

Carleton University

Department of Law and Legal Studies

Course Outline

COURSE:	LAWS 2301 – Criminal Justice System – Section F
TERM:	WINTER 2023
PREREQUISITES:	LAWS 1001 and LAWS 1002
CLASS:	Day & Time: Wednesdays, 18:05 – 20:55 Room: NI 3030
INSTRUCTOR: (CONTRACT)	Jonathan Thompson, BA, MA (Queen’s) JD (Osgoode Hall)
CONTACT:	Office: Room B442 Loeb Building (Contract Instructor’s Office) Office By Appointment (via Zoom) Hrs: Email: Jonathan.Thompson@Carleton.ca

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 TEXTS:

There are no required textbooks for this course. Reading assignments will be announced regularly in class and posted on cuLearn. “Readings” may also take the form of multimedia presentations (podcasts, videos, *etc.*)

During class, students will from time to time need to consult the *Criminal Code*, *Youth Criminal Justice Act*, *Charter of Rights and Freedoms*, and other pertinent legislation. All of these are readily available online, however, students wishing to continue their studies in criminal law may find it helpful to purchase a current, annotated copy of the *Criminal Code* (Martin’s or Tremear’s).

SUPPLEMENTARY TEXTS

Although not required, students may find the following resource to be a helpful digest of some of the concepts and terms covered in class:

Kent Roach, *Criminal Law*, 7th ed (Toronto: Irwin Law, 2018)

EVALUATION

(All components must be completed in order to receive 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.

Course Requirement	Date	Description	Weight (%)
Contributions to Class	Ongoing	Students will receive a grade based on their participation in the course, and their contributions to the learning environment. Students will submit a self-assessment to assist the instructor in their evaluation. NB: Perfect attendance is neither expected nor required; please do not attend class if you are ill.	5
Class and Reading Reflections (TWO required)	First due not later than February 15 th , 2023. Second due not later than April 5 th , 2023.	A reflection of 500-750 words about a week’s class materials (readings, lecture), submitted not later than 4:30pm the Monday following the subject class.	30
Law Reform Op/Ed	March 15 th , 2023	An op/ed piece of 750-1000 words advocating for some aspect of criminal justice reform. Students are strongly encouraged to submit their proposed topic/argument for approval by February 15th, 2023 .	30
Final Exam	(TBD – exam period)	A cumulative final exam encompassing material covered in the totality of the course. The exam will be a mix of multiple-choice, short answer, and longer answer questions.	35

Late assignments will be penalized at a rate of **5%** per day up to the cut-off date. Extensions may be granted, in advance, at the discretion of the instructor. Students will be notified well in advance of a “cut-off” date and time after which no late assignment will be accepted.

SCHEDULE OF TOPICS:

Week	Date	Topic
1	January 11 th	Introduction and Overview; Sources of Criminal Law
2	January 18 th	Sentencing and Punishment Theory
3	January 25 th	Sentencing in Practice
4	February 1 st	The Role of Police
5	February 8 th	Legal Ethics – The Role of the Crown
6	February 15 th	Legal Ethics – The Case for the Defence
7	February 22 nd	Winter Term Break – No Class
8	March 1 st	Race, Racism and Criminal Justice: Part I
9	March 8 th	Race, Racism and Criminal Justice: Part II
10	March 15 th	Bail
11	March 22 nd	Criminal Law and Gender
12	March 29 th	Indigenous and Northern Justice
13	April 5 th	Final Class - Conclusions and Review

About this Reading List:

- There is no assigned textbook for this course.
- Text readings are available on Brightspace or linked to external sources under their relevant week.
- Students will find it helpful to refer back to the relevant legislation (*Criminal Code, Charter of Rights and Freedoms, Youth Criminal Justice Act, etc.*) when required to enhance their understanding of background and context.
- We may return to certain materials in different weeks. For example, “The Case for Indigenous Justice in Canada” will be discussed in both Week 2 (Sentencing and Punishment Theory) and Week 11 (Indigenous and Northern Justice).
- If a legal case is assigned reading, you should direct your attention to the basic facts, the issues before the Court, and the contribution the case makes (or not) to the relevant area of law. This task can often be accomplished without reading the entire case, however, ***this is a practiced skill that we will work on during class time.***
- To maximize the benefit of our class time together, students should strive to read (or watch, or listen to) the relevant materials before the class in question and be ready to synthesize and discuss the materials.
- Please note that this list is subject to change. Please look out for announcements in Brightspace and during class for updates.

