

Course Outline

COURSE:	LAWS 2301 B - Criminal Justice System
TERM:	Fall 2010
PREREQUISITES:	LAWS 1000
CLASS:	Day & Time: Monday 11:35 am-2:25 pm Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Professor Maeve W. McMahon, B. Soc.Sc., M.A. (Criminology), Ph.D. (Sociology)
CONTACT:	Office: D586 Loeb (mail should be addressed to the Department of Law, C473 Loeb) Office Hrs: Monday & Friday – 3:15-4:30 pm (also often available immediately <i>after class</i>) Telephone: 613-520-2600 x 8095 Email: Maeve McMahon@carleton.ca

"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 15, 2010 for Fall exams and March 12, 2010 for Winter exams**. 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 objectives are further to thoroughly familiarize students with the organizational components of policing, courts and the administration of criminal justice in Canada.

Classes will typically involve a lecture. We will start some classes with a discussion of immediate issues in criminal law and justice (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 course there will be several guest speakers that will address topics in the practical operation of the criminal justice system. 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**. Fourth Edition. Scarborough, ON: Thomson/Nelson. 2011. This textbook can be purchased at the Carleton University Bookstore.
2. **'Criminal Justice System,'** a course-pack compiled by Maeve McMahon, can be purchased at the Carleton University Bookstore. Readings in the course-pack are also available on reserve at the MacOdrum library.
3. Additional handouts may be provided in class.

EVALUATION

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

Attendance **12%**

Mid-term examination **40%** To be held in class on Monday October 25, 2010. (2 hours - Closed book)

Format: The exam will have a section of multiple choice questions worth 15%; a section of True/False and short answer questions worth 15%; and a short essay section worth 10%. (Note: grading of essays will include an evaluation of the content as it reflects students' knowledge of, and ability to discuss, information and ideas presented in this course. Grading will also take matters of spelling, grammar, punctuation, and clarity of expression into account).

Final examination **48%** To be held during the final formal examination period.
(2 hours – Closed book).
December 9-22, 2010 (including Saturdays)

Format: The final exam will have the same format as the mid-term examination with the multiple choice section being worth 19%, the section of True/False and short answer questions being worth 19%, and the essay section being worth 10%.

Additional information:

A detailed course schedule, including weekly topics, objectives, and readings, will be made available to students. More information about items and topics to be covered in the exams, and 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. **Sep13 INTRODUCTION:**
Course overview and objectives; discussion of examinations and preparation procedures; 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. **Sep 20 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. **Sep 27 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.

4. **Oct 4 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: 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. This reading is also available online (google: ‘Two Models of the Criminal Process Packer’).

Nils Christie “Conflicts as Property,” **British Journal of Criminology** (1977) 17:1-14. Available in the course-pack, and on reserve at the Library. This reading is also available online (google: “Conflicts as Property Christie”).

Additional handouts may be provided in class.

October 11 THANKSGIVING – NO CLASS

5 Oct 18 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 Oct 25 MID-TERM EXAMINATION, IN CLASS, 2 HOURS, CLOSED BOOK
(see course outline for details about format and content)**

7 Nov 1 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 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).

In order not to cause difficulties for students who have classes at 2.35pm it is acceptable to end your courthouse visit at 1.30pm.

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?).

8. Nov 8 VISITING GUEST SPEAKER: INSPECTOR SCOTT NYSTEDT, OUTREACH AND DEVELOPMENT, OTTAWA POLICE SERVICE [TBC]

Inspector 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.

- Objective:*
- *to benefit from the knowledge and insights of an experienced police practitioner*

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

Students are additionally encouraged 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 **Nov 15 POLICE STRATEGIES AND OPERATIONS**

- Objectives:
- *to identify some basic powers available to police including the power to detain and arrest, and powers of search and seizure.*
 - *to identify issues concerning 1) entrapment, and 2) the use of force (especially with respect to police use of Tasers).*
 - *to discuss the exercise of discretion by police, and factors affecting their decision-making.*
 - *to identify issues in the policing of minorities*
 - *to trace the historical evolution of police practices, including principles of community policing.*

Reading: Revise “Chapter 4: Police Powers and Decision Making,” pp.92-121 in Griffiths. Also study “Chapter 5: Police Strategies and Operations,” pp. 122-149 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 **Nov 22 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 criminal law experience in Ottawa.

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

Reading: “Chapter 6: The Criminal Courts,” pp. 150-174 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).

11. **Nov 29 THE CRIMINAL COURTS**

- Objectives:
- *to identify different levels of courts and their roles.*
 - *to examine specialized provincial courts.*
 - *to illuminate judicial appointments and judicial accountability*

Reading: Revise “Chapter 6: The Criminal Courts,” pp. 150-174 in Griffiths.

12. **Dec 6 REVIEW CLASS IN PREPARATION FOR THE FINAL EXAMINATION**

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

Reading: Students should be studying all course materials.

***THE FINAL EXAMINATION WILL BE HELD IN THE FORMAL EXAMINATION PERIOD
DECEMBER 9-22 (including Saturdays)
See the course outline for the format. The exam will be 2 hours, closed book.***