



**DEPARTMENT OF LAW AND LEGAL STUDIES  
COURSE OUTLINE AND SCHEDULE**

**COURSE:** LAWS3209B  
CANADIAN CORRECTIONS IN HISTORICAL PERSPECTIVE

**TERM:** FALL 2020

**PREREQUISITES:** LAWS 2301 and LAWS 2302

**CLASS:** Day and Time: Monday 11.35-14.25  
Room: N/A - Most of the lectures and materials in this course will be delivered using pre-recordings made available through our course page on cuLearn. However we will also have 'live'/synchronous sessions using the Zoom conferencing platform each week on Mondays between 1.25pm and 2.25pm. Office hours will be in the hour immediately after class, also using Zoom. Office hours will be supplemented by phone calls, discussion forums on cuLearn, and email correspondence.

**INSTRUCTOR:** Maeve McMahon  
B.Soc.Sc. University College Dublin  
MA (Criminology) PhD (Sociology) University of Toronto

**TEACHING ASSISTANT:** TBA

**CONTACT:** Email: [maeve.mcmahon@carleton.ca](mailto:maeve.mcmahon@carleton.ca)  
  
Office hours: Monday 14.30-15.30 or by appointment (for Zoom or telephone meetings)

**CALENDAR COURSE DESCRIPTION**

History of corrections in Canada in the context of the international evolution of western penal systems, Canadian corrections in the twentieth century and expansion of alternatives to prison after WWII; criminological debates about the theoretical and empirical significance of historical milestones in corrections.

## **COURSE DESCRIPTION:**

This course will examine Canadian corrections in historical perspective. While our primary focus will be on developments in Ontario during the decades following World War II, we shall also be examining the nature of punishment in early Canada, and the international evolution of Western penal systems during the nineteenth century (as affected by Enlightenment thought and the French Revolution). We shall further examine recent rates of imprisonment internationally, and how Canadian rates of imprisonment compare to those in other parts of the world.

The major development in Ontario and Canadian corrections during the post-war (II) period was the expansion of alternatives to prison from the late 1950s through to the 1970s (e.g. probation, parole, halfway houses, and community service orders). We shall analytically examine related developments in the context of critical criminological debates about the alleged phenomenon of 'net-widening'.

In addition to examining issues of imprisonment and alternatives, we will also address select topics with respect to correctional policies and experiences. These topics will include reflections on the revival of privatization in corrections in the late twentieth century and especially in the USA. We will also address issues in relation to topics including the use of mandatory minimum sentences and 'get tough' approaches to crime and punishment; conditions at the Ottawa Carleton Detention Centre; extradition law in Canada and the problematically low threshold of evidence it involves; wrongful convictions; the use of solitary confinement and its repercussions; the high level of remand populations in provincial prisons; difficulties in accessing bail; and the situation of women in corrections, both as workers and as offenders. With respect to contemporary issues in penal reform we will explore discourses and debates about prisons in the context of a pandemic.

The course objectives include facilitating students in better understanding, analysing and explaining historical and current developments in imprisonment and other forms of punishment, and especially since the mid twentieth century. In particular, an objective is to facilitate students in identifying the variety of complex social, economic and political dynamics that have had an impact on evolving systems of punishment both locally and internationally. Another objective is to facilitate students in bringing an analytical eye to literatures concerning corrections - including academic, government, journalistic, social media and reformist sources. In accordance with all of this, an objective is to familiarize students with important theoretical perspectives (e.g. the ideas of Michel Foucault, and of David Rothman) on the historical evolution of imprisonment, and of alternatives to prison, in the western world.

To facilitate student learning, we shall explore relevant web-sites and Facebook pages. Relevant organizations include the Canadian Association of Elizabeth Fry Societies (CAEFS) and the John Howard Society of Canada. Other relevant websites in getting started include 'The Sentencing Project' in the USA; the Journal of Prisoners on Prisons; the 'Criminalization and Punishment Education Project' (Ottawa); the 'European Group for the Study of Deviance and Social Control'; 'ICOPA' (International Conference on Prison Abolition); and 'Canadian Prison Consulting.' Recent reports on issues in corrections can be found at websites for the federal 'Office of the Correctional Investigator,' the 'Ombudsman of Ontario.' and the 'Canadian Civil Liberties Association' (including their report *Set Up to Fail: Bail and the Revolving Door of Pre-trial Detention*. 2014).

