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<b>COURSE:</b>	<b>LAWS 4305A – Criminal Justice Reform</b>
<b>TERM:</b>	Fall 2023
<b>PREREQUISITES:</b>	LAWS 2908, CRCJ 3001 or CRCJ 3002 and LAWS 2301, LAWS 2302 and fourth-year Honours standing
<b>CLASS TIME &amp; ROOM:</b>	Tuesday 11:35am - 2:25pm Check Carleton Central for current Class Schedule
<b>INSTRUCTOR:</b>	Dr. Patrick McCaffery
<b>CONTACT:</b>	<b>Office Hrs:</b> By appointment <b>Telephone:</b> 613 619-4895 (text is preferred) <b>Email:</b> <a href="mailto:Patrickmccaffery@cunet.carleton.ca">Patrickmccaffery@cunet.carleton.ca</a> <a href="mailto:p_mccaffery@hotmail.com">p_mccaffery@hotmail.com</a>

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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 focuses on both the general issues surrounding the process and the substance of criminal law reform. The goal of the first half of the course is the historical placement of facts within a broader framework of knowledge. This will facilitate an understanding of how and why reform succeeds, fails or diverges in unanticipated ways and aids in making sense of the social and political dynamics around current reform agendas. The interplay among these areas is intended not merely to inform but to encourage the cross-pollination of ideas that will be discussed in the second half of the course where reform is tested in the real world. Here the focus shifts to actual social justice ‘movements’ including their perceived weaknesses and strengths, precedence and legislative consequences in a digital society.

### **REQUIRED TEXTS**

All the course readings can be accessed electronically through the MacOdrum Library collection of journals, e-books, on Brightspace or through open source internet searches. Material can also be purchased through the Carleton University Bookstore website:  
<https://www.bkstr.com/carletonstore/home>

**COURSE DELIVERY**

Class will be taught in person. In the event of instructor illness, inclement weather, pandemic or other unforeseen circumstances, class may be held over Zoom. The Zoom link will be posted on the 4305A class Brightspace page. Students are expected to participate in lectures. At times, subject matter experts may assist as co-lecturers. Lectures are not recorded. Instructor presentation slides will be made available on the day of class, excluding those of guest lectures.

**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.

The grade in this course will be based on the following:

1. 25% - Midterm examination: essay and short answer – Oct 17, 2023
2. 25% - Outline and Essay Oct 10 for Outline; Nov 7 for Essay
3. 20% - In class presentation to be conducted in November 2023
4. 30% - Final examination: take home essay question, held during formal exam period at the end of the 2023 Fall term (December 10-22, 2023)

**IN CLASS PRESENTATION: 20 Marks**

In class presentations will take place from November 7-28, 2023.

Students will work in groups of six or seven to present on a relevant Canadian criminal justice reform topic. Groups will be formed based on student topic selection. The week prior to their presentation, students shall:

- post a two-three-page overview including non-course references,
- assign a relevant reading(s)
- list at least three open-ended discussion questions as well as debate a position (e.g. “our group supports restorative justice for all non-violent offences”)
- provide the instructor a separate email briefly outlining the tasks each group member performed.

Students will be deducted marks for failing to meet these criteria.

For the presentation students are expected to provide a 40 minute overview of the topic.

Other designated students will lead in answering the discussion questions, raising contrary arguments and evaluating their peers using a supplied template. All students are expected to provide thoughtful insights, commentary and opinions. Total presentation time of approximately 60-90 minutes per group. Groups will be selected starting September 19, 2023 and finalized on September 26, 2023. Students will be automatically assigned a group if they have not identified a topic preference. Presentation topics are listed in the SCHEDULE section of this outline.

**ESSAY: 25 Marks**

Identify one criminal justice reform and discuss from a primarily Canadian perspective. In your essay, clearly identify what this reform is. Consider such fundamental issues such as why this issue or practice currently exists? What attempts for reform have already occurred and what triggered the perceived need

for reform? What does the data and the experts say? What would be necessary to implement a reform of the status quo? What are the pros, cons, costs and opportunities associated with making or rejecting the reform you have highlighted? Keep in mind that even a modest change can carry disproportionate impact that might necessitate significant social, political and/or legislative transformation.

