

COURSE:	<b>CRCJ 4001A: Race and the Criminal Justice System in Canada</b>
TERM:	Fall 2021
PREREQUISITES:	CRCJ 1000 & Fourth-year standing
CLASS:	Day & Time: Wednesday's, 2:35 am -5:25 pm Location: Nicol Building Room: 4020
PROFESSOR:	Kanika Samuels Wortley
CONTACT:	Office On-line via Zoom (Link will be in Brightspace) hour: Friday's, 11 am – 12 pm , or by appointment Email: <a href="mailto:kanika.samuelswortley@carleton.ca">kanika.samuelswortley@carleton.ca</a> .

### Course Description

Does the law play a role in perpetrating and contributing to racism in Canada? The course will explore issues of race, law and the criminal justice system within a Canadian context. Guided by the tenets of critical race theory (CRT), the course will survey empirical research as well as relevant case law that examines debates regarding issues of racial bias and systemic racism in the Canadian criminal justice system. Particular attention will be paid to Indigenous and Black peoples in Canada.

The course will also explore counterarguments to the bias perspective and examine empirical research that argues the Canadian criminal justice is guided by statutes that protects all individuals from unfair and bias practices. Various legal entities--including police, the courts, and corrections – will be considered throughout.

*Upon completion of this course, students should be able to:*

- Become familiar with an examination of race within the Canadian criminal justice system through a historical and contemporary context.
- Have a working understanding of Critical Race Theory and how it relates to the Canadian legal system
- Have the ability to openly discuss the historical colonization of Indigenous populations and its current impact on Indigenous people within the criminal justice system

- Have the ability to openly discuss the role of racism in the criminalization of racialized populations, including Black peoples in Canada.
- Have an understanding of the debates regarding systemic racism and settler colonialism in the criminal justice literature and system.

### *Note on Class*

We will be discussing controversial issues that are affecting racialized peoples in the Canadian criminal justice system. You may or may not be aware of some of the topics and problems that we will be discussing. These matters may make some of you feel uncomfortable. However, the goal of this course is to not steer away from this discomfort, but in fact confront it. Dr. Rita Shah (Associate Professor of Criminology at Eastern Michigan University) acknowledges that “discomfort [arises] because such rethinking (even when you reaffirm your views and beliefs) can be uncomfortable, and sometimes frightening”. However, she views this as “Productive Discomfort” as such unease is meant “to challenge yourself, what you think, what you believe”.

In my classroom, you are in a safer space that promotes respect. We will affirm to be respectful of each other. We are going to learn from one other and unpack how our values and perspectives on the criminal justice system is greatly influenced by our social environment. If for any reason, you feel that you cannot express your thoughts, please do not hesitate to speak to me in private.

### *Course structure*

The class is in a seminar format, and will be in-person to facilitate discussion. Course materials (syllabus, assignment details, most required readings, and dropboxes for assignments) will also be available on Brightspace. Please note, links to additional articles and excerpts will be made available electronically on Ares through the Brightspace site for this course as well. It is your responsibility to go through the syllabus carefully and ensure that you make the time to get and read the material.

## **Course Requirements and Assessment**

<u>Assessment</u>	<u>Date of Evaluation</u>	<u>Weighting</u>
Participation (demonstrated through class discussions, and selected discussion questions)	Ongoing	25%
Reflection paper (2)	1st - Friday September 17th, 2021 2nd - You decide	20%
Midterm test	Wednesday October 13th, 2021	25%
Final Assignment	Friday, December 10th 2021	30%

<u>Assessment</u>	<u>Date of Evaluation</u>	<u>Weighting</u>
Total		100%
<b>Participation</b>		

Twenty-five percent (25%) of your grade will be based on class participation. Interaction between students, instructor, and guest lecturers is expected to facilitate a fruitful learning environment. To gain the most out of this class experience, one should be prepared to discuss each week's topic and readings. Please note, interaction MUST always be respectful of one another's differences in opinions, thus you are expected to commit to respectful discourse during our time together. As such, you will be expected to comment on class discussions, volunteer your ideas, and make reasoned, thoughtful, and an informed contribution to discussions and debates.

To demonstrate your commitment to class discussion, each student will be required to provide 2 discussion questions for ONE class. Discussion questions must be posted on Brightspace by 6 pm every Tuesday (the day before your designated class discussion). This will allow your fellow classmates an opportunity to prepare a response.

The quality of your discussion questions and responses will be taken into account when assessing your participation mark.

### **Reflection Paper**

You are required to complete two (2) reflection papers (2-4 pages in length, double spaced) exploring class readings. The first is due by Friday September 17<sup>th</sup>, 2021. The second is due on a week of your choice. Each reaction paper is worth 10% of your final grade (20% total). Reflection papers should raise questions or provide critical commentary on the required readings for a specific week. There is no right or wrong answer. Papers should demonstrate that you are critically engaging with the course material.

