

Course Outline

COURSE:	LAWS 4306A – Criminal Law Issues: Drugs
TERM:	Fall 2015
PREREQUISITES:	Fourth-year Honours standing and LAWS 2301, LAWS 2302
CLASS:	Day & Time: Mondays – 18:05 – 20:55 Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Paolo Giancaterino
CONTACT:	Office: B442 Loeb Office Hrs: By Appointment Telephone: 613.297.8745 Email: pgiancaterino@langevinmorris.com

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://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://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://carleton.ca/pmc/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://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://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://carleton.ca/law/current-students/>

COURSE DESCRIPTION

The aim of the course is to develop a critical understanding of the constant evolution of criminal law in Canada. The course will examine the way Canadians think, talk and act on criminal justice and how this has shaped the criminal justice system today. This will include a critical understanding of the relationship between drugs and criminal law in Canada. We will examine various topics involving drug use and trade and how that defines our approach in regulating substances and dealing with related criminal activities.

The course will be taught from a legal-process perspective that will concern itself with legislative, administrative, judicial and private ordering and their interactions. This process is also rooted in a pragmatic approach to politics which attempts to understand competing perspectives and achieve some form of reconciliation between them.

REQUIRED TEXTS

Bruce A. MacFarlane, Q.C., Robert J. Frater, Chantal Proulx. *Drug Offences in Canada, Third Edition*. (Canada Law Book: August 2012) – Available for purchase at the Carleton Bookstore

The textbook and readings will be placed on reserve at the Carleton University Library

Students should also have a copy of the *Criminal Code* and the *Controlled Drugs and Substances Act (CDSA)* available for reference. Available online at

Criminal Code: <http://www.canlii.org/en/ca/laws/stat/rsc-1985-c-c-46/latest/rsc-1985-c-c-46.html>

CDSA: <http://www.canlii.org/en/ca/laws/stat/sc-1996-c-19/latest/>

Readings will also be made available online via cuLearn

SUPPLEMENTARY TEXTS

None

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

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.

Research Paper Outline: 5% - **Due date: September 21, 2015 at 6:05pm**

Research Paper: 35% - **Due date: October 23, 2015 (via email) at 10:00 pm**

Presentation: 15% - **In-class between November 9, 2015 and December 7, 2015**

Final exam: 45% - **Take-home exam – To be distributed in class and online on December 7, 2015. Due date is December 21, 2015**

Research paper topics, requirements and presentation schedule will be discussed and distributed in-class on September 4, 2015

SCHEDULE

The lectures are organized into various topic areas with assigned readings.

I will also post readings such as news articles, case law etc. on cuLearn I will try and give as much advance notice as possible when posting these items.

TOPICS:

**Unless indicated otherwise, (Chapter) refers to the location of the reading in *Drug Offences in Canada*

September 4: (FRIDAY)

1. Course Introduction
2. Early Legislative Developments
 - a. Drug Use and Abuse from a Historical Perspective (Chapter 1)
 - b. An Historical Review of Canadian Drug Legislation (Chapter 2)
 - c. Constitutional and Procedural Issues (Chapter 3)

September 14:

1. The Offences Part 1:

- a. Possession (Chapter 4)
- b. Trafficking (Chapter 5)
- c. Possession for the Purpose of Trafficking (Chapter 6)

September 21:

- 1. The Offences Part 2:
 - a. Importing (Chapter 7)
 - b. Conspiracy (Chapter 8)
 - c. Production (Chapter 9)

September 28:

- 1. The Offences Part 3:
 - a. Proceeds of Crime (Chapter 11)

October 5:

- 1. Evidentiary Issues Part 1:
 - a. Confidential Sources of Information (Chapter 18)
 - b. Powers of Search and Seizure (Chapter 19)

October 12:

Happy Thanksgiving!

October 19:

- 1. Evidentiary Issues Part 2:
 - a. Electronic Surveillance (Chapter 21)

October 26:

Fall Break

November 2:

- 1. Defences Part 1:
 - a. Attacking the Indictment (Chapter 22)
 - b. *De Minimis Non Curat Lex* (Chapter 23)

November 9:

1. Defences Part 2:
 - a. Agent for the Purchaser (Chapter 26)

November 16:

1. Prohibition Part 1:
 - a. What are the Unintended Consequences of Drug Prohibition? (Pryce, Chapter 5)
 - b. The Effect of Drug Prohibition on Drug Consumption (Miron, Chapter 3)
 - c. Prohibitions and Violence (Miron, Chapter 4)

Miron, Jeffrey A. (2004). *Drug War Crimes: The Consequences of Prohibition*. Oakland: The Independent Institute

Pryce, Sue (2012). *Fixing Drugs: The Politics of Drug Prohibition*. London: Palgrave Macmillan

November 23:

1. Prohibition Part 2:
 - a. Is Prohibition Good Policy? (Miron, Chapter 5)
 - b. Why Persist with a Failed Policy? (Pryce, Chapter 6)
 - c. Is the Attempt to Prohibit Drugs Coming to an End? (Pryce, Chapter 7)
 - d. Alternatives to Prohibition and Other Policies Toward Drugs (Miron, Chapter 6)

Miron, Jeffrey A. (2004). *Drug War Crimes: The Consequences of Prohibition*. Oakland: The Independent Institute

Pryce, Sue (2012). *Fixing Drugs: The Politics of Drug Prohibition*. London: Palgrave Macmillan

November 30:

1. Drug Policy in Canada
 - a. Canada's Drug Laws: Prohibition is Not the Answer
 - b. Balance in Theory But Not in Practice
 - c. Drug Policy in Canada: War if Necessary But Not Necessarily War
 - d. Substance Abuse and Crime

John Howard Society of Canada. *Perspectives on Canadian Drug Policy*. Kingston: John Howard Society retrieved from <http://www.johnhoward.ca/document/drugs/perspect/volume1/volume1.pdf> pages 9-92

December 7:

1. Sentencing Drug Offenders
 - a. Principles of Sentencing Applicable to Drug Offences (Chapter 30)

