

**Course Outline**

<b>COURSE:</b>	<b>CRCJ 4001 B</b>
<b>TERM:</b>	<b>Fall 2015</b>
<b>PREREQUISITES:</b>	<b>4<sup>th</sup> year standing in B.A. Honours in Criminology and Criminal Justice</b>
<b>CLASS:</b>	<b>Day &amp; Time: Thursday 8:35am – 11:35am</b> <b>Room: Please check with Carleton Central for current room location.</b>
<b>INSTRUCTOR:</b> <b>(CONTRACT)</b>	<b>Kelly Lauzon</b>
<b>CONTACT:</b>	<b>Office: C576 Loeb</b> <b>Office Hrs: By appointment</b> <b>Email: <a href="mailto:kellylauzon@cmail.carleton.ca">kellylauzon@cmail.carleton.ca</a></b>

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You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

**Pregnancy obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details see the Student Guide

**Religious obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details see the Student Guide

**Academic Accommodations for Students with Disabilities:** The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

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**COURSE DESCRIPTION**

In this class, we will rely on Canadian and American research to examine and analyze the factors that have been linked to wrongful conviction cases. We will use this knowledge to study known cases of wrongful conviction within the Canadian justice system to help us consider the implications that a wrongful conviction has for the accused person who is subsequently exonerated. In doing so, we will attempt to answer a variety of questions such as: What impact do wrongful conviction cases have on the credibility of the criminal justice system? How do the state and the justice system respond when people complain that they have been wrongfully convicted? What role do police, crown attorneys, judiciary and other justice officials play in wrongful

conviction cases? What impact do wrongful convictions have on the lives of the wrongfully convicted and their families? Finally, can anything be done to reduce the frequency with which people are wrongfully convicted by the criminal justice system in the future?

### *General Objectives*

- To identify the various sociological, legal and psychological factors that contribute to wrongful convictions.
- To examine the role played by various justice officials in wrongful conviction cases.
- To try to understand the impact that wrongful conviction cases have on the lives of innocent people as well as their families and the families of the original victim.
- To identify avenues of redress for the wrongfully convicted as well as mechanisms that can be introduced to reduce or prevent wrongful convictions in the future.

### **REQUIRED TEXTS**

All journal articles will be available on CU Learn.

Readings related to the cases will be available on reserve at the library.

### **EVALUATION**

**(All components must be completed in order to get a passing grade)**

1. Attendance and Contribution to discussion 15%
  - This class will focus on discussion. Students are expected to come to class prepared to discuss the readings and the course material. Class attendance will only account for 5%. You need to be prepared to contribute to the class discussions to earn the additional 10%.
2. Critical Reflection 25%
  - Due at the beginning of class on October 22
  - In 5-7 pages, critically engage with what you have learned to date in this class. How has this affected what you thought you knew? How has this challenged your assumptions of the workings of the criminal justice system?
  - No secondary material is to be used for this assignment. This is a reflection on what you have learned and how this has shaped your outlooks.
3. 5 Questions for Guest Speakers 10%
  - Due at the beginning of class on November 12.
  - You are asked to prepare at least 5 questions that you want to ask our guest speakers on November 26. This is your opportunity to ask law enforcement agents any questions that you may have about wrongful convictions. It is best to prepare this list as we work through the class material. The questions can be about any of the factors that contribute to wrongful conviction or they can be about any of the proceedings that occurred in any of the cases we discuss in class.
4. Term Paper 50%
  - Due at the beginning of class on December 3
  - You are asked to write a 15-20 page paper that focuses on either:
    - a) The comprehensive study of a wrongful conviction case (to be approved in consultation with the instructor - you are not limited to the cases discussed in class). Your challenge is to

identify and analyze the various factors that contributed to this individual's wrongful conviction. Do not simply give a synopsis of the case, but rather you are expected to demonstrate not only an understanding of the factors that led to the wrongful conviction, but also explain how and why they were instrumental in leading to the wrongful conviction.

**OR**

- b) Thorough analysis of any factor that contributes to wrongful convictions (to be approved in consultation with the instructor - you are not limited to the factors discussed in class). You will be required to review and discuss multiple cases (i.e.: more than just one case) where this factor is present and how it is directly related to the individuals' wrongful conviction. Again, do not simply give a synopsis of the cases, but rather you are expected to demonstrate that you understand how your chosen factor is instrumental in creating and contributing to wrongful convictions.

