

**CARLETON UNIVERSITY DEPARTMENT OF LAW AND LEGAL
STUDIES COURSE OUTLINE – WINTER 2024**

COURSE: LAWS 2301F: THE CRIMINAL JUSTICE SYSTEM

TERM: WINTER 2024

PREREQUISITES: LAWS 1001 AND LAWS 1002

CLASS SCHEDULE: TUESDAYS, 6:05PM – 8:55PM

LOCATION: ONLINE SYNCHRONOUS

INSTRUCTOR: David J. D’Intino, M.A J.D

E-MAIL: daviddintino@cunet.carleton.ca

OFFICE HOURS: BY APPOINTMENT ONLY (VIRTUAL)

Calendar Course Description: The institutional and social production of criminal law in Canada. Processes, personnel, and agencies in the criminal legal system. The role of discretion and mechanisms of accountability. The accused and the place of the victim. Issues and problems in sentencing and punishment.

Course Description: This course is intended to provide students with a broad survey of some of the social and legal issues that arise in the criminal justice system. In addition to learning the “letter of the law,” students will be encouraged at all times to think through the policy implications that animate Canada’s system of criminal justice, as well as critically evaluate the law as a social construct through the lenses of race, class and gender.

By the end of the course, the student should be able to:

- Understand the basic contours of the criminal process at each stage, from the police investigation of an alleged crime, through arrest, bail, and the rest of the trial process;
- Identify the key actors in the criminal justice system as well as their specific roles and responsibilities;
- Evaluate and critique aspects of Canadian criminal justice system from a policy standpoint;
- Identify and critically evaluate criminal law issues that arise in the public sphere; and;
- Engage in open, respectful, and professional discussions about controversial issues.

REQUIRED MATERIALS:

ROACH, KENT. *CRIMINAL LAW, 8TH EDITION*. IRWIN:TORONTO, 2022.

GRIFFITHS, KURT: *CANADIAN CRIMINAL JUSTICE: A PRIMER, 6TH EDITION*. TOPHAT: TORONTO, 2019.

BOTH TEXTS ARE AVAILABLE FOR PURCHASE AT THE BOOKSTORE

ADDITIONAL (OPTIONAL) MATERIALS:

MCGILL GUIDE FOR UNIFORM LEGAL CITATION

ANNOTATED CRIMINAL CODE, 2023 EDITION

BOTH THE MCGILL GUIDELINES AND AN UNANNOTATED CRIMINAL CODE ARE OF COURSE AVAILABLE FOR FREE ON THE INTERNET.

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 to earn a passing grade.

CLASS ATTENDANCE AND PARTICIPATION: 15%

The easiest 15% of your grade any instructor can give you. Just show up to class, having read the materials and taken notes of what you read, as well as some comments, suggestions, or questions for class discussion.

Additionally, I will post discussion topics on Brightspace for you to comment on. Your insights on these topics will go toward your participation grade.

In order to obtain a maximum participation grade, you must attend all classes (unless excused) and participate in our discussions in class or on Brightspace.

TERM PAPER: 15%

Students are to complete a short term paper, maximum 3500 words, double-spaced, Times New Roman, 12pt font, on a criminal justice system topic.

Students are encouraged to attend the Ottawa Courthouse for courtroom observations, and to interview if possible, criminal justice system participants, such as police officers, Crown or Defence Attorneys, Court Clerks, Jail guards, etc.

Those interviews can then form the basis of your term paper, to be supplemented by the use of case law, statutes and academic sources.

All sources must be cited using the McGill Guide or APA format along with a bibliography.

Due April 2nd, 2024 by the start of class.

TERM PAPER PROPOSAL (5%)

Students are expected to provide me with a written proposal for what they would like to cover in their term paper. That proposal is due no later than **March 5th, 2024 at 11:59pm**.

That proposal should be e-mailed to me at daviddintino@cunet.carleton.ca

The proposal should set out the general topic that will be covered, questions that the student has thought of, the sources that will be consulted, any interviews that will be sought to be conducted and what steps the student has taken to arrange for these, any statutes or cases that will be canvassed or observed and so forth.

Students must cite the sources they have reviewed and planned to use, use McGill or APA style, and should be no longer than 3 pages, double-spaced, using Times New Roman font.

Proposals will be graded based on spelling and grammar, clarity of the outline, appropriateness of the topic, the questions to be answered in the paper and the variety and quality of sources used.

