Department of Law and Legal Studies

Course Outline Template

COURSE: LAWS 4305 B – Criminal Justice Reform

TERM: Winter 2023

Prerequisites: LAWS 2908, CRCJ 3001, or CRCJ 3002 and LAWS 2301,

LAWS 2302 and fourth-year Honours standing.

CLASS: Day & Time: Wednesday, 11:35 am - 2:25 pm Eastern Standard Time (EST)

Room: Southam Hall 505

In-person weekly seminar

Please check Carleton Central for current Class Schedule

INSTRUCTOR: Dr. William Hébert

CONTACT: Office: C465 LA (Loeb Building)

Office Hrs: In person: Wednesday, 3-4 pm (EST)

Zoom: By appointment

Telephone: (613) 520-2600 ext. 8853

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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 has two overarching and interrelated objectives. First, it will lead students to examine criminal justice reforms as complex but traceable 'longue durée' processes. Second, the course will familiarize students with an important but, at the undergraduate level, often neglected scholarly publication form, the academic book. We will achieve these objectives by closely reading and analyzing three books on three significant reforms in Canada's criminal justice system. The first reform concerns the development and introduction of Sexual Assault Evidence Kits for sexual assault investigations and prosecutions in Ontario. The second involves the proposition and application of *Criminal Code* amendments intended to incorporate restorative/reparative justice principles in Canada's sentencing regime. The final reform pertains to the design and implementation of a novel 'gender-responsive' correctional model

for federally sentenced women in Canadian prisons.

LEARNING OUTCOMES

By the end of this course, students should be able to:

- Identify, Describe, and Explain, in oral and written forms, the historical, social, political, economic, legal, and cultural conditions of possibility of criminal justice reforms in Canada.
- 2. **Examine, Compare**, and **Critically Assess** how academic book authors articulate, support, structure, and theorize scholarly arguments about criminal justice reforms.
- 3. **Formulate** original arguments about Canadian criminal justice reforms by **synthesizing**, **interpreting**, and **connecting** insights from different academic sources.

TECHNOLOGICAL REQUIREMENTS

Students will be required to log in and navigate Brightspace; upload written assignments (in a word processor and saved in .doc, .docx, or PDF format) in Brightspace; download and view various files; use their Carleton email accounts; and navigate pages on Brightspace using the mouse or touchscreen functions.

Although this course is planned as an in-person learning experience, recent years have taught us that we cannot always anticipate how a term will unfold. If the course must move online at any point in the term, weekly lectures will continue as scheduled and will take place on Zoom, in which case all students would need regular access to an electronic device with reliable internet access.

COURSE COMMUNICATION

For any questions related to course content (including general questions about assignments), please use the appropriate section of the course's public Course Message Board on Brightspace. The Course Message Board will be the primary platform for students to ask questions about the course and find existing answers to their questions. Email inquiries related to course content or assignments will be redirected to the Course Message Board. Please use your Carleton email account for any other inquiries. Students are always welcome to ask questions during weekly lectures or Office Hours.

Note that Course Message Board posts and emails will only be answered during regular working hours (9 am to 5 pm Eastern Standard Time (EST), Monday to Friday). The instructor strives to respond to messages and emails quickly, but you should allow for up to 48 hours for a reply, especially at peak times during the term. Students are strongly encouraged to consult with the instructor well in advance of assignments' due dates.

REQUIRED TEXTS

The three mandatory academic books that we will be reading in full for this course can be purchased at your local or online bookstore of choice. The three books are also available online through Carleton's library website (see the links below). Students who prefer not to purchase e-books or paper copies can therefore rely on the online versions to take part in the course. However, please note that there may be limits on the number of pages/chapters that students can download or print from the online versions available through the Carleton library. Students are expected to have a copy of whichever book we are in the process of reading in hand during seminars. Students who use the online version may therefore need to bring their laptop or other electronic device to class. It is students' responsibility to ensure that they have reliable and ongoing access to the three books across the term.

- Book 1: Quinlan, Andrea. 2017. The Technoscientific Witness of Rape: Contentious Histories of Law, Feminism, and Forensic Science. Toronto, Ontario: University of Toronto Press.