## LEARNING OUTCOMES

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

- Provide an analytical narrative about the evolution of corrections in Canada over the past few centuries
- Identify the dates of historical milestones in Canadian corrections (e.g. the opening of Kingston Penitentiary, and the rise and demise of rehabilitation as a penal strategy)
- Develop an understanding of key issues in Canadian correctional reform both historically and at present
- Express knowledgeable, thoughtful and critical ideas on a relevant topic through preparing a research proposal, conducting research, and writing a research paper

## REQUIRED READINGS AND RESOURCES

All course readings are available in cuLearn through **Library reserves/Ares**. In addition to required readings **Ares** contains supplementary readings which will be useful for you as you prepare your research paper proposal and final essay.

Other course resources (e.g. documentaries, links to websites, PowerPoint presentations, and a chart concerning classical, positivist and critical perspectives/theories of crime) will also be made available through cuLearn.

## COURSE STRUCTURE AND METHODS:

This course is being delivered remotely/online.

It is strongly recommended that you reserve our regularly scheduled class time in your calendar. In addition to our weekly one hour online/remote Zoom session, you can use this time to consult asynchronous class materials and resources posted on cuLearn. We will also have some synchronous content (e.g discussions of course content via Zoom, usually during the last hour of class). In addition to class time you should schedule the time needed to do course readings, to watch required video content, to consult relevant websites, and to prepare and complete course assignments.

You should log into cuLearn regularly (especially on class days) to check for announcements, updates, and information on assignments. The course is structured in a series of weekly learning modules to guide you through the content and weekly tasks. All assignments will be submitted through cuLearn.

## EVALUATION PROCEDURES

Standing in a course is determined by the course Instructor subject to the approval of the Department of Law and Legal Studies and 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 assignments will be submitted online through cuLearn.

Assignment	Weight	Information and due dates
Course outline questionnaire <sup>1</sup>	1%	Due Week 1 – September 14 at 23.55
Introduction of self and interests questionnaire <sup>2</sup>	1%	Due Week 1 – September 14 at 23.55
Quiz #1	5%	Posted in Week 3 – September 28 with submission deadline of October 1 at 23.55
Reading reflection #1	6%	Due October 8 at 23.55
Research paper proposal	25%	Due October 19 at 23.55
Quiz #2	5%	Posted in Week 6 – November 2 with submission deadline of November 5
Midterm course feedback <sup>3</sup>	1%	Due November 11 at 23.55
Reading reflection #2	6%	Due November 19 at 23.55
Quiz #3	5%	Posted in Week 9 – November 23 with a submission deadline of November 26 at 23.55
Quiz #4	5%	Posted in Week 11 – December 7 with submission deadline of December 10 at 23.55
Final research paper	40%	Due December 11 at 23.55 <sup>4</sup>

**Quizzes** (4 at 5% each) will include multiple choice, True/False, and short answer questions. They are designed to test that you have completed required readings and studied required materials and resources in the course.

**Reading reflections** (2 at 6% each) will be 2-3 double spaced pages in 12 point font. Each reflection will provide an informative and analytical discussion of the reading. The

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<sup>1</sup> Not graded for content. The mark is earned by completion.

<sup>2</sup> Not graded for content. The mark is earned by completion.

<sup>3</sup> Not graded for content. The mark is earned by completion.

<sup>4</sup> Although final research papers are officially due on December 11 – the last day of class – they will be accepted without a late penalty until December 15.

main point/s of the reading should be identified. The major strengths and insights of the reading should also be identified. You may also comment if you perceive that there are any important limitations in the reading.

