

Course Outline

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| COURSE: | LAWS 4311A – Special topic: Correctional Law, Human Rights In Canadian Prisons |
| TERM: | WINTER 2019 |
| PREREQUISITES: | LAWS 2908 and Fourth-Year Honours standing |
| CLASS: | Day & Time: Thursdays, 11:35am – 2:25pm Room: Please check with Carleton Central for current room location |
| INSTRUCTOR: | Maeve W. McMahon, B.Soc. Sc., MA (Criminology), PhD (Sociology) |
| CONTACT: | Office: D586 Loeb Building Office Hrs: Thursdays 3:30pm- 4:45pm (and usually available immediately after class) Telephone: 613-520-2600 x. 8095 Email: Maeve.mcmahon@carleton.ca |

CALENDAR COURSE DESCRIPTION

Correctional law in the Canadian criminal justice system; competing objectives of punishment and rehabilitation in the context of respect for the rule of law and human rights; protection of human rights of prisoners in Canada and in international and comparative contexts.

COURSE DESCRIPTION

This course will examine the history, structure, and place of correctional law within the Canadian criminal justice system. We will examine primary correctional statutes and legislation. The legal underpinning of major correctional programmes will be established. We will discuss the competing objectives of punishment, incapacitation and rehabilitation in the context of respect for the rule of law and human rights. The protection of the human rights of prisoners will be a primary theme, and we shall consider the role of judicial inquiries (notably the work of Louise Arbour as Commissioner ‘*Concerning Certain Events at the Prison for Women in Kingston*’) in protecting these rights. We shall also address the human rights situations concerning correctional staff, and especially with respect to women working in prisons for men. While our primary focus is on Canada, we shall also be considering matters concerning imprisonment and human rights in international and comparative contexts.

This is a seminar course that expects students to participate in informed discussion of the weekly topics. Students should do required readings prior to class.

REQUIRED TEXTS

Justice Behind the Walls: Human Rights in Canadian Prisons by Michael Jackson.

Vancouver: Douglas and McIntyre. 2002. Michael Jackson is a Law Professor at the University of British Columbia. The book will be available at the Carleton University Bookstore. You may also find it second hand. A copy of the book is available on reserve at the library.

Note: The book is available online at: www.justicebehindthewalls.net In addition to the book the website contains, and has links to, many sources that may be useful in preparing your research paper.

SAMPLE OF ADDITIONAL READINGS THAT THERE WILL BE PRESENTATIONS ON (more details will be provided in the course schedule)

Students are obliged to consult the *Corrections and Conditional Release Act* as relevant. The Act can be accessed through the website of the Department of Justice at www.laws.justice.gc.ca

Debra Parkes and Kim Pate “Time for Accountability: Effective Oversight of Women’s Prisons,” **Canadian Journal of Criminology and Criminal Justice**, (2006) 48:2:251-285. Available through e-journals at the MacOdrum library (henceforth ‘the library’).

Curt T. Griffiths and Simon Verdun-Jones “The Structure and Operation of Canadian Corrections,” pp. 459-494 in their book **Canadian Criminal Justice**, second edition. Toronto: Harcourt Brace and Company. 1994. On reserve at the library.

Maeve W. McMahon “Control as Enterprise: Some Recent Developments in Privatization and Criminal Justice,” in Steve Easton (Editor) **Privatizing Correctional Institutions**. Vancouver: The Fraser Institute. 1998. On reserve at the library.

‘*A Roadmap to Strengthening Public Safety.*’ Report of the Correctional Service of Canada Review Panel, 2007 [aka the Sampson Report]. This report is available online through the library. The library also has a hard copy in government documents on the second floor, at call # CA1 PSP805 2007.R57 (note: for in library use only).

‘*A Flawed Compass: A Human Rights Analysis of the Roadmap to Strengthening Public Safety,*’ by Michael Jackson and Graham Stewart. 2009. This report is available online via www.justicebehindthewalls.net

Madame Justice Louise Arbour **Commission of Inquiry Into Certain Events at the Prison for Women**. Toronto: The Commission. 1996. The Commission’s report is available online electronically through the library. There is also a hard copy available on the second floor, government documents #CAI SG860 96.C53 ENG

Maeve W. McMahon **Women on Guard: Discrimination and Harassment in Corrections**. Toronto: University of Toronto Press. 1999. Available on reserve at the library.