It is important to note that your essay should not just describe the problem; focus on the reform you are advocating (or arguing against) by engaging with the implications be they social, moral, legislative, economic, political, etc.

A short (one page maximum) electronic outline of your proposed topic is due October 10, 2023. This outline should identify the topic and your plan to engage with the reform debates. It can be deposited in the electronic course drop box. This outline is worth 10% of the essay mark. It is understood that your final essay may diverge significantly from your original outline.

Essays should be about 10 typewritten pages double-spaced (not to exceed 3,000 words), excluding bibliography and footnotes. Hard copy essays are due at the beginning of class on November 7, 2023. (If unforeseen circumstances arise – such as weather, pandemic, etc. electronic copies will be accepted through the course drop box). Late assignments will be penalized one-third letter grade per day (i.e., if non penalized grade was A, after one day it would be penalized to A-, then to B+ after two days, etc.) Essays that are more than one week late will not be graded.

Only original work will be accepted. It is an instructional offence to submit work that has previously or is currently being submitted for credit in this or another course. Essays must be written specifically for LAWS 4305A, and cannot have been submitted to another instructor. Students are not permitted to use the same topic for their essay and presentation.

The essay will account for 25 marks, re: 25% of your final grade (including outline).

**Essay grading considerations include such things as the following:**

1. Writing quality (i.e. clarity of writing, as well as proper spelling, grammar, legal case citation, and footnote use) following APA referencing style or proper legal citation.
2. Presentation and structure
  - Introduction with clear research question, problem or statement
  - Scope of inquiry
  - Arguments in favor of and opposing reform
  - Critical analysis
  - General conclusion
3. Quality of Research: Have you presented the current research, agendas and discourse of the leaders and authorities in this field?
4. Quality of Critical Analysis: Students must go beyond simply describing the current situation. Have you discussed and analyzed the research and literature in a thorough, balanced and objective fashion? Did you critique the alternative versions as formulated by current social forces and political struggles?
5. Meeting deadline.

**Essay & Presentation Extensions**

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 seven 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 seven days will normally not be granted. In those extraordinary cases where extensions lasting longer than seven days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days). **Unless a student has been granted an extension, a partial grade point will be deducted for each day that an essay is late or presentation delayed.**

### Course expectations

- Deliverables must be completed in a professional manner. Clear, concise, and complete.
- Student work must comply with the academic integrity policy.  
<https://carleton.ca/registrar/academic-integrity/>
- Submission deadlines must be met unless a request for accommodation has been granted.
- Lectures are not recorded. In the event that a student misses a class they are still expected to keep up with lecture material.
- All individuals are expected to engage with each other politely and professionally. Abusive behaviour of any kind will not be tolerated.

### SCHEDULE

<b>LAWS 4305A: Criminal Justice Reform - COURSE SCHEDULE (Fall 2023) please consult attached link for important dates on the Carleton academic calendar</b> <a href="https://calendar.carleton.ca/academicyear/">https://calendar.carleton.ca/academicyear/</a>			
<b>Date 2023</b>	<b>Class #</b>	<b>Topic</b>	<b>Readings available through library database</b>
Sept 12	#1	Introductions, course overview, exams, essay and presentation discussed	Course outline 4305 – no other readings
Sept 19	#2	Historical and theoretical perspectives on criminal justice reform; The US is not Canada.  <i>Identify presentation choices</i>	Shiner, R.A. (2009) Theorizing Criminal Law Reform. <i>Criminal Law and Philosophy</i> , 3(2): 167- 186. Shiner, R.A. (2009). Crime and Criminal Law Reform: A Theory of the Legislative Response. <i>Critical Review of International Social and Political Philosophy</i> , 12, 63 – 84. Roach, K. (2015). <i>Due Process and Victims' Rights: The New Law and Politics of Criminal Justice</i> . Chapter One: 11-50. Toronto: University of Toronto Press Incorporated ( <b>highlights posted to Brightspace as PDF</b> ). Department of Justice Canada (2019) Final Report: On the Review of Canada's Criminal Justice System, available at: <a href="https://www.justice.gc.ca/eng/cj-jp/tcjs-tsjp/fr-rf/docs/fr.pdf">https://www.justice.gc.ca/eng/cj-jp/tcjs-tsjp/fr-rf/docs/fr.pdf</a>

