

Course Outline

COURSE:	LAWS 3306 A – Crime, Law, Process & Politics
TERM:	Fall 2024
PREREQUISITES:	LAWS 2301 <u>and</u> LAWS 2302
CLASS:	Day & Time: Tuesdays – 18:05 – 20:55 Room: Please check Carleton Central for current Class Schedule In-person Lectures held each Tuesday
INSTRUCTOR:	Paolo Giancaterino
CONTACT:	Office Hrs: Please contact me directly at PaoloGiancaterino@CUNET.CARLETON.CA to schedule a ZOOM meeting TA: Nicole Lee – nicoleclee@cmail.carleton.ca Telephone: LMS Lawyers LLP – 613.230.5787 Email: PaoloGiancaterino@CUNET.CARLETON.CA
BRIGHTSPACE:	https://brightspace.carleton.ca/d2l/home/290252

CALENDAR COURSE DESCRIPTION

Criminal law process in Canada; structure and use of the process examined for fairness, defects, and possible reform initiatives. Issues concerning gender, race and class bias in the implementation and application of the criminal law.

COURSE DESCRIPTION

The aim of the course is to develop a critical understanding of the constant evolution of criminal law in Canada. The course will examine the way Canadians think, talk and act on criminal justice and how this has shaped the criminal justice system today.

The course will be taught from a legal-process perspective that will concern itself with legislative, administrative, judicial and private ordering and their interactions. This process is also rooted in a pragmatic approach to politics which attempts to understand competing

perspectives and achieve some form of reconciliation between them.

The course will concentrate on the ongoing conflict and evolution of the due process vs. victims' rights perspective, the parties involved in said conflict (accused, victims, police, public and politicians) and the resulting debates on criminal law currently in the public domain. We will also focus in on specific offences and offenders to gain a better understanding of how the ongoing conflict affects criminal law today.

LEARNING OUTCOMES

By the end of this course students will be able to:

- Identify and understand Parker's two models of criminal justice processes
- Understand the importance of victim's rights in how it has contributed to the criminal justice process
- Identify precipitating factors that contribute to the changes in our criminal justice system
- Understand the influence of "politics" in creating or amending criminal processes
- Understand and analyze how criminal law is used by governments to respond to and deal with societal issues

REQUIRED TEXTS

Roach, Kent. *Due Process and Victims' Rights: The New Law and Politics of Criminal Justice*. Toronto: University of Toronto Press Incorporated – available as a coursepack via the Carleton Bookstore

Materials, including cases and articles will be posted on Brightspace for each week.

Students should also have access to the following for references:

Criminal Code available online at <http://www.canlii.org/en/ca/laws/stat/rsc-1985-c-c-46/latest/rsc-1985-c-c-46.html>

Canadian Charter of Rights and Freedoms available online at <https://www.canlii.org/en/ca/laws/stat/schedule-b-to-the-canada-act-1982-uk-1982-c-11/latest/schedule-b-to-the-canada-act-1982-uk-1982-c-11.html>

SUPPLEMENTARY TEXTS

Roach, Kent. *Criminal Law, 8th edition*. (Irwin Law: September 1, 2022)

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.

Paper Assignment: 30% - Due November 22nd, 2024 at 11:59 p.m.

Quiz Assignments (3): 10% each – total of 30%

Questions to be released on Brightspace on the following dates:

- September 25th (Due September 30th)
- October 9th (Due October 14th)
- October 30th (Due November 4th)

Students must submit their responses on Brightspace by the deadline date. The specific deadline date **and** time will be posted on the Brightspace Quiz Assignment portal for each quiz.

Final exam: 40% - To be scheduled during the formal examination period. Date and time to be posted on Carleton's Exam Schedule website

All components must be successfully completed in order to get a passing grade.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Quiz Assignments: 25% per day

Paper Assignment: 10% per day

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 short-term extensions, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/academic-consideration-coursework-form/>.

Final exam deferrals must be applied for at the Registrar's Office. Please view the following link for more information and how to apply for a deferral: <https://carleton.ca/registrar/deferral/>

For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student's control), please visit the following link: <https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation>

SCHEDULE

September 10: Basic Introduction to the Course

- Course Outline
- Overview of Topics and Methodology

September 17: Models of the Criminal Process

Chapter 1 – Pages 11 to 50

September 24: Introduction to the Charter Application Process & The Police

Canadian Charter of Rights and Freedoms – Sections 7 to 24(2)
Chapter 2 – Pages 51 to 87

October 1: Introduction to the Charter Application Process & The Police

Canadian Charter of Rights and Freedoms – Sections 7 to 24(2)
Chapter 2 – Pages 51 to 87

October 8: The Criminal Trial

Chapter 3 – Pages 88 – 114

October 15: Victimless Crimes?

Chapter 4 – Pages 115 – 150

October 22:

Fall Break – no class

October 29: Women

Chapter 5 – Pages 151 – 190

November 5: Young People

Chapter 6 – Pages 191-220

November 12: Minorities

Chapter 7 – Pages 221-249

November 19: Indigenous Persons

Chapter 8 – Pages 250 – 277

November 26: Crime Victims

Chapter 9 – Pages 278 – 309

December 3: Conclusion and Exam Preparation**

Chapter 10 – Pages 310 - 319

Course Review and Exam Review/Preparation

**** This class may be converted to “catching-up” if we fall behind schedule during the semester**

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

Carleton's [Academic Integrity Policy](#) states that "instructors at both the graduate and undergraduate level have the responsibility to provide clear guidelines concerning their specific expectations of academic integrity (e.g. rules of collaboration or citation) on all course outlines, assignment and examination material."

a. Permissibility of submitting substantially the same piece of work more than once for academic credit.

- Students are not allowed to re-use their own work from a different course/assignment.
- "Substantially the same" includes using the same assignment with or without changes made therein

b. Permissibility of group or collaborative work.

- Students are not allowed to work in groups, or collaboratively, for any of the quiz assignments or the paper.

c. Permissibility of the use of generative artificial intelligence tools (e.g. ChatGPT).

- Unless explicitly permitted, either generally or for a specific assignment, any use of generative AI tools to produce assessed content is considered a violation of academic integrity standards.
- AI tools are not permitted for use for any of the quiz assignments and/or paper assignment.

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.

For more information, please consult <https://wellness.carleton.ca/>

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://studentcare.ca/rte/en/IHaveAPlan_CarletonUniversityUndergraduateStudentsCUSA_EmpowerMe_EmpowerMe

- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

ACADEMIC ACCOMMODATIONS

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website (students.carleton.ca/course-outline).

Short-Term Accommodations:

Students seeking informal short-term accommodations for the quiz assignments and/or paper must complete and submit the [Academic Consideration for Coursework form](#)

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy Obligation and Family-Status Related Accommodations

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 about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

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/>.

Academic Consideration for Medical and Other Extenuating Circumstances

Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three (3) working days of an instructor's decision. We have created a webform specifically for appeals to the Chair, which can be found here: <https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/>. *Note: This form only applies to LAWS courses and is not the same as a formal appeal of grade.* More information about the academic consideration can be found [here](#).