 Available at: https://ocul-crl.primo.exlibrisgroup.com/permalink/010CUL_CRL/1ortgfo/cdi_askewsholts_vlebooks_9781487511883
- Book 2: Murdocca, Carmela. 2013. To Right Historical Wrongs: Race, Gender, and Sentencing in Canada. Law and Society Series. Vancouver, British Columbia: UBC Press. Available at: https://ocul-crl.primo.exlibrisgroup.com/permalink/010CUL CRL/hgdufh/alma9910226629093051
- Book 3: Hannah-Moffat, Kelly. 2001. Punishment in Disguise: Penal Governance and Federal Imprisonment of Women in Canada. Toronto, Ontario: University of Toronto Press. Available at: https://ocul-crl.primo.exlibrisgroup.com/permalink/010CUL_CRL/hgdufh/alma991022674469405153

Any other required readings and materials will be uploaded to Brightspace or available online.

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.

Please note that in the context of this course, students are prohibited from re-using or resubmitting their own work from a different course. Please also note that the instructor will not accept resubmissions after an assignment's due date and/or after an assignment has already been graded. Additionally, the instructor cannot provide additional feedback on graded assignments by email. However, the instructor is always happy to provide clarifications on graded assignments and guidance for future assignments during Office Hours.

All components must be successfully completed to get a passing grade.

Element	Assignment	Weight	Due Date
1. Participation	1.1. In-class	24%	Ongoing
40%	Engagement		
		3%/session (1%	
		attendance, 2%	
		participation)	
		Best 8/10	
	1.2. Reading	16%	Every Wednesday at 10
	Responses		am EST
		2%/submission	*Firm deadline
		Best 8/10	
2. Mid-Term		20%	Monday, February 27,
Book Review			2023, 5 pm EST
3. Final Essay		40%	Wednesday, April 12,
			2023, 5 pm EST

1. Participation: 40% in total

1.1. In-class Engagement: 24% (3% per seminar session, 1% for attendance and 2% for participation, best 8 out of 10) — Ongoing

This course is designed as a classic undergraduate seminar. Practically, this means that for each class session, students and instructor will engage in a facilitated discussion of assigned readings. A large portion of your grade in this course is tied to participation, the first component of which relates to your constructive engagement during seminar discussions.

To make the weekly facilitated discussions meaningful and rewarding, it is essential for students to commit to fully showing up to class. This will mean coming prepared by having read and taken notes on assigned readings and being ready to contribute to class discussion. Weekly Reading Responses (see below) will greatly help students get ready for

class discussion. My main duty as instructor will be to facilitate weekly seminars. I achieve this best by preparing a series of curated questions that will orient our conversation. But, do not worry, I do not expect students to fully understand or master each reading before class. To the contrary, I see seminars as an occasion for us to work through the books as a group.

To achieve top marks for In-class Engagement, students must be present in class for the full duration of the session (1% allocated for attendance, given in full when students attend the entire seminar) and must participate in discussion regularly, at every weekly session (2% allocated). Meaningful participation can involve asking thoughtful questions (it is absolutely fine and, in fact, encouraged to ask for clarification!), responding to my and your peers' questions, and making your own original contributions. Students are also expected to engage in active listening when their peers and instructor are speaking, and to build from and respond to others' interventions. In-class Engagement will be assessed on the quality, not quantity, of contributions to discussion. Students should therefore be mindful of the space they take during sessions.

In-class Engagement will be assessed starting on Week 2 until Week 13 (except Week 3, which was cancelled, and Week 7, the Winter Term Break). Only the **8 best out of 10 marks** for In-class Engagement will count towards the 24% allocated for this evaluation component. This technically means that a student would not be penalized for missing (or not participating during) up to 2 sessions, but you are strongly encouraged to choose wisely which sessions you skip, if any.

