

Course Outline

COURSE: LAWS 4305A – Criminal Justice Reform

TERM: Fall 2011

PREREQUISITES: Fourth-year Honours standing and 1.0 credit from LAWS 2004 [1.0] (no longer offered), LAWS 2301, LAWS 2302

CLASS: **Day & Time:** Thursday 18:05-20:55
 Room: Please check with Carleton Central for current room location

INSTRUCTOR: Lawrence Buhagiar
(CONTRACT)

CONTACT: **Office:** B442 LA (Loeb) – Contract Instructors' Office
 Office Hrs: Tuesday – 17:00-18:00 or by appointment
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"Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities for a formal evaluation of disability-related needs. Registered PMC students are required to contact the centre, 613-520-6608, every term to ensure that I receive your letter of accommodation, no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 11, 2011**, for April examinations." With regard to accommodations for religious obligations and pregnancy, please see http://www.carleton.ca/pmc/students/accom_policy.html

COURSE DESCRIPTION

The subject of this course is social transformation and criminal justice reform. The scope of the course will deal with the theoretical and practical reasons for the use of criminal law as an instrument of social control. Students will engage in critical analysis of specific reform initiatives and processes. We will also consider alternate responses to social problems. To this end, the subject of wrongful conviction will form an overarching theme.

Often the subject matter of a myriad of disciplines such as criminology, law, public administration, social work, political science, and public administration, our examination of criminal justice reform will utilize a critical socio-legal perspective to interrogate criminal justice reforms in Canada and other jurisdictions. Some of the questions that this course will entertain are:

- What is criminal justice reform?
- What are the goals of criminal justice reform?
- What motivates criminal justice reform?
- How is criminal justice reform mediated through individuals, institutions, interest groups, and ideas?
- How is criminal justice reform implicated in social control?

Given that this course is a seminar, students will play a vital role in their own learning and the learning of their colleagues. Each student bears both a responsibility and an obligation to themselves and their colleagues.

The objectives of this course are:

- An appreciation of the historical and contemporary debates and challenges relating to criminal justice reform;
- To familiarize students with the criminal justice reforms including the rationales and ideological bases that have been deployed in support of criminal justice reform; and
- To develop the capacity to conduct a critical analysis of criminal justice reform.

REQUIRED TEXTBOOKS AND READINGS

The required texts for this course are:

1. Maidment, Donna (2009) *When Justice is a Game: Unraveling Wrongful Conviction in Canada*. Halifax, N.S.: Fernwood.
2. Anderson Barrie and Anderson, Dawn (2009) *Manufacturing Guilt: Wrongful Conviction in Canada*. Halifax, N.S.: Fernwood.

These texts will be available at Octopus Books, located at the intersection of Bank St and 3rd Avenue in the Glebe.

Additional required reading materials will be uploaded to WebCT. These documents will already reside in the public domain and thus be available to students. Suggested readings may also be made available on WebCT or placed on Reserve at the university library.

ACADEMIC OFFENCES

Students are deemed to be both aware of the regulations detailed in the Carleton Undergraduate Calendar regarding academic offences. University rules regarding registration, withdrawal, appealing marks, and most anything else you might need to know can be found on the university's website, here:

<http://www.carleton.ca/cu0708uc/regulations/acadregsuniv.html>

Plagiarism is the passing off of someone else's work as your own and is a serious academic offence. For the details of what constitutes plagiarism, the potential penalties and the procedures refer to the section on Instructional Offences in the Undergraduate Calendar.

A student found to have plagiarized an assignment may be subject to one of several penalties including: expulsion; suspension from all studies at Carleton; suspension from full-time studies; and/or a reprimand; a refusal of permission to continue or to register in a specific degree program; academic probation; award of an FNS, Fail, or an ABS.

All allegations of plagiarism are reported to the faculty of Dean of FASS and Management. Documentation is prepared by instructors and/or departmental chairs. The Dean writes to the student and the University Ombudsperson about the alleged plagiarism. The Dean reviews the allegation. If it is not resolved at this level then it is referred to a tribunal appointed by the Senate.

