

Course Outline

COURSE:	LAWS 2301E – Criminal Justice System
TERM:	WINTER 2019
PREREQUISITES:	LAWS 1000 (no longer offered), LAWS 1001 and LAWS 1002
CLASS:	Day & Time: Mondays 6:05pm – 8:55pm Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Meg D. Lonergan, PhD Candidate in Legal Studies & Political Economy
CONTACT:	Office: B442 Loeb Building (Contract Instructor’s Office) Office Hrs: Mondays 4pm – 5pm or by appointment Email: meganlonergan@cmail.carleton.ca
	TA: Shalimar Woods Office hours: TBD Email: shalimarwoods@cmail.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 examines issues in criminal law and justice from criminological and social scientific perspectives. In addition to addressing theoretical matters, we will discuss many practical aspects of, and experiences in, the criminal justice system.

The course objectives are to advance your theoretical and empirical knowledge of criminal law and justice, and your analytical ability to critically examine related issues. The objectives also include thoroughly familiarizing students with the organizational components of policing, courts and the administration of justice in Canada.

Students are encouraged to pay attention to media sources, and to bring relevant items to the attention of the instructor and classmates. ‘Media’ in this context refers the print media, as well as radio, television, and the Internet.

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

- Davis, A. Y. (2003). *Are prisons obsolete?* New York: Seven Stories Press.
- Other weekly readings are mandatory and will be available via CU Learn.

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.

- There is a 2% late penalty per day (including weekends).
- Please contact the professor regarding extensions **as far in advance as possible**. Extensions will only be granted in exceptional circumstances.

Methods of Evaluation:

- **Attendance 5%** Lecture attendance & active participation
- **Op-Ed Assignment 15%** 750 to 1,000-word Op-Ed article on topic related to the course (due March 4th, 2019 in class)
- **Midterm 30%** 2 hours, closed-book examination on the materials covered up to that point of the term (February 11, 2019, during class)
- **Crime, Justice & Media Assignment 20%** 5 pages (not including title page or works cited) (due March 25th, in class)
- **Final Exam 30%** 2 hours, closed-book examination focused on the materials covered following the midterm exam. (Final exam will be scheduled during the official exam period).

Grading of assignments will include an evaluation of the content as it reflects students' knowledge of, and ability to discuss, information and ideas presented in this course. Grading will also take matters of spelling, grammar, punctuation, proper citation and clarity of expression into account.

To appeal a grade **please wait 48 hours** after receiving feedback on the assignment to reflect on the justification given. Emails sent before the 48-hour period may not receive a response. After the 48-hour period please send your T.A. a detailed explanation of where on the assignment you believe you

deserved a different mark and why based on the assignment guidelines. If after appealing to the T.A. you are still unclear or unhappy about your grade you can contact the instructor.

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.

Class attendance is mandatory. It is your responsibility to be present in class, and for examinations. Any request for an extension must be supported by a medical certificate or other appropriate documentation. Students must complete ALL assignments in order to meet course requirements and to be eligible to pass the course.

Course Schedule

January 7th

Introduction: Course Overview, Evaluation & Key Concepts

Required Readings

- Ahn-Redding, H., Allison, M., Semon, M., & Jung, S. (2013). What do students really know about criminal justice? *International Journal of Law, Crime and Justice*, 41(1), 405-420.

January 14th

Canadian Criminal Justice System: Institutions and Actors

Required Readings

- Foucault, M. (1995 [1977]). "Complete and austere institutions" (A. Sheridan, trans.). In *Discipline and punish: The birth of the prison* (2nd ed.). New York: Vintage Books, pp. 231-256. ISBN: 0-679-75255-2
- Goffman, E. (1961). "On the characteristics of total institutions," in *Asylums: Essays on the social situation of mental patients and other inmates*. Garden City, NY: Anchor Books, pp. 12-35. ISBN: 0385000162

January 21st

Crafting Canadian Law: From Parliament to the Supreme Court

Required Readings

- Bruckert, C. (2015). Protection of Communities and exploited Persons Act: Misogynistic Law Making in Action. *Canadian Journal of Law and Society*, 30(1), 1-3.
- Lawrence, S. (2015). Expert-tease: Advocacy, ideology and experience in *Bedford* and Bill C-36. *Canadian Journal of Law and Society*, 30(1), 5-7.

- Johnson, G. F., Burns, M., & Porth, K. (2017). A question of respect: A qualitative text analysis of the Canadian parliamentary Committee hearings on The Protection of Communities and Exploited Persons Act. *Canadian Journal of Political Science*, 50(4), 921-953.

January 28th***Walking the Beat: Theories and the History of Policing******Required Readings***

- Hawdon, J. (2008). Legitimacy, trust, social capital, and policing styles: A theoretical statement. *Police Quarterly*, 11(2), 182-201. ISSN: 1552-745X
- Rigakos, G. S. (2000). Bubbles of governance: Private policing and the law in Canada. *Canadian Journal of Law and Society*, 15(2), 145-184.
- Jones, T. & Newburn, T. (2002). The transformation of policing? Understanding current trends in policing systems. *British Journal of Criminology*, 42(1), 129-146.

