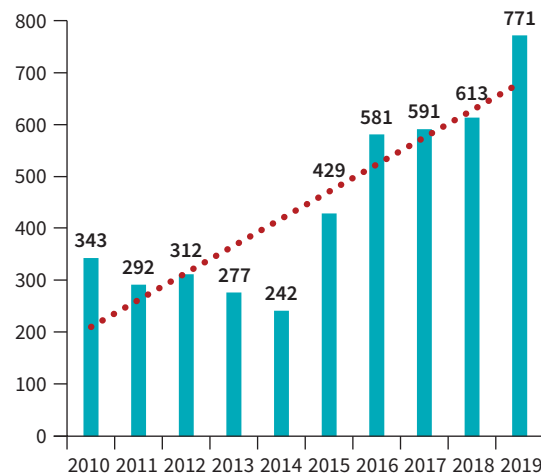
found that the youth CSI in 2018 was below the national average, and about one-half as high as the youth CSI in Manitoba or Saskatchewan (see Figure 4).

### Critical Thinking Questions

1. Why would Ontario have lower crime rates than the national average?
2. What factors explain why some Ontario cities have higher crime rates than others?
3. What factors might lead to the increase in murders in Ontario?

## GUN CRIMES AND HOMICIDES IN TORONTO

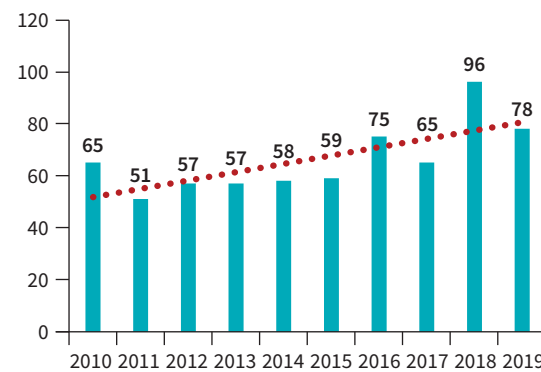
Since 2014 there has been an increased amount of media attention on the number of shootings and murders happening in Toronto. The Toronto Police Service (TPS) publishes crime statistics for the city on their website and Figure 5 shows the number of shootings between 2010 and 2019 and the trend line shows an upward increase over time (TPS, 2020). The TPS defines shootings as acts where victims reported being shot at, while shooting victims refers to the number of people (and does not necessarily mean that anybody was



**FIGURE 5** Toronto Shootings, 2010 to 2019

Source: Toronto Police Service (2020).

wounded). Figure 6 reveals that in 2019, 44 of the 78 people who were murdered died from gunshot wounds. Former TPS Chief Marc Saunders says that the increased number of shootings are gang-related and their involvement in the drug trade, but also says that “there are a lot of random shootings into buildings, the air, or at cars” (Gillis, 2019, para. 8). Previously he estimated that “about 50 per cent of the gun play is directly related to street gang activity” (as cited in Nasser, 2016). Innocent people are sometimes injured in these gang-related shootings. The murders of 15-year-old Jane Creba on Boxing Day in 2005, 17-year-old Jaryl Hagley—who was killed in 2016 while eating in a pizza restaurant—or 15-year-old



**FIGURE 6** Toronto Homicides, 2010 to 2019

Source: Toronto Police Service (2020).

Safiullah ‘Safi’ Khosrawi who was gunned down walking home from school in January 2020. Other people are wounded, including the shooting of a 5-year-old girl and her 9-year-old sister in a Scarborough playground in 2018. In addition to the people who are killed and wounded, others are traumatized after witnessing these incidents and these shootings affect all of us by increasing our fear of crime.

One of the challenges for the police in responding to gang crimes including the shootings reported above is that gang-involved individuals seldom help the police investigating these offences. Moreover, victims and witnesses are intimidated by gang members, and Saunders says that “fear and intimidation is a factor that is used within street gangs and that is something that causes that code of silence” (as cited in Nasser, 2016). Most police attempts to control gang-related crimes are based on increasing surveillance and enforcement with those individuals, and Toronto has received funding to carry out these interventions from the local, provincial, and federal governments. An editorial in the *Toronto Sun* (2019, para. 5) claims that some of the increase in gang-related shootings are a result of abandoning carding (street checks), and their editors report that since carding stopped in 2014 “there has been a 166 per cent increase in shootings, a 204 per cent increase in the number of victims and a 52 per cent increase in shooting deaths over the last five years.” Police officials throughout Ontario have also made the link between eliminating carding and the increase in urban violence, and this issue was addressed in Chapter 4 in *Exploring Criminal Justice*.

Like other complex issues addressed in the textbook there are often numerous factors associated with violent crimes such as shootings. Eric Jolliffe, Chief of the York Regional Police, is critical that few individuals caught carrying handguns illegally are held in custody until their court dates and few receive very tough sentences if convicted of those crimes (Grimaldi, 2019). Saunders raises a similar point, and observed that 326 people charged with firearms offences in

Toronto were in the community on bail (Herald, 2019). Many individuals charged with firearm offences were carrying unlicensed handguns, and both of those acts are illegal in Canada. We know from studies of violence in the United States that when a greater number of people with criminal histories are illegally carrying firearms, it increases the likelihood that those guns will be used in crime.

Although many believe that banning handguns would be a solution to this problem, Saunders says that about 80 per cent of the crime-involved guns in Toronto are illegally imported from the United States, so banning guns that are already legally registered in Canada would have little impact on reducing those gun crimes. What about getting tough on people carrying handguns; which is illegal in Canada? A law that imposed three-year mandatory sentences for people illegally carrying prohibited firearms was found unconstitutional by the Supreme Court of Canada as a cruel and unusual punishment. So, where does that leave us?

Many critical criminologists believe that the most appropriate way to reduce gun crimes is to decrease inequality and give marginalized peoples better access to more of society’s opportunities. An editorial in *The Globe and Mail* (2020, para. 12) points out that programs to reduce poverty, keep marginalized youth in school, providing better access to transit to underserved areas, and adding affordable housing would “be a more effective and permanent ‘anti-guns and gangs’ solution than putting additional money into policing, cracking down on access to guns, or making it tougher for accused people to get bail.” While this approach would likely reduce gun crime and gang involvement, they are long-term solutions that might take a decade or longer before having any significant impact. That raises two questions: the first is, are we willing to wait that long? The second question is, whether there is the political willingness to make social changes that increase equality?

## Critical Thinking Questions

1. What role do you think community members can play in reducing gang violence?
2. What can be done to reduce the use of guns being used in crimes?
3. Many suggest that the solutions to gang problems lie outside the justice system, by giving marginalized peoples better access to society's wealth: what solution do you think would be more successful? Why?

