

## Course Outline

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<b>COURSE:</b>	<b>LAWS 2301 – Criminal Justice System – Section D</b>
<b>TERM:</b>	<b>Winter 2024</b>
<b>PREREQUISITES:</b>	<b>LAWS 1001 &amp; LAWS 1002</b>
<b>CLASS:</b>	<b>Day &amp; Time: Mondays, 18:05 – 20:55</b> <b>Room: Please confirm via Carleton Central for current Class Schedule</b>
<b>INSTRUCTOR:</b>	<b>Jonathan Thompson, LLM (Ottawa), JD (Osgoode Hall)</b>
<b>CONTACT:</b>	<b>Office Hrs: <i>By appointment, preferably via Zoom</i></b> <b>Email: <a href="mailto:Jonathan.Thompson@Carleton.ca">Jonathan.Thompson@Carleton.ca</a></b>

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### CALENDAR COURSE DESCRIPTION

The institutional and social production of criminal law in Canada. Processes, personnel, and agencies in the criminal legal system. The role of discretion and mechanisms of accountability. The accused and the place of the victim. Issues and problems in sentencing and punishment.

### COURSE DESCRIPTION

This course is intended to provide students with a broad survey of some of the social and legal issues that arise in the criminal justice system. Students will be encouraged at all times to think through the policy implications that animate Canada's system of criminal justice, as well as critically evaluate the law as a social construct through the lenses of race, class and gender.

By the end of the course, the student should be able to:

- Understand the basic contours of the criminal process at each stage, from the police investigation of an alleged crime, through arrest, bail, and the rest of the trial process.
- Identify the key actors in the criminal justice system as well as their specific roles and responsibilities;
- Evaluate and critique aspects of Canadian criminal justice system from a policy standpoint;
- Identify and critically evaluate criminal law issues that arise in the public sphere; and
- Engage in open, respectful, and professional discussions about controversial issues.

### **REQUIRED TEXTS**

Karla O'Regan & Susan Reid (eds.), *Thinking About Criminal Justice in Canada*, 3<sup>rd</sup> Edition (Toronto: Emond Publishing, 2022) – available at the Campus Bookstore.

“Readings” may also take the form of multimedia presentations (podcasts, videos, etc.).

During class, students will from time to time need to consult the *Criminal Code*, *Youth Criminal Justice Act*, *Charter of Rights and Freedoms*, and other pertinent legislation. All of these are readily available online, however, students wishing to continue their studies in criminal law may find it helpful to purchase or acquire a current, annotated copy of the *Criminal Code* (Martin's or Tremear's).

**Please refer to the “Assigned Readings and Course Materials” section of this syllabus found below.**

### **SUPPLEMENTARY TEXTS**

Although not required, students may find the following resource to be a helpful digest of some of the concepts and terms covered in class:

Kent Roach, *Criminal Law*, 7<sup>th</sup> ed (Toronto: Irwin Law, 2018)

**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.

Course Requirement	Due Date	Description	Weight (%)
Class and Reading Reflections ( <b>TWO</b> required. Students who have submitted two reflections and received a passing grade on each may optionally write a third, in which case only the top two marks will count toward the final grade.)	Refer to Schedule of Topics, below	A reflection of approximately 500 words about a week's class materials (readings, lecture), submitted not later than 4:30pm the Monday following the subject class.	30
Law Reform Op/Ed	March 1 <sup>st</sup> , 2024	An op/ed piece of approximately 750 words advocating for some aspect of criminal justice reform.	30
Final Exam	(TBD – exam period)	A cumulative final exam encompassing material covered in the totality of the course. The exam will be a mix of multiple-choice, short answer, and essay-style questions.	40

**LATE PENALTIES AND REQUESTS FOR EXTENSIONS**

Late assignments will be penalized at a rate of 5% per day. 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). Students who do not submit an assignment or request an extension within 7 days will be assigned a grade of zero.