<u>1.2. Reading Responses: 16% (2% per submission, best 8 out of 10) — Ongoing, due every</u> Wednesday before the start of class at 10 am EST

As a second participation evaluation component in this course, each week (starting Week 2 until Week 13 (except Week 3, which was cancelled, and Week 7, the Winter Term Break)), students will be required to write a concise reading response (around 1 double-spaced page (no less than 2/3 of a page, and no more than 1+1/3 page), 12-point font, Times New Roman, 1-inch margins), which they must submit on Brightspace before class on **Wednesday at 10 am EST at the absolute latest** (no extensions permitted).

The point of this assignment is to get students actively thinking about the readings assigned for the week and assist them in preparing for the facilitated in-class discussion. Reading Responses will require students to tease out some of the central arguments of individual chapters from the books we are reading. Prompts to guide your writing will be provided during the first week of class.

Reading Responses are not meant to "test" students' knowledge. Rather, they aim to encourage students to work through the ideas they are acquiring from the books we are

reading and help them prepare for participation during seminars. As such, Reading Responses will be graded generously. The **2%** mark per submission will be awarded in full when students demonstrate that they have **thoroughly read and thoughtfully engaged with all required readings, and when their writing is clear, concise, and polished.** No marks (0%) will be allocated when Reading Responses reveal that a student has not properly read the required readings, and for incomplete or missing submissions. However, only **the 8 best out of 10 marks** for Reading Responses will count towards the 16% allocated for this evaluation component. While this means that a student would not be penalized for missing up to 2 submissions, you are once again strongly encouraged to choose wisely which you skip, if any.

2. Mid-Term Book Review: 20% — Monday, February 27, 2023, 5 pm EST

The Mid-Term Book Review will require students to provide a summary, analysis, and scholarly critique of the first academic book we will read for the course (Quinlan 2017). Detailed instructions will be provided on Week 4.

3. Final Essay: 40% — Wednesday, April 12, 2023, 5 pm EST

The Final Essay will require students to answer a question (provided by the course instructor) about criminal justice reforms in Canada. To answer this question, students will be required to formulate an original argument about Canadian criminal justice reforms by synthesizing, interpreting, and connecting insights from the second (Murdocca 2013) and third (Hannah-Moffat 2001) academic books we will read for the course, as well as from external peer-reviewed sources (articles, chapters, or books). Students will be assessed for their understanding of the books read in the course, their formulation of a persuasive argument, their ability to conduct library research and select pertinent sources to support their argument, and the quality of their writing. Detailed instructions will be provided on Week 11.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

The course's policy on late assignments attempts to find a balance between the need for compassion and flexibility, and the reality that students must make gradual progress in the course and complete their work within a reasonable timeframe.

The granting of extensions for assignments is determined by the instructor who will confirm whether an extension is granted and the length of the extension. As a rule, any request for an extension for a period of up to 7 days will be granted, no questions asked, if the request is made <u>before</u> the assignment's due date. One exception is that there will be <u>no</u> extensions granted for weekly Reading Responses; however, only the best 8 out of 10 Reading Responses will count towards students' final grade.

To request an extension, please **email the instructor <u>before</u>** the assignment's due date. Late assignments will automatically receive a grade of 0.

Extension requests sent by students after an assignment's due date will not be granted unless justified by extraordinary circumstances (e.g., medical or familial emergency), in which case additional information must be provided by the student. Extensions for longer than 7 days will not be granted unless justified by extraordinary circumstances (e.g., medical or familial emergency). In those extraordinary cases for which 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).

POLICY ON CLASSROOM BEHAVIOR AND WARNING ABOUT COURSE CONTENT

Students and faculty share the responsibility of creating and maintaining a learning environment that is intellectually rigorous, respectful, and supportive. All students are expected to contribute towards an engaging, inclusive, and safe(r) learning environment. During all class-related activities, students are expected to engage in respectful and courteous communication. In accordance with the Student Rights and Responsibilities Policy, discrimination and harassment will not be tolerated.

As the instructor of this course, I endeavor to provide an inclusive learning environment, including by avoiding the use of gendered language when referring to students, colleagues, or authors, unless I know otherwise. Please do not hesitate to reach out to me in that regard or if you would like me and others in the class to refer to you by a different name than what appears on Carleton records.

