
COURSE:	LAWS 4305 – Criminal Justice Reform
TERM:	Winter 2022
PREREQUISITES:	LAWS 2908, CRCJ 3001 or CRCJ 3002 and LAWS 2301, LAWS 2302 and fourth-year Honours standing
CLASS:	Day & Time: Wednesday 11:35am - 2:25pm Please check Carleton Central for current Class Schedule.
	Room: This course will initially be taught synchronous over Zoom at the regularly scheduled class time. When protocols permit, this course will be taught live, in person during our regularly scheduled class time.
INSTRUCTOR:	Dr. Patrick McCaffery
CONTACT:	Office Hrs: By appointment Telephone: 613 619-4895 Email: Patrickmccaffery@cunet.carleton.ca p_mccaffery@hotmail.com

CALENDAR COURSE DESCRIPTION

Social transformation and criminal justice reform. Theoretical and practical reasons for the use of criminal law as an instrument of social control. Specific reform initiatives and processes. Alternate responses to social problems.

COURSE DESCRIPTION

This course focuses on both the general issues surrounding the process and the substance of criminal law reform. The goal of the first half of the course is the historical placement of facts within a broader framework of knowledge. This will facilitate an understanding of how and why reform succeeds, fails or diverges in unanticipated ways and aids in making sense of the social and political dynamics around current reform agendas. The interplay among these areas is intended not merely to inform but to encourage the cross-pollination of ideas that will be discussed in the second half of the course where reform is tested in the real world. Here the focus shifts to actual social justice ‘movements’ including their perceived weaknesses and strengths, precedence and legislative consequences in a digital society.

REQUIRED TEXTS

All the course readings can be accessed electronically through the MacOdrum Library collection of journals, e-books, on Brightspace or through open source internet searches. Material can also be purchased through the Carleton University Bookstore website:
<https://www.bkstr.com/carletonstore/home>

COURSE DELIVERY

Due to current provincial protocols classes will be taught through synchronous Zoom lecture until at least the end of January 2022. Students are expected to participate in synchronous lectures and are invited to turn on their cameras when speaking or discussing a point. Students are advised to test their systems ahead of time, and to make sure that they have working cameras and microphones so that they are prepared to participate in the class.

At times, subject matter experts may assist as co-lecturers. Lectures are not recorded. Instructor presentation slides will be made available on the day of class, excluding those of guest lectures.

If and when the current lockdown eases, the course will be delivered live, in person, at Carleton University and students are expected to attend.

In the event the instructor experiences a technical failure with his equipment at the beginning of a lecture, class will restart 30 minutes later (11:30am will restart at noon).

The Zoom link will be posted on the 4305B class cuLearn page.

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.

The grade in this course will be based on the following:

1. 25% - Midterm examination: open book on-line essay – Feb 16, 2022
2. 25% - Outline and Essay – Feb 9 for Outline; March 2 for Essay
3. 20% - In class presentation to be conducted in March 2022
4. 30% - Final examination: take home essay question, held during formal exam period at the end of the 2022 Winter term (April 14-28, 2022)

IN CLASS PRESENTATION: 20 Marks

In class presentations will take place from March 9-30, 2022.

Students will work in groups of six or seven to present on a relevant Canadian criminal justice reform topic. Groups will be formed based on student topic selection. The week prior to their presentation, students shall post a two-three page overview including non-course references, assign a relevant reading(s) and at least three open-ended discussion questions as well as debate a position (e.g. “our group supports restorative justice for all non-violent offences”). Students will be deducted marks for failing to meet this criteria. For the presentation students are expected to provide a 40 minute overview of the topic. Other designated students will lead in answering the discussion questions, raising contrary arguments and evaluating their peers using a supplied template. All students are expected to provide thoughtful insights, commentary and opinions. Total presentation time of approximately 60-90 minutes per group. Groups will be selected starting January 19, 2022 and finalized on Jan 26, 2022. Students will be assigned a group if they have not identified a topic preference. Presentation topics are listed in the SCHEDULE section of this outline.

ESSAY: 25 Marks

Identify one criminal justice reform and discuss from a primarily Canadian perspective. In your essay, clearly identify what this reform is. Consider such fundamental issues such as why this issue or practice currently exists? What attempts for reform have already occurred and what triggered the perceived need for reform? What does the data and the experts say? What would be necessary to implement a reform of the status quo? What are the pros, cons, costs and opportunities associated with making or rejecting the reform you have highlighted? Keep in mind that even a modest change can carry disproportionate impact that might necessitate significant social, political and/or legislative transformation.

