

Course Outline

COURSE:	LAWS 2301T - Criminal Justice System
TERM:	Summer 2016
PREREQUISITES:	LAWS 1000
CLASS:	Day & Time: online Room: N/A - there is no classroom; lectures will be viewable online; Further information here: CUOL
INSTRUCTOR:	Dr. Rebecca Bromwich, Ph.D, LL.M., LL.B.
CONTACT:	Office: Loeb 483D Office Hrs: By appointment Telephone: Email: Rebecca.Bromwich@carleton.ca

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: 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: <http://carleton.ca/equity/>

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: <http://carleton.ca/equity/>

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 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*) at <http://carleton.ca/pmc/students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

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:

<http://carleton.ca/studentaffairs/academic-integrity/>

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/>

COURSE DESCRIPTION

This course will be a venue for introduction to, critical analysis and exploration of, the current Canadian Criminal Legal System, including its institutions, processes, rules, and actors. The goal is to situate the criminal law within its general social setting and to examine the interrelationship between the aspirations and practices of Canadian society and its formal legal discourses of criminal law.

A strong emphasis is placed on practical aspects of the law and how the players within the legal system achieve 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 the cases, along with specific current issues in Canada.

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

- Demonstrate understanding of how the formal discourses of the criminal law are currently employed in Canada's criminal justice system;
- Convey 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

Saunders, R. P. & McMunagle, Justice John, *Criminal Law in Canada: An Introduction to the Theoretical, Social and Legal Context* 4th Edition (Toronto: Carswell, 2002).

**** text is available at the Campus Bookstore****

Current copies of the:

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

including downloadable electronic versions from CanLii or the Department of Justice website

SUPPLEMENTARY TEXTS

Supplementary Reading:

Balfour & Comack. *Criminalizing Women: Gender and (In)Justice in Neoliberal Times*. Nova Scotia: Fernwood, 2006.

Delisle, R. J. et al. *Learning Canadian Criminal Procedure*. 9th ed. Toronto: Thomson Carswell, 2008.

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

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

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.

EVALUATION

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.

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

1. **Assignment #1 –Parliamentary Submission - 30%**
Due date for assignment is May 20, 2016
2. **Essay Assignment 35%**
Due date for assignment is June 10, 2016
3. **Final Examination 35% - Held in the exam period – June 17-23, 2016**

****exact date to be posted later in the semester****

Examinations will be closed book. The examinations will comprise multiple choice and short-answer questions. Students will be responsible for all of the required readings, supplementary material distributed in class as well as material covered in the lectures.

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SCHEDULE

Topic**Assigned Readings:**

Introduction:

1: Course Overview: Key concepts, evaluation, assignments

2: Criminal Law and Government Regulation
Distribution of Assignment #1

Chapter 1

3: Critical Perspectives on Criminal Law

Chapter 2

4: Legislation and the role of Parliament

Chapter 3

5: The Role of the Courts

Chapter 3

6: November 2, 2015
Criminal law- personnel, participants and powers

Chapter 4.1

7: Criminal law- personnel, participants and powers

Chapter 4.2

8: Criminal law- personnel, participants and powers

Chapter 4.3

9: Criminal law- personnel, participants and powers

Chapter 4.4

10: Criminal law – personnel, participants and powers
& Exam ReviewChapter 4.5-
plus 1-4