Your narrative should conclude by identifying a potential research topic arising from the reading. You should also identify a question that could be used in class discussion arising from the reading.

The reading reflection should not be a summary. Rather you should focus on an aspect of the reading that you found to be of particular interest. It is acceptable to use the first person singular where appropriate in your narrative.

You do not need to provide a bibliography in the reading reflection. However you should provide a title that signposts where you are heading in your narrative (e.g. *Griffiths and Verdun-Jones: The Brutality of Punishment in Early Canada*).

**Research paper proposal (25%):** You will provide a cover page, 3-4 double spaced pages of narration, plus a two page single spaced annotated bibliography (all in 12 point font).

You will be provided with 'A Guide to Writing a Research Proposal' that will assist you in preparing and structuring your work. The guide will include a template of subheadings to be followed. It will also include a list of potential essay topics. You are also free to choose another topic as long as it is relevant for this course.

**Final research paper (40%):** You will provide a minimum of 8 and a maximum of 10 pages of analytical narrative (double spaced, 12 point font) plus a cover page and a bibliography. Papers that are less than the minimum length and those that exceed the maximum length will have marks deducted.

#### NOTES ON ASSESSMENT AND EVALUATION:

##### **ONLY INDIVIDUAL WORK!**

**The University's rules on academic integrity must be followed. All work must be completed individually and be original. Do not share draft or final work with other students. While providing quotations in supporting your work is good, do not rely excessively on lengthy quotations as this does not count as being your own work. You are trying to demonstrate your own understanding of the course content and issues. If your narrative includes excessive quotation it can be difficult for the reader to assess just how well you understand the content.**

**Extensions** of assignment due dates will only be granted in exceptional circumstances. During term any requests should be made to the Instructor and the Teaching Assistant.

**Late penalties:** Your grade will be deducted by 10% of the assignment's worth for each day that it is late. Be sure to email yourself, or otherwise back up, drafts of your work as you proceed. Also be sure to retain a final, dated, copy of your work (in case of any computer glitches/work going astray).

**Extensions:** Requests for extensions should be made to the Instructor and the Teaching Assistant. 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).

**Grading** of your written assignments (reading reflections, research paper proposal, final research paper) will include attention to the content, including that it demonstrates familiarity with the major themes and knowledge derived from this course. Attention will also be paid to clarity of expression, and spelling, grammar and punctuation. In the research proposal and final research paper attention will further be paid to accuracy and consistency in referencing and citations.<sup>5</sup>

## COURSE SCHEDULE

### September 14

- 1 ORIENTATION AND INTRODUCTION:** Course overview and objectives; identification of assignments and preparation procedures; identification of course readings and how they can be accessed through Ares/Library Reserves.

*Reading:* You should read the course outline and schedule, and take careful note of assignments and their due dates.

**Assignment:** A course outline and a self-introduction questionnaire will be posted prior to class on cuLearn. Your responses should be posted by 23.55 on the day of class. Each of these questionnaires is worth 1%. They are not graded for content. The mark is earned by completion.

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<sup>5</sup> You may choose the referencing and citation style that you are most comfortable with (e.g. McGill, APA, etc).

September 21

2 The class will include information about the research paper proposal and final research essay assignments and relevant sources

**AN OVERVIEW OF THE CANADIAN CORRECTIONAL SYSTEM, AND IT'S HISTORY**

*Objectives:*

- to examine the nature of punishment in early Canada
- to identify and discuss factors leading to the emergence of imprisonment as a form of punishment
- to introduce the contemporary organization of corrections in Canada

*Reading:* "The Structure and Operation of Canadian Corrections," pp. 459-494 in Curt T. Griffiths and Simon N. Verdun-Jones **Canadian Criminal Justice**. Second edition. Toronto: Harcourt Brace and Company. 1994.

