

Course Outline

COURSE: LAWS 2301 A/T – Criminal Justice System

TERM: Fall 2019

PREREQUISITES: LAWS 1001 and LAWS 1002

CLASS: **Day & Time:** Fridays from 2:35 pm to 5:25 pm

Room: For students in the A section, please check with Carleton Central for the current room location

For students in the T section, there is no classroom and the course is taught online

INSTRUCTOR: Dr. Sean Richmond

CONTACT: **Office:** D483 Loeb Building
Office Hrs: Thursdays from 2 pm to 4 pm or by appointment
Telephone: 613-520-2600 x. 2082
Email: sean.richmond@carleton.ca

Please use your Carleton account for all email communication. Note that questions will not be answered on the weekends, or 24 hours before the case brief is due, the mid-term is due, and the final exam date. Students are warmly encouraged to consult with the instructor and Teaching Assistants during regular business hours, and well in advance of the assessment dates.

CALENDAR DESCRIPTION

The institutional and social production of criminal law in Canada. Processes, personnel, and agencies in the criminal legal system. The role of discretion and mechanisms of accountability. The accused and the place of the victim. Issues and problems in sentencing and punishment.

COURSE DESCRIPTION

This course provides an interdisciplinary introduction to the Canadian criminal justice system, and some of the key institutions and actors associated with the creation, interpretation and enforcement of criminal law. It addresses core topics such as the nature and role of criminal law in society, and examines important contemporary issues such as terrorism, organized crime, and Canadian policing post 9/11.

Throughout the lectures, the power and limits of the criminal justice system in Canada will be discussed from a legal, political and historical perspective. Practice problems, court cases, and short video clips will also be employed to help students critically analyze and apply the theoretical perspectives and legal rules that they learn to the practical challenges associated with the criminal justice system. Respectful and thoughtful class discussion will be encouraged throughout the term.

Guest speakers from government and civil society will be invited to provide additional insight on cutting edge issues such as how Canada seeks to enforce international criminal law. They will also discuss potential volunteer and employment opportunities in the legal field, to inspire students to think about their broader career objectives.

Learning aims: at the end of the course, students should be able to: 1) demonstrate an introductory level of knowledge of the key institutions, actors, theories and challenges that are discussed; 2) identify criminal justice issues and apply relevant ideas and rules to the case studies and challenges that they encounter in and outside of the class; 3) critically reflect on the political, social and historical context in which criminal law operates in Canada; 4) read, summarize and evaluate a judicial decision related to the criminal justice system; and 5) construct arguments in support of particular positions in the study of the criminal justice system, and show an awareness of alternative views to these positions.

REQUIRED TEXTS

Curt Griffiths. *Canadian Criminal Justice: A Primer*, 6th ed. (Toronto, Nelson, 2019).

Karim Ismaili, Jane Sprott and Kim Varma. *Canadian Criminal Justice Policy: Contemporary Perspectives* (Toronto, Oxford University Press, 2012).

These two required textbooks are available for purchase from the Carleton bookstore. They have also been placed on reserve at the university library.

In addition to these books, further required readings and case studies will be uploaded to the course website on cuLearn, or identified as available online.

SUPPLEMENTARY TEXTS

For students seeking supplementary information and additional perspectives on the course topics, the following two texts are available for purchase from the Carleton bookstore. They have also been placed on reserve at the library.

R.P. Saunders and Rebecca Bromwich. *Criminal Law in Canada: An Introduction to the Theoretical, Social and Legal Contexts*, 5th ed. (Carswell, 2016).

Kent Roach. *Criminal Law*, 6th ed. (Toronto, Irwin Law, 2015).

WEBSITE

Further course information, lecture summary slides, updates and other important materials will be posted on the course website on cuLearn. Announcements and grades will also be communicated this way. Students are strongly encouraged to regularly check the website.

Visit <https://culearn.carleton.ca>, and login using the same username and password that you use for your email or Connect accounts. You must be registered in the course to access the course website.

EVALUATION

Note: 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.

Recalling the five main learning aims described earlier above, performance in the course will be evaluated as follows:

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| 1. Five online reading quizzes for weeks 3, 5, 9, 10, and 12 | 15% (5 x 3% each) |
| 2. Case brief – due Wednesday October 9 by 5 pm | 20% |
| 3. Take-home mid-term exam - due Friday October 18 by 10 pm | 25% |
| 4. Final exam – to be held in the final exam period | 40% |

All evaluation components must be completed in order to be eligible to receive a passing grade.

