

## Course Outline

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<b>COURSE:</b>	<b>LAWS 3306B – Crime, Law, Process &amp; Politics</b>
<b>TERM:</b>	<b>Fall 2021</b>
<b>PREREQUISITES:</b>	<b>LAWS 2301 and LAWS 2302</b>
<b>CLASS:</b>	<b>Day &amp; Time:</b>
	<b>Room:</b> Please check Carleton Central for current Class Schedule. This is an “ONLINE” course. Lectures will be held every Monday between 18:05 and 20:55 via ZOOM conferencing program
<b>INSTRUCTOR:</b>	<b>Paolo Giancaterino</b>
<b>CONTACT:</b>	<b>Office:</b> Room B442 Loeb Building (Contract Instructor’s Office) <b>Office Hrs:</b> By Appointment – Via ZOOM <b>Telephone:</b> 613.297.8745 <b>Email:</b> Paolo.Giancaterino@Carleton.ca

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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, 7<sup>th</sup> 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: 35% (Assignment to be posted on Brightspace. **Due Date: November 26 at 5:00pm**)

Quiz Assignments (3): 10% each – total of 30%

Questions to be released on Brightspace on September 29, October 20 and November 17. Requirements and due dates to be provided.

Final exam: 35% (Online)

### **LATE PENALTIES AND REQUESTS FOR EXTENSIONS**

Please refer to the individual assignments for specifics on late submission penalties.

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.

A reoccurring ZOOM meeting link will be posted on Brightspace.

***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 13: Basic Introduction to the Course**

- Course Outline
- Overview of Topics and Methodology

#### **September 20: Models of the Criminal Process**

Chapter 1 – pgs 11 to 50

#### **September 27: 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

#### **October 4: The Criminal Trial**

Chapter 3 – pgs 88 – 114

#### **October 11:**

**No classes. Happy Thanksgiving!**

**October 18: Victimless Crimes?**

Chapter 4 – pgs 115 – 150

**October 25:**

**Fall Break – no class**

**November 1: Women**

Chapter 5 – pgs 151 – 190

**November 8: Young People**

Chapter 6 – pgs 191-220

**November 15: Minorities**

Chapter 7 – pgs 221-249

**November 22: Indigenous Persons**

Chapter 8 – pgs 250 – 277

**November 29: Crime Victims**

Chapter 9 – pgs 278 – 309

**December 6: Conclusions and Future Direction**

Chapter 10 – pgs 310 - 320

**December 10 (Friday): Exam Review**

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**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](mailto: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](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 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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<https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

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/>.