*Video:* 'Kingston Penitentiary Tour' by TikiTrex, 26 November 2013. 12:59  
<https://www.youtube.com/watch?v=cjUTEE-TVx4>

September 28

3 **THE PRISON, CRIMINOLOGY, AND THE RISE AND DEMISE OF REHABILITATION**

*Objectives:*

- to identify the perennial perception of a need for reform in corrections
- to identify linkages between the growth in use of imprisonment and the emergence of criminology, and the idea of rehabilitation, in the nineteenth century
- to discuss academic and political factors underlying the demise of rehabilitation in the mid 1970s
- to examine the rise of community corrections and the genesis of critical criminological analyses of correctional issues
- to introduce the concept of 'net-widening' and its problematic aspects

*Reading:* "Imprisonment, Alternatives, and Penalty," (pp. 3-9), "The Prison, Criminology, and Rehabilitation," (pp. 10-22), and "The Evolution and Assumptions of Critical Literature on Community Corrections," (pp. 23-44) in Maeve W. McMahon **The Persistent Prison? Rethinking Decarceration and Penal Reform**. Toronto: University of Toronto Press. 1992.

**Assignment:** Quiz #1 (5%). The quiz will be posted today on cuLearn at 18.30 and you have until October 1 at 23.55 to complete it.

October 5

4

**WOMEN IN CANADIAN PRISONS: EVENTS AT THE PRISON FOR WOMEN (P4W) IN KINGSTON IN 1994 AND THEIR AFTERMATH**

*Objectives:* - to identify the Prison for Women in Kingston, Ontario as Canada's only federal prison for women for most of the twentieth century

- to highlight events at the Prison for Women in 1994 including the strip searching of some women in segregation by a male IERT (Institutional Emergency Response Team)

- to discuss the subsequent establishment of the Arbour Commission of Inquiry and its findings and recommendations

- to identify the closure of the Prison for Women in 2000 and its replacement by smaller institutions across the country

*Readings:* Maeve McMahon, "Assisting Female Offenders: Art or Science?" (pp. 279-328) in Maeve McMahon (Ed) **Assessment to Assistance: Programs for Women in Community Corrections**. Lanham, Md: American Correctional Association, 2000.

Louise Arbour (Commissioner) **Commission of Inquiry into Certain Events at the Prison for Women in Kingston**. Ottawa: Public Works and Government Services, 1996.

*Videos:* 'P4W: Prison for Women' – a documentary by Janis Cole and Holly Dale, 1981.

<https://www.imdb.com/title/tt0129283/>

CBC – The Fifth Estate: 'The Ultimate Response' – a documentary about the male IERT (Institutional Emergency Response Team) squad strip searches of women at the Prison for Women in Kingston, Ontario, in April 1994. 1995. 00:25:10.

<https://curio.ca/en/video/the-ultimate-response-4162/>

'Conviction' – a National Film Board documentary by Nance Ackerman, Ariella Pahlke, and Teresa MacInnes. 2019. 1h 18min. This is a more recent documentary about women's experience of imprisonment in Canada.

<https://www.nfb.ca/film/conviction/>

**Assignment:** Reading/resource reflection #1 (6%) should be posted online before 23.55 on October 8.



October 19

5

## CONTROL AS ENTERPRISE: REFLECTIONS ON THE REVIVAL OF PRIVATIZATION IN CORRECTIONS

**Objectives:**

- to introduce the notion of 'punishment for profit' and to raise questions about the ethics of such practices
- to examine various forms of entrepreneurship which have been evident in corrections and criminal justice more generally since the late twentieth century
- to examine the phenomenon of mass incarceration in the USA in the late twentieth and early twenty first centuries, the role of entrepreneurship in this, and the disproportionate impact on some racialized groups.

**Readings:** "Control as Enterprise: Some Recent Developments in Privatization and Criminal Justice," (pp. 109-128) by Maeve W. McMahon in Steve Easton (Editor) **Privatizing Correctional Institutions**. Vancouver: The Fraser Institute. 1998.

"Correctional Renewal Without the Frills: The Politics of 'Get Tough' Punishment in Ontario" (pp. 105-121) by Dawn Moore and Kelly Hannah-Moffat in Joe Hermer and Janet Mosher (Editors) **Disorderly People: Law and the Politics of Exclusion in Ontario**. Toronto: Fernwood, 2002.

