

Course Outline

COURSE:	LAWS 4306A – Criminal Law Issues (Wrongful Convictions)
TERM:	FALL 2023
PREREQUISITES:	LAWS 2908, CRCJ 3001 or CRCJ 3002 and LAWS 2301, LAWS 2302 and 4th year Honours standing
CLASS:	Day & Time: Monday 6:05-8:55 p.m. Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	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, student 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 as well as their families and the families of the original victim.

- 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 CU Learn. Canadian articles are highlighted in red.

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.

(All components must be successfully completed in order to get a passing grade) – this includes the attendance and participation components. If you do not receive a passing grade (50%) on *each of* the attendance and participation components, you will not receive a passing grade for this course.

1. Attendance and Contribution to Discussion – 25%

- 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.
- Class attendance will only account for 10% of your grade. You need to be prepared to contribute to the class discussions to earn the additional 15%.
- Attendance will be taken at the beginning of each class. Attendance grades will not be given retroactively.
- In accordance with the [Student Rights and Responsibilities Policy](#), discrimination and harassment will not be tolerated.

2. Personal Reflection – 15%

- Due **by 4pm on October 20** 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. My Conclusion – 15%

- Due at the beginning of class (**6pm**) on **December 4**.
- In 5-7 pages (double spaced), discuss how wrongful convictions can be prevented.
- What have you learned that may help us to avoid issues of wrongful conviction in the future?
- What practices do you think we could implement to prevent wrongful convictions?
- **No secondary material** is to be used for this assignment. This is a reflection upon what you have learned and how this could be used to prevent miscarriages of justice from happening.

4. Take Home Exam – 45%

- Instructions and information will be provided during our last scheduled class (**December 8**).
 - This information will also be posted on Brightspace the following day.
- Responses are due by **4pm on December 22** 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	Sep 11	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	Sep 18	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. • 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) • Brandon Garrett, "Wrongful Convictions" (2020) 3 Annual Review of Criminology 245.
3	Sep 25	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 847. • Brian Reichart, "Tunnel Vision: Causes, Effect, and Mitigation Strategies" (2016) Hofstra Law Review 477. • Eitan Eladd, "Tunnel Vision and Confirmation Bias Among Police Investigators and Laypeople in Hypothetical Criminal Contexts" (2022) SAGE Open 1.
4	Oct 2	Systemic Factors: Eyewitness Identification <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 1546. • 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).
	Oct 9	Thanksgiving - No Class This Week

5	Oct 16	<p>Systemic Factors: Jailhouse Informants</p> <p>Systemic Factors: Bad Science</p> <ul style="list-style-type: none"> • Danielle K. DeLoach, et. al., "The role of ulterior motives, inconsistencies, and details in unreliable jailhouse informant testimony" (2020) 26:7 Psychology, Crime & Law 667. • 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 877. • Real Life Wrongs Podcast Episode 8 (available on YouTube and Spotify)
	Oct 20	Personal Reflection due to Brightspace Dropbox by 4pm
	Oct 23	Fall Break - No Class This Week
6	Oct 30	<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. 116. • Allison D. Redlich, Miko M. Wilford, Melissa DiPano & Nicole Berger, "Commonalities in false guilty plea cases" (2023) Psychology, Crime & Law (available at https://www.tandfonline-com.proxy.library.carleton.ca/doi/full/10.1080/1068316X.2023.2213381). • Real Life Wrongs Podcast Episode 4 (available on YouTube and Spotify)
7	Nov 6	<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 385. • 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. 378-399 (excerpt only). • Christopher Lutes, "Hart Failure: Assessing the Mr. Big Confessions Framework Five Years Later" (2020) 43:4 Man LJ 217-230 + 232-244 (excerpts only)
8	Nov 13	<p>Case Study: Steven Truscott</p> <ul style="list-style-type: none"> • Sydney L. Robins, "In the Matter of Steven Truscott: Advisory Opinion on the Issue of Compensation" (2008) 1. • Real Life Wrongs Podcast Episode 14 (available on YouTube and Spotify)

9	Nov 20	<p>Guest Speaker: Jamie Nelson</p> <p>Case Study: Jamie Nelson</p> <ul style="list-style-type: none"> • https://www.wrongfulconvictions.ca/cases/jamie-nelson • https://www.youtube.com/watch?v=DqDfPN9Tm2U
10	Nov 27	<p>Case Study: Alain Olivier</p> <ul style="list-style-type: none"> • Victor Malarek, Chapter 11: “Seeds of Deception” in Gut Instinct: The making of an investigative journalist (Toronto: Macmillan, 1996) pp238-271. • Real Life Wrongs Podcast Episode 6 (available on YouTube and Spotify)
11	Dec 4	<p>My Conclusion due at the beginning of class (by 6:00pm to Brightspace dropbox)</p> <p>Case Study: William Mullins Johnson</p> <ul style="list-style-type: none"> • https://www.wrongfulconvictions.ca/cases/william-mullins-johnson • Claudio Colaguri, “The Agony of Injustice: The Adversarial Trial, Wrongful Convictions and the Agon of Law” (2016) 9: 2 International Journal of Criminology and Sociological Theory 1. • 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.72-89 (excerpt only).
12	Dec 8	<p>Take Home Exam Assigned</p> <p>How do we Fix Wrongful Convictions?</p> <ul style="list-style-type: none"> • Myriam S. Denov & Kathryn M. Campbell, “Criminal Injustice: Understanding the Causes, Effects, and Responses to Wrongful Conviction in Canada” (2005) 21 Journal of Contemporary Criminal Justice 224. • Myles Frederick McLellan, “Innocence Compensation: A Comparative Look at the American and Canadian Approaches” (2013) 49 Crim. L. Bull. 218. Available at: https://ssrn.com/abstract=2245845 • Robert J. Norris, et. al., “Preventing Wrongful Convictions: An Analysis of State Investigation Reforms” (2019) 30: 4 Criminal Justice Policy Review 597.
	Dec 22	TAKE HOME EXAM DUE BY 4PM TO BRIGHTSPACE DROPBOX

Fall 2023 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/</i>	
September 6, 2023	Fall term begins.
September 19, 2023	Last day for registration and course changes (including auditing) in fall and fall/winter courses.
September 30, 2023	Last day to withdraw from full fall and fall/winter courses with a full fee adjustment.
October 9, 2023	Statutory holiday. University closed.
October 23-27, 2023	Fall break, no classes.
November 15, 2023	Last day for academic withdrawal from full fall courses.
November 24, 2023	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in fall term or fall/winter undergraduate courses, before the official December final examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).
December 8, 2023	Fall term ends.
	Last day of fall classes.
	Classes follow a Monday schedule.
	Last day for final take-home examinations to be assigned, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.
	Last day that can be specified by an instructor as a due date for term work for full and late fall courses.
	Last day for receipt of applications for undergraduate degree program transfers for winter term.
December 10-22, 2023	Final examinations in full fall and late fall courses and mid-term examinations in fall/winter courses will be held. Examinations are normally held all seven days of the week.
December 22, 2023	All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.

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 that can be found at: <https://carleton.ca/equity/contact/form-pregnancy-accommodation>.

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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances>.

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. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc>.

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>.