

Course Outline

COURSE:	LAWS 4306 A – Criminal Law Issues (Wrongful Convictions)
TERM:	Fall 2021
PREREQUISITES:	LAWS 2908, CRCJ 3001 or CRCJ 3002 and LAWS 2301, LAWS 2302 and 4th year Honours standing
CLASS:	Day & Time: Tuesday 6:05-8:55 p.m. Room: This class is offered online. Classes will be run live online during our scheduled class time using the Big Blue Button online conferencing tool, available through our Brightspace course page.
INSTRUCTOR:	Kelly Lauzon
CONTACT:	Office Hrs: By appointment Email: kelly.lauzon@carleton.ca

CALENDAR COURSE DESCRIPTION

Selected issues and problems in the area of criminal law. The topics may vary from year to year depending on demand and interest and are announced in advance of registration.

COURSE DESCRIPTION

In this class, we will rely on Canadian and American research to examine and analyze the factors that have been linked to wrongful conviction cases. We will use this knowledge to study known cases of wrongful conviction within the Canadian justice system to help us consider the implications that a wrongful conviction has for the accused person who is subsequently exonerated. In doing so, we will attempt to answer a variety of questions such as what impact do wrongful conviction cases have on the credibility of the criminal justice system? How do the state and the justice system respond when people complain that they have been wrongfully convicted? What role do police, crown attorneys, judiciary and other justice officials play in wrongful conviction cases? What impact do wrongful convictions have on the lives of the wrongfully convicted and their families? Finally, can anything be done to reduce the frequency with which people are wrongfully convicted by the criminal justice system in the future?

LEARNING OBJECTIVES

Upon successful completion of the course, students should be able to:

- Identify the various sociological, legal and psychological factors that contribute to wrongful convictions.

- Appreciate the role played by justice officials in wrongful conviction cases.
- Understand the impact that wrongful conviction cases have on the lives of innocent people and their families.
- Identify avenues of redress for the wrongfully convicted.
- Identify mechanisms that can be introduced to reduce or prevent wrongful convictions in the future.

REQUIRED TEXTS

All journal articles will be available on Brightspace.

COURSE MODALITY & TECHNICAL REQUIREMENTS

This course is a real-time, online course where the instructor and students meet via web conferencing tools, at scheduled days and times. Instructors and students share information, ideas and learning experiences in a virtual course environment. Participation in synchronous courses requires students to have reliable, high-speed internet access, a computer, and a headset with a microphone.

TIME ZONE

The time zone that will be used for the purposes of all assignment submissions, synchronous class activities and so on will be Eastern Standard Time. If you are not in that time zone, you should make the appropriate adjustments to the times specified in the outline.

COMMUNICATION

The primary means of communication for this class will be through Brightspace. However, I am always happy to answer any questions you may have or to discuss the class material further. If you would like to talk to me in person, we can set up an appointment to meet via Big Blue Button. If you would like to communicate via email, please be sure to use your Carleton email account.

Email policy: I check my email regularly from 8 am to 4pm (Monday to Friday) and aim to reply within the same day. I do not check my e-mail regularly after these hours during the week or on the weekend/holidays. If you send your email during these times, I will aim to reply by the next business day.

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.

1. Attendance and Contribution to Discussion **(20%)**

- We will convene weekly via Brightspace (Big Blue Button) during the regularly scheduled class time to discuss the weekly material.
- Class attendance will only account for 10% of your grade. You need to contribute to the class discussions to earn the additional 10%.
- This class will focus strongly on discussion. You are expected to come to class prepared to discuss the readings and the course material. I ask that you come to the sessions willing to participate in the group discussions and to ask questions that will help advance your grasp of the material as well as the knowledge base of your peers.
- In accordance with the [Student Rights and Responsibilities Policy](#), discrimination and harassment will not be tolerated.

2. Personal Reflection #1 **(10%)**

- Due by **6pm on October 19** to the appropriate dropbox on Brightspace.
- In 5-7 pages (double spaced), critically engage with one of the topics discussed in class.
- You are asked to reflect on what you have learned so far, how your thinking about one of the topics discussed in class has changed since the beginning of class.
 - How has this new knowledge affected what you thought you knew? How has this challenged your assumptions of the workings of the criminal justice system?
- No secondary material is to be used for this assignment. This is a reflection upon what you have learned and how this has shaped your outlooks.

