COURSE: LAWS 4305B – Criminal Justice Reform  
TERM: WINTER 2019  
PREREQUISITES: LAWS XXXX  
CLASS: Day & Time: Tuesdays 2:35-5:25  
Room: Please check with Carleton Central for current room location  
INSTRUCTOR: Diana Young  
CONTACT: Office: C574 Loeb Building  
Office Hrs: Tuesdays 12:00-1:00 or by appointment  
Telephone: (613) 520-2600 ex 1981  
Email: diana.young@carleton.ca

**CALENDAR COURSE DESCRIPTION**

Social transformation and criminal justice reform. Theoretical and practical reasons for the use of criminal law as an instrument of social control. Specific reform initiatives and processes. Alternate responses to social problems.

**COURSE DESCRIPTION**

There are a number of mechanisms through which changes to criminal justice policies and the criminal law occur. Legislators respond to criminal justice issues by enacting new law or amending existing law. Courts respond to new challenges by reinterpreting legal rules, implementing changes that seem to be mandated by the *Charter*, and sometimes finding ways of resisting law reform measures taken by legislators. In addition, reform may occur through the changes in discretionary practices of criminal justice officials and policies at a more micro level. Less clear are the broader social forces that motivate reform. In this course we will consider the political, economic, and cultural conditions that problematize aspects of criminal justice, the mechanisms through which courts, legislatures and other actors in the criminal justice system interpret and respond to pressures for change, and examine some contemporary examples of criminal justice reform.

**REQUIRED TEXTS**

All the course readings can be accessed electronically through the MacOdrum Library collection of journals and e-books, on line, or on CuLearn.
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.

Grading for the course will be based on the following:
Two take home assignments: 20% each
Research paper: 30%
Group presentation: 20%
Class participation: 10%

The take home assignments will be based on the material covered in class. The first will be posted on cuLearn on January 29th and due on February 12th. The second will be posted on March 12th and due on March 26th.

The research paper can be on any topic related to criminal justice reform, and should be 10 to 12 pages in length, double-spaced. It will be due on April 9th. Students should provide me with a brief outline of their research project well before the due date to ensure that it meets the course requirements.

Students will be asked to sign up for one of six groups that will give presentations to the class on various criminal justice reform topics over the last three weeks of the course. Students from two groups not presenting on a particular day will be asked to provide a brief written comment on each presentation. I will summarize the comments and forwarded them to the presenters.

The class participation grade is based on a combination of attendance, frequency of students’ participation in class discussions and the degree to which students’ comments and questions show thoughtfulness and preparation. Students who fail to submit comments on the class presentations will lose participation marks.

*Extensions on assignments will only be granted in extenuating circumstances, such as a verifiable medical condition or family emergency. Students requesting extensions will be required to provide appropriate documentation.*

SCHEDULE

January 8

Introduction to course
Sites of reform – criminal law, criminal justice policy and discretion

Readings:
January 15

Formal Mechanisms of Criminal Justice Reform:
   a) Legislators and the Courts
      - Social Movements Theory: What makes law-makers act?
      - Tough on Crime legislation and judicial resistance
      - Judicial Discretion and the Rule of Law
   b) Royal Commissions of Inquiry
      - Framing the issues and public debate
      - Politics, value conflicts and legalization

Readings:


January 22

Problematising Criminal Justice: Politics, Culture, Technology and Society

   a) Criminal justice reform responses to individual incidents
   b) Technological change and criminal law reform
      - On-line “bullying” – controversies over privacy and security
      - The politics of legislative amendments
      - Courts, “sexting” and the Criminal Code

Readings:


R. v. Vu, [2013] 3 S.C.R. 657 (Headnote only, posted on cuLearn)


January 29

***First take-home assignment posted***

Problematicizing Criminal Justice, continued

a) Risk theory and criminal justice reform
b) The political economy of criminal justice and reform
c) Social Movements Theory and the criminal Justice System
   - Cultural Resources, Framing and Being Heard
   - Emotions and Criminal Justice
   - Sentencing, Hate Crimes and LGBT Rights

Readings:


February 5

Risk Theory and legal principle
The Victims’ Rights Movement
   a) Agency and Law and Order
   b) Risk Theory and Criminal Justice Reform

Readings:


February 12

***First Take-Home Assignment Due***

Wrongful Conviction
   a) Technology, wrongful conviction and exoneration
   b) Policing, Crown Policy and Reform

Readings:


February 19

***Winter Break – no class***

February 26

Implementing Criminal Justice Reform: Good intentions and unexpected outcomes
   a) Punishment, treatment, rehabilitation
   b) Regulation of pornography

Readings:


March 5

International Criminal Law and Transitional Justice
Developments in Aboriginal Justice

Readings:


*R. v. Ipeelee* [2012] 1 S.C.R. 433

March 12

***Second Take-Home Assignment Posted***

Community-Based and Restorative Alternatives

Readings:


March 19

Prison Reform and Penal Abolition

Readings:


*British Columbia Civil Liberties Association v. Canada (Attorney General)* [2018] B.C.J. no. 52 (Headnote only – posted on cuLearn)


**March 26**

***Second Take-Home Assignment Due***

**Group Presentations:**

Group 1: Sex Work and Criminal Justice

Group 2: Assisted Suicide

**April 2**

**Group Presentations:**

Group 3: Terrorism and Criminal Justice

Group 4: Drug Policy – Decriminalization, Safe Injection Sites

**April 9**

**Group Presentations:**

Group 5: Youth Justice Reform

Group 6: Mental Illness and Criminal Law

**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](http://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](http://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](http://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 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/](http://carleton.ca/studentaffairs/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](http://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](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](http://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.