MID TERM EXAMINATION: 25%

WEEK SIX (FEBRUARY 13) – NO SCHEDULED CLASS FOR THIS DATE

- The examination will cover the material reviewed during the first few weeks of the course
- The exam will be a **take-home, open-book examination**
- All external sources must be cited via footnote
- You will have three hours to complete the exam and submit it electronically to Brightspace
- The exam will consist of a mix of multiple choice, true and false and short answer questions where you will demonstrate what you have learned, by applying criminal justice system concepts to those fact patterns

FINAL EXAMINATION: 40%

DURING OFFICIAL EXAM PERIOD (TBD)

- The examination will be cumulative, covering all topics in the course
- The exam will be a **take-home, open-book examination**
- All sources must be cited via footnote
- You will have three hours to complete the exam and submit it electronically
- The exam will consist of a mix of true and false, multiple choice, short answer and fact scenarios where you will demonstrate what you have learned, by applying criminal justice system concepts to those fact patterns

CLASS SCHEDULE

WEEK ONE (January 9)

Introduction to the course and the instructor
Basic Criminal Law concepts

REQUIRED READINGS:

GRIFFITHS: CHAPTERS 1 AND 2

ROACH: CH 1, CH 2 (pgs 26-32), CH 3 (pgs 97-110), CH 5 (pgs 192-237)

WEEK TWO (January 16)

Police and the CJS – Part 1

REQUIRED READINGS:

GRIFFITHS: CH. 4 AND 5

WEEK THREE (January 23)

Police and the CJS – Part 2

REQUIRED READINGS:

GRIFFITHS: CH 6

WEEK FOUR (January 30)

Court Process and the prosecution of criminal cases

REQUIRED READINGS:

GRIFFITHS: CH 2 (PG. 25 DIAGRAM), CH 7

WEEK FIVE (February 6)

Role of the prosecution, the judge, and the defence

REQUIRED READINGS:

GRIFFITHS: CH 8

<https://www.ontario.ca/document/crown-prosecution-manual>

(ONLY PARTS D1-D3, D29-31)

<https://www.ppsc-sppc.gc.ca/eng/pub/fpsd-sfpg/fps-sfp/tpd/index.html>

(ONLY PARTS 1 AND 2)

WEEK SIX (February 13) - MID TERM EXAM (TAKE HOME)

No scheduled class for this date

WEEK SEVEN (February 20) - READING WEEK

No scheduled class for this date

WEEK EIGHT (February 27)

Bail and conditional release

REQUIRED READINGS:

CRIMINAL CODE – SS. 493-522

<https://www.ppsc-sppc.gc.ca/eng/pub/fpsd-sfpg/fps-sfp/tpd/p3/ch18.html>

WEEK NINE (March 5)

Sentencing

REQUIRED READINGS:

GRIFFITHS: CH 9

ROACH: CH 11

CRIMINAL CODE SS. 718-745

WEEK TEN (March 12)

Corrections, alternatives to incarceration and supervised release

REQUIRED READINGS:

GRIFFITHS: CH 10, 11, 12

<https://www.canada.ca/en/parole-board/corporate/publications-and-forms/parole-board-of-canada-contributing-to-public-safety.html>

WEEK ELEVEN (March 19)

Youth criminal justice

REQUIRED READINGS:

GRIFFITHS: CH 13

<https://www.justice.gc.ca/eng/cj-jp/vj-ji/tools-outils/back-hist.html>

WEEK TWELVE (March 26)

Racism, inequality, and criminal reform

REQUIRED READINGS:

GRIFFITHS: CH 3 + 14

<https://www.justice.gc.ca/socjs-esjp/en/ind-aut/uo-cs>

https://www.canlii.org/en/commentary/doc/2019CanLIIDocs4415#!fragment/zoupi0-Tocpdf_bk_4/BQCwhgziBcwMYgK4DsDWszIQewE4BUBTADwBdoAvbRABwEtsBaAfX2zhoBMAzZgIITMALAEoANMmylCEAIqJCuAJ7QA5KrERCYXAnmKV6zdt0gAynlIAhFOCUAogBl7ANQCCAOQDC9saTB80KTsliJAA

WEEK THIRTEEN (April 2)*****DEADLINE FOR ALL PAPERS TO BE SUBMITTED*****

Wrongful convictions

REQUIRED READINGS:

https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/202077E

WEEK FOURTEEN (April 9) – LOOSE ENDS AND EXAM REVIEW**DEPARTMENT POLICIES AND REGULATIONS**

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

PLAGIARISM

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another's data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one's own; and
- failing to acknowledge sources through the use of proper citations when using another's work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course's instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

Emergency Resources (on and off campus):

- <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Empower Me: 1-844-741-6389, <https://students.carleton.ca/services/empower-me-counselling-services>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

EXTENSIONS

The granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date:

<https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

A deferred examination or essay assignment, following the same format, may be written upon application to/approval from the Registrar's Office. Exams are not returned automatically but I will provide them to students who request them. Essays will be returned ahead of the due date for your final exam at the end of term.

Late term papers will be marked down one-half letter grade (eg. B to B-) for each day submitted after the due date without authorized extension from me, subject to the discretion of the professor. Essays must be typed or word processed and submitted by email.

Late examinations will be marked down one-half letter grade for every 30 minutes that is submitted beyond the deadline, without prior approval from me.

All assignments must be original. Please make careful note of regulations concerning academic integrity referred to above and related instructional offences as described in the Undergraduate Calendar.

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 accommodation regarding a formally-scheduled final exam, you must complete the Pregnancy Accommodation

Form that can be found at:

<https://carleton.ca/equity/contact/form-pregnancy-accommodation/>

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, please go to:

<https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>

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. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

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).

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 where 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: <https://carleton.ca/equity/sexual-assault-support-services>

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. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.