3. Student-led Presentation/Discussion & Handout **(30%)**

- Scheduled for Weeks 8-12
- In groups of 3, you will be required to prepare a group presentation.
- Your presentation will consist of preparing lecture slides for your given case and leading the class discussion. You should aim to discuss the facts of the case and the factors that led to the wrongful conviction.
 - The slides should be submitted to me via email, and I will be post them to Brightspace the week prior to your assigned week. **You will lose marks** if they are not submitted at least one week in advance of your presentation date.
 - ex: if you are responsible for a presentation on week 9, you would have to submit your slides to me no later than week 8.
- In addition to the presentation, you will be responsible for leading a discussion on your case. You should aim for approximately 20-30 minutes of discussion time.
 - To assist with the discussion period, you are required to develop at least 3 questions to guide class discussions. The questions should draw upon the main points of your slides

and foster lively academic debate. It is expected that the rest of the class will have looked over your slides and your assigned reading prior to your presentation.

- You will be required to circulate at least one reading to the class **one week prior** to your presentation (you can email to me, and I will share via Brightspace).
 - **You will lose marks** if the reading is not circulated in advance.
- A handout is to be prepared. The handout should be submitted to me electronically (via email) at least 2 days before your presentation so that it can be shared on Brightspace.
 - **You will lose marks** if it is not submitted at least 2 days before your presentation.
 - The handout will outline (at least) your main points and your bibliography.
 - This should only be 1-2 pages in length (samples are posted to Brightspace).
- You can sign up for your week/case/partners by emailing me. Spots will be assigned on a first come-first served basis. An up-to-date list of presentations will be posted on Brightspace.
 - If you have not signed up by the fifth week of class (Oct 12), I will assign your week/case/partners.
- It is your responsibility to be available for the class that you signed up to be a presenter. There will not be an opportunity to be reassigned, and there will be a number of evaluators dependent on your presentation.

4. Peer Evaluation of Presentation (5%)

- Each group of presenters will be assigned a group of peer evaluators.
- You can sign up for your week by emailing me (cannot be the same week that you are presenting).
- Spots will be assigned on a first come-first served basis. An up-to-date list of evaluators will be posted on Brightspace.
 - If you have not signed up by the fifth week of class (Oct 12), I will assign your week.
- Evaluators will provide the student presenters with feedback on 3 main areas:
 - Quality of information imparted
 - Mastery of the discussion period
 - The handout (layout, information included, etc)
- Evaluators will not assign a grade to the presenters, only comments that will be returned to them.
- The peer evaluators will be graded on the quality of the feedback provided to their peers.
- The evaluation is to be submitted to the appropriate dropbox on Brightspace within 24 hours of the presentation.

5. Take Home Exam (35%)

- Instructions and information will be provided during our last scheduled class (**December 7**).
 - This information will also be posted on Brightspace the following day.
- Responses are due by **4pm on December 23** to the appropriate dropbox on Brightspace.
 - Submissions after this time will require a deferral arrangement through the Registrar's Office.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

All assignments are due by via the appropriate dropbox on Brightspace. The submission deadline (date and time) is stipulated via the dropbox and on the class schedule below. **Do not** submit your assignment via email. **Unless you have been granted an extension, one letter grade** will be deducted for each calendar day (including weekends and holidays) that your submission is late. Assignments will not be accepted any later than seven days past their due date without prior instructor approval for an official extension.

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

Week	Date	Material
1	Sept 14	Introduction to the Course <ul style="list-style-type: none"> • Review Syllabus • Briefly discuss wrongful convictions and what they say about our justice system
2	Sept 21	The History of Wrongful Conviction <ul style="list-style-type: none"> • Kent Roach, “Wrongful Conviction in Canada” (2012) 80 University of Cincinnati Law Review pp. 1465-1476. (excerpt only) • Jon B. Gould & Richard A. Leo, “One Hundred Years Later: Wrongful Convictions after a Century of Research” (2010) 100 The Journal of Criminal Law & Criminology pp. 825-838. (excerpt only) • Keith A. Findley, Learning from our mistakes: A Criminal Justice Commission to Study Wrongful Conviction (2002) 38 California Western Law Review pp. 333-353.
3	Sept 28	Systemic Factors: Tunnel Vision & Public Pressure <ul style="list-style-type: none"> • Dianne L. Martin, “Lessons about Justice from the “Laboratory” of Wrongful Convictions: Tunnel Vision, the Construction of Guilt and Informer Evidence” (2002) 70 UMKC pp. 847-864. • Brian Reichart, “Tunnel Vision: Causes, Effect, and Mitigation Strategies” (2016) 45 Hofstra Law Review pp. 451-477. • Bruce MacFarlane, “Wrongful Convictions: The Effect of Tunnel Vision and Predisposing Circumstances in the Criminal Justice System” Prepared for the Inquiry into Pediatric Forensic Pathology in Ontario, The Honourable Stephen T. Goudge, Commissioner (2008) Part III: Tunnel Vision in the Criminal Justice System pp.28-45 (excerpt only).