Standing in a course is determined by the course instructor subject to the approval of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Dean.

### **STATEMENT ON PLAGIARISM**

The University Senate defines plagiarism as "presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one's own." This can include:

- reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source;
- submitting a take-home examination, essay, laboratory report or other assignment written, in whole or in part, by someone else;
- using ideas or direct, verbatim quotations, or paraphrased material, concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another's data or research findings;
- failing to acknowledge sources through the use of proper citations when using another's works and/or failing to use quotation marks;
- handing in "substantially the same piece of work for academic credit more than once without prior written permission of the course instructor in which the submission occurs."

Plagiarism is a serious offence that cannot be resolved directly by the course's instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

### **STATEMENT ON INTELLECTUAL PROPERTY**

Student or professor materials created for this course (including presentations and posted notes, labs, case studies, assignments and exams) remain the intellectual property of the author(s). They are intended for personal use and may not be reproduced or redistributed without prior written consent of the author(s).

**SCHEDULE**

<b>September 3</b>	<b>Introduction to the Course</b> <ul style="list-style-type: none"> <li>Brief overview of course materials and course expectations</li> </ul>
<b>September 10</b>	<b>The History of Wrongful Conviction</b> <ul style="list-style-type: none"> <li>Kent Roach, "Wrongful Conviction in Canada" (2012) 80 University of Cincinnati Law Review pp. 1465-1476.</li> <li>Jon B. Gould &amp; Richard A. Leo, "One Hundred Years Later: Wrongful Convictions after a Century of Research" (2010) 100 The Journal of Criminal Law &amp; Criminology pp. 825-838.</li> <li>Keith A. Findley, Learning from our mistakes: A Criminal Justice Commission to Study Wrongful Conviction (2002) 38 California Western Law Review pp. 333-353.</li> </ul>
<b>September 17</b>	<b>Systemic Factors: Tunnel Vision &amp; Public Pressure</b> <ul style="list-style-type: none"> <li>Dianne L. Martin, "Lessons about Justice from the "Laboratory" of Wrongful Convictions: Tunnel Vision, the Construction of Guilt and Informer Evidence" (2002) 70 UMKC pp. 847-864</li> <li>Ronald Huff, Arye Rattner &amp; Edward Sagarin, "Guilty Until Proved Innocent" (1986) 32 Crime and Delinquency pp.518-544.</li> </ul>
<b>September 24</b>	<b>Systemic Factors: Eyewitness Testimony &amp; Jailhouse Informants</b> <ul style="list-style-type: none"> <li>Alexandra Natapoff, "Beyond Unreliable: How Snitches Contribute to Wrongful Convictions" (2006) 37 Golden Gate University Law Review pp. 107-130.</li> <li>Sandra Guerra Thompson, "Beyond a Reasonable Doubt? Reconsidering Uncorroborated Eyewitness Identification Testimony" (2008) 41 UC Davis Law Review pp. 1506-1528.</li> </ul>
<b>October 1</b>	<b>Systemic Factors: other systemic factors that lead to a wrongful conviction (ex: bad science, false confessions, prosecutorial misconduct)</b> <ul style="list-style-type: none"> <li>Bruce MacFarlane, "Wrongful Convictions: The Effect of Tunnel Vision and Predisposing Circumstances in the Criminal Justice System" Prepared for the Inquiry into Pediatric Forensic Pathology in Ontario, The Honourable Stephen T. Goudge, Commissioner (2008) Part IV: Some Lessons Learned, and Their Potential Application to Forensic Pathology pp.57-86.</li> <li>Joan Brockman, "An Offer You Can't Refuse: Pleading Guilty When Innocent" (2010) 56 Crim. L.Q. pp.116-134.</li> <li>John M. Collins &amp; Jay Jarvis, "The Wrongful Conviction of Forensic Science" (2009) 1 Forensic Science Policy and Management pp. 17-31.</li> </ul>
<b>October 8</b>	<b>Social Factors: Contributing Factors that reside outside of the criminal justice system</b> <ul style="list-style-type: none"> <li>Earl Smith &amp; Angela J. Hattery, "Race, Wrongful Conviction &amp; Exoneration" (2011) 15 Journal of African American Studies pp.74-94.</li> <li>Theodore G. Chiricos, Phillip D. Jackson, Gordon P. Waldo, "Inequality in the Imposition of a Criminal Label" (1972) 19 Social Problems pp.553-571.</li> </ul>

