



Department of Law and Legal Studies
Human Rights in Canadian Prisons
LAWS 4311A (0.5 Credit) Fall 2023

- Instructor:** Kory Smith
- Email:** kory.smith@carleton.ca
- Class Time:** Wednesday, 6:05 p.m. – 8:55 p.m.
- Method of Delivery:** In-person
- Class Location:** Please check Carleton Central for current Class Schedule
- Office Hours:** By appointment (Zoom/telephone)
- Prerequisites:** LAWS 2908, CRCJ 3001, or CRCJ 3002 and fourth-year Honours standing

Notice: This syllabus is subject to minor modification throughout the semester at my discretion. It is your responsibility to be familiar with the content of this syllabus. Please approach me with any questions or need for clarification.

Disclaimer: The views expressed during this course are from a personal perspective and do not represent those of the Department of Justice Canada.

Course Description: This fourth-year seminar will examine human rights issues related to incarceration and the Canadian correctional and criminal justice systems. This course is divided into three parts. During the first part, we will look at the history and purpose of imprisonment, the different types of custodial institutions within Canada, the laws that regulate incarceration in Canada, the rights that apply to prisoners, the problems that may arise in the prison context, and the specific remedial mechanisms created to protect prisoners. During the second part, we will examine specific issues that incarceration raises as it interacts with other aspects of law and society, including mental health and over-incarceration. During the final part of the course, we will discuss community reintegration and prison reform and abolition.

This course is designed to be as experiential as possible. Methods of instruction include interactive lecturing, class discussion, student presentations, and guest speakers. Assignments and in-class activities will be used to help you strengthen your research, writing, and oral communication skills. Your grade in the course will be based on several different types of evaluation: attendance and participation, a reading presentation, an essay proposal and annotated bibliography, and an essay.

Learning Objectives: The learning objectives for this course are twofold. There are substantive objectives (things I want you to know about) and there are skills objectives (things you can learn to do better).

At the end of the course, you should be able to:

- Explain the history and purpose of incarceration;
- Identify the different types of custodial institutions within Canada;
- Demonstrate familiarity with the laws that regulate incarceration in Canada;
- Discuss the rights that apply to prisoners and the remedial mechanisms created to protect prisoners;
- Assess the effects of imprisonment on individuals and communities; and
- Think critically about prison reform and abolition.

At the end of the course, you should be able to:

- Review, understand, and summarize complex, university-level readings;
- Participate in and lead classroom discussions;
- Conduct library and online research;
- Produce written work which is clear, accurate, and concise;
- Properly cite using the McGill Guide format
- Deliver an articulate and convincing oral presentation; and
- Explain the law, orally and in writing, to lay people and engage with vulnerable members of society.

Instructor's Responsibilities: I am responsible for facilitating learning of the course material. I will also work diligently to produce open and inviting learning environments, be available for consultation during office hours, and return graded work in a timely manner.

Students' Responsibilities: You must attend class, complete weekly readings, participate in class discussions, and hand in assignments on time. You are required to be present, professional, and engaged for guest speakers. The content of these talks is also key course content. You must also adhere to Carleton University's Students Rights and Responsibilities Policy (you can access the policy at <https://carleton.ca/secretariat/wp-content/uploads/Students-Rights-and-Responsibilities-Policy.pdf>).

Learning Environment: Many of the themes we'll be discussing in class are sensitive. When it comes to questions of inequality and social justice, debate and disagreement are inevitable and healthy. Approach the readings and class discussions with an open mind, listen carefully and thoughtfully to your peers, and treat all the members of our community with respect. Derogatory comments and hateful behavior towards others (and their views) will not be tolerated.

Communicating with the Instructor: Please email me from your Carleton University email account. I will attempt to reply to all student queries within 48 hours. Before emailing me a question you should:

- Consult the syllabus; and
- Check the Brightspace course page for announcements.

Required Textbook: We will be working with the following textbook:

1. Fergus (Chip), O'Connor. (2012). *Halsbury's Laws of Canada –Police and Prisons Special Edition*. LexisNexis Canada.

These textbooks are available for purchase at the Carleton University Bookstore. Additional readings will be made available on Brightspace.

Course Requirements and Assignments: Your final grade in this course is based on attendance and participation, a class presentation, an essay proposal and annotated bibliography, an essay, and a group project. You must complete all assignments to pass this course. All written assignments are to be completed individually. Discussing ideas with others is encouraged, but each of you must complete and submit your own work. Late assignments will be penalized 5% per business day late, up until 10 days, after which they will not be accepted. If for some reason you cannot complete the work required, please see me immediately. Please do not leave things to the last minute; if you are struggling to meet deadlines, come see me.