1. Five online reading quizzes:

To provide students with early and ongoing assessment, and to recognize the importance of keeping up with the course material, there will be five 20 minute online quizzes administered on cuLearn that evaluate student's understanding of the readings covered in weeks 3, 5, 9, 10 and 12. Each of the five quizzes is worth 3%, for a total of 15% of the final grade.

Each quiz will comprise five multiple choice questions. Students can complete them anytime from Monday at 12 pm before the applicable lecture, until 2 pm on the day of the lecture (i.e. Friday).

For example, the first quiz for week 3 readings will be available from Monday September 16 at 12 pm, until Friday September 20 at 2 pm. The second quiz for week 5 readings will be available from Monday September 30 at 12 pm, until Friday October 4 at 2 pm. The third quiz for week 9 readings will be available from Monday October 28 at 12 pm, until Friday November 1 at 2 pm.

The fourth quiz for week 10 readings will be available from Monday November 4 at 12 pm, until Friday November 8 at 2 pm. The fifth and final quiz for week 12 readings will be available from Monday November 18 at 12 pm, until Friday November 22 at 2 pm.

Once the quiz is started online, students will have 20 minutes to complete the five questions. They will be marked automatically, and students will receive their result through cuLearn. The provision of 20 minutes is meant to accommodate students who may need extra time for assessments, and to allow all students adequate time to think about the questions and their answers. You are not expected to use all of this time, and students who have prepared in advance should be able to complete the quiz in 10 minutes.

Because the timing of the quizzes is already flexible, missed quizzes cannot be retaken. If you need to miss one, for whatever reason, there is no penalty and your grade for this evaluation component will be based on the other four quizzes. If you miss two or more, however, your grade will decrease by 3 (out of 15) for each incomplete quiz after the first missed one. Further information will be provided in class.

2. Case brief:

This written assignment is worth 20% of the final grade. It will be up to 1,100 words long, not including short case citation footnotes. Students will read, summarize and contextualize the following landmark case from the Supreme Court of Canada on the constitutionality of Canada's anti-terrorism legislation, entitled *R. v. Khawaja*, 2012 SCC 69. Available at: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/12768/1/document.do>

No further external research beyond the course materials is required or permitted.

The brief should include five elements. The third, fourth, and fifth elements are most important. As such, they should comprise the majority of the brief. First, the assignment should provide a short *background* to the case (e.g. why was the Supreme Court involved?). Second, it should tell the reader what the main *legal issue* was (e.g. what question did Khawaja want the Court to answer?).

Third, the brief should summarize what major *rules* addressed the above issue (e.g. what section of Canada's *Charter of Rights and Freedoms* did Khawaja argue was violated by Canada's anti-terrorism legislation?). Fourth, the brief should tell the reader what the overall *conclusion* of the Court was regarding the main legal issue, including whether the judges agreed. Finally, the brief should reflect on *why* the Court concluded the way it did, and how the case demonstrates or challenges some of the *theories* about the criminal justice system that have been covered so far in the course.

Further information will be provided in class, and students will be given a marking rubric on Friday September 13 that reflects the above instructions. The brief will be due by **5 pm on Wednesday October 9**, and submitted online through cuLearn.

You are strongly advised to save your work regularly in multiple ways, and to retain a copy of all submitted assignments. Absent prior approval or medical certification, briefs submitted past the due date will incur a late penalty of -1 mark (out of 20) per day, including weekends. Briefs submitted beyond seven days late will be accepted towards course completion, but will receive a mark of 0.

3. Take-home mid-term exam:

To help decrease the stress of mid-term writing, and to provide students with an opportunity to clearly and effectively demonstrate their understanding of the course material and learning aims, the mid-term assessment will be a take-home. It is worth 25% of the overall grade. Students will be responsible for all of the readings, lectures and guest speakers covered in the first half of the course.

The questions and instructions will be uploaded to cuLearn on Thursday October 17 at 10 am. Completed responses are due 36 hours later by **10 pm on Friday October 18**. They will be submitted online through cuLearn. As requested by students in prior years, there will be no lecture on Friday so that you can use this time to work on the mid-term. Students must work alone. No additional research beyond the course materials is permitted or required.

The assessment will be open book, and will comprise short-answer and essay questions. Students will choose to answer three of four short-answer questions, and one of two essay questions. Each short-answer must be 300 words or less, and the essay must be 600 words or less. The total word count for the mid-term will thus be 1,500 words (i.e. 3 short answers x 300 words = 900, plus 600 words for the essay).

The provision of 36 hours to complete the mid-term is meant to accommodate students who may have other tests and external commitments during this period, and to allow all students adequate time to think about the questions, write thoughtful and legible answers using word processing software, and proof-read their

work. You are not expected to use all of this time, and students who have prepared in advance should be able to complete the assessment in three hours.

