

## Course Outline

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<b>COURSE:</b>	<b>LAWS 3306A – Crime, Law, Process &amp; Politics</b>
<b>TERM:</b>	<b>Fall 2022</b>
<b>PREREQUISITES:</b>	<b>LAWS 2301 and LAWS 2302</b>
<b>CLASS:</b>	<b>Day &amp; Time: Thursday 6:05 – 8:55pm</b>
	<b>Room: Please check Carleton Central for current Class Schedule.</b>
	<b>This is an “ONLINE” synchronous course.</b>
	<b>Lectures will be held every Thursday between 18:05 and 20:55 via ZOOM conferencing program</b>
<b>INSTRUCTOR:</b>	<b>Paolo Giancaterino</b>
<b>CONTACT:</b>	<b>Office: Room B442 Loeb Building (Contract Instructor’s Office)</b>
	<b>Office Hrs: By Appointment – Via ZOOM</b>
	<b>Telephone: 613.297.8745</b>
	<b>Email: <a href="mailto:Paolo.Giancaterino@Carleton.ca">Paolo.Giancaterino@Carleton.ca</a></b>
<b>TA:</b>	<b>Arvin Anand (arvinanand@cmail.carleton.ca)</b>

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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 28 at 5:00pm**)

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

Questions to be released on Brightspace on September 23, October 14 and November 18. 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 8: Basic Introduction to the Course**

- Course Outline
- Overview of Topics and Methodology

#### **September 15: Models of the Criminal Process**

Chapter 1 – pgs 11 to 50

#### **September 22: 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

#### **September 29: The Criminal Trial**

Chapter 3 – pgs 88 – 114

**October 6: Charter, Police & Criminal Trial Continued**

Chapters 2 & 3  
*Charter*

**October 13: Victimless Crimes?**

Chapter 4 – pgs 115 – 150

**October 20: Women**

Chapter 5 – pgs 151 – 190

**October 27:**

**Fall Break – no class**

**November 3: Young People**

Chapter 6 – pgs 191-220

**November 10: Minorities**

Chapter 7 – pgs 221-249

**November 17: Indigenous Persons**

Chapter 8 – pgs 250 – 277

**November 24: Crime Victims**

Chapter 9 – pgs 278 – 309

**December 1: Conclusions and Future Direction**

Chapter 10 – pgs 310 - 320

**December 8: Exam Review**

## **University and Departmental Policies**

### **DEPARTMENT POLICIES AND REGULATIONS**

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

### **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/>.

### **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**

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 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. Read more here:

<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/>.

### **COVID Update**

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including

being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

**Feeling sick?** Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you must follow Carleton's [symptom reporting protocols](#).

**Masks:** Carleton has paused the [COVID-19 Mask Policy](#), but continues to strongly recommend masking when indoors, particularly if physical distancing cannot be maintained. It may become necessary to quickly reinstate the mask requirement if pandemic circumstances were to change.

**Vaccines:** Further, while proof of vaccination is no longer required as of May 1 to attend campus or in-person activity, it may become necessary for the University to bring back proof of vaccination requirements on short notice if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses as soon as they are eligible, and submit their booster dose information in [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend the campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact [covidinfo@carleton.ca](mailto:covidinfo@carleton.ca).