February 4th***Thinking Through the Bars: Theories and Experiences of the Prison***

- Guest Talk by Sarah Fiander from the Criminalization and Punishment Education Project (CPEP)

Required Readings

- Davis, A. Y. (2003). *Are prisons obsolete?* New York: Seven Stories Press.

February 11th

- **Midterm exam** (during class period)
- Will be based on both reading and lecture materials covered so far

February 18th

- Family Day—No Class/Reading Week

February 25th***Criminalization & Social Issues: What is the Criminal Justice System For?***

- Guest lecture by Marcus Sibley on op-ed writing

Required Readings

- Sibley, M. (2018). Owning risk: Sex worker subjectivities and the reimagining of vulnerability and victimhood. *British Journal of Criminology*, 58(1), 1462-1479.

- Sibley, M. (2016). Opinion: New marijuana task force should recommend immediate decriminalization. *Montreal Gazette*, Retrieved from: https://montrealgazette.com/opinion/columnists/opinion-new-marijuana-task-force-should-recommend-immediate-decriminalization?Fbclid=iwar2q-NE8Cot4m9eY4PWjQIF-ox3qvr9ebgfwiwdbsqxrgshntv_zkanafe
- Phelps, M. S. (2011). Rehabilitation in the punitive era: The gap between rhetoric and reality in U.S. prison programs. *Law & Society Review*, 45(1), 33-68.

March 4th

(Re) Thinking Evidence

- **Op-Ed Assignment** due in class
- Guest Speaker: Alexa Dodge

Required Readings

- Dodge, A. (2017). The digital witness: The role of digital evidence in criminal justice responses to sexual violence. *Feminist Theory*, 19(3), 303-421.
- Duranti, L. (2010). Electronic records and the law of evidence in Canada: The uniform electronic evidence act twelve years later. *Archivaria*, (70), 95-124.
- Glancy, G. D., & Bradford, J. M. W. (2007). The admissibility of expert evidence in Canada. *Journal of American Academy of Psychiatry and the Law*, 35(3), 350-356.

March 11th

Popular Criminology: Understanding Law, Culture & Media

Required Readings

- Rafter, N. & Brown, M. (2011). "Introduction: Taking criminology to the movies," in *Criminology goes to the movies: Crime theory and popular culture*. New York: New York University Press, pp. 1-13.
- Ferrell, J. (2013). Cultural criminology and the politics of meaning. *Critical Criminology*, 21(3), 257-271.
- Hayward, K. J. (2016). Cultural criminology: Script rewrites. *Theoretical Criminology*, 20(3), 297-321.

Optional Reading

- Lonergan, M. (2018). The surrealism of men's rights discourses on sexual assault allegations: A feminist reading of Kafka's *The Trial*. *Atlantis: Critical Studies in Gender, Culture & Social Justice*, 39(1), 18-30.

March 18th***Marginalized Communities & The Criminal Justice System in Canada*****Required Readings**

- Hannem, S., & Petrunik, M. (2007). Circles of support and accountability: A community justice initiative for the reintegration of high risk sex offender. *Contemporary Justice Review*, 10(2), 153-171.
- Martel, J., Brassard, R., & Jaccoud, M. (2011). When two worlds collide: Aboriginal risk management in Canadian corrections. *British Journal of Criminology*, 51(2), 235-255.
- Wortleym S. & Owusu-Bempah, A. (2009). Unequal before the law: Immigrant and racial minority perceptions of the Canadian criminal justice system. *Journal of International Migration and Integration*, 10(4), 447-473.

March 25th***Politics and the Supreme Court: A Complicated Relationship***

- **Crime, Justice & Media Assignment** due in class
- Guest Speaker: Garrett Lecoq

Required readings

- Macfarlane, E. (2017). ‘You can’t always get what you want’: Regime politics, the Supreme Court of Canada, and the Harper government. *Canadian Journal of Political Science*, 51(1), 1-21.
- Roach, K. (2007). Sharpening the dialogue debate: The next decade of scholarship. *Osgoode Hall Law Journal*, 45(1), 169-191.
- Russel, P. H. (2009). “The Charter and Canadian democracy,” in James B. Kelly and Christopher P. Manfredi (eds.). *Contested constitutionalism*. Victoria: UBC Press, pp. 287-306.

April 1st (April Fool’s Day)***Imagining Better Futures: Alternatives to the Criminal Justice System***

- Guest Speaker: Shalimar Woods

Required Readings

- Meiners, E. R. (2011). Ending the school-to-prison pipeline/building abolition futures. *The Urban Review*, 43(1), 547-565.
- Webb, D. (2010). Paulo Freire and ‘the need for a kind of education in hope.’ *Cambridge Journal of Education*, 40(4), 327-339.

April 8th***Concluding Lecture & Course Review for Exam***

- In-depth review for the upcoming final exam
- Last chance to ask questions!
- Study games and tips will be offered

April 12th to 27th

Final exam will be scheduled during the official exam period

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/>

Evaluation Grading Key

In accordance with the Carleton University Undergraduate Calendar (p 34), 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	WDN = Withdrawn from the course		