

Course Outline

COURSE: LAWS 4306-B

TERM: Fall 2021

PREREQUISITES: Prerequisite(s): LAWS 2908, CRCJ 3001, or CRCJ 3002 and LAWS 2301, LAWS 2302 and fourth-year Honours standing.

CLASS: **Day & Time:** Thursdays 6:05 - 8:55 PM

Room: Tory Building, Rm 360

INSTRUCTOR: Adriana POLOZ

CONTACT:

Office Hrs: *By appointment only*

Email: adriana.poloz@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. Seminars three hours a week.

COURSE DESCRIPTION

This course will explore the delicate balance between the investigation of crime and the protection of individual rights, with a particular focus on some of the more controversial aspects of fact finding and criminal evidence. Topics will include the use of investigative tools used to elicit confessions, current legal and procedural protections against the admission of unreliable evidence and the prospect of wrongful convictions.

REQUIRED TEXTS

There is no required textbook. Required readings and materials will be available through Brightspace at the beginning of the semester and throughout the duration of the term. PLEASE NOTE: The class will be primarily delivered in a seminar format and students should come prepared to engage in group discussions. Regular attendance and participation are crucial to success in this course, as not all course content reviewed in class will be posted. Students are responsible for checking the course website on a regular basis for updates.

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.

ALL components must be successfully completed in order to receive a passing grade.

i) Participation: (20%)

Student grades will reflect attendance, preparedness, participation and contribution to class discussion. As this is a seminar style class, student participation is an essential element of the learning process. Students must complete and hand in all assignments in order to meet the course requirements and to be eligible to pass the course.

ii) Student-led Presentation & Handouts (30%)

Individual or groups of two students will be required to present on select readings to the class. Presentations are expected to last approximately 30 minutes (which includes time for Q&A) and should provide an overview of the author's central thesis, a description of the supporting arguments, critical reflection on the strengths of these points and independent analysis. Students are further required to develop 2 questions reflecting the article to guide class discussions. Students must also prepare a handout for classmates in attendance to be provided at the beginning of the presentation.

The presentation and handout will be graded using the following criteria:

- (a) Demonstration of the students' understanding of the topic (40%)
- (b) Ability to identify and initiate discussion on critical issues related to the topic (40%)
- (c) Delivery of presentation (20%)

iii) Final Assignment (50%)

Students are required to submit a reflective paper not to exceed 3000 words that draw on the

readings from at least two discrete areas of the course, beyond the subject matter of their in-class presentation topic. Students are therefore encouraged to consider and engage the whole curriculum and spectrum of issues in their approach. The use of outside materials is not required, and will not be accepted. Format: PDF document, size 12 font. NB: word count must be respected with use of footnotes and full citation of articles. Footnotes and bibliography do not count towards word count. Final assignment to be submitted via Brightspace on the last day of class.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Late assignments will be marked down by one-third letter grade per day.

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

Seminar Schedule	
Date	Topic
September 9	- Introduction and Course Overview
September 16	- Psychological dimensions of confession evidence - Canadian confession law and potential complicating factors
September 23	- Police questioning, admissibility and safeguards - Common law limits on police interrogation under the confessions rule - Case study
Student-led presentations on Readings*	
September 30	Self-Incrimination under the Charter
October 7	The Right to silence and police questioning
October 14	Protections for Interrogated Suspects
October 21	Legal and Psychological Perspectives
<u>October 25-29, 2021</u>	Fall break, no classes.

November 4	Controversial aspects of fact finding and criminal evidence
November 11	Unreliable Prosecution Evidence
November 18	Abuse of Process and Exclusion of Evidence
November 25	False Confessions and Admissions
December 2	Future Directions and Ongoing Debates
December 9	Course Wrap Up session / Final Paper submission

* Student-led presentations will be based on individual articles that will be posted on Brightspace and discussed further in class. A detailed schedule of individual presentation assignments and readings will be available to students in class and online. Students must base their reflective papers in part on the subject matter of their presentations

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

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://students.carleton.ca/course-outline/>.

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. Read more here:

<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/student-experience-resources/>.