Assignment of Grades: All grades assigned by me are provisional grades. Final grades are released by the Registrar. Grades will be assigned according to the Undergraduate Calendar (see General Regulations, Academic Standing and Conduct).

Course Evaluation:

Type	Weight	Due date
Attendance and participation	15%	Ongoing
Reading presentation	20%	TBD
Essay proposal	10%	September 27, 2023
Annotated bibliography	20%	October 18, 2023
Essay	35%	December 6, 2023

Attendance and Participation: Attendance and participation are necessary for the success of this course. Each week you should come to class having done your reading and prepared to engage with the course material with other students and myself. You will receive 1 attendance mark and up to 1 participation mark for each class you attend throughout the semester. Your participation mark will be based on the quality of your contribution to weekly in-class discussions, group work, and writing assignments. At the end of the semester, your attendance and participation marks will be added together and converted to a percentage.

Reading Presentation: Each student will give one presentation on the readings. This presentation will take the form of a summary of, and a critical response to, the assigned readings. The summary should focus on analyzing the central claims and supportive evidence of the authors. The response must articulate a view as to whether the student agrees with the authors' claims. The strength of the summary presentation and the response will lie in the ability to examine and critically evaluate the authors' views. Students are encouraged to use examples, counter-examples, outside readings, audio-visual materials or other evidence to support their positions on the issues. Students must submit by email a brief written statement (1-2 pages) of their presentation 2 days before the day scheduled for presentation.

Essay: You will write a 15-20 page double-spaced essay on a topic related to the course. Essays are due in class on December 6, 2023.

Essay Proposal: You will submit a 2-page double-spaced proposal that outlines what you intend on researching for your essay. Essay proposals are due in class on September 27, 2023.

Annotated Bibliography: Building on the research proposal, you will submit a 3-4 page double-spaced annotated bibliography with 5 academic research resources (books, book chapters, or journal articles) that you intend on using for your essay. An annotated bibliography is an alphabetic list of research resources that includes **an annotation (description)** for each item. The purpose of the annotation is to inform the reader of the substance, relevance, and quality of each source. Annotations appear after each item in the bibliography. Each annotation should be a paragraph or two in length and contain the following points:

- Information about the author;
- The main argument and purpose of the work;
- Types of material/data/evidence the author used to make his or her points; and
- An explanation of the relevance and value of the work for your essay

Annotated bibliographies are due in class on October 18, 2023.

Course Schedule:

Week 1 (September 6)

Topic: Course Introduction

Readings: None

Guest Presentation: Aaron Doyle — Criminalization and Punishment Education Project (CPEP)

Week 2 (September 13)

Topic: History and Purpose of Imprisonment in Canada

Readings:

1. History of the Canadian Correctional System (Correctional Service of Canada, <https://www.csc-scc.gc.ca/educational-resources/092/ha-student-etudiant-eng.pdf>)
2. Our Neighbors to the North: A Brief History of Prisons and Resistance to them in So-Called Canada (itsgoingdown.org,

[https://prisonfreepress.org/docs/A_Brief_History_of_Prisons_&_Resistance_to_them_in_so-called_Canada_\(2018\).pdf](https://prisonfreepress.org/docs/A_Brief_History_of_Prisons_&_Resistance_to_them_in_so-called_Canada_(2018).pdf)

Week 3 (September 20)

Topic: Organization of the Penitentiary System

Readings:

1. *Halsbury's Laws of Canada*, "Organization of the Penitentiary System"

Week 4 (September 27)

Topic: Security Classification and Penitentiary Placement

Readings:

1. Human Rights in Action: In Prison, "2.1 Your Security Classification and Placement" (Canadian Association of Elizabeth Fry Societies, https://caefs.ca/wp-content/uploads/2022/04/HRIA_2021_WEB_English_FINAL.pdf, pp. 36-41)
2. *Corrections and Conditional Release Act*, SC 1992, c 20, ss 29.1-30(4), s 96(z.6).
3. *Corrections and Conditional Release Regulations*, SOR/92-620, ss 17-18.
4. Correctional Service Canada, Security Classification and Penitentiary Placement, Commissioner's Directive No 705-7 (<https://www.csc-ccc.gc.ca/acts-and-regulations/705-7-cd-eng.shtml>)