**Video:** '13<sup>th</sup>' – a documentary directed by Ava DuVernay and released in 2016. <https://www.youtube.com/watch?v=krfcg5pF8u8> (1:40:03)  
The 13<sup>th</sup> refers to the constitutional amendment in the USA which abolished slavery but did not apply to prison labour.

**Supplementary readings:** The following are not required but will be useful for students planning to submit a research paper on the topic of prison privatization (especially in the context of developments in the USA).

"The Rise of the Prison Industrial Complex in the United States," by Phillip J. Wood, pp.16-29 in **Capitalist Punishment: Prison Privatization and Human Rights** by Andrew Coyle, Allison Campbell and Rodney Neufeld (Eds). Atlanta, GA: Clarity Press, 2003.

"Prison Privatization and Women," by Katherine van Wormier, pp. 102-113 in **Capitalist Punishment: Prison Privatization and Human Rights** by Andrew Coyle, Allison Campbell and Rodney Neufeld (Eds). Atlanta, GA: Clarity Press, 2003.

**Assignment:** Research paper proposal due October 19 before 23.55.

October November 2

6

**PUNISHMENT WITHOUT CHARGE OR TRIAL: THE WRONGFUL EXTRADITION CASE OF DR. HASSAN DIAB**

Hassan Diab, a lecturer in Sociology at Carleton University and the University of Ottawa, was arrested in November 2008 as a suspect in the bombing near a synagogue in Paris (Rue Copernic) in October 1980. The bombing resulted in four deaths, with over forty people injured. Following six years of legal proceedings in Canada, during which Dr. Diab was subject to house arrest with extremely onerous conditions (for example having to pay about \$2,000 per month for an electronic monitoring bracelet), as well as several periods of incarceration, Hassan Diab was extradited to France in November 2014. After over three years of imprisonment at the Fleury Merogis prison in a Parisian suburb in January 2018 he was released without charge and able to return to Canada. Arguably Hassan Diab's wrongful accusation and prolonged ordeal highlight serious flaws in Canada's Extradition Act of 1999.

- Objectives:*
- to document the evolution of Hassan Diab's extradition case, including the current status
  - to highlight flaws in Canada's Extradition Act, and especially the low threshold of evidence required from France as a requesting state
  - to highlight aspects of Canada's extradition law and process, and areas in need of reform

*Reading:* Maeve McMahon "The Problematically Low Threshold of Evidence in Canadian Extradition Law: An Inquiry into its Origins; and Repercussions in the Case of Hassan Diab," **Manitoba Law Journal**, 2019, 42(3)303-364.

Please consult the website [www.justiceforhassandiab.org](http://www.justiceforhassandiab.org)

To help guide you through it select media articles and video sources are among the resources listed below.

Chris Cobb, "Canada's Extradition Law: A Legal Conundrum," *Ottawa Citizen*, November 14, 2014 available at:

[https://www.justiceforhassandiab.org/wp-content/uploads/2014/11/Ottawa\\_Citizen\\_2014-11-14b.pdf](https://www.justiceforhassandiab.org/wp-content/uploads/2014/11/Ottawa_Citizen_2014-11-14b.pdf)

*Video:* 'Rubber Stamped: The Hassan Diab Story,' a documentary directed by Amar Wala, released in 2017 available at:

[https://www.youtube.com/watch?v=WVv\\_J7s78Bc&list=PLpT88dWGVkKPZpMp\\_zgpTXSI\\_ob5rYA7Cv&index=9&t=23s](https://www.youtube.com/watch?v=WVv_J7s78Bc&list=PLpT88dWGVkKPZpMp_zgpTXSI_ob5rYA7Cv&index=9&t=23s)

**Assignment:** Quiz #2 (5%). The quiz will be posted today on cuLearn at 18.30 and you have until November 5 at 23.55 to complete it.

