

Course Outline

COURSE:	LAWS 4306 B – Criminal Law Issues: Drugs
TERM:	Winter 2014
PREREQUISITES:	Fourth-year Honours standing and LAWS 2301, LAWS 2302
CLASS:	Day & Time: Mondays – 18:05 – 20:55 Room: UC 378 (Please check with Carleton Central for current room location)
INSTRUCTOR:	Paolo Giancaterino
CONTACT:	Office: 190 O'Connor Street, 9 th Floor 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 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.

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 READING

Bruce A. MacFarlane, Q.C., Robert J. Frater, Chantal Proulx. *Drug Offences in Canada, Third Edition*. (Canada Law Book: August 2012)

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

EVALUATION

Research Paper Outline: 5% - ***Due date: January 20, 2014 at 6:05pm***

Research Paper: 30% - ***Due date: February 17, 2014 (via email) at 12:00pm***

Presentation: 15% - ***In-class between March 3, 2014 and April 7, 2014***

Final exam: 50% - ***Take-home exam***

Research paper topics, requirements and presentation schedule will be discussed and distributed in-class on January 6, 2014

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:

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

January 6:

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)

January 13:

1. The Offences Part 1:
 - a. Possession (Chapter 4)
 - b. Trafficking (Chapter 5)
 - c. Possession for the Purpose of Trafficking (Chapter 6)

January 20:

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

January 27:

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

February 3:

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

February 10:

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

February 17:**WINTER BREAK****February 24:**

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

March 3:

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

March 10:

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 17:

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 24:

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 31:

1. Sentencing Drug Offenders

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

April 7:

Course Review and Exam Review/Preparation