

Course Outline

COURSE:	LAWS 2301A and 2301T – Criminal Justice System
TERM:	Fall 2018
PREREQUISITES:	LAWS 1001 and LAWS 1002
CLASS:	Day & Time: Thursdays from 11:35 am to 2:25 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: 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 48 hours before the essay 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 essay due date and final exam.

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: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

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: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

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) www.carleton.ca/pmc

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.

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: 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: students.carleton.ca/course-outline

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/>

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 issues such as police carding,

law reform, and Indigenous incarceration. 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.

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; and 4) research and 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

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

This required textbook is available for purchase from the Carleton bookstore. It has also been placed on reserve at the university library.

In addition to this book, further required readings and cases 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 three texts are available for purchase from the Carleton bookstore. They have also been placed on reserve at the library.

Curt Griffiths. *Canadian Criminal Justice: A Primer*, 5th ed. (Toronto, Nelson, 2015).

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

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 cmail 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.

Performance in the course will be evaluated as follows:

- | | |
|---|-----|
| 1. Research essay - due Friday October 19 | 40% |
| 2. Final exam - to be held in the final exam period | 60% |

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

Research essay: the research paper is worth 40% of the final grade. It will be up to 2,400 words long, not including footnotes and bibliography. Students will select one question from a set list of three topics. This list will be posted to the course website on Monday September 10, 2018. Further information will be provided in class that week.

A librarian will speak to the class on Thursday September 20 to provide guidance on conducting research and citing sources properly. Students will discuss their essay outlines with each other in class on Thursday September 27.

The essay will be due by 12 pm on **Friday October 19**, and submitted online through the course cuLearn website.

You are strongly advised to save your work regularly in multiple ways, and to retain a copy of all submitted papers.

Absent prior approval or medical certification, essays submitted past the due date will incur a late penalty of -5 marks (out of 100) per day, including weekends. Papers submitted beyond seven days late will be accepted towards course completion, but will receive a mark of 0.

Final exam: the final exam is worth 60% of the overall grade. It will be held during the examination period of December 9 to 21, 2018. The exact dates will be scheduled by Examination Services later in the term. The exam will be closed book, and will comprise multiple choice and short-answer 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. Further information about the exam will be provided later in the term.

SCHEDULE

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: Thursday September 6, 2018

Introduction: Course Overview, Evaluation and Key Concepts

Required reading: read the course syllabus

Note: the list of essay topics will be posted to the course website on Monday September 10

Week 2: Thursday September 13

Criminal Law and Government Regulation

Required reading: Saunders and Bromwich, chapter 1

Week 3: Thursday September 20

Perspectives on Criminal Law

Required reading: Saunders and Bromwich, chapter 2

Note: a librarian will speak to the class about conducting essay research and citing sources properly

Week 4: Thursday September 27

Legislation and the Role of Parliament

Required reading: Saunders and Bromwich, chapter 3.1 (pages 87-122)

Note: students will discuss their essay outlines with each other today in class

Week 5: Thursday October 4

The Role of the Courts

Required reading: Saunders and Bromwich, chapter 3.2 (pages 123-172)

Week 6: Thursday October 11

Police and Powers of Arrest

Required reading: Saunders and Bromwich, chapter 4.1 (pages 175-201)

Week 7: Thursday October 18

Prosecutors and Defence Counsel

Required reading: Saunders and Bromwich, chapter 4.2 (pages 203-237)

Note: the essay assignment is due by 12 pm on Friday October 19

Week 8: the fall break is October 22 – 26

There are no classes this week

***Week 9: Thursday November 1**

Judges

Required reading: Saunders and Bromwich, chapter 4.3 (pages 239-254)

*Note: this lecture will be pre-recorded, as the instructor will be absent that day

Week 10: Thursday November 8

Victims

Required reading: Saunders and Bromwich, chapter 4.4 (pages 255-285)

Week 11: Thursday November 15

The Accused

Required reading: Saunders and Bromwich, chapter 4.5 (pages 286-307)

Week 12: Thursday November 22

Sentencing

Required reading: Saunders and Bromwich, chapter 5.1 (pages 309-353)

Week 13: Thursday November 29

International Criminal Law in Canada

Required reading: will be posted online on the course website

Week 14: Thursday December 7

Conclusion and Course Review

Required reading: review your notes