It is important to note that your essay should not just describe the problem; focus on the reform you are advocating (or arguing against) by engaging with the implications be they social, moral, legislative, economic, political, etc.

A short (one page maximum) electronic outline of your proposed topic is due February 9, 2022. This outline should identify the topic and your plan to engage with the reform debates. It can be deposited in the electronic course drop box. This outline is worth 10% of the essay mark.

Essays should be about 10 typewritten pages double-spaced (not to exceed 3,000 words), excluding bibliography and footnotes. Hard copy essays are due at the beginning of class on March 2, 2022. (If pandemic lock down is still in effect, electronic copies will be accepted through the course drop box). Late assignments will be penalized one-third letter grade per day (i.e., if non penalized grade was A, after one day it would be penalized to A-, then to B+ after two days, etc.) Essays that are more than one week late will not be graded.

Only original work will be accepted. It is an instructional offence to submit work that has previously or is currently being submitted for credit in this or another course. Essays must be written specifically for LAWS 4305B, and cannot have been submitted to another instructor. Students are not permitted to use the same topic for their essay and presentation.

The essay will account for 25 marks, re: 25% of your final grade (including outline).

Essay grading considerations include such things as the following:

1. Writing quality (i.e. clarity of writing, as well as proper spelling, grammar, legal case citation, and footnote use) following APA referencing style or proper legal citation.
2. Presentation and structure
 - Introduction with clear research question, problem or statement
 - Scope of inquiry
 - Arguments in favor of and opposing reform
 - Critical analysis
 - General conclusion
3. Quality of Research: Have you presented the current research, agendas and discourse of the leaders and authorities in this field?
4. Quality of Critical Analysis: Students need to go beyond simply describing the current situation. Have you discussed and analyzed the research and literature in a thorough, balanced and objective fashion? Did you critique the alternative versions as formulated by current social forces and political struggles?
5. Meeting deadline.

Essay & Presentation Extensions

Extensions are granted for exceptional circumstances generally related to a death in your immediate family, or personal illness. 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 seven 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 seven days will normally not be granted. In those extraordinary cases where extensions lasting longer than seven days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days). **Unless a student has been granted an extension, a partial grade point will be deducted for each day that an essay is late or presentation delayed.**

Course expectations

- Deliverables must be completed in a professional manner. Clear, concise, and complete.
- Student work must comply with the academic integrity policy.
<https://carleton.ca/registrar/academic-integrity/>
- Submission deadlines must be met unless a request for accommodation has been granted.
- Lectures are not recorded. In the event that a student misses a class they are still expected to keep up with lecture material.
- All individuals are expected to engage with each other politely and professionally. Abusive behaviour of any kind will not be tolerated.

SCHEDULE

LAWS 4305B : Criminal Justice Reform - COURSE SCHEDULE (Winter 2022)			
Date 2022	Class #	Topic	Readings available through library database
Jan 12	#1 on Zoom	Introductions, course overview, exams, essay and presentation discussed	Course outline 4305 – no other readings
Jan 19	#2 on Zoom	Historical and theoretical perspectives on criminal justice reform; The US is not Canada.	Shiner, R.A. (2009) Theorizing Criminal Law Reform. <i>Criminal Law and Philosophy</i> , 3(2): 167- 186. Roach, K. (2015). <i>Due Process and Victims' Rights: The New Law and Politics of Criminal Justice</i> . Chapter One: 11-50. Toronto: University of Toronto Press Incorporated (highlights posted to Brightspace as PDF). Department of Justice Canada (2019) Final Report: On the Review of Canada's Criminal Justice System, available at: https://www.justice.gc.ca/eng/cj-jp/tcjs-tsjp/fr-rf/docs/fr.pdf

