

Course Outline

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| COURSE: | LAWS 2301D – Criminal Justice Systems |
| TERM: | WINTER 2019 |
| PREREQUISITES: | LAWS 1000 (no longer offered) or LAWS 1001 and LAWS 1002 |
| CLASS: | Day & Time: Tuesdays 6:05pm – 8:55pm Room: Please check with Carleton Central for current room location |
| INSTRUCTOR: (CONTRACT) | Jo-Anne Lawless, BA, MA |
| CONTACT: | Office: B442 Loeb Building (Contract Instructor’s Office) Office Hrs: Tuesdays 4:30pm – 5:30pm Email: joanne.lawless@carleton.ca |

CALENDAR COURSE 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 explores and critically analyses the current Canadian Criminal Legal System, including its institutions, processes, rules, and actors. Our goal is to situate criminal law within its general social setting and to examine the interrelationship between the practices of Canadian society and the formal legal discourses of criminal law.

The course considers the practical aspects of the law and how the players within the legal system seek justice. In the latter part of the course, the focus will be on the criminal law in its more traditional formulations, as found in *The Criminal Code of Canada* and in specific cases, along with various contemporary issues in Canada. In order to incorporate the recommendations of the Truth and Reconciliation commission, emphasis will be placed on Indigenous experience in the criminal justice system.

By the end of the course, students will be expected to be able to:

- Demonstrate an understanding of how the formal discourses of criminal law are currently employed in Canada’s criminal justice system;
- Illustrate their comprehension of how Canada’s current criminal justice regime exists in a changing, post-colonial, historical, geographical, and social context and be able to critically analyze how that context affects the operation of criminal justice law;

- Demonstrate an appreciation for other possible ways to address criminal offending, with reference to historical approaches in Canada and current regimes in other jurisdictions; and
- Critically analyze representations of criminal behaviour in popular culture and formal legal texts.

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). **** the text is available at the Campus Bookstore** Two copies are on reserve in MacOdrum library.**

Current copies of the:

- *Youth Criminal Justice Act*;
- *Criminal Code*;
- *Canadian Charter of Rights and Freedoms*

You may use downloadable electronic versions from CanLII or the Department of Justice website

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).

Suggested Background Reading:

B. Agozino, "Is Chivalry Colour-Blind? Race-Class-Gender Articulation in the Criminal Justice System" (1997) 2 Int'l J. of Discrimination & the L. 199.

L. Bibbings & D. Nicolson, eds., *Feminist Perspectives on Criminal Law* (London: Cavendish Publishing Ltd., 2000). KD7852 .W6 F46 2000

Bottomley, ed., *Feminist Perspectives on the Foundational Subjects of Law*. London: Cavendish Publishing Ltd., 1996. Print.

C. Cesaroni, C. Grol, and K. Fredericks, "Overrepresentation of Indigenous youth in Canada's Criminal Justice System: Perspectives of Indigenous young people" (2018) *Australian & New Zealand J. Criminology* 0004865818778746.

S. Duncan, "The Mirror Tells Its Tale: Constructions of Gender in Criminal Law" in A. Bottomley, ed., *Feminist Perspectives on the Foundational Subjects of Law* (London: Cavendish Publishing Ltd., 1996) K349.F465 1996

Suzanne Fournier and Ernie Crey, "'Killing the Indian Child': Four Centuries of Church Run Schools" in *Racism, Colonialism, and Indigeneity in Canada (173–77)*.

Ismaili, Sprott and Varma. *Canadian Criminal Justice Policy*. Canada. Oxford University Press, 2012. Print.

N. Lacey, "Unspeakable Subjects, Impossible Rights : Feminism, Sex and Criminal Law" (1998) 11 *Can. J.L. & Juris.* 47.

J. C. Minaker, "Evaluating Criminal Justice Responses to Intimate Abuse through the Lens of Women's Needs" (2001) 13 *Can. J. Women & L.* 74.

V. Nourse, "The 'Normal' Successes and Failures of Feminism and the Criminal Law" (2000) 75 *Chi.-Kent L. Rev.* 951.

Quigley, Tim. *Procedure in Canadian Criminal Law*. 2nd ed. Thomson Carswell, 2005. Print.

J. Roudin. "Aboriginal Peoples and the Canadian Criminal Justice System" Online. Retrieved June 29, 2015.

Salhany, Roger E. *Canadian Criminal Procedure*. 6th ed. Canada Law Book, 1994. Print.

Further course information, lecture summary slides, updates, and other important materials will be posted on the course website on CU Learn. Announcements and grades will also be communicated through CU Learn. Students are strongly encouraged to regularly check the website, along with their email. 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 LAWS 2301 to access the course website.

EVALUATION

(All components must be completed in order to get a passing grade)

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.

Evaluation will be based on the following:

- 10% - participation in online activity presented by the TA
- 10% - attendance and participation in lectures
- 40% - Research Essay (due February 25th)
- 40% - Final exam to be held during the exam period in April

The examination, worth **40%** of the final grade, will comprise multiple choice and short-answer questions based upon all the required readings, as well as material covered in the lectures.

The research paper is worth **40%** of the final grade. It will be up to 2,400 words long, not including cover page, 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 Tuesday, January 15th. Further information will be provided in class that week. A librarian will speak to the class on Tuesday, January 22nd, to provide guidance on conducting research and citing sources properly. Students will discuss their **essay outlines** with each other in class on Tuesday January 29th.

The essay will **be due by 4:30 pm on Monday, February 25th** and **submitted online** only (no hard copies) through the LAWS 2301 CU Learn website. You are strongly advised to save your work regularly in multiple ways, and to retain a copy of all submitted papers. Essays submitted past the due date will incur a **late penalty** of 2 letter grade marks per each 24-hour period following the deadline of 4:30 on the 25th, including weekends. Papers submitted beyond seven days late will be accepted towards course completion, but will receive a mark of 0.

Participation in tutorial groups is expected and encouraged, in order for you to fully understand course concepts and assignment parameters.

SCHEDULE

| <u>Topic</u> | <u>Assigned Readings</u> |
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| Week 1: January 8- Introduction and Course Overview: Key concepts, evaluation, assignments | No assigned reading |
| Week 2: January 15- Criminal Law and Government Regulation Distribution of Assignment #1 | Chapter 1 |
| Week 3: January 22- Critical Perspectives on Criminal Law <i>Guest speaker from MacOdrum Library, Legal Studies</i> | Chapter 2 |
| Week 4: January 29- Legislation and the Role of Parliament | Chapter 3 |
| Week 5: February 5- The Role of the Courts <i>Guest speaker from the Gladue Caseworker Program, Aboriginal Legal Services</i> | Chapter 3 |
| Week 6: February 12- Criminal Law- personnel, participants and powers | Chapter 4.1 |
| February 19-NO CLASS: READING WEEK | |
| Week 7: February 26- Criminal Law- personnel, participants and powers | Chapter 4.2 |

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| Week 8: March 5- Criminal Law- personnel, participants and powers <i>Guest speaker on the topic of policing, from Law and Legal Studies</i> | Chapter 4.3 |
| Week 9: March 12- Criminal Law- personnel, participants and powers | Chapter 4.4 |
| Week 10: March 19- Criminal Law – personnel, participants and powers | Chapter 4.5- |
| Week 11: March 26- Exam Review | |

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.

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: 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/>