This course engages with potentially challenging topics, some of which can resonate with students on a personal level. These include experiences of colonial, racist, ableist, sexual, gender-based, and state violence. If you anticipate that the content presented during a specific week of the course is likely to cause you distress, please consider making use of the flexible evaluation structure for Participation in the course, as outlined in the Evaluation section above (e.g., electing not to do the readings and/or not to attend class for the week in question, since only the 8 best out of 10 marks for both Reading Responses and In-class Engagement will count towards your final grade).

INTELLECTUAL PROPERTY AND COPYRIGHT POLICY

It is a violation of course policy to cut and paste, screenshot, share course content, or post the words of your classmates or instructor outside of class without permission. All work submitted in this course must be uniquely your own.

The course materials posted on this course's Brightspace page are designed for use as part of the LAWS 4305 B course at Carleton University and are the intellectual property of the instructor (© 2023, William Hébert. All rights reserved.) unless otherwise stated. Unless a users' right in Canada's Copyright Act covers the particular use, you may not record, copy, publish, post on an internet site, sell, or otherwise distribute this course's content without the instructor's express permission.

Third party copyrighted materials (such as book chapters, journal articles, music, videos, etc.) have either been licensed for use in this course or fall under an exception or limitation in Canadian Copyright law.

SCHEDULE

Winter 2023 Sessiona	Winter 2023 Sessional Dates and University Closures			
Please find a full list of important academic dates on the calendar website: 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 break. 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.			
April 15-27, 2023	Final examinations in full winter, late winter, and fall/winter courses will be held. Examinations are normally held all seven days of the week.			
April 27, 2023	All final take-home examinations are due on this day.			

Week 1 – January 11, 2023 – Welcome to LAWS 4305

Readings/Materials:

- 1) Course Outline
- 2) Murphy, Michelle. 2019. *Ways of Reading*. Table. Available at https://docs.google.com/spreadsheets/d/1-a6vX04NX3g4Q6bHyHd LB4r58-x5 pZNspXbxSLi7s/edit#gid=0
- 3) McMaster Library. 2018. *Scholarly Books*. Watch at: https://www.youtube.com/watch?v=S3oGL4G siw

Week 2 – January 18, 2023 – The Technoscientific Witness of Rape I

Readings/Materials:

- 1) Quinlan, Andrea. 2017. *The Technoscientific Witness of Rape: Contentious Histories of Law, Feminism, and Forensic Science*. Toronto, Ontario: University of Toronto Press:
 - Chapter 1, "Introduction"
 - Chapter 2, "Inscriptions of Doubt"

Assignment(s):

- Week 2 Reading Response (2%) - Submit on Wednesday before class by 10 am EST

Week 3 - January 25, 2023 - The Technoscientific Witness of Rape II CANCELLED

Readings/Materials:

- 1) Quinlan, Andrea. 2017. The Technoscientific Witness of Rape: Contentious Histories of Law, Feminism, and Forensic Science. Toronto, Ontario: University of Toronto Press:
 - Chapter 3, "Stabilizing the SAEK"
 - Chapter 4, "Assembling the Genetic Technoscientific Witness"

Assignment(s):

-Week 3 Reading Response (2%) - Submit on Wednesday before class by 10 am EST

Week 4 – February 1, 2023 – The Technoscientific Witness of Rape II

Readings/Materials:

- 1) Quinlan, Andrea. 2017. The Technoscientific Witness of Rape: Contentious Histories of Law, Feminism, and Forensic Science. Toronto, Ontario: University of Toronto Press:
 - Chapter 3, "Stabilizing the SAEK"
 - Chapter 4, "Assembling the Genetic Technoscientific Witness"

Assignment(s):

- Week 4 Reading Response (2%) - Submit on Wednesday before class by 10 am EST

Week 5 – February 8, 2023 – The Technoscientific Witness of Rape III

Readings/Materials:

- 1) Quinlan, Andrea. 2017. The Technoscientific Witness of Rape: Contentious Histories of Law, Feminism, and Forensic Science. Toronto, Ontario: University of Toronto Press:
 - Chapter 5, "Instability Within"
 - Chapter 6, "Reassembling Technoscience"