Course Rules and Regulations

The following rules and regulations specifically apply to this course. If you have any questions please discuss with your professor/instructor as soon as possible. The onus is on each student to ensure they understand and comply with all of the relevant rules and regulations.

Expectations

- Students are deemed to have read and understood the relevant University rules and regulations that pertain to them.
- Students are expected to 'manage' their obligations to this course. Each and every student has a unique set of circumstances that can influence their performance in this course. Each student is responsible for all of the obligations, choices and decisions in their lives outside of the course that may influence their performance.
- Plagiarism is a serious matter and will be dealt with accordingly. **The Carleton University Academic Calendar states that: "Academic fraud is an act by a student, which may result in a false academic evaluation of that student or of another student"**. Please read the relevant sections concerning academic fraud in the Undergraduate Calendar. All material quoted or paraphrased from any source must be properly credited. The instructor also reserves the right to orally examine any student regarding work they submit in this course.
- To pass this course, you must complete all elements of the evaluation scheme. Failure to complete all

elements of the evaluation scheme will result in an incomplete (which will convert into an F).

- This course will provide students with an intellectually challenging yet safe learning environment. Information will be presented in a manner that is accessible. Students will be assessed in a manner that is reasonable and fair.
- It is recognized that students pay a lot of money for the opportunity to learn, your grade will be based on your ability to demonstrate what you have learned through the assignments rather than your cancelled check or registrar's receipt.
- Students are expected to be fully engaged and active participants in their education. Put another way, it is expected that students will be active rather than passive learners. The role of the instructor is to 'facilitate' active learning, those expecting to learn via a passive method will find this course.
- The choice to attend class belongs to each student. The consequences of non-attendance are also borne by each student.
- Students are expected to engage in class discussions of the topics and themes that form the basis of this course.

Warning: A student's failure to adequately plan does not constitute an emergency or extenuating circumstance in the Instructor's world that will exonerate, alleviate or exempt you from any of the requirements or demands of this course.

Course Notes

- **Each student is responsible for their own course notes.** My lectures are not posted on any website, nor are they made available through the library reserve. If you are unable to attend a lecture you will need to obtain notes from one of your classmates.
- Students are encouraged to engage in note-taking from the assigned readings as well as at lectures.
- The Powerpoint slides I will show in class are only a skeleton to help guide lectures. Students are expected to put the 'flesh' onto this skeleton in the form of their notes in class and from the assigned readings.

E-mail / Internet / Computer Usage

- Please note that you will be able to link your CONNECT (MyCarleton) account to other non-CONNECT accounts and receive emails from us. However, for us to respond to your emails, we need to see your full name, CU ID, and the email must be written from your valid CONNECT address. Therefore, it would be easier to respond to your inquiries if you would send all email from your connect account. If you do not have or have yet to activate this account, you may wish to do so by visiting <https://portal.carleton.ca/>
- I will be using the e-mail system on My Carleton to send out information. Please ensure that this address is set to forward to the e-mail address you use if the Carleton address is not your primary e-mail address.
- E-mails to the class will be sent out through the university's computing system. If you are using an e-mail address other than the one provided by the university, please ensure that your university e-mail account is active and set to forward messages to your other e-mail account(s). **If this is not done you will not be able to receive important e-mail messages sent to the class.**
- The Internet may be used as a research tool to locate academic material. Internet materials are not to be used in this course unless they comport with the academic standards for scholarly publications.
- **Computer problems are not an acceptable excuse for an extension.** Students are expected to ensure their work is saved and backed-up, either on a diskette, CD, memory stick, e-mailing it to yourself or as a printed copy.

Getting Help

- The instructor will make himself *reasonably* accessible for the duration of the course. You have my phone number. You have my e-mail (which goes to both my Mac account and my Blackberry). I have office hours before class or by appointment.
- Feel free to use any of these means to contact me, however, keep in mind that I also have many other things I need to get done. So don't wait until the very last moment to seek clarification or help.
- If you have questions or concerns relating to the material in the course feel free to come see during my office hours or to contact me to schedule an appointment. If you prefer e-mail that's fine with me.
- With respect to using e-mail to contact me, however, you should **allow 48 hours for a response**. If you have not received a response within this time, try sending another e-mail, come see me during my office hours or during class. You can also leave a note in my departmental mailbox.

