

Course Outline

COURSE:	LAWS 4306 B - Criminal Law Issues: Mental Health and Criminal Justice
TERM:	Winter 2016
PREREQUISITES:	Fourth-year Honours standing and LAWS 2301, LAWS 2302
CLASS:	Day & Time: Wednesdays 6:05-8:55pm Room: Please check Carleton Central for current room location.
INSTRUCTOR:	Dr. Erin Dej
CONTACT:	Office: Contract Instructors' office - B442 Loeb Office Hrs: Wednesdays 1:30-3:30pm Email: erin.dej@carleton.ca

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 objective of this seminar course is to explore the various and complex ways mental health and the criminal justice system are intertwined. Through discussion facilitated by the instructor, students will engage in a critical analysis of the criminalization of mental health, mental health care in the correctional system, and community mental health care as it connects with the criminal justice sector. Topical issues include: The not-criminally-responsible defence; the prison as the *de facto* asylum, and forensic mental health programming.

After successfully completing this course students will:

- i) be able to engage in independent critical thinking;
- ii) have a breadth of knowledge regarding the Canadian criminal justice system
- iii) have a breadth of knowledge regarding mental health/illness from a social constructionist perspective
- iv) develop strong writing skills
- v) build communication skills through substantial class participation

REQUIRED TEXTS

Course reader available at Octopus Books, 116 Third Avenue, 613-233-2589

A schedule of course readings is included in the course outline below. You are expected to do the assigned readings prior to the class for which the reading is scheduled to be discussed, and to participate in discussion.

EVALUATION

All components must be completed in order to receive 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.

Class Participation	10%
Class Facilitation	20%
Outline/Annotated Bibliography	25%
Term Paper	45%

Class Participation

As this is a seminar class, all students are expected to actively participate in group discussion. Participation marks will not be awarded for attendance alone. Students will be assessed on: attendance; frequency of participation; quality of comments; and listening skills. When participating, students must demonstrate their preparedness for class (having completed the readings) and critically engage with the material.

Class Facilitation

Students will work in groups of 2 or 3 to facilitate class discussion based on one of the class readings. Students will not summarize the reading, as there is an expectation that all students will have completed the readings. Instead, students are expected to provide a critical reflection on the reading and moderate discussion and debate. Facilitators should identify key themes brought up in the readings and present those issues for discussion. Discussions should be approximately 30 minutes in length. Facilitators may use relevant examples (such as case studies, news stories, short videos etc.) to stimulate discussion. Each group must submit one page through cuLearn on the day of their facilitation that outlines the key points and structure of the discussion (i.e. the talking notes). Students will be graded as a group.

Students will sign up for the facilitation in Week 1

Outline/Annotated Bibliography

Students must submit an outline of their term paper through cuLearn on February 10th at 11:55pm. Outlines must include: a clearly articulated thesis statement; a skeleton of the points you will argue and how you will critically engage with the topic; and an idea of what conclusion you may reach (this will likely change as you work through the material) (1-2 pages). It must also include an annotated bibliography of 8 academically credible sources. Annotations must include a complete citation, a short summary of the article/chapter and an explanation of how it will be used in constructing the argument (approx. 5 pages). Students must abide by the style guide referenced in this syllabus.

Term Paper

Students must write a 12-15 page term paper through cuLearn on April 6th by 11:55pm (this page limit does not include the cover page or reference list) on a topic of their choice related to mental health and the criminal justice system. It is strongly encouraged that students consult the instructor as soon as possible (well before the outline is due) to ensure the topic is suitable. In the term paper students must engage in a critical analysis of both the theoretical and practical implications of their topic using primarily scholarly literature. Some grey literature (i.e. pamphlets, institutional reports, etc.) and media sources may be used to supplement the academic sources, but should be minimal in relation to the scholarly literature (10-15 academic references). Students must abide by the style guide referenced in this syllabus.

STYLE GUIDE

All assignments must include a title page (including title of paper, name, student number, course code, professor's name, and date) and a reference page. These pages are not included in the total page count. All assignments must be double-spaced, Times New Roman 12pt font, with standard margins, and page numbers. Students must use a consistent citation style:

MLA (<https://library.concordia.ca/help/howto/mla.php>)

Chicago Style (http://www.chicagomanualofstyle.org/tools_citationguide.html)

APA (<https://library.concordia.ca/help/howto/apa.php>)

You will also be evaluated on your writing abilities. It is recommended to take the appropriate measures to avoid mistakes such as spelling, syntax, punctuation, inappropriate use of terms (no texting lingo), etc. Students must write clearly and coherently to adequately convey their argument. Students must also use appropriate sources. Sources such as Wikipedia, the dictionary, or encyclopedia are not academically qualified sources. If you are uncertain whether a source is reliable, please check with the instructor. If you require assistance, please visit the Writing Tutorial Service - (613) 520-2600 ext. 1125.