			The Biden Plan for Strengthening America's Commitment to Justice (2020) available at: <a href="https://joebiden.com/justice/">https://joebiden.com/justice/</a>
Sept 26	#3	Reform: Real or illusion? The 2019 exemplar of Colton Boushie, Gerald Stanley and jury reform.  <i>(presentation groups finalized)</i>	Michelle I Bertrand et al, "We Have Centuries of Work Undone by a Few Bone-Heads": A Review of Jury History, a Present Snapshot of Crown and Defence Counsel Perspectives on Bill C-75's Elimination of Peremptory Challenges, and Representativeness Issues' (2020) 43(1) Manitoba Law Journal 111. Duncan, J. (2018) "the Legal Trial of Gerald Stanley – a second look at the case through the lens of law" Robson Crim: CanLII connects. Morrison, Mike DeVaul-Fetters, Amanda & Gawronski, Bertram, "Staking the Jury: Legal Professional's Peremptory Challenges Reflect Jurors' Levels of Implicit Race Bias" (2016) 42:8 Personality & Social Psychology Bull 1129 at 1129 ( <b>highlights posted to Brightspace as PDF</b> ) R. v. Chouhan - SCC Cases (lexum.com) ( <b>summary</b> ) <a href="https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/18932/index.do">https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/18932/index.do</a> McKechney, R. (2019). Transparency around jurors and verdicts would help trail fairness. <i>Law Now: Relating law to life in Canada</i> , 43(3), 20-23. Bornstein, B., Green, E. (2017). The Jury Under Fire: Myth, Controversy and Reform. Jury Selection Can Effectively Identify Biased Jurors (Chapter 3). Oxford Scholarship Online: Feb 2017 DOI: 10.1093/acprof:oso/9780190201340.001.0001 <i>R v. Sherratt</i> [1991] 1 SCR 509 ( <b>summary</b> ) <i>R. v. Parks</i> [1993] OJ No 2157 (QL) ( <b>summary</b> ) <i>Criminal Code of Canada</i> , RSC 1855 cc C-46 <b>sections 649, 633, 670 and 671</b> <i>Canadian Charter of Rights and Freedoms</i> , <b>sections 11 and 15</b>
Oct 3	#4	Hate Crime - case study on race, gender, religion, and class reform. Co-Lecturer Dan Dunlop, founder Canada's first bias crime unit.	The alt-right rally was a coming-out party for resurgent white nationalism in America <a href="#">Unite the Right, the violent white supremacist rally in Charlottesville, explained - Vox</a>  <i>Presenter readings to be announced</i>