## November 9

7

### **PROBLEMATIC ASPECTS OF THE DECARCERATION LITERATURE; DEINSTITUTIONALIZATION IN ONTARIO AFTER WORLD WAR II; AND THE ORIGINS AND ACCOMPLISHMENTS OF COMMUNITY CORRECTIONS**

*Objectives:*

- to examine literature from the late 1970s and early 1980s concerning decarceration and 'net-widening'
- to identify empirical and political limitations of the critical literature
- to examine discourses and practices concerning imprisonment and alternatives in Ontario after the second World War
- to document the proportionately decreasing use of imprisonment in Ontario after the second World War

*Reading:* "Problematic Aspects of the Decarceration Literature," (pp. 45-76) and "Decarceration in Postwar Ontario," (pp. 77-103) in Maeve W. McMahon **The Persistent Prison? Rethinking Decarceration and Penal Reform.** Toronto: University of Toronto Press. 1992.

**Assignment:** The midterm feedback form (1%) should be submitted on cuLearn today, November 9, by 23.55. It is not graded for content. The mark is earned by completion.

## November 16

8

### **A CASE STUDY OF ASHLEY SMITH AS IT ILLUSTRATES PROBLEMS WITH THE USE OF SOLITARY CONFINEMENT**

*Objectives:*

- to introduce problems with solitary confinement as illustrated in the case of Ashley Smith (who died at the Grand Valley Institution by self-inflicted strangulation)
- to highlight human rights issues in Canadian prisons
- to identify the repercussions of viewing mental health issues through the lens of behaviour and discipline
- to reflect on issues of discourse v practice in relation to recent redefinitions of the phenomenon of solitary confinement in the Canadian context

*Videos:* The Fifth Estate: 'Out of Control' – a documentary about the Ashley Smith case aired by the CBC on 8 January 2010. (41.22)  
[https://www.youtube.com/watch?v=yryXNq00\\_c0](https://www.youtube.com/watch?v=yryXNq00_c0)

The Fifth Estate: 'Behind the Wall' – another documentary including discussion of the Ashley Smith case aired by the CBC on 12 November 2010. (42.25)  
<https://curio.ca/en/video/behind-the-wall-4168/>

The Fifth Estate: 'Wronged: Did Ashley Smith's death end solitary Confinement?' aired by the CBC on 28 October 2019. (16.54)  
<https://www.youtube.com/watch?v=rbMUXnNOY6k>

The Fifth Estate: 'Hana Garner's most memorable Fifth Estate moments' aired by CBC on 19 February 2020. (3.26. Discussion of the Ashley Smith case starts at 2.36)  
<https://www.youtube.com/watch?v=-Q805xxe2Wc>

On 12 June 2013 Carleton University awarded a Doctor of Laws, honoris causa, to Kim Pate, Executive Director of the Canadian Association of Elizabeth Fry Societies, "in recognition of her tireless efforts and outstanding leadership in promoting human rights for women within the justice system." During her address to students Kim Pate focused on the case of Ashley Smith.  
<https://carleton.ca/convocation/videos/honorary-degrees-spring-2013/>  
(18.40. Kim Pate's address starts at 5.05)

*Audio:* CIUT<sup>6</sup> - Beyond the Headlines: 'Solitary Confinement: An in-depth discussion with Senator Kim Pate,' 27 January 2020. (58.01)  
<https://beyondtheheadlines.net/2020/01/27/solitary-confinement-an-in-depth-discussion-with-senator-kim-pate/>

*Reading:* Kim Pate, 'Solitary by another name is just as cruel,' reproduction on 16 November 2018 of an article originally published in the *Globe and Mail* on 12 November 2018.  
<https://sencanada.ca/en/sencaplus/opinion/solitary-by-another-name-is-just-as-cruel-senator-pate/>

**Assignment:** Reading/resource reflection #2 (6%) should be posted online before 23.55 on November 19.

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<sup>6</sup> CIUT-FM is a campus and community radio station owned and operated by the University of Toronto.