In-Class Behaviour

- People should not be talking in class or conducting themselves in a manner that is disturbing or disruptive to others. Students are expected to be respectful when discussing controversial topics.
- If your conduct is disturbing or disruptive, you will be asked to leave the class.
- Your cell phone, blackberry and/or pager should either be turned off or set to vibrate mode.
- Laptop computers are permitted in class for the specific purpose of note-taking. If you wish to use your computer to surf the Internet, Facebook, IM message, etc., please do so somewhere other than lectures.

Extensions and Deferrals

- Extensions are extremely rare occurrences and will only be granted in cases of exceptional circumstances.
- When requesting an extension students must tender all work completed on the assignment to that date (e.g. drafts, notes, etc.).
- Students must produce proper documentation for consideration (e.g. medical certificate; death certificate; etc.).
- The decision to grant an extension is solely the discretion of the Instructor. A physician's medical opinion does not entitle a student to an automatic extension.
- Deferrals are the purview of the Registrar's Office. Should you require an extension please contact the Registrar's Office directly.

Final/Deferred Final Examinations

Please note specifically page 40, 2.5 b Deferred Final Examinations, paragraph 2:

"...The granting of a deferral also requires that the student has performed satisfactorily in the course according to the evaluation scheme established in the Course Outline, excluding the final examination for which deferral privileges are requested. Reasons for denial of a deferral may include, among other conditions, a failure to (i) achieve a minimum score in the course before the final examination; (ii) attend a minimum number of classes; (iii) successfully complete a specific task (e.g. term paper, critical report, group project, computer or other assignment); (iv) complete laboratory work; (v) successfully complete one or more midterms; or (vi) meet other reasonable conditions of successful performance..."

METHODS OF EVALUATION AND DUE DATES

The dates for the assignment, paper and final are indicated below. If you are unable to write the examination or turn in any of the assignments on the dates as scheduled below, it is strongly suggested you consider taking the course another time.

You must complete all of the assignments in order to obtain this course. Failure to complete all of the components for evaluation will result a failure of the course.

Take-Home Assignment (25%) Due October 20 2011 – The Take-Home Assignment will be handed out on **October 13, 2011** and is due in-class on **October 20, 2011**. You will have one week in which to complete this assignment. It must be **handed in at the start of class on October 28, 2011**. Late penalty is 10% per day.

CJR Evaluation (35%) Due November 10, 2011 – Students will conduct an evaluation of a criminal justice program, practice or policy and its reform. Students must have their **topic approved by October 27, 2011**. Late penalty is 10% per day.

Final Project Paper (40%) - Due December 5, 2011 – Students will write a paper in this course that applies the concepts and themes discussed to a specific topic that will be assigned. A series of resources will be placed on reserve to ensure that some materials are available to all. The number of sources required for an academic paper varies depending on the complexity, comprehensiveness, and innovation of the ideas and thoughts involved. Late penalty is 10% per day.

FINAL GRADES

Final grades are subject to the Dean's approval. Supplemental and Grade-raising exams are no longer available. The following *Criteria for the Evaluation of Grades and Grade Profile* will be used in the evaluation of assignments.

GUIDELINES FOR THE EVALUATION OF WORK	
A+ A A-	Outstanding performance. Represents work of exceptional quality. Content, organization and style all at a high comprehension of subject and use of existing research and literature where appropriate. Also uses sound critical thinking, has innovative ideas on the subject, and shows personal engagement with the topic.
B+ B B-	Good performance. Represents work of good quality with no major weaknesses. Writing is clear and explicit and topic coverage and comprehension is more than adequate. Shows some degree of critical thinking and personal involvement in the work. Good use of existing knowledge on the subject.
C+ C C-	Satisfactory performance. Adequate work. Shows fair comprehension of the subject, but has some weaknesses in content, style and/or organization of the paper. Minimal critical awareness or personal involvement in the work. Adequate use of the literature.
D+ D D-	Marginal performance. Minimally adequate work, barely at a passing level. Serious flaws in content, organization and/or style. Poor comprehension of the subject, and minimal involvement in the paper. Poor use of research and existing literature.
F	Failing work.

