

Course Outline

COURSE:	LAWS 4303 C – Drugs, The User & The State
TERM:	Fall 2017
PREREQUISITES:	Fourth-year Honours standing and LAWS 2301, LAWS 2302
CLASS:	Day & Time: Thursdays, 6:15 pm – 8:55pm Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Michael S. Purcell
CONTACT:	Office: Upon Request Office Hrs: TBA Telephone: (613) 314-1449 Email: msplitigation@gmail.com michael.purcell@ontario.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/>

Student Services

The Centre for Student Academic Support (CSAS) is a centralized collection of learning support services designed to help students achieve their goals and improve their learning both inside and outside the classroom. CSAS offers academic assistance with course content, academic writing and skills development. Visit CSAS on the 4th floor of MacOdrum Library or online at carleton.ca/csas

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 explore the relationship between those who consume, produce, supply and control drugs, both in Canada and abroad. By thinking critically about the differences between Canadian and international drug control policies, we will analyze and evaluate their efficacy, with a view to answering two fundamental questions: (1) what should be the ultimate objective of drug control, and (2) what is the best way to achieve it?

We will attempt to answer these questions by tracing the history of drug control in Canada, up to and including the present day. We are in the fortunate position of witnessing change in real time. Many believe that we are in the midst of a slow, but substantial shift in domestic and international drug policy that emphasizes harm reduction above all else. This shift follows what is widely perceived to be the failure of the "war on drugs", which prioritized deterrence and denunciation. Whether this shift is temporary or permanent remains to be seen.

COURSE ORGANIZATION

This course will prioritize class discussions and engagement. Students will be expected to have completed the required readings by the specified dates.

Readings will be assigned at the end of each class.

REQUIRED TEXTS

There is no required textbook for this course ☺

SUPPLEMENTARY TEXTS

The majority of assigned readings will be posted on CuLearn, and the balance will be available from open sources online.

EVALUATION

All components listed below 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	This course is intended to facilitate and promote critical thinking and the meaningful exchange of ideas. For that to happen, students are expected to complete the assigned readings. Students are encouraged to share their comments and opinions, but they should be relevant to the themes and subject-matter of the course, clearly articulated and substantiated. There is no right or wrong answer or perspective.	15%
IN-CLASS FACILITATION	At the beginning of each class, selected students will be expected to facilitate a 15-20 minute discussion based on at least one of the assigned readings. This should include a summary of the context, issues and themes raised in the material. Additional information about class facilitations will be provided during Week 2.	15%
FINAL PAPER OUTLINE	DUE: <u>6:15 p.m. IN CLASS on November 2, 2017</u> → Final Paper Instructions to be provided on October 19, 2017	10%
FINAL PAPER	DUE: <u>6:15 p.m. IN CLASS on December 8, 2017</u>	60%

SCHEDULE:

WEEK 2: September 14, 2017

TOPIC: COURSE INTRODUCTION

- Review of course outline & expectations
- Overview of course themes

READINGS:

Please watch both of the following documentaries:

- 1) CTV's W5: "48 Hours" (Opioid Crisis), *available online:*
<https://www.youtube.com/watch?v=F1ojeXgyAu0>

- 2) Russell Brand – *End the Drugs War*. BBC Documentary, available online:
<https://www.youtube.com/watch?v=kNxZCoAEJKE>

WEEK 3: September 21, 2017

TOPIC: THE WAR ON DRUGS – INTERNATIONAL**READINGS:**

- 1) *The Lancet Commissions*, “Public health and international drug policy”, Vol. 387, No. 10026, p. 1427-1480, 2 April 2016
→ Posted to CuLearn
- 2) *War on Drugs*, Report of the Global Commission on Drug Policy, June 2011, available online:
→ Posted to CuLearn
- 3) *Advancing Drug Policy Reform: A New Approach to Decriminalization*, Report of the Global Commission on Drug Policy, 2016, available online:
→ Posted to CuLearn

