

Course Outline

COURSE: LAWS 3306B – Crime, Law, Process & Politics

TERM: Winter 2023

PREREQUISITES: LAWS 2301 and LAWS 2302

CLASS: Day & Time:
Room: Tory Building (TB) 236

Please check Carleton Central for current Class Schedule.

This is an “in-person” course.

Lectures will be held every Wednesday between 18:05 and 20:55

INSTRUCTOR: Paolo Giancaterino

CONTACT: Office: Room B442 Loeb Building (Contract Instructor’s Office)
Office Hrs: By Appointment – Via ZOOM
Telephone: 613.297.8745
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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, 7th 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: March 24, 2023 at 5:00pm**)

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

Questions to be released on Brightspace on January 20, February 13 and March 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).

TA:

Your TA for this semester is Arvind Anand. He can be reached via email at arvindanand@cmail.carleton.ca

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:

January 11: Basic Introduction to the Course

- Course Outline
- Overview of Topics and Methodology

January 18: Models of the Criminal Process

Chapter 1 – pgs 11 to 50

January 25: 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

February 1: The Criminal Trial

Chapter 3 – pgs 88 – 114

February 8: Charter, Police & Criminal Trial Continued

Chapters 2 & 3
Charter

February 15: Victimless Crimes?

Chapter 4 – pgs 115 – 150

February 22:

Winter Break – no class

March 1: Women

Chapter 5 – pgs 151 – 190

March 8: Young People

Chapter 6 – pgs 191-220

March 15: Minorities

Chapter 7 – pgs 221-249

March 22: Indigenous Persons

Chapter 8 – pgs 250 – 277

March 29: Crime Victims

Chapter 9 – pgs 278 – 309

April 3: Conclusions and Future Direction

Chapter 10 – pgs 310 - 320

April 12: 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 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/>.

Winter 2023 Semester Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website:</i> https://calendar.carleton.ca/academicyear/	
January 9, 2023	Winter term begins.
January 20, 2023	Last day for registration and course changes (including auditing) in full winter and late winter courses.
February 20, 2023	Statutory holiday. University closed.
February 20-24, 2023	Winter Reading Week. No classes.
March 15, 2023	Last day for academic withdrawal from full winter, late winter, and fall/winter courses.
April 7, 2023	Statutory holiday. University closed.
April 12, 2023	Winter term ends. Last day of full winter, late winter, and fall/winter classes. Last to hand in term work.
April 15-27, 2023	Examination Period
April 27, 2023	All final take-home examinations are due on this day.