POLICIES

Submitting Assignments: Assignments are to be submitted through cuLearn by 11:55pm on the day they are due. Students are responsible for ensuring that their assignment is properly uploaded in time. Computer problems are not an acceptable reason to avoid late penalties. It is recommended that students give themselves enough time to submit the assignment so that if computer problems occur they have time to find an alternative computer or contact EDC for cuLearn problems.

Deferrals: If a student misses a component of the evaluation (either for medical reasons or bereavement) the instructor must be notified within 24 hours of the missed assignment in order to qualify for a deferral. Documentation is required. If no documentation is provided, students will receive an incomplete for that component of the evaluation.

Late Assignments: Late assignments will be penalized 5% per day (including weekends). Students may NOT submit late work if the assignment has been returned to students in class.

Appointments: I am available during my regularly scheduled office hours. If a student would like to meet outside of those hours, please email me to book an appointment

E-mail: University policy dictates that instructors only send e-mails to students at their Carleton e-mail addresses. When contacting the instructor students are expected to maintain professionalism by using full sentences with proper spelling, grammar and punctuation. E-mails will generally be returned within two business days.

Discrimination and harassment: Carleton University is a community of faculty, staff and students who are engaged in teaching, learning, and research. The university respects the rights of speech, assembly, and dissent; it prohibits discrimination on the basis of race, ancestry, place of origin, colour, ethnic origin, national origin, creed, sex, gender identity, sexual orientation, age, marital status, family status, political affiliation or belief, or disability that is defined as such in the Ontario Human Rights Code; it requires tolerance and respect for the rights of others; and it promotes an environment conducive to

personal and intellectual growth.

Intellectual property: Student or professor materials created for this course (including presentations and posted notes, labs, case studies, assignments and exams) remain the intellectual property of the author(s). They are intended for personal use and may not be reproduced or redistributed without prior written consent of the author(s).

Protocol for Contesting a Grade

- 1) Wait one week after receiving the assignment/exam to contest the grade. This provides the student with the opportunity to think carefully about the reasons why he/she is contesting the grade.
- 2) Write a list as to why you feel your grade should be changed, based on the feedback on the assignment/midterm. Grades can only be changed for valid reasons.
- 4) Contact me by email. This email should include the list of reasons why the grade should be changed.
- 5) After I have had a chance to review the assignment/exam (approximately one week) we will set up a meeting to discuss your concerns.
- 6) It should be noted that I am always happy to change grades for valid reasons but requesting to have your grade reviewed can mean that your grade may go down, so please keep that in mind.

SCHEDULE

January 6	Week 1
Introduction to the course	
No readings	

January 13	Week 2
History of Psychiatry	

Foucault, Michel. (1988). *The Birth of the Asylum. Madness and Civilization: A History of Insanity in the Age of Reason* (R. Howard, Trans.) pp. 241-278. New York: Vintage Books.

Shorter, Edward. (1997). *The Birth of Psychiatry. A History of Psychiatry: From the Era of the Asylum to the Age of Prozac* pp. 1-32. New York: John Wiley & Sons.

January 20	Week 3
The Social Construction of Mental Illness	

Starkman, Mel. (2013). The Movement. In B. A. LeFrançois, P. Menzies & G. Reaume (Eds.), *Mad Matters: A Critical Reader in Canadian Mad Studies* (pp. 27-37). Toronto: Canadian Scholars' Press.

Hopton, John. (2006). The future of critical psychiatry. *Critical Social Policy*, 26(1), 57-73.

January 27**Week 4**

Mental Illness in Prison Part I – Guest Lecture by Shannon Stewart, Office of the Correctional Investigator

Office of the Correctional Investigator. (2013). *Risky Business: An Investigation of the Treatment and Management of Chronic Self-Injury Among Federally Sentenced Women*. Ottawa: Her Majesty the Queen in Right of Canada. **Available through CuLearn**

Office of the Correctional Investigator (2013). Access to Health Care. *Annual Report 2012-2013*. Ottawa: Her Majesty the Queen in Right of Canada. **Available through CuLearn**

Etter, Gregg W., Birzer, Michael L., & Fields, Judy. (2008). The jail as a dumping ground: The incidental incarceration of mentally ill individuals. *Criminal Justice Studies*, 21(1), 79-89.

Vogel, Matt, Stephens, Katherine D., & Siebels, Darby. (2014). Mental illness and the criminal justice system. *Sociology Compass*, 8(6), 627-638.

February 3**Week 5**

Mental Illness in Prison Part II - Segregation

Kelsall, D. "Cruel and Usual Punishment: Solitary Confinement in Canadian Prisons". *Canadian Medical Association Journal* 186 (2014): 1345.