Evaluation: Essay proposals are due in class

Week 5 (October 4)

Topic: Undergoing Imprisonment

Readings:

1. *Halsbury's Laws of Canada*, "Undergoing Imprisonment"

Week 6 (October 11)

Topic: Segregation and Discipline of Prisoners

Readings:

1. *Halsbury's Laws of Canada*, "Segregation"
2. *Halsbury's Laws of Canada*, "Discipline of Prisoners"
3. Human Rights in Action: In Prison, "2.5 Solitary Confinement" (Canadian Association of Elizabeth Fry Societies, https://caefs.ca/wp-content/uploads/2022/04/HRIA_2021_WEB_English_FINAL.pdf, pp. 66-70)

Week 7 (October 18)

Topic: Rights and Remedies

Readings:

1. Human Rights in Action: In Prison, "Chapter 1: Establishing Your Rights" (Canadian Association of Elizabeth Fry Societies, https://caefs.ca/wp-content/uploads/2022/04/HRIA_2021_WEB_English_FINAL.pdf, pp. 5-29)
2. *Halsbury's Laws of Canada*, "Remedies"

Evaluation: Annotated bibliographies are due in class

Reading Week – No Class (October 25)

Weeks 8 (November 1)

Topic: Accountability and Oversight

Readings:

1. Human Rights in Action: In Prison, “Chapter 3: Protecting and Defending Your Rights” (Canadian Association of Elizabeth Fry Societies, https://caefs.ca/wp-content/uploads/2022/04/HRIA_2021_WEB_English_FINAL.pdf, pp. 145-202)
2. Debra Parkes & Kim Pate, “Time for Accountability: Effective Oversight of Women’s Prisons” (2006) 48:2 Can J Corr 251

Guest Presentation: Senator Kim Pate

Week 9 (November 8)

Topic: Mental Health, Self-Harm, and Deaths in Custody

Readings:

1. Office of the Correctional Investigator, “Risky Business: An Investigation of the Treatment and Management of Chronic Self-Injury Among Federally Sentenced Women” (https://publications.gc.ca/collections/collection_2013/bec-oci/PS104-7-2013-eng.pdf)
2. University of Toronto Faculty of Law, International Human Rights Program, “Cruel, Inhuman and Degrading: Canada’s Treatment of Federally-Sentenced Women with Mental Health Issues” (https://ihrp.law.utoronto.ca/utfl_file/count/documents/WorkingGroup_Clinic/Cruel%20and%20Inhuman_FINAL_Print.pdf)
3. Coroner’s Inquest Touching the Death of Ashley Smith, Jury Recommendations (<https://www.csc-scc.gc.ca/publications/005007-9009-eng.shtml>)

Film: Ashley Smith: Out of Control

Guest Presentation: Rebecca Bromwich — A.P. Strom and Associates

Week 10 (November 15)

Topic: Over-Incarceration of Indigenous Peoples

Readings:

1. Julian Roberts & Andrew A. Reid, “Aboriginal Incarceration in Canada since 1976: Every Picture Tells the Same Story” (2017) 59:3 Can J Corr 313
2. *R v Gladue*, [1999] 1 SCR 688 and *R v Ipeelee*, 2012 SCC 13
3. Jonathan Rudin, “Addressing Aboriginal Overrepresentation Post-*Gladue*: A realistic Assessment of How Social Change Occurs” (2009) 54:4 Crim LQ 447.

Guest Presentation: Justice Celynne Dorval — Ontario Court of Justice

Week 11 (November 22)

Topic: Community Reintegration

Readings:

1. *Corrections and Conditional Release Act*, SC 1992, c 20, ss 99-156(4).
2. *Corrections and Conditional Release Regulations*, SOR/92-620, ss 145-168.
3. Human Rights in Action: In Prison, “2.13 Conditional Releases – Temporary Absences & Work Release” (Canadian Association of Elizabeth Fry Societies, https://caefs.ca/wp-content/uploads/2022/04/HRIA_2021_WEB_English_FINAL.pdf, pp. 128-140)

Week 12 (November 29)

Topic: Prison Reform and Abolition

Readings:

1. Bill Keller, “Reform or Abolish?”, *The New York Review of Books* (3 November 2022).
2. Rachel Kushner, “Is Prison Necessary? Ruth Wilson Gilmore Might Change Your Mind”, *The New York Times Magazine* (17 April 2019), online: <
<https://www.nytimes.com/2019/04/17/magazine/prison-abolition-ruth-wilson-gilmore.html>>.
3. John Washington, “What is Prison Abolition”, *The Nation* (31 July 2018), online: <
<https://www.thenation.com/article/archive/what-is-prison-abolition/>>.

