

Course Outline

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<b>COURSE:</b>	<b>LAWS 2301 G – Criminal Justice System</b>
<b>TERM:</b>	<b>Fall 2020</b>
<b>PREREQUISITES:</b>	<b>LAWS 1001 and LAWS 1002</b>
<b>CLASS:</b>	<b>Day &amp; Time: Monday from 2:35 pm to 5:25 pm</b>
	<b>Course Format: Online delivery. Each week’s pre-recorded lecture will be released at the above time to cuLearn, and available to view afterwards.</b>
<b>INSTRUCTOR:</b>	<b>Dr. Sean Richmond</b>
<b>CONTACT:</b>	<b>Office: D483 Loeb Building</b> <b>Office Hrs: Virtual “office hours” Thursdays 2pm - 4pm or by appointment</b> <b>Telephone: 613-520-2600 x. 2082</b> <b>Email: <a href="mailto:sean.richmond@carleton.ca">sean.richmond@carleton.ca</a></b>

Note: please use your Carleton account for email communication. Questions will not be answered on the weekends, or 24 hours before the case brief is due, the mid-term is due, and the final exam date. Students are warmly encouraged to consult with the instructor and TAs during regular business hours, and well in advance of assessment dates. All times listed here are Eastern Standard Time.

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**CALENDAR 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 provides an interdisciplinary introduction to the Canadian criminal justice system, and some of the key institutions and actors associated with the creation, interpretation and enforcement of criminal law. It addresses core topics such as the nature and role of criminal law in society, and examines important contemporary issues such as terrorism, organized crime, drug laws, and Canadian policing post 9/11.

Throughout the lectures, the power and limits of the criminal justice system in Canada will be discussed from a legal, political and historical perspective. Practice problems, court cases, and short video clips will also be employed to help students critically analyze and apply the theoretical perspectives and legal rules that they learn to the practical challenges associated with the criminal justice system. Respectful and thoughtful class discussion and questions (e.g. through cuLearn) will

be encouraged throughout the term.

Guest speakers will be invited to provide additional insight on cutting edge issues such as how Canada seeks to enforce international criminal law. They will also discuss potential volunteer and employment opportunities in the legal field, to inspire students to think about their broader career objectives.

Learning aims: at the end of the course, students should be able to:

- 1) demonstrate an introductory level of knowledge of the key institutions, actors, theories and challenges that are discussed;
- 2) identify criminal justice issues and apply relevant ideas and rules to the case studies and challenges that they encounter in and outside of the class;
- 3) critically reflect on the political, social and historical context in which criminal law operates in Canada, and the inequalities associated with it;
- 4) read, summarize and evaluate a judicial decision related to the criminal justice system; and
- 5) construct arguments in support of particular positions in the study of the criminal justice system, and show an awareness of alternative views to these positions.

### **COVID-19: LEARNING AND TEACHING CHALLENGES**

Throughout the term, please remember that the unprecedented situation caused by COVID-19 creates potential learning and teaching challenges for students, instructors and Teaching Assistants (e.g. access to technology; potential child and elder care responsibilities; less opportunity for connecting with each other and our support networks; possible financial hardship and mental health; work space; different time zones, etc.). As we navigate these challenges together, and do our best to teach and learn online, please remember to be patient and understanding with yourselves and others. If you have a question or need help, you are warmly encouraged to reach out to me, your TA, or the many other support services provided by Carleton: <https://carleton.ca/studentssupport/wp-content/uploads/Student-Referral-Form-with-Map.pdf>

### **HOW TO SUCCEED WITH ONLINE LEARNING**

Taking courses online can be difficult, so here are a few tips that will help you succeed:

**Stay on top of the course schedule:** watch the recorded lectures during the week they are released, take notes, and review the lectures and your notes leading up to the mid-term and final exam. Set up a viewing schedule for yourself, ideally the existing time slot for this course (Monday 2:35pm - 5:25pm) or another regular time that works. A consistent viewing schedule will help ensure you keep up with the material, and get the most out of the course. It will also help you manage multiple online courses and commitments.

**Watch the whole lecture:** the lectures include important content from the instructor, but also interesting class discussions, student questions, exciting guest speakers, practice problems, video clips, and advice about the assignments and exams. So try your best to watch the whole recording.

**\*\*Note:** we have worked hard with CUOL to edit the lectures so they are ready for this year. But please be patient if we missed something (e.g. wrong due dates), and let us know. I will then send a class update via cuLearn.\*\*

**Stay on top of the readings and quizzes:** read the assigned readings in advance of the relevant lecture, and take notes or flag questions. There are five short online reading quizzes – described

below – to complete throughout the term that will help you stay caught up. Try your best to complete the quizzes.