Late submissions are not allowed unless they have been previously arranged. You are strongly encouraged to upload your completed response before the deadline. Because this is a mid-term, and you are being given more time than needed to complete it, late submissions will be penalized by -1 mark (out of 25) per hour past the deadline. Further information will be provided in class.

4. Final exam:

The final exam is worth 40% of the overall grade. It will be two hours long, and held during the exam period of December 9 to 21, 2019. The exact dates will be scheduled by Examination Services later in the term. The exam will be closed book, and will comprise multiple choice, short-answer, and fact-pattern questions.

Students will be responsible for all of the required readings and cases, as well as the material covered by the lectures and guest speakers. However, greater emphasis will be placed on material covered in the second half of the course. You should therefore prepare for the exam with this in mind. Further information will be provided later in the term.

SCHEDULE

Key Dates:

September 4 – Fall term begins

October 14 – Statutory holiday

October 21 – 25 - Fall term break

December 6 – Last day of fall term classes

December 9 – 21 – Formally scheduled exams take place

Please note that the following schedule may change slightly depending on the availability of guest speakers. Any changes will be announced on the course website and in class.

Week 1: Friday September 6, 2019

Course Overview, Evaluation and Key Concepts

Required reading: read the course syllabus

Week 2: Friday September 13

The Foundations of Criminal Justice

Required reading: Griffiths, chapter 1 (pages 3-19)

Week 3: Friday September 20

Understanding the Criminal Justice System

Required reading: Griffiths, chapter 2 (pages 21-40)

*Note: the first quiz for week 3 readings will be available from Monday September 16 at 12 pm, until Friday September 20 at 2 pm.

Week 4: Friday September 27

Terrorism: Security vs. Rights

Required reading: Kent Roach, "Terrorism and National Security Policy-Making in Canada", ch. 9 in *Canadian Criminal Justice Policy*

Week 5: Friday October 4*The Police*

Required reading: Griffiths, chapters 4 (pages 67-87, 94-97) and 5 (pages 101-116, 126-128)

*Note: the second quiz for week 5 readings will be available from Monday September 30 at 12 pm, until Friday October 4 at 2 pm.

Week 6: Friday October 11*Considerations in the Study of Criminal Justice*

Required reading: Griffiths, chapter 3 (pages 42-60)

*Note: the case brief is due by 5 pm on Wednesday October 9.

Week 7: Friday October 18*Take-home mid-term – No lecture*

*Note: the mid-term will be uploaded to cuLearn on Thursday October 17 at 10 am. Completed responses are due 36 hours later by 10 pm on Friday October 18.

Week 8: the fall break is October 21 – 25

There are no classes this week

Week 9: Friday November 1*The Structure and Operation of the Criminal Courts*

Required reading: Griffiths, chapter 7 (pages 165-196)

*Note: the third quiz for week 9 readings will be available from Monday October 28 at 12 pm, until Friday November 1 at 2 pm.

Week 10: Friday November 8*The Prosecution of Criminal Cases*

Required reading: Griffiths, chapter 8 (pages 200-240)

*Note: the fourth quiz for week 10 readings will be available from Monday November 4 at 12 pm, until Friday November 8 at 2 pm.

Week 11: Friday November 15*Drug Law and Policy in Canada: Crime vs. Health*Required reading: Ismaili, Sprott and Varma, introduction (pages iix-xxiv); and Fischer *et al.*, "Drug Law and Policy in Canada", ch. 8 in *Canadian Criminal Justice Policy***Week 12: Friday November 22***Goodfellas or Bad Policy? Organized Crime Policies in Canada*Required reading: Margaret E. Beare, "Policy and Politics: The Evolution of Organized Crime Policies in Canada", ch. 12 in *Canadian Criminal Justice Policy*

*Note: the fifth and final quiz for week 12 readings will be available from Monday November 18 at 12 pm, until Friday November 22 at 2 pm.

Week 13: Friday November 29

The Limits of Criminal Justice: Enforcing International Criminal Law in Canada

Required reading: will be posted online on the course website

Week 14: Friday December 6

Conclusion and Course Review

Required reading: review your notes

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: Please contact 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:

<https://carleton.ca/equity/accommodation/academic/students/>

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: <https://carleton.ca/equity/accommodation/academic/students/>

Academic Accommodations for Students with Disabilities: If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable).

<https://carleton.ca/pmc/students/accommodations/>

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:

<https://carleton.ca/registrar/academic-integrity/>

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 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/sexual-violence-support/>

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. Please contact your instructor 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>

For more information on academic accommodation, please contact the departmental administrator or visit: <https://carleton.ca/equity/accommodation/academic/>

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/>