## A STORM IS COMING: COVID-19 AND CANADA'S CRIMINAL JUSTICE SYSTEM

Three months into the pandemic—in mid-May 2020—the media isn't reporting significant national-level increases in the volume or seriousness of crime, but the types of crimes being committed are changing due to the number of people who are self-isolating, out-of-work, low on spending money, and suffering from stress and uncertainty. Some criminologists say that it is irresponsible to make predictions about the impact of a one-time crisis on crime as there are few prior examples and too many unknowns. We do predict, however, that the crime-related impacts of the pandemic will differ throughout the nation. Some cities and provinces may be more resistant to the ill-effects of the economic downturn while parts of the country that were already suffering—such as Alberta or Newfoundland and Labrador—may be doubly disadvantaged.

The number of people turning to alcohol and drugs, committing suicide, and engaging in crime often increases in tough economic times. Police officials are reporting that the number of residential break and enters have decreased while commercial break-ins increased, as have domestic violence incidents and street robberies (Fitzpatrick, 2020; Howell, 2020). Hate crimes directed

toward East Asians are also said to have increased since the start of the pandemic (Hager, 2020).

We might not consider how some social and legal changes affect criminal activities. Wells (2020) reports that closing the borders reduced the supply of illicit drugs coming into the country and prices increased; causing some users to turn to more lethal drugs. People involved in the sex trade can no longer sell their services due to the fear of transmitting the virus. Workers in some long-term care facilities in eastern Canada allegedly abandoned their clients and some elderly people died alone in these places. Furthermore, because schools have closed, it may be harder to detect cases of child abuse because teachers are no longer reporting these crimes. Last, although there are fewer cars on the road people are driving faster and the number of dangerous driving offences have increased in some provinces. We will not have a full accounting of the impact of COVID-19 pandemic until the 2020 police-reported crime statistics are released in the summer of 2021.

All three parts of the justice system are adapting to the pandemic, and the following briefly describes some initial impacts on the police, courts, and corrections:

**Police:** Luscombe and McClelland (2020) found that some police services have enforced social distance bylaws more aggressively than others, and many people receiving tickets for violating these bylaws are already socially marginalized. It is proving difficult for some police services to strike a balance between ensuring public safety—including the health risks for officers and the people who get stopped, searched, and/or arrested—and resisting the expansion of police powers. Anecdotal accounts suggest that some police services directed their officers to ignore low-level crimes given the risks of contracting the COVID-19 virus in the interactions between suspects and officers.

**Courts:** Most courts closed because of social distancing and virtual and/or video hearings became more commonly used. Bail hearings

were prioritized, although judges were reluctant to detain accused persons in jail given the risks of contracting the virus. There was a growing backlog of cases that need to be heard sometime in the future and some predict that jury trials will not resume until 2021 (Powell, 2020). There is likely to be a backlog of family matters and civil cases that further tie up the courts given the number of lawsuits that will be launched due to broken contracts.

**Corrections:** The virus swept through correctional facilities and inmate deaths were reported throughout the country. In order to reduce the risks of spreading COVID-19, about one-quarter of provincial inmates in Ontario were released from custody; the other nine provinces took a similar approach (and released about a similar proportion of inmates). The federal and provincial prisoners who remain in custody say that tensions in these facilities have increased as the people living behind bars feel powerless to avoid the virus, and family visits—which reduce tensions—have been cut to avoid importing the virus into these facilities. As a result, family members have expressed fear that their loved ones might die behind bars without their support.

We know that the criminal justice system will weather the unpredictable future, but question the long-term impacts of the pandemic. By the time you read this summary, some of the issues we raised will have been resolved, but the long-term impact of the COVID-19 virus on the economy and jobs will shape the types of crimes that are occurring, and the operations of the police, courts, and corrections for years to come. As governments respond to manage a greater demand for services, their operating budgets may be cut because of the economic downturns. Prior research has shown that recessions often result in less funding for the police, courts, and corrections at the same time that crime increases and the people involved in the criminal justice system have a greater set of unmet needs.

## RURAL CRIME

We tend to think of rural Ontario as having relatively low rates of crime and violence, but as noted in Chapter 2 of the textbook some rural places have higher levels of property and violent crime than any city. According to Statistics Canada (2019), slightly more than 1.8 million Ontarians (14 per cent of the population) live in the countryside. Table 2.2 in *Exploring Criminal Justice* reports the results of research carried out by Perreault (2019) for Statistics Canada showing that the total crime rate per 100,000 residents was slightly higher in Ontario cities compared with rural locations, but that the total violent crime rate was higher in rural Ontario. Just like other crime statistics, however, those averages mask the fact that some rural communities have very high levels of crime while others are peaceful.

One factor that differentiates urban and rural people is that many rural residents are hesitant to report their victimization to the police because they don't want to be the topic of gossip. Writing about rural residents, Smith and McElwee (2013, p. 116) note that “many victims of crime suffer in silence feeling a pressure to conform, ‘keep the peace’ and avoid making accusations.” In addition, rural people tend to be more conservative and independent than their city counterparts, and may be more likely to retaliate against someone who has harmed them (Clairmont & Thomson, 2003). These conflicts can lead to feuds between individuals, families, and entire communities. At some point the police become involved in these conflicts but they are sometimes too late to prevent violence.

Life in the countryside presents some challenges, especially since the rural population is decreasing as farms become larger and young people are moving to the cities for other opportunities. Given the sparse populations, many residents feel vulnerable and fearful. Writing about the prairies, Mandryk (2016) reports that “rural people are all too aware that their remoteness” and that the “scarcity of police makes them much more

vulnerable.” The Ontario Provincial Police (OPP) and the regional police agencies serving rural Ontario are often spread thin, so response times can be lengthy given the large distances that need to be patrolled, and bad weather increases response times. As a result, when one calls 911 in a city the police can usually respond in minutes, but in the countryside a response might take an hour or longer. Yet, when rural Ontario residents were asked about their feelings of safety in a survey, the OPP (2016) reported that they felt slightly safer than city dwellers. A follow-up survey two years later found that rural residents were more satisfied with their contacts with the OPP than urban residents had with their municipal police services (OPP, 2018).

Chapter 2 in *Exploring Criminal Justice* addresses some specific types of rural crime. Some Ontario farmers and landowners are supplementing their incomes by growing marijuana. Some of these grow-operations (“grow-ops”) are Ontarians who have licences to legally grow marijuana, but exceed their quotas (*The Globe and Mail*, 2019). Prior to its legalization in 2018, illegally growing marijuana in rural Ontario was a big business, but since its legalization we have little evidence that illegal marijuana grow ops have decreased. In fact, Statistics Canada (2020c) reports that the street price of marijuana in Ontario was \$6.21 per gram in 2019, while the legal price was \$10.53; and this low price suggests there is still a surplus of illegal marijuana on the market.

Some rural crimes are throwbacks to the past where offences like stealing livestock were common. During tough economic times rural property crime rates can increase as properties are often unattended and vulnerable to theft. Offences such as rustling cattle, harvested grain, and farm chemicals or machinery can be very profitable. It might, for example, only take a half-hour to load a dozen cows into a trailer—and those animals might have the same value as a modest new car. No farm creature is immune from theft, and a review of media reports found that entire colonies of bees were being stolen throughout the US and Canada (Haggert,

2019). In December 2019, for example, a property owner in Essex County, Ontario lost 13 bee hives to thieves (CTV, 2019). Even though losses from these thefts have exceeded \$50,000 not all of these offences are reported because the victims are often uninsured (because the hives are left unattended).

