

Course Outline

COURSE: LAWS 2004C – Introduction to Criminal Law in Context

TERM: Fall/Winter 2009-10

PREREQUISITES: LAWS 1000

CLASS: **Day & Time:** Monday 11:30-14:25
Room: Please check with Carleton Central for current room location

INSTRUCTOR: Professor Maeve McMahon, B.Soc.Sc. MA (Criminology) PhD (Sociology)

CONTACT: **Office:** Loeb D586 (mail should be addressed to C473 Loeb)
Office Hrs: **Fall term:** Monday and Wednesday 3-4.15pm
Winter term: Monday and Friday 3-4.15pm
(also often available immediately *after* class)

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"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: http://www.carleton.ca/pmc/students/accom_policy.html . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 16, 2009 for December examinations** and **March 12, 2010 for April examinations**.

For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

COURSE DESCRIPTION:

This course examines issues in criminal law and justice from criminological and social scientific perspectives. In addition to addressing theoretical matters, we will discuss many practical aspects of, and experiences in, the criminal justice system.

The course objectives are to advance your theoretical and empirical knowledge of criminal law and justice, and your analytical ability to critically examine related issues. The objective is further to thoroughly familiarize students with the organizational components of policing, courts and criminal justice in Canada.

Each class will involve a lecture. We will start some classes with a discussion of immediate issues in criminal law (for example recent legal and policy-related decisions, or particular criminal acts that have occurred). Students are encouraged to pay attention to media sources, and to bring relevant items to the attention of the instructor and classmates. 'Media' in this context refers to the print media, as well as radio, television and the Internet.

During the year there will be several guest speakers that will address topics in the practical operation of the criminal justice system. We will also benefit by watching at least one movie that is relevant to criminal law matters, and we will discuss the movie afterwards. A tour of the Ottawa courthouse will facilitate the objective of providing students with observational, as well as academic and professional, knowledge of criminal law and the criminal justice system.

REQUIRED TEXTS

1. Curt T. Griffiths **Canadian Criminal Justice: A Primer**. Third Edition. Scarborough, ON: Thomson/Nelson. 2007. This textbook can be purchased at the Carleton University Bookstore.
2. **'Introduction to Criminal Law in Context,'** a course-pack compiled by Maeve McMahon, can be purchased at the Carleton University Bookstore.
3. Additional handouts may be provided in class.

EVALUATION - (All components must be completed in order to get a passing grade)**12% - Attendance**

44% - Mid-year examination during the December formal examination period.
2 hours. December 9-22 (including Saturdays). Closed book.

44% - Final examination during the final formal examination period. 2 hours.
April 8-24 (including Saturdays). Closed book.

Format:

Each examination will have a section of multiple choice questions worth 30%, a section involving short answers worth 30%, and an essay worth 28% (Note: grading of essays will include an evaluation of the content as it reflects students' knowledge of, and ability to discuss, information and ideas contained in course materials. Grading will also take matters of spelling, grammar, punctuation, and clarity of expression into account).

Additional information:

A detailed course schedule, including weekly topics, objectives, and readings, will be provided to students. More information about evaluation procedures and criteria will also be provided in class in the weeks prior to examinations.

Class attendance is mandatory. It is your responsibility to be present in class, and for examinations. Any request for an extension concerning examinations must be supported by a medical certificate or other appropriate documentation. Students must complete both examinations in order to meet course requirements and to be eligible to pass the course.

COURSE SCHEDULE

Note: There may be minor adjustments to this schedule, for example owing to the availability of guest speakers.

Readings should be completed prior to the relevant class

1. **September 14 INTRODUCTION**
 Course overview and objectives; discussion of assignments and preparation procedures for examinations; discussion of course text and course reader and how they should be used; preliminary identification of relevant websites; discussion of student interests, hopes, and expectations.

2. **September 21 THE CRIMINAL JUSTICE SYSTEM: AN OVERVIEW, PART 1.**
 Objectives:
 - to introduce the major components, and functions, of policing, the courts, and corrections.
 - to identify the roles and responsibilities of different levels of government
 - to introduce the nature of criminal law as the ‘software’ of the criminal justice system.
 - to discuss the costs of crime and criminal justice
 Reading: “Preface.” pp xvii-xviii, and “Chapter 1: The Criminal Justice System: An Overview,” pp. 1-29 in Curt T. Griffiths **Canadian Criminal Justice: A Primer**. Third edition. Scarborough, ON: Thomson/Nelson. 2007 (hereafter referred to as Griffiths).

3. **September 28 THE CRIMINAL JUSTICE SYSTEM: AN OVERVIEW, PART 2.**
 Objectives:
 - to identify major 1) themes, 2) challenges, and 3) trends in criminal law and justice.
 Reading: “Chapter 1: The Criminal Justice System: An Overview,” pp. 29-49 in Griffiths.

