



<b>COURSE:</b>	<b>CRCJ 4002 D – Courts and Society</b>
<b>TERM:</b>	<b>Winter 2023 (January - April)</b>
<b>PREREQUISITES:</b>	Fourth-year standing in the B.A Honours program in Criminology and Criminal Justice
<b>CLASS:</b>	<b>Mondays 11:35pm – 2:25pm EST (online)</b>
<b>INSTRUCTOR:</b>	<b>Thana Ridha</b>
Office Hours:	Fridays 12pm-1pm (online) or by appointment
Email:	<a href="mailto:ThanaRidha@cmail.carleton.ca">ThanaRidha@cmail.carleton.ca</a>

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### **ACKNOWLEDGEMENT & AFFIRMATION**

Ni manàdjiyànànig Màmìwinini Anishinàbeg, ogog kà nàgadawàbandadjig iyo akì eko weshkad. Ako nongom ega wìkàd kì mìgiwewàdj. Ni manàdjiyànànig kakina Anishinàbeg ondaje kaye ogog kakina eniyagizidjig enigokamigàg Kanadàng eji ondàpinangig endàwàdjìn Odàwàng. Ninisidawinawànànig kenawendamòdjig kije kikenindamàwin; weshkinigidjig kaye kejeyàdizidjig. Nigijeweninmànànig ogog kà nìgànì sòngideyedjig; weshkad, nongom; kaye àyànikàdj.

We pay respect to the Algonquin people, who are the traditional guardians of this land. We acknowledge their longstanding relationship with this territory, which remains unceded. We pay respect to all Indigenous people in this region, from all nations across Canada, who call Ottawa home. We acknowledge the traditional knowledge keepers, both young and old. And we honour their courageous leaders: past, present

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### **COURSE DESCRIPTION**

This course engages students in a critical examination of the relationship between the courts/criminal justice system and society. Beyond looking at the role of the courts, emphasis will be placed on the multifaceted interplay between courts and society through the consideration of topics such as; access to justice, miscarriages of justice, wrongful convictions, criminalization processes, sentencing reforms and alternatives, as well the overall public perception on courts.

### **LEARNING OBJECTIVES**

This course includes several learning objectives. At the end of the course, the aim is for students to:

- Engage in critical and reflective thinking to better understand the relationship between courts and society
- Unpack and critically examine issues, barriers, and challenges seen in the courts and criminal justice system, while recognizing strengths and advancements
- Develop nuanced and comprehensive understandings around access to justice, the fallibility of the justice system, as well the various individual and societal implications of justice system processes
- Identify, describe, and imagine avenues for advancing/reforming the criminal justice system and overall court processes within Canada
- Practice accessing and applying discourses from government reports, policies, and research papers.
- Better understand the gap between theory and practice as it applies to the criminal justice system
- Gain experience engaging in informed discussions and communicating understanding

### **COURSE FORMAT\***

This course will be delivered completely online. As a blended course, there will be synchronous (live) meetings as well as some asynchronous activities each week.

Students need to be prepared to meet online during class time via **Zoom in Brightspace** for class lectures and discussions. While these **synchronous meetings** are scheduled during class time (11:35am), these meetings will not take up the full class period (<2:25pm). As such, the meetings will be supplemented with mandatory **asynchronous activities**, such as additional slides, videos, readings, or knowledge check prompts that students can go through. Asynchronous activities will be available immediately after each synchronous lecture and will remain available throughout the term (no designated schedule/ time restriction for these activities).

\*Please note that this course requires access to reliable high-speed Internet and a computer—ideally with a webcam, and a headset with a microphone. While it is encouraged, students will not be required to always turn their cameras on during the course.

### **REQUIRED TEXTS**

All readings, such as journal articles, can be accessed online through the Carleton University Library website or Brightspace.

### **EVALUATION\***

<b>30%: Reflection Assignments X3</b>	
	(10%) → 1. Monday January 23 <sup>rd</sup>
	(10%) → 2. Monday February 13 <sup>th</sup>
	(10%) → 3. Monday March 6 <sup>th</sup>
<b>30%: Midterm Exam</b>	→ Monday March 20 <sup>th</sup>
<b>35%: Final Assignment</b>	→ Thursday, April 27 <sup>th</sup>
<b>5%: Course Participation</b>	→ Ongoing

\*Please note that ALL course evaluations will be administered and submitted online via Brightspace.