### Critical Thinking Questions

1. How can rural Ontarians reduce their risks of victimization?
2. What factors make rural property and persons more vulnerable to victimization?
3. Why would rural residents be reluctant to report being victimized?

## THE 2014–18 CRIME INCREASE

One of the key themes in Chapter 2 of *Exploring Criminal Justice* was that crime has been decreasing and police-reported crime was at the lowest point in decades. Moreau (2019, p. 33) says that there were 11 years of decline between 2004 and 2014, but from 2014 to 2018 the CSI—which considers the overall volume and seriousness of crime—increased every year for the entire nation. Most of the national-level increase was due to a greater number of cases of sexual assault (level 1), drug offences (and specifically methamphetamine, ecstasy, heroin, and opioids such as fentanyl), shoplifting and fraud. But there are also substantial differences within the provinces. As noted above the CSI in Ontario has dropped by 15 per cent between 2008 and 2018, and the violent CSI increased 5 per cent between 2017 and 2018. That decrease is less than the national average, which was 17 per cent. Table 1 shows that each province and territory undergoes some annual changes and the violations driving the one-year changes in provincial CSI. Most criminologists would agree that we shouldn’t be too alarmed by a one-year increase or decrease in the overall crime

**TABLE 1** Changing Crime Severity Index (CSI) in Canada, 2017-18

	<b>% Change</b>	<b>Violations Driving the Change in CSI</b>
Canada	+2	Increase in fraud, sexual assault (level 1), shoplifting and theft over \$5,000 (Decrease in B&E and robbery)
Newfoundland and Labrador	+4	Increase in weapons violations and fraud (Decrease in B&E)
Prince Edward Island	+17	Increase in B&E, sexual assault (level 1), and theft of \$5,000 or under.
Nova Scotia	-2	Decrease in homicide, child pornography, and B&E (Increase in sexual assault – level 1, and fraud)
New Brunswick	+4	Fraud (Decrease in B&E)
Quebec	-2	Decrease in B&E
Ontario	+6	Increase in fraud, B&E, homicide and sexual assault (level 1)
Manitoba	+6	Increase in robbery, fraud, shoplifting of \$5,000 and under, and B&E
Saskatchewan	-3	Decrease in administration of justice statistics and sexual violations against children (Increase in fraud and B&E)
Alberta	0	Increase in fraud (Decrease in homicide)
British Columbia	0	Increase in fraud, theft over \$5,000 and sexual assault (level 1) (Decrease in homicide)
Yukon	-7	Decrease in homicide (Increase in assault (level 2) and mischief)
Northwest Territories	+5	Increase in homicide, mischief, administration of justice violations and fraud (Decrease in cocaine related offences and sexual assault (levels 1 and 2))
Nunavut	+6	Increase in mischief, homicide, attempted murder, administration of justice violations and aggravated sexual assault (level 3) (Decrease in B&E).

Source: Adapted from Moreau (2019).

rate as there are often yearly fluctuations. The four-year increase for the entire nation, however, is surprising and we wonder whether this trend will continue?

## HIGH COSTS OF CRIME: RESULTS FROM ONTARIO RESEARCH

Koegl and Day (2019) were interested in figuring out the long-term costs to society for one person who commits crime. There had been no similar

Canadian studies, and in order to conduct their research Koegl and Day followed a group of 386 young people who were incarcerated in Ontario youth custody facilities between 1986 and 1997. They calculated the financial costs created by these youths for the crimes they committed including a 15-year period following their release from custody. Koegl and Day (2019) included the costs to victims, the costs of their incarceration and community supervision, criminal justice costs (police, courts, legal aid and their prosecution), and they also estimated their involvement in undetected offences. These researchers came up with the costs



of each crime based on estimates made by other scholars. They found that the average annual cost of crime was \$390,355. Koegl and Day estimate each person would cost about \$5.6 million to society during their criminal careers. It is important to note, however, that some of the 386 youth never committed any further crimes after their release from custody, and the \$5.6 million figure is just the average.

Why do we conduct these types of studies? Researchers in other countries carried out similar studies to help us better understand the benefits of saving people from a life in crime. If we know that a young person will cost society \$5.6 million dollars if they continue committing crimes, then it makes sense to invest time and resources to respond to that person's unmet needs. Those needs might include addictions and mental-health counseling, addressing their criminal thinking (see the risk-needs-responsivity model in Chapter 9 in *Exploring Criminal Justice*) or helping to rehabilitate them, such as finishing their education or helping them to find a job.

How much do these rehabilitative programs cost? The Washington State Institute for Public Policy (2019) describes the costs for 42 different rehabilitative programs for juveniles, and only 5 of them cost more than \$15,000 (Canadian). Spending such a small amount to save a youth from a life of crime seems like a bargain compared to spending almost six million dollars to respond to their crimes. We must also recognize, however, that some youth who receive educational and other rehabilitative programs will continue to commit crimes as no rehabilitative approach is successful with every offender.

## STRATEGY FOR A SAFER ONTARIO: A NEW VISION FOR CRIME PREVENTION?

Crime is a complex social problem that defies simple solutions (e.g., “Lock up all the criminals and throw away the key!”). Simple solutions haven't worked out because complex problems

require long-term solutions that involve organizations, interest groups, and people who have a stake in solving these problems. One approach to community safety is based on preventing crimes from occurring by bringing together the police, social agencies (e.g., health, education, and social services), and other community stakeholders to pool their resources so that they can intervene more effectively with individuals and families that appear to be headed for trouble.

The approach of building partnerships to reduce crime was introduced in Saskatchewan and was based on community mobilization strategies first used in Glasgow, Scotland (McFee & Taylor, 2014). This approach has been adopted by communities throughout the nation, including the province's Strategy for a Safer Ontario. The approach has been adopted in 115 Canadian jurisdictions and many of them are in Ontario (Corley & Teare, 2019). Some of those programs use a crime prevention strategy where the police and community agencies identify and respond to the unmet needs of people who are thought to be at risk. This risk might be a result of a person's relationships (e.g., a youth associating with gang members) or behaviours—such as substance abuse—that lead to being hospitalized for injuries after a night of drinking. It was thought that if these types of problems are addressed at an early stage then some people wouldn't go on to commit crimes and enter the justice system. In addition, persons who already have contacts with the police could be prevented from going further into the justice system, such as helping a youth on probation avoid involvement in crime.

The justice system is reactive because it responds to crimes that have already occurred, but a community mobilization approach is intended to prevent crime. Persons who are thought to be at risk are referred to the program and asked whether they want help. The police and their community partners meet weekly and work together to develop solutions to the problems that these individuals and families confront. A limited

number of cases—perhaps only two or three per meeting—are addressed. The small number of cases tackled each week allows the partner agencies to focus their attention and resources to help them. McFee and Taylor (2014) report that these interventions are intensive and short-term: most cases were closed within two weeks and involved less than four agencies.

