

Course Outline

COURSE: LAWS 2301 A/T – Criminal Justice System

TERM: Fall 2015

PREREQUISITES: LAWS 1000

CLASS: Day & LAWS 2301-A
Time: Mondays 6:05 pm-8:55 pm

LAWS 2301-T
online

Room: * A Section - Please check with Carleton Central for current room location
* T- Section – there is no classroom; lectures will be viewable online

INSTRUCTOR: Dr. Rebecca Bromwich

CONTACT: Office: Loeb D483
Office Hrs: 13:00 – 14:00 Fridays
Telephone: 613-520-2600
Email: Rebecca.Bromwich@carleton.ca

Academic Accommodations

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 visit the Equity Services website: <http://www2.carleton.ca/equity/>

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 visit the Equity Services website: <http://www2.carleton.ca/equity/>

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 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*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes 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. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at: <http://www.carleton.ca/studentaffairs/academic-integrity/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures.

Please review these documents to ensure that your practices meet our Department's expectations.

<http://www.carleton.ca/law/student-resources/department-policies/>

COURSE DESCRIPTION and OBJECTIVES

This course will be a venue for introduction to, critical analysis and exploration of, the current Canadian Criminal Legal System, including its institutions, processes, rules, and actors. The goal is to situate the criminal law within its general social setting and to examine the interrelationship between the aspirations and practices of Canadian society and its formal legal discourses of criminal law.

A strong emphasis is placed on practical aspects of the law and how the players within the legal system achieve justice. In the latter part of the course, the focus will be on the criminal law in its more traditional formulations as found in *The Criminal Code of Canada* and in the cases, along with specific current issues in Canada.

By the end of the course, students will be expected to be able to:

- Understand how the formal discourses of the criminal law are currently employed in Canada's criminal justice system;
- Appreciate that Canada's current criminal justice regime exists in a changing, post-colonial, historical, geographical and social context and be able to critically analyze how that context affects the operation of criminal justice law;
- Have an appreciation for other possible ways to address criminal offending, with reference to historical approaches in Canada and current regimes in other jurisdictions; and
- Critically analyze representations of criminal behaviour in popular culture and formal legal texts.

REQUIRED TEXTS

Saunders, R. P. & McMunagle, John. *Criminal Law in Canada: An Introduction to the Theoretical, Social and Legal Context* 4th Edition, Toronto: Carswell, 2002.

**text can be purchased from the Campus Bookstore

Current copies of the:

- *Criminal Code*; and,
- *Youth Criminal Justice Act*;
- *The Canadian Charter of Rights and Freedoms*,

including downloadable electronic versions from CanLii or the Department of Justice website

SUPPLEMENTARY TEXTS

Recommended Reading:

Balfour & Comack. *Criminalizing Women: Gender and (In)Justice in Neoliberal Times*. Nova Scotia: Fernwood, 2006.

Delisle, R. J. et al. *Learning Canadian Criminal Procedure*. 9th ed. Toronto: Thomson Carswell, 2008.

Suggested Background Reading:

B. Agozino, "Is Chivalry Colour-Blind? Race-Class-Gender Articulation in the Criminal Justice System" (1997) 2 Int'l J. of Discrimination & the L. 199.

L. Bibbings & D. Nicolson, eds., *Feminist Perspectives on Criminal Law* (London: Cavendish Publishing Ltd., 2000). KD7852 .W6 F46 2000

A. Bottomley, ed., *Feminist Perspectives on the Foundational Subjects of Law*. London: Cavendish Publishing Ltd., 1996. Print.

S. Duncan, "The Mirror Tells Its Tale: Constructions of Gender in Criminal Law" in A. Bottomley, ed., *Feminist Perspectives on the Foundational Subjects of Law* (London: Cavendish Publishing Ltd., 1996) K349.F465 1996

Suzanne Fournier and Ernie Crey, "Killing the Indian Child': Four Centuries of Church Run Schools" in *Racism, Colonialism, and Indigeneity in Canada* (173–77).

Ismaili, Sprott and Varma. *Canadian Criminal Justice Policy*. Canada. Oxford University Press, 2012. Print.

N. Lacey, "Unspeakable Subjects, Impossible Rights : Feminism, Sex and Criminal Law" (1998) 11 Can. J.L. & Juris. 47.

J. C. Minaker, "Evaluating Criminal Justice Responses to Intimate Abuse through the Lens of Women's Needs" (2001) 13 Can. J. Women & L. 74.

V. Nourse, "The 'Normal' Successes and Failures of Feminism and the Criminal Law" (2000) 75 Chi.-Kent L. Rev. 951.

Quigley, Tim. *Procedure in Canadian Criminal Law*. 2nd ed. Thomson Carswell, 2005. Print.

J. Roudin. "Aboriginal Peoples and the Canadian Criminal Justice System" Online. Retrieved June 29, 2015.

Salhany, Roger E. *Canadian Criminal Procedure*. 6th ed. Canada Law Book, 1994. Print.

EVALUATION

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

- 1. Assignment #1 –Parliamentary Submission - 30%**
Due date for assignment is October 19th, 2015
- 2. Essay Assignment 35%**
- Due date for assignment is December 7, 2015
- 3. Final Examination 35% -**
Held in the December exam period (December 9-21, 2015)

Examinations will be closed book. The examinations will comprise multiple choice and short-answer questions. Students will be responsible for all of the required readings, supplementary material distributed in class as well as material covered in the lectures.

Assignments will be distributed electronically and discussed in class.

Standing in a course is determined by the course instructor subject to the approval of the Department and 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 Department and the Dean.

SCHEDULE

Topic

Assigned Readings:

Introduction:

Friday, September 4, 2015 – *please note this day is being treated as a Monday*

Week 1: September 14, 2015

Course Overview: Key concepts, evaluation, assignments

Week 2: <i>September 21, 2015</i> Criminal Law and Government Regulation Distribution of Assignment #1	Chapter 1
Week 3: <i>September 28, 2015</i> Critical Perspectives on Criminal Law	Chapter 2
Week 4: <i>October 5, 2015</i> Topic: Legislation and the role of Parliament	Chapter 3
Week 5: Oct 12 THANKSGIVING MONDAY - NO SCHEDULED CLASS	
Week 6: <i>October 19, 2015</i> The Role of the Courts First Assignment Due– 30%	Chapter 3
Week 7: FALL BREAK – NO SCHEDULED CLASS	
Week 8: <i>November 2, 2015</i> Criminal law- personnel, participants and powers	Chapter 4.1
Week 9: <i>November 9, 2015</i> Criminal law- personnel, participants and powers	Chapter 4.2
Week 10: <i>November 16, 2015</i> Criminal law- personnel, participants and powers	Chapter 4.3
Week 11: <i>November 23, 2015</i> Criminal law- personnel, participants and powers	Chapter 4.4
Week 12: <i>November 30, 2015</i> Criminal law – personnel, participants and powers & Exam Review	Chapter 4.5- plus 1-4
Deadline for Assignment #2 – 35% - December 7, 2015	