4. **October 5 CRIME, VICTIMIZATION, AND THE CANADIAN PUBLIC.**
 Objectives:
 - to illuminate public perceptions of the criminal justice system and its components.
 - to discuss public fears about crime and the actual risks of victimization for different groups of people.
 - to identify and discuss the difficult experiences of victims in the criminal justice system.
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 Reading: “Chapter 2: Crime, Victimization, and the Canadian Public,” pp. 50-89 in Griffiths.

- October 12 THANKSGIVING – NO CLASS**

5. **October 19 ANALYTICAL PERSPECTIVES ON HUMAN NATURE, THE STATE AND CRIMINAL JUSTICE - PART 1**
 Objective:
 - to introduce the perspectives of Thomas Hobbes (1588-1679) and Jacques Rousseau (1712-1778) on human nature and society to introduce the ‘due process’ and ‘crime control’ models of criminal justice as posited by Herbert Packer
 Reading: Irving Zeitlin “Rousseau (1712-1778),” in **Ideology and the Development of Sociological Theory**. Englewood Cliffs, New Jersey: Prentice Hall, 1990, 4th edition. Available in the course-pack, and on reserve at the library.
 Herbert Packer “Two Models of the Criminal Process,” in **The Limits of the Criminal Sanction**. Stanford, California: Stanford University Press, 1968. Available in the course-pack, and on reserve at the library.

6. **October 26 THE POLICE AND POLICING**

- Objectives:
- to examine the complex structure of police services in Canada.
 - to discuss the powers of the police and the relevance of the Canadian Charter of Rights and Freedoms.
 - to legally and sociologically explain the differences between the public police and private security.

Reading: “The Police,” pp.90-133 in Griffiths.

6. **November 2 CLASS FIELD TRIP TO THE OTTAWA COURTHOUSE**

- Objective
- to familiarize students with the organization and everyday operation of the sections of the courthouse that are accessible to the public. We will meet at the courthouse (on Elgin Street, south east at the corner of Elgin and Laurier), at the café in the basement at 11.45am (at the back of the café by the large window/wall). If students can get to the courthouse earlier that would be good. Between 11.45am and 1pm we will do courtroom observations (with students sub-dividing into groups and attending different courtrooms). In the second half of the class we will again divide into groups and view different sections of the courthouse (e.g. the library, the family law office, transcripts, sections with other legal records, the OPP liaison office, Salvation Army Office, etc).

Reading: Students are encouraged to consult local media sources (print, radio, TV and the Internet) for information about current issues and cases in the Ottawa area concerning criminal law and justice. Students are further encouraged to share information gathered with other students and the instructor. Towards this end, please make some notes on your observations during and/or after the trip (i.e. the identifying number/s of the courtroom/s you attended; the nature of the case/s being heard; and your observations on what you saw in light of course-related knowledge).

8 **November 9 VISITING GUEST SPEAKER, INSPECTOR SCOTT NYSTEDT, EMERGENCY OPERATIONS, OTTAWA POLICE SERVICE [TBC]**

Inspector Nystedt has extensive experience in policing, including formerly heading up the division of race relations, and the partner assault unit. He is currently in charge of the emergency operations division of the Ottawa Police Service.

- Objective
- To get a police practitioner’s perspective on matters of crime, policing, and criminal justice.

Reading: “Policing the Community,” pp. 134-173 in Griffiths.

Students are additionally required to visit the Ottawa Police Service website at www.ottawapolice.ca/ and to familiarize yourselves with the basic organization of the Ottawa police. You are also asked to come to class with policing-related questions for our speaker(s).

9 **November 16 THE POLICE AND THE COMMUNITY: PART 1**

Objective - to elucidate historical approaches to the organization and practice of policing.

- to discuss police discretion and decision-making.

Reading: Revise “The Police,” pp.90-133 in Griffiths.

The class will commence with group discussions of how our courthouse observations extend, illuminate, or contradict knowledge gained in the course thus far. **Please come prepared with notes based on your visit.**

10 **November 23 THE POLICE AND THE COMMUNITY: PART 2**

Objectives: - to identify recent developments, and especially the phenomena of community policing and problem-oriented policing

- to discuss the effectiveness of police strategies.

- to identify and discuss contentious issues, including racial profiling, and the relationship between the police and various minorities.

Reading: Revise “The Police and the Community,” pp. 134-173 in Griffiths.

11. **November 30 VISITING GUEST SPEAKER: LEONARD SHORE: SPEAKING FOR THE DEFENCE**

Mr. Leonard Shore is a criminal lawyer in the law firm Shore Davis Hale. Mr. Shore has extensive experience of the practice of criminal law in Ottawa.

Objective: - to gain the insights of a long-standing practitioner of criminal law.

Reading: “Criminal Prosecutions and the Courts,” pp.203-233 in Griffiths.

Students are encouraged to prepare questions about criminal law and justice (e.g. regarding debates about due process and crime control; plea bargaining; and access to justice).

12. **December 7 REVIEW CLASS IN PREPARATION FOR THE MID-YEAR EXAMINATION**

(to be held in the formal examination period, December 9-22, Saturdays included).

Objective - to review key points of course material thus far, and so to assist students in preparing for the mid-year examination.

Reading: Students should be studying all course materials to date.