**If you have questions, please ask!** Your TA and instructor are happy to respond to email, and if you need a more thorough explanation, you are warmly encouraged to connect with us by phone or Zoom audio during the virtual “office hours” or by appointment (e.g. for international students in different time zones).

**Manage your expectations:** this course was designed for online delivery, and offers flexibility that many students will appreciate. But online courses can also be challenging. The level of interaction will not be comparable to traditional in-person classes, and you will need to work harder to stay organized and motivated. Understanding these limits will help you avoid frustration, and get the most out of the class.

### **REQUIRED TEXTS**

1) Curt Griffiths. *Canadian Criminal Justice: A Primer*, 6<sup>th</sup> ed. (Toronto, Nelson, 2019). Hard copy available for purchase from the Carleton bookstore. Electronic version available for purchase from Vital Source:

[https://www.vitalsource.com/en-ca/products/canadian-criminal-justice-a-primer-griffiths-v9780176798802?duration=365&gclid=EAlaIqobChMlj5ab\\_Mn\\_6glVCr3ACh2htwtzEAYYASABEgl\\_pPD\\_BwE](https://www.vitalsource.com/en-ca/products/canadian-criminal-justice-a-primer-griffiths-v9780176798802?duration=365&gclid=EAlaIqobChMlj5ab_Mn_6glVCr3ACh2htwtzEAYYASABEgl_pPD_BwE)

2) Karim Ismaili, Jane Sprott and Kim Varma. *Canadian Criminal Justice Policy: Contemporary Perspectives* (Toronto, Oxford University Press, 2012). Hard copy and e-version available for purchase from Carleton bookstore. E-version is also on reserve through the university library.

In addition to the two books above, further required readings and case studies will be uploaded to the course website on cuLearn, or identified as available online.

### **SUPPLEMENTARY TEXTS**

For students seeking supplementary information on the course topics, the following two texts are available for purchase from the Carleton bookstore. They have also been placed on reserve at the library.

R.P. Saunders and Rebecca Bromwich. *Criminal Law in Canada*, 5th ed. (Carswell, 2016).

Kent Roach. *Criminal Law*, 6<sup>th</sup> ed. (Toronto, Irwin Law, 2015).

### **WEBSITE**

The pre-recorded lectures, lecture summary slides, updates and other important materials will be posted on the course website on cuLearn. Announcements and grades will also be communicated this way. Visit <https://culearn.carleton.ca>, and login using the same username and password that you use for your cmail or Connect accounts. You must be registered in the course to access the course website.

\*\*To help ensure a positive online learning experience, it is imperative that students regularly check the course website and read the update emails sent by the instructor and TAs.\*\* If you have questions about how to use cuLearn, there is a support site for students: <https://carleton.ca/culearnsupport/students/>

### **EVALUATION**

Note: 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.

Recalling the five learning aims described earlier, performance in the course will be evaluated as follows:

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|---|-------------------|
| 1. Five online reading quizzes for weeks 3, 4, 6, 9, and 11 | 15% (5 x 3% each) |
| 2. Case brief – due Thursday October 8 by 5 pm              | 20%               |
| 3. Take-home mid-term exam - due Tuesday Oct. 20 by 11 pm   | 25%               |
| 4. Final exam – to be held in the final exam period         | 40%               |

All evaluation components must be completed in order to be eligible to receive a passing grade. Recall that all the due-date times are Eastern Standard Time (i.e. Ottawa time).

### 1. Five online reading quizzes:

To provide students with early and ongoing assessment, and to recognize the importance of keeping up with the course material, there will be five 20 minute online quizzes administered on cuLearn that evaluate students' understanding of the readings covered in weeks 3, 4, 6, 9, and 11. Each of the five quizzes is worth 3%, for a total of 15% of the final grade.

Each quiz will comprise five multiple choice questions. Students can complete them anytime from Wednesday at 12 pm before the applicable lecture, until 2 pm on the day of the lecture (i.e. Monday).

For example, the first quiz for week 3 readings will be available from Wednesday September 16 at 12 pm, until Monday September 21 at 2 pm. The second quiz for week 4 readings will be available from Wednesday September 23 at 12 pm, until Monday September 28 at 2 pm. The third quiz for week 6 readings will be available from Wednesday October 7 at 12 pm, until Monday October 12 at 2 pm.

The fourth quiz for week 9 readings will be available from Wednesday October 28 at 12 pm, until Monday November 2 at 2 pm. The fifth and final quiz for week 11 readings will be available from Wednesday November 11 at 12 pm, until Monday November 16 at 2 pm.

