

CRIMINAL JUSTICE SYSTEM

LAWS 2301B

Prof. Maeve McMahon

October 2010 – Mid-term Exam Information and Study Guide

The exam takes place in class on Monday October 25

This exam will count for 40% of your final grade. The exam will have 3 sections:

- 1) Multiple choice (worth 15 marks)
- 2) Short answers and explanations and true/false questions (worth 15 marks)
- 3) Essay (worth 10 marks)

The final exam is worth 48%. Attendance counts for 12%, for a total of 100%.

The exam is a closed book exam. No notes are permitted.

In preparing for the exam you should review your lecture notes, and the material in Griffiths **Canadian Criminal Justice: A Primer**, Fourth edition, 2011, up to, and including, page 91. You should also review the content of Box 6.1 – “Circuit Court Day, Northern Saskatchewan” – pp. 159-160 in Griffiths.

You should also study H. Packer’s “Two Models of the Criminal Process” (in the coursepack and on reserve at the library, also available online; see also pp. 23-24 in Griffiths) and be able to identify 5 differences between the two models; also Christie’s article “Conflicts as Property” (in the coursepack and on reserve at the library, also available online. See also relevant sections of Griffiths concerning victims); and you should study the views of Hobbes and Rousseau concerning man in the natural and social states (see relevant lecture notes, and related sections in the book chapter “Rousseau (1712-1778)” by Zeitlin – in the coursepack and on reserve at the library).

MULTIPLE CHOICE, AND SHORT ANSWERS AND EXPLANATIONS, AND TRUE/FALSE QUESTIONS (SECTIONS 1 AND 2 OF THE EXAM)

The following will give you an idea of topics that might arise in the multiple choice and short answers and explanations and true/false questions. Items below are also relevant for use in your essay section of the examination.

- the two critical ingredients of a crime
- the standards of proof required in civil and criminal cases
- the approximate annual cost of operating the criminal justice system in Canada (according to Griffiths)
- the percentage of the police share of the operating costs of the criminal justice system
- the approximate number of offences reported to Canadian police in 2007 and 2009
- the nature of discretion and disparity in the criminal justice system
- basic principles that apply in criminal law and justice in Canada
- criminal justice issues that arise in Canada as a multicultural society
- the findings of surveys with respect to the views of the public concerning judges, lawyers, and the police in Canada
- the names of some of the community organizations involved in criminal law and justice, and law reform, in Canada

- accountability issues in criminal justice, and remedies available to persons who feel that they have been wronged
- the federal, provincial, and municipal division of powers, roles and responsibilities with respect to criminal law and justice (and especially policing)
- the structure of policing in Canada including federal, provincial and municipal policing
- the relevance of the *Constitution Act* (1867) with respect to the responsibilities of federal and provincial governments for the administration of justice
- the significance of the *Canadian Charter of Rights and Freedoms* (1982)
- provisions of the *Charter* with respect to 'Fundamental Freedoms' and 'Legal Rights'
- the major federal agencies responsible for administering law and justice
- in Ontario, the provincial agencies responsible for administering law and justice
- the provinces in Canada that have their own police forces
- debates as to whether or not Canada has a criminal justice 'system'
- impediments to Canadian legal and criminal justice agencies working together as a 'system'
- the two broad divisions of law, and the division that criminal law falls under
- components of the 'rule of law'
- the meaning of *stare decisis*
- the terminology for offences that are considered 'wrong in themselves'
- the terminology for offences that are considered criminal only because they violate a criminal statute
- the three categories of offences under the Criminal Code
- differences between conflict and consensus models of crime, punishment and the criminal process
- the major issue addressed in *R. v Askov* [1990]
- the 'crime control' and 'due process' models of law and justice as posited by Herbert Packer, with identification of 5 major differences between these models (note: stating one difference between the two models involves making a statement about *both* the 'crime control' *and* the 'due process' models)
- issues concerning aboriginal people and the criminal law and justice system with respect to both victimization and criminal offending
- the extent to which empirical research is used in forming criminal justice policies in Canada
- restorative justice and the principles underlying restorative justice
- the stages of the criminal process where restorative justice is used