			Sheppard, S. (2022) Misinformation from the U.S. is the next virus – and it’s spreading fast. MacLean Magazine. <i>Jan.3 2022 print Feb 2022. Article posted on Brightspace</i>
Oct 10	#5	Victim Rights – exploring why the crime control model shifted. Co-Lecturer Federal Ombudsman for Victims of Crime Sue O’Sullivan ( <i>Electronic essay outline due</i> )	<p>Canadian Victims’ Bill of Rights <a href="https://www.justice.gc.ca">Canadian Victims Bill of Rights (justice.gc.ca)</a></p> <p>Stanbridge, K., Kenny, S. (2009) Canada. <i>Canadian Journal of Criminology and Criminal Justice</i>, Department of Sociology, Memorial University of Newfoundland. Volume 51 Issue 4, October 2009, pp. 473-509 <a href="https://doi.org/10.3138/cjccj.51.4.473">https://doi.org/10.3138/cjccj.51.4.473</a></p> <p>McCaffery, P. Richardson, L. (2023) Trauma-informed police resources for human trafficking cases, <i>Department of Justice Canada</i>. <a href="https://www.justice.gc.ca/eng/rp-pr/jr/tiprhtc-rptctctp/docs/rsd_rr2022-police-resources-for-human-trafficking_eng.pdf">https://www.justice.gc.ca/eng/rp-pr/jr/tiprhtc-rptctctp/docs/rsd_rr2022-police-resources-for-human-trafficking_eng.pdf</a> (<b>Review Appendix C and skim main article</b>)</p> <p><i>Additional presenter readings may be assigned.</i></p>
Oct 17	#6	Midterm	Midterm exam completed during regularly scheduled class time.
Oct 24	#7	Fall Break – no class	(Oct 23-27, 2023 Fall Break)
Oct 31	#8	Contemporary social movements and the police: Black Lives Matter, Defund the Police, Use of Force. Panel discussion featuring Belleville Chief of Police Mike Callaghan  <i>Readings and outline for group 1 due</i>	<p>Vitale, A. S. (2017) <i>The End of Policing</i>, London and New York: Verso, Chapter 1: The Limits of Police Reform.</p> <p>Bracey, G. E. (2015) Black Movements Need Black Theorizing: Exposing Implicit Whiteness in Political Process Theory. <i>Sociological Focus</i>, 49(1): 11-27.</p> <p>McDowell, M. G. &amp; Fernandez, L. A. (2018) “Disband, Disempower, and Disarm’: Amplifying the Theory and Practice of Police Abolition,” <i>Critical Criminology</i>, 26: 373-391.</p> <p>Roundtable Discussion: Police Abolition: What Does it Mean? Available at: <a href="https://www.youtube.com/watch?v=IzTgIk dTATU">https://www.youtube.com/watch?v=IzTgIk dTATU</a></p>
Nov 7	#9	Group 1 Reconciliation and Indigenous justice reform	Campbell, K. M. & Wellman, S. (2020) “Addressing the Overrepresentation of Indigenous Peoples in the Canadian Criminal Justice System: Is Reconciliation a Way Forward?” in C. Cote-Lussier, D.

		<p><i>Readings and outline for Group 2 due</i></p> <p><i>Essay due. (Group 1 essay due November 14, 2023)</i></p> <p>(Group 4 evaluates)</p>	<p>Mofette and J. Piche (eds.) Contemporary Criminological Issues: Moving Beyond Insecurity and Exclusion, University of Ottawa Press, pp, 145-164.</p> <p>Additional readings to be assigned by presenters</p>
Nov 14	#10	<p>Group 2 Sex work and criminal justice reform</p> <p><i>Readings and outline for Group 3 due</i></p> <p><i>Essay for Group 1 due</i></p> <p>(Group 3 evaluates)</p>	<p>Benoit, C. et. al. (2017) “‘Well, it should be changed for one, because it’s our bodies’: Sex workers’ views on Canada’s punitive approach towards sex work,” Social Sciences, 6(2): 1-17.</p> <p>Additional readings to be assigned by presenters</p>
Nov 21	#11	<p>Group 3 Mental illness and criminal justice reform</p> <p><i>Readings and outline for Group 4 due</i></p> <p>(Group 2 evaluates)</p>	<p>Carleton University Mental Health and Well-Being resources 2022 at <a href="#">Mental Health and Well-Being   Carleton University</a></p> <p>Additional readings to be assigned by presenters</p>
Nov 28	#12	<p>Group 4 Predicting criminal justice reform in the digital post pandemic era</p> <p>(Group 1 evaluates)</p>	<p>Collective Report: We Can’t Police Our Way Out of the Pandemic: Lessons for Abolition. Available at: <a href="http://uottawacrm.ca/news-and-events/2020/8/27/report-we-cant-police-ourway-out-of-the-pandemic">http://uottawacrm.ca/news-and-events/2020/8/27/report-we-cant-police-ourway-out-of-the-pandemic</a></p> <p>Digital Transformation in Justice <a href="https://www.youtube.com/watch?v=l607t7XWAc8">https://www.youtube.com/watch?v=l607t7XWAc8</a></p> <p>Additional readings to be assigned by presenters</p>
Dec 5	#13	Final examination review & prep	
Dec 12		End of Term Final Examination (Dec 10-22, 2023)	

## 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](mailto: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/>.