Arrigo, Bruce A., & Bullock, Jennifer Leslie. (2008). The psychological effects of solitary confinement on prisoners in supermax units: Reviewing what we know and recommending what should change. *International Journal of Offender Therapy and Comparative Criminology*, 52(6), 622-640.

Haney, Craig. "Mental Health Issues in Long-Term Solitary and 'Supermax' Confinement." *Crime and Delinquency* 49.1 (2003): 124-156.

February 10**Week 6**

Medicating Deviancy

Outline/Annotated Bibliography Due

Sommers, Ira, & Baskin, Deborah R. (1991). Assessing the appropriateness of the prescription of psychiatric medications in prison. *The Journal of Nervous and Mental Disease*, 179(5), 267-273.

Kilty, Jennifer M. (2008). Governing through psychiatrization: Seroquel and the new prison order. *Radical Psychology*, 7(2).

February 17 – Winter break - No class

February 24**Week 7**

Not Criminally Responsible and Fitness to Stand Trial Part I

Crocker, Anne G., Nicholls, Tonia L., Seto, Michael C., Côté, Gilles, Charette, Yanick, & Caulet, Malijai. (2015). The National Trajectory Project of individuals found not criminally responsible on account of mental disorder in Canada. Part 1: Context and methods. *Canadian Journal of Psychiatry*, 60(3), 98-105.

Crocker, Anne G., Nicholls, Tonia L., Seto, Michael C., Charette, Yanick, Côté, Gilles, & Caulet, Malijai. (2015). The National Trajectory Project of individuals found not criminally responsible on account of mental disorder in Canada. Part 2: The people behind the label. *Canadian Journal of Psychiatry*, 60(3), 106-116.

Dej, Erin. (2015). Punishing the (not) guilty: Tracing the trajectory of the not criminally responsible provision. *Criminologie*, 48(1), 37-58. **Available through CuLearn**

March 2**Week 8**

Not Criminally Responsible Part II – Guest Lecture by Laura Milne, Salus Ottawa

Crocker, Anne G., Charette, Yanick, Seto, Michael C., Nicholls, Tonia L., Côté, Gilles, & Caulet, Malijai. (2015). The National Trajectory Project of individuals found not criminally responsible on account of mental disorder in Canada. Part 3: Trajectories and outcomes through the forensic system. *Canadian Journal of Psychiatry*, 60(3), 117-126.

March 9**Week 9**

Deinstitutionalization and Transcarceration

Steadman, Henry J., & Morrissey, Joseph P. (1987). The impact of deinstitutionalization on the criminal justice system: Implications for understanding changing modes of social control. In J. Lowman, R. Menzies & T. S. Palys (Eds.), *Transcarceration: Essays in the Sociology of Social Control* (pp. 227-248). Aldershot: Gower Publishing Company.

Arrigo, Bruce A. (2001). Transcarceration: A Constitutive Ethnography of Mentally Ill "Offenders". *The Prison Journal*, 81(2), 162-186.

March 16**Week 10**

The Modern Role of the Asylum – Guest lecture by Steve Michel, Royal Ottawa Mental Health Centre

Goffman, Erving. (1961). On the characteristics of total institutions. *Asylums. Essays on the Social Situation of Mental Patients and Other Inmates* (pp. 3-74). New York: Doubleday Anchor.

Ahmed, AG, & Lepnurm, M. (2001). Seclusion practice in a Canadian forensic psychiatric hospital. *Journal of the American Academy of Psychiatry and the Law Online*, 29(3), 303-309.

March 23**Week 11**

Pathologizing Criminalized Women

Kendall, Kathleen. (2000). Psy-ence fiction: Inventing the mentally-disordered female prisoner. In K. Hannah-Moffat & M. Shaw (Eds.), *An Ideal Prison? Critical Essays on Women's Imprisonment in Canada* (pp. 82-93). Halifax: Fernwood Publishing.

Pollack, Shoshana. (2005). Taming The Shrew: Regulating Prisoners Through Women-Centered Mental Health Programming. *Critical Criminology*, 13(1), 71-87.

March 30**Week 12**

Police Response to Distress – Guest lecture by Cst. Josh Cavicchioli - Ottawa Police Mental Health Unit

Fisher, WilliamH, Silver, Eric, & Wolff, Nancy. (2006). Beyond criminalization: Toward a criminologically informed framework for mental health policy and services research. *Administration and Policy in Mental Health and Mental Health Services Research*, 33(5), 544-557.

Watson, AmyC, Ottati, Victor C, Morabito, Melissa, Draine, Jeffrey, Kerr, Amy N, & Angell, Beth. (2010). Outcomes of Police Contacts with Persons with Mental Illness: The impact of CIT. *Administration and Policy in Mental Health and Mental Health Services Research*, 37(4), 302-317.

April 6**Week 13**

Wrap up/Catch up

Term Paper Due