November 23

9

**EXPLAINING DECARCERATION IN POST WAR II IN ONTARIO; AND EXAMINING THE ORIGINS AND ACCOMPLISHMENTS OF COMMUNITY CORRECTIONS DURING THE 1970s**

- Objectives:*
- to examine trends in the use of prison and probation in Ontario after the second world war
  - to analyze the significance of fine defaults for imprisonment rates
  - to examine the situation of drunkenness offenders in Ontario after the second World War.
  - - to identify and explain the significance of 1) prison overcrowding, and
  - 2) changing provincial fiscal policies with respect to the accelerated growth of community corrections in the 1970s
  - - to discuss official discourses about community corrections and to elucidate how these discourses, and related practices, have historically served the interests of the ministry of corrections and its officials

*Reading:* “Explaining Decarceration: Trends in Probation and Community Corrections.” (pp. 104-124); “Explaining Decarceration: Fines and Fine Defaults,” (pp. 125-141); and “Drunkenness Offenders and the Revolving Door,” (pp. 142-169); and “The Origins and Accomplishments of Community Corrections in Ontario,” (pp. 170-187) in Maeve W. McMahon **The Persistent Prison?**

**Assignment:** Quiz #3 (5%). The quiz will be posted today on cuLearn at 18.30 and you have until November 26 at 23.55 to complete it.

November 30

10

**I. PANDEMIC ISSUES IN PRISONS IN CANADA AND INTERNATIONALLY**

*Objectives:* TBA

*Video:* TVO – The Agenda with Steve Paiken, “COVID-19 and the Corrections System.” A discussion with Lee Chapelle, president of Canadian Prison Consulting, Senator Kim Pate, and Chris Jackel, correctional officer and OPSEU official. 6 April 2020. (28:37)  
<https://www.youtube.com/watch?v=Cza9DzhsKaM>

*Reading:* Hilary Marland, Clare Anderson and William Murphy, “Coronavirus: a history of pandemics in prison,” *The Conversation*, 22 April 2020.  
<https://theconversation.com/coronavirus-a-history-of-pandemics-in-prison-136776>

Rosemary Ricciardelli and Sandra Buceris, "Canadian prison in the time of COVID-19: Recommendations for the pandemic and beyond," *Folio*, 26 June 2020.

<https://www.folio.ca/commentary--canadian-prisons-in-the-time-of-covid-19-recommendations-for-the-pandemic-and-beyond/>

Note: Additional resources will be added as the situation evolves.

## II. THE SITUATION OF WOMEN WORKING IN CORRECTIONS: A CONTEMPORARY HISTORY

*Objectives:*

- to provide a history of women working in prisons for men in Canada
- to provide a case study of related events at the Wakefield/Haileybury Jail during the 1990s

*Readings:*

"Women Working in Corrections and in Prisons for Men," (pp.3-15) and "A History of Women Working in Corrections and Prisons for Men," (pp. 16-27) in **Women on Guard: Discrimination and Harassment in Corrections**. by Maeve W. McMahon. Toronto: University of Toronto Press. 1999.

Freda Burdett, Lynne Gouliquer, and Carmen Poulin, "Culture of Corrections: The Experiences of Women Correctional Officers," **Feminist Criminology**, 2018, 13(3)329-349.

December 7

11

## WRONGFUL CONVICTIONS IN CANADA: CASE STUDIES OF DAVID MILGAARD AND JAMIE NELSON

*Objectives:*

- to identify factors involved in wrongful conviction (including tunnel vision, jailhouse informers, faulty evidence, eyewitness errors, false confessions, and problematic expert evidence
- to introduce the case of David Milgaard who was arrested for murder in 1969, sentenced to life, released in 1992, and exonerated in 1997
- to introduce the case of Jamie Nelson who served over 1,000 days after being falsely accused of sexual assault

*Videos:*

'The Wrongful Conviction of David Milgaard' - documentary by Lera Pretty, April 23, 2020. (25:29)

<https://www.youtube.com/watch?v=HvBCaccEYhs>

**Readings:** Karen Green, “‘Will you stop typing?’: Five decades after being wrongly convicted, Milgaard reflects on the idea of Canadian justice,” CTV News, January 30, 2020.