### **Mid-term test**

There will be one in class test worth 25% of your final grade. This test will be held on October 13<sup>th</sup>, 2021. The test will consist of short and long answer questions. The test will cover all course material (including assigned readings, lectures, a guest lecture, and video clips) from September 8<sup>th</sup> to October 6<sup>th</sup>. You will have the entire class period to complete the test.

### **Final Assignment**

There will be one assignment. This assignment is worth 30% of your final grade. The assignment will be written either as an essay (approximately 10-15 pages in length, double-spaced) or an "e-pamphlet". Details of the assignment will be handed out later in the term. The final assignment is due on Friday December 10<sup>th</sup>.

The assignment will be handed in electronically through the course website on BrightSpace.

**Please note:** Standing in a course is determined by the course instructor subject to the approval 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 Dean.

In accordance with the Carleton University Undergraduate Calendar, the letter grades assigned in this course will have the following percentage equivalents:

A+ = 90-100	B+ = 77-79	C+ = 67-69	D+ = 57-59	
A = 85-89	B = 73-76	C = 63-66	D = 53-56	
A - = 80-84	B - = 70-72	C - = 60-62	D - = 50-52	F=Below 50

**Useful Resources:** The Centre for Student Academic Support (CSAS) is a centralized collection of learning support services designed to help students achieve their goals and improve their learning both inside and outside the classroom. CSAS offers academic assistance with course content, academic writing and skills development. Visit CSAS online at: [carleton.ca/csas](http://carleton.ca/csas).

***Course Schedule and Readings***  
*(Readings are subject to change)*

**UNIT 1 – Critical Race Theory and Historical Background**

**Class 1 - September 8<sup>th</sup> - Introduction to the course**

Introduction to course, general discussion on race and bias

Readings -- NONE

**Class 2 - September 15<sup>th</sup> - What is Critical Race Theory**

Aylward, C. (1999). *Canadian Critical Race Theory: Racism and the Law*. Halifax: Fernwood Publishing.

Chapter 1 – Critical Race Theory pg. 19 - 49

Laforme, H. (2005). The Justice System in Canada. Does it work for Aboriginal People? *Indigenous Law Journal*, Vol. 4, pg. 1-17.

We will be reviewing a documentary in this class.

Suggested Viewing (on your own time):

***Television Episode: First Contact – Season 2, Ep. 1 “You Don’t Know Me Until You’ve Met Me”***  
***(Available on cuLEARN)***

Interesting series that explores 6 Canadians perceptions of Indigenous peoples. The journey challenges and question their stereotypes. I encourage you to watch the first episode which is available on the course website. The first episode starts in Ottawa (Vanier neighbourhood specifically) I encourage you all to watch (45 minutes long).

### **Class 3 - September 22nd - Indigenous and Black History in Canada**

Truth and Reconciliation Commission (2015). Honouring the Truth, Reconciling for the Future: Summary of the final report of the Truth and Reconciliation of Canada. Retrieved from [http://nctr.ca/assets/reports/Final%20Reports/Executive\\_Summary\\_English\\_Web.pdf](http://nctr.ca/assets/reports/Final%20Reports/Executive_Summary_English_Web.pdf).

- Introduction - 1-22.
- The Legacy: Pg. 164 - 182.

Henry, N. (2020). Black Enslavement in Canada. Retrieved from <https://www.thecanadianencyclopedia.ca/en/article/black-enslavement>.

## **UNIT 2- Race and Policing**

### **Class 4 - September 29<sup>th</sup> - Race and the Police - Part 1**

Guest lecture by -- Dr. Scot. Wortley, Professor, University of Toronto

Samuels-Wortley, K (2019). Youthful Discretion: Police Selection Bias in Access to Pre-charge Diversion Programs in Canada. *Race and Justice*. <https://doi.org/10.1177/2153368719889093>

Meng Y. (2017) Profiling minorities: police stop and search practices in Toronto, Canada. *Human Geographies*, Vol. 11(1): 5-23.

Melanson, G. (2018). Bias-Neutral Policing: A Police Perspective on the Intersection of Racial Profiling with Modern-Day Policing and the Laws That Govern In L. Foster, L.A. Jacobs, B. Siu, and S. Azmi (Eds.) *Racial Profiling and Human Rights in Canada: The New Legal Landscape*, (Chapter 5). Irwin Law Inc.

### **Class 5 - October 6<sup>th</sup> - Race and the Police - Part 2**

Satzewich, V., & Shaffir, W. (2009). Racism versus professionalism: Claims and counter-claims about racial profiling. *Journal of Criminology and Criminal Justice*, 51, 199-226.