**SCHEDULE OF TOPICS:**

<b>Week</b>	<b>Date</b>	<b>Topic</b>	<b>Class Reflection Surnames</b>	<b>Due</b>
1	January 8 <sup>th</sup>	<b>Introduction and Overview</b>		
2	January 15 <sup>th</sup>	<b>Sources of Criminal Law</b>		
3	January 22 <sup>nd</sup>	<b>Sentencing and Punishment Theory</b>	<b>A – H</b>	<b>January 26<sup>th</sup></b>
4	January 29 <sup>th</sup>	<b>Sentencing in Practice</b>	<b>I – P</b>	<b>February 2<sup>nd</sup></b>
5	February 5 <sup>th</sup>	<b>The Role of Police</b>	<b>Q – Z</b>	<b>February 9<sup>th</sup></b>
6	February 12 <sup>th</sup>	<b>Legal Ethics – The Role of the Crown</b>	<b>A – H</b>	<b>February 16<sup>th</sup></b>
7	February 19 <sup>th</sup>	<b>Winter Break – No Class</b>		
8	February 26 <sup>th</sup>	<b>Legal Ethics – The Case for the Defence</b>	<b>I – P</b>	<b>March 1<sup>st</sup></b>
9	March 4 <sup>th</sup>	<b>Race, Racism and Criminal Justice: Part I</b>	<b>Q – Z</b>	<b>March 8<sup>th</sup></b>
10	March 11 <sup>th</sup>	<b>Race, Racism and Criminal Justice: Part II</b>	<b>A – H</b>	<b>March 15<sup>th</sup></b>
11	March 18 <sup>th</sup>	<b>Bail</b>	<b>I – P</b>	<b>March 22<sup>nd</sup></b>
12	March 25 <sup>th</sup>	<b>Criminal Law and Gender</b>	<b>Q – Z</b>	<b>April 1<sup>st</sup> **</b>
13	April 1 <sup>st</sup>	<b>Indigenous and Northern Justice</b>		
14	April 8 <sup>th</sup>	<b>Final Class - Conclusions and Review</b>		

## 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

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, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- 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; and
- failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course's instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

### **STATEMENT ON 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.

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>

### **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 more details about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

**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/>.

**ASSIGNED READINGS AND COURSE MATERIALS (Subject to Change):**

## Sources of Criminal Law:

*(No assigned readings)*

## Sentencing and Punishment Theory

- a. Textbook Ch. 7, pp. 183 – 207
- b. “The Case for Indigenous Justice in Canada: An Interview with Harold R. Johnson” (Podcast)
- c. *State Punishment* – Nicola Lacey (Ch. 1: Preliminaries)
- d. Part XXIII, Criminal Code, especially ss. 718 through 718.201.

## Sentencing in Practice

*(Refer to readings from previous week)*

## The Role of Police

- a. Textbook Ch. 2, pp. 45 – 70
- b. “An Abolitionist Horizon for (Police) Reform” – Amna A. Akbar
- c. “Yes, We Mean Literally Abolish the Police” – Mariame Kaba
- d. Policing the Open Road (Podcast: 99% Invisible)
- e. Report of the Independent Police Oversight Review – The Honourable Michael H. Tulloch (Executive Summary, Introduction)

## The Role of the Crown

- a. Textbook Ch. 1, pp. 7 – 37
- b. Role of the Crown: Preamble to the Crown Policy Manual
- c. *Boucher v. The Queen*, [1955] SCR 16



## The Case for the Defence

- a. “Jian Ghomeshi’s lawyer, Marie Henein, speaks to Peter Mansbridge” (CBC News: The National)
- b. “The Role of Defence Counsel in Canadian Society” – Eddie Greenspan
- c. “We Need to Talk About an Injustice” – Bryan Stevenson

## Race, Racism and Criminal Justice I & II

- a. Textbook Ch. 12, pp. 321 – 340
- b. Textbook Ch. 13, pp. 341 – 352
- c. *R. v. Morris*, 2018 ONSC 5186 (Appendix A: Expert Report on Crime, Criminal Justice and the Experience of Black Canadians in Toronto, Ontario)
- d. *R. v. Gladue*, [1999] 1 SCR 688
- e. *R. v. Ipeelee*, 2012 SCC 13
- f. The Skin I’m In – Desmond Cole

## Bail

- a. Textbook Ch. 6, pp. 168 – 169
- b. The \$1-Billion Hellhole (Toronto Life, 2017) TB Ch. 13, pp. 341 – 352
- c. Fact Sheet: The Bail Process (Department of Justice)
- d. “Bail and Remand in Ontario” (The “Wyant Report”)  
(Read: Background, A Note About Culture, Risk Aversion, The Culture of Remand, What a Streamlined Bail Court...)

## Criminal Law and Gender

- a. Textbook Ch. 9, pp. 247 – 251
- b. Women and the Criminal Justice System (Department of Justice – Excerpts on Brightspace)
- c. Backhouse, “Edward Greenspan: A Feminist Reflection on the Eulogies Surrounding His Death”

## Indigenous and Northern Justice

- a. Jonathan Rudin: Aboriginal Transformative Justice (Video: TVO)
- b. Truth and Reconciliation Commission of Canada: Calls to Action (esp. 25 – 42)
- c. Aboriginal Peoples and the Criminal Justice System – Jonathan Rudin (pp. 20 – 26, 67 – 68).