

Course Outline

COURSE: LAWS 4306B - Criminal Law Issues

TERM: WINTER 2019

PREREQUISITES: Fourth year Honours standing and LAWS 2301, LAWS 2302 and LAWS 2908

CLASS: **Day & Time:** Tuesdays 6:05 – 8:55 PM
 Room: Please check with Carleton Central for current room location

INSTRUCTOR: Adriana Poloz
(CONTRACT)

CONTACT: **Office:** B442 Loeb Building (Contract Instructor's Office)
 Office Hrs: By appointment only

Email: adriana.poloz@carleton.ca

CALENDAR COURSE DESCRIPTION

Selected issues and problems in the area of criminal law. The topics may vary from year to year depending on demand and interest and are announced in advance of registration.

COURSE DESCRIPTION

This course will explore the delicate balance between the investigation of crime and the protection of individual rights, with a particular focus on some of the more controversial aspects of fact finding and criminal evidence. Topics will include the use of investigative tools used to elicit confessions, current legal and procedural protections against the admission of unreliable evidence and the prospect of wrongful convictions.

REQUIRED TEXTS

There is no required textbook. Required readings and materials will be available through cuLearn at the beginning of the semester and throughout the duration of the term.

PLEASE NOTE: The class will be primarily delivered in a seminar format and students should come prepared to engage in group discussions. Regular attendance and participation are crucial to success in this course, as not all course content reviewed in class will be posted on cuLearn. Students are responsible for checking the course website on a regular basis for updates.

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 successfully completed in order to receive a passing grade.

i) Participation: (20%)

Student grades will reflect attendance, preparedness, participation and contribution to class discussion. As this is a seminar style class, student participation is an essential element of the learning process. Students must complete and hand in all assignments in order to meet the course requirements and to be eligible to pass the course.

ii) Student-led Presentation & Handouts (30%)

Individual or groups of two students will be required to present on select readings to the class. Presentations are expected to last approximately 30 minutes (which includes time for Q&A) and should provide an overview of the author's central thesis, a description of the supporting arguments, critical reflection on the strengths of these points and independent analysis. Students are further required to develop 2 questions reflecting the article to guide class discussions. Students must also prepare a handout for classmates in attendance to be provided at the beginning of the presentation.

The presentation and handout will be graded using the following criteria:

- (a) Demonstration of the students' understanding of the topic (40%)
- (b) Ability to identify and initiate discussion on critical issues related to the topic (40%)
- (c) Delivery of presentation (20%)

iii) Final Assignment (50%)

Students are required to submit a reflective paper not to exceed 3000 words that draw on the readings from at least two discrete areas of the course, beyond the subject matter of their in-class presentation topic. Students are therefore encouraged to consider and engage the whole curriculum and spectrum of issues in their approach. The use of outside materials is not required, and will not be accepted. Format: PDF document, size 12 font. NB: word count must be respected with use of footnotes and full citation of articles. Footnotes and bibliography do not count towards word count. Final assignments are to be submitted in hard copy at the beginning of the last class. PLEASE NOTE: Late assignments will be marked down by one-third letter grade per day. A medical certificate or other official supporting documentation will be required to support any request for extension.

Final Assignment Grading:Style

Has the author used proper formatting, referencing and grammar? Has the word count been respected?

Structure

Has the author presented a clear and persuasive argument for the reader? Was the introduction and overview concise and reflective of the supporting points?

Content

Has the author demonstrated a clear understanding of the subject matter? Have arguments been supported by course materials and references? Has the author demonstrated thoughtful, reflective and concise analysis of the subject matter?

Research

Has the author's approach been thoroughly researched, substantiated and properly referenced?

Analysis

Has the author presented a thorough understanding and engagement of the course materials? Has the author satisfied the stated requirements of preparing a set of reflections that engage at least two other areas of the course beyond the section that was the subject of their in-class presentation? Has the author demonstrated critical treatment and analysis of the subject matter.

Referencing

The Law Department recommends that you follow the Legal Style set out here:

http://www1.carleton.ca/law/ccms/wp-content/ccms-files/legal_style_sheet.pdf

If you prefer another referencing style, you may use it provided that you are consistent throughout and the style is academically recognized (e.g. Harvard, MLA, Chicago). If you are unsure about the proper format of a particular referencing style, please consult a referencing style guide from the library.

The Academic Writing Centre and Writing Tutorial Services provide students and faculty assistance with the teaching and learning of academic writing. Please contact them in advance and make use of their services: <http://www.carleton.ca/wts/>

OTHER

- As the Instructor works off-campus and does not have a permanent Department office, students should not expect the same availability as full-time faculty members.
- Students who become ill, or may be experiencing difficult personal circumstances or workload pressures, are encouraged to notify the Instructor via e-mail as soon as possible to discuss possible accommodation, (prior to class and/or due dates). Students may also contact the Paul Menton Centre for formal accommodation requirements.

SCHEDULE

| Seminar Schedule | |
|---|--|
| Date | Topic |
| January 8 | - Introduction and Course Overview |
| January 15 | - Psychological dimensions of confession evidence - Canadian confession law and potential complicating factors |
| January 22 | - Police questioning, admissibility and safeguards - Common law limits on police interrogation under the confessions rule - Case study |
| Student-led presentations on Readings* | |
| January 29 | Self-Incrimination under the Charter |
| February 5 | The Right to silence and police questioning |
| February 12 | Protections for Interrogated Suspects |
| February 18-22 | [Spring Reading Week - no class] |
| February 26 | Legal and Psychological Perspectives on the 'Mr. Big' Strategy |
| March 5 | Controversial aspects of fact finding and criminal evidence |
| March 12 | Unreliable Prosecution Evidence |
| March 19 | Abuse of Process and Exclusion of Evidence |
| March 26 | False Confessions and Admissions |
| April 2 | Future Directions and Ongoing Debates |
| April 9 | Course Wrap Up session /Final Paper submission |

*** Student-led presentations will be based on individual articles that will be posted on CuLearn and discussed further in class. A detailed schedule of individual presentation assignments and readings will be available to students in class and online. Students must base their reflective papers in part on the subject matter of their presentations**

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:
<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

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/>

