

COURSE SCHEDULE

LAWS 2301B

Winter 2013

CRIMINAL JUSTICE SYSTEM

PROF. MAEVE MCMAHON

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. **January 8 INTRODUCTION:** Course overview and objectives; discussion of examinations and preparation procedures; discussion of course readings and how they should be used; preliminary identification of relevant websites; government ministries and departments; advocacy and reform groups (e.g. the Canadian Association of Elizabeth Fry Societies, and the John Howard Society); and discussion of student interests, hopes, and expectations.

2. **January 15 THE CRIMINAL JUSTICE SYSTEM: AN OVERVIEW.**
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 foundations of the legal system and the administration of justice.
Reading: "Preface." pp xv-xvi, and "Chapter 1: The Criminal Justice System: An Overview," pp. 1-34 in Curt T. Griffiths **Canadian Criminal Justice: A Primer**. Fourth edition. Scarborough, ON: Nelson Education Ltd. 2011 (hereafter referred to as Griffiths).

3. **January 22 SOME CHALLENGES IN THE CRIMINAL JUSTICE SYSTEM**
Objectives: - to discuss the costs of crime and criminal justice.

- to identify challenges faced by the criminal justice system including the multicultural nature of Canadian society; the variety of task environments; public perceptions, and sometimes misperceptions, of crime and justice; issues arising in First Nations and Inuit communities, and developing effective criminal justice policies and programs.

- to discuss the situation of victims of crime.

Reading: “Chapter 2: Challenges in Criminal Justice,” pp. 36-58 in Griffiths.

You should also study the content of Box 6.1 – “Circuit Court Day, Northern Saskatchewan” – pp. 159-160 in Griffiths.

4. **January 29** **ANALYTICAL PERSPECTIVES ON HUMAN NATURE, THE STATE AND CRIMINAL JUSTICE**
- Objectives:*
- 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.
 - 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: Herbert Packer “Two Models of the Criminal Process,” in **The Limits of the Criminal Sanction**. Stanford, California: Stanford University Press, 1968. This reading is available online.
- Nils Christie “Conflicts as Property,” **British Journal of Criminology** (1977) 17:1-14. This reading is available online.
- Additional reading may be identified in class.
5. **February 5** **THE POLICE AND POLICING**
- Objectives:*
- to examine the complex structure of police services in Canada.
 - to discuss the police occupation and its potential impact on personality.
 - to identify and discuss some structures of police governance and accountability.
- Reading: “Chapter 3: The Police,” pp.60-91 in Griffiths.

THE SECOND HALF OF THIS CLASS WILL INCLUDE A PRE-EXAMINATION REVIEW (MID-TERM)

6. **February 12** **MID-TERM EXAMINATION, IN CLASS, 2 HOURS, CLOSED BOOK
(see course outline for details about format and content)**

February 19 **WINTER BREAK – NO CLASS**

7. **February 26** **POLICE POWERS AND DECISION-MAKING**

Objective: - to identify the importance of the Canadian Charter of Rights and Freedoms with respect to police powers and decision-making (e.g. concerning arrest; the use of warrants; and police use of force).

 - to identify and discuss the rights of persons subject to arrest.

 - to examine police use of discretion and issues arising from it (e.g. concerning the policing of minority groups and issues of racial profiling).

Reading: “Chapter 4: Police Powers and Decision Making,” pp. 92-121 in Griffiths.

8. **March 5** **CLASS FIELD TRIP TO THE OTTAWA COURTHOUSE**

Objective: - to familiarize students with the organization and everyday operation of 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 2.45pm (at the back of the café by the large window/wall). If students can get to the courthouse earlier that would be good. If you cannot get there by 2.45pm please come as soon as possible after that. We will do courtroom observations (with students subdividing 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). Our visit will end by 5pm.

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. Some basic questions to address are: to what extent to did your courtroom and courthouse observations reflect the ‘due process’ and ‘crime control’ models as depicted by Packer? Did your observations support or reject Christie’s perspectives on ‘Conflicts as Property’? What elements of classical, positivist and critical perspectives did you observe?).

9. **March 12** **POLICE STRATEGIES AND OPERATIONS**

Objectives: - to trace the historical evolution of police practices, including principles of community policing.

- to identify the three “R’s” in the traditional (or professional) model of policing.

- to identify Peel’s principles of law enforcement in policing (1829).

- to identify the components of “Problem-Oriented Policing.”

- to identify and discuss crime prevention programs (including primary, secondary, and tertiary programs).

- to identify issues in measuring the effectiveness of police strategies.

Reading: “Chapter 5: Police Strategies and Operations,” pp. 122-149 in Griffiths.

10. **March 19** **VISITING GUEST SPEAKERS: SUPERINTENDENT SCOTT NYSTEDT, OUTREACH AND DEVELOPMENT, AND CONSTABLE ADMIR MINAROLLI, OTTAWA POLICE SERVICE [TO BE CONFIRMED]**

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

Constable Minarolli is a graduate of the Department of Law, Carleton University

Objective: - to benefit from the knowledge and insights of experienced police practitioners.

Reading: Revise “Chapter 4: Police Powers and Decision Making,” pp. 92-121 and “Chapter 5: Police Strategies and Operations,” pp. 122-149 in Griffiths.

Students are additionally encouraged to visit the Ottawa Police Service website at www.ottawapolice.ca and to familiarize themselves with the basic organization of the Ottawa police. You are also asked to come to class with policing-related questions for our speakers. Officers Nystedt and Minarolli are regular contributors to my courses and appreciate engaging with students.

11. **March 26 VISITING GUEST SPEAKER: JASON GILBERT [TO BE CONFIRMED]
SPEAKING FOR THE DEFENCE**

Mr. Jason Gilbert is a criminal lawyer in the law firm Addelman Baum Gilbert LLP. He did undergraduate studies in journalism and political science and holds a law degree from Queen's University. Mr. Gilbert exclusively practices criminal law.

Objective: - to gain the insights of an experienced practitioner of criminal law.
Reading: "Chapter 6: The Criminal Courts," pp. 150-174 in Griffiths. Students are encouraged to prepare questions for our visitor about criminal law and justice (e.g. regarding debates about due process and crime control; plea bargaining; and access to justice).

12. **April 2 THE CRIMINAL COURTS; CONCLUSION OF COURSE MATERIALS**

Objectives: - to identify different levels of courts and their roles.

- to examine specialized provincial courts.

- to illuminate judicial appointments and judicial accountability.

- to conclude the presentation of course material and provide any clarifications as may be necessary.

- to review key points of course material, and so to assist students in preparing for the final examination

Reading: Revise all course materials including "Chapter 6: The Criminal Courts," pp. 150-174 in Griffiths.

THE FINAL EXAMINATION WILL BE HELD IN THE FORMAL EXAMINATION PERIOD

APRIL 13-27 (including Saturdays)

See the course outline for the format. The exam will be 2 hours, closed book.