Anderson, A. (2018). The Re-framing of Racial Profiling: Police Violence Against Black Women In L. Foster, L.A. Jacobs, B. Siu, and S. Azmi (Eds.) *Racial Profiling and Human Rights in Canada: The New Legal Landscape*, (Chapter 7). Irwin Law Inc.

### **Class 6 - October 13<sup>th</sup> - Mid-term Test**

Covers material from September 8<sup>th</sup> to October 6<sup>th</sup>.

### **Class 7 - October 20th - Race and the Courts - Part 1**

Sitar, K.L (2016). Gladue as a sword: Incorporating critical race perspectives into the Canadian Criminal trial. *Canadian Criminal Law Review*, Vol. 20 issue 3: pg. 247-262.

Israel, M. (2003). The Underrepresentation of Indigenous Peoples on Canadian Jury Panels. *Law and Policy*, Vol. 25(1), pg. 37-62.

### **MOVIE: Nîpawistamâsowin: We Will Stand Up (2019) - National Film Board of Canada**

--- October 27<sup>th</sup> - FALL BREAK ---

### **Class 8 - November 3rd - Race and the Courts Part 2**

Singh, A.M., and Sprott, J.B. (2017). Race Matters: Public views on sentencing. *Canadian Journal of Criminology and Criminal Justice*. Vol. 59, No. 3. Pg. 285-312.

Dugas M.C. (2020). Committing to Justice: The Case for Impact of Race and Culture Assessments in Sentencing African Canadian Offenders. *Dalhousie Law Journal* Vol. 43 (1).

Sewrattan, C. (2013). Apples, oranges, and steel: the effect of mandatory minimum sentences for drug offences on the equality rights of aboriginal peoples. *University of British Columbia Law Review*, Vol. 46 (1), pg. 121

## **UNIT 4 - Race and Corrections**

### **Class 9 - November 10th - Race and Corrections - Part 1**

Bias behind Bars: A Globe investigation finds a prison system stacked against Black and Indigenous inmates. Retrieved from <https://www.theglobeandmail.com/canada/article-investigation-racial-bias-in-canadian-prison-risk-assessments/>.

Office of the Correctional Investigator: A Case Study of Diversity in Corrections: The Black Inmate Experience in Federal Penitentiaries. Retrieved from [http://publications.gc.ca/collections/collection\\_2014/bec-oci/PS104-8-2013-eng.pdf](http://publications.gc.ca/collections/collection_2014/bec-oci/PS104-8-2013-eng.pdf).

### **Class 10 - November 17th - Race and Corrections - Part 2**

Neil, R., and Carmichael, J.T. (2015). The Use of Incarceration in Canada: A Test of Political and Social Threat Explanations on the Variation in Prison Admissions across Canadian Provinces, 2001-2010, *Sociological Inquiry*, 85 (2), 309-332.

Owusu-Bempah, A., Kanters, S., Druyts, E., Toor, K., Muldoon, K.A. Farquhar, J.W., and Mills, E.J. (2014) Years of life lost to incarceration: inequities between Aboriginal and non-Aboriginal Canadians. *BMC Public Health* Vol. 14 (1), 1-6.

Miller, K. (2017). Canada's Mother-Child Program and Incarcerated Aboriginal Mothers: How and Why the Program is Inaccessible to Aboriginal Female Offenders. *Canadian Family Law Quarterly*. Vol. 37 (1) 1-23.

## UNIT 5 - Reflections

### Class 11 - November 24th - Resilience among Black and Indigenous peoples in Canada

Woloshyn, A. (2016) A Tribe called Red's Halluci Nation: Sonifying Embodied Global Allegiances, decolonization, and Indigenous activism. *Intersections*, Vol 36(2), pg. 101-110.

D'Amico, F. (2015). "The Mic is My Piece" Canadian Rap, and Gendered "Cool Pose", and Music Industry Racialization and Regulation. *Journal of the Canadian Historical Association*, Vol. 26(1), pg. 255-290.

*Suggested Reading:* Burt, C.H., Lei, M.K., and Simons, R.L., (2017). Racial Discrimination, Racial Socialization, and Crime: Understanding Mechanisms of Resilience. *Social Problems*, Vol. 64, pg. 414-438.

### Class 12 - December 1st - Reflecting on the Canadian Criminal Justice System

Lillies, H. (1992). A Plea for More Human Values in Our Criminal Justice System. *Queen's Law Journal*, Summer, Vol 17(2), p. 328-349.

Rudin, J (2009). Addressing Aboriginal Overrepresentation Post-Gladue: A realistic assessment of how social change occurs. *Criminal Law Quarterly*, Vol 54 (4), pg. 447-469.