1. Sources of Criminal Law

No assigned materials.

2. Sentencing and Punishment Theory

- a. “The Case for Indigenous Justice in Canada: An Interview with Harold R. Johnson” (Podcast)
- b. State Punishment – Nicola Lacey (Chapter 1: Preliminaries)

3. Sentencing in Practice

- a. “An Introduction to the Theory, Justifications and Modern Manifestations of Criminal Punishment” – Stanley A. Cohen
- b. Part XXIII, Criminal Code, especially ss. 718 through 718.201.

4. The Role of Police

- a. “Yes, We Mean Literally Abolish the Police” – Mariame Kaba
- b. ”Traffic Without the Police” – Jordan Blair Woods
- c. “An Abolitionist Horizon for (Police) Reform” – Amna A. Akbar

- d. Policing the Open Road (Podcast: 99% Invisible)
- e. Report of the Independent Police Oversight Review – The Honourable Michael H. Tulloch
 - i. Executive Summary
 - ii. Introduction

5. Legal Ethics – The Role of the Crown

- a. Role of the Crown: Preamble to the Crown Policy Manual
- b. Boucher v. The Queen, [1955] SCR 16
- c. R. v. A.T., 2015 ONCA 65

6. Legal Ethics – The Case for the Defence

- a. “Jian Ghomeshi's lawyer, Marie Henein, speaks to Peter Mansbridge” (CBC News: The National)
- b. “The Role of the Defence Counsel in Canadian Society” –Eddie Greenspan
- c. “We Need to Talk About an Injustice” – Bryan Stevenson (TED Talk)

7. Race, Racism and Criminal Justice I

- a. R. v. Gladue, [1999] 1 SCR 688
- b. R. v. Ipeelee, 2012 SCC 13
- c. R. v. Morris, 2021 ONCA 680

8. Race, Racism and Criminal Justice II

- a. Open Letter on Black Canadians Justice Strategy – Black Legal Action Centre (BLAC)
- b. Anti-Black Racism in Canada’s Criminal Justice System –Canadian Civil Liberties Association
- c. The Skin I’m In – Desmond Cole

9. Bail

- a. The \$1-Billion Hellhole (Toronto Life, 2017)
- b. “Bail and Remand in Ontario” (The “Wyant Report”)
 - i. Background
 - ii. A Note About Culture
 - iii. Risk Aversion
 - iv. The Culture of Remand
 - v. What a Streamlined Bail Court...
- c. R. v. Antic, 2017 SCC 27
- d. R. v. Tunney, 2018 ONSC 961
- e. R. v. Zora, 2020 SCC 14

10. Criminal Law and Gender

- a. Criminalizing and Incarcerating Indigenous Women (Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, Vol. 1a), p. 635 – 347.
- b. Factum of the Intervener, Women’s Legal Education and Action Fund (LEAF): R. v. Jarvis
- c. R. v. Jarvis, 2019 SCC 10

11. Indigenous and Northern Justice

- a. Jonathan Rudin: Aboriginal Transformative Justice (Video: TVO)
- b. Truth and Reconciliation Commission of Canada: Calls to Action (esp. 25 – 42)
- c. Aboriginal Peoples and the Criminal Justice System – Jonathan Rudin (pp. 20 – 26, 67 – 68)

Winter 2023 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website:</i> https://calendar.carleton.ca/academicyear/	
January 9, 2023	Winter term begins.
January 20, 2023	Last day for registration and course changes (including auditing) in full winter and late winter courses.
February 20, 2023	Statutory holiday. University closed.
February 20-24, 2023	Winter break. No classes.
March 15, 2023	Last day for academic withdrawal from full winter, late winter, and fall/winter courses.
April 7, 2023	Statutory holiday. University closed.
April 12, 2023	Winter term ends. Last day of full winter, late winter, and fall/winter classes.
April 15-27, 2023	Final examinations in full winter, late winter, and fall/winter courses will be held. Examinations are normally held all seven days of the week.
April 27, 2023	All final take-home examinations are due on this day.

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: <https://carleton.ca/equity/>

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: : <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 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/students/accommodations/>

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/>

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/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: <https://carleton.ca/equity/accommodation/academic/>