### Critical Thinking Questions

1. What are some of the limitations of introducing a community mobilization approach without first proving its effectiveness?
2. Can you think of any potential problems when the police are coordinating community responses to non-crime problems?

## ONTARIO'S JUSTICE SYSTEM AT A GLANCE

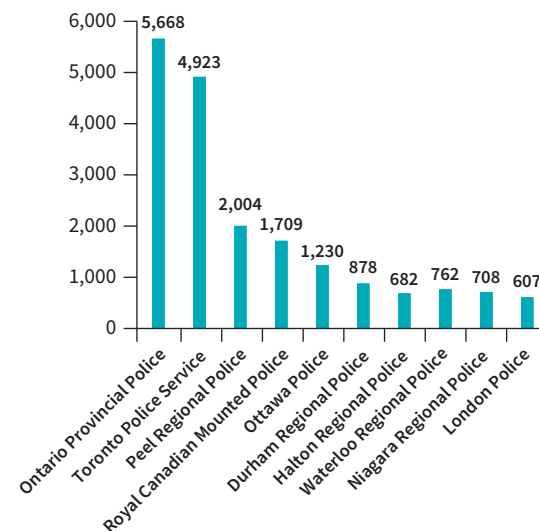
### The Police in Ontario

The previous pages described how Ontario's crime rates are among the lowest in the nation. On 1 July 2018, 25,327 police officers were employed in Ontario, or 1.77 officers for every 1,000 residents, which is slightly less than the national average of 1.85 officers (Conor, Robson, & Marcellus, 2019). Most municipalities and 10 First Nations have their own police services and the remainder of the province, including rural areas, is policed by the OPP. This approach is different from that in the rest of the nation as Ontario and Quebec are the only provinces with provincial police and the remaining eight provinces contract with the Royal Canadian Mounted Police (RCMP) to police the countryside.

Over 50 municipal, regional, and First Nations police services employed 17,950 officers on 1 July 2018; the OPP employed 5,668 officers; and 1,709 RCMP officers were carrying out federal policing (another 834 RCMP officers were employed at their national headquarters in Ottawa) (Conor et al., 2019). The 10 largest police

services employ almost three-quarters of all the officers in Ontario, and Figure 7 shows they deployed 19,171 officers. Smaller police services in Ontario, by contrast, are disappearing as some small communities are disbanding their services in order to contract with the OPP or regional police to deliver police services. In November 2012 the mayor of Perth, Ontario—a city that had a 15-officer police service that had existed for 162 years—remarked that “I truly think that small-town municipal police forces are an endangered species” (Mills, 2012, p. 1). By April 1, 2013 the city had disbanded their police department and was contracting with the OPP to provide policing; 13 of the Perth officers were hired by the OPP. Other small police services in Wingham and Stirling-Rawdon, both of which had fewer than ten officers, also disbanded in 2017. In June 2019 the City of Shelburne decided to keep their 15-person officer service instead of contracting with the OPP, but the city council will be voting in 2020 on whether to accept a bid from the OPP to provide contract policing (Heck, 2020).

Some police agencies serve specific populations or distinct places, and 10 Indigenous police services



**FIGURE 7** The Largest Police Services in Ontario, 2018

Note: Information for Hamilton was not available for 2018 although a review of the Hamilton Police Service (2020) website shows they employed 829 officers in 2020.

Source: Adapted from Conor, Robson, and Marcellus (2019).

are operated by tribal governments. First Nations provide the oversight for these police agencies, just like a municipal government, although these agencies are funded by the federal and provincial governments. The largest Indigenous police service in Canada is the Nishnawbe-Aski Police Service (NAPS), which polices 34 First Nation communities in Northern Ontario; including remote or isolated places (NAPS, 2019). NAPS was founded in 1994 and has 134 officers who “provide a unique, effective, efficient and culturally sensitive appropriate service to all the people of the Nishnawbe-Aski area” (NAPS, 2019, p. 3). The agency plans on adding another 55 officers by 2021 (NAPS, 2019, p. 5).

Table 2 shows the provincial police strength and the 2018 CSI and violent CSI for the provinces. Although the number of police officers for every 1,000 residents is similar across the nation there is a lot more variation in crime rates. While Ontario has only slightly less officers than the national average (1.9 and 1.8 officers per 1,000 provincial residents), it has very low crime rates. Said another way, Ontario has about the same number of police

officers per capita as Saskatchewan or Manitoba, but they only have to confront about one-half of the total CSI as officers in the prairies.

### Police Training in Ontario

All municipal and OPP officers will attend a 13-week training program at the Ontario Police College (OPC), which is located in Aylmer. Like most police services throughout Canada, only people who have been hired by a police service can attend the academy. Ontario is somewhat distinctive from the rest of the provinces as cadets must pay tuition—\$14,550 in 2020—to attend training, although most police services pay the new recruits a salary while attending the OPC. The main courses of study in the 13 weeks include:

- Applied police learning (academic)
- Defensive tactics
- Officer safety
- Firearms training
- Police vehicle operations
- Physical fitness

**TABLE 2** Police Officers and Crime Severity Index (CSI) in Canada, 2018

	<b>Police Officers per 1,000 Residents (2018)</b>	<b>Total CSI (2018)</b>	<b>Violent CSI (2018)</b>
Newfoundland and Labrador	1.7	65.9	70.2
Prince Edward Island	1.4	53.7	48.1
Nova Scotia	1.9	65.2	78.2
New Brunswick	1.6	71.8	76.1
Quebec	1.9	56.6	71.8
Ontario	1.8	60.0	73.4
Manitoba	1.9	125.8	169.8
Saskatchewan	1.9	139.2	138.1
Alberta	1.7	112.1	97.1
British Columbia	1.9	87.7	73.4
Yukon	3.3	170.3	208.7
Northwest Territories	4.2	324.4	421.6
Nunavut	3.5	319.9	550.5

Sources: Adapted from Conor, Robson, and Marcellus (2019); Moreau (2019).

While the basic recruit program is 13 weeks long all police services provide additional training. The OPP, for example, requires cadets to attend a week-long orientation prior to starting the OPC training, and once the new officers graduate from the OPC they must finish an additional eight weeks of training at the OPP academy. The Peel Regional Police, by contrast, requires trainees to attend a three-week orientation program prior to starting the OPC training. After completing the OPC they attend a further five weeks of classroom training. The Peel Regional Police (2020) reports that once recruit constables complete the classroom component of their training they are required to serve a 12-month probationary period and at least 3 of those months are spent in a field training program. Field training is common to all police services and gives the new officer an opportunity to apply what was learned in the academy under the supervision of a training officer.