<b>October 15</b>	<p><b>Mr. Big Operations</b></p> <ul style="list-style-type: none"> <li>• Kate Puddister &amp; Troy Riddell, “The RCMP’s “Mr. Big” sting operation: A case study in police independence, accountability and oversight” (2012) 55 Canadian Public Administration pp. 385-409.</li> <li>• Steven M. Smith, Veronica Stinson, &amp; Marc W. Patry, “Using the Mr. Big Technique to Elicit Confessions: Successful Innovation or Dangerous Development in the Canadian Legal System?” (2009) 15 Psychology, Public Policy, and Law pp. 168-193.</li> </ul>
<b>October 22</b>	<p><b>Critical Reflection due at the beginning of class</b></p> <p><b>Case Study: David Milgaard</b></p> <ul style="list-style-type: none"> <li>• B. Anderson, &amp; D. Anderson, Chapter 3: “The Case of David Milgaard” in <i>Manufacturing guilt: Wrongful convictions in Canada</i> (Halifax, N.S.: Fernwood, 1998) pp.45-56.</li> <li>• Kim Campbell, "Post-Conviction Review in the Canadian Criminal Justice System" (1994) 28 Suffolk University Law Review pp. 609-630.</li> <li>• Report of the Commission of Inquiry into the Wrongful Conviction of David Milgaard. Chapter 8 pp. 416-429.</li> </ul>
<b>October 29</b>	<b>Fall Break – No Class</b>
<b>November 5</b>	<p><b>Case Study: Steven Truscott</b></p> <ul style="list-style-type: none"> <li>• B. Anderson &amp; D. Anderson, Chapter 7: “The Case of Steven Truscott” in <i>Manufacturing guilt: Wrongful convictions in Canada</i> (Halifax, N.S.: Fernwood, 1998) pp. 101-113.</li> <li>• Sydney L. Robins, “In the Matter of Steven Truscott: Advisory Opinion on the Issue of Compensation” (2008) available at <a href="https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/truscott/robins_report.pdf">https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/truscott/robins_report.pdf</a> pp 1-33.</li> </ul>
<b>November 12</b>	<p><b>Questions due at the beginning of class</b></p> <p><b>Case Study: Donald Marshall Jr.</b></p> <ul style="list-style-type: none"> <li>• B. Anderson &amp; D. Anderson, Chapter 2: “The Case of Donald Marshall” in <i>Manufacturing guilt: Wrongful convictions in Canada</i> 2<sup>ND</sup> ed. (Halifax, N.S.: Fernwood, 1998) pp.26-44.</li> <li>• Royal Commission on the Donald Marshall, Jr. Prosecution (1989a). Digest of Findings and Recommendations pp. 1-41.</li> </ul>
<b>November 19</b>	<p><b>Case Study: Alain Olivier &amp; Mr. Big</b></p> <ul style="list-style-type: none"> <li>• Victor Malarek, Chapter 11: “Seeds of Deception” in <i>Gut Instinct: The making of an investigative journalist</i> (Toronto: Macmillan, 1996) pp238-271.</li> <li>• Appellant’s Factum. Available at <a href="http://www.jdsupra.com/documents/edc27da8-4d20-4d0f-ab4c-11203e6bc857.pdf">http://www.jdsupra.com/documents/edc27da8-4d20-4d0f-ab4c-11203e6bc857.pdf</a></li> </ul>
<b>November 26</b>	<b>Guest Speakers: OPP Officer and Crown Attorney</b>
<b>December 3</b>	<p><b>Term Paper due at the beginning of class</b></p> <p><b>How do we fix wrongful convictions</b></p> <ul style="list-style-type: none"> <li>• Myriam S. Denov &amp; Kathryn M. Campbell, “Criminal Injustice: Understanding the Causes, Effects, and Responses to Wrongful Conviction in Canada” (2005) 21 Journal of Contemporary Criminal Justice pp. 224-249.</li> <li>• Thomas P. Sullivan, “Preventing Wrongful Convictions” (2004) 52 Drake L.R. pp. 605-617.</li> </ul>