GRADE PROFILE	
GRADE A: SUPERIOR	
Cognitive Abilities	Evidence of a high degree of conceptual integration and synthesis, original thought, and critical evaluation.
Content	Mastery of a wide-range of relevant literature.
Argument	Sophisticated and articulate development of ideas in a coherent essay structure.
Syntax and Usage	Flexibility in sentence structure and paragraph development in a manner appropriate to the theme.
GRADE B: GOOD	
Cognitive Abilities	Evidence of application, analysis, a basic integration of concepts, some synthesis.
Content	Mastery of substantial body of relevant literature.
Argument	Clear organization, good intra- and inter-paragraph structure, linear development.
Syntax and Usage	Basic competence in sentence structure, paragraph development, vocabulary, punctuation, spelling.
GRADE C: SATISFACTORY	
Cognitive Abilities	Evidence of knowledge, comprehension, and some application.
Content	Mastery of adequate body of relevant literature.
Argument	Adequate organization and coherent argument.
Syntax and Usage	As in "B" above but with greater tolerance for error.
GRADE D: PASS	
Cognitive Abilities	Evidence of knowledge and understanding of basic concepts, little application, analysis, or integration.
Content	Evidence of the bare minimum of relevant literature.
Argument	Basically comprehensible.
Syntax and Usage	Sentence structure, vocabulary, usage minimally acceptable.

CRIMINAL JUSTICE REFORM COURSE TOPICS AND READINGS			
Date	Lecture	In-class Activities/Skills	Assigned Readings
Lecture 1 Sept 8, 2011	Introduction & Administrivia	Ice-breaker	Course Outline
Lecture 2 Sept 15, 2011	Theoretical Concepts and Definitions	Critical Thinking	Chapter 1, Anderson & Anderson Chapter 1, Maidment
Lecture 3 Sept 22, 2011	The Reform Continuum	Film: To Be Determined	Chapter 2, Anderson & Anderson
Lecture 4 Sept 29, 2011	Legislating Criminal Justice Reform	Intellectual Self-Defence	Chapter 3, Anderson & Anderson Kevin Bonnycastle, "Rape Uncodified: Reconsidering Bill C-49 Amendments to Canadian Sexual Assault Laws", p. 60-78
Lecture 5 Oct 6, 2011	Criminal Justice Reform in Con(Text)	Film: To Be Determined	Chapter 4, Anderson & Anderson
Lecture 6 Oct 13, 2011	Policing & CJR Take-Home Assignment Handed out	Policies, Programs, and Practices	Chapter 5, Anderson & Anderson
Lecture 7 Oct 20, 2011	Courts & CJR Take-Home Assignment Due	CJR and Its Evaluation: Making Soup	Chapter 6, Anderson & Anderson
Lecture 8 Oct 27, 2011	Corrections & CJR	The (Ab)Use of Empirical Evidence	Chapter 7, Anderson & Anderson Chapter 2, Maidment
Lecture 9 Nov 3, 2011	Governing Through Criminal Justice Reform	Performance Measurement & Management	Chapter 8, Anderson & Anderson
Lecture 10 Nov 10, 2011	CJR Evaluation	Film: To Be Determined	Chapter 9, Anderson & Anderson
Lecture 11 Nov 17, 2011	CJR & Popular Discourse	CJR in Everyday Life	Chapter 3 Maidment
Lecture 12 Nov 24, 2011	International and Transnational CJR	CJR & the International Criminal Court	Chapter 4, Maidment
Lecture 13 Dec 1, 2011	Criminal Justice Reform and the World You Want		Chapter 5, Maidment

*** This schedule is subject to revision depending on our progress.**