### Ontario's Courts

About 95 per cent of adult and youth criminal matters are resolved in the Ontario Court of Justice (Ontario Ministry of the Attorney General, 2018). According to the Ministry of the Attorney General's website, these criminal cases are heard in over 200 locations, and these courts also hear matters related to appeals of decisions made by justices of the peace, and family matters (e.g., issues related to child protection, family law disputes, or adoptions). Compared to the other provinces, Ontario's court system relies upon a relatively large number of full-time justices of the peace who conduct most bail hearings, manage the first appearances

of arrestees, oversee the prosecutions of provincial offences (e.g., *Highway Traffic Act* offences) and hear issues related to municipal bylaws. According to the Ontario Court of Justice (2020), justices of the peace, who are appointed by the provincial government, do not require a law degree but must have a college diploma or university degree and 10 years of paid or voluntary work experience. Individuals visiting an Ontario court can tell the difference between judicial officials by the colour of sash over their robes: justices of the peace wear a green sash, Court of Justice judges wear a scarlet sash, and justices of the Ontario Superior Court and Court of Appeal wear a burgundy sash.

The Ontario Superior Court of Justice sits in 52 locations, and hears more serious criminal matters, such as the prosecution of adults or youths charged with murder, manslaughter, drug trafficking, and robbery; in 2018 they heard 3,209 new criminal cases (Ontario Courts, 2019, p. 11). These courts also hear summary conviction appeals from the Ontario Court of Justice, bail reviews, civil proceedings, some family law disputes, and appeals from some provincial tribunals.

The Court of Appeal for Ontario is the highest level of court in the province and 30 judges hear appeals of decisions about criminal matters made by the Superior Court of Justice and the Ontario Court of Justice, appeals made by inmates, and matters related to appeals from lower courts relating to summary conviction and *Provincial Offences Act* cases (Court of Appeal for Ontario, 2020). The Court also hears non-criminal matters involving civil and family cases. Table 3 shows the staffing of the three levels of courts. Most provinces,

**TABLE 3** Ontario's Courts

Type	Judges
Ontario Court of Justice	Chief Justice, 2 Associate Chief Justices (and 1 Senior Advisory Family Justice), 384 full- and part-time justices, and over 400 full- and part-time justices of the peace
Superior Court of Justice	Chief and Associate Chief Justice (and 1 Senior Judge of the Family Court) and 333 full- and part-time judges, and 351 deputy judges of the Small Claims Court
Court of Appeal for Ontario	Chief Justice, 1 Associate Chief Justice, and 28 other judges (including supernumerary judges)

Source: Adapted from Court of Appeal for Ontario (2020), Ontario Court of Justice (2020), Superior Court of Justice (2020).

including Ontario, rely on supernumerary judges (who are judges that have the option to retire, but choose to work part-time) to manage the court’s workload.

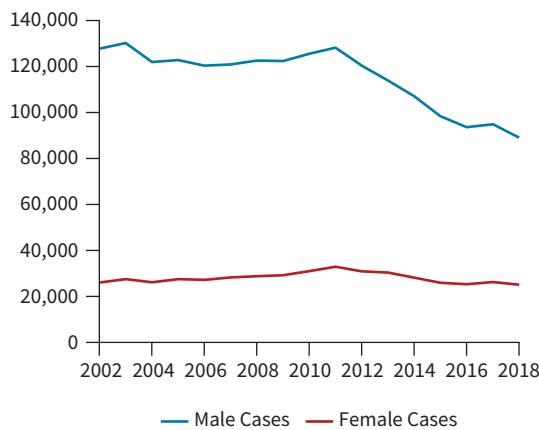
The number of adult criminal cases heard by Ontario courts (Figure 8) decreased somewhat between 2001–2 (154,216 cases) and 2017–18 (114,196 cases); that total does not count youth or traffic court cases. One interesting finding is that the number of women involved in adult criminal cases dropped by 4 per cent during those 17 years while the number of males decreased by 30 per cent. Given that finding, we ask why the drop for men has been so much greater than for women. That finding suggests that women are more likely to appear before the courts in 2018 than they were in 2002, but is that outcome due to their greater involvement in crime, or does that finding mean that the police are more likely to arrest them today?

The median case processing time (not shown on Figure 8) has also increased, from 106 days in 2001–2 to 133 days in 2017–18, which is slightly less than the median of 136 days for the entire nation. When we looked at median case processing time for males and females, the average for 2017-18 was 115 days while the male case processing time was 138 days. One possible reason for that difference is that men are often charged with more serious

offences, which usually take a longer period of time to work their way through the courts.

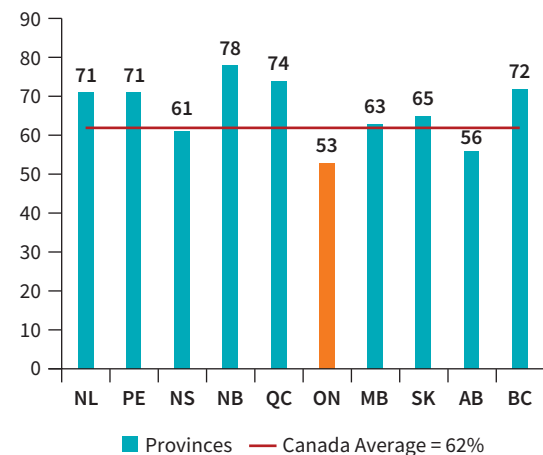
The length of time that it takes a case to proceed through the courts has become more important since the *R. v. Jordan* decision in 2016 that placed time limits on the prosecution of accused persons, and cases are stayed or withdrawn if those limits are exceeded. The Office of the Auditor General of Ontario (2019, p. 159) found that 191 Ontario cases were stayed because they exceeded the time limits between July 2016 and August 2019. Most of those cases involved impaired driving although also included persons accused of attempted murder, offences against children, assault, and fraud (Office of the Auditor General of Ontario, 2019, p. 160).

While the number of cases has dropped and the case processing time has been increasing, Ontario’s prosecutors drop more charges than any other province. Figure 9 shows that only 53 per cent of all criminal cases heard in Ontario result in a guilty verdict, and this was the lowest in the nation (the average for Canada was 62 per cent). Reevely (2016) believes that the main reason for this result is the high proportion of charges that are stayed or withdrawn by prosecutors. When we reviewed the court statistics, we found that 45 per cent of Ontario’s criminal cases are stayed or withdrawn although the average for the rest of the country is 27 per cent. Withdrawing a high number



**FIGURE 8** Criminal Cases Heard in Ontario Courts, 2001–2 to 2017–18

Source: Adapted from Statistics Canada (2020d) Table 35-10-0029-01.



**FIGURE 9** Percentage of Criminal Cases with Guilty Verdicts, by Province, 2018

Source: Adapted from Statistics Canada (2020e). Table 35-10-0027-01.

of charges might happen if the police overcharge suspects (where multiple charges are laid for one incident) and then some of those charges are later withdrawn by prosecutors. If overcharging is occurring, it shows how decisions in one part of the justice system (the police) can have an impact on the other components: the courts and corrections.

### Court Security

Court security is an important but often overlooked aspect of the justice system. In Ontario, the officials who ensure court security are Court Security Officers (CSOs) who are hired as special constables (who have limited police powers). CSOs provide court security for all levels of courts and are responsible for transporting prisoners from places of detention to courts and from courts to provincial or federal correctional centres, and for ensuring their safety while in court. Some CSOs also serve legal documents, execute warrants, and may collect DNA samples. Prior to the 1980s many of these roles were carried out by police officers but as CSOs are special constables, they are paid less, and this is appealing to governments in tough economic times.