			The Biden Plan for Strengthening America's Commitment to Justice (2020) available at: https://joebiden.com/justice/
Jan 26	#3 on Zoom	Reform: Real or illusion? The 2019 exemplar of Colton Boushie, Gerald Stanley and jury reform. <i>(presentation groups finalized)</i>	Michelle I Bertrand et al, "We Have Centuries of Work Undone by a Few Bone-Heads": A Review of Jury History, a Present Snapshot of Crown and Defence Counsel Perspectives on Bill C-75's Elimination of Peremptory Challenges, and Representativeness Issues' (2020) 43(1) Manitoba Law Journal 111. Duncan, J. (2018) "the Legal Trial of Gerald Stanley – a second look at the case through the lens of law" Robson Crim: CanLII connects. Morrison, Mike DeVaul-Fetters, Amanda & Gawronski, Bertram, "Staking the Jury: Legal Professional's Peremptory Challenges Reflect Jurors' Levels of Implicit Race Bias" (2016) 42:8 Personality & Social Psychology Bull 1129 at 1129 (highlights posted to Brightspace as PDF) R. v. Chouhan - SCC Cases (lexum.com) (summary) https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/18932/index.do McKechney, R. (2019). Transparency around jurors and verdicts would help trail fairness. <i>Law Now: Relating law to life in Canada</i> , 43(3), 20-23. Bornstein, B., Green, E. (2017). The Jury Under Fire: Myth, Controversy and Reform. Jury Selection Can Effectively Identify Biased Jurors (Chapter 3). Oxford Scholarship Online: Feb 2017 DOI: 10.1093/acprof:oso/9780190201340.001.0001 <i>R v. Sherratt</i> [1991] 1 SCR 509 (summary) <i>R. v. Parks</i> [1993] OJ No 2157 (QL) (summary) <i>Criminal Code of Canada</i> , RSC 1855 cc C-46 sections 649, 633, 670 and 671 <i>Canadian Charter of Rights and Freedoms</i> , sections 11 and 15
Feb 2	#4	Hate Crime - case study on race, gender, religion, and class reform. Co-Lecturer Dan Dunlop, founder Canada's first bias crime unit.	The alt-right rally was a coming-out party for resurgent white nationalism in America Unite the Right, the violent white supremacist rally in Charlottesville, explained - Vox <i>Presenter readings to be announced</i>

Feb 9	#5	Victim Rights – exploring why the crime control model shifted. Co-Lecturer Federal Ombudsman for Victims of Crime Sue O’Sullivan <i>(Electronic essay outline due)</i>	Canadian Victims’ Bill of Rights Canadian Victims Bill of Rights (justice.gc.ca) <i>Presenter readings to be announced</i>
Feb 16	#6	Midterm	Midterm exam completed during regularly scheduled class time.
Feb 23	#7	Winter Break – no class	(Feb 22-25, 2022 Winter Break)
March 2	#8	Contemporary social movements: Black Lives Matter & Defund the Police. Potential panel discussion featuring Debbie Holness-Miller retired OPS Superintendent; Carl Nicholson Executive Director Catholic Immigration; (also have invited a Senior Associate at DiversiPro Inc.) <i>Essay due. Note: Group 1 essay due March 9, 2022</i> <i>Readings and outline for group 1 due</i>	Vitale, A. S. (2017) <i>The End of Policing</i> , London and New York: Verso, Chapter 1: The Limits of Police Reform. Bracey, G. E. (2015) <i>Black Movements Need Black Theorizing: Exposing Implicit Whiteness in Political Process Theory</i> . <i>Sociological Focus</i> , 49(1): 11-27. McDowell, M. G. & Fernandez, L. A. (2018) “Disband, Disempower, and Disarm’: Amplifying the Theory and Practice of Police Abolition,” <i>Critical Criminology</i> , 26: 373-391. Roundtable Discussion: <i>Police Abolition: What Does it Mean?</i> Available at: https://www.youtube.com/watch?v=lZTgIk dTATU
March 9	#9	Group 1 Reconciliation and Indigenous justice reform <i>Readings and outline for Group 2 due</i> <i>Essay due for Group 1</i> (Group 4 evaluates)	Campbell, K. M. & Wellman, S. (2020) “Addressing the Overrepresentation of Indigenous Peoples in the Canadian Criminal Justice System: Is Reconciliation a Way Forward?” in C. Cote-Lussier, D. Mofette and J. Piche (eds.) <i>Contemporary Criminological Issues: Moving Beyond Insecurity and Exclusion</i> , University of Ottawa Press, pp, 145-164. Additional readings to be assigned by presenters
March 16	#10	Group 2 Sex work and criminal justice reform <i>Readings and outline for Group 3 due</i>	Benoit, C. et. al. (2017) “Well, it should be changed for one, because it’s our bodies’: Sex workers’ views on Canada’s punitive approach towards sex work,” <i>Social Sciences</i> , 6(2): 1-17.

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

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: 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

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/studentsupport/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/>