CJ (Canadian) 2nd edition Antonacci Test Bank

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CJ 2ce Edition by Antonacci Ch01

Answers are located in the second half of this document.

TRUE/FALSE - Write 'T' if the statement is true and 'F' if the statement is false.

1) The Canadian criminal justice system strives to meet the needs of victims.

- ◎ true
- ◎ false

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-01 Explain the function and purpose of the criminal justice system.

2) The Canadian criminal justice system has the same judicial system for adults and youth.

- ◎ true
- ◎ false

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-01 Explain the function and purpose of the criminal justice system.

3) Providing treatment and rehabilitation are amongst the goals of the Canadian criminal justice system.

- ◎ true
- ◎ false

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-01 Explain the function and purpose of the criminal justice system.

4) Objective differences that justify differentiation in how the law in Canada is applied includes sexual orientation.

- ◎ true
- ◎ false

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-02 Explain the rule of law and its significance in Canadian law.

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5) The process for resolution of civil disputes should not be too costly and should not involve unreasonable delays.

- ◎ true
- ◎ false

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-02 Explain the rule of law and its significance in Canadian law.

6) Canada does not have an obligation to adhere to relevant international law.

- ◎ true
- ◎ false

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-02 Explain the rule of law and its significance in Canadian law.

7) An accused person can be compelled to give evidence against themselves.

- ◎ true
- ◎ false

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-03 Describe the rights and freedoms guaranteed by the Canadian Charter of Rig

8) The equality rights outlined in s. 15 of the *Charter* ensure equal benefit and protection of the law without discrimination based on personal traits such as race.

- ◎ true
- ◎ false

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-03 Describe the rights and freedoms guaranteed by the Canadian Charter of Rig

9) The rights outlined in the *Charter* do diminish the rights of Indigenous peoples.

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- ◎ true
- ◎ false

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-03 Describe the rights and freedoms guaranteed by the Canadian Charter of Rig

10) At the time of arrest, one procedural safeguard that exists is the right to remain silent.

- ◎ true
- ◎ false

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-04 Identify the procedural safeguards that exist in the criminal justice syst

11) At trial, the burden of proof rests with the accused.

- ◎ true
- ◎ false

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-04 Identify the procedural safeguards that exist in the criminal justice syst

12) Most requests to have a case heard at the Supreme Court level are accepted.

- ◎ true
- ◎ false

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-04 Identify the procedural safeguards that exist in the criminal justice syst

13) In the *Bedford* case, the Supreme Court of Canada decided that the then-current prostitution laws were unconstitutional.

- ◎ true
- ◎ false

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Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-04 Identify the procedural safeguards that exist in the criminal justice syst

14) If fair procedures are not followed, factual guilt is still relevant, according to the due process model.

- ◎ true
- ◎ false

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-05 Describe the due process and crime control philosophies of criminal justic

15) A case may be dismissed because the accused was not tried within a reasonable amount of time.

- ◎ true
- ◎ false

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-05 Describe the due process and crime control philosophies of criminal justic

16) The due process model stressed the importance of incapacitation of offenders and deterrence.

- ◎ true
- ◎ false

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-05 Describe the due process and crime control philosophies of criminal justic

17) Precedent stems from French common law.

- ◎ true
- ◎ false

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Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-06 Identify the types and categories of laws that exist in Canada.

18) A precedent that is set by the Supreme Court of Canada can only be changed by the Supreme Court of Canada.

- ◎ true
- ◎ false

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-06 Identify the types and categories of laws that exist in Canada.

19) Private law does not apply to corporations.

- ◎ true
- ◎ false

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-06 Identify the types and categories of laws that exist in Canada.

MULTIPLE CHOICE - Choose the one alternative that best completes the statement or answers the question.

20) Identify which is NOT one of the functions of the criminal justice system.

A) investigating crimes
B) meeting the needs of victims
C) prosecuting criminal cases
D) enforcing laws
E) meeting the needs of witnesses

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-01 Explain the function and purpose of the criminal justice system.

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21) Canadian laws demonstrate our commitment to

A) individual rights
B) protecting society
C) both individual rights and protecting society
D) neither individual rights nor protecting society

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-01 Explain the function and purpose of the criminal justice system.

22) The Canadian criminal justice system has many goals, including

A) the prevention of crime
B) crime control
C) the just and fair adjudication of cases
D) providing treatment and rehabilitation
E) all of these options

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-01 Explain the function and purpose of the criminal justice system.