4	Oct 5	<p>Systemic Factors: Eyewitness Testimony</p> <ul style="list-style-type: none"> • Sandra Guerra Thompson, "Beyond a Reasonable Doubt? Reconsidering Uncorroborated Eyewitness Identification Testimony" (2008) 41 UC Davis Law Review pp. 1506-1528. (Excerpt only) • Gary L. Wells, "Applied Eyewitness-Testimony Research: System variables and Estimator Variables" (1978) 36 Journal of Personality and Social Psychology pp.1546-1557. • John T. Wixted & Gary L. Wells, "The Relationship Between Eyewitness Confidence and Identification Accuracy: A New Synthesis" (2017) 18 Psychological Science in the Public Interest pp.10-20 (Excerpt only).
5	Oct 12	<p>Systemic Factors: Jailhouse Informants</p> <p>Systemic Factors: Bad Science</p> <ul style="list-style-type: none"> • Alexandra Natapoff, "Beyond Unreliable: How Snitches Contribute to Wrongful Convictions" (2006) 37 Golden Gate University Law Review pp. 107-130. • Bruce MacFarlane, "Wrongful Convictions: The Effect of Tunnel Vision and Predisposing Circumstances in the Criminal Justice System" Prepared for the Inquiry into Pediatric Forensic Pathology in Ontario, The Honourable Stephen T. Goudge, Commissioner (2008) Part IV: Some Lessons Learned, and Their Potential Application to Forensic Pathology pp.57-86 (excerpt only). • Irina Zakirova, "Forensic Evidence in Wrongful Conviction Cases: From Being a Right-Hand Man to Becoming a Snake in the Grass" (2018) 81 Albany Law Review pp. 877-894.
6	Oct 19	<p>Personal Reflection due at the beginning of class</p> <p>Guest Speaker – Jamie Nelson</p> <p>Systemic Factors: Other Systemic Factors that lead to a Wrongful Conviction (ex: False Confessions, Guilty Pleas, Prosecutorial Misconduct, Criminal Record)</p> <ul style="list-style-type: none"> • Joan Brockman, "An Offer You Can't Refuse: Pleading Guilty When Innocent" (2010) 56 Crim. L.Q. pp.116-134. • Christopher Sherrin, "False Confessions and Admissions in Canadian Law" (2005) Queen's Law Journal pp. 601-622 (excerpt only). • Christopher Sherrin, "Guilty Pleas from the Innocent" (2011) 30 Legal & So. Issues pp. 1-24 (excerpt only).
		<p>Fall Break – No Class</p>
7	Nov 2	<p>Mr. Big Operations</p> <ul style="list-style-type: none"> • Kate Puddister & Troy Riddell, "The RCMP's "Mr. Big" sting operation: A case study in police independence, accountability and oversight" (2012) 55 Canadian Public Administration pp. 385-409. • Steven M. Smith, Veronica Stinson, & Marc W. Patry, "Using the Mr. Big Technique to Elicit Confessions: Successful Innovation or Dangerous Development in the Canadian Legal System?" (2009) 15 Psychology, Public Policy, and Law pp. 168-193. • Timothy E. Moore, Peter Copeland and Regina A. Schuller, Deceit, "Betrayal and the Search for Truth: Legal and Psychological Perspectives on the "Mr. Big" Strategy" (2010) 55 Crim. L.Q. pp. 348-376 (excerpt only).

8	Nov 9	Student Presentations • Readings to be determined by presenters
9	Nov 16	Student Presentations • Readings to be determined by presenters
10	Nov 23	Student Presentations • Readings to be determined by presenters
11	Nov 30	Student Presentations • Readings to be determined by presenters
12	Dec 7	Take Home Exam Assigned Student Presentations • Readings to be determined by presenters

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

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 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/>.

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/>.

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/>