- the potential liability of criminal justice agencies and their personnel
- the perception of their safety by people in Canada generally
- the major finding of the General Social Survey (GSS) concerning victims' likelihood of reporting crime to the police
- what is meant in Canada by the 'dark figure' of crime
- the percentage of crime discovered by police on their own without the assistance of the public or crime victims
- the major trend in official crime rates across Canada from 1999 to 2009
- crime rates for Aboriginal and Inuit communities in Yukon, N.W.T. and Nunavut compared to those elsewhere in Canada
- crime trends in First Nations and Inuit communities
- misperceptions by the Canadian public with respect to crime and punishment (e.g. with respect to estimating the level of crime)
- how contact with the police and courts affect perceptions of the criminal justice system
- some of the major complaints made by victims of crime
- the nature of legislation, policies, programs and services for crime victims
- the approximate number of police officers in Canada
- the number of private security police compared to public police (which is largest?)
- traditionally, the three major categories of police activities
- the duties of police in Ontario as identified by the *Police Services Act*
- where the first police constables in Canada appeared
- the year in which the North-West Mounted Police (now the RCMP) was established
- the RCMP, and the variety of roles that it can adopt
- organizational features of the RCMP
- accountability of the RCMP
- 'basic' qualifications, and 'preferred' qualifications, with respect to police
- the nature of police recruit training in Canada
- the contrasting views of Hobbes and Rousseau with respect to 1) man in the state of nature; and 2) the impact of society on the conditions that had pre-existed

ESSAY SECTION OF THE EXAMINATION

You will be asked to write an essay on one of the following topics. Your essay should be 750-1,000 words long. Be sure to write your name and student number on the front of the examination booklet. You should provide the following:

- Your essay will be written in a separate examination booklet.
- You will clearly identify on the booklet the number of the topic you are addressing.
- You will provide a title for your essay (at a minimum, the topic identified on the exam will suffice).
- Your essay will have an introduction.
- Your essay will have a conclusion.
- Your essay will provide at least 3 key points in the text.
- Subheadings should be used for different sections of your essay (e.g. Introduction..... Conclusion).
- Your essay will be explanatory and analytical, so evidencing your understanding of, and reflections on, the topic. Summary and descriptive material is not sufficient.
- Your essay will pay attention to grammar and spelling.
- Your essay will be broken into paragraphs.
- Your essay will exercise brevity and clarity of expression (if you wish to add endnotes to your 750-1,000 words of text, that is acceptable).
- Provide a bibliography of sources relevant to your essay (e.g. Griffiths, **Canadian Criminal Justice: A Primer**. 4th Edition, 2011)
- You are asked to write clearly and legibly.

Note: It is acceptable to use the first person singular ('I') but your narrative *must* be based on academic sources in the course (Griffiths, additional readings in the coursepack and lecture notes).

On the bottom right hand corner of the pages in the examination booklet please write the cumulative total of the words that you have written.

1. 'Victims suffer double losses. They suffer a loss firstly with respect to a crime committed against them, and secondly with respect to their treatment by the criminal law and justice system.' Discuss.
 2. 'The criminal justice system in Canada faces many challenges.' Discuss with respect to 3 of the challenges identified by Griffiths.
 3. Imagine that a new Minister of Community Safety is appointed for Ontario. His/her appointment includes responsibility for matters of crime, public perceptions of crime, and policing in the province. You are appointed policy advisor to the Minister, and the Minister asks you to take the course LAWS 2301B at Carleton University, and to read pages 1-91 of the book by Griffiths, and to provide basic information and advice for the Minister. Provide a brief to the Minister with basic information and advice concerning the criminal justice system in Ontario and Canada.
 4. According to Griffiths: "The Canadian criminal justice system is a complex, dynamic, and ever-changing enterprise." Discuss.
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