

Course Outline

COURSE:	LAWS 2302C – Criminal Law
TERM:	Fall 2021
PREREQUISITES:	LAWS 1001 and LAWS 1002
CLASS:	Day & Time: Tuesdays, 18:05 – 20:55 (in-person) Room: MC 2000 Please check Carleton Central for current Class Schedule.
INSTRUCTOR:	Jonathan Thompson, BA, MA (Queen’s) JD (Osgoode)
CONTACT:	Office: Room B442 Loeb Building (Contract Instructors’ Office) Office Hrs: Mondays, 5pm to 6pm (via Zoom) or by appointment Email: Jonathan.Thompson@Carleton.ca

CALENDAR COURSE DESCRIPTION

The legal and social dimensions of criminal liability and responsibility in Canada, including issues and problems surrounding *mens rea*, *actus reus*, and the attachment of liability. Excuses and justifications, the Canadian *Criminal Code* and the role of the *Charter* in the criminal legal system.

COURSE DESCRIPTION:

This course is intended to furnish students with a grounding in the fundamentals of Canadian criminal law. The focus of the course is intended to be pragmatic. 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;

- Identify and explain the constituent elements of a criminal offence;
- Understand and explain the role of the *Charter* in Canadian criminal law, including *Charter* remedies;
- 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:

R.P. Saunders & Rebecca Bromwich, *Criminal Law in Canada: An Introduction to the Theoretical, Social and Legal Contexts*, 5th ed (Toronto: Thomson Reuters Canada, 2016).

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* (eg. 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 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.

Course Requirement	Date	Description	Weight (%)
Mid-term Exam	Week of October 19 th , 2021 (<i>takehome</i>)	A take-home midterm exam encompassing material taught in the first five weeks of class.	20
Law Reform Outline	Due <u>not later than</u> October 8 th , 2021	A short outline of the student's proposed Law Reform Project, including a preliminary bibliography.	15
Written Assignment – Law Reform Proposal/Essay	Due December 3 rd , 2021	The student will prepare a law reform project related to some aspect of Canadian criminal law. By default, this project will take the form of a 10-page research essay. Other forms of submission (eg. Podcast, infographic/poster, etc.) may be proposed at the outline stage and approved at the instructor's discretion.	30
Final Exam	(TBD – held during 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 scenario-based questions. The final exam will be <i>modified closed book</i> .	35

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

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.

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).

SESSIONAL DATES:

Fall Term 2021 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/</i>	
September 6, 2021	Statutory holiday. University closed.
September 8, 2021	Fall term begins. Fall and fall/winter classes begin.
October 11, 2021	Statutory holiday. University closed.
October 25-29, 2021	Fall break, no classes.
November 26, 2021	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade before the official examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).
December 10, 2021	Fall term ends. Last day of fall term classes. Classes follow a Monday schedule.
December 11-23, 2021	Formally Scheduled Final Exams may be held.
December 23, 2021	All take home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.
December 25, 2021 through January 1, 2022 inclusive	University closed.

CLASS SCHEDULE:

Week	Date	Topic
1	September 14 th	Introduction and Overview; Sources of Criminal Law
2	September 21 st	Basics of Criminal Procedure
3	September 28 th	Bail and the Trial Process
4	October 5 th	<i>Actus Reus</i>
5	October 12 th	<i>Mens Rea</i>
6	October 19 th	Homicide
7	October 26 th	Fall Term Break – No Class
8	November 2 nd	Defences
9	November 9 th	<i>Charter</i> Litigation and Remedies Sources of Police Powers; Search and Seizure
10	November 16 th	Arrest and Detention
11	November 23 rd	Right to Counsel and Custodial Interrogation Voluntariness
12	November 30 th	Sentencing
13	December 7 th	Final Class - Conclusions and Exam Review

Reading assignments will be announced regularly in class and posted on Brightspace.

COVID-19 PREVENTION MEASURES

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g. wearing a mask, physical distancing, hand hygiene, respiratory and cough etiquette) and [mandatory self-screening](#) prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory [symptom reporting tool](#). For purposes of contact tracing, attendance will be taken in all classes and labs. Participants can check in using posted QR codes through the cuScreen platform where provided. Students who do not have a smartphone will be required to complete a paper process as indicated on the [COVID-19 website](#).

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g. directional arrows, designated entrances and exits, designated seats that maintain physical distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs.

For the most recent information about Carleton's COVID-19 response and required measures, please see the [University's COVID-19 webpage](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the [Student Rights and Responsibilities Policy](#). Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

ACADEMIC ACCOMMODATIONS

Academic Accommodation

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](#).

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 [click here](#).

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. 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 will be provided to students who compete or perform at the national or international level. 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: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

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/>.

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For more information on academic accommodation, please 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/student-experience-resources/>.