These officers are sometimes in dangerous situations and there was a shoot-out in a Brampton courthouse in 2014 where a police officer was shot and the suspect killed. As a result, CSOs play an important role in public safety and Saylor (2020, para. 17) quotes a police official as saying that “The increase in drugs in the community, the increase in weapons throughout the province. We’re seeing that and being more aware, and having officer safety and

safety for the public.” CSOs are hired by municipal police services and prior to starting their jobs they receive training; in Toronto they attend an eight-week training program (Toronto Police Service, 2019).

### Provincial Corrections

Adult custody facilities in Ontario hold individuals who are awaiting a court date, or who have been sentenced to serve a term of incarceration. Table 4 shows three types of these facilities; correctional centres, detention centres, and jails. These facilities range in size from fairly small facilities, such as the Brockville jail that held an average of 48 inmates in 2018-19 to the Central East Correctional Centre in Lindsay, which housed an average of 1,245 inmates in 2018-19. Table 5 shows the average daily population of these facilities in 2018-19.

Figure 10 shows that the average daily number of provincial inmates has decreased somewhat from 7,630 individuals in 2001-2 to 7,341 inmates in 2017-18. Figure 10 shows that the number of people sentenced to custody has been decreasing over time, while the number of individuals who are remanded (awaiting a court date) has been increasing. According to Malakieh (2019, p. 17), the 7,341 people behind bars translates into 65 inmates for every 100,000 residents, which is lower than the national average of 83 inmates per 100,000 residents (Manitoba leads the provinces with 231 inmates for every 100,000 residents). In March and April 2020 the province had granted early releases to about 2,300 low-risk inmates (about 28 per cent) to reduce the risk of them

**TABLE 4** Characteristics of Adult Custody Facilities in Ontario

Type	Individuals Held in Custody	Security
Correctional Centres	Sentenced inmates	Medium and maximum
Detention Centres	Accused persons on remand. Offenders serving short sentences (e.g., less than 60 days)	Maximum
Jails	Accused persons on remand	Maximum
Treatment Centres	Sentenced inmates with diagnosed mental illness or behavioural issues	Medium and maximum

Source: Adapted from Office of the Auditor General of Ontario (2019).

**TABLE 5** Ontario Correctional Facilities and their Capacities

Facility	Capacity 2018/19
<b>Correctional Centres</b>	
Algoma Treatment and Remand Centre (Sault Ste Marie)	152
Central East Correctional Centre (Lindsay)	1,245
Central North Correctional Centre (Penetanguishene)	1,197
Maplehurst Correctional Complex (Milton)	911
Monteith Correctional Complex (Monteith)	222
Ontario Correctional Institution (Brampton)	175
St Lawrence Valley Correctional and Treatment Centre (Brockville)	100
Thunder Bay Correctional Centre (Thunder Bay)	124
Vanier Centre for Women (Milton)	245
<b>Detention Centres</b>	
Elgin-Middlesex Detention Centre (London)	448
Hamilton-Wentworth Detention Centre (Hamilton)	510
Niagara Detention Centre (Thorold)	260
Ottawa-Carleton Detention Centre (Ottawa)	518
Quinte Detention Centre (Napanee)	228
South West Detention Centre (Windsor)	315
Toronto South Detention Centre	1,241
Toronto East Detention Centre	368
<b>Jails</b>	
Brockville Jail	48
Fort Frances Jail	22
Kenora Jail	159
North Bay Jail	110
Sarnia Jail	99
Stratford Jail	53
Sudbury Jail	163
Thunder Bay Jail	142

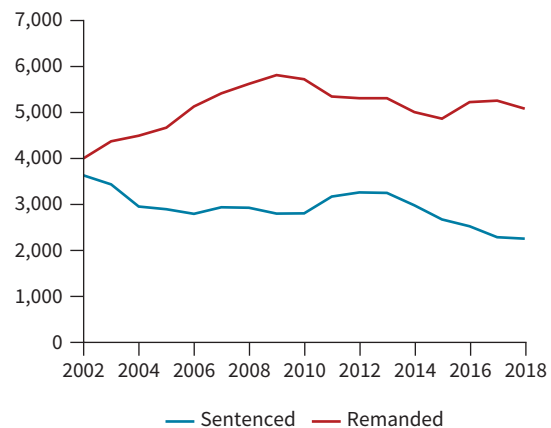
Source: Adapted from Office of the Auditor General of Ontario (2019).

contracting the COVID-19 virus, and most provinces carried out similar releases in the spring of 2020 (CBC News, 2020).

Incarcerating people is a costly undertaking and Malakieh (2019) reports that the average daily cost to house an inmate in Ontario was \$264, which was higher than the national average of \$233. These costs, however, are much less than housing a federal inmate—which cost \$330 per day in 2017–18 (Malakieh, 2019, p. 17). Phrased another way, it costs \$96,360 for one year in an Ontario facility whereas it costs \$120,450 to house an individual in a federal prison. While the public often believes that incarceration is a good investment in public safety, it costs more to house a person in a federal correctional facility than sending them to Harvard University (tuition, room, and board costs \$101,866 CDN in 2020–1; see Harvard, 2020).

In order to reduce reoffending, the Ontario Ministry of Community Safety and Correctional Services (2019) offers four broad rehabilitative programs that are delivered in correctional or community settings including:

- Life skills programs to help inmates develop their daily living skills (e.g., budgeting, setting goals, and solving problems) and overcome addictions and problematic behaviours such as gambling or poor

**FIGURE 10** Ontario Custody Populations, 2001–2018

Source: Adapted from Statistics Canada (2020) Table 35-10-0154-01.

**TABLE 6** Incarceration Costs, Ontario and Canada, 2018

	Daily Cost	Annual Cost
Cost to House an Inmate in a Provincial Facility in Ontario	\$264	\$96,360
Cost to House an Inmate in a Provincial Facility (Average: All Provinces)	\$233	\$85,045
Cost to House an Inmate in a Correctional Service of Canada Prison	\$330	\$120,450

Source: Adapted from Malakieh (2019).

parenting. Other life skills include developing job skills such as learning how to apply for work.

- Rehabilitative programs are intended to reduce an individual's risks of recidivism, including addressing issues related to anger, criminal thinking, and addictions. Specialized programs are also available for offenders with histories of domestic violence and sexual offences. The duration and intensity of these rehabilitative programs are related to the inmate's level of risk.
- Educational programs support an inmate's efforts to increase his/her formal education, including (a) basic literacy, (b) completing high school, (c) self-study programs that are paid for by the individual, such as General Education Development (GED), university correspondence courses, or specialized training such as learning another language.
- Work programs are intended to improve an individual's employment skills and these programs typically involve doing work within the institution (e.g., the laundry, kitchen, or on the grounds), although some facilities offer opportunities to learn woodworking, small engine repair, and construction.