<https://calgary.ctvnews.ca/will-you-stop-typing-five-decades-after-being-wrongly-convicted-milgaard-reflects-on-the-idea-of-canadian-justice-1.4791067?cache=%3FclipId%3D68597>

Margaret Wente, “Jamie Nelson: ‘Canada’s prisoner of conscience’,” *Globe and Mail*, August 30, 2001.

<https://injusticebusters.org/index.htm/NelsonJamie.htm>

Note: This website also has information about numerous other cases.

Kent Roach, “Wrongful Convictions in Canada,” **University of Cincinnati Law Review**, 2012, 80(4)1465-1476.

**Assignment:** Quiz #4 (5%). The quiz will be posted today on cuLearn at 18.30 and you have until December 10 at 23.55 to complete it.

## December 11

12

- I. CONDITIONS AT THE OTTAWA-CARLETON DETENTION CENTRE**
- Objectives:**
- to explore condition at the Ottawa-Carleton Detention Centre
  - to document examples of excessive use of force at OCDC as documented in the Ombudsman of Ontario’s report ‘Code of Silence’ in 2013
  - to highlight concerns being expressed at OCDC by women as of June 2020

**Readings:** Laura McKendy *The Pains of Jail Imprisonment: Experiences at the Ottawa-Carleton Detention Centre*. PhD Thesis, Department of Sociology, Carleton University, 2018.

<https://curve.carleton.ca/96758ed0-204e-46b3-8f31-6df3d1650c99>

Andre Marin ‘*The Code’: Investigation Into the Ministry of Community Safety and Correctional Services’ Response to Allegations of Excessive Use of Force Against Inmates*. June 2013. Toronto: Ombudsman of Ontario.  
[https://www.ombudsman.on.ca/Files/sitemedia/Images/Newsroom/The\\_Code\\_ENGLISH.pdf](https://www.ombudsman.on.ca/Files/sitemedia/Images/Newsroom/The_Code_ENGLISH.pdf)

Note: Your attention is directed to page 7, and pages 28-32 concerning the experience of Colin at the Ottawa-Carleton Detention Centre. Your attention is also directed to pages 33-34 concerning the experience of Daniel, also at the Ottawa-Carleton Detention Centre.

## II. SOME CURRENT ISSUES IN CANADIAN CORRECTIONS: PROBLEMS WITH ACCESS TO: 1) BAIL RELEASE, AND 2) PARDONS

- Objectives:*
- to identify problems in the bail system including excessive conditions that set those released up to fail
  - to document and analyse the evolution of pardons (criminal record suspensions in Canada, including growing obstacles to access
  - to illuminate the challenges faced by former offenders burdened with a criminal record in moving on with their lives (e.g. regarding employment

*Reading:* Canadian Civil Liberties and Education Trust "[Set Up to Fail: Bail and the Revolving Door of Pre-trial Detention](https://ccla.org/cclanewsitewp-content/uploads/2015/02/Set-up-to-fail-FINAL.pdf)" [authored by Abby Deshman and Nicole Myers]. July 2014. Toronto: Canadian Civil Liberties Association. <https://ccla.org/cclanewsitewp-content/uploads/2015/02/Set-up-to-fail-FINAL.pdf>

Samantha McAleese, "Job search, suspended: Changes to Canada's pardon program and the impact on finding employment," in R. Ricciardelli and A.M.F. Peters (Eds) **After prison: Navigating employment and reintegration** (pp. 83-104). Waterloo, ON: Wilfred Laurier University Press. 2017.

**Assignment:** Final papers are due today by 23.55. However they will be accepted until 23.55 on December 15 without a late penalty. Submission is via cuLearn.

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### **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**

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 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) [www.carleton.ca/pmc](http://www.carleton.ca/pmc)

### **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: <http://carleton.ca/studentaffairs/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/equity/focus/sexual-violence-prevention-survivor-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://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: <http://carleton.ca/law/current-students/>