23) The right to be treated within the principles of fundamental justice is called

A) due procedure
B) fair and equitable treatment under the law
C) the *Canadian Charter of Rights and Freedoms*
D) due process

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Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-02 Explain the rule of law and its significance in Canadian law.

24) The rule of law means that

A) everyone is equal in the eyes of the law
B) all sentences can be appealed to a higher court
C) every dispute will be settled through "due process"
D) victims and offenders are treated with dignity

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-02 Explain the rule of law and its significance in Canadian law.

25) Which of these universal principles of the rule of law did Tom Bingham NOT identify?

A) the law must be accessible
B) questions of legal right and liability should ordinarily be resolved by the exercise of discretion
C) the laws of the land should apply equally to all
D) the law must afford adequate protection of fundamental human rights

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-02 Explain the rule of law and its significance in Canadian law.

26) According to the principles of the rule of law

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A) all trials must be conducted within six months of charges being laid
B) youth and adult trials will take place the same court rooms
C) there is an obligation to adhere to relevant international laws
D) a person under arrest must be seen by the court within 24 hours of arrest

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-02 Explain the rule of law and its significance in Canadian law.

27) According to the principles of the rule of law, the resolution of civil disputes

A) should not be so costly that the process is prohibitive to an average person
B) should not be so costly that the process is prohibitive to a wealthy person
C) should involve unreasonable delays
D) does not protect the fundamental rights and beliefs of our society

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-02 Explain the rule of law and its significance in Canadian law.

28) The *Charter of Rights and Freedoms*

A) is Part 1 of the Constituency Act, 1982
B) has little impact on our society
C) is Part A of the *Constitution Act*, 1976
D) is Part 1 of the *Constitution Act*, 1982

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-03 Describe the rights and freedoms guaranteed by the Canadian Charter of Rig

29) The *Charter of Rights and Freedoms* can be described as

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A) the supreme law of Canada
B) the last resort for appeal
C) a guarantee of protection under the *Criminal Code*
D) an interim measure to protect the rights of all

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-03 Describe the rights and freedoms guaranteed by the Canadian Charter of Rig

30) The *Charter of Rights and Freedoms* does NOT guarantee

A) fundamental freedoms
B) democratic rights
C) immigration rights
D) legal rights

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-03 Describe the rights and freedoms guaranteed by the Canadian Charter of Rig

31) Fundamental freedoms include

A) freedom of association
B) freedom of unlawful assembly
C) freedom of media libel
D) freedom of non-association

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-03 Describe the rights and freedoms guaranteed by the Canadian Charter of Rig

32) Mobility rights

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A) are found in section 4 of the *Charter*
B) guarantee Canadian citizens the right to live and work anywhere in North America
C) guarantee Canadian citizens the right to live and work anywhere in Canada
D) are found in section 3 of the *Charter*

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-03 Describe the rights and freedoms guaranteed by the Canadian Charter of Rig

33) The right to not be arbitrarily detained is considered a

A) democratic right
B) mobility right
C) legal right
D) fundamental freedom

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-03 Describe the rights and freedoms guaranteed by the Canadian Charter of Rig

34) This section of the *Charter* allows for the expression of hate to be limited in some situations, despite the fact that the *Charter* guarantees the fundamental freedom of expression.

A) section 1
B) section 2
C) section 7
D) section 11

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-03 Describe the rights and freedoms guaranteed by the Canadian Charter of Rig

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35) If a law cannot be justified under section 1 of the *Charter*, a court may

A) declare that the law is unconstitutional
B) deem the law is of no force or effect
C) suspend the declaration to give the government time to respond to the decision
D) all of these options

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-03 Describe the rights and freedoms guaranteed by the Canadian Charter of Rig

36) The notwithstanding clause of the *Charter*

A) provides federal and provincial governments with the ability to override specific *Charter* rights in certain situations
B) can be applied in cases dealing with section 2 or sections 7 to 15 of the *Charter*
C) is valid for a maximum of five years
D) all of these options

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-03 Describe the rights and freedoms guaranteed by the Canadian Charter of Rig

37) A procedural safeguard is intended to ensure

A) that the victim is treated with respect
B) that all relevant evidence is admitted at trial
C) that the accused person is treated fairly throughout the criminal justice process
D) the judge can maintain order in the courtroom

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-04 Identify the procedural safeguards that exist in the criminal justice syst

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38) Procedural safeguards begin

A) at the time of arrest
B) in the pre-trial stage
C) at trial
D) at sentencing

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-04 Identify the procedural safeguards that exist in the criminal justice syst

39) In the *Bedford* case, it was argued that prostitution laws deprived sex workers of this right