Films: (1) Al Jazeera interview with Angela Davis; (2) TED Talk with Deanna Van Buren
Guest Presentation: Audrey Monette — Canadian Municipal Network on Crime Prevention

Week 13 (December 6)

Topic: Course Wrap Up

Readings: None

Evaluation: Essays are due in class

REGULATIONS COMMON TO ALL COURSES AT CARLETON UNIVERSITY

In accordance with the Carleton University Undergraduate Calendar Regulations, the letter grades assigned in this course will have the following percentage equivalents:

A+ = 90-100	B+ = 77-79	C+ = 67-69	D+ = 57-59
A = 85-89	B = 73-76	C = 63-66	D = 53-56
A - = 80-84	B - = 70-72	C - = 60-62	D - = 50-52
F = Below 50	WDN = Withdrawn from the course		

ABS = Student absent from final exam

DEF = Deferred (See above)

FND = (Failed, no Deferred) = Student could not pass the course even with 100% on final exam

Academic Regulations, Accommodations, Plagiarism, Etc.

University rules regarding registration, withdrawal, appealing marks, and most anything else you might need to know can be found on the university's website, here:

<https://calendar.carleton.ca/undergrad/regulations/academicregulationsoftheuniversity/>

You may need special arrangements to meet your academic obligations during the term. For an accommodation request, the processes are as follows:

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 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*).

For Religious Obligations

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. For more details, visit the Department of Equity and Inclusive Communities website:

<https://carleton.ca/equity/>

For Pregnancy

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. For more details, visit the Department of Equity and Inclusive Communities website:

<https://carleton.ca/equity/>

For 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: www.carleton.ca/sexual-violence-support

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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

Plagiarism

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- Any submission prepared in whole or in part, by someone else;
- Using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- Using another’s data or research findings without appropriate acknowledgement;
- Submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own.
- Failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks.

A student found to have plagiarized an assignment may be subject to one of several penalties including but not limited to: a grade of zero, a failure or a reduced grade for the piece of academic work; reduction of final grade in the course; completion of a remediation process; resubmission of academic work; withdrawal from course(s); suspension from a program of study; a letter of reprimand.

All allegations of plagiarism are reported to the faculty of Dean of FASS and Management. Documentation is prepared by instructors and departmental chairs. The Dean writes to the student and the University Ombudsperson about the alleged plagiarism. The Dean reviews the allegation. If it is not resolved at this level then it is referred to a tribunal appointed by the Senate.

Assistance for All Carleton University Students

Academic and Career Development Services: <https://carleton.ca/career/>

Writing Services: <http://www.carleton.ca/csas/writing-services/>

Peer Assisted Study Sessions (PASS): <https://carleton.ca/csas/group-support/pass/>

Student Mental Health

As a university student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you. Here is a list that may be helpful:

Emergency Resources (on and off campus): <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Empower Me: 1-844-741-6389, <https://students.carleton.ca/services/empower-me-counselling-services/>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

Other Important Information

- Student or professor materials created for this course (including presentations and posted notes, labs, case studies, assignments, and exams) remain the intellectual property of the author(s). They are intended for personal use and may not be reproduced or redistributed without prior written consent of the author(s).
- Students must always retain a hard copy of all work that is submitted.
- Standing in a course is determined by the course instructor subject to the approval 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 Dean.
- Carleton University is committed to protecting the privacy of those who study or work here (currently and formerly). To that end, Carleton's Privacy Office seeks to encourage the implementation of the privacy provisions of Ontario's *Freedom of Information and Protection of Privacy Act* (FIPPA) within the university. In accordance with FIPPA, please ensure all communication with staff/faculty is via your Carleton email account. To get your Carleton Email you will need to activate your MyCarletonOne account through Carleton Central. Once you have activated your MyCarletonOne account, log into the MyCarleton Portal.
- Please note that you will be able to link your MyCarletonOne account to other non-MyCarletonOne accounts and receive emails from us. However, for us to respond to your emails, we need to see your full name, CU ID, and the email must be written from your valid MyCarletonOne address. Therefore, it would be easier to respond to your inquiries if you would send all email from your connect account. If you do not have or have yet to activate this account, you may wish to do so by visiting <https://students.carleton.ca/>.

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.