Psychologists and therapists working in some correctional facilities also provide counselling to address an individual's specific needs. Moreover, some volunteers visit these facilities to help meet the spiritual needs of inmates. Gender-specific

rehabilitative interventions are also offered in women's institutions, and correctional staff members have also developed and delivered programs that consider the distinctive cultural backgrounds of Indigenous inmates (Ontario Ministry of Community Safety and Correctional Services, 2015).

There has been an increase in the availability of rehabilitative programs that attempt to reduce the psychological factors that contribute to criminal behaviour. The Office of the Auditor General of Ontario (2019, p. 71) describe a number of these programs, including anger management, anti-criminal thinking, domestic violence, sexual offending, and substance abuse, and some Ontario facilities offer both introductory and intensive programs. Introductory courses are educational and intended to motivate the inmate, and typically consist of five or six 1.5 hour sessions. Intensive programs, by contrast, can run from 8 to 40 sessions, and depend on the needs of the individuals. Sexual offender programming, for instance, tends to be more intensive and require the participants to attend more sessions.

### Federal Corrections

Federal prisoners are serving terms of imprisonment two years and longer and about one-quarter are "lifers" who will be under correctional supervision for the rest of their lives. There are seven federal facilities in Ontario. All but one of them—the Grand Valley Institution for Women—have all-male populations who are housed in minimum, medium, and maximum security settings. Table 7 shows the rated capacity of these institutions in 2017. Most of these prisons are medium



**TABLE 7** Federal Penitentiaries in Ontario

Facility	Bed Capacity
Bath Institution	516
Beaver Creek Institution	717
Collins Bay Institution	760
Grand Valley Institution for Women	215
Joyceville Institution	752
Millhaven Institution	496
Warkworth Institution	537

Source: Adapted from Correctional Service of Canada (2017).

security, although some facilities, such as Collins Bay near Kingston, also have minimum and high security units. Millhaven is a maximum security prison and is located on the same grounds as the Bath Institution.

The Correctional Service of Canada (CSC) operates community correctional centres in Toronto and Kingston to house former prisoners released on either day parole or conditional release (see Chapter 10 in *Exploring Criminal Justice*). These places are often called half-way houses, and according to the CSC (2018, para. 1) “These facilities provide a bridge between the institution and the community. They work on a system of gradual, supervised release,” and many offer programming, such as “life skills, substance abuse, employment and/or crisis counseling.” The CSC contracts with non-governmental agencies, such as the Salvation Army and Elizabeth Fry Society, to provide housing for ex-prisoners who have been conditionally released or paroled to one of 43 community-based residential facilities throughout Ontario.

### Youth Corrections

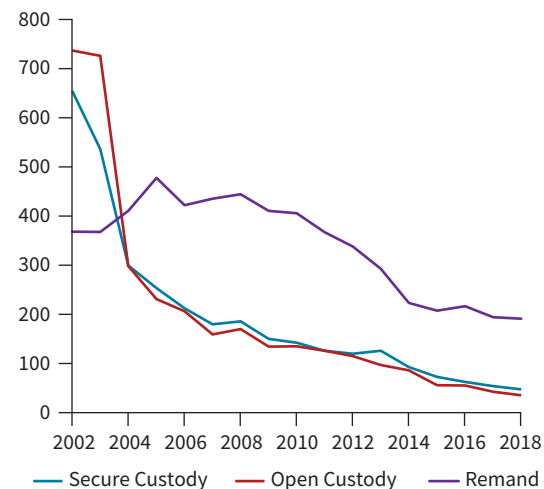
Youth aged 12 to 18 years who have been remanded or sentenced to custody can be placed in two types of facilities operated by the provincial government. Open custody youth are held in less restrictive conditions and they have greater access to community activities, such as attending a community school or working. Youth sentenced to secure custody, by contrast, have generally been found guilty of committing more serious offences,

or they have histories of escapes from custody that make them less suited for a community-based program. As a result, most of the rehabilitative and educational programs for these youth are delivered within the facility.

Figure 11 shows that the average number of youth held in custody decreased significantly between 2001–2 and 2017–18: from a daily average of 1,760 to 275 youth, an 84 per cent decrease. The number of youth under community supervision also fell during the same era, from an average of 19,342 youth in 2001–2 to 2,477 in 2017–18. This dramatic decrease in the number of incarcerated youth is consistent with the other nine provinces. Webster, Sprott and Doob (2019) say that the drop in youth correctional populations was the result of:

- restraint in the use of imprisonment; which has been a core value for Canadians since the early 1900s
- political willingness to reject high youth imprisonment policies
- the introduction of the *Youth Criminal Justice Act* in 2003, which made it law to reduce the use of custody

Altogether, after the introduction of the *Youth Criminal Justice Act*, the provinces took steps to

**FIGURE 11** Average Number of Youth in Custody, Ontario, 2001–2 to 2017–18

Source: Adapted from Statistics Canada (2020f), Table 35-10-0003-01.

hold youth accountable in the least restrictive environment and youth were supervised in the community rather than incarcerating them.

### Report Card on Ontario's Criminal Justice System

Perrin and Audas (2018) developed a report that graded provinces and territories on their performance on public safety, support for victims, cost and resources, fairness and access to justice, and efficiency, and these marks for the entire nation are shown in Figure 12. Ontario and five other provinces earned a B, British Columbia and Saskatchewan earned a C+, and Manitoba earned a C grade. With respect to the territories, while Nunavut has a grade of C+, the Northwest Territories and Yukon were given a C grade. The report card for Ontario is shown in Table 8. Perrin and Audas (2018, p. 23) give Ontario high marks for having low rates of violent crime, and high clearance rates for non-violent crimes (crimes that are solved) and low rates of people who fail to appear in court or who are unlawfully at large (e.g., who missed their court dates). Those researchers were critical that Ontario had among the lowest clearance rates for violent crimes, high rates of breach of probation,

and the public had lower confidence in the police than in other provinces.

### ONE ONTARIO DOCTOR: THIRTEEN TAINTED PROSECUTIONS

The public's trust and confidence in the justice system is shaken when people are convicted and punished for offences they didn't commit. Wrongful convictions date back thousands of years and 23 Canadians who were wrongfully convicted have been exonerated and released from prison due to the efforts of Innocence Canada (2020). Other wrongfully convicted persons were released from prison before Innocence Canada was established, or they received help from other lawyers, so we don't know the actual number of Canadians whose convictions were overturned. Wrongful convictions still occur and 36 prisoners from Ontario have asked for help from Innocence Canada (Innocence Canada, 2020). While one miscarriage of justice undermines our faith in our justice system, an inquiry found that one Ontario doctor was responsible for 13 tainted prosecutions and some of the people convicted of these offences served years in prison for crimes they didn't commit. Parents who had not engaged in any wrongdoing were separated from their children based on the testimony of Dr Charles Smith.