A) the right to be presumed innocent
B) the right to security of the person
C) the right not to be arbitrarily detained
D) the right to receive a fair and public trial within a reasonable time

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-04 Identify the procedural safeguards that exist in the criminal justice syst

40) In the *Marakah* case, the Supreme Court made a decision affirming Canadians can expect a reasonable amount of privacy when

A) at work
B) at home
C) sending text messages
D) when driving a vehicle

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Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-04 Identify the procedural safeguards that exist in the criminal justice syst

41) The due process model

A) does not focus on factual guilt, but focuses on ensuring that the proceedings were fair
B) is one of the crime control philosophies
C) only focuses on the guilt or innocence of the accused
D) balances fairness with victims' rights

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-05 Describe the due process and crime control philosophies of criminal justic

42) Due process does NOT stress the importance of

A) the presumption of innocence
B) factual guilt
C) identifying and responding to any abuse of power
D) ensuring that procedures are followed and respected

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-05 Describe the due process and crime control philosophies of criminal justic

43) Factual guilt

A) is the same thing as legal guilt
B) is determined in a pre-trial conference
C) means the accused did commit the crime
D) means the accused is found guilty

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Question Details
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Learning Objective : 01-05 Describe the due process and crime control philosophies of criminal justic

44) Protection of the public through the prosecution and conviction of offenders is called

A) due process
B) factual guilt
C) legal guilt
D) the crime control model

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-05 Describe the due process and crime control philosophies of criminal justic

45) The crime control model

A) presumes innocence
B) focuses on protecting the public through the capture, prosecution, and conviction of offenders
C) assumes that the court system rarely makes competent decisions
D) ensures that each individual is dealt with fairly and with leniency

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-05 Describe the due process and crime control philosophies of criminal justic

46) Steven commits an armed robbery. He is arrested, charged, convicted and sentenced to 10 years in jail. His lengthy jail sentence is intended to stop others from committing an offence similar to Steven's. This is called

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A) deterrence
B) punishment
C) presumption of guilt
D) crime control

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-05 Describe the due process and crime control philosophies of criminal justic

47) Common law

A) is a body of law that continually develops as it is created by court decisions
B) is a body of law that is created by parliament
C) is codified
D) is the same as statute law

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-06 Identify the types and categories of laws that exist in Canada.

48) A precedent is defined as

A) a way to prevent crime
B) a model that supports swift justice
C) stemming from North American common law
D) law that is not created by parliament and not codified

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-06 Identify the types and categories of laws that exist in Canada.

49) The Latin phrase "to stand by what has been decided" is called

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A) *stare decisis*
B) *habeas corpus*
C) *mens rea*
D) *actus reus*

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-06 Identify the types and categories of laws that exist in Canada.

50) Statute law is not

A) a body of law that continually develops as it is created by court decisions
B) a body of law that is created by parliament
C) codified
D) specific in its intent and its interpretation

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-06 Identify the types and categories of laws that exist in Canada.

51) Private law includes

A) contract law
B) family law
C) estate law
D) all of these options

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-06 Identify the types and categories of laws that exist in Canada.

52) The final process before a bill becomes law is called

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A) Governor General approval
B) House of Commons qualification
C) Royal Assent
D) Stare decisis

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-06 Identify the types and categories of laws that exist in Canada.

53) Public law includes

A) criminal law, administrative law and confederate law
B) civil law, administrative law and constitutional law
C) criminal law, amendment law and constitutional law
D) criminal law, administrative law and constitutional law

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-06 Identify the types and categories of laws that exist in Canada.

54) The son and daughter of a recently deceased man are arguing over his will. The son decides to appeal to the court system for what he believes he is entitled to. The type of law that will settle this issue is

A) criminal law
B) administrative law
C) civil law
D) constitutional law

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-06 Identify the types and categories of laws that exist in Canada.

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55) A crime that is defined in the *Criminal Code* is an example of

A) procedural law
B) substantive law
C) administrative law
D) private law

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-06 Identify the types and categories of laws that exist in Canada.

SHORT ANSWER. Write the word or phrase that best completes each statement or answers the question.

56) What are the functions of the criminal justice system?

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-01 Explain the function and purpose of the criminal justice system.

57) Explain what is meant by "due process."

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-02 Explain the rule of law and its significance in Canadian law.

58) What is the difference between section 1 and section 33 of the *Charter*?

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Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-03 Describe the rights and freedoms guaranteed by the Canadian Charter of Rig

59) Give an example of a situation where rights afforded under the *Charter* may be limited.

