

## Course Outline

COURSE:	LAWS 4904 C – Advanced Legal Topics: Correctional Law: Human Rights in Canadian Prisons
TERM:	Winter 2010-11
PREREQUISITES:	Fourth-year Honours standing
CLASS:	Day & Time: Thursday: 11:35am - 2:25pm Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Professor Maeve W. McMahon, B.Soc.Sc., M.A. (Criminology), PhD (Sociology)
CONTACT:	Office: D586 LA (Loeb) – (Assignments & mail should be addressed to C473 Loeb) Office Hrs: Monday: 12:30-2:00 pm Telephone: 613-520-2600 x 8095 Email: <a href="mailto:Maeve.McMahon@carleton.ca">Maeve McMahon@carleton.ca</a>

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"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: [http://www.carleton.ca/pmc/students/accom\\_policy.html](http://www.carleton.ca/pmc/students/accom_policy.html) . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 15, 2010 for Fall exams and March 12, 2011 for Winter exams**. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: [www.carleton.ca/equity](http://www.carleton.ca/equity)

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**COURSE DESCRIPTION:**

This course will examine the history, structure, and place of correctional law within the Canadian criminal justice system. We will examine primary correctional statutes and legislation. The legal underpinning of major correctional programmes will be established. We will discuss the competing objectives of punishment, incapacitation and rehabilitation in the context of respect for the rule of law and human rights. The protection of the human rights of prisoners will be a primary theme, and we shall consider the role of judicial inquiries (notably the work of Louise Arbour as Commissioner 'Concerning Certain Events at the Prison for Women in Kingston') in protecting these rights. We shall also address the human rights situations concerning correctional staff, and especially with respect to women working in prisons for men. While our primary focus is on Canada, we shall also be considering matters concerning imprisonment and human rights in international and comparative contexts.

This is a seminar course that expects students to participate in informed discussion of the weekly topics. Students should do required readings prior to class.

**REQUIRED PURCHASE:**

**Justice Behind the Walls: Human Rights in Canadian Prisons** by Michael Jackson. Vancouver: Douglas and McIntyre. 2002. Michael Jackson is a Law Professor at the University of British Columbia. The book is available at the Carleton University Bookstore.

**ADDITIONAL READINGS:**

Students are obliged to consult the *Corrections and Conditional Release Act* as relevant. The Act can be accessed through the website of the Department of Justice at [www.laws.justice.gc.ca](http://www.laws.justice.gc.ca)

The following readings are available on reserve at the library. Additional readings will also be placed on reserve that may be relevant for your essay topic.

Curt T. Griffiths and Simon Verdun-Jones "The Structure and Operation of Canadian Corrections," pp. 459-494 in their book **Canadian Criminal Justice**, second edition. Toronto: Harcourt Brace and Company. 1994.

Ivan Zinger "Human Rights Compliance and the Role of External Prison Oversight," **Canadian Journal of Criminology and Criminal Justice**, (2006) 48:2:127-140.

Debra Parkes and Kim Pate "Time for Accountability: Effective Oversight of Women's Prisons," **Canadian Journal of Criminology and Criminal Justice**, (2006) 48:2:251-285.

Jeremy Patrick "Creating a Federal Inmate Grievance Tribunal," **Canadian Journal of Criminology and Criminal Justice**, (2006) 48:2:287-303.

Maeve W. McMahon "Control as Enterprise: Some Recent Developments in Privatization and Criminal Justice," in Steve Easton (Editor) **Privatizing Correctional Institutions**. Vancouver: The Fraser Institute. 1998

**Women on Guard: Discrimination and Harassment in Corrections** by Maeve W. McMahon. Toronto: University of Toronto Press. 1999

Students also should consult the websites of organizations and institutions dealing with prison-related matters. These include CAEFS – Canadian Association of Elizabeth Fry Societies; the John Howard Society; the Correctional Service of Canada; the Ontario Ministry of Correctional Services; the Church Council on Justice. Concerning issues in the USA students can consult the Sentencing Project (Marc Mauer). Additional suggestions will be provided in class both by the instructor and the students.

Another important website is maintained by Professor Michael Jackson at [www.justicebehindthewalls.net](http://www.justicebehindthewalls.net)

Further readings may be assigned in class. Students are also expected to consult additional academic sources in the course of preparing their research proposals and final assignments. The instructor can provide students with assistance in identifying sources relevant to their topic.

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**EVALUATION PROCEDURE:**

- 20% IN-CLASS PRESENTATION: Student presentations - 15 minutes - will be based on individual chapters of Professor Jackson's book, and on articles in the **Canadian Journal of Criminology and Criminal Justice**, as well as additional sources. The presenting student will then lead a 10 minute class discussion of the topic. The presenter should provide a 1-2 page handout to the Instructor and to classmates.

The presentations will commence with the student providing a brief introduction to themselves and their research interests concerning law, prisons and human rights. The presentation should provide an informative and analytical discussion of the reading/s. The main point/s of the reading/s should be identified. The major strengths and insights of the reading should also be identified. The presenter can also identify any limitations of the reading/s.

The presenter should identify potential research topics arising from the reading/s.

The presenter should identify questions for group discussion (and these should be provided to students on the handout).

The presenter should have a written or typed set of notes to guide their presentation. However simply reading word by word from the notes is *strongly* discouraged, and may adversely affect the grade given by the Instructor to the presentation.

- 24% RESEARCH PAPER PROPOSAL (3-4 pages with a 2 page annotated bibliography). Due on February 10, at the beginning of class.

- 50% FINAL PAPER (15 pages of text, plus a bibliography and an appendix if relevant. In addition to the title page, the paper should include a 'Table of Contents').

The final assignment will be due on Monday April 4. Assignments should be deposited in the 'drop-box' at the Department of Law, C473 Loeb by 3pm at the latest.

Late assignments will be marked down by one half grade for each day that they are late. A medical certificate or other appropriate documentation will be required to support any request for an extension. Students must complete and hand in all assignments in order to meet the course requirements and to be eligible to pass the course.

It is your responsibility to be present in class and to submit assignments on time.

A hard copy of assignments must be submitted. Assignments are not to be submitted by e-mail.

Always keep a copy of your assignments.

A detailed schedule of individual class topics, and readings, will be available for students.

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