

Course Outline

COURSE: LAWS 3306B – Crime, Law, Process and Politics

TERM: WINTER 2019

PREREQUISITES: LAWS 2301 and LAWS 2302

CLASS: **Day & Time:** Tuesdays, 18:05pm – 20:55pm
 Room: Please check with Carleton Central for current room location

INSTRUCTOR: Paolo Giancaterino
(CONTRACT)

CONTACT: **Office:** B442 Loeb Building (Contract Instructor’s Office)
 Office Hrs: By appointment only
 Telephone: 613-297-8745
 Email: pgiancaterino@lmslawyers.com

CALENDAR COURSE DESCRIPTION

Criminal law process in Canada; structure and use of the process examined for fairness, defects, and possible reform initiatives. Issues concerning gender, race and class bias in the implementation and application of the criminal law.

COURSE DESCRIPTION

The aim of the course is to develop a critical understanding of the constant evolution of criminal law in Canada. The course will examine the way Canadians think, talk and act on criminal justice and how this has shaped the criminal justice system today.

The course will be taught from a legal-process perspective that will concern itself with legislative, administrative, judicial and private ordering and their interactions. This process is also rooted in a pragmatic approach to politics which attempts to understand competing perspectives and achieve some form of reconciliation between them.

The course will concentrate on the ongoing conflict and evolution of the due process vs. victims’ rights perspective, the parties involved in said conflict (accused, victims, police, public and politicians) and the resulting debates on criminal law currently in the public domain. We will also focus in on specific offences and offenders to gain a better understanding of how the ongoing conflict affects criminal law today.

REQUIRED TEXTS (Coursepack)

Roach, Kent. *Due Process and Victims’ Rights: The New Law and Politics of Criminal Justice*. Toronto: University of Toronto Press Incorporated

SUPPLEMENTARY TEXTS

Roach, Kent. *Criminal Law, 5th edition*. (Irwin Law: August 2012)

Students should also have a copy of the *Criminal Code* available for reference. Available online at <http://www.canlii.org/en/ca/laws/stat/rsc-1985-c-c-46/latest/rsc-1985-c-c-46.html>

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.

Participation:	10% (will be based on answering weekly question)
Mid-term exam:	35% (February 12, 2019 -18:05 to 20:05)
Final exam:	55% (Formal Examination Period) (3 hours, closed book)

SCHEDULE

The lectures are organized into various topic areas with assigned readings. Chapter number corresponds with chapter number in required coursepack/textbook.

NB: I will also post readings such as news articles, case law etc. on cuLearn. These various items are considered to be "required reading"

TOPICS:**January 8: Basic Introduction to the Course**

- Course Outline
- Overview of Topics and Methodology

January 15: Models of the Criminal Process

Chapter 1 – pgs 11 to 50

January 22: Introduction to the Charter Application Process & The Police

Canadian Charter of Rights and Freedoms – Sections 7 to 24(2)
Chapter 2 – pgs 51 to 87

January 29: The Criminal Trial

Chapter 3 – pgs 88 - 114

February 5: Victimless Crimes?

Chapter 4 – pgs 115 - 150

February 12:

Mid-term Examination (in-class)

February 19:

Winter Break – No Classes

February 26: Women

Chapter 5 – pgs 151 - 190

March 5: Young People

Chapter 6 – pgs 191-220

March 12: Minorities

Chapter 7 – pgs 221-249

March 19: Aboriginal People

Chapter 8 – pgs 250 - 277

March 26: Crime Victims

Chapter 9 – pgs 278 - 309

April 2: Conclusions and Future Direction

Chapter 10 – pgs 310 - 320

April 9:

Course Review and Exam Review/Preparation

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/>