Morgan, A. (2019, April 23). An Africentric principle could right some wrongs. *Policy Options*. Retrieved from <https://policyoptions.irpp.org/magazines/april-2019/an-africentric-principle-could-right-some-wrongs/>.

### Class 13 December 8th - Essay/Final Assignment Guidance Lecture

No readings

## Policies

### COVID PROTOCOLS

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g. wearing a mask, physical distancing, hand hygiene, respiratory and cough etiquette) and [mandatory self-screening](#) prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory [symptom reporting tool](#). For purposes of contact tracing, attendance will be recorded in all classes and labs. Participants can check in using posted QR codes through the cuScreen platform where provided. Students who do not have a smartphone will be required to complete a paper process as indicated on the [COVID-19 website](#).

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g. directional arrows, designated entrances and exits, designated seats that maintain physical distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs.

For the most recent information about Carleton's COVID-19 response and required measures, please see the [University's COVID-19 webpage](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact [covidinfo@carleton.ca](mailto:covidinfo@carleton.ca)

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the [Student Rights and Responsibilities Policy](#). Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

### Late Work

You are expected to take responsibility for making appropriate judgements to ensure your assignments are submitted by the due date. It is also your responsibility to back up your work either electronically or by photocopying the work for your own reference. Please alert me to any difficulties that you may be experiencing with course work in a timely manner so that I can provide appropriate assistance and/or direct you to someone who can.

Late Reflection Papers - The first reflection paper is due by September 17th. As you can hand in your first reflection paper anytime during a 2-week period, extensions will not be granted. There are 13 weeks that you have an opportunity to hand in your second reflection paper. Students who do not hand in their second reflection paper by the last class will not be given an

opportunity to hand in a late reflection paper.

Late Final Assignments -- Final assignments are due on Friday December 10, 2021. Thus, you can hand in your paper (via Brightspace) by 11:59 pm that day. Late essays will not be accepted after Friday December 17, 2021. Students acknowledge that their mark will be deducted by 5% per day, after the formal due date.

Students who claim illness, injury or other extraordinary circumstances beyond their control as a reason for missed term work are responsible for informing you as soon as possible and for making alternate arrangements to complete the missed work. *In all cases this must occur no later than three (3) working days after the term work was due. The alternate arrangement must be made before the last day of classes in the term as published in the academic schedule.*

### **Email Correspondence**

Do not hesitate to reach out to me by email between Monday to Friday from 9 am to 4 pm. You will receive a response within 48 hours. If you would like to schedule a time to meet outside of virtual office hours, I will do my best to accommodate your request.

### **Mental Health Supports**

You may find some of the topics we discuss upsetting. If so, please do not hesitate to reach out to mental health supports available to you.

Mental Health Supports for Carleton Students  
<https://carleton.ca/wellness/living-well/resources/>.

Mental Health Resources for Black Canadians  
<https://www.unisonfund.ca/blog/post/mental-health-resources-black-canadians>

Mental Health Resources for Indigenous peoples  
<https://firelight.ca/2021/01/28/indigenous-mental-health/>.

### **Academic Accommodation**

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 Faculty of Public Affairs 20 Teaching Regulations 2021-22 as soon as possible after the need for accommodation is known to exist. For more details [click here](#).

**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 [click here](#).

**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](mailto: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).

### **Survivors of Sexual Violence**

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>.

### **Accommodation for Student Activities**

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. 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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

### **STATEMENT ON PLAGIARISM**

The University Senate defines plagiarism as *“presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.”* This can include:

- 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;
- submitting a take-home examination, essay, laboratory report or other assignment written, in whole or in part, by someone else;
- using ideas or direct, verbatim quotations, or paraphrased material, concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings;
- failing to acknowledge sources through the use of proper citations when using another’s works and/or failing to use quotation marks;

- handing in "substantially the same piece of work for academic credit more than once without prior written permission of the course instructor in which the submission occurs."

Plagiarism is a serious offence that cannot be resolved directly by the course's instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

### **INTELLECTUAL PROPERTY & COPYRIGHT**

Classroom teaching and learning activities, including lectures, discussions, presentations, etc., by both instructors and students, are copy protected and remain the intellectual property of their respective author(s). All course materials, including recorded lectures, PowerPoint presentations, outlines, and other materials, are also protected by copyright and remain the intellectual property of their respective author(s). Students registered in the course may take notes and make copies of course materials for their own educational use only. Students are not permitted to reproduce or distribute recorded lectures, voice over PowerPoints, lecture notes, or any other course materials publicly for commercial or non-commercial purposes without express written consent from the copyright holder(s).