WEEK 4: September 28, 2017

TOPIC: DRUG POLICY & CRIMINAL LAW IN CANADA – PAST & PRESENT**READINGS:**

- 1) Bruce A. MacFarlane, Robert J. Frater, Croft Michaelson, *Drug Offences in Canada*, Ch.2 – “The Evolution of Canada’s Drug Legislation”, 2017
→ Posted to CuLearn
- 2) *The Controlled Drugs and Substances Act*: excerpted annotations from *Martin’s Annual Criminal Code*
→ Posted to CuLearn
- 3) Department of Justice: JustFacts - Drug Offences Subject to a Mandatory Minimum Penalty, December 2016, available online:
<http://www.justice.gc.ca/eng/rp-pr/jr/jf-pf/2016/dec03.html>
- 4) *R v Malmo-Levine* 2003 SCC 74
→ Posted to CuLearn

WEEK 5: October 5, 2017

TOPIC: DRUG POLICY & CRIMINAL LAW IN CANADA – AN ERA OF REFORM?**READINGS:**

- 1) H. Archibald Kaiser, “A Partial Ceasefire in Canada’s War on Drugs? Reflections on the Impending Legalization of Marijuana”, 2016 63 C.L.Q. 368 *Criminal Law Quarterly* 2016
→ Posted to CuLearn

- 2) Marie-Eve Sylvestre, “Moving Towards a Minimalist and Transformative Criminal Justice System”: Essay on the Reform of the Objectives and Principles of Sentencing, August 5, 2016
→ Posted to CuLearn

WEEK 6: October 12, 2017

TOPIC: THE NEW FRONTIER – LEGALIZATION AND STATE DISTRIBUTION IN CANADA

READINGS:

- 1) Nachshon Goltz & Ekaterina Bogdanov, “Lessons from Washington and Colorado: The Potential Financial Gains of Recreations Marijuana to Canada”, *Canada-United States Law Journal*, 2016
→ Posted to CuLearn
- 2) Government of Canada, *The Final Report of the Task Force on Cannabis Legalization and Regulation*, November 30, 2016
→ Posted to CuLearn
- 3) Government of Ontario, *Cannabis legalization: available online* <https://www.ontario.ca/page/cannabis-legalization>

October 19, 2017

TOPIC: THE RECONCILIATION OF HEALTH, SOCIAL & JUSTICE POLICY: SAFE INJECTION AS HARM REDUCTION

READINGS:

- 1) Rebecca Sutton, “Dirty Puddles and Safety Valves: The Path from Fact to Remedy in Canada (A.G.) v. PHS Community Services Society”, *National Journal of Constitutional Law*, September, 2014
→ Posted to CuLearn
- 2) *Canada (AG) v PHS Community Services Society* 2011 SCC 44
→ Posted to CuLearn

October 26, 2017

*****FALL BREAK – NO CLASS*****

November 2, 2017

*****PAPER OUTLINES DUE*****

TOPIC: SENTENCING CONSUMERS, TRAFFICKERS, AND IMPORTERS

READINGS:

- 1) *R v Smith*, 2017 BCCA 112

- 2) *R v Loor*, 2017 ONCA 696
- 3) *R v Jodoin*, [2015] O.J. No. 2149
→ All posted to CuLearn

November 9, 2017

*****NO READINGS - OUTLINE REVIEW*****

November 16, 2017

TOPIC: DRUG TREATMENT COURTS

→ Guest Speaker: Brigid Luke, *Public Prosecution Service of Canada*

READINGS:

- 1) Anida L. Chiodo, *Sentencing Drug-Addicted Offenders and the Toronto Drug Court*, *Criminal Law Quarterly*, 45 CLQ 53, 2002
→ Posted to CuLearn
- 2) Ottawa Drug Treatment Court, *available online*:
<http://www.rideauwood.org/ottawa-drug-treatment-court-2/>
- 3) CBC News: Court program for drug addicts helping mostly white males, report finds, *available online*:
<http://www.cbc.ca/news/politics/drug-court-treatment-diversion-program-1.3376569>

November 23, 2017

TOPIC: IMPACT OF THE WAR ON DRUGS

READINGS:

- 1) David Tanovich, "Race, Sentencing and the 'War on Drugs'", *Criminal Reports*, 2004
→ Posted to CuLearn
- 2) Akwasi Owusu-Bempah, "Let's repair the harms of Canada's war on drugs", *The Toronto Star*, July 10, 2017

November 30, 2017

TOPIC: TBD

READINGS: TBD

December 7, 2017

Paper due: 6:15 p.m. IN CLASS