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.

### **Reflection Assignments (30%):**

There are **three (3)** reflection assignments, **each worth 10%**. Students will be required to watch the assigned documentaries/videos and write a reflection piece on the presented topic in 4-5 pages. These reflection pieces provide an opportunity for students to demonstrate understanding of course material while also engaging in critical analysis and reflection. Further instructions will be provided in class and on Brightspace. Assignments are due online by 11:35am (class time). Any late submissions will be subject to a 10% late penalty per day.

### **Midterm (30%):**

The midterm will be an online, open book exam, which will take place during class time on **Monday, March 20<sup>th</sup>**. It will cover course content (including lectures, class discussions, readings as well as asynchronous activities) from weeks 1 to 10 and will consist of both multiple choice and short-answer questions.

### **Final Assignment (35%):**

The final assignment serves as a 'final take home exam', which will be assigned in the last class and will be due on **Thursday, April 27<sup>th</sup>** (last day of Winter exams). Students will be expected to draw on the knowledge and topics learned in the course to develop a 10-12-page critique and proposal for reform on an issue related to the courts and criminal justice system more broadly. Further instructions and details will be provided later in the term (in class and on Brightspace).

### **Participation (5%):**

Participation will be based on students' participation in course activities throughout the term, including class discussions as well as Brightspace forum posts, responses, and questions. Throughout the course, news articles, media pieces, cases, and other relevant content will be shared to help engage students and foster discussion.

## **GRADING SYSTEM**

Letter grades assigned in this course will have the following percentage equivalents (%):

A+ = 90-100	B+ = 77-79	C+ = 67-69	D+ = 57-59	F = 0-49
A = 85-89	B = 73-76	C = 63-66	D = 53-56	Fail
A - = 80-84	B - = 70-72	C - = 60-62	D - = 50-52	

## **COURSE SCHEDULE AND READINGS\***

\*Please note that the following schedule serves as a guide and may be subject to change. Students are expected to remain up to date with the readings, deadlines and due dates.

- **Week 1: Monday January 9<sup>th</sup>**  
**Introduction & Course Overview**

DiAngelo, R., & Sensoy, O. (2014). Leaning in: A student's guide to engaging constructively with social justice content. *Radical Pedagogy*, 11(1), 1-15.

- **Week 2: Monday January 16<sup>th</sup>**  
**Access to Justice I**

Currie, A. (2003). *Riding the third wave: Rethinking criminal legal aid within an access to justice framework*. Research and Statistics Division, Department of Justice Canada.

Farrow, T. C. (2013). What is access to justice. *Osgoode Hall LJ*, 51, 957.

- **Week 3: Monday January 23<sup>rd</sup>**  
**Access to Justice II**  
**\*\*Reflection Assignment #1 due\*\***

Houston, Claire et al. "Ontario Family Justice in 'Lockdown': Early Pandemic Cases and Professional Experience." *Family court review* 60.2 (2022): 241–258.

Levin, A., & Alkoby, A. (2012). Is access to the profession access to justice? Lessons from Canada. *International Journal of the Legal Profession*, 19(2-3), 283-299.

- **Week 4: Monday January 30<sup>th</sup>**  
**Miscarriages of Justice & Wrongful Convictions I**

Ainslie, M. (2011). The phenomenon of wrongful convictions in Canada. *The Advocate (Vancouver)*, 69(6), 865-873.

Roach, K. (2011). Wrongful convictions in Canada. *U. Cin. L. Rev.*, 80, 1465-1526.

- **Week 5: Monday February 6<sup>th</sup>**  
**Wrongful Convictions II**

Findley, K. A. (2008). Toward a new paradigm of criminal justice: how the innocence movement merges crime control and due process. *Tex. Tech L. Rev.*, 41, 133.

Campbell, K., & Denov, M. (2004). The burden of innocence: Coping with a wrongful imprisonment. *Canadian journal of criminology and criminal justice*, 46(2), 139-164.

- **Week 6: Monday February 13<sup>th</sup>**  
**Indigenous Experiences & Approaches to Justice**  
**\*\*Reflection Assignment #2 due\*\***

Bressan, A., & Coady, K. (2017). *Guilty pleas among Indigenous people in Canada*. Department of Justice Canada.