Dawn Moore, Kellie Leclerc Burton and Kelly Hannah-Moffat, “‘Get Tough’ Efficiency, Human

Rights, Correctional Restructuring and Prison Privatization in Ontario, Canada,” pp. 152-161 in **Capitalist Punishment: Prison Privatization and Human Rights** edited by Andrew Coyle, Allison Campbell and Rodney Neufeld (hereinafter referred to as ‘Coyle et al), Atlanta, GA: Clarity Press, 2003. Available on reserve at the library.

Phillip J. Wood “The Rise of the Prison Industrial Complex in the United States,” pp.16-29 in Coyle et al. (see above)

Katherine van Wormier “Prison Privatization and Women,” pp. 102-113 in Coyle et al. (see above)

Ivan Zinger “Human Rights Compliance and the Role of External Prison Oversight” (pp 127-140) and Michael Jackson “The Litmus Test of Legitimacy: Independent Adjudication and Administrative Segregation” by (pp 157-196) in the **Canadian Journal of Criminology and Criminal Justice** (April 2006) 48:2. Available through e-journals at the library.

Andrew John Goldsmith “Policing’s New Visibility,” **British Journal of Criminology**, (2010) 50:5:914-934. Available through e-journals at the library.

Please also consult the website ‘Justice for Hassan Diab’ re problems with extradition law in Canada as currently evidenced.

FURTHER TEXTS

Additional readings that may be helpful in getting started on your research paper are available on reserve at the library.

Students also should consult the websites of organizations and institutions dealing with prison-related matters. These include CAEFS – Canadian Association of Elizabeth Fry Societies; the John Howard Society; the Correctional Service of Canada; the Ontario Ministry of Correctional Services; the Church Council on Justice; and the Criminalization and Punishment Education Project (CPEP - with members from Carleton University and the University of Ottawa). Concerning issues in the USA students can consult the website for The Sentencing Project (Marc Mauer). Additional suggestions will be provided in class both by the instructor and the students.

Further readings may be assigned in class. Students are also expected to consult additional academic sources in the course of preparing their research proposals and final assignments. The instructor can provide students with assistance in identifying sources relevant to their topic.

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.

6% ATTENDANCE

20% IN-CLASS PRESENTATION: Student presentations - 15 minutes - will be based on individual chapters of Professor Jackson's book; and on articles in the **Canadian Journal of Criminology and Criminal Justice**, as well as additional sources. The presenting student will then lead a 10 minute class discussion of the topic. The presenter should provide a 1-2 page handout to the Instructor and to classmates (12 point font).

The presentations will commence with the student providing a brief introduction to themselves and their research interests concerning law, prisons and human rights. The presentation should provide an informative and analytical discussion of the reading/s. The main point/s of the reading/s should be identified. The major strengths and insights of the reading should also be identified. The presenter can also identify any limitations of the reading/s.

The presenter should identify potential research topics arising from the reading/s.

The presenter should identify questions for group discussion (and these should be provided to students on the handout).

The presenter should have a written or typed set of notes to guide their presentation. However simply reading word by word from the notes is *strongly* discouraged, and may adversely affect the grade given by the Instructor to the presentation.

24% RESEARCH PAPER PROPOSAL (3-4 pages of narrative, plus a 2 page annotated bibliography). Due on February 14, at the beginning of class.

50% FINAL PAPER (15 pages of text, plus a bibliography. In addition to the title page, the paper should include a 'Table of Contents').

The final assignment will be due April 4.

If you wish to have your paper returned to you with comments please provide an S.A.E. (stamped addressed envelope) with adequate postage.

Late assignments will be marked down by one half grade for each day that they are late. A medical certificate or other appropriate documentation will be required to support any request for an extension. Students must complete and hand in all assignments in order to meet the course requirements and to be eligible to pass the course.

It is your responsibility to be present in class and to submit assignments on time.

A hard copy of assignments must be submitted. Assignments are not to be submitted by e-mail.

Always keep a copy of your assignments.

A detailed schedule of individual class topics, and readings, will be available for students.

Out of class the Instructor will communicate with students primarily through cuLearn. Please monitor cuLearn for e-mail communications and postings of course-related information.

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/>