Dr Smith worked at the Hospital for Sick Children in Toronto for 24 years, where he specialized in forensic child pathology. Pathologists conduct autopsies on children if the police are suspicious that some wrongdoing occurred, as the causes of some child deaths are not always obvious. As part of his duties Dr Smith conducted autopsies on over 1,000 children, and the CBC (2009) observed that "on a typical case, he might have to decide whether a child had been shaken to death or accidentally fallen from a highchair." Dr Smith testified about the cause of death in numerous trials and an inquiry later found that some of his findings were questionable. According to Boyle (2015), Smith "made mistakes in 20 death investigations



**FIGURE 12** Report Card for the Provinces and Territories

Source: Adapted from Perrin and Audas (2018).

**TABLE 8** Report Card on Ontario's Justice System

Objective of Justice System	Indicators	Ontario Overall Grade
Public Safety	<ul style="list-style-type: none"> <li>The fundamental purpose of the justice system is to protect society by holding offenders accountable, but also by providing supports to rehabilitate offenders.</li> <li>Measured by (a) crime and clearance rates; (b) public perceptions about police enforcing the law, ensuring safety, and satisfaction with safety.</li> </ul>	B+
Support for Victims	<ul style="list-style-type: none"> <li>Victims have rights related to information, protection, participation, and restitution.</li> <li>Measured by (a) proportion of offenders given restitution orders; (b) referrals to victim's services; and (c) public perceptions about police supplying information and being approachable.</li> </ul>	B
Cost and Resources	<ul style="list-style-type: none"> <li>The justice system should be run in a cost-effective manner while meeting its core objectives.</li> <li>Measured by (a) per capita cost of public safety; (b) per capita cost of corrections, (c) average daily inmate cost; and (d) number of police per capita.</li> </ul>	B
Fairness and Access to Justice	<ul style="list-style-type: none"> <li>The justice system must guarantee the constitutional rights of accused persons and provide them with fair and impartial trials, as guaranteed by the <i>Charter</i>.</li> <li>Measured by (a) legal aid expenditures per crime; (b) percentage of trials with a guilty outcome; (c) proportion of Aboriginal persons in custody versus their prevalence in the population; and (d) public perceptions about the police being fair.</li> </ul>	B
Efficiency	<ul style="list-style-type: none"> <li>A well-functioning criminal justice system should ensure prompt and thorough investigations and timely prosecutions and trials.</li> <li>Measured by (a) Criminal Code incidents per police officer; (b) accused on remand per 1,000 crimes; (c) average criminal case processing time; (d) percentage of cases stayed or withdrawn; and (e) public perceptions about the police responding promptly.</li> </ul>	C

Source: Adapted from Perrin and Audas (2018, p. 9).

that led to people being criminally charged, convicted or otherwise implicated in the deaths of children.” Thirteen of those individuals were later convicted of crimes.

Morales (2016) described the experiences of five victims of Dr Smith's tainted testimony, including William Mullins-Johnson, who was convicted of sexually assaulting and murdering his niece, although an investigation after he was convicted showed that the child died of natural causes. Cottreau (2019) reports that while imprisoned Mullins-Johnson was placed in solitary

confinement for his safety after he was tortured and threatened by other inmates. His conviction was overturned after serving 12 years in prison, and he received \$4.25 million in compensation for this miscarriage of justice. Cottreau (2019, para. 30) observes, however, that Mullins-Johnson “never fully recovered from the trauma of losing his niece and being wrongfully convicted of her murder,” and that he still suffers from the stigma of his conviction.

Other individuals wrongfully convicted on the basis of Dr Smith's testimony included Dinesh

Kumar (who was not imprisoned but it was 20 years before he was exonerated). Louise Reynolds was imprisoned for two years before her release when a reanalysis of the case found that her daughter had been killed by a pit bull and not murdered by Reynolds. Lianne Gagnon, who was accused of killing her child by Dr Smith, lost her son to child welfare authorities as they thought she posed a risk to him. Morales (2016) also describes the case of Tammy Marquart, who was imprisoned for 14 years before being freed on bail and ultimately having her conviction overturned: Like Lianne Gagnon, Marquart's two other children were removed from the family by child welfare workers.

After Dr Smith's wrongdoing became public knowledge the province of Ontario authorized an inquiry into pediatric forensic pathology. That work was conducted by Judge Stephen Goudge. The report, presented in 2008, includes the response of William Mullins-Johnson to an apology made by Dr Smith during the hearings:

For my healing, I'll forgive you but I'll never forget what you did to me. You put me in an environment where I could have been killed any day for something that never happened. You destroyed my family, my brother's relationship with me and my niece that's still left and my nephew that's still living. They hate me because of what you did to me. I'll never forget that but for my own healing I must forgive you. (Inquiry into Pediatric Forensic Pathology in Ontario, 2008, p. 5)

The CBC (2010) reports that the province authorized "payments of up to \$250,000 for each person whose life was directly affected by Dr Charles Smith's flawed pediatric forensic pathology." Given the harms that were done to these individuals, including being called "baby killers," that amount of compensation doesn't seem very generous.

Dr Smith lost his licence to practise medicine, but he was never charged with a crime for his misconduct and retired to British Columbia. Iacobucci and Hamilton (2010, p. 53) observe that "expert

witnesses undoubtedly play a vital role in the justice system" but "[t]he overriding duty of any expert witness is to assist the court by providing impartial testimony, regardless of who retained the witness." Readers interested in this case can access the Goudge Inquiry report at: <http://www.attorneygeneral.jus.gov.on.ca/inquiries/goudge/index.html>.

### Critical Thinking Questions

1. William Mullins-Johnson was awarded \$4.25 million in compensation for his wrongful conviction and 12 years of imprisonment: Was that a fair amount of compensation given his comments about his ruined life?
2. How can we hold accountable the persons whose actions led to these miscarriages of justice?
3. Do wrongful convictions, such as the ones that happened after jurors accepted Dr Smith's tainted testimony, change your ideas about harsh punishments such as the death penalty?
4. Does a rush to judgment increase the likelihood of errors in the justice system?
5. How do cases of wrongful conviction influence our perceptions of the police, courts, and corrections?

### SUMMARY

The amount and seriousness of crime varies across the country and this supplement shows that Ontario has rates of property and violent crime that are among the lowest in the nation. Those provincial averages, however, mask the fact that some places have very high rates of crime, and some people are at high risk of being victimized. Although Toronto, for example, has a fairly low homicide rate, the number of shootings has been increasing since 2014 and many of these crimes are associated with gang activities.

Because every province has different histories, population characteristics, levels of economic development, political values, and cultural beliefs, the crime control solutions will be different as well. As a result, the personnel working in Ontario's adult and youth justice systems may respond to antisocial behaviour and crime in a slightly different manner from what occurs in neighbouring provinces or territories. One initiative is the Strategy for Safer Communities. These types of innovative crime

control strategies are important in preventing crime. A report card on the operations of the justice system developed by Perrin and Audas (2018) suggests that progress in the province is needed. While the justice system will never eliminate crime, we can attempt to prevent crimes and protect those most at risk of victimization. Learning about the differences in crime problems and how we respond to them makes exploring criminal justice in Canada an interesting undertaking.

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