Chartrand, L. & Horn, K. (2016). *A Report on the Relationship between Restorative Justice and Indigenous Legal Traditions in Canada*. Department of Justice Canada.

Johnson, S. (2014). Developing First Nations courts in Canada: Elders as foundational to Indigenous therapeutic jurisprudence+. *Journal of Indigenous Social Development*, 3(2).

- **Reading Week: Monday February 20<sup>th</sup>**  
**Winter break— no class**

- **Week 7: Monday February 27<sup>th</sup>**  
**Mental Health within the Criminal Justice System**

Canada, K. E., & Ray, B. (2016). Mental health court participants' perspectives of success: What key outcomes are we missing?. *International Journal of Forensic Mental Health*, 15(4), 352-361.

Verdun-Jones, S. N. (1994). The insanity defence in Canada: Setting a new course. *International Journal of Law and Psychiatry*, 17(2), 175-189.

- **Week 8: Monday March 6<sup>th</sup>**  
**Racial Disparity within the Criminal Justice System**  
**\*\*Reflection Assignment #3 due\*\***

Hogg, Keith. "Seeing Justice Done: Increasing Indigenous Representation on Canadian Juries." *Appeal, review of current law and law reform* 26.26 (2021): 51–70.

Hannah-Moffat, Kelly, and Paula Maurutto. Re-Contextualizing Pre-Sentence Reports: Risk and Race. *Punishment & society* 12.3 (2010): 262–286.

- **Week 9: Monday March 13<sup>th</sup>**  
**Systems, Procedures & Perceptions**

Pelvin, H. (2019). Remand as a cross-institutional system: Examining the process of punishment before conviction. *Canadian Journal of Criminology and Criminal Justice*, 61(2), 66-87.

Hausegger, L., & Riddell, T. (2004). The changing nature of public support for the Supreme Court of Canada. *Canadian Journal of Political Science*, 23-50.

- **Week 10: Monday March 20<sup>th</sup>**  
**\*\*Midterm Exam\*\***

- **Week 11: Monday March 27<sup>th</sup>**  
**Victims of Crime: Navigating the System**

Pemberton, A., Aarten, P. G. M., & Mulder, E. (2017). Beyond retribution, restoration and procedural justice: The Big Two of communion and agency in victims' perspectives on justice. *Psychology, Crime & Law*, 23(7), 682-698.

Wemmers, J. A. (2013). Victims' experiences in the criminal justice system and their recovery from crime. *International review of victimology*, 19(3), 221-233.

▪ **Week 12: Monday April 3<sup>rd</sup>**  
**Guest Speaker: Paralegal**

Trabucco, L. (2018). What Are We Waiting For? It's Time to Regulate Paralegals in Canada. *Windsor Yearbook of Access to Justice*, 35, 149-176.

▪ **Week 13: Monday April 10<sup>th</sup>**  
**Final Class & Review**

## **PLAGIARISM**

The University Academic Integrity Policy defines plagiarism as “presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.” This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else;
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own; and
- failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks.

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**

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 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 lecture notes and course materials publicly for commercial or non-commercial purposes without express written consent from the copyright holder(s).

## **STATEMENT ON STUDENT MENTAL HEALTH**

As a University student, you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you. Here is a list that may be helpful:

**Emergency Resources (on and off campus):** <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

### **Carleton Resources:**

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

### **Off Campus Resources:**

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Empower Me: 1-844-741-6389, <https://students.carleton.ca/services/empower-me-counselling-services/>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

## **STATEMENT ON PANDEMIC MEASURES**

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

**Feeling sick?** Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you should follow Carleton's [symptom reporting protocols](#).

**Masks:** Carleton has paused the [COVID-19 Mask Policy](#), but continues to strongly recommend masking when indoors, particularly if physical distancing cannot be maintained. It may become necessary to quickly reinstate the mask requirement if pandemic circumstances were to change.

**Vaccines:** While proof of vaccination is no longer required to access campus or participate in in-person Carleton activities, it may become necessary for the University to bring back proof of vaccination requirements on short notice if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses as soon as they are eligible and submit their booster dose information in [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend the campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety, which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact [covidinfo@carleton.ca](mailto:covidinfo@carleton.ca).

### **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 as soon as possible after the need for accommodation is known to exist. For accommodation regarding a formally-scheduled final exam, you must complete the Pregnancy Accommodation Form ([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 will 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>