

COURSE:	LAWS 4306 B – Criminal Law Issues: Drugs
TERM:	Winter 2013
PREREQUISITES:	Fourth-year Honours standing and 1.0 credit from LAWS 2004, LAWS 2301, LAWS 2302
CLASS:	Day & Time: Tuesdays – 18:05 – 20:55 Room: Please check Carleton Central for current room location
INSTRUCTOR:	Paolo Giancaterino
CONTACT:	Office: B 442 Loeb Building Office Hrs: By Appointment Telephone: 613-297-8745 Email: pgiancaterino@langevinmorris.com

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://www2.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://www2.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://www2.carleton.ca/pmc/new-and-current-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://www2.carleton.ca/equity/>

COURSE DESCRIPTION

The aim of the course is to develop 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.

We will focus on the issues of prohibition and decriminalization and whether either approach works better in decreasing usage and addiction rates (and other related criminal activities). The course will focus on drug policy in Canada but will use international studies and examples to explore what approach, if any, deals best with the various issues surrounding drug production, use and abuse.

REQUIRED READING

All required readings are available at the Carleton University Library.

EVALUATION

Essay: 45%

Due Dates:

Outline = January 22, 2013 at 6:05p.m.

Essay = March 5, 2013 at 6:05 p.m.

Participation: 10%

Final exam: 45% (Exam Week - TBD)

NB: All components must be completed in order to get a passing grade

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 WebCT. I will try and give as much advance notice as possible when posting these items.

TOPICS:**January 8, 2013: Basic Introduction to the Course**

- Course Outline
- Overview of Topics and Methodology

January 15: Introduction to Drugs, Drug Use and the Law: A Primer

1. An Introduction to Drug Use and Abuse
2. The History of Drug Use and Drug Legislation
3. Theoretical Perspectives on Drug Use and Abuse

Levinthal, Charles F. (2006). *Drugs, Society and Criminal Justice*. Boston: Pearson Education, Chapters 1, 2 and 3

January 22: Drug Use & the Effect on non-users

1. Drugs and harm to others

Husak, Douglas H. (1992). *Drugs and Rights*. New York: Cambridge Press, Chapter 3

January 29: Drugs & Politics

1. The political impact of drugs and drug control
2. The battle for a new Canadian Drug Law

Buxton, Julia (2006). *The Political Economy of Narcotics*. Nova Scotia: Fernwood Publishing, Chapter 10

Erickson, Patricia G. et al (1997). *Harm Reduction*. Toronto: University of Toronto Press, Chapter 3

February 5: Drugs & Crime

1. Drugs and Crime

Inciardi, James & McElrath, Karen (2011). *The American Drug Scene*. New York: Oxford, Chapters 31, 32 and 33

February 12: Legal Drugs

1. Lifestyle Medicines and Enhancement

Bancroft, Angus (2009). *Drugs, Intoxication & Society*. Cambridge: Polity Press, Chapter 6

February 19: WINTER BREAK**February 26: Prohibition Part I**

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

March 5: Prohibition Part II

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

March 12: Drug Policy in Canada

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

March 19: International Drug Trade and Crime

1. The Socio-economic Stakes of Drug Trafficking
2. Japan: The Yakuza Recession
3. Crisis and Laundering in Mexico

Fabre, Guilhem (2003). *Criminal Prosperity*. London: RoutledgeCurzon, chapters 3, 4 and 5

March 26: Drugs & the Canadian Criminal Justice System Part I

1. Drugs and the Criminal Justice System: Laws, Legislation and Regulations

We will be exploring the various pieces of legislation in Canada that deal with drug prohibition, regulation and punishment. This will include a look at how drug cases progress through the justice system. We will examine:

- The *Criminal Code*;
- The *Controlled Drugs and Substances Act*;
- The *Canadian Charter of Rights and Freedoms*
- Drug Treatment Courts in Canada; and
- Top 10 Criminal Law Cases involving drugs

I will publish a comprehensive list of specific sections to review ahead of time. I will also include links to the cases and legislation.

April 2: Drugs & the Canadian Criminal Justice System Part II

1. Drugs and the Canadian Criminal Justice System: The Actors

A panel of guests from all facets of the justice system will join us to talk about and drugs and the various issues in our justice system. Guests to be announced.

April 9: Almost Done!

Course Review and Exam Review/Preparation