Once the quiz is started online, students will have 20 minutes to complete the five questions. They will be marked automatically, and students will receive their result through cuLearn. The provision of 20 minutes is meant to accommodate students who may need extra time for assessments, and to allow all students adequate time to think about the questions and their answers. You are not expected to use all of this time, and students who have prepared in advance should be able to complete the quiz in 10 minutes.

Because the timing of the quizzes is already flexible, missed quizzes cannot be retaken. Please do not ask to do so. However, the final quiz grade will be based on your best four completed quizzes. This means that you can miss one, for whatever reason, without penalty. Further information will be provided in class.

### 2. Case brief:

This written assignment is worth 20% of the final grade. It will be up to 1,100 words long, not including short case citation footnotes. Students will read, summarize and contextualize the following landmark case from the Supreme Court of Canada on the constitutionality of Canada's anti-terrorism legislation, entitled *R. v. Khawaja*, 2012 SCC 69. Available at: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/12768/1/document.do>

No further external research beyond the course materials is required or permitted.

The brief should include five elements. The third, fourth, and fifth elements are most important. As such, they should comprise the majority of the brief. First, the assignment should provide a short *background* to the case (e.g. why was the Supreme Court involved?). Second, it should tell the reader what the main *legal issue* was (e.g. what question did Khawaja want the Court to answer?).

Third, the brief should summarize what major *rules* addressed the above issue (e.g. what section of Canada's *Charter of Rights and Freedoms* did Khawaja argue was violated by Canada's anti-

terrorism legislation?). Fourth, the brief should tell the reader what the overall *conclusion* of the Court was regarding the main legal issue, including whether the judges agreed.

Finally, the brief should reflect on *why* the Court concluded the way it did, and how the case demonstrates or challenges some of the *theories* about the criminal justice system that have been covered so far in the course.

Further information will be provided in class, and students will be given a marking rubric on Monday September 14 that reflects the above instructions. The brief will be due by **5 pm on Thursday October 8**, and submitted online through cuLearn.

You are strongly advised to save your work regularly in multiple ways, and to retain a copy of all submitted assignments. Absent prior approval, briefs submitted past the due date will incur a late penalty of -1 mark (out of 20) per day, including weekends.

### 3. Take-home mid-term exam:

To help decrease the stress of mid-term writing, and to provide students with an opportunity to clearly and effectively demonstrate their understanding of the course material and learning aims, the mid-term assessment will be a take-home. It is worth 25% of the overall grade. Students will be responsible for all of the readings, lectures and guest speakers covered in the first half of the course.

The questions and instructions will be uploaded to cuLearn on Monday October 19 at 11 am. Completed responses are due 36 hours later by **11 pm on Tuesday October 20**. They will be submitted online through cuLearn. As requested by students in prior years, there will be no lecture on Monday so that you can use this time to work on the mid-term.

Students must work alone. No additional research beyond the course materials is permitted or required.

The assessment will be open book, and will comprise short-answer and essay questions. Students will choose to answer three of four short-answer questions, and one of two essay questions. Each short-answer must be 300 words or less, and the essay must be 600 words or less. The total word count for the mid-term will thus be 1,500 words (i.e. 3 short answers x 300 words = 900, plus 600 words for the essay).

The provision of 36 hours to complete the mid-term is meant to accommodate students who may have other tests and external commitments during this period, and to allow all students adequate time to think about the questions, write thoughtful and legible answers using word processing software, and proof-read their work. You are not expected to use all of this time, and students who have prepared in advance should be able to complete the assessment in three hours.

Late submissions are not allowed unless they have been previously arranged. You are strongly encouraged to upload your completed response before the deadline. Because this is a mid-term, and you are being given more time than needed to complete it, late submissions will be penalized by -1 mark (out of 25) per *hour* past the deadline. Further information will be provided in class.

### 4. Final exam:

The final exam is worth 40% of the overall grade. It will be completed online through cuLearn, and held during the exam period of December 12 to 23, 2020. The exact date will be scheduled by

Examination Services later in the term. Until then, please keep this exam period clear in your schedules.

The exam will be two hours long, and will comprise multiple-choice questions. Students will be responsible for all of the required readings and cases, as well as the material covered by the lectures and guest speakers. However, greater emphasis will be placed on material covered in the second half of the course. You should therefore prepare for the exam with this in mind. Further information will be provided later in the term.

**SCHEDULE**

## Key Dates:

Wednesday, September 9, 2020 – Fall term begins

Monday October 12, 2020 – Statutory holiday

Monday October 26 to Friday October 30, 2020 – Fall term break

Friday December 11, 2020 – Last day of fall term classes

Saturday Dec. 12 to Wednesday Dec. 23, 2020 – Exam period

Please note that the following schedule may change slightly as the term progresses. Any changes will be announced via cuLearn.