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-03 Describe the rights and freedoms guaranteed by the Canadian Charter of Rig

60) Which offences were at issue in the *Bedford* case, which was heard in the Supreme Court of Canada?

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-04 Identify the procedural safeguards that exist in the criminal justice syst

61) Define and compare the two philosophies operating within the criminal justice system: due process and crime control.

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-05 Describe the due process and crime control philosophies of criminal justic

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62) Explain "stare decisis."

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-06 Identify the types and categories of laws that exist in Canada.

63) Who was Marc Lepine and what was his impact on the war against violence against women?

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-06 Identify the types and categories of laws that exist in Canada.

64) What is the difference between substantive and procedural law?

Question Details
Accessibility : Keyboard Navigation
Learning Objective : 01-06 Identify the types and categories of laws that exist in Canada.

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Answer Key

Test name: 001

1) TRUE
2) FALSE
Youth and adults have separate judicial systems.

3) TRUE
4) FALSE
Differentiation for young offenders or Aboriginal offenders can be justified.

5) TRUE
6) FALSE
There is a recognition that Canada has such an obligation.

7) FALSE
The legal rights of the *Charter* include the right to not be compelled to give evidence against oneself.

8) TRUE
9) FALSE
Section 25 acknowledges that the rights outlined in the *Charter* do not diminish the rights of Indigenous peoples in Canada.

10) TRUE
11) FALSE
The burden of proof rests with the Crown. The accused is presumed innocent and the Crown must prove guilt beyond a reasonable doubt.

12) FALSE

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The Supreme Court receives approximately 500 requests for permission for a case to be heard, but it only actually hears between 40 and 70 cases.

13) TRUE
14) FALSE
The due process model stresses the importance of ensuring that procedures are followed and respected. If the procedures are not followed, factual guilt is not relevant in the due process model.

15) TRUE
16) FALSE
The crime control model stresses the importance of the incapacitation of offenders and deterrence.

17) FALSE
Precedent stems from British common law.

18) TRUE
19) FALSE
Private law resolves disputes between individuals and private entities, such as corporations.

20) E
21) C
22) E
23) D
24) C
25) B
26) C
27) A
28) D
29) A

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30) C
31) A
32) C
33) C
34) A
35) D
36) D
37) C
38) A
39) B
40) C
41) A
42) B
43) C
44) D
45) B
46) A
47) A
48) D
49) A
50) A
51) D
52) C
53) D
54) C
55) B
56) Preventing crime, enforcing law, investigating crime, prosecuting criminal cases, implementing sentences, providing correctional institutions and community supervision, meeting the needs of victims.

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57) Due process ensures that everyone's rights will be respected and protected. Every dispute will be settled in a peaceful manner through a formal process of procedural justice.

58) Section 1 of the *Charter* recognizes that not all rights and freedoms are absolute. This means that there are situations where our *Charter* rights are subject to reasonable limits, which are justified, in a free and democratic society. Section 33 of the *Charter* is the ‘notwithstanding' clause and it provides federal and provincial governments with the ability to override specific *Charter* rights in certain situations.

59) Although we have freedom of thought and expression, there are laws that limit that expression, for example hate crimes. We can express ourselves freely as long as we do not violate the laws established to prevent hate crimes.

60) The *Bedford* case dealt with *Criminal Code* offences which criminalized prostitution. The offences that were at issue were: public communication for the purposes of prostitution, operating a bawdy house, and living off the avails of prostitution.

61) The due process model ensures a fair system based on procedural safeguards. Procedural fairness is more important than the finding of guilt. The crime control model focuses on the protection of the public through the apprehension of offenders. The focus of this model is establishing a quick, efficient trial process. There is a presumption that offenders are guilty.

62) The Latin phrase means "to stand by what has been decided." Cases tried in court must follow the precedent set in previous cases. A judge can refer to this precedent when adjudicating a similar case.

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63) Marc Lepine shot and killed 14 female engineering students at Ecole Polytechnique, Montreal in 1989. He targeted the female students due to hatred of feminists, which was clearly articulated in his suicide letter. The long gun registry was initiated in response to this tragedy, and every year, Dec 6, the day this tragedy occurred, Canadians remember the lives lost and condemn anti-feminist actions and sentiments.

64) Substantive law identifies the rights and obligations of citizens in any given jurisdiction. It identifies the substance of law in that it defines an offence by clearly stating the actions that are against the law. A crime that is defined in the *Criminal Code* is an example of substantive law. Procedural law is a category of law that defines procedures within the justice system. Procedural law provides clear processes to ensure that the system is fair. The procedures related to the gathering of evidence are examples of procedural law.

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