Assignment(s):

- Week 5 Reading Response (2%) - Submit on Wednesday before class by 10 am EST

Week 6 – February 15, 2023 – To Right Historical Wrongs I

Readings/Materials:

- 1) Murdocca, Carmela. 2013. *To Right Historical Wrongs: Race, Gender, and Sentencing in Canada*. Law and Society Series. Vancouver, British Columbia: UBC Press:
 - "Introduction"
 - Chapter 1, "Culture and Reparative Justice"

Assignment(s):

- Week 6 Reading Response (2%) Submit on Wednesday before class by 10 am EST
- Mid-Term Book Review (20%) Complete and submit by Monday, February 27, 2023, 5 pm EST

Week 7 – February 22, 2023 – WINTER TERM BREAK

Winter Term Break, No Classes

Week 8 – March 1, 2023 – To Right Historical Wrongs II

Readings/Materials:

- 1) Murdocca, Carmela. 2013. *To Right Historical Wrongs: Race, Gender, and Sentencing in Canada*. Law and Society Series. Vancouver, British Columbia: UBC Press:
 - Chapter 2, "From Incarceration to Restoration"
 - Chapter 3, "Her Aboriginal Connections"

Assignment(s):

- Week 8 Reading Response (2%) - Submit on Wednesday before class by 10 am EST

Week 9 – March 8, 2023 – To Right Historical Wrongs III

Readings/Materials:

- 1) Murdocca, Carmela. 2013. *To Right Historical Wrongs: Race, Gender, and Sentencing in Canada*. Law and Society Series. Vancouver, British Columbia: UBC Press:
 - Chapter 4, "Racial Injustice and Righting Historical Wrongs"
 - "Conclusion"

Assignment(s):

- Week 9 Reading Response (2%) - Submit on Wednesday before class by 10 am EST

Week 10 - March 15, 2023 - Punishment in Disguise I

Readings/Materials:

- 1) Hannah-Moffat, Kelly. 2001. *Punishment in Disguise: Penal Governance and Federal Imprisonment of Women in Canada*. Toronto, Ontario: University of Toronto Press:
 - "Introduction"
 - Chapter 1, "Mothering the Flock"

Assignment(s):

- Week 10 Reading Response (2%) - Submit on Wednesday before class by 10 am EST

Week 11 – March 22, 2023 – Punishment in Disguise II

Readings/Materials:

- 1) Hannah-Moffat, Kelly. 2001. *Punishment in Disguise: Penal Governance and Federal Imprisonment of Women in Canada*. Toronto, Ontario: University of Toronto Press:
 - Chapter 2, "Mother Knows Best"
 - Chapter 3, "Finding a New Home"

Assignment(s):

- Week 11 Reading Response (2%) - Submit on Wednesday before class by 10 am EST

Week 12 – March 29, 2023 – Punishment in Disguise III

Readings/Materials:

- 1) Hannah-Moffat, Kelly. 2001. *Punishment in Disguise: Penal Governance and Federal Imprisonment of Women in Canada*. Toronto, Ontario: University of Toronto Press:
 - Chapter 4, "Laywomen's Expertise"
 - Chapter 5, "Breaking with Tradition"

Assignment(s):

- Week 12 Reading Response (2%) - Submit on Wednesday before class by 10 am EST

Week 13 – April 5, 2023 – Punishment in Disguise IV

Readings/Materials:

- 1) Hannah-Moffat, Kelly. 2001. *Punishment in Disguise: Penal Governance and Federal Imprisonment of Women in Canada*. Toronto, Ontario: University of Toronto Press:
 - Chapter 6, "Empowering Prison"
 - "Conclusion"

Assignment(s):

- Week 13 Reading Response (2%) - Submit on Wednesday before class by 10 am EST

Week 14 – April 12, 2023 – FINAL ESSAY IS DUE

Assignment(s):

- Final Essay (40%) - Complete and submit by Wednesday, April 12, 2023, 5 pm EST

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/.