**Week 1: Monday September 7, 2020 (Labour Day holiday)**

\*Note: to ensure students have adequate time for learning before the case-brief and mid-term, the first pre-recorded lecture entitled *Course Overview* will be released on **Thursday**

**September 10**

Required reading: the course syllabus

**Week 2: Monday September 14**

*The Foundations of Criminal Justice*

Required reading: Griffiths, chapter 1 (pages 3-19)

\*Note: the marking rubric for the case brief will be uploaded to cuLearn today.

**Week 3: Monday September 21**

*Understanding the Criminal Justice System*

Required reading: Griffiths, chapter 2 (pages 21-39)

\*Note: the first quiz for week 3 readings will be available from Wednesday September 16 at 12 pm, until Monday September 21 at 2 pm.

**Week 4: Monday September 28**

*Terrorism: Security vs. Rights*

Required reading: Kent Roach, "Terrorism and National Security Policy-Making in Canada", ch. 9 in

*Canadian Criminal Justice Policy*

\*Note: the second quiz for week 4 readings will be available from Wednesday September 23 at 12 pm, until Monday September 28 at 2 pm.

**Week 5: Monday October 5**

*The Police*

Required reading: Griffiths, chapters 4 (pages 67-85, 94-96) and 5 (pages 101-112, 126-27)  
Sandra Hudson, "[Policy Options for Defunding the Police](#)", Broadbent Institute, June 9, 2020

\*Note: the case brief is due by 5 pm on Thursday October 8.

**Week 6: Monday October 12**

*Considerations in the Study of Criminal Justice*

Required reading: Griffiths, chapter 3 (pages 42-59)

Emily Riddle, "[Abolish the Police: Financial Cost Of Law Enforcement In Prairie Cities](#)", June 27,



2020

\*Note: the third quiz for week 6 readings will be available from Wednesday October 7 at 12 pm, until Monday October 12 at 2 pm.

**Week 7: Monday October 19**

*Take-home mid-term – No lecture*

\*Note: the mid-term will be uploaded to cuLearn on Monday October 19 at 11 am. Completed responses are due by 11 pm on Tuesday October 20.

**Week 8: the fall break is October 26 – 30**

There are no classes this week

**Week 9: Monday November 2**

*The Structure and Operation of the Criminal Courts*

Required reading: Griffiths, chapter 7 (pages 165-180, 182-196)

\*Note: the fourth quiz for week 9 readings will be available from Wednesday October 28 at 12 pm, until Monday November 2 at 2 pm.

**Week 10: Monday November 9**

*The Prosecution of Criminal Cases*

Required reading: Griffiths, chapter 8 (pages 200-222, 238-39)

**Week 11: Monday November 16**

*Drug Law and Policy in Canada: Crime vs. Health*

Required reading: Benedikt Fischer et al., "Drug Law and Policy in Canada", ch. 8 in *Canadian Criminal*

*Justice Policy*

Manisha Krishnan, "[Police Chiefs Call for Canada to Decriminalize Drug Possession](#)", *Vice*, July 9, 2020

\*Note: the fifth and final quiz for week 11 readings will be available from Wednesday November 11 at 12 pm, until Monday November 16 at 2 pm.

**Week 12: Monday November 23**

*Goodfellas or Bad Policy? Organized Crime Policies in Canada*

Required reading: Margaret E. Beare, "Policy and Politics: The Evolution of Organized Crime Policies in

Canada", ch. 12 in *Canadian Criminal Justice Policy*

**Week 13: Monday November 30**

1) *The Limits of Criminal Justice: Enforcing International Criminal Law in Canada*

Required reading: none

2) *Short course review*

Required reading: review your notes and send questions to your TA and the instructor

**ACADEMIC ACCOMMODATIONS**

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

**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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

**Religious 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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

**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](mailto: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) <https://carleton.ca/pmc>

**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: <https://carleton.ca/studentsupport/svpolicy/>

**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: <https://students.carleton.ca/services/accommodation/>

**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: <https://carleton.ca/law/current-students/>

## **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: <https://carleton.ca/registrar/academic-integrity/>

**REQUESTS FOR EXTENSIONS**

In recent years, requests have been increasing for extensions that do not meet one of the recognized Academic Accommodation categories above. When responding to such requests, instructors aim to support the individual circumstances of each student, while also maintaining fairness to other students and academic integrity for our courses. Please keep this in mind if you are considering requesting an extension.

Such requests are determined by the instructor, who will confirm whether the request is granted and, if so, the length of the extension. For requests less than seven days, please complete the self-declaration form below, and submit it to the instructor and your TA *prior* to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

Extensions longer than seven days will normally not be granted. In those extraordinary cases where more time is needed, the student must provide additional information to justify this (up to a maximum of 14 days).