
COURSE: LAWS 3306A – Crime, Law Process & Politics

TERM: FALL 2020

PREREQUISITES: LAWS 2301 and LAWS 2302

CLASS: Day & Time: Mondays – 18:05 – 20:55
Room: All Courses in the Fall 2020 term are offered online. Lectures in this course will include pre-recorded lectures and weekly “live” sessions held during our regularly class time via Zoom conferencing platform.

INSTRUCTOR: Paolo Giancaterino
(CONTRACT)

CONTACT: Office: Room B442 Loeb Building (Contract Instructor’s Office)
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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.

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

SUPPLEMENTARY TEXTS

Roach, Kent. *Criminal Law, 7th edition*. (Irwin Law: August 2018)

Students should also have a copy of the *Criminal Code* available for reference. Available online at <http://www.canlii.org/en/ca/laws/stat/rsc-1985-c-c-46/latest/rsc-1985-c-c-46.html>

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.

Take-home Assignment:	30% (Assignment and due date to be announced in-class and posted on CULearn)
Quiz Assignments (3):	10% each – total of 30%
	Questions to be released on CULearn on September 25, October 9 and November 6. Requirements and due dates to be provided.
Final exam:	40% (Take Home Exam)

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

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).

SCHEDULE

The lectures are organized into various topic areas with assigned readings. Chapter number corresponds with chapter number in required coursepack/textbook. The VOD lecture to access will be indicated, along with any instructions on how to view the lecture.

This course will be a “blended” course. The lectures will be made available online through VOD for all students. I will be providing a short lecture via Zoom to introduce students to the materials and to take any questions about the material from the previous lecture.

I will send out the ZOOM link for the lecture each Sunday evening via your Carleton email.

NB: I will also post readings such as news articles, case law etc. on cuLearn. These various items are considered to be “required reading”

TOPICS:

September 14: Basic Introduction to the Course

- Course Outline
- Overview of Topics and Methodology

September 21: Models of the Criminal Process

Chapter 1 – pgs 11 to 50

VOD Lecture 1 – please view the entire lecture

September 28: Introduction to the Charter Application Process & The Police

Canadian Charter of Rights and Freedoms – Sections 7 to 24(2)

Chapter 2 – pgs 51 to 87

VOD Lecture 2 – please view the first 1 hour and 45m of Lecture 2

October 5: Introduction to the Charter Application Process & The Police

Canadian Charter of Rights and Freedoms – Sections 7 to 24(2)

Chapter 2 – pgs 51 to 87

VOD Lecture 2 – please view the remainder of Lecture 2

VOD Lecture 3 – please view the first hour of Lecture 3

October 12:

Thanksgiving – no class

October 19: The Criminal Trial

Chapter 3 – pgs 88 – 114

VOD Lecture 3 – please view the remaining 1 hour and 28 minutes of Lecture 3

October 26:

Fall Break – no class

November 2: The Criminal Trial

Chapter 3 – pgs 88 – 114

VOD Lecture 4 – please view the first 1 hour and 17 minutes of Lecture 4

November 9: Victimless Crimes?

Chapter 4 – pgs 115 – 150

VOD Lecture 4 – please view the remainder of Lecture 4

VOD Lecture 5 – please view the first 29 minutes of Lecture 5

November 16: Women

Chapter 5 – pgs 151 – 190

VOD Lecture 5 – please view the remainder of Lecture 5

November 23: Young People

Chapter 6 – pgs 191-220

VOD Lecture 6 – please view the entire lecture

November 30: Minorities

Chapter 7 – pgs 221-249

VOD Lecture 7 – please view the entire lecture

December 7: Indigenous Persons

Chapter 8 – pgs 250 – 277

VOD Lecture 8 – please view the entire lecture

December 11 (Friday): Crime Victims

Chapter 9 – pgs 278 – 309

VOD Lecture 9 – please view the entire lecture

NB: We will do a course review and exam review/prep after my introductory comments during our Zoom session this week.

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 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>

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/studentssupport/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/>