**THE MID-YEAR EXAMINATION WILL BE HELD IN THE FORMAL EXAMINATION PERIOD
DECEMBER 9-22 (including Saturdays)**

WINTER 2010

13. **January 4** **MOVIE: 'THE THIN BLUE LIE'**
Objectives: - *to address ethical issues in the context of policing.*
 - *to consider issues of police accountability in Ontario.*
- We will view the movie, and there will be subsequent class/group discussions of the content of the movie in light of knowledge gained to date in the course. There will also be a short lecture about the issue of police accountability in Ontario since the 1970s.
- Reading: Students should revise Chapters 3 and 4 in Griffiths (especially pp. 128-130)..
14. **January 11** **CRIMINAL PROSECUTIONS AND THE COURTS, PART 1**
Objectives: - *to introduce students to the classification of offences.*
 - *to introduce students to court structures and organizations.*
 - *to identify basic principles of Canadian criminal law.*
- Reading: "Criminal Prosecutions and the Courts," pp. 174-188 in Griffiths.
15. **January 18** **CRIMINAL PROSECUTIONS AND THE COURTS, PART 2**
Objectives: - *to identify stages of, and participants in, the criminal process*
 - *to examine processes of judicial interim release.*
 - *to examine access to legal representation.*
- Reading: "Criminal Prosecutions and the Courts," pp. 189-201 in Griffiths.
16. **January 25** **CRIMINAL PROSECUTIONS AND THE COURTS, PART 3**
Objectives: - *to examine processes of plea bargaining and their pros and cons.*
 - *to identify different kinds of trials and their consequences.*
 - *to examine the situation of victims in the courts.*
- Reading: "Criminal Prosecutions and the Courts," pp. 201-208 in Griffiths.
17. **February 1** **VISITING GUEST SPEAKER: JASON GILBERT**
 Jason Gilbert is a criminal defence lawyer in Ottawa.
Objective: - *to gain the insights of a criminal law practitioner.*
- Reading: Students should revise "Chapter 5: Criminal Prosecutions and the Courts," pp. 174-232 in Griffiths.
18. **February 8** **CRIMINAL PROSECUTIONS AND THE COURTS, PART 4**
Objective: - *to examine issues of 1) delays; 2) wrongful convictions; and 3) judicial accountability.*
- Reading: Students should revise "Criminal Prosecutions and the Courts," pp. 174-233 in Griffiths.
- February 15** **NO CLASS - WINTER BREAK**
19. **February 22** **SENTENCING, PART 1**
Objectives: - *to introduce the stated purposes and principles of sentencing.*
 - *to identify and discuss a variety of sentencing options.*
- Reading: "Chapter 6: Sentencing," pp. 234-248 in Griffiths.

20. **March 1** **SENTENCING, PART 2**
Objectives: - to continue examination of sentencing options.
 - to identify contentious issues in sentencing (e.g. 'dangerous offender' legislation).
 - to discuss the nature of judicial decision-making.
Reading: "Chapter 6: Sentencing," pp. 248-264 in Griffiths.
21. **March 8** **SENTENCING, PART 3**
Objectives: - to identify provisions concerning the sentencing of Young Offenders.
 - to elaborate on the designations of 'Dangerous Offender' and 'Long Term Offender.'
 - to consider the role of victims with respect to sentencing.
 - to identify issues concerning the effectiveness of sentencing options.
Reading: "Chapter 6: Sentencing," pp. 264-287 in Griffiths.
22. **March 15** **ANALYTICAL PERSPECTIVES ON HUMAN NATURE, THE STATE AND CRIMINAL JUSTICE - PART 2**
Objectives: - to introduce the concept of conflicts as property and to discuss its relevance for Restorative Justice movements.
 - to identify and discuss the relevance of classical, positivist, and critical perspectives in understanding and analysing criminal law and justice.
Readings: Nils Christie "Conflicts as Property," **British Journal of Criminology** (1977) 17:1-14. Available in the coursepack and on reserve at the Library.
 Additional handouts may be provided in class.
23. **March 22** **CORRECTIONAL INSTITUTIONS**
Objectives: - to describe and analyse the organization of prison systems in Canada
 - to introduce the contentious issues of treatment and risk assessment in corrections.
 - to discuss issues of costs, privatization and accountability in corrections.
Reading: "Chapter 7: Correctional Institutions," pp. 288-331 in Griffiths.
 (Students will be provided with further information concerning which pages and sections of the chapter should be considered priority reading).
24. **March 29** **REVIEW CLASS IN PREPARATION FOR THE FINAL EXAMINATION**
Objectives: - to review key points of course material, and to assist students in preparing for the final examination.
 - to give students an opportunity to ask questions about any points or items of information that might require clarification.
Reading: "Key Terms," pp. 385-390 in Griffiths.
 Students should be revising course materials in preparation for the final examination

THE FINAL EXAMINATION WILL BE SCHEDULED IN THE FORMAL FINAL EXAMINATION PERIOD APRIL 8-24 2010 (INCLUDING SATURDAYS).
